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# Personal archives and transitional justice in Colombia: the Fonds of Fabiola Lalinde and Mario Agudelo

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## ABSTRACT

This article studies two personal human rights archives and their interactions with transitional justice mechanisms in Colombia. The ‘Fabiola Lalinde fonds’ contains documentation produced during the search of truth and justice for the forced disappearance of her son Luis Fernando Lalinde. The ‘Mario Agudelo Fonds’ gathers documentation related to his militancy in the Popular Liberation Army (EPL), his later political activism and his participation in peace processes. The relationship between these archives and transitional justice can be described as a virtuous circle. Both archives preceded and prepared the implementation of transitional justice mechanisms in Colombia and have provided evidence for trials and reparation processes. In turn, transitional institutions have enhanced the public recognition of these archives as paradigmatic examples of memory initiatives of the civil society. The article shows that these types of archives can contribute to the creation of a record of human rights violations, help consolidate collective memory and have symbolic power as testimony of lives dedicated to the defence of human rights and the search for a more just country. They belong to the canon of human rights archives and, in the current Colombian context, face political and material risks that must be addressed.

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## Introduction

In this paper we defend the contributions that two personal human rights archives can make to transitional justice processes. The Fabiola Lalinde Fonds documents the search for her son Luis Fernando Lalinde, a victim of forced disappearance. The Mario Agudelo Fonds documents his life as a leftist militant and guerrilla, his participation in the demobilisation of the Popular Liberation Army [Ejército Popular de Liberación] (EPL), and his work as elected official and facilitator of different peace and reconciliation processes. Both archives are born out of the exhaustive register of their creators’ experiences throughout a good part of their lives and became mnemotechnical prostheses to which they are affectively attached. Both have symbolic value, as traces of a commitment to the defence of human rights in Colombia that goes beyond the individual and reaches out to the collective. Both, moreover, are linked to transitional processes in a virtuous

circle, since they arise as a result of struggles for human rights that precede, prepare and accompany the implementation of transitional justice mechanisms and these mechanisms, in turn, have given them visibility and recognition. Today, these archives have specific contributions to make to the memory works that seek to transform Colombian society: they provide contextual information in reparation processes, they connect private experience and national history, they can reinforce the culture of human rights and provide materials for understanding some under-studied facets of Colombian conflict.

In the first section of this article we situate this research in the convergence field of collective memory, human rights and transitional justice studies, and justify our methodological choice of archival ethnography. We then clarify the historical context of these two archives and proceed to present each one in terms of their history, uses and contributions to transitional justice, especially to collective memory. In the conclusions, we reflect on the importance of personal archives in Colombia's transitional justice process, and the challenges they face.

### **Theoretical and methodological framework**

We study these archives with the tools offered by an emerging research field in which collective memory, human rights and transitional justice converge. This field took shape in response to the intertwined history of human rights activism and the struggles for memory, especially in Latin America from the 1970s on. It also responds to the potential complementarity of these discourses. Huyssen, among others, has maintained that human rights discourse would allow memory studies 'to move away from an all too exclusive privileging of the past as subject of investigation (a natural for humanists) and to reclaim memory for present and future struggles about rights'.<sup>1</sup> And memory studies, in turn, would provide the conceptual tools needed to critically understand the memory policies that are part of any transitional process<sup>2</sup>; they would help avoid ahistorical and abstract applications of human rights and transitional justice discourses and, moreover, would make it possible to underline the political significance of 'social agents who develop their strategies in scenarios of struggle, confrontation, negotiation, alliances'.<sup>3</sup>

Following Erll, in this article we understand collective memory as a research programme.<sup>4</sup> This programme takes as its point of departure a broad concept of collective memory that includes all relations between culture and memory, and maintains that a productive approach to these phenomena should focus on two issues already sketched in Halbwachs' seminal contributions. The first is the inter-subjective nexus, the mutual dependence of individual memory and collective memory. The basis of collective memory are individuals and groups, located in specific spaces and times, but social frameworks structure individual memory.<sup>5</sup> For the purposes of this article, it is significant that the delimitation and interpretation of memory in different groups gives rise to the coexistence of a plurality of collective memories in any society. The second is cultural transmission, that concerns the media and institutions that make possible the circulation of memories between different generations and social groups.<sup>6</sup> This process of cultural configuration of memory intensifies and becomes more conscious during political transitions.

This theoretical framework allows us to interrogate the contribution of collective memory to transitional justice. With Murphy, we understand that the main goal of

transitional justice is the just reconfiguration of society in contexts characterised by ‘pervasive structural inequality’, ‘normalized collective and political wrongdoing’, ‘serious existential uncertainty’ and ‘fundamental uncertainty about authority’.<sup>7</sup> This formulation captures the point of convergence for the four basic purposes of transitional mechanisms (to create a reliable record of human rights abuses, to establish professional and functional bureaucracy and civil service, to repair victims, and to achieve stability to end cycles of violence).<sup>8</sup> It is clear that memory works are part of the register of human rights abuses and their recognition as a form of symbolic reparation. In addition to these retrospective dimensions, it has recently been underlined how in these contexts collective memory can also serve to configure the present and the future. The concept of ‘politics of memory’ points to how the clashes between different narrations of the past concern not only the past, but also how the collective identities and social ideals that define the future.<sup>9</sup> Any attempt to achieve a more just society requires a reconfiguration of its founding values, the construction of a new social contract that demands not only new legal norms or constitutional reforms, but is embodied in collective imaginaries and shared narrations.<sup>10</sup> This is one of the reasons why, as Teitel has pointed out, transitional periods are ‘vivid instances of conscious historical production’.<sup>11</sup> An important question for this research is how personal human rights archives can serve to reconstruct the past and imagine the future.

Academics have so far focused on the archives of repressive agencies,<sup>12</sup> transitional institutions<sup>13</sup> and civil society organisations.<sup>14</sup> The report coordinated by Antonio González Quintana in 1995 on the archives of disappeared in repressive regimes and Louis Joinet’s report on justice administration and the human rights of detainees sought to guarantee an adequate management of documents in transitional judicial processes.<sup>15</sup> Joinet’s report developed four principles to combat impunity that are relevant to document management: the right to know (including the right of victims and of society at large to know the truth and the duty of the state to preserve memory), the right to justice, the right to reparation and the guarantee of non-recurrence.

Swisspeace,<sup>16</sup> the International Center for Transitional Justice<sup>17</sup> and the Office of the United Nations High Commissioner for Human Rights<sup>18</sup> have implemented projects, organised conferences and produced documents on the importance of archives in transitional processes, their role in courts and truth commissions and the risks they face.

The growing interest of archival studies in human rights records has stimulated investigations into problems such as the digitalisation of human rights archives,<sup>19</sup> the definition of human rights records and their typology,<sup>20</sup> the ethical problems related to the custody of this kind of documents,<sup>21</sup> and how the contested political contexts of transition make it necessary to rethink conceptualisation and management of archives.<sup>22</sup>

Personal archives have not received the same attention.<sup>23</sup> While many of the insights developed regarding other kinds of archives are relevant to personal human rights archives, these have some specific features that need to be considered. Their specificity can be brought to light through the vectors proposed by Geraci and Caswell for defining human rights records: ‘who created them, why, and when, where they are currently housed, and how they are being put to use’.<sup>24</sup> Personal human rights archives are created by individuals, often as tools at the service of their commitment to the defence of human rights; their collection tends to coincide with the period of greatest activism of their creator; in general, their place of custody is the home – although they can later be made public; they support both daily life and social activism.

We have selected the Fabiola Lalinde and Mario Agudelo Fonds from a wide universe of human rights archives produced by civil society in Colombia (16,512 archives, according to 2017 figures)<sup>25</sup> by virtue of their importance and recognition in the struggles for human rights in Colombia, their inclusion in the Special Register of Human Rights [Registro Especial de Archivos de Derechos Humanos y Memoria Histórica] and Historical Memory Archives and the Virtual Archive of Human Rights [Archivo Virtual de los Derechos Humanos],<sup>26</sup> and the possibility of establishing close and extended contact with its creators.

We have approached these archives through archival ethnography.<sup>27</sup> Archival ethnography is well suited for the study of personal human rights archives, as it allows detailed consideration of the socio-cultural context in which the archives are created and managed, the relationships they have with the lives of their creators, and thus makes it possible to explore a phenomenon that has not been very discussed in either archival science or transitional justice. We resorted to various ethnographic research techniques. We visited the archives on multiple occasions, and through participant observation we registered the organisation and description of the documents. We conducted in-depth interviews with creators, custodians and archivists, focusing on the history and uses of the archive, and on document creation and collection practices. These interviews, coupled with field diaries, documentary analysis and historical research, allowed us to reconstruct the context in which the archives were built and write life stories of their creators.

Archival ethnography requires the researcher to enter the environment of the archive and establish relationships of trust and collaboration with its creators, custodians and users, a task that demands dedication and time. In return, it allows an understanding of documentation practices and their meanings for those who carry them out, especially how personal identities and archive configurations are interwoven.<sup>28</sup> We analyse these two dimensions – practices and meanings – within the conceptual framework of transitional justice and memory studies. Detailed descriptions of the archives, their histories and uses are also important in order not to occlude the richness of their materials, which resist any total interpretation and are always open to future readings.<sup>29</sup>

## **Colombian armed conflict and transitional justice**

A situated analysis of these archives demands, first, revisiting the precedents and application of transitional justice mechanisms in recent Colombian history. The Colombian armed conflict has lasted more than half a century. In contrast to neighbouring countries, there has been no military dictatorship. However, neither has ‘there [ever] been a more violent democracy in Latin America’.<sup>30</sup> Colombia’s recent history is marked by confrontations between state forces, paramilitaries, drug traffickers, criminal bands and guerrilla groups. There is a continuous irregular war, and its causes and actors are being recycled time and again. This situation has left a massive legacy of human rights abuses committed by both state and non-state actors: extrajudicial executions, forced disappearances, crimes against freedom and sexual integrity, forced displacements, land dispossessions, homicides, massacres, torture, kidnappings, assassinations and persecutions of social leaders.

There has been no shortage of attempts to overcome this conflict through demobilizations and peace processes. In the 1990s, the state signed several demobilisation, disarmament and reintegration (DDR) agreements with insurgent groups: in 1990 with the M-19;

in 1991 with the EPL, the Revolutionary Army of the Workers [Partido Revolucionario de los Trabajadores] and the Quintín Lame Armed Movement [Movimiento Armado Quintín Lame]; and in 1994 with some urban militias in Medellín and the Socialist Renewal Group [Corriente de Renovación Socialista].<sup>31</sup>

However, only since the beginning of this century have peace processes been accompanied by transitional justice mechanisms. These measures have been applied without a complete transformation of society or the structure of the state, i.e. without fully achieving peace, and this has given currency to the phrase ‘transitional justice without transition’.<sup>32</sup>

As far as archives and memory in Colombia are concerned, it is necessary to consider three normative milestones. Law 975 of 2005, or the Justice and Peace Law [Ley de Justicia y Paz] initially regulated the demobilisation of paramilitary groups by simply offering them legal benefits for their disarmament.<sup>33</sup> This was convenient for the government of President Álvaro Uribe (2002–2010), that showed no interest in unveiling the participation or complicity of state forces in these crimes and denied the existence of an internal armed conflict.<sup>34</sup> Victims and human rights organisations, however, pressured for the Constitutional Court to examine the law, which led to the C-370/06 ruling of 2006, which compelled the government to modify Law 975 in such a way that it conditioned benefits for the demobilised combatants to their collaboration towards fulfilling the victims’ rights to truth, justice, reparation and non-repetition.<sup>35</sup> The Law also gave origin to institutions such as the National Commission for Reparation and Reconciliation [Comisión Nacional para la Reparación y la Reconciliación] and the Historical Memory Group [Grupo de Memoria Histórica]. For the first time in Colombian legislation, the Law recognised the victims’ right to truth, the state’s duty of memory, and the principle that the preservation of and access to archives had to be guaranteed.

Law 1448 of 2011, or Victims and Land Restitution Law [Ley de Víctimas y Restitución de Tierras] regulated the reparation of victims of the conflict and gave the status of documentary heritage to public and private archives related to human rights violations.<sup>36</sup> It also gave more importance to the contributions of victims to the construction of memory as a component of symbolic reparations, and created the National Centre for Historical Memory [Centro Nacional de Memoria Histórica]. This Centre has recognised the importance of human rights archives and, specifically, personal archives, for their contributions to the enforceability of victim’s rights and, in consequence, the need to protect them and guarantee they are accessible.<sup>37</sup> This favoured the creation, with the participation of civil society, of a public policy for human rights archives which, in turn, included the creation of the Special Register of Human Rights Archives and the Virtual Archive of Human Rights.<sup>38</sup>

In 2016, the peace agreement between the Colombian state and the Colombian Armed Revolutionary Forces – People’s Army [Fuerzas Armadas Revolucionarias de Colombia – Ejército del Pueblo] (FARC-EP) created the Commission for the Clarification of Truth, Coexistence and Non-Repetition [Comisión para el Esclarecimiento de la Verdad, la Convivencia y la No Repetición], the Missing Persons Search Unit [Unidad de Búsqueda de Personas dadas por Desaparecidas] and the Special Jurisdiction for Peace [Jurisdicción Especial para la Paz]. The mandates of these three institutions require access to all archives related to human rights violations in order to contribute to truth and historical memory.<sup>39</sup>

All these transitional justice mechanisms have been accompanied, supported and monitored by civil society organisations and their documentary and memory activism.<sup>40</sup> At least since the 1970s, those organisations have documented the violations of human rights and their actions of resistance. They have gathered and amplified denunciations and testimonies that showed the systematic state repression of union workers, farmers, students and leftist activists. They have demanded protection, denounced the violence committed by all the actors in conflict, claimed reparations, constructed memorials and sought to restore the dignity of victims and survivors.

Memory and human rights movements emerged in direct confrontation to the state and its violence, but this relationship evolved over time.<sup>41</sup> The process was complex, and involved demands for justice by social movements, the intervention of international organisations that amplified their denunciations and the progressive introduction of human rights culture and norms into the structure of the State. This allowed for less tense and more collaborative relations between social movements, academia and at least part of the state, that is, the establishment of a certain amount of trust.<sup>42</sup> Despite being an undoubtedly fragile consensus, it was defended by a relatively strong institutional framework – including a large number of public and private universities, non-governmental organisations, civil society movements and international institutions. It also coincided with the commitment to seek negotiated solutions to the conflict that materialised in the peace agreement with the FARC-EP. This transitional scenario opened up new areas for documentary activism – victims’ reparation, negotiation ‘from below’ of historical memory – and gave it a wider recognition. Documentary activism has thus gained a new role in the public sphere and a political potential that was almost unthinkable in the previous decades. However, the current government’s actions exacerbate the tensions between different memory politics and cast doubt on its willingness and ability to comply with these agreements, a problem we will come back to in the conclusions.

The Fabiola Lalinde and the Mario Agudelo fonds show the complex interactions between personal human rights archives and transitional justice mechanisms. These archives can contribute to justice and to the construction of collective memory; they also benefit from institutional support and the possibility of posing new questions about the past that transitional processes open, but for the same reason are exposed to the risks inherent to intense disputes over memory.

### **The Fabiola Lalinde Fonds**

In 1984, Luis Fernando Lalinde was arbitrarily detained, disappeared and murdered by members of the Colombian National Army. His mother, Fabiola Lalinde (b. 1939), with the support of her family and the solidarity of human rights defenders and organisations of relatives of victims, undertook the long search to find out what had happened to her son, recover his body and prosecute those responsible. Her exhaustive documentary trail of this process is a paradigmatic example of the role of archives in denouncing state violations of human rights, the interweaving of identity and the archive, and how struggles for memory move from the private to the public, from the individual to the collective.

In 1984, Fabiola Lalinde filed a criminal complaint with the National Directorate of Criminal Instruction [Dirección Nacional de Instrucción Criminal] for the disappearance

of her son. In 1988, the resolution 24/87 of the Inter-American Commission on Human Rights<sup>43</sup> determined for the first time the responsibility of the Colombian State in a case of forced disappearance: that of L. F. Lalinde. On October 23, 1988, the family home was raided and Fabiola Lalinde and one of her sons, Jorge Lalinde, were arrested on charges of narcoterrorism. That same year the Working Group on Enforced or Involuntary Disappearances mediated in their case, and Fabiola Lalinde and her son were acquitted and released. These attacks forced her to a brief exile in Venezuela in 1991. In 1992, pressure from various non-governmental organisations, especially the Inter-American Commission on Human Rights, led to two exhumations that allowed part of the remains of L. F. Lalinde to be found. Their identification, however, took almost four years (1992–1996), and required mitochondrial DNA analysis in the United States. In 1998, the Colombian military criminal justice system dismissed the proceedings against the soldiers involved in the case. In 2001, having exhausted national legal resources, the Colombian Jurists Commission, in the name of the Lalinde family, filed a complaint against the Colombian state for denial of justice before the Inter-American Commission on Human Rights, which was admitted in 2013. Also, in 2013, the Council of State<sup>44</sup> issued a sentence of direct reparation.<sup>45</sup> In 2014, the Supreme Court ordered the reopening of the case, which remains open to this day.

What's left of the search for a disappeared person? First of all, I have an archive with all kinds of documents: photos, press clippings, recordings, testimonies, rulings, resolutions, sanctions – which gradually expire –, letters from different parts of the world; copies of forms and interviews with various human rights bodies that visit us. Complaints and more complaints.<sup>46</sup>

Fabiola Lalinde already had a personal archive that went back to her infancy. But from the moment of the disappearance of her son, her documental activity intensified and changed. She realised that she was facing a complex bureaucratic apparatus, which led her to develop strategies for documenting and controlling information. The interrogation of the state determined the structure of the archive. She learned the grammar of bureaucracy to gain legitimacy and recognition for her demands, to overcome the delays, refusals and contradictions of the system. She registered in a diary 'people, places, dates, times and comments'.<sup>47</sup> She also created a dossier in which she gathered all the documents pertaining to the search and denunciation between 1984 and 2014, labelled by activities such as 'Search', 'Interviews', 'Testimonies', 'Exhumation Process' or instances such as 'United Nations' or 'Organization of American States'. This dossier is the core of the Fabiola Lalinde Fonds and carries the name she gave to the search for her son: 'Operación Ciriri'.<sup>48</sup> Its first document is a black and white photograph of L. F. Lalinde. She then added reports presented to civil and military authorities, and to national and international human rights organisations; correspondence; letters of solidarity; messages from officials intervening on her behalf; press cuttings; copies of sentences and trials; follow-up letters; transcripts of testimonies collected by judges and investigators; certificates of participation in human rights defence events; descriptions of harassments against her and her family; forensic anthropology records.

The archive gained new uses as it progressively entered the public sphere. Fabiola Lalinde became a determined and visible activist against forced disappearance, which at that time was not typified in Colombian legislation.<sup>49</sup> In 1986 she joined the Association of Relatives of Detained Missing Persons [Asociación de Familiares de Detenidos



Desaparecidos] (ASFADDES)<sup>50</sup> and connected to solidarity networks of human rights defenders. She also began to present her *Testimony on the search of a son detained and missing for political reasons*, showing how she used documents as evidence.<sup>51</sup> Her experience served as a basis for designing pedagogical materials teaching how to document cases of enforced disappearance.<sup>52</sup> Her work thus became a form of archival activism in favour of human rights.<sup>53</sup> Todorov proposed to distinguish between literal memory and exemplary memory. Literal memory concentrates on the particular, the who, the how and the why of the damage on the individual. Exemplary memory transcends this experience and projects it beyond itself, turning it into a model to understand other cases.<sup>54</sup> Fabiola Lalinde's work followed that path; once she realised her son's disappearance was part of a larger pattern, she turned her memory in a shared resource for articulating the identities and demands of other people looking for their loved ones.

Some of the juridical answers to the case implied transitional institutions that promoted the public recognition of the archive. The 2013 ruling by the Council of State, for example, ordered monetary compensations for the family, and the reopening of criminal and disciplinary investigations.<sup>55</sup> In compliance with the same ruling, the National Centre for Historical Memory produced the documentary film *Operation Cirirí. Insistent, Persistent and Inconvenient* [*Operación Cirirí. Insistente, persistente e incómoda*], which revealed the existence and importance of the archive to a wider audience.<sup>56</sup> The Centre also submitted the dossier 'Operation Cirirí' for inclusion in the Memory of the World Register for Latin America and the Caribbean, to which it was incorporated in 2015, as a symbolic gesture that underlined its relevance for the collective memory of the region.<sup>57</sup> That same year it was inscribed in the Special Register of Human Rights Archives and later partially digitised as part of the Virtual Archive of Human Rights.<sup>58</sup> This step into the public sphere was consolidated in 2017 with the donation of the Fonds to the National University of Colombia.

The institutional recognition of the archive goes beyond the individual reparation to Fabiola Lalinde and gives it symbolic power. It makes it a monument to the search for missing persons, that embodies the suffering of the families and the agency of the survivors who search for truth and justice in Colombia, as well as the importance of pressure from non-governmental organisations and international institutions to correct the deficiencies of national justice. It also underlines the importance of this type of archive in the construction of the collective memory of Colombian society and promotes its conservation and dissemination. This symbolic function of Fabiola Lalinde's archive is reinforced by its integration in museum exhibits and artworks, as well as her use as documentary source for chronicles and a theatre play.<sup>59</sup> According to O. Calvo, the National University of Colombia, being in charge of the archive, has the duty to provide the ideal conditions in order that it continues to fulfil a social function, that its links with society are not lost with the closure of the organic process of documentary production, and that it stays alive and becomes a place of memory beyond the academy, in which research, creation and activism converge.<sup>60</sup>

The archive, besides its symbolic functions, can also contribute to memory works. As Karabikián argues, the documentation produced by the relatives of the disappeared is particularly important in contexts in which repression has 'acquired underground, clandestine forms'.<sup>61</sup> Its rigour and systematicity help to explain and understand forced disappearance, which is shrouded in secrecy, and in general the relationships between

civil society and the state. Archives of this kind are particularly useful in transitional contexts, in which it is necessary to create a reliable record of human rights abuses and understand the structural and institutional failures that the country must surmount.

The archive furthermore offers profound access to the vital and social implications of the search process. Other civil society archives may document a greater number of cases, but few do it with the same thoroughness, which allows us to see how the search runs through all facets of life and can become the core of personal identity. In the archive coexist prosaic documents – such as records of the expenses that deteriorate the family economy – and very elaborate texts in which, combining forensic detail and intense emotion, she narrates her story, reflects on what it means to be the mother of a disappeared person, or the implications for political conscience of realising that the state, instead of protecting its citizens, victimises them.

This archive may also serve as source for research on women's activism in Colombia and its regional connections in Latin America.<sup>62</sup> Fabiola Lalinde drew on the experiences of other women in the Southern Cone, e.g. the Mothers and Grandmothers of Plaza de Mayo [Madres y Abuelas de Plaza de Mayo]. In turn, her work inspired organisations such as Mothers of the Candelaria [Madres de la Candelaria], Pacific Route of Women [La Ruta Pacífica de las Mujeres] or Mothers of Soacha [Las Madres de Soacha]. Contents related to social and political activism, among others, should favour an interdisciplinary conversation.

Finally, it must be said that donation is, in itself, a reciprocal gesture that demonstrates the trust of Fabiola Lalinde in a public institution and strengthens its meaning for collective memory. Putting the archive at the service of others transforms the traumatic experience into a political learning and a pedagogical tool, making it possible to use the stories of the painful past to warn about the permanence of the conditions that have given rise to violence. Fabiola Lalinde, during the donation ceremony, oriented her archive decidedly towards the imagination of a more just future:

Young people, doubt, think, make the archive speak, do not let it remain silent (...) The archive of a 'cirirí' has to continue to be uncomfortable in an unjust and violent country like ours, I leave it to you as an opportunity for communion, solidarity and creation, not as a dead object of the past. This is my present of dignity to the generations that are here and to the generations to come, you who are lovers of truth, freedom, justice and beauty, you who have it in your hands to build a different country. Persist, do not stop searching, always asking why, why, why (...) I leave as heritage my symbol, the insistent, persistent and uncomfortable 'cirirí' who has never killed a hawk. A symbol dedicated to all those citizens of the world, that calls us to cease all violence, with the ever-present gratitude for the achievements of this legacy that you receive today, in the final stretch of a life without feelings of hatred or revenge.<sup>63</sup>

### The Mario Agudelo Fonds

Mario Agudelo (b. 1954) says that 'for as long as I can remember, I remember myself as a person interested in keeping records of what I liked'.<sup>64</sup> This interest has given rise to a personal archive with documents that date back to at least 1982, produced in different circumstances and by different agents, and which record his militancy in the EPL, his participation in the disarmament of this group, his involvement in politics and his intervention in and support to demobilisation and reparation processes.

As in the case of Fabiola Lalinde, Mario Agudelo's archive and its meaning are connected to his political and social activism and is born of a lifelong systematic collection of records. It has been a tool at the service of his work, but also a prosthesis of his existence and memory, to which he is bound by affective and practical ties. It is also important because it registers demobilisation and reintegration processes from the inside and symbolises the possibilities that the transit to civic life opens. The connection between his life and his archive is so tight that its worth presenting them simultaneously.

At the end of the 1970s, Mario Agudelo began to serve in the Colombian Communist Party – Marxist Leninist [Partido Comunista Colombiano – Marxista Leninista],<sup>65</sup> and then in its armed wing, the EPL. During the 1980s he was a militant in the region of Urabá, a territory of great strategic importance due to its geographical location and agricultural potential, which made it a prized loot for all the forces involved in the Colombian conflict. There he carried out what in communist doctrine is called 'mass work' – politically organising workers and peasants and winning sympathies for the insurgent group. From this period the archive conserves documents such as photographs of the trade union demonstrations, and a collection of maps and plans of the region intervened with colours, signs and conventions that portray 'what was the political influence, what was the union influence, what was the influence of the armed groups in those territories',<sup>66</sup> and their strategic corridors. These maps provide information on clandestine political and military dynamics that did not leave much documentary evidence, which gives them even greater importance.

In 1991, the EPL signed a peace agreement with the Colombian state that led to a disarmament, demobilisation and reintegration process.<sup>67</sup> Mario Agudelo was an active leader in recasting the insurgent group into the political movement Esperanza, Paz y Libertad [Hope, Peace and Freedom], whose members are known as 'the hopeful ones' ('esperanzados'). The archive keeps documents related to the implementation of the agreement and to the work of the National Council for Normalization, an institution which supervised and coordinated programmes, allocated resources derived from the Peace Fund and contributed to monitoring and evaluation.<sup>68</sup> This set of documents includes lists of demobilised combatants, the agenda of commitments derived from the agreement, photographs of the reinsertion process, training programmes for reinserted combatants, proposals for productive projects and reports on the allocation of resources for their development.

After the demobilisation, Mario Agudelo was elected deputy to Antioquia's provincial assembly for two terms, 1995–1997 and 1998–2000, and mayor of Apartadó for the 2000–2003 term. From the exercise of these public offices, the archive keeps correspondence, speeches, press releases, photographs of social events, projects and ephemeral documents such as campaign posters and flyers.

Despite these political successes, the reintegration of the demobilised EPL combatants was very difficult. They became a military target for the dissidents of the group itself, the FARC-EP and the paramilitary groups that came to dispute the territory of Urabá. According to Castro, 316 of the 3790 guerrillas demobilised from the EPL were assassinated.<sup>69</sup> Between 1991 and 1996, at least 18 massacres targeted the 'hopeful ones'.<sup>70</sup> Mario Agudelo himself was attacked several times. In 1997, a book bomb addressed to him killed his son Pedro León Agudelo, a 15-year-old student. In 2004, Mario Agudelo and other survivors of EPL founded Corpolibertad, whose objectives include achieving

recognition and reparation for this extermination. The archive maintains documents that support these demands, such as plans, minutes, testimonies recorded in audio and press clippings that record the systematic violence against the demobilised.

Mario Agudelo mediated in the 1994 demobilisation of urban militia groups that had an armed presence in Medellín and its metropolitan area. A collection of photographs and copies of official documents and bulletins produced by the militias themselves accounts for this.

Further, between 2006 and 2010, Mario Agudelo served as peace advisor for prison affairs for the Presidential Program on Human Rights and International Humanitarian Law, a position in which he accompanied demobilisation processes. In Colombia, due to the nature of the conflict and the different approaches that have been tried to overcome it, the institutional offer to accompany demobilisation, disarmament and reincorporation programmes has been rather profuse. During this same period, and thanks to his experience in the reintegration of ex-combatants, he began working with Hands for Peace [Manos por la Paz], a corporation created in 2007 to support the demobilisation of imprisoned guerrillas. They requested to be included in the transitional justice mechanisms of the Justice and Peace Law, originally intended only for paramilitary groups. In return, they offered information for finding disappeared persons and elucidating violent acts during the conflict.<sup>71</sup> The archive keeps communications and standardised forms in which ex-combatants express their willingness to be included in the Justice and Peace system, as well as copies of correspondence with various state agencies regarding each case. The ex-combatants generally provide personal data, information on the place and causes that led to their imprisonment, and information on the victims: names, professions, place and date of the events, family contacts and possible location of the graves, in some cases through sketches. When the information allowed to find the bodies of disappeared persons, photographs of the exhumations are included. If ex-combatants are accepted in Justice and Peace, the information is corroborated through contrast with other sources.<sup>72</sup>

Mario Agudelo has exhaustively compiled press clippings on the conflict in Urabá since the 1980s; the processes of demobilisation and reintegration into civilian life of such insurgent groups as the EPL, militia groups operating in the Valle de Aburrá and the Corriente de Renovación Socialista. News reports are useful in reconstructing the contexts of violence and, in some cases, also in supporting victims' legal requests for recognition and reparation.<sup>73</sup>

In the constitution of this personal archive converge the roles that Mario Agudelo assumed in these processes and the trust that diverse people and groups deposited in him as a comrade, intermediary, activist and government official. This trust was a condition for him to become the steward of these documents.

The archive is currently under Mario Agudelo's custody and is 'open', as the processes of production and collection, classification, description and digitisation continue.<sup>74</sup> It is organised by subjects, and within each dossier, chronologically. Part of the collection received archival treatment by the National Centre for Historical Memory: it was transferred to Bogotá, where it was subject to a technical process of organisation, cleaning and digitalisation, before being returned to Mario's custody, as illustrated in a video produced by the Centre.<sup>75</sup> Recently, archival science students have begun to accompany its inventory and organisation.

Access to the archive has changed over time. It began as a secret archive, but once Mario Agudelo transitioned to civilian life, its existence became known, especially since the 2000s, when Mario Agudelo began narrating the history of his life to historians and journalists and became involved in the above-mentioned processes of reparation. This led to the inclusion of his archive in the Special Register of Human Rights and Historical Memory Archives and the partial digitisation of the sections dedicated to Hands for Peace and the press clippings for inclusion in the Virtual Archive of Human Rights in 2017. As is the case with the Fabiola Lalinde's archive, Mario Agudelo's has supported several transitional institutions and has benefited from their recognition and support.

Cooperation isn't, however, perfect. The National Centre of Historic Memory hasn't fully complied with the national and international standards required for treating this kind of documents. These standards require maintaining the integrity of the collections and allowing to retrieve information by geographical, onomastic, chronological and thematic descriptors, as well as information about the creators and the conditions of the cession of rights. As Navarro has stated, 'knowledge about the circumstances of production, use and conservation of documentary typologies is an inherent part of the description of archival documents'.<sup>76</sup> In this case, the description decontextualises the documents, as it does not account for the content, the creators or their custody; nor does it inform the conditions in which the rights were ceded or for what purposes. Deficiencies in the description constitute an obstacle to information access, imply the loss of control over the documents and undermine their evidentiary and informative value.<sup>77</sup>

Mario Agudelo's archive has served as evidence or a source of information in several collective reparation processes for victims of some of the main forces in conflict in Urabá.<sup>78</sup> One of them concerns the massacre of La Chinita, a neighbourhood located in Apartadó. In 1994, during regional elections, the FARC-EP burst into a popular celebration and massacred 35 people, accusing them of belonging to or sympathising with 'the hopeful ones'.<sup>79</sup> The archive provided neighbourhood plans, lists of inhabitants, minutes of communal board meetings, and, in general, materials that not only showed the process of land invasion and subsequent settlement, but also the relationship between their history of victimisation and their political links with the 'hopeful ones'. The archive has also supported the collective reparation demands of Corpolibertad for the extermination of the Hope, Peace and Freedom Movement by FARC-EP, EPL dissidents and paramilitary groups; and that of the association of managers and employees of banana companies of Urabá for the attacks by the EPL.

The documents collected by Mario Agudelo have been used as sources in investigations on his own life as a guerrilla and leftist militant and the histories of the EPL; the Hope, Peace and Freedom Movement; the armed conflict in Urabá; and the disarmament of urban militias in Medellín.<sup>80</sup>

Overall, this archive provides information relevant for the study of numerous aspects of the Colombian conflict. Although it is very varied, and chance has intervened in its collection, it focuses systematically in three areas which coincide with the priorities of several transitional justice mechanisms and processes: the conflict in Urabá, the demobilisations of insurgent groups and the peace processes. For example, the Special Jurisdiction for Peace, which commenced to operate in 2018, has prioritised the region of Urabá and has opened a judicial investigation to clarify the development of the conflict in the area

and the crimes committed in this context. The archive can help understand long term problems such as land tenure, repression of social movements and limitations to political participation, which is a necessary step to achieve the stability that transitional justice aims to foster.

Memory studies in Colombia have focused, over the last two decades, on the memories of the victims, which is, without a doubt, a political advance for their recognition.<sup>81</sup> However, the analysis of the memory practices of combatants (the army, the police, the guerrillas and the paramilitaries) and other actors who dispute the meanings of the past is still incipient. The experience of other Latin-American countries that have attempted the transition from war to peace, such as Peru and Guatemala, shows that ‘the exercises of commemoration and re-elaboration of the past are not created by a single voice, but by multiple voices – individual and collective – that demand to be heard and seek to enunciate, in the public arena, their own sense of what happened’.<sup>82</sup> This archive offers rare access to the memories of some demobilised combatants, to the processes that led them to join the guerrilla groups or leave them, to what it means to survive war and to the difficulties of readjusting to civilian life, to the strategies they invented in order to search justice and responsibility after war. It is also an archive that contributes to the construction of plural memories in as much as it is open to different interpretations of the past. As Mario Agudelo has pointed out, his collection ‘has the record of facts, has the opinions of actors and has the disagreement that exists in the interpretation of history and facts’.<sup>83</sup>

In this sense, this is an exceptional archive, given that the archives of combatants have almost always remained secret. For example, the recent demobilisation agreement with the FARC-EP does not commit them to hand over their archives. This type of archive may allow for a greater involvement with those other voices. This might fuel disputes over the interpretation of the past but is a necessary step towards a better understanding of what Colombia has experienced and a more informed imagination of the future, with greater awareness of the dangers involved in returning to civilian life and the fragility of transitional processes.

## Conclusions

The study of the archives of Fabiola Lalinde and Mario Agudelo shows that the interaction of personal human rights archives with transitional justice can be described as a virtuous circle: archives can pave the way for implementing transitional justice – for example, the documentary activism of Fabiola Lalinde and those who accompanied her contributed to the intervention of international human rights organisations. Also, archives are instrumental to several of the central objectives of transitional justice – reparation, historical memory and reconfiguration of social values. In turn, transitional justice encourages the creation of archives, gives them visibility and recognition, and can open them up to public use through transitional institutions, such as the Historical Memory Group, the National Centre for Historical Memory in Colombia.

Justice requires clarification of the historical context of human rights violations and their effects, and this task benefits from the localised and detailed information that personal archives keep. They can provide direct and contextual evidence and a reliable record of human rights violations that helps to counteract denialist threats and attempts

to maintain impunity for perpetrators, as the use of these two archives in collective reparation processes shows clearly.

Other contributions of personal archives to transitional contexts relate to the general objective of just transformation of society as it materialises in memory works. The long-lasting conflict in Colombia has left pains that are, at the same time, individual and collective. These archives tell the story of one person, one search, one life, but also illuminate the fates of many. They connect public and private mourning, without reducing them to the narrative *topos* of the victim's testimony of suffering.<sup>84</sup> Fabiola Lalinde's archive shows above all her ability to overcome concern for her individual case in the name of solidary work for human rights and thus rise to an exemplary use of memory. Mario Agudelo's archive leads the way to the construction of memories that problematise the simplistic distinctions between victim and victimiser and the narrative forms that correspond to each one (the testimony of suffering and the confession of guilt). They consequently provide important, often under-explored tools for understanding the complexity of conflict.

These archives can help reinforce the culture of human rights as symbols, vehicles for memory and pedagogical tools.<sup>85</sup> As Louis Bickford puts it, access to the documentary production that bears witness to human rights activism constitutes 'one essential and basic ingredient of any long-term attempt to adequately remember and make sense of past human rights abuses'.<sup>86</sup> These archives are not neutral, nor does their plurality entail that 'anything goes' and 'it's all the same'.<sup>87</sup> On the contrary, they have an ethical meaning: they testify to lives dedicated to the defence of human rights and express an ethics of solidarity. This is one of their biggest contribution to a just transformation of society. These archives do more than transmit data or contents about the past: they are future-oriented in as much as they strengthen a new set of social values.<sup>88</sup> Hence the need to defend them as a common heritage.

Archives of human rights in Colombia currently face grave dangers. The armed conflict has continued in multiple forms, and archives can be targeted for the value of the information they hold. Also, there is a high risk that many archives produced by survivors of the conflict might disappear. It is necessary to implement the public policy of human rights archives that already exists, so that minimal conditions for their preservation and access are guaranteed: autonomy – that the creators and stewards keep control over documentation –, integrity – that documents maintain their evidentiary value –, and financing.

There are also political threats. De Greiff has suggested that one of the goals of transitional justice is establishing civic trust, understood primarily as trust in institutions: 'Trusting an institution amounts to knowing that its constitutive rules, values, and norms are shared by its members or participants and are regarded by them as binding'.<sup>89</sup> One of the great contributions of nearly two decades of transitional justice in Colombia has been the establishment of a certain degree of trust between civil society organisations and the state. This relationship has allowed organisations to actively and continuously contribute to transitional justice-related memory building processes.<sup>90</sup> The civic organisations have granted access to their archives and, at times, have relinquished their custody. However, the rise to power of far-right forces sceptical of the Peace Accord in 2018, has weakened the institutional framework for transitional justice, and blurred its commitment to the memory of the victims. The current administration of the National Historic Memory Centre has questioned the very existence of the armed

conflict in Colombia and of extrajudicial executions as state policy, and has given evidence of its interest in rewriting historical memory in a way more favourable to the armed forces and businessmen.<sup>91</sup> This situation has once again deepened the fracture between the civil society organisations and state institutions. Many organisations and leaders broke their collaborative links with the Center, and decided to ‘withdraw all the material submitted [physical and digital human rights archives] due to the lack of real guarantees for their safeguarding and proper use’.<sup>92</sup> Much of the civic trust that had been gained is now broken or suspended. The struggles for the past and the values that give it meaning have radicalised. Given the social significance of these archives, it is necessary to imagine strategies that guarantee their conservation and use, beyond state policies.

## Notes

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  26. Colombia created human rights archives to hold copies of documents from natural or legal persons, including government departments, that relate to the armed conflict, while the national archives will continue to hold the original records from the government departments. See Congreso de la República de Colombia, ‘Ley de Víctimas y Restitución de Tierras’ - Por la cual se dictan medidas de atención, asistencia y reparación integral a las víctimas del conflicto armado interno y se dictan otras disposiciones, *Diario Oficial* 48.096, 10 junio 2011, Art. 145, parágrafo 4; see Centro Nacional de Memoria Histórica, *Política pública*.

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  45. Colombian citizens who have suffered damage caused by the action or omission of state agents may recurse to administrative contentious jurisdiction and request direct reparation, which offers compensation for the damage caused.
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  48. The sirirí or cirirí (*Tyrannus melancholicus*) is a yellow and grey feathered native American bird, ‘which persistently chases birds of prey –including eagles– with its beak, until it makes them flee. The relatives of the disappeared have learned from the cirirí that perseverance and constancy in the search for truth are the only means to overcome impunity for human rights’ violations’. ASFADDES, *Cómo elaborar una denuncia y un dossier*, Cartilla 2 (Bogotá, 1994), 12.
  49. It was only in 2000, when Law 589 was approved, that genocide, forced disappearance, forced displacement and torture were criminalised in the country.
  50. ASFADDES is an organisation created in 1982 by relatives of victims of enforced disappearance. It was one of the first victims’ movements in Colombia and fought alongside organisations from other countries to search for the disappeared and demand that those responsible be brought to justice. Among its achievements is the criminalisation of enforced disappearance in 2000.
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  55. Consejo de Estado, 1990-05197, No. 050012326000-1990-05197-01 (19939) (Consejo de Estado – Sala de lo Contencioso Administrativo – Sección Tercera 27, September 2013), 66.
  56. Centro Nacional de Memoria Histórica. *Operación Cirirí. Persistente, insistente e incómoda*, 1 hour, 04 min., 06 sec.; video (2017), <https://www.youtube.com/watch?v=teu59l0d2JI> (accessed September 20, 2019).

57. Other Latin American archives have been included in this register, such as the Archivo de los Derechos Humanos en Chile and the Archivos para la Memoria, la Verdad y la Justicia frente al Terrorismo de Estado en Argentina.
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59. Marta García, *¡Archivar para resistir!*, 104–10.
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