



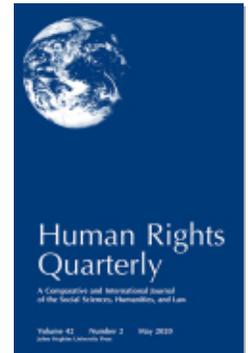
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*Mourning Remains: State Atrocity, Exhumations, and Governing
the Disappeared in Peru's Postwar Andes* by Isaias
Rojas-Perez (review)

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Human Rights Quarterly, Volume 42, Number 2, May 2020, pp. 513-516 (Review)

Published by Johns Hopkins University Press
DOI: <https://doi.org/10.1353/hrq.2020.0017>



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BOOK REVIEWS

Isaias Rojas-Perez, *Mourning Remains: State Atrocity, Exhumations, and Governing the Disappeared in Peru's Postwar Andes* (Stanford University Press, 2017), ISBN 978-1-50360-262-5, 321 pages.

Transitional justice in the aftermath of internal conflict has taken many forms across the globe. Most often, these initiatives seek to reconcile wartime indulgences against humanitarian and human rights law with post-conflict promises of a turn or a return to peaceful, juridical rule. Beginning in the late twentieth century, the modern conception of forensic investigation into the forced disappearance of “subversives” by the state has featured amongst reparative efforts. This forensic component of transitional justice seeks to assist in combating state impunity and the prevention of future abuses through both collecting evidence of atrocity for judicial purposes and by facilitating the humanitarian repatriation of bodies to families of the disappeared.¹ Truth and Reconciliation Commissions² attempt to reconcile the wrongs of internal conflict through sociocultural processes in ways that cannot be attended by the juridico-legal apparatus of transitional justice, and they may work alongside forensic investigations. Together, these initiatives constitute a post-conflict “assemblage”

that has come to be expected by international parties both before and after the cessation of conflict,³ with the expectation being that results from these efforts will pave the way for a rehabilitated state and a reconciled populace.

In *Mourning Remains: State Atrocity, Exhumations, and Governing the Disappeared in Peru's Postwar Andes*, Isaias Rojas-Perez analyzes the veracity of these expectations following the height of Peru's internal conflict between 1980 and 2000. Rojas-Perez's volume is not a comprehensive study of exhumation efforts in Peru nor a heartwarming story of outright success. Instead, Rojas-Perez provides a detailed critique of the humanitarian, justice-oriented, post-conflict assemblage and the ability of state power to commandeer these efforts while ignoring the political roots of structural violence that helped make “some Peruvians more ‘killable’ than others.”⁴ The book focuses on the experience of Quechua-speaking families of the disappeared before and after the excavations of state-sponsored massacres at the Los Cabitos military site and the village of Accomarca in the Ayacucho region of Peru from 2001 to 2009. The internal conflict in Peru, which continues today on a smaller scale, took place between forces of the Peruvian state and the guerilla Shining Path movement (*Sendero Luminoso*). Resulting from an equal combination of atrocities by both

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1. Monique Crettol & Anne-Marie La Rosa, *The Missing and Transitional Justice: The Right to Know and the Fight Against Impunity*, 88 INT'L REV. OF THE RED CROSS 355, 360 (2006).
 2. There are also many other idiosyncratic forms that truth and reconciliation commissions take.
 3. ISAIAS ROJAS-PEREZ, MOURNING REMAINS: STATE ATROCITIES, EXHUMATIONS, AND GOVERNING THE DISAPPEARED IN PERU'S POSTWAR ANDES 35 (2017).
 4. *Id.* at 8.

state and guerilla forces, the Truth and Reconciliation Commission (*Comisión de la Verdad y Reconciliación*) estimated over 69,000 people dead or disappeared and that 75 percent of the massacred or disappeared were Quechua-speaking minorities from rural regions.⁵ Even before the 1990 election of Alberto Fujimori, whose leadership abolished the state constitution, harsh anti-insurgency practices contributed to the mass disappearance of Quechua-speaking Andean peoples throughout the 1980s. Following the removal of Fujimori on grounds of corruption in 2000, the interim government under Valentín Paniagua initiated efforts of the post-conflict assemblage with a victim-centered approach to ensure the families' "right to truth."⁶

The right to truth provides knowledge of a missing family member's location, information about their deaths, and the repatriation of remains to families, thereby necessitating humanitarian forensic investigation to recover and identify the disappeared.⁷ In the context of the post-conflict assemblage, these identifications, documentations of atrocity, and repatriations are positive steps towards sociocultural reconciliation and state-level reparations.⁸ By fulfilling the right to know with victim identification and repatriation, forensic investigators seek to ameliorate the ambiguous loss suffered by families of the disappeared. These efforts are aimed at countering the impunity of state power over life and death. Coined

"necropower," this concept draws on the Foucauldian principle of biopower, and it explores the extent to which a polity is permitted to cross the line of dictating the value of human life in defense of the body politic.⁹ Forensic humanitarian practices provide the evidence necessary to uncover abuses of state necropower by exposing the physical aftermath of state terror.¹⁰ In an ideal scenario, transitional justice initiatives can then use this evidence to convict perpetrators of abuse or exonerate the wrongly implicated under domestic or international law, such as exemplified during the International Criminal Tribunal for the former Yugoslavia.

Rojas-Perez describes state terror at the height of the internal conflict as partaking in what Hannah Arendt termed the "fabrication of corpses," or the mass-production of death with mechanistic efficiency to erase the bodies of victims from existence and atomize the sociocultural significance of their deaths.¹¹ Without the bodies, the humanity of the deceased cannot be ritually reclaimed, thereby leaving families in a state of ambiguous loss in which the state has deemed the victims "unmournable."¹² The volume illustrates the Kafkaesque systems of bureaucratized violence wielded by the Spanish-speaking state against marginalized Quechua-speaking peoples to hide the disappearance of family members behind paperwork and reshape reality through constant denial. Compounding violence such as this intentionally aims

5. *Id.* at 7.

6. *Id.* at 36.

7. *Id.*

8. See ADAM ROSENBLATT, *DIGGING FOR THE DISAPPEARED: FORENSIC SCIENCE AFTER ATROCITY* 167–98 (2015).

9. Achille Mbembe, *Necropolitics*, translated in 15 *PUB. CULTURE* 11, 39–40 (2003).

10. ROJAS-PEREZ, *supra* note 3, at 232.

11. See ROSENBLATT, *supra* note 8, at 13, citing HANNAH ARENDT, *THE PORTABLE HANNAH ARENDT* 13–14 (2003).

12. ROJAS-PEREZ, *supra* note 3, at 19.

to shatter sociocultural ties through ambient levels of fear to subjugate perceived systems of resistance “in the name of defending the body politic.”¹³

The author contends that it is in the best interest of the state to maintain a separation from a past marked by violent impunity with a narrative that the present, in which democracy and prosperity thrive, has been both reconciled and rehabilitated. Rojas-Perez argues that state power facilitates this process by manipulating the post-conflict assemblage to control the victim’s conduct by narrowing the possible legal, historic, and sociocultural responses to state terror in what the author coins as the “necro-governmentality of postconflict.”¹⁴ Necro-governmentality functions through the privatization of grief with the identification of remains, the reclamation of territory and memory following the exhumation of the dead, and the formalization of post-conflict language, which together distill the reality of atrocity into sanitized historic-legal description. Necro-governmentality promotes neoliberal state-building in the aftermath of internal conflict while simultaneously fulfilling the technical stipulations of the “victim-centered” post-conflict assemblage without ever engaging with root causes of the conflict. Rojas-Perez explains that, without a political reckoning, the underlying structural violence that facilitated actions of state terror against marginalized groups will never be addressed.¹⁵

The volume’s most compelling theme is the subaltern, gendered resistance

of Quechua-speaking Andean mothers against the abuses of state necropower and the necro-governmentality of the post-conflict through everyday activities and language. Rojas-Perez emphasizes the incompatibility of the state narrative with the dynamic agency of Andean peoples who do not conform to their perceived static roles as passive “cultural automatons.”¹⁶ Mothers of the disappeared challenge state necropower through *caprichakuspa*, when they “[began] to walk (*purity*), stubbornly disobedient (*caprichakuspa*)” in search of their loved ones despite death threats and strict curfews.¹⁷ Narratives of the disappeared as apoliticized “tragic deaths” are rejected by Andean claims of genocide. State attempts to wield both the hegemonic “power to kill” and the “power to administer life” fall apart when confronted by a mother seeking her disappeared children.¹⁸ Far from silencing the outcry against state terror in the aftermath of conflict, state necro-governmentality of the post-conflict, as Rojas-Perez explains, instead intensifies the continued resistance of Quechua-speaking communities to question the status quo of state sovereignty over the value of human life.

Rojas-Perez introduces the “ongoing past,” a concept that examines how state terror leaves political scars of the past on the population, which requires a political reckoning.¹⁹ In this way, the book describes Quechua-speaking Andeans as comprising a Foucauldian “‘people’” or political community in opposition to the passive “‘population’” of the state, which

13. *Id.* at 138.

14. *Id.* at 14.

15. *Id.* at 255.

16. *Id.* at 78.

17. *Id.* at 146.

18. *Id.* at 155.

19. *Id.* at 101.

resists the constraints of governmentality and questions the nature of state sovereignty through every day, ordinary practices.²⁰

According to the author, necro-governmentality of the post-conflict “is a power of normalization, with simultaneous effects of individuation and homogenization” that “aims to structure the field of possible action and speech of survivors, relatives of victims, and the population at large so as they are able to conduct their conduct as free subjects.”²¹ Such a consideration of post-conflict state influences should not be dismissed given their dire sociopolitical implications and underlying systems of structural violence. Rojas-Perez’s description of subaltern Quechua-speaking resistance shows that, despite necro-governmentality, the state is not immune to the critique of an organized people who seek to question the legitimacy of hegemonic state power over life and death. Rojas-Perez has written a critical volume that compels

readers to consider how the post-conflict assemblage can be co-opted in service of neoliberal state-building, which may easily go unnoticed in the aftermath of conflict. These concepts have implications for transitional justice approaches across the globe. Practitioners, scholars, and students of humanitarian forensic science or transitional justice will benefit from studying this volume and considering the arguments introduced by Rojas-Perez. Meanwhile, in the Andes, Quechua-speaking people will continue to “test what a human form of life is” by engaging with the post-conflict assemblage and its failure to reweave the “web of life” that was torn apart by the state’s “‘fabrication of corpses.’”²²

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20. *Id.* at 261.

21. *Id.* at 258.

22. *Id.* at 196.