Untangling Violent Legacies: Contemporary Organized Violence in Latin America and the Narrative of the "Failed Transition"*

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ABSTRACT | In this article, disputes over the identification of persisting "legacies" of the past that participate in the constitution of present patterns of organized violence are discussed. It highlights the ways in which present forms of organized violence are often tied to past experiences of political violence in the context of transitional justice discourse, as serious contemporary human rights violations are framed as indicators of the failure of past transitional processes. This article then explores such disputes in the context of recent civil society debates in Mexico on the potential development of transitional justice mechanisms; and in the context of the Sub commission of Truth in Democracy "Mothers of Acari" in Rio de Janeiro, Brazil.

KEYWORDS | Brazil; legacies; Mexico; organized violence; transitional justice

Desenredando legados violentos: violencia contemporánea organizada en América Latina y la narrativa de la "transición fallida"

RESUMEN | En este artículo se discuten las disputas sobre la identificación de los "legados" persistentes del pasado que participan en la constitución de los patrones presentes de violencia organizada. Resalta cómo las formas presentes de violencia organizada a menudo se vinculan con experiencias pasadas de violencia política en el contexto del discurso de justicia transicional, ya que las violaciones contemporáneas a los derechos humanos se enmarcan como indicadores del fracaso de pasados procesos transicionales. El artículo luego explora dichas disputas en el contexto de los debates recientes de la sociedad civil, en México, sobre el potencial desarrollo de mecanismos de justicia transicional; y en el contexto de la subcomisión de Verdad en Democracia "Madres de Acari", en Rio de Janeiro, Brasil.

PALABRAS CLAVE | Brasil; justicia transicional; legados; México; violencia organizada

Desatando legados violentos: a violência contemporânea organizada na América Latina e a narrativa da "transição fracassada"

RESUMO | Neste artigo, são discutidas as disputas sobre a identificação dos "legados" persistentes do passado que participam da constituição dos padrões atuais de violência organizada. Ressalta-se como as formas presentes de violência organizada com frequência são vinculadas a experiências passadas de violência política no contexto do discurso de justiça de transição, já que as violações contemporâneas dos direitos humanos

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são definidas como indicadores do fracasso de passados processos de transição. Logo, o artigo explora essas disputas no contexto dos debates recentes da sociedade civil, no México, sobre o potencial desenvolvimento de mecanismos de justiça de transição, e no contexto da Subcomissão da Verdade na Democracia "Mães de Acari", no Rio de Janeiro, Brasil.

PALAVRAS-CHAVE | Brasil; justiça de transição; legados; México; violência organizada

On September 14, 2018, the Mexican president-elect Andrés Manuel López Obrador (often referred to as AMLO) participated in an event on the perspectives for transitional justice in the country, the Second Dialogue for Peace, Truth and Justice. The event, held by the National Human Rights Commission alongside other agencies, universities and civil society organizations, took place at a cultural center in Tlatelolco, the same square in Mexico City where, in 1968, the armed forces opened fire against hundreds of unarmed civilians at a protest, turning it into a massacre that is considered part of the country's "Dirty War." This fact was mentioned in one of the opening speeches, by the poet Javier Sicilia, who created the Movement for Peace with Justice and Dignity (MPJD) in 2011 after the murder of his young son. According to Sicilia,

> That massacre, the 1968 one, also plagued with disappearances, and which marked the 20th century, was poorly acknowledged by the government of the wrongly called democratic transition, the truncated and sloppy truth process of the Special Prosecutor's Office for Social and Political Movements of the Past (FEMOSPP), created by Vicente Fox. It has led to theimpunity and forgetting that, in the 21st century, condemned us to repeat violence in a much more terrible and atrocious manner. (CNDH 2018)

Over a thousand victims and family members went to the Tlatelolco cultural center that day (Zavala 2018), having been invited to prepare presentations on the need for a transitional justice strategy. As they were given the floor, however, many victims went beyond the planned "script" and started to express their personal experience, asking AMLO to find their own loved ones, their children, their husbands. As organizers attempted to calm the audience, a little girl climbed up on the stage and sat by AMLO's side, holding a sign with a picture of her disappeared father. Finally, López Obrador took the microphone and hesitantly started to say that he had listened to their suffering; but he then went on to "explain" the causes of their suffering. In his words:

> All these things that have unfortunately taken place have an explanation. I will not go into the background theme, but I will just say that violence in Mexico has taken place because, since 1983, the country has chosen an economic model called neoliberal but which is, in fact, neoporfirismo. [...] This is what has originated all of this pain and all of this violence. ("Presidente electo se reúne con familiares" 2018)

AMLO then said that his government would fix it. He would provide education and jobs, and he would create a scholarship program for their children —to which a voice in the crowd screamed "our children are disappeared!" Eventually, the Mexican president claimed that, while he believed in the importance of forgiveness, he understood that what those victims were asking for was justice; and that his Secretary of Interior would thus guarantee that justice would be provided to them (CNDH 2018).[1]

Months later, on December 10, 2018, in the Brazilian city of Rio de Janeiro, the state's Legislature held a special session dedicated to the International Human Rights Day. At the event, civil society activists spoke about the challenges they would likely face in the coming years, not only due to the election of a president who opposes human rights and denies that a dictatorship has taken place in Brazil, but also due to the election of a state governor who had said that his solution for crime would be to have snipers aim at the heads of "bandits" holding rifles and shoot.

As part of that session, the final report of the Sub commission of Truth in Democracy "Mothers of Acari" was first presented to the public. Two of the Sub commission's researchers presented their findings on patterns of torture and forced disappearance perpetrated by state agents and related actors between 1988 and 2018, in the State of Rio de Janeiro. Both accounts emphasized the distribution of these violations across Rio's population which, by mainly targeting the bodies of young black men, revealed the institutionalized racism that grounds Rio's judicial and security apparatus.

Their presentation was followed by speeches of the Sub commission's partners. One of them, representing the Ford Foundation, praised the Sub commission's findings and reinforced the central place of structural racism in their composition. But she also noted that such initiatives for memory, truth and justice were needed in Brazil due

1 Footage of the event is available at CNDH (2018). Parts of this story were also told to me at an interview with Mariclaire Acosta, at Mexico City, in April 2019.

to the existing "democratic deficit in our country, which has not yet provided justice to the families of those executed and disappeared or to the political prisoners of the civil-military dictatorship, and which continues to endorse atrocities and impunities perpetrated by state institutions and agencies in the *favelas*, in prisons and in rural conflicts" (TV ALERJ 2018).

Both events are illustrative of how different actors make sense of present patterns of organized violence, often, but not necessarily, by articulating connections between these patterns and particular points in the *past*, which persist in the form of *legacies*. At the Second Dialogue for Peace, Truth and Justice in Mexico City, much of the incoherence in the interaction among the actors involved stemmed from the different ways in which they make sense of present violence, connecting it (or not) to past events and structures. Firstly, human rights and transitional justice activists had decided to hold the event at a place that symbolized past state violence perpetrated in the name of counterinsurgency. Secondly, certain victims' movements did not necessarily identify with a holistic transitional justice agenda —particularly in the case of certain family members of disappeared persons, for whom the priority are search efforts— and might thus be less inclined to situate the causes of their suffering in the country's past. Finally, AMLO's effort to trace victims' needs to a legacy of neoliberalism would foreground solutions from the field of socioeconomic policy —which, while probably perceived as appropriate in other settings, seemed out of sync with the expectations of either human rights experts and activists or victims' collectives.

The presentation of the Sub commission of Truth in Democracy's final report in Rio de Janeiro, in turn, illustrates the need to account for a multiplicity of "legacies" which participate in the composition of present patterns of organized violence. On the one hand, the Sub commission arose amidst a proliferation of truth initiatives regarding past political violence, and it sought to account for connections between present human rights violations and a past of state repression under the Brazilian military dictatorship. On the other hand, it also needed to account for legacies of racism, which must be traced much further back into Brazilian history.

Therefore, these events illustrate disputes that arise from an understanding of present violence in various Latin American contexts as an effect of persisting *legacies* of past violence, which have not been properly confronted and overcome. Those disputes will be further explored in this article, with an emphasis on what it means to read present forms of organized violence —especially when perpetrated by state agents in the name of a "war on crime"— in connection with past experiences of political violence, as often noted in the discourse of human rights experts. It is argued here that this emphasis on the legacies of the past which participate in the composition of present violence favors a particular set of prescriptions and initiatives for the transformation of these patterns —namely those associated with the field of transitional justice.

The notion of transitional justice commonly refers to mechanisms through which serious human rights violations perpetrated in the past are handled, in order to guarantee victims' rights to truth, justice, reparations and non-repetition. A more specific understanding within that field is of interest for this article: the *"failed transition" narrative*, that is, the construction of present patterns of serious human rights violations as indicators of the failure of past transitional justice efforts, which would in a sense condemn a society to the repetition of those violations. Over the last few decades, this narrative has been mobilized in many Latin American contexts, as the signature of peace agreements or the adoption of democratic constitutions gave way to reconfigurations of organized violence, perpetrated by state and non-state actors, rather than the peace that had been foreseen. As a result, a growing number of actors now turn to transitional justice mechanisms as a source of answers for the transformation of present violence, to the extent that it is allegedly connected to the persisting legacies of the past. However, as will be discussed in this article, the entanglement between ruptures and continuities in the (re)production of present violence leads to a rearticulation of the field of transitional justice itself, favoring a more nuanced understanding of "transition" that blurs the distinctions between past, present, and future that have traditionally grounded these practices.

After exploring these arguments in the next section, this article will discuss contemporary political disputes in Mexico and Brazil which illustrate the tensions arising from the act of identifying "legacies" that connect present and past patterns of organized violence. In both countries, there have been recent efforts to establish transitional justice mechanisms, such as truth commissions, devoted to *present* serious human rights violations; and in both contexts, these initiatives have been premised on the view that previous transitional justice attempts, focused on past patterns of state terror, had failed to promote the transformation of their legacies; that is, their "non-repetition." Therefore, these cases illustrate some of the challenges that arise from attempts to draw from the transitional justice toolkit in order to "deal with the present," after a perceived failure to "deal with the past," or to overcome its "legacies." In the Mexican context, I will explore recent civil society debates about the development of transitional justice mechanisms during the presidential transition in 2018 and 2019, highlighting the place of the idea of a "legacy" of impunity in these debates; while in Brazil, I will specifically analyze the experience of the Sub commission of Truth in Democracy "Mothers of Acari" in Rio de Janeiro, as it sought to account for the entanglement

among different "legacies" in the composition of present violence. The analysis of these stories is grounded in documentary research, on the analysis of footage on public events available in online media and on interviews with experts and activists on the field.

Violent Legacies as Transitional Justice "Failures"

The concept of "legacy" is commonly used to refer to that which is transmitted from the past into the present. An estate that is left by a parent to their children in a will, the lessons written down by an ancient philosopher and inherited by future generations, the memory of human rights violations committed in a past war, or the contemporary structures of inequality which can be traced back to colonial rule are a few examples of the sorts of contexts where the idea of "legacy" is usually deployed (see The Merriam-Webster Dictionary 2020). It evokes the image of that which is somehow inherited over time; or of that which remains from the past.

Therefore, the idea of legacy speaks of the relationship between present and past. Introducing a revisited edition of his classic *The Past is a Foreign Country*, David Lowenthal claims that "The past is everywhere. All around us lie features with more or less familiar antecedents. Relics, histories, memories suffuse human experience" (2015, 1). That is not to deny the possibility of transformation; as noted by Lowenthal, while "the whole of the past is our legacy," it is also true that "our legacy, divine and diabolical alike, is not set in stone but simmers in the incipient flux of time. Far from inertly ending, the ongoing past absorbs our own creative agency, replenishing that of countless precursors" (2015, 610).

In this article, in turn, I mobilize the image of a legacy as a thread, which is actively extended over time in order to connect particular points in the present and in the past, rather than as a layer of relics or residues. That is, instead of emphasizing the accumulation of what *remains* from the past, I wish to focus on the *act* of connecting past and present *as if* there were a transmission between those points, while the *legacy* is the thread that enacts this connection. That image allows us to understand how multiple threads can be pulled by different actors over time, in order to emphasize different causalities in the production of present violence; and it also allows us to analyze the entanglement among different threads. As will be discussed below, in the field of transitional justice, and especially in various Latin American contexts, the thread of legacy is extended over time in a particular way: present configurations of criminal violence, or of state violence perpetrated in the name of "wars on crime," are often presented as partly resulting from a legacy of past forms of past violence, which has not been properly overcome by transitional justice efforts.

"Coming to Terms" with Legacies of Past Violence

In the field of transitional justice, the notion of "legacy" is often deployed with a more particular role. For instance, according to a report published by the United Nations Secretary-General in 2004, the notion of "transitional justice" comprises:

> [...] the full range of processes and mechanisms associated with a society's attempts to *come to terms with a legacy of large-scale past abuses*, in order to ensure accountability, serve justice and achieve reconciliation. These may include both judicial and non-judicial mechanisms, with differing levels of international involvement (or none at all) and individual prosecutions, reparations, truth-seeking, institutional reform, vetting and dismissals, or a combination thereof. (UN Secretary-General 2004, paragraph 8; emphasis added)

This understanding of the relationship between transitional justice and violent legacies is reinforced in a report published in 2012 by the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Pablo de Greiff, where he claims to take "the four components of the mandate, truth, justice, reparations and guarantees of non-recurrence as a set of measures that are related to, and can reinforce, one another, when implemented to *redress the legacies of massive human rights violations and abuses*" (UNHRC 2012, paragraph 21; emphasis added).

These definitions of transitional justice place the idea of the "legacy" of human rights abuses as the main problem these mechanisms seek to "fix" or "redress." This idea of overcoming legacies of past violence is inseparable from a broader narrative of transition: beginning in the tragedy of large-scale affliction, it aims to move a society towards a redemptive resolution in the form of peace and reconciliation; and the production of greater societal self-knowledge in the form of a collectively shared historical truth is represented as a crucial step along the way (Teitel 2014, 106-107). According to Castillejo Cuellar (2017), this notion of transitional justice, along with the network of legal and extralegal practices associated with the term, is thus based on at least two premises: firstly, the "promise" or "prospect" of a "new imagined nation"; and secondly, the very possibility of assigning violence a place "behind," by having it contained in the "past." In other words, according to the "promise" of transitional justice, as a society moves forward, violence should be left behind, while the present is conceived as a liminal moment; and truth commissions have a particularly central role in the production of this fracture between a "violent past" and a "coming future."

The implied consequence of this narrative is that when a society fails to come to terms with its past, it will be haunted by violent legacies in the present. This

perspective is at the core of the global emergence of the legacies of past atrocities as a political issue, whether these legacies are defined in terms of structural factors that perpetuate violence, or in the form of persisting grievances among those who have been victimized (see Bevernage 2011, 13). As will be discussed below, in Latin America, the emergence of new patterns of human rights violations has often been read in relation to a sense that transitional justice processes in the region have been incomplete, thereby identifying present forms of organized violence with the "failure" to fully overcome the legacies of past political violence.

Violent "Legacies" in Latin America

Since the 1980s, Latin America has played an important role in the emergence of a global field of transitional justice. Initially, that role was connected with the experiences of democratic transition in the Southern Cone and with peace processes in Central America (see Fuentes Julio 2015, 7–8). In the 2000s, the process of dealing with past human rights abuses under authoritarian regimes and civil wars in Latin America has been reinvigorated, through the establishment of new truth commissions, trials and reparations policies, amongst other mechanisms. On the one hand, these developments were connected to a global trend, namely the upsurge of a culture of memory and of human rights accountability mechanisms. On the other, regional factors have also been crucial, including a sense of dissatisfaction with how past violence had been handled in post-authoritarian/post-conflict settings, especially among victims' families; as well as a generalized sense of distrust in government and law enforcement institutions, fueled by economic inequality and mounting violence (Villalon 2017).

Thus, in the 2000s, a rise in violence levels, coupled with a sense that transitional justice processes in the region had been "incomplete," favored the understanding that we were witnessing the *legacies* of previous contexts of dictatorship or armed conflicts. This perspective is reflected in a large body of recent literature devoted to what remains of past dictatorships and conflicts in the region, including their impacts on the present power of military institutions, on patterns of arbitrary practices and illegal violence perpetrated by state agents, and on the weakness of judicial institutions, for instance (e.g., Esparza 2015; Schneider and Esparza 2015; Hite and Cesarini 2004). Aside from the recent establishment of memory, truth and justice initiatives dedicated to past violations, this context has also given rise to mechanisms which, while inspired by experiences of transitional justice in the region, focused their attention on *present* human rights violations. In these cases, there is often an emphasis on the connections between present forms of criminal violence, or of state violence committed in "wars on crime" and past contexts of political violence, which past transitional justice efforts have "failed" to properly handle. These contexts have also given rise to discussions on what it means to speak of transitional justice in contemporary contexts where no clear "transition" is in sight (see Uprimny Yepes and Saffon Sanín 2006; Saffon 2019). In these settings, the present is still reinstated as a liminal place that holds the promise of a transformed future, but the impossibility of distinguishing a clear-cut "fracture" makes room for closer attention to be paid to the structures that sustain violence over time.

In these efforts to "deal with the present," the idea of "legacies" arguably rescues the transitional justice paradigm in the face of persisting violence, reframing present patterns as a result of failed efforts to contain violence in the "past." However, by retaining the "promise" of transitional justice in the form of a new rupture —this time, the rupture with the persisting legacies of the past— this narrative runs the risk of dismissing the dialectics of change and continuity that underlies the human experience. As noted by Alejandro Castillejo Cuellar (2017), accounting for these dialectics requires attention to be paid to the historicity of the transitional, while expanding collective debates on the various registers of war, some of which are more properly conceived as part of a much longer continuum of violence that blurs distinctions between "war" and "peace" or "dictatorship" and "democracy." In other words, a critical approach to the notion of transition leads to an awareness of the entanglement between historical shifts and continuities, including the place of structural factors, such as economic inequality and exploitation, in the emergence and perpetuation of violence. Therefore, the articulation of "legacies" as threads that connect present phenomena and past causes is constantly subjected to challenges that range from the existence of multiple entangled legacies in the production of present violence, to the persistence of structural factors that are to be found in the present as much as in the past. Accounting for these entanglements is one of the main challenges posed for activists and experts that bring the field of "transitional justice" to bear on present patterns of human rights violations.

The next sections will discuss some of the mechanisms which, inspired by the field of transitional justice, have been designed in Latin America as a means to transform present patterns of human rights violations. They will also illustrate the tensions that arise from these initiatives, including the need to handle the multiple "legacies" that constitute present configurations of organized violence, as well as the structural continuities that challenge the centrality of the past in reading and transforming present violence. Besides, the following stories also demonstrate some of the ways through which the field of transitional justice practices is being rearticulated in order to account for patterns of human rights violations which cannot be readily translated

into its traditionally assumed teleology. In other words, while extending the thread of "legacy" in order to connect present violence and past "failed" transitional justice attempts, activists and experts are also reworking the premises of this field.

Legacies of Impunity: Connecting the Present "War on Drugs" and the Past "Dirty War" in Mexico's Transitional Justice Debate

In July 2018, a few weeks after the results of presidential elections in Mexico, the Platform Against Impunity and Corruption, a collective made up of national and international human rights organizations, anticorruption organizations, scholars, journalists and other activists, whose creation was led by the Mexican Institute of Human Rights and Democracy (IMDHD) presented a proposal for the implementation of a Truth and Historical Memory Commission for Mexico to the public.

In this first version, the proposed Truth Commission would focus on clarifying the serious human rights violations committed in the context of the "war against drug trafficking" in the country since December 2006. Presenting the proposal on July 24, 2018, Guillermo Trejo —a member of the Platform who had a central role in its formulation— noted: "In 2000, we had a historical opportunity, and a transitional justice was aborted, which partly explains the long night of violence in which we are still entrapped. We shall not waste the historical opportunity we have right now" (IMDHD 2018).

The "aborted" transitional justice effort to which Trejo referred was the Special Prosecutor's Office for Political and Social Movements from the Past (FEMOSPP). It was established in the early 2000s by Mexican president Vicente Fox, after a long period of one-party rule. Its aim was to account for human rights violations perpetrated in the 1960s and 1970s during the country's "Dirty War," particularly the forced disappearance and execution of political oppositionists from armed movements and of students, including those involved in the Tlatelolco massacre in 1968. The FEMOSPP was shut down in 2007 without publishing an official report —a document on those violations was eventually leaked, but it was never officially recognized and allegedly represents only the position of its authors. Besides, no state officials were convicted for past violations, and no reparations program was established at the time when FEMOSPP ended (Ansolabehere 2019).

Presenting the first version of a truth commission proposal in 2018, Trejo highlighted that, while there were clear connections between the violations committed in the past and those of the present, this Commission should be a trigger for other mechanisms focused on contexts such as the country's *guerra sucia*, as handling all of them at the same might jeopardize the Commission's effectiveness. However, a second version of the proposal, released months later after extensive consultations with national and international human rights experts and organizations, requested a two-fold temporal mandate. It would seek to account for serious human rights violations perpetrated in the country in two periods: between January 1, 1965 and November 30, 2006, and between December 1, 2006 and the present. The aim was to, on the one hand, shed light on violations committed both in the country's war on drugs and in the context of state repression against political opponents; and, on the other, "to analyze the potential links between practices and actors of political violence in the past and of criminal violence in more recent times" (CMDPDH 2019).

What was at stake was the place of the past in attempts to make sense of the present. While the first proposal already entailed a perception that the failure to confront past violations was connected to the emergence of contemporary patterns of violence, the "legacies" of this failure became even more centralized after the debates and processes that led to its second version. While the proposal concerns the creation of a mechanism dedicated to violations perpetrated in the present, it is still enmeshed in the temporal imagination that grounds the field of transitional justice. However, the nature of these legacies, as well as the place they should have in mechanisms that seek to transform present patterns of human rights violations, have been the subject of important disputes, as will be discussed below.

Transitional Justice Debates Regarding Mexico's "War on Drugs"

The onset of the temporal scope of the truth commission in its first proposal is December 1, 2006, a date that is often quoted as the beginning of a "war on drugs" in Mexico. That was when Felipe Calderón took office as Mexican president (2006-2012). Days later, he ordered the deployment of thousands of Army soldiers in the Mexican state of Michoacán, in what was considered a declaration of war against drug cartels (Espino 2019).

While Mexico had faced conflicts over the control of drug routes since the end of the 1980s, that moment in 2006 marked an inflection in terms of the subsequent focus on militarized strategies against organized crime. Since then, the country has faced a drastic increase in various forms of violence, including homicides and forced disappearances, stemming from confrontations between state forces and organized criminal groups, as well as amongst criminal groups themselves. As a result, between 2007 and April 2018, over 130 thousand people were murdered, over 33 thousand were forcibly disappeared, bodies have been found in over a thousand clandestine grave sites, thousands of persons have been victimized in collective massacres, and hundreds of journalists, mayors, local

politicians and religious leaders have been executed by state agents and by members of criminal organizations, whether in confrontation or in collusion with each other (Grupo Verdad y Memoria-Plataforma Contra la Impunidad y la Corrupción 2018).

Over the last few years in Mexico, certain civil society organizations have felt that their traditional strategies to promote human rights —such as advocacy and strategic litigation— were limited in the face of rising levels of violations in the country. They thus began to develop proposals for the creation of exceptional mechanisms inspired by the experience of transitional justice processes in Latin America. One of them, the proposal of a Truth Commission, was developed by the Platform Against Impunity and Corruption after studies about experiences of truth commissions in countries such as Peru, Argentina, Chile, Colombia, El Salvador and Guatemala, as well as about past transitional justice attempts in Mexico —especially the FEMOSPP and the local truth commissions established in the states of Guerrero and Oaxaca, also related to human rights violations committed by state agents in the 1960s-70s (Interview with Edgar Cortés, IMDHD, Mexico City, April 2019).

In 2018, presidential elections provided a window of opportunity for discussions on potential transitional justice mechanisms. This was particularly true after AMLO, in his presidential campaign, declared in December 2017, that he intended to provide amnesties as part of a pacification program for the country —an unclear and controversial proposal, which was confronted by victims who asked for "neither forgiveness, nor forgetting" (*ni perdón, ni olvido*) ("¿Amnistía a líderes de cárteles?" 2017). In response to this resistance, AMLO's campaign team reframed the proposal of amnesties as "part of a comprehensive peacebuilding strategy under the transitional justice framework in order to close the cycle of war and violence" (Ortiz Ahlf 2018). In May 2018, the National Human Rights Commission (CNDH) and the Movement for Peace with Justice and Dignity (MPJD) held the first Dialogue for Peace and Justice, where AMLO, amongst other presidential candidates, expressed support for various transitional justice policies ("AMLO dice sí" 2018).

In July 2018, López Obrador won the presidential elections, which prompted civil society organizations to demand the fulfillment of his previous promises regarding the transitional justice agenda. In September 2018, as mentioned in the introduction of this article, the Second Dialogue was held at the Tlatelolco Square. Following this, as part of the presidential transition, AMLO established six working sessions (*mesas de trabajo)* to further develop transitional justice proposals. Meeting in Mexico City, the sessions brought together activists from human rights organizations, victims' groups from the capital and from other states, scholars, and national and international experts (Dayán 2019; Arteta 2019).

At the working session on the creation of a Truth Commission, the first proposal presented by the Platform was subjected to further debates and inputs including a wider set of victims' groups, as well as a number of national and foreign transitional justice experts (Grupo Verdad y Memoria-Plataforma Contra la Impunidad y la Corrupción 2019). According to Edgar Cortés, a member of the Platform, during these debates it soon became clear to those activists and scholars that "one cannot explain the current criminal violence without somehow explaining or understanding the political violence that precedes it and that enmeshed with it over time" (Interview with Edgar Cortés, IMDHD, Mexico City, April 2019). Similarly, according to Luis Daniel Vazquez (FLACSO-México), who also participated in the transitional justice working sessions, "[f]or us it is clear that present patterns of violence have their explanation in the past, some of them in the country's Dirty War; most of them, also in the regional histories of each federative entity [...]. We know we have to draw connections, that we would have to investigate because after all they are still victims, and victims deserve this right to truth and justice" (Interview with Luis Daniel Vazquez, FLACSO-México, Mexico City, April 2019). As previously mentioned, after months of discussions, a second version of the proposal was brought to the public in January 2019, with a two-fold temporal frame which aimed to identify connections between the present and past cycles of violence in the country.

Ultimately, however, the transitional justice agenda has been progressively emptied by AMLO's administration. After meeting with the parents of 43 students who were forcibly disappeared in Ayotzinapa in 2014, the Mexican president created a Presidential Commission for Truth and Access to Justice in the Ayotzinapa case (Gobierno de México 2019) and expressed his commitment to strengthen search mechanisms (Sheridan 2019). However, since the working session in 2018, AMLO's administration progressively abandoned discussions about broader transitional justice mechanisms and, as a result, the Truth Commission proposal described above has remained largely limited to civil society debates. Moreover, going against promises made in his campaign, AMLO deepened the militarization of the country's security strategy through the creation of a National Guard under military command, which, according to many human rights activists in the country, effectively neutralizes any possibility of a meaningful "transition" (Dayán 2019; Arteta 2019).

A Legacy of Impunity

As illustrated above, the idea that making sense of present patterns of organized violence requires us to observe their connections with the past has been at the center of transitional justice discussions in the country, becoming increasingly explicit in proposals for a Truth Commission. As we look at the particular content that

is attributed to these connections, the place of "impunity" is particularly central; and the failure of FEMOSPP to handle past human rights violations is taken to be part of this history of continuous impunity. This idea is reflected in the 2019 version of the truth commission proposal, which claims to be part of an "anti-impunity package" (Grupo Verdad y Memoria-Plataforma Contra la Impunidad y la Corrupción 2019).

Jacobo Dayán, who coordinated the transitional justice working groups in 2018, holds a similar view. According to him, the recognition of the links between violations committed in the country's Dirty War and present patterns of violence is widespread across civil society organizations, including the continuity between patterns of impunity then and now. In this regard, Dayán claims that

> If Mexico had gone through even a halfway complete transitional process, we would now have institutions focusing on the search of missing persons. [...] We would have institutions we do not have today. If recommendations had been made to the General Prosecutors Office for a reform of the judicial apparatus, if protocols on the use of force had been designed, if there had been reforms in the country's Armed Forces, if there had been a reparations model [...] today we would have the institutions and the legal framework that we decided not to have, because we decided not to do anything. (Interview with Jacobo Dayán, Universidade Iberoamericana, Mexico City, April 2019)

However, the issue of "impunity" may be conceived in multiple ways, not all of which are consistent with a transitional justice narrative and strategy. In this regard, it should be noted that not all victims' movements were equally supportive of the idea of establishing these sorts of transitional justice mechanisms. There has been some resistance by certain family members of forcibly disappeared persons, for instance, who were skeptical about the impacts of this initiative on their own individual cases or fearful that essential resources might be deviated from search efforts. The experts' response was usually to refer to the experience of transitional justice in other countries, where truth commissions had led the way for reparation policies and judicial practices (Interview with Edgar Cortés, IMDHD, Mexico City, April 2019).

This tension is especially striking considering that the consolidation of a right to truth in the inter-American human rights system was closely linked to the phenomenon of forced disappearance. This right first manifested itself in the region with the emergence of states' obligation to promote "an effective search to establish the whereabouts of forcibly disappeared victims, in order to establish the truth of what happened"; it was thus primarily "a right pertaining to relatives of victims of forced disappearance" (IACHR 2014, paragraph 10-11). Over time, however, the right to truth was increasingly consolidated around two dimensions: the right of victims and their family members; and the right of society as a whole "to know the truth about past events, as well as the motives and circumstances in which aberrant crimes came to be committed, in order to prevent the recurrence of such acts in the future" (IACHR 2014, paragraph 15). While the first dimension is more often handled through search mechanisms devoted to finding the forcibly disappeared, the second, became increasingly associated with independent truth commissions dedicated to the identification of patterns and causes amidst massive human rights violations. This is where the idea of identifying *legacies* over time finds its meaning.

In other words, important tensions arise from the coexistence between conceptions of impunity as a problem to be handled on a case-by-case basis, or through a more "holistic" approach, as often advocated in the field of transitional justice. This tension is also reflected on debates regarding the centrality of past legacies in confronting present human rights violations, impacting support for proposals such as the creation of a truth commission as well as debates about its temporal scope. In the next section, we will look at another challenge that arises from efforts for producing truth regarding present patterns of human rights violations: the need to account for the entanglement among the many *legacies* that can be drawn between past and present experiences of violence.

Entangled Legacies: Connecting Present State Violence to Multiple Pasts in Rio de Janeiro's Sub Commission of Truth in Democracy

In May 2012, a National Truth Commission was created in Brazil in order to investigate serious human rights violations occurred between the constitutions of 1946 and 1988, but mainly focused on the country's period of military dictatorship (1964-1985). Its final report, published in 2014, acknowledged crimes of torture, summary execution, arbitrary detention and concealment of bodies, mainly perpetrated by state agents against members of oppositionist armed groups or university students; thus, victims tended to be young, white and middle-class. Violations against other sections of the population which did not meet the strict criteria of "political victims," such as peasants, indigenous peoples and black populations living in the peripheries of large cities, were mostly relegated to the second volume of the report, composed of texts which only represented the position of their authors, as opposed to the official first and third volumes (Pedretti 2017).

In the years that followed the creation of the National Truth Commission, over a hundred subnational commissions were created across the country. Some of them were linked to state and city governments and

legislatures, while others were outside the state realm; they were created by trade unions, universities, and professional associations; and they often sought to overcome limitations attributed to the National Truth Commission. This proliferation, referred to by Cristina Buarque de Hollanda as "commissionism," has largely stemmed from the struggle for memory, truth, and justice by victims of the Brazilian military dictatorship and their family members, and members of these sub-national truth commissions have often referred to the continuities revealed by violations committed by state agents in the present. As put by a commissioner in the State of Rio de Janeiro Commission: how could people not connect "the police who kills inside a UPP and the police who used to kill inside a DOI/CODI?" (Buarque de Hollanda 2018, 7).[2]

While the multiplication of commissions devoted to violations committed in the dictatorship has since decelerated, this process has also influenced the emergence of new mechanisms with a mandate devoted to violations committed after the country's "democratization." This has been the case of the Sub commission of Truth in Democracy "Mothers of Acari," created in December 2015 by the Commission for the Defense of Human Rights and Citizenship situated in Rio de Janeiro State Legislature (CDDHC/ALERJ). Initially composed of three researchers with a 3-year mandate, the Truth Sub commission aimed to gather, systematize, and analyze information regarding the serious violations of human rights committed by state agents and related actors, between 1988 and 2018, in the State of Rio de Janeiro. As the Sub commission later declared in its final report, the initiative was considered innovative due to the decision to analyze the same historical period in which it was implemented, rather than focusing on the past (Comissão de Direitos Humanos da Alerj 2018a, 11).

On the one hand, the creation of the Sub commission was inspired by the experiences of the Brazilian National Truth Commission and of the Truth Commission of the State of Rio de Janeiro (CEV-Rio), both of them focused on the dictatorship period. Another crucial inspiration was the Truth Commission in Democracy, Mothers of May, established in the same year in the Legislature of São Paulo with a similar mandate as that of Rio's Sub commission, but with that state as its spatial scope (Comissão de Direitos Humanos da Alerj 2018a, 11). On the other hand, the Sub commission was also the result of the mobilization of human rights movements and organizations which resist institutional violence, including movements based in Rio's *favelas*, alongside a number of researchers and activists.[3]

As mentioned in the first section of this article, handling the legacies that participate in the composition of present patterns of human rights violations can require an awareness of the connections between the present and various contexts in the past. In efforts to make sense of present violence, these "legacies" are mobilized as threads over time, emphasizing different "connections" as causal factors to be transformed. In the context of the Sub commission of Truth in Democracy "Mothers of Acari," the entanglement between different legacies was evident from its start. After all, the Sub commission had to make sense of the violence perpetrated by state agents "in Democracy"; that is, after an official process of democratization. However, the present patterns of state violence it sought to handle were not necessarily compatible with the temporality of dictatorship and democratization, since the violent presence of state agents in marginalized areas such as Acari was part of a much longer history.

Mothers of Acari

On July 26, 1990, eleven people, most of whom were teenagers from the Acari *favela* in Rio de Janeiro, went to the nearby city of Magé for a short vacation.[4] Around midnight on that same day, a group of armed men who presented themselves as police officers broke into the house, asking whether there was jewelry or money on the premises. The entire group was then put into two vehicles and taken to an uncertain location. None of them were ever seen again (Comissão de Direitos Humanos da Alerj 2018c).

The cars were found days later, burnt and with traces of blood. The main suspects were death squads from that region, which included military police officers in their ranks, according to the accounts of many witnesses. However, after decades of troubled and inconclusive investigations by Brazilian authorities, no suspects have been held responsible for the massacre, and the victims' whereabouts remain unknown.

2 The UPPs (Pacifying Police Units) are public security polices implemented in the state of Rio de Janeiro in 2008. The DOI/CODI, or Department of Information Operations - Center for Internal Defense Operations, was a police unit which was central to intelligence and repression activities during the Brazilian dictatorship.

3 The following organizations are mentioned: Rede de Comunidades e Movimentos Contra a Violência, Fórum de Juventudes do Rio de Janeiro, Fórum Social de Manguinhos, Instituto Brasileiro de Análises Sociais e Econômicas (IBASE), Instituto de Estudos da Religião (ISER), Coletivo Olga Benário, CEV-Rio and Justiça Global.

4 Their names and ages were: Antônio Carlos da Silva, 17; Cristiane Souza Leite, 16; Édio do Nascimento, 41; Edson de Souza, 17; Hudson de Souza, 16; Luiz Carlos Vasconcelos de Deus, 31; Luiz Henrique da Silva Euzébio, 18; Moisés dos Santos Cruz, 27; Rosana de Souza Santos, 18; Viviane Rocha da Silva, 14; and Wallace do Nascimento, 17.

The case became known as the "Acari massacre" (*Chacina de Acari*), and the struggle of the victims' mothers led to the birth of a movement of victims of state violence and their family members, called "Mothers of Acari" (*Mães de Acari*). Having become a reference for the struggle for truth and justice, most of those mothers have died without ever getting an answer on what happened to their children. One of them, Edméia da Silva Euzébio, was murdered on an afternoon in 1993, in the parking lot of a crowded subway station. Later, investigations suggested that she had just obtained important information that might help her find the body of her disappeared son (Anistia Internacional 2018).

The Acari massacre is also emblematic in terms of the temporal continuities expressed by the experience of death squads in Rio. As was later discussed in the first volume of the Sub commission's final report, these actors can be traced back at least to 1958, when a group of police officers —some of whom had participated in political repression during a previous authoritarian government— was created with a license to "clean the city" by executing thieves, homeless persons, prostitutes, and other marginalized groups. During the dictatorship, death squads deepened their informal role as controllers of urban criminality in peripheral regions of the state (Comissão de Direitos Humanos da Alerj 2018b), although their victims —mostly black young peripheral men— are not generally framed as victims of dictatorship.

Moreover, as mentioned in the previous section, the phenomenon of forced disappearance is widespread in Latin America, and victims' mothers have played a central role in the consolidation of a "right to the truth" in the region. However, while much of this framework has been developed in relation to violations committed against political opponents, contexts in which violations are perpetrated by state agents —whether in death squads or on duty— against marginalized communities pose additional challenges for the struggle of family members for truth and justice. The mothers also face the stigmatization associated with their social condition, as expressed by one of the Mothers of Acari:

> A few days ago, we heard Col. Larangeira, who at the time of the crime commanded the 9th BPM (Rocha Miranda) [and had been accused of leading a death squad involved in the massacre], tell us that we could not be called "Mothers of Acari" because we were comparing ourselves to the Mothers of May. According to him, we are the mothers of 11 criminals, while the Mothers of May were mothers of people who died fighting for democracy in Argentina. He suggested that we are linked to drug trafficking, which is untrue. My life is an open book. (Araújo 2007, 53-54)

This distinction in the legitimacy often attributed to victims' mothers suggests the need to account for the different legacies that constitute patterns of human rights violations committed by state agents "in democracy," as will be further explored below. Going beyond an analysis of particular practices that remain from times of dictatorship, one must also take into account the structural continuities that enable the continuous targeting of these communities before, during and after times that are deemed "exceptional."

Entangled Legacies in Democracy

Many challenges arise from the differences between a transitional justice narrative —including the framing of present violence as an indicator of a failed transitional justice— and the repertories of mobilization associated with the struggles against structural racism in the country. After all, as seen above, the Sub commission was created at a moment of proliferation of subnational truth commissions, which were connected by certain perspectives on the place of the past dictatorship in the composition of present violence; but it also stemmed from the struggles of peripheral communities against state repression as it has long been perpetrated against black bodies.

During 2016, a number of open meetings were held, where researchers, victims' movements and human rights activists collectively discussed the methodology of the Sub commission. At one of these meetings, participants discussed the status of the Acari case as part of a broader structure of impunity, rather than an isolated event; as argued by one participant, "in Acari, this case is constantly reenacted and refueled. We need to think of how this case reenacts issues that we experience all the time. It is not just Acari, it happens every day" (Subcomissão da Verdade na Democracia 2016, [n. p.]).

These issues would later be reflected in the Sub commission's final report, published in 2018. The executive summary of the final report begins with a question: "Why a truth commission in democracy?" The answer starts with an account of the transitional justice processes at the end of military dictatorships in Latin America in the mid-1980s, mainly characterized by memory and truth initiatives undertaken much later. The incomplete character of this transition is, then, connected in the report, to present patterns of state violence against marginalized communities: "The guarantee of the right to memory and truth constitutes, thus, an attempt to conclude the process of redemocratization in Brazil, confronting the institutional racism that has never been after overcome" (Comissão de Direitos Humanos da Alerj 2018a, 9).

Thus, while reproducing the narrative of an incomplete transition as a source of present violence, the report also hints at the entanglement between this "authoritarian legacy" and the historical effects and origins of structural racism in Brazil. It also notes that:

> The systematic violence of the state against, mainly, the black and poor population reveals that, 30 years after the redemocratization of the Brazilian state, the legacy of dictatorship —and of historical periods which start with the slavery of black women and men— remains in police and military structures, as well as in criminal justice policies. It is clear that, for certain social groups, the state of exception has never ceased to exist, which allows us to argue that nowadays there are highly structured processes of repression and criminalization of poverty and of black people even during the democratic regime. (Comissão de Direitos Humanos da Alerj 2018a, 10)

When asked about how they handled this entanglement in their research process, Noelle Resende —who coordinated the line of research on torture and spaces of deprivation of liberty— explained that "the issue of the violence of the past is highly present both in a structural analysis of institutional racism, and in an analysis of finer continuities, of specific actors and dynamics" (Interview with Noelle Resende, Former researcher at the Sub commission of Truth in Democracy "Mothers of Acari," Rio de Janeiro, December 2019). According to Resende, while the issue of institutional racism as a legacy of slavery was mostly handled as part of a crucial historical background for the analysis, there were specific practices that were traced back to the times of dictatorship, or even before, such as the emergence of death squads, as previously mentioned in this section.

In sum, while the Sub commission's final report reproduces the narrative that frames present forms of state violence as a legacy of dictatorship we have failed to properly overcome, this narrative is made more complex by the constant reference to other "legacies" that are central to present human rights violations perpetrated in the State of Rio de Janeiro. It is not surprising, then, that although the creation of the Sub commission was intrinsically connected to a trend of "commissionism" in Brazil, when asked to present their findings at a public audience in December 2018, the Sub commission's researchers chose to emphasize the role of structural racism as the main explanation for present patterns of summary executions, torture, deprivation of liberty, and forced disappearance in the State of Rio de Janeiro.

Final Considerations

In this article, we have gone over stories that illustrate the mobilization of a "failed transition" narrative, where present patterns of human rights violations perpetrated by state agents in "wars against crime" are connected to those of past "dirty wars." As we have seen, important tensions emerge from that narrative, as there are often other "legacies" that are equally crucial when it comes to making sense of present forms of state violence. Claiming that "dealing with the past" is a condition for transforming present structures of violence authorizes particular solutions, which include the creation of transitional justice mechanisms such as truth commissions and reparations programs.

Moreover, the claim that present forms of organized violence, especially when perpetrated by state agents in "wars on crime," are the expression of persisting legacies of past political violence tends to emphasize some "causes" over others —for instance, the role of militarized apparatuses developed for counterinsurgency purposes, or the weakness of judicial systems, over other sets of structural causes such as poverty and inequality. Finally, in this reading, the positive transformation of organized violence is usually framed as "non-repetition"; which, while favoring a political agenda of radical transformation, may assume the need for a clear end of violations in contexts where only gradual change is attainable in the short-term.

Crucially, however, the stories discussed above tell us of how these efforts to look at present patterns of human rights violations through the lens of transitional justice also provide an opportunity to reinvigorate that field of practice and expertise itself, fostering a more nuanced understanding of possible "transitions" and of the entanglements between agency and structure in the (re)production of violence. Such efforts and mechanisms can disturb the distinction between "past" and "future," while retaining the conception of the present as a space of possible change.

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