

## Disappearance and Torture, Redress and Representation

Whereas the previous two sections consider, first, the roots and contexts of torture and, second, healing and recovery in torture's immediate aftermath, this final section looks further into the future to address the following questions: What does it mean to think of witnessing as collective practice? How can collective witnessing affect law, public discourse, and artistic and cultural representation? How can we understand and analyze witnessing as a potentially ethical practice? How might teaching students to "read between the lines" (the kind of critical reading promoted by the humanities) of narratives about torture cultivate witnesses against torture, even as it invites humanities educators to reflect critically on their pedagogies? And, finally, how might witnessing by survivors, especially when it takes demonstrably artistic and literary (as opposed to humanitarian or legal) forms, open a pathway to living into a future without torture?

As we discuss in our introduction to this volume, Kelly Oliver has argued that witnessing does not simply offer a report, nor does a witness simply seek acknowledgment; rather, witnessing goes "beyond recognition" to initiate an intersubjective relationship with ethical potential. For Oliver, "[s]ubjectivity requires a responsible witness"<sup>1</sup>; therefore, witnessing is a necessary component of any ethical response to torture and enforced disappearance, because both are designed to deny or to destroy the (inter)subjectivity of their victims. Part II examines how witnessing as a form of intersubjectivity and intersubjectification—as a means of reconstituting a generative rather

<sup>1</sup>Kelly Oliver, *Witnessing: Beyond Recognition* (Minneapolis: University of Minnesota Press, 2001), 85.

than destructive social matrix—is crucial to survivors’ lives in the aftermath of torture. Here we extend Oliver’s argument in another direction: rather than focus on primarily interpersonal relationships (e.g., between survivors and health-care providers), we turn to various forms of representation (legal, pedagogical, artistic, and literary) that might stage intersubjective relationships—and the ethical encounters they entail—between survivors, allies, and larger publics. This turn to representation necessarily emphasizes the forms that representation of torture might take and how and by whom those forms are produced, circulated, and consumed (viewed, heard, watched, read). Although we argue that these essays are forms of life writing in and of themselves, they address witnessing in multiple media and genres.

We begin with human rights attorney and survivor Jennifer Harbury, who insists that the temporal urgency of response-ability, of active witnessing, begins at the moment of disappearance (when a victim of torture and disappearance may yet be alive) and extends into the long aftermaths of mass human rights violations. Such urgency might initially offer some measure of protection to the tortured and, later, help to illuminate systemic methods and rhetorics of torture. As Harbury discloses in “Everardo and the CIA’s Long-Term Torture Practices,” her nightmare began as a human rights monitor during the brutal Guatemalan military government’s counter-insurgency programs in the 1980s, and deepened upon the abduction of her husband, Everardo, commander of a Guatemalan rebel group. Aware of US government complicity with Guatemalan repression and rights violations, Harbury used a variety of techniques, from meetings with US State Department and military officials to filing freedom of information requests to, finally, undertaking a series of hunger strikes in Guatemala and the United States, in order to gain information about Everardo’s whereabouts. The victim of cover-ups orchestrated by both governments, Harbury later learned that while she was pursuing the exhumation of graves, searching for her husband’s remains, the US government was well aware that Everardo was still alive, being interrogated and tortured by the Guatemalan military. Harbury traces this purposeful obfuscation by the US government in order to provide evidence of long-standing US complicity with torture practices globally and at home. She builds her case with the testimonies of survivors from Latin America, all of whom confirm the presence of US agents in their experience of torture. In this way, Harbury situates her own testimony in the context of collective witnessing to torture by survivors from across

North and South America, up to and including detainees in the US-led war on terror. As at once individual and collective (although differentiated) life narratives, the stories Harbury collects reveal patterns of torture methods and personnel repeating across time and place. Such patterns also make visible communities of survivors that can themselves generate a collective retort to the devastating denial by government officials of violations committed with their approval or active support. In other words, Harbury's essay at once discusses and provides an example of how, by recognizing commonalities among their experiences, survivors and their allies can articulate collective responses to torture, in addition to offering singular narratives of personal harm.

The tremendous potential of collective witnessing is demonstrated in our second essay in this section, by the late torture survivor and activist Patricio Rice. Also writing from personal and collective experience, in "Survivors and the Origin of the Convention for the Protection of All Persons from Enforced Disappearance," Rice examines the active participation by survivors in shaping the International Convention for the Protection of All Persons from Enforced Disappearance (CED), which was adopted in 2006 and entered into force in 2010 (it remains unsigned by the United States). His essay documents how a support network can form the foundation for collective witnessing, in that survivors discover not only their shared experiences, but also how those experiences offer a unique perspective on the juridical-political structures that both enable and might respond to enforced disappearance and torture. Through the process that began with witnessing to one another, survivors and their allies were able to develop strategies and goals for mobilizing their experiences toward legal and political ends. If witnessing often serves as a means of galvanizing attention to a particular issue, then collective witnessing in this instance amplifies and tailors evidence from survivors in order to bring into being the legal instruments through which their experiences, and those of others like them, can be understood, redressed, and possibly prevented in the future. In the example of the CED, Rice charts a remarkable process through which the disappeared come to engender a category of survivors as legal persons, and the family members of the disappeared themselves are recognized as survivors of the crime. Rice's essay is a testimonial to the process of birthing an international human rights convention from the collective experiences of survivors, and it underscores how enforced disappearance is intimately related to torture. First, enforced disappearance shares with torture the "*possibility* of annihilation, the *virtual*

disappearance of the witness”<sup>2</sup>: whereas torture works toward the impossibility of witnessing through the threat and administration of pain which attempts to annihilate the subject, enforced disappearance does so by eliminating a forum in which witnessing can effectively take place. Second, both torture and enforced disappearance work to terrorize the individual as well as his or her social network, albeit in different registers. Third, as examples such as the CIA’s Rendition, Detention, and Interrogation program and Argentina’s “Dirty War” make clear, enforced disappearance is rarely anything other than at once terrifying in and of itself and a prelude to other forms of torture.

Our next contributor, Claudia Bernardi, examines the role of memory in both individual and collective responses to torture and enforced disappearance. As an artist who fled Argentina in the midst of the “Dirty War,” and who has engaged in forensic and artistic projects in Argentina, Ethiopia, and El Salvador, Bernardi deeply considers the process through which artistic expression—and the invitation it issues to co-creators and observers—emerges from the material evidence of forensic teams and, all too often, the immateriality of the disappeared. In “The Tenacity of Memory: Art in the Aftermath of Atrocity,” she describes how collective memory informs these projects and emerges from them, such that artistic expression becomes the means of (re)imagining the community that includes both survivors as well as those who have perished. As a mode of intersubjective, collective witnessing, the formal dimensions of figurative art through which memory gains shape, color, texture, and value do not offer a fixed representation of the past—a kind of closure that might signify healing. Instead, they are the means of particular, dynamic conversations about when and how representation is possible.

Our fourth essay in this section takes us into the classroom as a site of collective witnessing that demands both imagination and intellectual inquiry. In her essay, “Teaching about Torture, or Reading between the Lines in the Humanities,” Madelaine Hron reflects on her own pedagogy to argue for the necessity of humanities courses that focus on torture, although, as she asserts, to be successful such courses need to push against academic disciplinary conventions that would separate literary study from other modes of inquiry. Teaching about torture means embracing interdisciplinarity, creating a role

<sup>2</sup> Jacques Derrida, “Poetics and Politics of Witnessing,” in *Sovereignities in Question: The Poetics of Paul Celan*, ed. Thomas Dutoit and Outi Pasanen (New York: Fordham University Press, 2005), 68. Original emphases.

for emotion in the classroom, and re-evaluating the role of the teacher as interrogator (however Socratic) and disciplinarian. For Hron, teaching students to read literary and cultural representations of torture carefully provides them with the time, space, and means to forge ethical connections with others, to understand how discourse can be manipulated to different ends, and, ultimately, to challenge the argument that torture offers a legitimate political means through which a body can be made to reveal its ostensible truth. As Peter Brooks wrote early in the war on terror, work in the humanities

is not salvific, it won't necessarily make you a better person, it is not instrumental—it has precisely renounced the instrumental work of language and symbol in favor of something more reflective and mediated. What the interpretative humanities have to offer the public sphere is ultimately and basically a lesson on how to read—with the nuance, complexity, and responsibility that we practice most of the time in our classrooms.<sup>3</sup>

Hron does not take that practice or her own role in it for granted, but investigates what it might mean in the context of literature about torture, and how it might shape students as future witnesses against atrocity.

What forms of witnessing are possible for those who have been forcibly disappeared legally and politically, but who still exist? Our next essay, “Legal Appeal: Habeas Lawyers Narrate Guantánamo Life,” by Terri Tomsy, offers an incisive analysis of proxy witnessing and its politics. In her reading of narratives by Guantánamo lawyers of their interactions with their clients and with the military detention system, Tomsy analyzes how the authors navigate strict censorship regulations to bring their clients figuratively from a black site into the public sphere. Together, the narratives in *The Guantánamo Lawyers: Inside a Prison Outside the Law* (2009) do not so much argue any single client's case as attempt to spur a public conversation about the detention center itself through the lens of the attorneys' life writing.

Tomsy's analysis also underscores a central claim of our volume: that witnessing belongs to no single genre and should be evaluated within and against different generic conventions. In this case, Tomsy demonstrates how contributors to *The Guantánamo Lawyers* define a dual role for themselves, on the one hand as proxy witnesses offering a collective portrait of unjust conditions at Guantánamo, and on the other hand as representatives

<sup>3</sup> Peter Brooks, “The Humanities as Export Commodity,” *Profession* (2008): 35.

of international law, professional standards, and American exceptionalism. The assertion of values such as respect for law and human rights in the face of their obvious absence allows the authors to represent themselves as ethical patriots, even as their clients have been cast outside the laws and rights that make the lawyers' own exceptionalism possible.

Our final essay, "Did We Survive Torture?" by former Guantánamo detainee Mansoor Adayfi, speaks individually and collectively about the role of artistic production and authorship by detainees themselves in maintaining the humanity that torture seeks to destroy. Adayfi explains the material conditions of creative expression in Guantánamo, as well as the psychosocial effects of artistic production from within the walls of the prison on the creators and their fellow detainees. Although Guantánamo artists and writers must weigh their aesthetic choices against a system of "rewards" for basic necessities and tools based on what the authorities term "compliance," Adayfi recounts detainees' passion for the means to creative self-expression, for an emotional outlet, and as way to imagine a conversation with a larger public. He describes harsh restrictions on artistic and writing materials, production time, and distribution imposed by Joint Task Force-GTMO personnel, ostensibly in the name of security; however, as Adayfi expresses it, those restrictions imply less a concern about the security risk of a painting or poem than a desire to regulate creative expression precisely because it reflects the men's larger humanity. As Erin Thompson, co-curator of the recent exhibit of Guantánamo artwork, *Ode to the Sea*, has written, "the US authorities there were surprised that the artwork they had been scrutinizing so carefully for hidden messages had a unifying one they had missed: that its makers were human beings. Which is precisely the realization the authorities needed to stop the rest of us from having if Guantánamo is to remain open."<sup>4</sup> For Adayfi, the question that propels his essay is whether, even after his release, he can ever be free of Guantánamo.

Together the six essays in this section focus our attention on life writing as a collective as well as a singular endeavor, whose forms animate diverse publics and demand critical inquiry in concert with imaginative, compassionate engagement.

<sup>4</sup>Erin Thompson, "What We Can Learn from Art Painted inside Guantánamo," *The Nation* (December 4, 2017). <https://www.thenation.com/article/what-we-can-learn-from-art-painted-inside-guantanamo/>. Rpted from [TomDispatch.com](http://TomDispatch.com)