

From the Truth Commission Report to the Stage and the Museum: The Artistic Dislocation of Violence from the Ecuadorian Chapter of 1983 to 2008

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Are commemorative plaques enough to collectively and symbolically amend the horror of human rights violations? And if not, why is this strategy still the most common way for governments to pay their due respects to the families of the victims? This paper analyzes the suitability of the arts to address the reparation of the victims of human rights-related crimes perpetrated in Ecuador between 1983 and 2008, as investigated by the ad-hoc Truth Commission installed there afterwards. National and constitutional law, as well as international jurisprudence, will help to illuminate this study objective. Furthermore, in order to unpack the collective and individual dimensions of the right to memory of the victims, their families and their broader social fabric in which they are embedded, the notion of 'memory sites' is incorporated into the analysis. To contribute to the establishment of interconnections between the law and the arts, several initiatives for the recovery of

memory in Ecuador are reviewed, from a critical stance. In this vein, the text foregrounds a centralizing proposal to consolidate an Ecuadorian aesthetics of memory, through institutionalization and museography, to address the governmental duty for reparations; but more importantly, to finally permeate the consciousness of an entire country whose past is still waiting to be incorporated into its present. By intertwining the legal, the artistic and the political layers present in this discussion, we advance in the direction of an aesthetics of memory that challenges the dominant narratives of genocidal violence.

Keywords: memory, integral restitution, violation of human rights, memory centers, immaterial reparations

Reparations form a global phenomenon, one that does not present itself in a unified way; it is rather necessary to note, at different scales, the extreme variety of ways available to express reparation (Michel 17). Because of this, contemporary doctrine and jurisprudence formulated a revisionist view of the concept of reparation as an obligation of the States, not only to disburse sums of money to those who have had their rights violated, but as a remediation that has to be understood in a multidimensional way. In this discussion, the right to memory appeared as the concept and as the instrumental paradigm for such expansion, illuminating the immaterial aspects of the reparations that have been neglected so far. Following that, then we can pose the question: can the arts become suitable tools for the immaterial reparation of victims of human rights violations? This is the guiding light for the present investigation, which is based on the hypothesis that an exclusively monetary stance does not fully repair the impairment suffered by the victims of human rights violations. The rights to the good name, dignity and honor of the victims, the recovery of the truth and the right to memory require an extensive and interdisciplinary understanding to achieve a restitution that can be said to be truly holistic. In this sense, we foreground the

interaction between the law and the performing arts to achieve a remediation that is both individual and collective as well as material and symbolic. It is important to bear in mind that due to the nature of the violations, there are no reparation mechanisms that are proportionate to the serious harm caused to the victims and their families (Van Boven 20). However, in what follows we will propose several ideas on how memory centers and coherent curatorial criteria can institutionalize, operationalize and optimize the current reparative initiatives in Ecuador that lack aesthetic considerations and, therefore, are insufficient to transmute the narratives configured by systematic violence. Since our discussion is based on legal considerations, we will intend to outline a juridical basis to build an aesthetics of the right to memory.

Remembrance and a perfected mimesis

Art can be understood as a generator of images, whether static (as in the case of sculpture, painting, photography, mural) or dynamic (theater, performance, video-art); confections of aesthetic value that permeate our perception and sensitivity. Its content and the event of its presentation, stem from the representational space in the direction of reality and can be used for the construction of new horizons of meaning, necessary for the victims of human rights violations, for their families and the communities they belong to. The character of otherness and de-territoriality of *poiesis* (quality of poetic creations) allows us to consider artistic representation as a world parallel to the *world*; with its own rules (immanence): by establishing its difference (of a separate ontological order, materiality in a different state); any poetic entity finds a new level of being, what we call “an ontological leap” (Dubatti 27). This ontological leap beyond the regular disposition of things, would in accordance with the philosophy of Walter Benjamin be a proposal for improvement aimed at the order previously established (the narrative created by violent regimes). That is, art takes reality and imitates it, not faithfully, but under a hidden intention to “show how else things can be”, to repurpose history according to the social interests that are mostly needed; in other words: a “perfected mimesis” (Benjamin 117). Symbolic reparation measures, and the commemorative, vindicating or honorable actions that they entail would lose their meaning if they are applied only within the intimate circle of the victim and his

relatives. On the contrary, the intention of the reparation of honor, good name and, ultimately, of the recovery of truth, establishes a memory that has to be validated on a collective level. Art is then proposed as the socio-aesthetical event able to inaugurate a new order of things, not only communicating it, but by enacting it through the artistic work and its meaning-making power:

This kind of meaning is not the simple communication of an idea or concept, but something that surpasses it (the simple transfer of messages is carried out through systems of communication codes that respond to rules agreed upon and accepted by the parties involved). But here the idea is twisted, it overcomes the communicative one-dimensionality. (Andruchow 1)

The measures of immaterial reparation appeal to rescue a particular truth to incorporate it into the great collective memory through the action of remembering, not only with words (communicative one-dimensionality), but beyond them. “Remembering in the sense of Benjamin has to do with a space that appears when linear temporality breaks and time opens up in all directions, bringing together past, present and future in a whirlpool in which the before and after intertwine” (Pinilla 290). This “memory of what remains in the gutters of history” (Pinilla 299) is recovered through remembrance, but differs from it, because it surpasses it:

therefore, the opposition between memory and remembrance can be translated into a tension between, on the one hand, a commemorative repetition close to a certain historicist will, and on the other, the construction of a past on the border between the individual and the collective. (Grimoldi 2)

The drive to recover the painful memories of some and transform them into the memory for all, resembles a postmodern invigoration of the stories of “the vanquished” now rendered central and as a challenge to what until then has been the only way to see the world: the triumphant narrative established by State-sponsored systematic violence.

All of this aligns with the notion of remembrance, positioned at the threshold of the individual and the collective, but still experienced by an individual subject, which is why it cannot admit critical reformulation or the incorporation of new elements. But a theatrical play, an arts-based memory center or a memorial museum can underpin the *experience*, which arises “as an interruption, a displacement that links the past with the present, offering a new image” (Grimoldi 203) in its construction. Without overly focusing on the experiential, the true immaterial restitution of rights, to honor, to good name, to truth, to memory, occurs at the specific moment in which the art event favors the friction between the past and the present, and gestates, installs and transmits a new image that disrupts the order of the meaning implanted by the fascist, oppressive and dictatorial administrations and their crimes, as the ones perpetrated by the Ecuadorian government between the years 1983 and 2008 (now established and documented by the ad-hoc “Truth Commission” report).

Furthermore, the blunt and necessary counterweight for amnesty laws is art, the antagonist of institutionalized oblivion. The commemorations, marches, plays, meetings, and public apologies, update the impossibility for oblivion, they *present* and not only *represent* human rights violations, to be able to give that past an opportunity to be heard from a present that makes space for it. At this precise juncture the gaze towards the past becomes political. Indeed, memory is no longer merely an object of contemplation or interpretation for its substance and manifestation as a social or individual faculty. “This memory, on the contrary, demands, from a political dimension, an ethics of responsibility for the lives frustrated by barbarism and a kind of justice vindicating the victims” (Reyes 67). Politics, law, and aesthetics will then allow the transmutation deserved by the victims and ordered by international or transitional justice courts, according to the case. “It means exchanging death for life. Music, poetry, theater, cinema, puppetry (...) connect the past with the present creating a new form of remembrance and a new future projection” (Grimoldi 204). However, no matter how much binding force and good will there is, the disconnection between politics, law, and aesthetics, as mentioned above, results in a fogginess that leads to the ineffectiveness of the reparative actions undertaken.

The public and complete disclosure of the truth, as long as such disclosure does not cause further harm or threatens the safety and

interests of the victims and their relatives, witnesses or persons who have intervened to assist the victim (United Nations High Commissioner for Human Rights 2005) should be made through artistic interventions in order to show reality “not as the facts that have been, but what in their absence appears as a frustrated possibility questioning the legitimacy of the factual, while allowing past injustice to be present as a demand for justice” (Guerrero 32). This is the main thesis of this research, which seeks to postulate the effectiveness of the performing arts and museography to exercise immaterial reparation for the victims of atrocious crimes and massive violations of human rights, or those who have been affected by the “absolute evil”, to use the words of Carlos Nino (2006). An ensuing question arises: why not honor, commemorate or remember the victims through speeches, plaques, lectures, conversations or any other type of verbal exchange without an aesthetic will like the one palpable on a theatrical play? The answer might lie in the legal premise that things in law should be undone in the same way as they were done. It could be added that the damage that has been caused by actions cannot be repaired through words. Art as an exceptional operation-action, affects reality in a deeper way than speeches, words, or testimonies. Art, in contrast, highlights the impossibility of language to make present the unmentionable or incommunicable of experience, even when there are favorable conditions from transitional governments seeking for truth.

The reparation of rights then, has to be made and not referred to, executed and not alluded to, concretized and not described, put simply: it has to be performed. This faculty of art to transgress the order of things implies a reformulation of the magnanimous sense imposed by violence and State-led abuse. “And if art, the aesthetic sphere, has a fundamental role between the police order and the political interruption of that order, it is because they have the power to renew a new distribution of the sensitive” (Rancière 9); if the police order is understood in Rancière’s terms as the functioning of the polis with its parts recognized under an order (9). From this enmeshment comes a multidisciplinary link, above any euphemism, where aesthetics, as the “regime of the sensitive” (Arcos 1), serves as pontiff between the sensitive forms of art and life, which “finds its greatest expression in the spheres of the political and the social” (Arcos 18) circumscribed by the regulations of law. From there it follows that art would become political, not a priori, nor by the

technique committed to its deployment (tekné), but in the event of interruption of the linearity of everyday time to populate a space with the postulation of an aestheticized discourse within the framework of the convivial and public event that implies the reception of art. This “issue of visibilities” (Arcos 18) is strengthened when at the jurisdictional level the recovery of truth has been ruled, beyond moral debts and fragmentary initiatives. In other words, the law with its imperative force socializes the memory of the victims of human rights violations, carried through an artistic discourse, so that it enters the political field and becomes part of the collective acquis. “Politics consist in reconfiguring the distribution of the sensitive that defines the common of a community and that introduces new subjects and objects, in making visible what was not and in making those who were only perceived as noisy animals heard as speakers” (Arcos 33).

Memory sites and the construction of social identity

The first theorization of places of memory was done by Pierre Nora, who understood them as important enablers of symbolic value for a particular community. He described them as providers of cohesion and identity among a group, in the absence of common elements among heterogeneous members of the same population, because of the disappearance of traditional nation states. Nora put the importance of understanding this topography of collective identity on the epistemic map, because “there is no social identity without memory. But, at the same time, there is no spontaneous memory, so it is necessary to identify the places of such memory” (OAS 30). According to the Institute of Public Policies on Human Rights (IPPDH) of MERCOSUR, sites of memory are

all those places where serious violations of human rights were committed, or where these violations were resisted or faced, or that for some reason the victims, their families or the communities associate them with these events, and that are used to recover, rethink, and transmit traumatic processes, and/or to honor and repair the victims. (1)

These places ratify the double-edged function of memory, since they entail both a symbolic reparation for the victims and a guarantee of non-repetition for society as a whole, if we consider its educational and preventive functions.

Memory sites: spaces recovered for memory such as former clandestine detention centers, monuments, memorial plaques, street names, squares, etc. The factor that makes these sites places of memory is the history they concentrate for various social actors. Its construction as a “site of memory” may be due to a State initiative, but sometimes it is the will of social movements that make them significant. At the same time, these “sites” do not make the same sense to everyone. The same space can convene opposing forces. (OAS 30)

The issue is that, when talking about past events, there will always be conflicting versions. This clash represents the struggle of a memory that is trying to stand out above other memories and be validated within the collective imaginaries. As Derrida emphasized, it is not possible to preserve everything, and therefore we must take a critical look at the memories that have been achieved so far and recognize that behind them there was a political criterion of selection.

The connotations of the crimes classified as “absolute evil” (Nino) were perpetrated against specific individuals. But, in the reiteration of this operation, an entire community is affected, because its stability, security and well-being are compromised. In recent years, the litigation of collective cases has grown substantially: that is, cases in which the affectation of a group or a “class” of victims by the action or omission from a State is foregrounded. Examples include cases of indigenous peoples, as well as the recent precautionary measures ordered by the Inter-American Court on prison affairs and black communities (Abramovich). Atrocious crimes or crimes against humanity are usually directed against a target population, fueled by discriminatory criteria taken to the extreme. It can be a community with a particular ethnicity, or a specific nationality, membership of a certain social group or any other shared trait. While such crimes can be carried out against entire communities, there are violations of rights against individuals, the impact of which also merits restitution to the society to which they belong. Is the payment of a sum of money sufficient to

make reparation for a case of enforced disappearance? From the onset we can all agree on a negative response. Even if the victim did feel compensated for such monetary reparation, this serious type of human rights violation transcends the victim and has repercussions on the social complex in which they are immersed (Rousset). In the same vein, various jurisdictional bodies have recognized reparation measures for the victim and their closest nucleus, accompanied by strategies of a greater scope, after acknowledging the serious tremor caused in their broader social context. For example, the Inter-American Court of Human Rights (2012) came to the understanding that the state of prolonged impunity could cause victims to alter social relations and the dynamics of their families and communities. Additionally, when there are cases of massive violations of human rights, it is not possible, at least not with total certainty, to make an individualized and exhaustive identification of the victims; therefore the reparation of these crimes require the application of collective strategies, which, in the case of Museums or sites of memory, would involve spaces for the social validation of the pain of the affected people and its consequent remediation. Hence “the need for public knowledge of the truth as a way to overcome the traps of radical evil” (Nino 144) is at the same time, the reverse of the “impulse towards private revenge, and thus affirms the rule of law” (Nino 213).

Memory spaces do not have a merely utilitarian characteristic. To believe so would be to claim that profit is taken from the victims and their suffering. On the contrary, recovering and safeguarding memory “contributes to restoring their self-respect, (...) that true history receives official recognition, that the nature of atrocities be discussed openly and publicly, and that those who perpetrated these acts are officially condemned” (Nino 213). Furthermore, the facts are deployed within the daily life of the communities affected, for analysis and public scrutiny, so as to promote solidarity and collective appreciation of the rule of law, through theatrical or visual works of art. It is precisely art that can fill the gaps in the notions related to non-impunity and truth which the law cannot tackle by itself because it is a structure of minimums, not interventionist; in opposition to art, which unfolds above “what is allowed”, “the acceptable” and the “agreed upon”. In this way, art supplements law; as core aspects of collective rights do not materialize only by the mere rule of a judge, but are enacted within convivial, real and present events, as those configured by the performing arts.

The symbolic reparation: Articulating the legal, aesthetical, and political

The symbolic reparation as a legal category is a recent concept, its normative and jurisprudential development openly raises a flexible body of measures that must respond in favor of the satisfaction of three subjects that are in three different dimensions: the victim as an individual, the victim as a collective subject and finally, the social conglomerate (Sierra 23). With this, it is intended to take into consideration the particularity of the damages caused, the participation of individual and collective actors, and the specific socio-cultural contexts in which the violations took place. In Ecuador, the components of symbolic reparation were introduced for the first time in its legal sphere since the entry into force of the Constitution from 2008. According to the Magna Carta, victims will enjoy mechanisms for comprehensive reparation, which will include, without delay, knowledge of the truth of the facts, and measures of restitution, compensation, rehabilitation, guarantee of non-repetition and satisfaction. Here it is worth clarifying that symbolic reparation encompasses three rights: truth, memory and human dignity, and two guarantees: of non-repetition and satisfaction (Ordoñez) that contribute to the achievement of a broader reparation that aims to exercise actions on the irreparable dimensions of violence. The jurisprudence of the Inter-American Court of Human Rights has pointed out that the adoption of these measures is transcendental when rights violations respond to structural patterns and must have a broad scope for the entire collectivity. They are measures that are part of the individual and collective dimensions of reparation, allow the formation of a historical and collective memory, but also celebrate the commitment of society and the State not to repeat acts that generate human rights violations in the future. As mentioned above, given the impossibility of reestablishing by material means the conditions in which the victims were before the events occurred, it is important to remember the role of symbols in society and culture and their impact on the construction of social meanings and imaginaries, since symbols are linked to broader schemes of thought. For some authors (Mendoza), symbolic reparation is a developing legal concept that requires art and culture for its effective implementation.

Certainly, artists establish a link with society, by describing facts, events, customs within a historical, political, and social context,

through their works of art; their works can also reveal essential truths of societies, in which power relations and the hegemony of some discourses over others generated violence and violation of rights (Sierra 31). In this sense, it is important to consider artistic expressions that denounce the violence present in a given era, as they can become a support mechanism to communicate alternative truths about the construction of the past and preserve the collective memory. On the other hand, the importance of artistic expressions lies in rescuing social solidarity as a result of the common aesthetic engagement we go through while appreciating them. The novelty of this interdisciplinary perspective is that studies are beginning to be developed in three fields: aesthetic litigation, understood as a mechanism for the defense of human rights through art by victims; cultural practices or cultural heritage; artistic litigation, framed in the broad disciplinary field of art, is conceived as the contribution of works of art to the structuring of guarantees of non-repetition of human rights violations and symbolic reparation, developed in the field of comprehensive reparation to victims of serious and massive human rights violations (Falconí; Mendoza; Sierra 2020).

Effectiveness of the application of the right to memory in Ecuador

In Ecuador, the conjunction between art and the right to memory is still an incipient arena, despite the fact that there is specialized legislation to channel such an effort. Here, some of the national experiences that have sought to correct the oblivion and ratify the truth of the cases of serious human rights violations will be reviewed. In addition to the binding aspects emanating from the Victims Act with some considerations emanating from international *soft law*, a set of recommendations will be formulated in this section to direct the configuration of the Memory Centers in Ecuador and the reparation of gross human rights violations through the arts.

Mandate of the Victims Act and the prosecution of serious human rights violations and crimes against humanity

This law limits its scope of application to victims of human rights violations and crimes against humanity committed between 1983 and 2008, coinciding with the cases that were investigated by the

Truth Commission. As previously mentioned, in 2008 the rights of victims to be repaired in a comprehensive manner were recognized on a constitutional level, a right whose application, according to the Magna Carta, is not limited only to the victims to whom the report of the Truth Commission or the Law refers. A crucial aspect of the Victims Act is the fact that it recognizes the responsibility of the State against the victims as well as “towards Ecuadorian society” (art. 2) and aims to exercise a comprehensive reparation that “restores the victim objectively and symbolically” (ibid., Art. 3). It is important to note that this same law orders the creation of the “Administrative Reparation Program” by the Ombudsman’s Office in Ecuador, which will be responsible for implementing reparation strategies for the “beneficiaries of individual measures”, who for these purposes will be considered “the direct victims of human rights violations and also their spouses or partners by de facto union and relatives until the second degree of consanguinity” (ibid., art. 5). It is clear that reparation is understood in its two dimensions, individual (only victims and their families up to the second degree of consanguinity) and collective, a provision that is ratified in article 9 of the same normative body, which specifies lines of action that surpass the direct victims as exclusive recipients of this public policy. The Directorate of Reparation is ordered to be responsible for “human rights education and dissemination of the final report of the Truth Commission”, as well as the “implementation of symbolic measures and measures of satisfaction”, hand in hand with the “line of archive and custody of the documentary memory of human rights violations” (ibid., art. 5). The worrying aspect is that, despite the general provisions ordering the creation of a “Museum of Memory” within ninety days of the entry into force of this law, this has not been fulfilled, having passed 10 years since its publication. During this time, three consultancies were contracted in 2015, 2018 and 2020 to start with the museography design. However, the implementation of the “Museum of Memory” has not materialized. The few actions that have been carried out do not take into account the opinion of the victims, who claim that they have not participated in their design, which would have added yet another layer of invisibility. The Museum is expected to be installed in the Manuela Sáenz District, where the Pichincha Criminal Investigation Service -SIC 10- operated and which, according to the report of the Truth Commission, was one of the main places for the execution of torture, isolation, extrajudicial detentions and other practices that violated rights during the period from 1983-2008.

The Office of the Ombudsman of Ecuador carries out, with the support of the mandate of the Victims Act, a program for the reparation of victims of human rights violations, which is executed with various governmental institutions, civil society organizations, as well as with direct victims and their families. Some of the reparation strategies include the socialization of the report of the Truth Commission, the promotion of human rights and the implementation of symbolic and immaterial reparation measures, which have been dearly lacking in the Latin American country. While this institution is not the only source of initiatives to recover the memory of human rights violations, it has become the leading institution at the national level for their fulfillment. However, some of the reparative strategies, as will be seen in the following table, remain rudimentary, in the sense that they do not go beyond the merely enunciative scope (commemorative plaques), and therefore do not manage to configure events with an aesthetic or artistic value sufficient to move the community or re-signify the memory. That is where the articulation carried out by a Museum or other institutional bodies is needed, to establish political and aesthetic guidelines to avoid incongruity (see Table 1).

Table 1.- *Points of memory in Ecuador.*

Place	Type	Cases commemorated	Creation
Memory point at the Heritage Cemetery of Cuenca	Sculpture of the symbol of Human Rights and a small square.	The cases of Damián Peña, Edwin Barros, Carlos Salamea, Johnny Montesdeoca, Benito Bonilla, Leonardo Segovia, Luis Ortega and Ricardo Merino, killed by police members.	On the initiative of the Committee of Relatives and Victims Killed by the Police in collaboration with various NGOs and the Municipal Cemetery Company. Date created: December 11, 2015.
“The cry of memory” outside the Attorney General’s Office. Quito	Latin American muralism of expressionist style created by the artist Pavel Egüez.	The victims of the governmental repression of the decades of the 70s and 80s lived in the Southern Cone by dictatorial or oppressive regimes. The heads of the dictatorial regimes of the twentieth century in Argentina, Chile and Ecuador are depicted. Another portion of the work pays tribute to human rights defenders such as the mothers of the Plaza de Mayo or Jaime Roldós.	Galo Chiriboga Zambrano, Attorney General of the State inaugurates this exhibition in celebration of Human Rights Day. Date Created: December 10, 2014.

Place	Type	Cases commemorated	Creation
Memory point of the Illingworth Passage. Guayaquil	Commemorative plaque	Fybeca case, Wellington Peñafiel case, Víctor Alvarado and victims of 21 other cases of serious human rights violations documented by the Truth Commission of Ecuador for having been tortured, disappeared, extrajudicially executed or arbitrarily detained.	The Ombudsman's Office of Ecuador, the Secretary of Culture and Heritage, the Government of Guayas and the University of the Arts in a coordinated manner. Date Created: December 01, 2017.
Memory point "La Estancilla" Atacames	Commemorative plaque	The cases of Pedro Dimas Loor Vera, former <i>Taura</i> commando and his comrades in the ranks whose rights were vexed by elements of the State as detailed in the report of the Truth Commission.	Project of the Ombudsman's Office, together with the GAD of the Tosagua canton, the Ángel Pedro Giler Parish Council and the Ministry of Culture and Heritage. Date Created: November 29, 2017.
Memorial of the "El Arbolito" park Quito	Abstract sculpture by the artist Dolores Andrade.	The cases of Consuelo Benavides, Jaime Otavalo, Gustavo Garzón, and the disappearance of the brothers Santiago and Andrés Restrepo in the hands of State agents during the government of León Febrés Cordero.	National Art Contest for Memory. Date Created: July, 1997. Withdrawal date: August 26, 2016.
Memory point "Luis Casierra" Atacames	Commemorative plaque	The case of Luis Eduardo Casierra who was extrajudicially executed by navy officials. This case is documented by the Truth Commission of Ecuador.	Project of The Ombudsman's Office of Ecuador. Date Created: November 19, 2017.
Memery point "Jiménez brothers" Lago Agrio	Commemorative plaque	The Jimenez brothers were detained by the Ecuadorian military, who accused them of being terrorists. For three days they were subjected to various forms of torture. This case is documented by the Truth Commission of Ecuador.	Project of the Ombudsman's Office, together with the GAD of Sucumbios and the Ministry of Culture and Heritage. Date Created: January 30, 2016.

Place	Type	Cases commemorated	Creation
Audiovisual installation called "Pathosformel"	Pathosformel by the artist Miguel Angel Murgueytio	The cases Quinta Leonor, Sabanilla, Freddy Aponte, Stalyn Armijos and Omar Burneo, cases of serious human rights violations documented by the Truth Commission of Ecuador for having been tortured, disappeared or arbitrarily detained.	Project of the Ombudsman's Office in coordination with the artist Miguel Angel Murgueytio, in which photographs, texts, and testimonies shared by the victims in workshops of minimal memories were used, highlighting the importance of their life projects. https://www.youtube.com/watch?v=JqpfGBWrrrok Date created: November 7, 2018. Withdrawal date: November 12, 2018.
Musical Compilation	"El infiernillo: 1984-1988"	Tribute to Yuri Moncada, former member of <i>Alfaro Vive Carajo</i> and <i>Batallón América</i> , who was extrajudicially executed in Colombia. Case documented by the Truth Commission of Ecuador	Project of the Ministry of Culture and Heritage to bring together leftist performers and singer-songwriters of the 1980s that combines classic and unreleased songs related to the violation of human rights that occurred in the country and the violation of human rights that occurred in the 1980s, and unreleased songs related to the violation of human rights that occurred in the country between 1984-2008. Date Created: December, 2012.

Criteria for the creation of Memory Centers in Ecuador

The sites of memory imply, according to the Institute of Public Policies on Human Rights of MERCOSUR, an “obligation of means and not of results, which is independent and complements the obligations to investigate and judge” (11) in that they socialize a truth that is necessary to be appropriated by society as a whole. The truth that society has the right to know is not only one that is formal and bureaucratic, like the one that arises from a judicial process, but also the one that allows us to evoke and build memory from a bottom-up perspective. Truth thus acquires a more complex meaning than the mere discovery of factual evidence and means confronting or taking charge of the past (8). This vision conceives the expertise in the prosecution of crime intertwined with the strategies of immaterial reparation in terms of the achievement of justice, since the latter constitutes a fundamental weapon for the fight against impunity; understood not only as a lack of prosecution of the accused, but as the social and widespread oblivion of those who injured rights. Because “a people’s knowledge of the history of its oppression belongs to its heritage and, as such, must be preserved by appropriate measures in the name of the State’s duty to memory” (13). Such intangible heritage prevents, in turn, the subsequent generation of revisionist or denialist discourses, as long as it is structured through educational or pedagogical tools of memory, an achievement that would be obtained if the information is shared through the operations of a Museum or Center for the Commemoration of Victims.

The importance of memory as a behavioral guidance is illustrated since the enterprise of the Jesuit Mateo Ricci during the XVI century, who in his “Palaces of Memory” combined the Western tradition of mnemonics and the imagery of Christianity to think of the importance of establishing the past to chart the future. This tension was symmetrical to the contradiction between the establishment and sustainment of native and European memories that arose in the Americas, a conflict that was saliently territorialized, as Indigenous places of worship later became the niches of the new Catholic religion, and where images were the weaponized instruments (Guerrero 16). But images, as pedagogical instruments with the potential to establish memory, are not fully constituted as such as long as they are expressed through words, reports, communiqués, memoranda or

any other text materialized on a written medium or archive, which might even reify the distance between the past as a collection of passive facts and our contemporaneity (Donoso). This information only has the opportunity to be enacted through art's agency; a concept or an idea elevated through metaphor to an aesthetic language, a composition, a gesture or a movement that, whether figurative or abstract, appeals to the viewer not only through reason, but also perceptually, through the senses, imagination and their emotional entailments. In Benjamin's philosophy, the image does not represent a mere rhetorical device to illustrate or emphasize an idea; rather, it has an expressive force of its own, a potential derived from the fact that its form and content are intrinsically linked (Pinilla 290). Such images will have to be designed, with the greatest possible participation of the victims and their families, so that they can be exposed to a wider audience, with a view to structuring a content that serves as an educational tool to operate in three distinctive ways: prevention of new situations of violation of rights; empowerment on the rights that protect the community; and as a tool to strengthen processes of reform and democratization of institutions. When the points of memory are located in places where the abuses were committed, States must adopt judicial, legal, administrative, or any other decisions that are necessary to guarantee their physical security; at the same time, it is not advisable to alter the probative value that some properties, surroundings or facilities could contain. Finally, and in consideration of the fact that many memory centers also serve as centers for archiving evidence or documents with an evidentiary value, Pablo Greiff, special rapporteur of the United Nations, has recommended that their access become public and that, far from being protected, they should be offered to academics, thesis writers and various researchers, so that knowledge about atrocities can mobilize a general audience, as well as generate specialized reflections and scholarly analysis.

Before this study, victims' collectives and their allies (including the two authors of this paper) filed an appeal for non-compliance before the Constitutional Court of Ecuador in 2021. On February 15, 2023, this court declared that the Ministry of Culture and Heritage failed to comply with the Second General Provision of the Victim's Act, an express obligation that gives it the responsibility for the construction of the "Museum of Memory". The Ministry has a period of one year, from the date of notification of the sentence, for its

construction, and must submit quarterly reports on the progress of the project. Likewise, the Ministry of Finance was urged to provide all the necessary facilities.

Conclusions

Based on the need for comprehensive reparation, the monetary dimension is an important aspect within the processes of restitution of victims; however, by itself it does not manage to correct all the consequences caused by a serious violation of human rights, since the impact suffered does not fall solely on the patrimony of the people. This nuance is even more relevant for those victims whose relatives are still missing. If the debate is to be moved forward, it is important to grasp the heterogeneity of meanings that victims and their relatives assign to this type of measures, beyond a naïve or generalizing conviction that remembrance is inherently good. The symbolic reparations measures seek the acknowledgement and recognition of victims through the redemption of honor, the recovery of truth and good name, not for the victim in isolation, but as a subject of rights that is part of a social fabric, because in its integration within it, these rights take on their true significance. The value of such measures lies in the fact that allowing the victim and their family to rectify their truth alerts their entire community about the crime and prevents similar acts of violation in the future. Regarding art as an effective tool for the transfiguration of memory, and based on the aesthetic theory revised, it follows that reparative measures that do not configure images, but only make linguist references to honor or memory, do not suffice to invoke the deeper and sensitive commonality of artistic appreciation. Despite their social and political value, these textualist measures are not effective in getting society to incorporate a new narrative into its collective history, due to the depersonalization of the victims, the suppression of their image with symbolic value and their inability to move beyond exhaustive verbalizations. Examples of this phenomenon are the various commemorative plaques that have been erected in Ecuador and that are one of the most frequent methods when it comes to recovering the victims in their moral dimension. About the need for a Museum and specialized museography in Ecuador, we have identified a flagrant breach of the mandate of the Victims Act, which dictates the immediate creation of a Memory

Center in Ecuador. It can be said, from a pragmatic stance, that such an absence generates a blurring of the few experiences of memory recovery that occur in honor of the victims of serious human rights violations in the country, which end up being isolated efforts; a diaspora of acts that do not find connection with each other and that claim, from their isolation, certain cohesive parameters, at technical, political, aesthetic and legal levels, that could be emanated by the long-awaited Memory Center in Ecuador. As of today, theater and the performing arts in Ecuador constitute an underexplored source of memory-building by the government. Its incorporation has been described in this paper as a suitable tool to allow for the individual remembrances of the victims of human rights violations to finally permeate the consciousness of an entire country whose past still waits to consolidate its own aesthetics of memory.

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