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Radio Silences: The ‘Kidnapped Voices’ and the Production of Political Memory in Colombia (1994–2018)

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Abstract

After being kidnapped by the FARC-EP guerrilla group in 1994, the Colombian war reporter Herbin Hoyos created the radio show *Las Voces del Secuestro* (roughly, *The Kidnapped Voices*). Every morning, for 24 years, the families of those abducted by the guerrilla group sent out public messages of remembrance, hoping that their loved ones, deep in the jungles of Colombia, would be able to hear the broadcasts on their radios. Although the show closed in 2018, its legacy lives on, not only in the collective memory of many Colombians but also as an exhibition at the International Red Cross and Red Crescent Museum in Geneva (Switzerland). This article examines this show as a *dispositif* of power and knowledge that (re)produces a particular understanding of law, justice and memory. The show was used by far-right actors in Colombia to mobilise against the recent (2016) peace process – its crown jewel, the Special Jurisdiction for Peace (JEP). As the JEP tackles the question of the FARC-EP kidnapping through its macro-case 01, the shadow of the *Voces* looms large over Colombia’s transitional justice system. In the longest non-international armed conflict in Latin America, even radio waves served the continuation of war by other means.

Keywords: theory and history of international law; science and technology studies; memory and justice; transitional justice; media and human rights; materiality

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The country has lost its memory; they no longer remember the horror of 24,000 families that were part of the [radio] show. Around 20,000 victims of kidnapping returned to freedom, and 4,000 never came back. They disappeared. Neither the government nor the Guerrillas wanted to talk about the kidnapped; they became a nuisance. Only with the [radio] show were we able to break the wall of indifference.¹

*Again, radio is constantly figured there as a ‘vehicle’, ‘used’ to ‘transmit’, ‘convey’, ‘spread’, and ‘disseminate’ ‘messages’, ‘ideology’, and ‘views’: a technique, in other words, for the expression and distribution of intentional thought as manifested in the technologized voice. To ‘disseminate’, after all, from the Latin *seminare*, to sow, means to scatter one’s seed widely. The roots of the word ‘broadcast’ are similarly agricultural.²*

1. The humanitarian adventure: By way of introduction

Perched on a hill, overlooking the United Nations Office in Geneva, one can find the towering headquarters of the International Committee of the Red Cross (ICRC). Its current building, originally erected in the late nineteenth century in a neoclassical style to host the Institut International d’Education la Châtelaine, had a long history of entanglements with international law and its struggle to tame the ravages of war through humanitarian aspirations and international norms and institutions. Indeed, it was in the basement of La Châtelaine – often named the Thudichum School, after its owner – that the International Labour Organization (ILO) found its first base of operations.³ Immediately before that, during the last two years of the First World War, it had served as a makeshift hospital for French and Belgian prisoners of war (POWs) captured by the German Empire.⁴ After the ILO left for a new lakeside venue in 1926,⁵ the Thudichum was reconverted into the privately owned Hôtel Carlton, servicing some of the high-profile visitors who came to the many meetings held at the League of Nations during the interwar period. When war again broke out in 1939, the Carlton was reconverted into a humanitarian site (*endroit*): an orphanage for displaced Francophone children aptly named after the founder of the ICRC, the Centre Henri Dunant.⁶

¹ Interview between journalist Herbin Hoyos and Congresswoman María Cabal on the *Soy Cabal* YouTube channel: minute 2:31–3:37, <https://www.youtube.com/watch?v=1wSyXRrznbs> (my own translation; thereafter, sources in French and Spanish will be translated in the same way).

² James EK Parker, *Acoustic Jurisprudence: Listening to the Trial of Simon Bikindi* (Oxford University Press 2015) 169.

³ Marius Viple, ‘Les Singulières mais Prodigieuses Années du BIT’ (2019) 65 *Message* 17.

⁴ ‘Le Nouveau Siege du Comite International de La Croix-Rouge’ (1946) 336 *Revue Internationale de La Croix-Rouge* 1026, 1027.

⁵ Daniel Quiroga-Villamarín, ‘Suitable Palaces: Navigating Layers of World Ordering at the Centre William Rappard (1923–2013)’ (2023 forthcoming) *Architectural Theory Review*; Miriam Bak McKenna, ‘Designing for International Law: The Architecture of International Organizations 1922–1952’ (2020) 34 *Leiden Journal of International Law* 1, 9–13.

⁶ See, generally, Joëlle Kuntz, *Genève, Histoire d’une Vocation Internationale* (Zoé 2010) 23–42.

For that reason, it was unsurprising that the Genevese cantonal and Swiss federal authorities sought to endow the ICRC permanently with this venue in the wake of the Second World War.⁷ Since then, the ICRC has slowly but surely expanded its spatial hold over the hill, providing a lighthouse for Red Cross, Red Crescent, and other national humanitarian societies – such as the Magen David Adom – across the world. In 1988, it even expanded its operations deep within the hill itself, with the creation of the International Red Cross and Red Crescent Museum. While, by 1993, this museum was still not seen as a fully developed ‘peace museum’, it truly came into its own after a major renovation from 2011 to 2013.⁸ The current permanent exhibition, named ‘the Humanitarian Adventure’, has been read in museum studies as an attempt to go beyond the typical narrative produced by institutional archives to instead encompass a ‘vast and growing collection into an emotionally touching and engaging story about compassion and timely help to those in need’.⁹ The exhibition, not unlike the International Red Cross and Red Crescent Movement itself (to which the ICRC belongs), is divided into three main areas: ‘Defending human dignity’, ‘Restoring family links’, and ‘Reducing natural risks’. Each area is curated by a different architect or designer, who was given the enormous task of melding a vast array of materials and documents from different crises into a coherent narrative about universal suffering and humanitarian relief.¹⁰ Each architect or designer, perhaps to highlight the cosmopolitan aspirations of this international institution, hails from a different continent – adding a non-western perspective to an institution long haunted by its ties to a deeply parochial Calvinist tradition.¹¹

Deep inside the museum, in its area on ‘Restoring family links’, I was confronted with a memento from my youth. Nestled deep within the exhibition, one can find a relatively small but still sizeable collection modestly named ‘Colombia Radio’. Designed by the award-winning Burkinabé architect Francis Kéré,¹² the whole subsection on broken family ties brings together a panoply of different contexts to create a common horizon of experiences of forcible

⁷ Julie Billaud, ‘Masters of Disorder: Rituals of Communication and Monitoring at the International Committee of the Red Cross’ (2020) 28 *Social Anthropology* 96.

⁸ Terence Duffy, ‘The Peace Museum Concept’ (1993) 45 *Museum International* 4. Roger Mayou, ‘Prisoners’ Objects: The Collection of the International Red Cross and Red Crescent Museum’ (2016) 98 *International Review of the Red Cross* 749.

⁹ Jahangir Selimkhanov, ‘The International Red Cross and Red Crescent Museum’ in Mark O’Neill, Jette Sandahl and Marlen Moulouliou (eds), *Revisiting Museums of Influence: Four Decades of Innovation and Public Quality in European Museums* (Routledge 2021) 168, 168–72.

¹⁰ For an internal curatorial perspective see Mayou (n 8) 749.

¹¹ John Yves Pinder, ‘A Theatrical Critique of Humanitarian Civility in the ICRC Museum’ (2018) 23 *Research in Drama Education: The Journal of Applied Theatre and Performance* 483, 487; See, further, Boyd van Dijk, *Preparing for War: The Making of the Geneva Conventions* (Oxford University Press 2022); Davide Rodogno, ‘Certainty, Compassion and the Ingrained Arrogance of Humanitarians’ in Neville Wylie, Melanie Oppenheimer and James Crossland (eds), *The Red Cross Movement: Myths, Practices and Turning Points* (Manchester University Press 2020) 27.

¹² For a recent profile see Robin Pogrebin, ‘Pritzker Prize Goes to Architect from West Africa’, *The New York Times*, 15 March 2022, <https://www.nytimes.com/2022/03/15/arts/design/pritzker-prize-francis-kere.html>.



Figure 1. A subsection of the 'Restoring family ties' sub-exhibition

Source: Kéré Architecture 2012 ©

Note: I thank the team at Kéré Architecture for their permission to reproduce this image.

family separation (see Figure 1). This is, in fact, a quite a literal experience for the museum visitor, who must traverse a curtain of steel chains to enter the sub-exhibition itself. From then on, one is confronted with the name cards of many POWs from the First World War – documents that bear witness to the long history of the ICRC in the protection of those *hors de combat*. Very quickly, the visitor then moves through time and space, reaching other exhibits related to the terrible violence that erupted in Rwanda and the former Yugoslavia at the end of the previous century. Along the way, the spectator is forced to behold the many ways in which armed strife curtails communication and family ties, in tandem with the tireless efforts of humanitarian actors – the ICRC, chief among them – to keep channels of supply and information open, even in the most dire of times.¹³ In his choice of exhibits, materials and installations, Kéré deliberately wanted to emphasize the 'intrinsic link between the family, roots[,] and natural elements ... as a way to symbolize people's return to their roots and to nature in times of turmoil and tragedy'.¹⁴ In his view, the 'simplicity of the materials and the way they are put together spares visitors from heartless materialism during the difficult search for the missing'.¹⁵

¹³ Sönke Kunkel, 'Public History Meets Humanitarian Communication: The Visual Politics and Narratives of Red Cross Museums in Europe and the United States, 1920s to 2010s' (2021) 3(2) *Journal of Humanitarian Affairs* 34, 36–38.

¹⁴ The International Red Cross and Red Crescent Museum, 'Press Folder: The Humanitarian Adventure', May 2013, 8.

¹⁵ *ibid.*

I, for one, was brought back to my roots by ‘Colombia Radio’. Basically, this section contains many audio excerpts from a 2010 radio recording with a small ‘historical bookmark’ card titled ‘Hostage-taking in Colombia’ (in French, *Arrêt sur histoire, séquestrations en Colombie*). The source was the famous radio show *Las Voces del Secuestro* (roughly translated, *The Kidnapped Voices*), created by the war reporter Herbin Hoyos. After a brief period as a hostage of the Fuerzas Armadas Revolucionarias de Colombia – Ejército del Pueblo (FARC-EP) guerrilla group, Hoyos ran the radio show from 1994 until 2018. During this 24-year period the families of those abducted sent out public messages of love and remembrance each morning, hoping that their loved ones – deep in the jungles and mountains of Colombia – would be able to hear the broadcasts from their radios. While I was fortunate not to have any close family or friends among those detained by the war, I – like two or three generations of Colombians – still have vivid memories of the many ways in which the radio show served as a background for everyday life during the last 30 years of internal armed conflict. For better or worse, the *Voces* curated

a national bank of emotions, an oral history of violence and anguish, a discography of voices that resonated through the jungle, an encyclopaedia of cultural memory whose entries range from prayers, diary entries[,] and news items to even salacious gossip about who was having an affair with whom.¹⁶

2. ‘A national bank of emotions’: The *Voces* and the Colombian armed conflict

The Colombian war, to be sure, has continued and mutated in various ways since the radio show first started in the 1990s or when the particular session cited in the epigraph was recorded in 2010. That fact, however, is not entirely apparent to the museum visitor in Geneva. Indeed, by including these recordings in the exhibition, they are taken from the specific time and place in which they were produced. While the humanitarian framing of the museum allows the Colombian experience to abstract itself into a wider horizon of tales of abuse and suffering, it also detaches these recordings from the particular political struggles and contexts that animated their emergence.¹⁷ In this article, drawing from and aiming to contribute to the burgeoning literature on the political economy of the humanitarian imaginaries and practices (which highlights relatively unexplored questions related to the institutional channels for the creation and circulation of knowledge),¹⁸ I examine this radio show as a

¹⁶ Stephen Pax Leonard, ‘Voices from the Outside: The Instrumentality of Radio Messages in Colombian Kidnappings’ (2019) 69 *Language and Communication* 1, 2.

¹⁷ Susan Marks, ‘Human Rights and Root Causes’ (2011) 74 *The Modern Law Review* 57, 60.

¹⁸ In relation to Colombia see Alexander L Fattal, *Guerrilla Marketing: Counterinsurgency and Capitalism in Colombia*, Chicago Studies in Practices of Meaning (The University of Chicago Press 2018); with regard to international criminal law see Christine Schwöbel-Patel, *Marketing Global Justice: The Political Economy of International Criminal Law*, Cambridge Studies in International and Comparative Law (Cambridge University Press 2021) 17.

dispositif of power and knowledge, which (re)produced a particular understanding of memory, suffering and injustice. By *dispositif*, following the Foucauldian tradition, I refer to an assemblage of heterogeneous elements (both concrete and intangible) that enable and constrain human practices and imaginaries.¹⁹ For example, in his work on the birth of the clinic or of the prison, Foucault highlighted the interconnection between ‘discourses and architectures, coercive regulations and scientific propositions, real social effects[,] and invincible utopias’ which underpinned what he called the ‘medical-hospital’ or the ‘juridico-political’ complexes in modern western societies.²⁰ In this same vein, I am interested in exploring how the materiality of this radio show enabled the dissemination of particular legal discourses about violence and victimhood – with important consequences for Colombia’s contemporary transitional justice process. Indeed, given that these processes of circulating legal knowledge promoted a particular reading of legal categories (such as victim, impunity or justice) for the Colombian non-international conflict, their operations should concern international legal scholarship. They offer, for better or worse, an example of how a ‘vernacular’ understanding of international law, human rights law and international humanitarian law came into being in a fraught political atmosphere.²¹

With this in mind, I am particularly concerned in this article with how these radio emissions were used by far-right political actors (such as Hoyos himself) in Colombia to mobilise the anti-impunity principle against the recent (2016) peace process – and its crown jewel, the Special Jurisdiction for Peace (JEP).²²

¹⁹ Michel Foucault, ‘The Confession of the Flesh’ in Colin Gordon (ed), *Power/Knowledge: Selected Interviews and Other Writings, 1972–1977* (Pantheon Books 1980) 194, 194. See further Alain Pottage, ‘Review: Foucault’s Law by Ben Golder and Peter Fitzpatrick’ (2011) 74 *The Modern Law Review* 159, 164.

²⁰ Michel Foucault, ‘The Incorporation of the Hospital into Modern Technology’ in Jeremy W Crampton and Stuart Elden (eds), *Space, Knowledge and Power: Foucault and Geography* (Routledge 2007) 141; see also Michel Foucault, *Discipline and Punish: The Birth of the Prison* (Alan Sheridan tr, Vintage Books 1977); Michel Foucault, *The Birth of the Clinic: An Archaeology of Medical Perception* (Alan Sheridan tr, Routledge 1991).

²¹ Jacob Katz Cogan, ‘A History of International Law in the Vernacular’ (2020) 22 *Journal of the History of International Law* 205.

²² Camilo Ramírez-Gutiérrez and Daniel R Quiroga-Villamarín, ‘Shredded’ (2022) 20 *Journal of International Criminal Justice* 139, 145–46. Following a helpful point raised by one of the reviewers, I would like to clarify my use of ‘far-right’ in this context. As I have explained in more detail elsewhere, I refer to far-right ‘illiberal’ movements to refer to a rising trend of social and political organisations, which have been on the rise throughout the world (and, in particular, in the core countries of the world system since 2016), to challenge what they see as the unjust consensus of a post-1989 political settlement. This includes (but is not limited to) religious fundamentalists, men’s rights activists, racial or ethnonationalist supremacist, neofascist political parties, or irredentist nationalists: Daniel Quiroga-Villamarín, ‘From Speaking Truth to Power to Speaking Power’s Truth: Transnational Judicial Activism in an Increasingly Illiberal World’ in Lena Riemer and others (eds), *Cynical International Law? Abuse and Circumvention in Public International and European Law* (Springer 2020) 111, 112. For different views of this same problem in international legal scholarship, see Martti Koskeniemi, *International Law and the Far Right: Reflections on Law and Cynicism* (TMC Asser Press 2019); Taylor Woodcock, Antoine Duval and Dimitri Van Den Meerssche, “‘I Want to Put the Social Question Back on the Table’ – An Interview with Anne

After a long process of negotiation between the Colombian government and the aforementioned FARC-EP guerrilla group (which involved a failed referendum and the extensive involvement of international experts and funders), the country adopted a vanguardist transitional justice model. This system, the Comprehensive System of Truth, Justice, Reparation and Non-Repitition (in Spanish SIVJRNR) brings together different transitional justice mechanisms (such as a truth commission and an ambitious administrative reparation programme) to create the foundations for a lasting peace after decades of armed strife.²³ At the centre of this system sits the JEP, a special transitional tribunal with the task of adjudicating the most egregious violations of human rights law and international humanitarian law, on the basis of both Colombian domestic law and international law.²⁴ To fulfil this daunting task, the JEP needs to engage with the ‘national bank’ of collective memories produced by decades of violence – under the careful gaze of the International Criminal Court or the Inter-American Court of Human Rights, as a result of the highly ‘juridified’ and ‘judicialised’ nature of the Colombian transitional process.²⁵

This is especially true for the JEP’s engagement with the thorny question of the FARC-EP’s widespread practices of kidnapping. Even before the tribunal opened its investigation of these practices through its macro-case 01, the shadow of Hoyos’ *Voces del Secuestro* loomed large over Colombia’s transitional justice process. For this reason the JEP will be obliged to engage with the thick layer of legal meaning that was created by this show in the Colombian collective imagination.²⁶ For, in a country deeply traumatised by the effects of these kidnappings, this radio show galvanised the claims of those who thought the JEP – and the peace process more broadly – was nothing but a sham that would guarantee the impunity of former guerrilla perpetrators to the detriment of victims. With this in mind, in this article I trace the ways

Orford’, *OpinioJuris*, 27 November 2019, <https://opiniojuris.org/2019/11/27/i-want-to-put-the-social-question-back-on-the-table-an-interview-with-anne-orford>. Above all, I avoid the label of ‘populist’, which I do not find very helpful either analytically or politically. On the notion of a 1989 ‘Neoliberal Political Order’ see Gary Gerstle, *The Rise and Fall of the Neoliberal Order: America and the World in the Free Market Era* (Oxford University Press 2022).

²³ Onur Bakiner, ‘The Comprehensive System of Truth, Justice, Reparation, and Non-Repitition: Precedents and Prospects’ in Jacqueline HR DeMeritt, James Meernik and Mauricio Uribe-López (eds), *As War Ends: What Colombia Can Tell Us about the Sustainability of Peace and Transitional Justice* (Cambridge University Press 2019) 230.

²⁴ For an overview see Camilo Ramírez-Gutiérrez and Daniel Quiroga-Villamarín (n 22). See also Emiliano J Buis and Camilo Ramírez-Gutiérrez (eds), *El Derecho Internacional Humanitario en la Jurisdicción Especial Para la Paz de Colombia – Volumen I* (Tirant lo Blanch 2021).

²⁵ David Landau, ‘The Causes and Consequences of a Judicialized Peace Process in Colombia’ (2020) 18 *International Journal of Constitutional Law* 1303. See also René Uruña, ‘Playing with Fire: International Criminal Law, Transitional Justice, and the Implementation of the Colombian Peace Agreement’ (2016) 110 *AJIL Unbound* 364.

²⁶ For an overview in English see Marcela Giraldo Muñoz and Jose Serralvo, ‘International Humanitarian Law in Colombia: Going a Step beyond the Law’ (2019) 101 *International Review of the Red Cross* 1117, 1145–46. See also Yoav Kapshuk, ‘Transitional Justice in the Israeli–Palestinian Negotiations: What Can Be Learned From the Colombian Case?’ (2019) 14 *Journal of Peacebuilding & Development* 73.

in which this radio show engaged the anti-impunity principle in international law to agitate against the 2016 peace agreement. In other words, I argue that in the longest non-international armed conflict in Latin America, even radio waves served the continuation of war by other means. My aim, to be sure, is not to criticise the radio show or the Red Cross Museum as much as to *politicise* and *contextualise* them – to make concrete the rather abstract promises of their humanitarian adventures. In other words, I suggest that the content of the radio show cannot be placed above politics in the realm of humanitarian neutrality.²⁷ Instead, I foreground how this show has been actively used by political actors, especially those on the far right, in the battle for the ‘field of memory’.²⁸ The seemingly intangible nature of radio and the humanitarian aspirations of this particular show should not lead us mistakenly to take it as an instance of ‘heartless materialism’ – to paraphrase from Kéré’s description of his exhibition. For, just as history is not an impartial umpire in human power struggles,²⁹ the *Kidnapped Voices* were also entangled in the strategies of the political far right in Colombia. As such, its humanitarian lens captured a partial and arguably narrow understanding of Colombia’s internal armed conflict, which highlighted a series of practices (kidnapping or hostage taking) of a particular group (far-left guerrillas, like the FARC-EP) while disregarding or downplaying other forms of political violence – such as the forced displacements and massacres perpetrated by right-wing counterinsurgent or parastate groups.

To argue this, following the two introductory sections already offered to the reader, I provide an overview of the history of this radio show (Section 3). I then focus, in Section 4, on the ways in which the show engaged with the categories and institutions of ‘humanity’s law’³⁰ – highlighting how the show was actively ‘translating’ these notions in the Colombian public sphere precisely at a time in which what Orozco called the ‘humanitarian consciousness’ increasingly gained salience in, and beyond, Colombia.³¹ I highlight how humanitarian discourses have been used for illiberal purposes and objectives, which run against the lofty aspirations of Geneva’s hilltop ICRC headquarters.³² Finally, this allows me to conclude with some comments on materiality and the political economy of remembrance (Section 5).

²⁷ This point might seem obvious to certain readers, but I argue that this line of argument has not been raised against the *Voces*, which truly occupy a privileged place in the Colombian collective imaginary.

²⁸ Mark Freeman and Iván Orozco Abad, *Negotiating Transitional Justice: Firsthand Lessons from Colombia and Beyond* (Cambridge University Press 2020) 115.

²⁹ Joan Wallach Scott, *On the Judgment of History* (Columbia University Press 2020) xii–xiii. See further Daniel Quiroga-Villamarín, ‘Friendly Fire: The Politics and Elective Affinities of International Law and the Politics of History’ (2023 forthcoming) *Global Intellectual History*, <https://doi.org/10.1080/23801883.2023.2183879>.

³⁰ Ruti G Teitel, *Humanity’s Law* (Oxford University Press 2011).

³¹ Iván Orozco Abad, *Sobre Los Límites de La Conciencia Humanitaria: Dilemas de La Paz y la Justicia en América Latina* (Editorial Temis 2005); Pablo Kalmanovitz, ‘Entre el Deber de Protección y la Necesidad Militar: Oscilaciones del Discurso Humanitario en Colombia, 1991–2016’ (2018) *Latin American Law Review* 33.

³² Quiroga-Villamarín (n 22) 111–33.

3. 'For freedom and against the atrocities of terrorism': Hoyos in his political context

'Wars are won in the field of information', proudly declared Hoyos in a 2011 interview in a student newspaper edited by the Universidad Católica de Pereira.³³ He would know, as in this interview he claimed a long experience of war reporting not only in Colombia but also in the Balkans, Iraq and Chechnya. Hoyos also backs up his claim by referring to his expertise in questions related to human rights, international humanitarian law, conflict resolution and anti-terrorist strategies – subject areas which are allegedly covered by his personal library.³⁴ While all journalistic activity entails some degree of risk, Hoyos decided to embrace the extra challenges that arise in situations of war. He justifies this by his sense of duty and in the profound love for his values, which has pushed him to come to terms with the sacrifices that this task might entail.³⁵ The image of Hoyos that appears in this 2011 interview, just like that of his show that is curated in the humanitarian museum in Geneva, is that of an impartial and expert observer – untouched by the morass of factional political strife.

However, this image of Hoyos is tenable only if one divorces him from the concrete constellation of factors that led to the emergence of his show in the first place. Against this, I suggest we should understand his project in the context of the reorganisation of the media establishment that occurred during the rule of Álvaro Uribe Vélez (2002–2010) in the first decade or so of the millennium.³⁶ Rather than seeing Hoyos as a lone entrepreneur or a journalistic 'great man',³⁷ in what follows I reconstruct his project in the framework of a broader reconfiguration of the Colombian right and far right during a period marked by the anxieties of the rise of the left-leaning political parties in the rest of the continent (something that Latin American studies often call the 'pink tide' of the turn of the century)³⁸ and their disappointments with previous – and often 'forgotten' – peace negotiations.³⁹ In that sense the

³³ Lisseth Marín Corrales, 'La Guerra Se Gana en El Escenario de la Información', *Expresión*, 2011, https://repositorio.ucp.edu.co/bitstream/10785/301/1/la_guerra.pdf. For another hagiographical interview see Isabel López Giraldo, 'Herbin Hoyos: "Cantar las Verdades Me Puso Contra Todos, Incluso Contra Uribe"', *El Espectador*, 25 February 2021, <https://www.elespectador.com/el-magazin-cultural/herbin-hoyos-cantar-las-verdades-me-puso-contra-todos-incluso-contra-uribe-article>.

³⁴ Marín Corrales (n 33).

³⁵ *ibid.*

³⁶ Fabio López de la Roche, *Las Ficciones del Poder: Patriotismo, Medios de Comunicación y Afectiva de los Colombianos Bajo Uribe Vélez (2002-2010)*, Biblioteca IEPRI 25 años (Universidad Nacional de Colombia 2014); Fabio López de la Roche, 'Derechas Delirantes, Medios de Comunicación y Posverdad' (2020) *Desde el Jardín de Freud* 453, 459.

³⁷ See, eg, 'Adiós a Herbin Hoyos, "La Voz de Los Secuestrados" Semana Noticias', *Revista Semana*, 24 February 2021, <https://www.youtube.com/watch?v=-9lEXmbQhAM>.

³⁸ Peadar Kirby, 'Probing the Significance of Latin America's "Pink Tide" (2010) 89 *European Review of Latin American and Caribbean Studies* 127.

³⁹ Robert A Karl, *Forgotten Peace: Reform, Violence, and the Making of Contemporary Colombia* (University of California Press 2017). See also Ramírez-Gutiérrez and Quiroga-Villamarín (n 22) 145–53.

Voces should be understood as part of a broader system that resonated with the Uribe government's strategy to remake the Colombian 'social constitutional state' (*estado social de derecho*) into a 'State of Opinion' (*Estado de Opinión*) in the pursuit of the doctrine of 'democratic security'.⁴⁰

To be sure, Hoyos opened his programme well before the arrival of Uribe to power in 2002. As he himself narrates, the show came out of a promise he gave to other victims of the FARC kidnapping practice when he was also taken hostage back in 1994.⁴¹ During his time in the jungles and mountains, he realised that the far-left guerrilla group gave each and every one of those it kidnapped a modest survival kit which included, at least, a radio, toothbrush and toothpaste, and a rain poncho.⁴² When he was freed by the Colombian army, Hoyos fulfilled his oath to his fellow kidnappees and created the first radio show created specifically to raise consciousness in relation to the plight of those kidnapped. The allure of the show was nested in its capacity not only to engage with everyday Colombian civilians, but also in its ability to reach (through the radios of the personal kits given by the FARC) to those who were kidnapped – reaching, in a way, places in which the Colombian state and armed forces could not even dream of penetrating.⁴³

This focus on kidnapping, as opposed to a more holistic understanding of violence, is important because in the Colombian armed conflict certain types of violence have been employed with more salience by particular actors.⁴⁴ For instance, the 2013 report of the Colombian National Center for Historical Memory (CNMH⁴⁵), 'Enough: Memories of War and Dignity in Colombia', concludes that roughly 90.6 per cent of kidnapping operations were carried out by left-wing guerrillas, whereas only 9.4 per cent were carried out by right-wing paramilitary groups.⁴⁶ The same is true for attacks on civilian lives and property. Extrajudicial killings, on the other hand, were almost equally carried out by various armed actors, with around 33 per cent attributed to the paramilitaries, 19 per cent to the guerrillas and 16 per cent to state

⁴⁰ On the former see Mario Montoya Brand, 'Estado Social de Derecho, "Estado Comunitario" y "Estado de Opinión": La Redefinición del Estado en los Discursos del Presidente Álvaro Uribe Vélez' (2010) 67 *Estudios de Derecho* 253. On the latter, Josefina A Echavarría, *Security in Colombia: Writing Political Identities in the Democratic Security Policy* (Manchester University Press 2014).

⁴¹ Marín Corrales (n 33). To be sure, Hoyos' programme also engaged with those kidnapped by other far-left guerrilla groups, such as the Marxist-Catholic Ejército de Liberación Nacional (ELN). However, because of the relative marginality of other far-left guerrillas vis-à-vis the FARC, most of those kidnapped in the armed conflict were taken by the FARC.

⁴² *ibid.*

⁴³ Centro Nacional de Memoria Histórica (CNMH), *Una Sociedad Secuestrada* (CNMH 2013) 199; Stephen Pax Leonard, 'Doing Things with Voices: Colombian "Kidnap Radio" and the Sound of God' (2020) 28 *Social Anthropology* 914.

⁴⁴ For an introduction in English see Kim Cragin and Bruce Hoffman, *Arms Trafficking and Colombia* (RAND Corporation 2003) 3–40; on the left-wing guerrillas see 4–6; on the paramilitaries see 6–7.

⁴⁵ In Spanish, Centro Nacional de Memoria Histórica.

⁴⁶ CNMH, 'Secuestros – Estadísticas del Conflicto Armado en Colombia', 2013, <https://www.centrodehistoriahistorica.gov.co/micrositios/informeGeneral/estadisticas.html>.

actors.⁴⁷ However, nearly 60 per cent of all massacres were committed by right-wing paramilitaries, with 17 per cent allocated to the guerrillas and 8 per cent to the Colombian security apparatus.⁴⁸ These forms of violence generally are also connected to particular sets of victims: while far-left kidnapers targeted mostly urban and rural elites to finance their activities,⁴⁹ far-right paramilitary massacres and extrajudicial killings were linked to practices of forced displacement and land grabbing.⁵⁰ These patterns of violence, by and large, have been ratified by the recent findings of the Colombian Commission for the Clarification of Truth, Coexistence and Non-Repetition (CEV). This institution, which – like the JEP – was created as part of the Havana Peace framework,⁵¹ issued its final report in the summer of 2022.⁵² For instance, the technical annex on the statistics of the conflict – commissioned by the JEP, the CEV and the civil society organisation Human Rights Data Analysis Group – concluded that ‘there is evidence that the paramilitaries were the main actors responsible for forced disappearances and homicides, while the FARC were the main culprits of kidnapping and the recruitment of boys, girls and teenagers’.⁵³ To be sure, while these exact figures are debatable – and indeed, are being debated right now by the Colombian transitional justice institutions – it is difficult to deny that by the 1990s the ‘war of massacres’ had been the preferred form of violence of the far-right paramilitaries⁵⁴ while the far-left guerrillas had opted for systematic practices of kidnapping.⁵⁵ This is especially true for the Marxist FARC-EP guerrilla group, which is estimated to have committed more kidnapping operations than those attributed to the paramilitaries and the Catholic-Marxist guerrilla ELN (National Liberation Army) together (see Figure 2).

⁴⁷ CNMH, ‘Asesinatos Selectivos – Estadísticas del Conflicto Armado en Colombia’, 2013, <https://www.centrodehistoria.gov.co/micrositios/informeGeneral/estadisticas.html>.

⁴⁸ CNMH, ‘Masacres – Estadísticas del Conflicto Armado en Colombia’, 2013, <https://www.centrodehistoria.gov.co/micrositios/informeGeneral/estadisticas.html>.

⁴⁹ Danielle Gilbert, ‘The Logic of Kidnapping in Civil War: Evidence from Colombia’ (2022) *American Political Science Review* 1, 8 (noting that, despite the lack of evidence, roughly half of the cases of kidnapping were directed against company managers and vice-presidents).

⁵⁰ Jenniffer Vargas Reina, ‘Coalitions for Land Grabbing in Wartime: State, Paramilitaries and Elites in Colombia’ (2022) 49 *Journal of Peasant Studies* 288.

⁵¹ Gabriel Velez, ‘Teaching Truth in Transitional Justice’ (2021) 23(1) *Health and Human Rights* 91, 95.

⁵² The ten volumes of this massive report can be accessed at <https://www.comisiondelaverdad.co>. An important difference between the 2013 and the 2022 reports is that the recent intervention does not distinguish between massacres and homicides. While this makes it relatively harder to understand the particularities of the patterns of paramilitary violence, for the purposes of my argument on kidnapping this is of relatively minor importance.

⁵³ JEP and others, ‘Informe Metodológico del Proyecto Conjunto JEP-CEV-HRDAG de Integración de Datos y Estimación Estadística’, 18 August 2022, 17, <https://hrdag.org/wp-content/uploads/2022/08/20220818-fase4-informe-corrected.pdf>. I thank Valentina Roza-Ángel for her willingness to discuss these figures with me. My argument does not reflect her views or those of her current or former employers.

⁵⁴ Freeman and Orozco Abad (n 28) 98.

⁵⁵ Gilbert (n 49) 8–12.

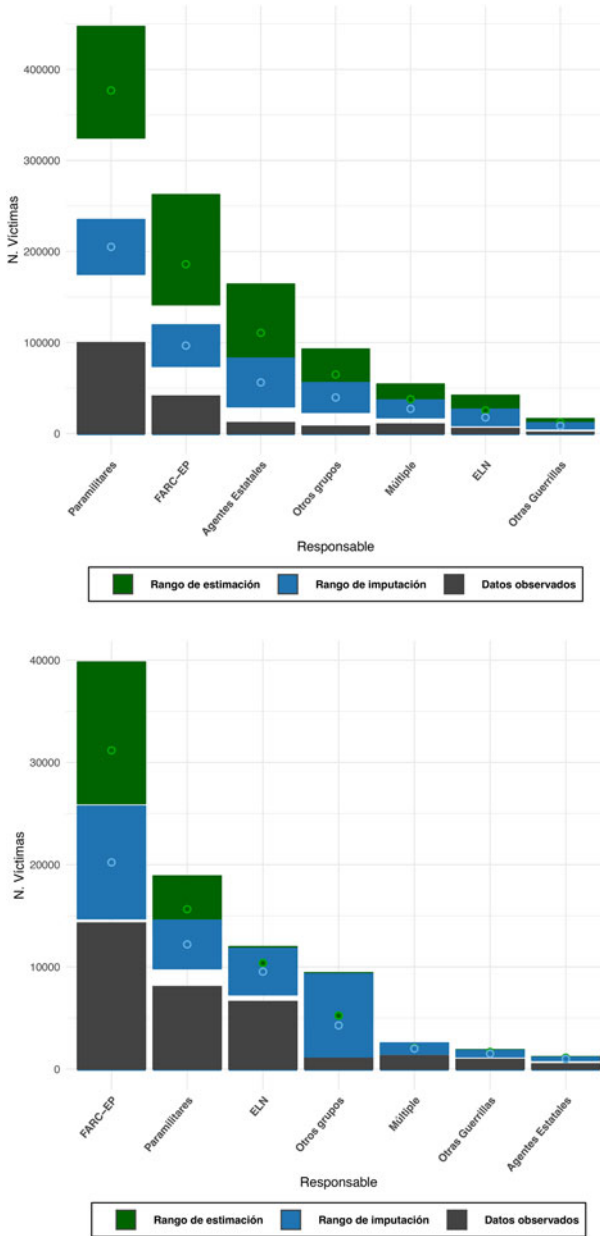


Figure 2. Statistical estimates that correlate instances of violence with the groups that committed them

Note: Above: homicides; below: kidnappings (in Spanish).

Source: JEP-CEV-HRDAG 2022 ©. Extracted from JEP and others (n 53) 17.

Indeed, while the left-wing guerrillas had experimented with some high-profile cases of kidnapping in the 1970s, these practices only became widespread in the 1990s. Prieto even identifies a ‘massification’ of kidnapping between 1996 and 2010, drawing again on figures provided by the CNMH.⁵⁶ In fact, the emergence of the right-wing paramilitaries is often credited to the exasperation of elite families and rising drug traffickers with the kidnapping of their families, of which the group Death to Kidnappers (Muerte a Secuestradores – MAS) was the most salient perpetrator.⁵⁷ It was in this context that Gabriel García Márquez (the Nobel-winning author) penned his *News of a Kidnapping*, which Hoyos and González-Jácome have read as a reflection on legality, violence and hostage taking in this tense period of Colombian history.⁵⁸ However, the 1990s was a decade also marked by the exacerbation of other forms of violence. For that reason, a focus on kidnapping – rather than on the emergence of other forms of violence (such as massacres) or armed actors (such as drug traffickers or right-wing paramilitaries) – shows that the framing taken by the *Voces* highlighted certain aspects of the Colombian conflict, downplaying others.⁵⁹ Of course, my point here is not that Hoyos should have covered all human rights violations equally, which would have been truly impossible.⁶⁰ Nor am I arguing that any actor that agitated against kidnapping was necessarily pursuing a right-wing agenda – indeed, I cite Gabriel García Márquez (whose left-leaning politics pushed him towards a long exile in Mexico⁶¹) as a good example of how different sectors of Colombian society came to rally against kidnapping during these

⁵⁶ David Ramírez Prieto, ‘El Testimonio al Revés: Las Narrativas del Secuestro en Colombia o la Parodia del Género Testimonial (1998–2013)’ (2018) 47 *Chasqui* 256, 256. See also CNMH (n 43).

⁵⁷ Caterina Heyck Puyana, *Derecho Internacional, Acuerdo Humanitario y Resolución Pacífica del Secuestro* (Editorial Universidad del Rosario 2011) 41, 46; Andrés López Restrepo and Álvaro Camacho Guizado, ‘From Smugglers to Warlords: Twentieth Century Colombian Drug Traffickers’ (2003) 28 *Canadian Journal of Latin American and Caribbean Studies* 249, 265.

⁵⁸ Gabriel García Márquez, *Noticia de un Secuestro* (Vintage Español 2011, originally published 1996). See further Héctor Hoyos and Jorge González-Jácome, ‘The War on Drugs between Exception and Legitimacy: García Márquez’s *News of a Kidnapping*’ (2022) *Law & Literature* 1 (no relation to Herbin Hoyos, to the best of my knowledge).

⁵⁹ Although I have not counted how many of the radio emissions were aimed at those kidnapped by the FARC vis-à-vis those kidnapped by the ELN or the paramilitaries, it is telling that all of the victims that Hoyos used to highlight in his interventions at the Colombian Congress or in his retrospective publications were those of the FARC; see Centro Democrático Comunitario Oficial, ‘Interv. de Herbin Hoyos/Plenaria de Senado Sobre Debate de Referendación de Los Acuerdos de La Habana’, YouTube, 29 November 2016, <https://www.youtube.com/watch?v=1hjbXkG5Ahl>. See also Marta Ruiz, ‘Hermano para Siempre’ in *Crónicas: Premio Nacional de Paz* (FESCOL 2010) 187, 187–89, 194–97. He was rightly seen as a leader of the anti-FARC victim movement.

⁶⁰ Although one must also note that a broader and holistically oriented approach to all forms of violent actor was indeed deployed by the CNMH and other human rights organisations. The right-wing bias of the *Voces* is also clear if one compares it with the more left-leaning contemporary programme *La Noche de la Libertad* (the Night of Freedom), run by Antonio José Caballero; see CNMH (n 43) 200.

⁶¹ UPI, ‘Left-Wing Writer Flees Bogota for Mexico City’, *The New York Times*, 27 March 1981, <https://www.nytimes.com/1981/03/27/world/left-wing-writer-flees-bogota-for-mexico-city.html>.

turbulent years.⁶² Rather, I highlight that claims of victimhood are never neutral, as every denunciation carries an implicit hierarchisation of the many ways in which violence is inflicted at the individual or structural level.⁶³

This exasperation with the far-left guerrillas (and with the FARC in particular) reached its highest mark in the wake of the failed peace process, which took place between 1999 and 2002 – colloquially known as the *el Cagúan* process.⁶⁴ Since the early 1980s, almost all of Colombia's presidents have attempted to negotiate peace with the left-wing guerrilla groups, with varying degrees of success. While the demobilisation of the left-leaning Movimiento 19 de Abril (M19), which occurred under President Virgilio Barco (1986–1990), gave the country high hopes for a political solution to armed strife, the failure of the *Cagúan* process left a profound sense of distrust of the guerrillas among the Colombian establishment. In this process, led by the administration of Andrés Pastrana (1998–2002), the FARC was allowed to roam freely within a demilitarised zone of 42,000 kilometres during almost three years while the negotiations unfolded.⁶⁵ The slow advance at the negotiation table and the extensive deployment of the FARC within the zone led many citizens to doubt the group's commitment to a political settlement. A highly symbolic instance of this for many Colombians is the so-called empty chair (*silla vacía*) incident of *el Cagúan*: as the highest guerrilla leader had opted not to go in person to the opening of the negotiations, President Pastrana was forced to sit awkwardly beside an empty chair.⁶⁶ After a series of disappointments, Pastrana declared the peace process a failure and ordered the armed forces to bomb the demilitarised zone in 2002. Shortly thereafter, the FARC kidnapped a right-wing presidential candidate, Ingrid Betancourt, who had ventured into the former demilitarised zone.⁶⁷ The image that emerged out of 2002 was that the FARC had tricked the Colombian establishment into giving it a three-year truce, which allowed it to prepare seriously for a military takeover of power, financed by the surpluses generated by kidnapping and drug trafficking. As the window for peace negotiations closed, Pastrana addressed the nation to tell all citizens that he wished 'the Archangel Saint Michael [to] protect us' from what would come next.⁶⁸

In lieu of divine intervention, Colombia got instead the landslide election of Álvaro Uribe Vélez, who would rule for two terms from 2002 to 2010 – overturning, along the way, the constitutional prohibition of presidential

⁶² I thank one of the reviewers for her or his comments in relation to this.

⁶³ Makau Mutua, 'Savages, Victims, and Saviors: The Metaphor of Human Rights' (2001) 1 *Harvard International Law Journal* 201.

⁶⁴ See broadly Harvey F Kline, *Chronicle of a Failure Foretold: The Peace Process of Colombian President Andrés Pastrana* (University of Alabama Press 2007).

⁶⁵ Renata Segura and Delphine Mechoulan, *Made in Havana: How Colombia and the FARC Decided to End the War* (International Peace Institute 2017) 5, 6.

⁶⁶ Kline (n 64) 120.

⁶⁷ Eduardo Posada-Carbó, 'Language and Politics: On the Colombian "Establishment"' (2007) 42(2) *Latin American Research Review* 111, 125.

⁶⁸ Kline (n 64) 120.

re-election.⁶⁹ While Uribe was formerly tied to the centre-right Liberal Party (Partido Liberal), his platform had effectively broken the hegemony of the traditional two-party Colombian system to create instead a broad consensus around his ‘neopopulist’ law-and-order approach.⁷⁰ A central part of this vision was that the only legitimate conclusion for Colombia’s armed conflict was the military annihilation of the FARC in the battlefield – which was then known as the ‘military option’ (as opposed to a ‘political’ solution).⁷¹ In this vein, the Uribe administration pursued a two-pronged strategy to end the armed conflict: on the one hand, it sought to negotiate a lenient demobilisation process with the right-wing paramilitaries through the so-called Justice and Peace Process, which was enacted via Law 975 of 2005.⁷² At the same time the Uribe administration pursued a series of aggressive military operations against the left-wing guerrillas, which was accompanied by a series of media operations that sought to justify the legitimacy and legality of state violence against these groups. Marketing and mass media were crucial parts of this strategy – the Uribe administration and its allies actively deployed communication strategies to demobilise and demoralise far-left guerrillas into entrepreneurs and consumers, while at the same glorifying counterinsurgent ‘freedom fighters’.⁷³

While the creation of the *Voces* by Hoyos predated this strategy by some years (1994), it gained the salience it had in Colombian politics only during the Uribe era (2002–2010). In was part of a broader constellation through which journalists and media operators adjusted to the expectations of the Uribe war-related vision of ‘democratic security’.⁷⁴ In the same vein, the

⁶⁹ See, broadly, Harvey F Kline, *Showing Teeth to the Dragons: State-Building by Colombian President Álvaro Uribe Vélez, 2002–2006* (University of Alabama Press 2009); Harvey F Kline, *Fighting Monsters in the Abyss: The Second Administration of Colombian President Álvaro Uribe Vélez, 2006–2010* (The University of Alabama Press 2015). On re-election see Manuel José Cepeda Espinosa and David E Landau, *Colombian Constitutional Law: Leading Cases* (Oxford University Press 2017) 130.

⁷⁰ John C Dugas, ‘The Emergence of Neopopulism in Colombia? The Case of Álvaro Uribe’ (2003) 24 *Third World Quarterly* 1117. See also Jennifer S Holmes and Sheila Amin Gutiérrez de Piñeres, ‘Party System Decline in Colombia: A Subnational Examination of Presidential and Senate Elections from 1994 to 2006 (2012) 8 *Democracy and Security* 175.

⁷¹ Gregory J Lobo, ‘Spectacular “Nationism” in Modern Colombia: Mediating Commitment to the Military Option’ (2016) 10 *Media, War and Conflict* 261.

⁷² Kai Ambos, *The Colombian Peace Process and the Principle of Complementarity of the International Criminal Court: An Inductive, Situation-based Approach* (Springer 2010); Francisco Gutiérrez, *Clientelistic Warfare Paramilitaries and the State in Colombia (1982–2007)* (Peter Lang 2019). On the leniency of these measures towards the right-wing paramilitaries see Daron Acemoglu, James A Robinson and Rafael J Santos, ‘The Monopoly of Violence: Evidence from Colombia’ (2013) 11 *Journal of the European Economic Association* 5, see fn 3 at 7.

⁷³ Fattal (n 18).

⁷⁴ See generally Yeny Serrano, ‘Le Conflit Armé en Colombie dans les Journaux Télévisés Nationaux’ (2011) 97 *Mots* 117; Alexandra García-Marrugo, ‘What’s in a Name? The Representation of Illegal Actors in the Internal Conflict in the Colombian Press’ (2013) 24 *Discourse and Society* 421; María T Ronderos, *Guerras Recicladadas: Una Historia Periódica del Paramilitarismo en Colombia* (Aguilar 2014); Manfredo Koessl, *Violencia y Habitus: Paramilitarismo en Colombia* (Siglo del Hombre 2014); Yeny Serrano, ‘Naming the Combatants of the Colombian Armed Conflict in News Broadcasts: The Discursive Positioning of Journalists’ (2016) 19 *Palabra Clave* 57. However, it is important to note that Uribe did not come out of the blue in 2001.

Uribe government mobilised the notion of ‘terrorism’ to brandish the guerrilla groups as actors who were beyond the pale of the law – as such, placing them outside the purview of the protection of the laws of war and international humanitarian law.⁷⁵ In this turn he found a key ally in Hoyos, who had been writing about ‘terrorism’ outside and within Colombia since the late 1990s.⁷⁶ Not in vain did Uribe explicitly cite the importance of this radio show in his 2012 memoirs, which sought to provide a retrospective justification for the increased militarisation of the armed conflict that occurred under his mandate.⁷⁷ A salient example of this was that the most spectacular military operation carried out to rescue kidnapped victims from the FARC (the so-called Operación Jaque) was made possible through the deliberate abuse of the emblems of the ICRC, in a case of ‘permissible perfidy’, which caused outrage in Geneva and beyond.⁷⁸ It is telling, for instance, that as soon as the aforementioned presidential candidate Ingrid Betancourt was liberated by Operación Jaque, she praised the important role that Hoyos and his show played during her time in the jungle.⁷⁹

For all the above, I argue that the *Voces* cannot be read only as a humanitarian platform which sought to raise consciousness of the plight of those kidnapped. It was certainly that, but it was also part of a wider system through which the Colombian state waged its war against the FARC: a strategy which combined military operations, legal justifications and mass media interventions. If law can sometimes serve the prolongation of war ‘by other means’, the same was true for its radio waves.⁸⁰ It was no coincidence that during the same years in which the radio show raised consciousness about the plight of those kidnapped, the government adopted a heavy-handed military strategy, which denied any sort of protection for FARC-EP ‘terrorists’. Indeed, during these years Uribe denied the existence of a non-international armed conflict.⁸¹

During the years the radio show was founded, Uribe was the Governor of the Department of Antioquia.

⁷⁵ Jason Hagen, ‘Uribe’s People: Civilians and the Colombian Conflict’ (2003) 4 *Georgetown Journal of International Affairs* 65. Uribe even managed to convince the US to include the FARC-EP in its official list of terrorist organisations and individuals: US Department of State, Executive Order 13224, <https://www.state.gov/executive-order-13224>.

⁷⁶ Most of his early essays were collected and published in Herbin Hoyos Medina, *Las Guerras del Terrorismo* (Quintero Editores 2000).

⁷⁷ Álvaro Uribe Vélez, *No Hay Causa Perdida: Memorias* (Celebra 2012) 21–22.

⁷⁸ JC Dehn, ‘Permissible Perfidy? Analysing the Colombian Hostage Rescue, the Capture of Rebel Leaders and the World’s Reaction’ (2008) 6 *Journal of International Criminal Justice* 627. On this occasion the Colombian armed forces used the emblem of the Red Cross and the words ‘Comité International Genève’ as they approached enemy combatants; see further Ramírez-Gutiérrez and Quiroga-Villamarín (n 22) 142–43.

⁷⁹ Redacción el Tiempo, ‘Conmoveror Mensaje de Ingrid Betancourt Tras La Muerte de Herbin Hoyos’, *El Tiempo*, 25 February 2021, <https://www.eltiempo.com/cultura/gente/ingrid-ingrid-betancourt-y-el-mensaje-tras-la-muerte-de-herbin-hoyos-569457>.

⁸⁰ David Kennedy, *The Dark Sides of Virtue: Reassessing International Humanitarianism* (Princeton University Press 2005); David Kennedy, *Of War and Law* (Princeton University Press 2006) 13, 163.

⁸¹ El Espectador, ‘Uribe Da 10 Razones Para No Hablar de Conflicto Armado’, 7 May 2011, 10, <https://www.elespectador.com/politica/uribe-da-10-razones-para-no-hablar-de-conflicto-armado-article-268116>.

In sum, Hoyos and his programme – not unlike Uribe (whose father had died in a botched kidnapping attempt in 1982⁸²) – was very much a product of the anxieties of a rising far right exasperated with far-left kidnappings in the 1990s. I am not suggesting that either of these figures are easily reducible into each other: Hoyos did not ‘create’ Uribe, but nor is the opposite true. My argument here is one that is analogous to that raised in the historiography with regard to the relation between Uribe and the paramilitaries.⁸³ Instead of asking whether Uribe created the paramilitaries or if the opposite is true, I think we should see this period as being marked by the creation of lasting far-right coalitions between armed actors, political figures, and media operators – without imputing a determinant role to either of these components. Hoyos was neither a ‘puppet’ of higher powers, but nor was he an unentangled lone rider. He acted within a particular political context of ‘structured contingency’⁸⁴ to pursue a political agenda which required him to mobilise his cultural capital in exchange for patronage or leverage.⁸⁵ Through its use of legal categories, this agenda was able to outlive Hoyos and his radio show – with important consequences for the Colombian transitional institutions entrusted with the implementation of humanity’s law. I turn to this now.

4. ‘Whoever invokes humanity wants to cheat’:⁸⁶ On the political uses of the legal categories of ‘humanity’s law’

Legal categories were actively mobilised by Hoyos and the *Voces*, especially as the Uribe administration found itself increasingly on the defensive in the last years of its regime. For instance, Hoyos was one of the central actors who called for the mass mobilisation of ‘a million voices against the FARC’ (*un millón de voces contra las FARC*) of 2008,⁸⁷ which sought to justify another constitutional reform to allow for Uribe’s third re-election. The alternative, Uribe and his supporters claimed, was a constitutional catastrophe (*hecatombe*) which would result in the victory of the far-left guerrillas and the collapse of the institutional order. As mentioned above, while Uribe had been able to reform the Constitution once for his first re-election, now his camp wanted to pass a

⁸² Peter Vincent, ‘The Best Deal for Colombia’, *The New York Times*, 28 August 2016, <https://www.nytimes.com/2016/08/29/opinion/the-best-deal-for-colombia.html>.

⁸³ John C Dugas, ‘Paramilitaries and the Economic Origins of Armed Conflict in Colombia’ (2012) 47 *Latin American Research Review* 205.

⁸⁴ Samuel Moyn, ‘From Situated Freedom to Plausible Worlds’ in Kevin Jon Heller and Ingo Venzke (eds), *Contingency in International Law: On the Possibility of Different Legal Histories* (Oxford University Press 2021) 517.

⁸⁵ This was especially clear in relation to the anti-JEP referendum proposed by Hoyos and supported by Uribe, which is considered in more detail below. See further Adriaan Alsema, ‘“Uribistas” Seek Referendum to “Abolish” Colombia’s War Crimes Tribunal and “Revoke High Courts”’, *Colombia Reports*, 14 June 2019, <https://colombiareports.com/uribistas-seek-referendum-to-abolish-war-crimes-tribunal-and-revoke-high-courts>. It is also worth noting that Uribe’s party (Centro Democrático) invited Hoyos to intervene at the Colombian Congress on its behalf against the 2016 peace process; see Centro Democrático Comunidad Oficial (n 59).

⁸⁶ Carl Schmitt, *The Concept of the Political* (expanded edn, University of Chicago Press 2007) 54.

⁸⁷ López Giraldo (n 33); see also CNMH (n 43) 214.

grass-roots referendum to allow a further constitutional reform that would allow 'that who: has held the office of President for two-terms can be elected for a third'.⁸⁸ This process started in 2008 with a campaign of mass mobilisation (through the collection of signatures) in favour of the referendum and the elevation of this proposal into a law in 2009.⁸⁹ While this process was eventually cut short when the Colombian Constitutional Court ruled this whole ordeal to be unconstitutional in 2010,⁹⁰ for the purpose of this article's argument what matters is that Hoyos actively mobilised his radio show and political capital in favour of Uribe's agenda.⁹¹ Moreover, his position was not shared by all victims of kidnapping associations. Some family members of those kidnapped and more left-leaning victim groups opposed the mobilisation, arguing that it was more invested in satanising the FARC than in negotiating the release of kidnapped victims. In fact, these mobilisations clashed with the efforts with other humanitarian actors which had sought to engage with the FARC's overtures for 'humanitarian exchange' – a euphemism which stood for a process through which the Colombian army released FARC combatants in exchange for the liberation of kidnapped actors.⁹² Against this, Hoyos and the Uribe administration pushed for the military liberation of the victims – a strategy viewed with some scepticism by family members on the ground of the high risks these operations entailed for those who were kidnapped.⁹³

However, the real turning point for Hoyos and his programme in terms of usage of international legal categories – and of the Colombian right in

⁸⁸ Of course, seeing that until then Uribe had been the only President who had amended the Constitution to allow for re-election, he was also the only one who could be re-elected under the terms of this proposal. It was a tailor-made re-election provision.

⁸⁹ Law 1354 of 2009, declared unconstitutional by the Colombian Constitutional Court in its ruling C-141 of 2010. For an overview of this complicated process, see Cepeda Espinosa and Landau (n 69) 340–69.

⁹⁰ *ibid.*

⁹¹ López de la Roche (2020) (n 36) 460.

⁹² Alex Fattal, 'Hostile Remixes on YouTube: A New Constraint on Pro-FARC Counterpublics in Colombia' (2014) 41 *American Ethnologist* 320, 327. As one of the reviewers aptly noted, I am not addressing the complex legal question of whether the FARC was legally entitled to deprive actors of their liberty pursuant to international humanitarian law and international law. In this article I am not particularly interested in arguing in favour of or against a 'correct' interpretation of the law in this respect. Instead, I examine the work undertaken by a certain legal category in a particular political context. While I agree with the reviewer that much work remains to be done in relation to the legality of kidnapping, hostage taking or detention by rebel groups, I do not wish to provide in this article what Schlag called 'air law': that is, when scholars attempt to play the air guitar as if they were judges: Pierre Schlag, 'Spam Jurisprudence, Air Law, and the Rank Anxiety of Nothing Happening (A Report on the State of the Art)' (2009) 97 *Georgetown Law Journal* 803, 812–13. For recent literature on these questions, see instead Buis and Ramírez-Gutiérrez (n 24); Ezequiel Heffes, *Detention by Non-State Armed Groups under International Law* (Cambridge University Press 2022).

⁹³ Ana Caterina Heyck Puyana, 'Análisis del Acuerdo Humanitario Como Alternativa de Negociación Para Lograr La Libertad de Los Secuestrados Políticos en Colombia' (2009) 2 *Revista de Paz y Conflictos* 82.

general – came a couple of years later, once they found themselves out of power.⁹⁴ After the Colombian Constitutional Court blocked the third re-election of Uribe in 2010,⁹⁵ the Colombian far-right deposited its faith in Uribe's former Minister of Defence, Juan Manuel Santos. The latter was elected in 2010 with Uribe's backing and under the colours of his political party – named the U: Party of Unity, which in practice really stood for the 'U' in Uribe. However, Santos proved to be an unruly puppet, and slowly but surely came to be seen as a traitor to the hardliner *Uribista* tradition.⁹⁶ Indeed, in a couple of years, Santos surprised all political actors by turning from an exemplary Minister of Defence committed to 'the military option' and 'democratic security' to a President who reopened negotiations with the FARC in 2012.⁹⁷ As Hoyos himself admitted, while news of the peace process first seemed to offer hope for the liberation of those kidnapped, he and other actors of the far right increasingly started to see the Santos process as a capitulation to the FARC, which would guarantee the *impunity* of its kidnapping operations.⁹⁸ His radio show became an important tribune for this agenda – in which law played a central role. For instance, in 2016 he used his show to denounce the peace process as one in which 'the government made humanitarian concessions without any guarantees'.⁹⁹ Furthermore, in 2020 he even denounced pro-peace lawyers as pro-FARC and pro-impunity puppets – an act for which he was challenged in a domestic defamation suit and for which he was ordered to issue a public retraction.¹⁰⁰

Anti-impunity, as Alviar García and Engle have argued, became – perhaps surprisingly so – a central banner in the agenda of Hoyos and other far-right actors as they became disgruntled with the Santos administration and its peace

⁹⁴ It was also at around this time that Hoyos left Colombia as a result of threats raised against him by the far-left guerrillas he was denouncing in his radio show; see Adriana Hurtado, 'La FIP Deplora Que El Periodista Colombiano Herbin Hoyos Sea Forzado al Exilio', *Federación Colombiana de Periodistas*, 15 October 2009, <https://fecolper.com.co/la-fip-deplora-que-el-periodista-colombiano-herbin-hoyos-sea-forzado-al-exilio>.

⁹⁵ Laura Gamboa, 'Opposition at the Margins: Strategies against the Erosion of Democracy in Colombia and Venezuela' (2017) 49 *Comparative Politics* 457, 459.

⁹⁶ See, eg, Franck Emmanuel Marre, 'FARC's Facade and Other Major Obstacles to a Genuine Peace in Colombia' (2014) 6(6) *Counter Terrorist Trends and Analyses* 4.

⁹⁷ Carlo Nasi and Angelika Rettberg, 'Colombia's Farewell to Civil War' in I William Zartman (ed), *How Negotiations End* (Cambridge University Press 2019) 62. See also Harvey F Kline, *Between the Sword and the Wall: The Santos Peace Negotiations with the Revolutionary Armed Forces of Colombia* (The University of Alabama Press 2020).

⁹⁸ As mentioned above, Hoyos accepted an invitation to speak on behalf of Uribe's party, using its platform in the Colombian Senate to convince Colombians that the plight of the kidnapped voices should move voters to bury the peace agreement; see Centro Democrático Comunidad Oficial (n 59).

⁹⁹ Priscila Romero, 'Estamos de Acuerdo Con La Paz, Pero No Con La Impunidad y Los Acuerdos', *Notimundo*, 29 August 2016, <https://notimundo.com.ec/estamos-de-acuerdo-con-la-paz-pero-no-con-la-impunidad-y-los-acuerdos>.

¹⁰⁰ 'Periodista Herbin Hoyos Deberá Retractarse por Vincular a Algunos Abogados Con Las Farc', *El Espectador*, 23 October 2020, <https://www.elespectador.com/judicial/periodista-herbin-hoyos-debera-retractarse-por-vincular-a-algunos-abogados-con-las-farc-article>.

process.¹⁰¹ I say ‘surprisingly’ because for a long period Uribe and his allies had been the accused in fostering impunity, rather than those who raised the accusations.¹⁰² Indeed, concerns related to the promotion of impunity were long raised by human rights organisations and left-leaning grass roots activists against Uribe’s process of ‘Justice and Peace’ with the right-wing paramilitaries in 2005.¹⁰³ In a game of ‘inverted mirrors,’ far-right actors now found themselves brandishing allegations of impunity against the Santos-FARC peace process.¹⁰⁴ As Hoyos himself noted in an interview, the peace process led to his ‘radicalisation’, as he became convinced that the process would ‘cover-up’ (*tapar*) the crimes of the FARC – and its heinous practices of kidnapping, in particular – to the detriment of the rights of victims.¹⁰⁵ At this point, Hoyos and his allies realised that they could use the categories of international humanitarian law for their own far-right political agenda, which were quite different from the seemingly progressive and liberal aims of the ‘humanitarian consciousness’.¹⁰⁶ If the new FARC peace process was one which was not only thoroughly ‘juridified’¹⁰⁷ but also ‘judicialised’,¹⁰⁸ then the far right stood much to gain if it managed to mobilise these concepts for its illiberal purposes.¹⁰⁹ It is important to note that ‘impunity’ is a legal category, and not merely of a moral nature. As Simpson noted, it is quite distinct to argue that a war or legal institution is immoral or inconvenient rather than to say that it is *illegal* under international law.¹¹⁰ This entails a call not to politics as usual but mobilises a set of higher values rooted in a core of common commitments to ‘humanity’s law’.¹¹¹ For this reason, I am not necessarily interested in providing a ‘right interpretation’ of the anti-impunity principle (nor of clarifying the circumstances under which FARC detention would be

¹⁰¹ Helena Alviar García and Karen Engle, ‘The Distributive Politics of Impunity and Anti-Impunity: Lessons from Four Decades of Colombian Peace Negotiations’ in Karen L Engle, Zinaida Miller and Dennis Davis (eds), *Anti-Impunity and the Human Rights Agenda* (Cambridge University Press 2016) 216. See also Manuel Iturralde, ‘Colombian Transitional Justice and the Political Economy of the Anti-Impunity Transnational Legal Order’ in Gregory Shaffer and Ely Aaronson (eds), *Transnational Legal Ordering of Criminal Justice* (Cambridge University Press 2020) 234.

¹⁰² Ramírez-Gutiérrez and Quiroga-Villamarín (n 22).

¹⁰³ Human Rights Watch, ‘World Report 2005’, 202–08; Amnesty International, ‘Colombia: The Justice and Peace Law Will Benefit Human Rights Abusers’, 9 December 2005, <https://www.amnesty.org/en/wp-content/uploads/2021/08/amr230302005en.pdf>.

¹⁰⁴ Freeman and Orozco Abad (n 28) 96.

¹⁰⁵ López Giraldo (n 33).

¹⁰⁶ Ramírez-Gutiérrez and Quiroga-Villamarín (n 22).

¹⁰⁷ Gerry J Simpson, *Law, War and Crime: War Crimes Trials and the Reinvention of International Law* (Polity 2007).

¹⁰⁸ David Landau, ‘The Causes and Consequences of a Judicialized Peace Process in Colombia’ (2020) 18 *International Journal of Constitutional Law* 1303. See also René Urueña, ‘Prosecutorial Politics: The ICC’s Influence in Colombian Peace Processes, 2003–2017’ (2017) 111 *American Journal of International Law* 104.

¹⁰⁹ Quiroga-Villamarín (n 22).

¹¹⁰ Simpson (n 107).

¹¹¹ Teitel (n 30).

illegal or legal), but to examine the malleability of this legal doctrine for all kinds of political purpose.¹¹²

This fact was not lost on Hoyos and the *Voces*, as they set their eyes on the Special Jurisdiction for Peace (JEP¹¹³), the special transitory judicial mechanism created by the Santos-FARC peace process in Chapter 5 of the Havana Peace Agreement.¹¹⁴ As I have explained in more detail elsewhere, in the 2012 Havana process – in contrast to the 2005 paramilitary demobilisation process – ‘compliance with international standards [on the rights of victims] took centre stage’.¹¹⁵ For this reason, the Havana negotiators (with much advice from international experts) created an ‘integrated system of Truth, Justice, Reparation, and Non-Repetition’, of which the JEP was the crown jewel. This Special Jurisdiction was tasked with the implementation of a regime of alternative, non-prison-based punishments. Confident of the technical soundness of the agreement, the Santos administration decided to hold a nationwide plebiscite so that Colombians could ratify what was negotiated between the government and the FARC.¹¹⁶

To everyone’s surprise, the peace accord was rejected by a slim majority of voters in 2017 – no doubt in part because ‘Colombian citizens did not widely support the peace agreement, partly due to the influence of Uribe, who mobilised his Democratic Centre party against the agreement, ultimately quashing a referendum to ratify it’.¹¹⁷ However, to those following the *Voces* this should not have been a surprise; in fact, Hoyos and the programme had long rallied against the JEP.¹¹⁸ In particular, Hoyos raised claims of impunity and the rights of the victims (of the FARC) to argue that the JEP was incompatible with domestic and international law.¹¹⁹ While the far right pursued a misinformation campaign, which used a variety of tropes (from anxieties related to gender and sexuality to concerns about economic redistribution),¹²⁰ the *impunity* of

¹¹² On the malleability of this principle in the Colombian context, see Alviar García and Engle (n 101) or Iturralde (n 101).

¹¹³ Buis and Ramírez-Gutiérrez (n 24).

¹¹⁴ On the structure and history of the JEP see Hector Olasolo and Joel MF Ramirez Mendoza, ‘The Colombian Integrated System of Truth, Justice, Reparation and Non-Repetition’ (2017) 15 *Journal of International Criminal Justice* 1011; Marta Valiñas, ‘The Colombian Special Jurisdiction for Peace: A Few Issues for Consideration when Investigating and Adjudicating Sexual and Gender-based Crimes’ (2020) 18 *Journal of International Criminal Justice* 449; Ramírez-Gutiérrez and Quiroga-Villamarín (n 22).

¹¹⁵ Ramírez-Gutiérrez and Quiroga-Villamarín (n 22) 151.

¹¹⁶ Freeman and Orozco Abad (n 28) 103.

¹¹⁷ Ashley Ehasz, ‘Political Reincorporation of Female FARC-EP Ex-Combatants: The Creation of Victims, Heroes, and Threats’ (2020) 13(2) *Cornell International Affairs Review* 4, 39–93, 13.

¹¹⁸ Alsema (n 85).

¹¹⁹ International Crisis Group, ‘In the Shadow of “No”: Peace after Colombia’s Plebiscite’, Latin America Report No 60, 31 January 2017, 18 n 66, <https://www.crisisgroup.org/latin-america-caribbean/andes/colombia/060-shadow-no-peace-after-colombia-s-plebiscite>.

¹²⁰ Andrei Gomez-Suarez, ‘Peace Process Pedagogy: Lessons from the No-Vote Victory in the Colombian Peace Referendum’ (2017) 53 *Comparative Education* 462; Anna O Pechenkina and Laura Gamboa, ‘Who Undermines the Peace at the Ballot Box? The Case of Colombia’ (2019) *Terrorism and Political Violence* 197; Julieta Lemaitre, ‘Transitional Justice and the Challenges of a Feminist

FARC kidnappings was a crucial element of its repertoire. Hoyos, in 2019, went as far as proposing a nationwide referendum to abolish the JEP – a measure that was ultimately unsuccessful but was widely supported by the Uribe camp.¹²¹ In an interview Hoyos gave to another university newspaper, he declared that his proposal was being put forward by a ‘federation’ of ‘10 million victims’ who wished to prevent submission of the Colombian judiciary to ‘bandits’.¹²² In his Twitter account, Hoyos denounced those who defended the JEP as motivated by their selfish self-interest: the defenders either had ‘their women working there [*tiene la mujer allá metida*], had ‘personal and political ties to the corrupt judiciary’, or were pro-FARC left-wingers [*mamertos*] who had no respect for the country [*no le duele el país*].¹²³

While this attempt to abolish the JEP was ultimately unsuccessful,¹²⁴ the crusade led by Hoyos and his followers outlived the end of the *Voces* show in 2019 – and even of Hoyos himself, who died of COVID-19-related complications in 2021. His death was promptly followed by a shower of obituaries from the Colombian establishment and those involved in the Uribe anti-FARC constellation – from the US Embassy in Colombia to Uribe himself and many of his followers.¹²⁵ However, not even Hoyos’ death prevented him from challenging the JEP one last time. The JEP, earlier that year, had issued an administrative writ (in Spanish, *auto*) which opened one of its landmark criminal investigations on the taking of hostages by the former FARC guerrilla.¹²⁶ Instead of

Peace’ (2020) 18 *International Journal of Constitutional Law* 455; Andrei Gomez-Suarez, ‘A Short History of Anti-Communist Violence in Colombia (1930–2018): Rupture with the Past or Rebranding?’ in Christian Gerlach and Clemens Six (eds), *The Palgrave Handbook of Anti-Communist Persecutions* (Springer 2020) 383.

¹²¹ Alsema (n 85).

¹²² Jaime Alberto Carvajal Díaz, ‘Federación de Víctimas Propone Derogar la JEP Buscando Más de 10 Millones de Firmas’, *Uniminuto Radio*, 14 June 2019, <https://www.uniminutoradio.com.co/buscamos-reemplazar-la-jep-recogiendo-mas-de-10-millones-de-firmas-herbin-hoyos-promotor-referendo>.

¹²³ Herbin Hoyos, ‘A la @JEP_Colombia no se defiende gratis’, 17 February 2019, <https://twitter.com/herbinhoyos/status/1097311864852226048?s=20&t=kAe5oiA9Hnclfjptna704A>

¹²⁴ Another journalist concluded that, even if unsuccessful, the anti-JEP referendum was ultimately very successful as a way of ‘political campaign by other means’ in favour of the Uribista camp; see Juan Esteban Lewin, ‘El Referendo Contra la JEP No Saldrá, Pero Servirá Para Hacer Campaña’, *La Silla Vacía*, 18 June 2019, <https://www.lasillavacia.com/historias/silla-nacional/el-referendo-contra-la-jep-no-saldrá-pero-servirá-para-hacer-campaña>.

¹²⁵ US Embassy Bogotá, 23 February 2021, <https://twitter.com/usembassybogota/status/1364332577520238599>; Álvaro Uribe Vélez, 23 February 2021, https://twitter.com/AlvaroUribeVel/status/1364330068290502664?ref_src=twsrc%5Etfw; Iván Duque, 23 February 2021, https://twitter.com/IvanDuque/status/1364325108224032770?ref_src=twsrc%5Etfw (among many others).

¹²⁶ Special Jurisdiction for Peace, Chamber for Acknowledgment of Truth, Responsibility, and Determination of Facts and Conduct. Case 001, Writ [*auto*] 19 of 26 January 2021, <https://www.jep.gov.co/Sala-de-Prensa/Documents/CASO%2001%20TOMA%20DE%20REHENES/Auto%20No.%2019%20de%202021.pdf?csf=1&e=16bYs0>. To be sure, I am not claiming that Hoyos was the reason why the JEP adopted this case. I agree with one of the reviewers who aptly noted this was over-determined. I am just showing that Hoyos’ lifelong work at the *Voces* necessarily became an important ‘national bank of emotions’ for the JEP landscape, especially seeing that records

investigating every single violation of human rights and international humanitarian law, the JEP grouped together a series of ‘macro cases’ (*macrocaso*) which sought to make sense of structural patterns of violence. As a result of the salience of the FARC’s kidnapping practices, the first ‘macro case’ was devoted to hostage taking – no doubt, in part, because of decades of consciousness-raising efforts by actors like Hoyos, among others.¹²⁷ In this writ the JEP noted that it had added to its pile of evidence a report prepared by Hoyos titled ‘Las Voces del Secuestro’ on 10 January 2020.¹²⁸ The report compiled the information of 104 high-profile instances of kidnapping, with the purpose of giving ‘voice to the experiences of victims and family members’.¹²⁹ Unsurprisingly, the documentary evidence was accompanied by a hefty annex of audio files from the radio programme. Even after its formal closure, the echoes of the *Voces* continued to reverberate in the ways that everyday Colombians and transitional justice operators have to interpret the relevance of the anti-impunity principle in relation to FARC-EP kidnapping operations.

Just as Uribe-aligned actors had done with regard to anti-impunity rhetoric, Hoyos now came to realise that even he could use the JEP’s commitment to ‘humanity’s law’ to pursue his anti-FARC political goals.¹³⁰ The project of the *Voces*, born in the anxieties of the 1990s, had now come full circle as an integral part of the *Uribista* backlash against the Havana peace process in the 2020s. Now, instead of shying away from international humanitarian law or human rights law – as the far-right camp had done during the decades in which it denied the existence of a non-international armed conflict and the application of international law – Hoyos realised he could use the anti-impunity principle. Alas, even if Hoyos ultimately had been unable to defeat his political enemies through the abolition of the JEP, he then decided he could join them! Because of the JEP’s extensive mandate to apply international human rights and international humanitarian law, and to abide by the anti-impunity principle (which, as mentioned, would be carefully monitored by international institutions), this allowed him plenty of leeway to use these ‘liberal’ legal categories for illiberal purposes.¹³¹ A telling way in which this ‘national bank of emotions’ has been mobilised has been to question the JEP decision to refer to these practices of kidnapping as ‘illegal detentions’ (*retención ilegal*).¹³² With this move, the JEP was recognising that – pursuant to international humanitarian law – there

from the programme were submitted as part of the contributions from civil society organisations for the Tribunal’s records. For an overview in English see Rodeemos el Diálogo, ‘Transitional Justice Snapshot 18 Auto 019: The JEP Attributes Responsibility for the First Time’, March 2021, <https://uk.rodeemoseldialogo.org/2021/03/auto-019-the-jep-attributes-responsibility-for-the-first-time>.

¹²⁷ For an introduction to the early jurisprudence of the JEP (in Spanish), see Buis and Ramírez-Gutiérrez (n 24) (in English, see n 27).

¹²⁸ *ibid* 20 para 52.

¹²⁹ *ibid*.

¹³⁰ Teitel (n 30).

¹³¹ Quiroga-Villamarín (n 22) 111–33.

¹³² For an analysis (in Spanish) see Ezequiel Heffes and Juan Francisco Padin, ‘Un Análisis de La Definición de La Privación Grave de La Libertad en El Conflicto Armado en Colombia: Resolución Sai-Suba-Aoi-014-2019’, in Buis and Ramírez-Gutiérrez (n 24) 199.

might be cases of *legal* detentions committed by a non-state actor in the framework of a non-international armed conflict.¹³³ This, of course, went against the narrative of lawless terrorist kidnapping – which is why Hoyos and other actors close to the *Voces* created the Twitter hashtag #NoEsRetenciónEsSecuestro (#ItIsNotADetentionItIsKidnapping) to contest the use of these legal categories and reframe the JEP approach to the case.¹³⁴

5. Concluding remarks: The material histories of the humanitarian adventure

It could be said that both radio waves and aspirations of ‘humanity’s law’ share a certain ‘unbearable lightness of being’.¹³⁵ Because of their seeming immateriality and their ability to pierce through spatial barriers, it is tempting to think of radio waves as free-floating. Yet, as historians of sound and radio would remind us, such ‘immaterial’ operations exist only because of the interplay of a series of very material technologies and infrastructures which allow for the movement of sound through time and space.¹³⁶ Their ‘lightness’ is nothing but innocent – a fact that was clear to the many legal operators that have sought to regulate radio waves in both the domestic and international spheres since the early twentieth century.¹³⁷ As such, an interrogation of the material histories of these technologies allows us to understand better their political and distributive attributes: they show us who stood to ‘win’ or ‘lose’ from the unleashing of radio waves.¹³⁸ The same is true, of course, for the contested

¹³³ See further Andrew Clapham, ‘Detention by Armed Groups under International Law’ (2017) 93 *International Law Studies* 1; Frédéric Mégret, ‘Detention by Non-State Armed Groups in NIACs: IHL, International Human Rights Law and the Question of the Right Authority’ in Ezequiel Heffes, Marcos D Kotlik and Manuel J Ventura (eds), *International Humanitarian Law and Non-State Actors* (TMC Asser Press 2020) 169; Heffes (n 92).

¹³⁴ Lupe Gómez Grisales, ‘Herbin Hoyos Desenmascaró Criminales de Lesa Humanidad y dio Voz a las Víctimas, Mientras Otros Periodistas Decían “Retención” al Secuestro, Abrian Microfonos a Farianos Impunes’, 24 February 2021, <https://mobile.twitter.com/lupeins/status/1364736310527819783>.

¹³⁵ Andrea Bianchi, ‘The Unbearable Lightness of International Law’ (2018) 6 *London Review of International Law* 335, 340.

¹³⁶ Kate Lacey, ‘Listening Back: Materiality, Mediatization, and Method in Radio History’ in Mia Lindgren and Jason Loviglio (eds), *The Routledge Companion to Radio and Podcast Studies* (Routledge 2022) 30.

¹³⁷ Björnstjern Baade, ‘Fake News and International Law’ (2018) 29 *European Journal of International Law* 1357; Carolyn N Biloft, *A Violent Peace: Media, Truth, and Power at the League of Nations* (The University of Chicago Press 2021) 1–16. See also Daniel Quiroga-Villamarín, ‘The Spirit of the Dead Weighs Heavily on the Technology of the Living: Transport, Communication, and Technology in the Short Twentieth Century and its Cold War(s)’ in Sundhya Pahuja, Gerry Simpson and Matthew Craven with Caitlin Murphy (eds), *The Cambridge History of International Law – Vol XI: International Law during the Cold War (1945–1990)* (Cambridge University Press 2023 forthcoming).

¹³⁸ Daniel Quiroga-Villamarín, ‘Beyond Texts? Towards a Material Turn in the Theory and History of International Law’ (2021) 23 *Journal of the History of International Law* 466. To be sure, there are many ways to understand what a ‘material history’ can or should look like; in this sense see Daniel Quiroga-Villamarín, ‘Domains of Objects, Rituals of Truth: Mapping

body of imaginaries and practices we understand as ‘humanitarianism’ and ‘humanity’s law’. While their allure lies in their ability to anchor themselves in claims of humanity that go beyond factional strife, these seemingly ‘immaterial’ arguments can exist only through the operation of the ‘heartless materialism’ of concrete political constellations.¹³⁹

In this article I have questioned the separation of the moral substance of the ‘humanitarian adventure’ of the *Voces del Secuestro* from the specific political context in which this project emerged in Colombia at the turn of the millennium. Instead of seeing this radio programme as an impartial and neutral campaign that tends to the suffering of the victims of kidnapping and their families (as it was portrayed by the museum exhibition reviewed above), I have suggested that it responded to a very particular political vision of the Colombian armed conflict, which has important distributive consequences. This is not to say that the programme is not valuable or important. More than questioning the substantive content of the radio show, I am interested in dispelling its claims to neutrality.¹⁴⁰ Rather than judging its content, I am interested in exploring its entanglement with questions of political economy, factional strife and the distribution of resources.¹⁴¹ For there is more than what meets the eye of the casual observer of ‘radio Colombia’ in the International Red Cross and Red Crescent Museum. In this lofty installation, we hear echoes of the persistence of the far right in Colombia and beyond. The exhibition is not a monument to the past but a very concrete intervention in the present – with political implications for the future. As Benjamin reminded us, ‘if the enemy wins ... *even the dead will not be safe*’.¹⁴² In Colombia and elsewhere ‘this enemy has not ceased to be victorious’.¹⁴³

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Intersections between International Legal History and the New Materialisms’ (2020) 8 *International Politics Reviews* 129.

¹³⁹ While I do not claim that all ‘humanitarian’ organisations are necessarily as partisan as the *Voces*, I hope my argument in relation to them sheds light on what Leebaw has called the ‘politics of impartial activism’: Bronwyn Leebaw, ‘The Politics of Impartial Activism: Humanitarianism and Human Rights’ (2007) 5 *Perspectives on Politics* 223. See further Rodogno (n 11); I thank one of the reviewers for his or her suggestions in relation to this.

¹⁴⁰ I am inspired here by Anne Orford, *International Law and the Politics of History* (Cambridge University Press 2021). It is important to note that Hoyos always claimed that his initiatives – such as the radio show or the anti-JEP referendum – never had a ‘political colour’ (*tinte político*); see, eg, Facebook post by Ciudadanos por Colombia, 6 February 2020, https://www.facebook.com/ColombiaSinImpunidad/photos/a.1668832109878863/2809387319156664/?paipv=0&eav=AfbtWuyPAM_XTtVkkFgZvyvdtqfj0QftkIVDX26RvYwLM9hSbYUrbJ7f6N32JHf0zas. In the secondary literature it is not uncommon to find references to Hoyos’ ‘commitment to the humanitarian cause of those kidnapped’ (*comprometido con la causa humanitaria de los secuestrados*); Ruiz (n 59) 187.

¹⁴¹ Helena Alviar García, ‘Transitional Justice and Property: Inextricably Linked’ (2021) 17 *Annual Review of Law and Social Science* 227.

¹⁴² Walter Benjamin, ‘Theses on the Philosophy of History’ in Hannah Arendt (ed), *Illuminations: Essays and Reflections* (Harry Zohn tr, Mariner Books, Houghton Mifflin Harcourt 2019) 253, 255 (emphasis in the original).

¹⁴³ *ibid.*

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