

Who Gave the

The Mural That Went Viral and Became a Common Good

During former President Álvaro Uribe's time in office (2002-2010), Colombia was plunged into one of the darkest stages of its armed conflict. Uribe gambled that he could win the counterinsurgency war against the guerrillas, and to do so he strengthened the repressive apparatus of the state. Implementing war tactics used in Vietnam and Korea known as the "body count", Colombian military forces were ordered to kill unarmed civilians in order to falsely increase the number of combatants who died in the fighting. Through the transitional justice model currently operating in Colombia, which is a result of the 2016 peace agreement, known as Special Justice for Peace (JEP), it has been determined that 6,402 young men were kidnapped, tortured, disguised as guerrillas, and then extrajudicially executed between 2002-2008. This state crime, which deliberately deprived people of their right to life, is popularly known in Colombia as *falsos positivos* (false positives).

As a mechanism of political transition in attempting to overcome the war, the JEP offers alternative – not to say derisory – sentences to those guerrillas, state agents, and civilians who voluntarily provide the "whole truth" about the acts of violence that were committed in the context of the conflict. The relatives of false positive victims criticize – with good reason – that the military who appear before the JEP use this to tell half-truths.

The participation of high-ranking military officials in the JEP keeps human rights organizations on edge. Faced with this, twelve participating organizations launched the *Campaña por la Verdad* (Campaign for the Truth) as a counter-strategy. The organizers of the campaign chose to carry out an *escrache*, or "exposure" protest, against the military who were being investigated by the JEP for cases of false positives. The *escrache* consisted of painting a large mural in the city of Bogotá that asked the question "Who gave the order?"

"If there is no justice, there is an *escrache*"

On 18 October 2019, the *Campaña por la Verdad* commissioned three artists to paint the mural. The mural was located in front of the Military Cadet Academy in Bogotá. Its language was simple and precise: a country that had been immersed in war understands the question "who gave the order?" as linked to barbarism, while also understanding that at the heart of the matter is the chain of command. In the first

Order?

Nicole
Jullian

version of the mural, the faces of five high-ranking military commanders were depicted along with their respective names and the number of extrajudicial executions their military brigades were being investigated for. As of October 2019, human rights organizations had a registry of 5,763 people who had been extrajudicially executed in Colombia between 2000-2010. Not all of the human rights organizations belonging to the *Campaña por la Verdad* approved of the murals. Some thought that focusing on the military was not appropriate, and that the campaign should focus on the victims. It should be noted that the communications team of the Movement of Victims of State Crimes (MOVICE)¹ played an important role in the final decision:

*“from the side of the communications teams, we argued that this [a focus on the victims] had already been done countless times and that we believed that this campaign had the potential to show that an *escrache* could be made based on reports that these same organizations had made on the subject of falsos positivos, which were also being prepared in conjunction with the victims and being presented to the JEP (...) When we chose the question ‘who gave the order?’ and included the faces of five military officers, we knew the world was going to come down on us (...).”²*

The *escrache* is a long-standing form of political action in Latin America. It originated in the Argentine human rights movement after President Carlos Menem issued a series of pardons between 1989-1990 that benefitted former military personnel and others involved in crimes against humanity. Faced with this act of impunity, the organization *Hijos e Hijas por la Identidad y la Justicia contra el Olvido y el Silencio* (HIJOS) (Sons and Daughters for Identity and Justice Against Forgetting and Silence) devised the strategy “if there is no justice, there is an *escrache*”. For HIJOS, the aim of the *escrache* is a societal condemnation of the military, a condemnation that goes beyond simply pointing out the military has gone unpunished. For the organization *Plenaria Memoria y Justicia* (Plenary, Memory, and Justice), the *escrache* is a method of pressure. In this sense, societal condemnation is viewed as justice that does not depend on political agreements – nor does it compromise or forget.

Censorship and viralization

On that same day, 18 October, while the artists were painting the mural, a soldier interrupted them, took photographs and alerted more sol-



diers. Minutes later, the police also arrived. The military began to cover up the unfinished mural with white paint. Meanwhile, MOVICE reported the censorship of the mural via Twitter with the hashtag #EjércitoCensuraMural. Videos and photos of the military erasing the mural went viral on social networks within hours. This censorship gave the *Campaña por la Verdad* unexpected success. The organizations in charge of the mural decided not to continue. Instead, they chose to disseminate the digital file

of the image by printing posters. In a matter of days, the walls of Bogotá and Medellín were covered with posters. In the midst of this viralization and as the JEP advanced with the investigations related to *falsos positivos*, the *Campaña por la Verdad* updated the numbers from the initial mural. Within a few months, these new versions of the mural began to circulate. The military and MOVICE appeared before the courts. The military officers which had appeared in the mural demanded in court that all the

contents referring to the action be removed. The complaints were mainly directed against MOVICE. None of the lawsuits were successful, with the exception of one by General Marcos Evangelista Pinto. In the first instance (January 2020), the courts denied the protection of Pinto's rights, among other things because the information on the mural was supported by current judicial investigations. Pinto appealed this decision and in the second instance (February 2020), the judge overturned the previous decision, and ruled to protect

Pinto's rights and as a sanction ordered MOVICE to remove the images from public streets, social networks, and media within 48 hours. This second court ruling was impossible to comply with. At this point, the judicial victory of General Pinto could be read as a second act of censorship. The organizations behind the *Campaña por la Verdad* were bold and not only appealed to the Constitutional Court to request a review of the second ruling as a violation of freedom of expression, but also refused to comply with the court's order.



The mural as a common good

Not even the ruling in favour of General Pinto could stop the strength of this *escrache*. In many parts of the world, the Colombian diaspora together with an international support network positioned in favour of peace in Colombia, in their respective languages asked the question: “Who gave the order?” In my opinion, the magnitude of the viralization of this mural is directly related to the urgent need of people to know the truth, denounce impunity, and demand factual guarantees to ensure wars are not repeated. Thus, the image of the mural became a common good and its message permeated the political discourse of an entire nation. Despite the judicial prohibition of the use of the image, it was replicated in different formats, spaces, cities, and countries. The Constitutional Court issued its verdict in August 2021 and to everyone’s surprise ruled in favour of MOVICE. The court considered that the mural is part of the legitimate right of the victims to demand the truth through extrajudicial means. The court also considered that the mural is speech that must be protected within the scope of the right to freedom of expression, since the *Campaña por la Verdad* is based on the search for the truth.

Escraches of this nature have never been seen before in Colombia. Human rights defenders in the country are exposed to high levels of violence, harassment, and repression by the state and paramilitary groups. This is why no one has ever had the audacity to carry out a political action of this magnitude. The mural “Who gave the order?” will go down in history as an unprecedented victory in the long and arduous struggle for truth and the defence of freedom of expression in Colombia.

Endnotes

- 1 The Movement of Victims of State Crimes (MOVICE) is a Colombian organizational process that brings together more than 200 organizations of victims of forced disappearance, extrajudicial executions, selective assassinations, and forced displacement, as well as human rights defenders. Its origin is closely related to the Colombia Nunca Más project.
- 2 Interview with the MOVICE head of communications, February 2022.

6.402

FALSOS POSITIVOS =
ASESINATO DE CIVILES

2002 - 2008

BAJO EL MANDO DE:

¿QUIÉN DIO
LA ORDEN?



75

NICACIO DE JESÚS
MARTÍNEZ



154

JUAN CARLOS
BARRERA



2429

MARIO MONTOYA
URIBE



1653

OSCAR ENRIQUE
GONZÁLEZ PEÑA



90

FABRICIO
CABRERA



72

PUBLIO HERNÁN
MEJIA



JOSÉ JOAQUÍN
CORTÉS

58



ADOLFO LEÓN
HERNÁNDEZ

39



HENRY TORRES
ESCALANTE

28



MIGUEL DAVID
BASTIDAS

32



JUAN PABLO
RODRÍGUEZ

62



DIEGO
TAMAYO

8



MARCOS
PINTO

45



Campaña Por La Verdad