

Creating a Testimony of the Unspeakable: Testimonial Injustice, Affects and Political Mobilization of Indigenous Women in México

Natalia De Marinis

Center for Research and Postgraduate Studies in Social Anthropology (CIESAS), México

nataliademarinis@ciesas.edu.mx

 © 2025 Natalia De Marinis

Abstract. In the context of widespread violence that México has experienced increasingly since the launch of the War on Drugs trafficking in 2007, victims' testimonies have emerged across various settings, fostering empathy and constructing a narrative that challenges the criminalization and societal passivity in the face of violent death. These testimonies have played a crucial role in shaping commemorative practices and facilitating reparative processes in cases where impunity persists. However, the construction of testimonies and memories is far from neutral. These narratives are shaped by intersecting racial, gender, and class dynamics that influence what can be told and heard at a given time. Drawing on extensive fieldwork conducted in the Zongolica region in the Gulf of México, this article explores how the testimonies of Indigenous women have been subjected to specific forms of injustice. Their experiences of violence are often denied, their credibility questioned, and the harms they endured erased, leaving them marginalized within accepted testimony of violence. Furthermore, the article highlights how Indigenous women and their communities are actively seeking truth and justice by creating alternative testimonial practices to promote reparations processes, foster solidarity, and bring to light the profound impacts of militarization and criminal violence in their communities.

Key Words: violence, México, Indigenous women, testimonies, Femicide, Feminicide

Ustvarjanje pričevanja o neizrekljivem: pričevanjska nepravica, afekti in politična mobilizacija staroselk v Mehiki

Povzetek. V kontekstu splošnega nasilja, ki ga je Mehika v veliki meri doživela po začetku vojne proti trgovanju z drogami leta 2007, so pri-

čevanja žrtev vzniknila v različnih okoljih, s čimer spodbujajo empatijo in gradijo pripoved, ki se zoperstavlja kriminalizaciji ter družbeni pasivnosti ob nasilnih smrtih. Ta pričevanja so ključna za oblikovanje spominskih praks, hkrati pa olajšujejo procese poprave v primerih, kjer prevladuje nekaznovanost. Vendar pa gradnja pričevanj in spominov ni povsem nevtralen proces; oblikujejo jih rasni, spolni in razredni konstrukti, ki določajo, kaj se lahko v določenem trenutku pripoveduje in sliši. Članek, ki temelji na obsežnem terenskem delu v regiji Zongolica v Mehikem zalivu, preučuje posebne oblike krivic, ki jim pričevanja staroselskih žensk pogosto podležejo. Njihove izkušnje z nasiljem so pogosto zanikane, njihova verodostojnost zmanjšana, škoda, ki so jo utpele, pa izbrisana in ostaja na robu tega, kar se sprejema kot verodostojno pričevanje o nasilju. Obenem se članek osredotoča na načine, kako staroselske ženske in njihove skupnosti iščejo resnico in pravičnost, pri čemer ustvarjajo alternativne oblike pričevanja, ki omogočajo procese poprave, spodbujajo solidarnost in osvetljujejo globoke vplive militarizacije in kriminalitete na njihove skupnosti.

Ključne besede: nasilje, Mehika, staroselke, pričevanja, umor žensk zaradi spola (femicid), sistemski/institucionalni umor žensk (feminicid)

Introduction

The so-called War on Drugs in México, declared by Felipe Calderón Hinojosa at the end of 2006, resulted in a significant escalation of violence. This was achieved through the deployment of troops and the extension of borders in search of new areas of high capital profitability. The immediate consequence of the pervasive atmosphere of terror was the collective silence and paralysis of society in the face of violent death and the visible presence of weapons. The enunciative construction of the war, which defined two distinct blocs – the state against criminal groups – was a fictitious construction that resulted in the criminalization of certain populations, primarily young and racialized individuals. It also led to an indifference of society, which was subsequently disrupted by the testimony of victims in various settings, wherein they revealed the identities and recounted the experiences of individuals whose voices had been silenced during the most tumultuous years of the violence.

In 2011, the kidnapping and murder of the son of the poet and activist Javier Sicilia resulted in a significant mobilization of victims throughout the country. The Movement for Peace with Justice and Dignity (MPJD) was established through caravans in various regions, uniting victims and relatives who had not received any responses from the judicial institu-

tions. This mobilization marked a departure from previous forms of political mobilization. Despite lacking prior political experience, many victims found a space to articulate the deep anguish they had endured as a result of the murder or disappearance of their relatives, the forced displacement, and the other manifestations of criminal and state violence.

The mobilization of victims in México constituted an affective intervention that forged a connection between victims and a broader public. Testimonies began to circulate in different public acts, including mass marches and caravans aimed at bringing together additional victims of violence, as well as at the very sites where the violence had occurred. These included clandestine graves in inhospitable terrain, mass graves in public cemeteries where the justice institutions buried bodies without identification, and the 'kitchens' where drug traffickers dissolved their victims, or the living spaces destroyed by the violence that forced them to relocate (see, for example, De Marinis 2019; Macleod and Duarte 2019; Gordillo-García 2023). The affective dimension of political action in these scenarios became increasingly evident as a result of performative acts, through which the pain of the victims and collective indignation became an important emotional force in the search for truth and justice in the country.

The affective turn, which conceptualizes affect as the capacity to affect and be affected, has enabled a shift in perspective, moving beyond the human and bodily surfaces and rejecting the two dominant approaches to emotion that prevailed throughout much of the twentieth century. On the one hand, there is the view of emotion as a phenomenon confined to an interiority that is projected outward, a perspective that has been prevalent in psychologizing analyses. Secondly, there is the view from an exteriority present in the structures that people internalize, a position that has been advanced mainly by the sociology of emotions (Ahmed 2004; Clough and Halley 2007; De Marinis and Macleod 2018).

A perspective on the circulation of emotions, as proposed by Sara Ahmed (2004), offers a means of transcending the limitations of individualizing or sociological approaches to the study of emotions. This allows us to comprehend contemporary scenarios of violence and political mobilization of victims in México as scenarios of multiple affectations, in which pain, joy, indignation, and other emotions become forces of political mobilization that connect victims/survivors with other audiences (De Marinis and Macleod 2018; De Marinis 2018b).

In this article, however, it is argued that the construction and reception of testimonies, the circulation of emotions, and the construction of

memory are not neutral processes. The construction of gender, ethnicity, and racialization that permeates the bodies of certain groups and populations affects not only the circulation of testimony but also the very possibility for victims to bear witness and for others to listen. This article presents the findings of a study based on long-term ethnographic work and press documentation of two cases of Indigenous women victims of sexual violence and feminicide¹ It explores how the testimonies of Indigenous women and relatives of women victims of sexual violence and feminicide were received during the early stages of militarization as part of the War on Drugs in the country and the increasing criminalization of communities that followed. The cases occurred in the Nahua Indigenous region of Zongolica, in the state of Veracruz, in the Gulf of México. This analysis will examine the testimonial injustice (Fricker 2007) that their testimonies faced and how this shaped other forms of performative construction in public spaces that facilitated broader connections and solidarities through shared indignation (Taylor 2003; De Marinis and Macleod 2018).

Violence, Criminality and the State in Zongolica, Veracruz

On February 25, 2007, Ernestina Ascencio was found dying near her home in the community of Soledad Atzompa. She was able to vocalize the following: ‘Pinomeh xoxokeh nopan omomotlatlamotlakeh,’ which was translated into Spanish as ‘The men in green threw themselves on me.’ Despite the local population’s best efforts to transport her to the nearest medical facility, three hours away via dirt roads, she succumbed to her injuries the following day. Ernestina was 73 years old. Her relatives and neighbours, who found her in a state of distress, publicly denounced the violence inflicted on her body by the soldiers who were stationed in their communities for an extended period. The initial autopsy report revealed evidence of sexual and physical torture. Ernestina’s case triggered significant upheaval at local, regional, and national levels. This was not only due to the violence perpetrated against the body of an elderly Indigenous woman, but also due to the lack of accountability in the case, which was

¹ *Feminicide* derives from the concept of femicide, i.e. the killing of a woman or girl specifically because of her sex. It includes the complicity or negligence of the state in preventing, investigating or punishing the crime. It was coined in connection with the fight against the murder of women in México in the nineties (see Monárrez 2000; Lagarde 2006; Borzacchiello 2024).

concluded months later without any resolution. Prior to the announcement of the final verdict, President Felipe Calderón Hinojosa stated in an interview that Ernestina had died of gastritis (Gallegos and Herrera, 2007).

Twelve years later, another case occurred in a community in the same Indigenous region as Ernestina's. Nancy (19 years old) was at her mother's house when her former spouse arrived to speak with her in the early hours of one day in August. Nancy's mother, Irma, was so deeply asleep that she was unable to discern the tension in Nancy's ex-husband's expression and the 'swollen veins' on his neck. Irma was left to sleep with her granddaughter, Nancy's six-year-old daughter, while Nancy left the residence for the last time.

The discovery of her flip-flops on the side of the road was the family's first indication that something was wrong. An exhaustive search was conducted throughout the night by the entire community, but Nancy could not be located. The local authorities informed Irma that she needed to file a missing person's report, initiating a lengthy and arduous process. Upon arriving at the police station to file the report, Irma was informed by telephone that Nancy's clothes had been found in various locations throughout the community. When she was shown a photograph and asked to confirm whether the trousers pictured belonged to Nancy, she responded affirmatively.

The disappearance of Irma's daughter resulted in significant disruption within the community. In numerous instances, she underscored the assistance she and her family received from their neighbours as she recalled the experiences of that period, which was characterized by disorganization, confusion, fatigue, and despair. The circumstances of that day precluded her from recognizing the errors made in the file when the prosecution altered the names and locations referenced in her testimony. This resulted in significant complications at a later stage. Furthermore, she was unable to identify the mistreatment and violence inflicted upon her as a consequence of the considerable number of times she was compelled to provide a statement and the subsequent loss of evidence that could have established the culpability of the sole suspect.

Five days after Nancy's disappearance, Irma observed a group of vultures descending the slopes of nearby hills. She then followed the vultures' flight path and informed her brother of the situation. They immediately made their way to the site and discovered Nancy's body, undressed, lying on a rock. Three years later, thanks to the efforts of a women's organiza-

tion that provided support throughout the investigation and resisted attempts at impunity, the perpetrator was identified and convicted of femicide in a hearing attended by numerous members of the community who had gathered to demand justice.

The two women were from communities situated in the Indigenous region of Zongolica, a mountainous area in the state of Veracruz.² This region is among the most significant Indigenous zones in the state of Veracruz, with a notable Nuhua population. The region is also of strategic importance due to its border location and historical significance as a producer of coffee and tobacco, which has made it the object of various interests over the centuries. During the Porfiriato period in the early twentieth century, *haciendas* were established by external actors who acquired vast tracts of land through the process of dispossession and the granting of military concessions (De Marinis 2018a). As a result, the Indigenous population was compelled to seek refuge in the higher, colder, and less productive lands. Consequently, a considerable proportion of this population was compelled to engage in forced labour on the haciendas or sugarcane plantations of the lower, temperate lands. In the 1980s, the coffee crisis marked a pivotal moment characterized by a surge in male migration to the northern states and the United States, the rise of Indigenous movements against *cacicazgos* and historical dispossession, and an intensifying process of militarization and counterinsurgency.

Long before the military onslaught, the region had already been affected by the so-called War on Drugs. The armed uprising of the Zapatista Army of National Liberation (EZLN) in the neighbouring state of Chiapas in 1994 made Zongolica, like many other Indigenous regions, a potential flashpoint for further uprisings. A common feature of these regions was the significant inequality resulting from historical dispossession and exploitation, which gave rise to social movements that, in some cases, resorted to armed conflict to protect their territorial and political interests. The government implemented a policy of militarization and selective persecution of the leaders of social organizations, which was further intensified over time (Gibler 2014).

² The regional division of Zongolica is ethnically homogeneous, comprising one of the largest concentrations of Nahuatl speakers in the state of Veracruz. Despite the lack of precision in its delineation, 14 municipalities are recognized as part of this region, with Indigenous populations that represent up to 90% of the total population in some municipalities.

Over time, the Zongolica region has experienced a rise in criminal activity and a pervasive atmosphere of insecurity. Its mountainous terrain and strategic location at the crossroads between the coast, primarily the port of Veracruz, and the states of Oaxaca and Puebla have made it an ideal hub for drug trafficking and other illicit activities. The deployment of public forces has failed to improve the situation; on the contrary, it has contributed to an escalation of violence. This situation has been further exacerbated by the so-called War on Drugs, which has led to the rapid expansion of military camps across several municipalities and the proliferation of criminal groups in the most vulnerable areas, where local authorities have been unable to effectively resist.

During the tenure of Governor Fidel Herrera (2006–2010) in the state of Veracruz, the consolidation of cartel headquarters in major cities was observed. The Zetas criminal group gained power in several regions, initially focusing on drug trafficking and subsequently diversifying into other criminal activities, including kidnapping, robbery, and extortion. Subsequently, they proceeded to occupy an increasingly expansive region within the state, a process that was facilitated by the overt collaboration between this criminal organization and the government administrations of Fidel Herrera (2004–2010) and Javier Duarte (2010–2016). These alliances enabled them to secure electoral victories, which in turn facilitated their occupation of a greater number of territories and local institutions (Human Rights Clinic 2017).

Notwithstanding the cartel disputes and direct military attacks occurring in the capitals of many states, the regions most affected by violence were those where a convergence of accumulated grievances had occurred. There was a notable increase in the number of homicides, kidnappings, and disappearances, although the figures vary widely and there is a significant information gap, particularly in Indigenous and rural areas. In contrast with the official discourse, which attributes the violence to organized crime groups, there is evidence indicating that a significant proportion of the disappearances were perpetrated by officials from one of the three levels of government. In the Mexican state of Veracruz, a total of 647 clandestine graves were discovered between 2006 and 2022, representing the highest number of such graves found in the country during that period (Secretaría de Gobernación del Gobierno de México 2022). The humanitarian crisis in the state has been further compounded by the control of the media. From 2000 to the present, 33 journalists have been killed ('Periodistas asesinados en México' n.d.).

A noteworthy aspect of the pervasive violence in the country is that it extends beyond the domain of drug trafficking, which was the predominant narrative during the period of increased militarization. Rather, it has been driven by the search for greater profitability in emerging economic sectors. The expansion of criminal violence coincided with the expansion of agricultural production, including avocado monoculture, the timber industry, and open-pit mining (De Marinis and Fuentes 2023). In these contexts, a process of ‘ownership’ emerged, characterized by the concentration and expansion of control over bodies and territories for the accumulation of capital (Segato 2016).

In the context of this quasi-state control, exercised through the actions of armed corporations with the participation of state forces, women’s bodies began to be subjected to a distinct form of extreme violence, as has been evident in various contexts since at least the 1990s. In the 1997 Acteal massacre in Chiapas, in which a group of 45 Indigenous supporters of the EZLN who had been expelled from their community were killed, the bodies of women, including pregnant women, were subjected to particularly brutal treatment. Sexual violence was a recurrent tactic used in the torture of women in other massacres of the period, such as those in Aguas Blancas, Guerrero (1995), and Loxicha, Oaxaca (1997–1999). Yet these manifestations of violence were consistently omitted from the public discourse of the organizations involved.

In the same decade, the murders of women in Ciudad Juárez marked the beginning of a new phase of feminist mobilization in México. The nature of these killings – including torture and mutilation – had significant implications for the construction of sovereignty in this border region. The fact that women’s bodies were abandoned in one of the most dangerous borderlands, where different legal and illegal orders intersected, signaled a new stage in the articulation of a distinct form of sovereignty (Wright 1999; Monárrez 2000; Lagarde 2006; Borzacchiello 2024). As Rita Segato (2013) has argued, sovereignty and the exertion of control by one will over another were inscribed on women’s bodies. The so-called ‘Juárez dead’ embodied the construction of sovereignty on the border, not merely through the power to kill the subjugated, but through ‘their psychological and moral defeat, and their transformation into a receptive audience for the display of the dominator’s discretionary power of death’ (p. 39).³

³ Editor’s note: All quotations originally published in languages other than English have been translated by the authors.

This passivity can be understood in relation to the emergence of new logics of capitalist dispossession, which brought about a significant shift in the socio-economic condition of large segments of the population. This population transitioned from a state of poverty and exclusion to a status of surplus (Reguillo 2021). Within this process of dehumanization, young, feminized, racialized, and migrant bodies became the targets of a criminalizing discourse that produced a numbing effect, severing social empathy and disconnecting the broader public from the realities of violent death and the suffering of others.

Injustice and Testimonial Violence in Gendered and Racialized Orders

The sexual violence and murder of Ernestina at the hands of soldiers, as confirmed by the initial autopsy reports, and the fact that she was an elderly woman, disrupted any predictable framework for interpreting the war. A comparable rupture occurred in the case of young Nancy, who was killed by her partner, despite having expressed his intentions to other members of the community. How her body was found unclothed, bearing signs of sexual violence, and discarded in a ravine constituted a manifestation of violence that defied predictable violence within the context of an Indigenous community.

In several instances, the testimonies of both direct and indirect victims have served as the primary political instrument for articulating resistance to the war and demands for justice. This prompts the question of how such testimonies, particularly those of victims and their relatives, have been received within Indigenous contexts. In light of the unequal structure that determine which voices are deemed intelligible and audible in society at any given moment, I will analyse the audibility and reception of the testimony of Ernestina, an elderly Indigenous woman from one of the poorest regions of the country, and well as that of Nancy's mother, within both community and official justice settings. The aim of this analysis is to explore how the prejudices that underlie testimonial injustice, manifesting differently in each case, have played a pivotal role in sustaining impunity.

According to the case file, Ernestina uttered a few words before her death, which were translated into Spanish as, 'The strange men in green came upon me.' The fact that the testimony was in the Náhuatl language led many to suspect that it was not entirely truthful. However, the family and community members, who were those to find her, were convinced

that she was referring to the sexual violence committed by soldiers. This interpretation was later echoed in various media reports. Her statement that ‘they jumped on me’ raised further doubts among outsiders. In many Indigenous languages, there is no specific word for sexual violence. Most of them don’t even have a direct word for violence in general.

For numerous Indigenous Nahua women, as well as women from other Indigenous regions, the expression ‘*échararse encima*’ (literally, ‘to jump on me’) is commonly used to describe acts of violence with sexual implications (De Marinis 2020). This poses a serious challenge in legal settings, where interpreters often lack a gender perspective. When Ernestina’s words were translated literally and without cultural context, it sparked a significant controversy. This type of translation gave many people, especially those who aimed to discredit the accusation, a reason to question the validity of her statement. A clear example of this was the reaction of María del Rocío García Gaytán, the director of the National Women’s Institute (Inmujeres), who later told the press the following (Morales 2007):

[The testimony] was given in Nahuatl, and it was clear that the woman was dying; her voice had completely lost its strength. Two versions of the incident have been reported: one in which ‘the soldiers approached me’ and the other in which they ‘harmed her.’ At first, I was outraged and released a statement demanding that those responsible be held accountable, whether they were military or civilian. However, after reviewing the CNDH bulletin, which offers a detailed account of the incident, I’m no longer sure about what actually happened.

The aforementioned statements, which were widely circulated in the national press over an extended period, bring to light a key element of what Miranda Fricker (2007) defines as ‘testimonial injustice.’ This term refers to the prejudices that contribute to a credibility deficit in the reception of certain individuals’ testimonies. Fricker identifies two distinct types of injustice. The first, termed ‘epistemic injustice,’ involves the devaluation of an individual’s capacity to possess knowledge, which can lead to their being perceived as lacking the dignity of an epistemic subject. The second, known as ‘hermeneutic injustice,’ stems from a lack of shared interpretative resources, which results in certain grievances being misunderstood or misrepresented, especially by those who experience them. This form of injustice reveals the structural and systematic biases that

hermeneutically marginalize specific groups, making their testimonies vulnerable to distortion or dismissal.

Ernestina's case illustrates how both forms of testimonial injustice contributed to the emergence of epistemic mistrust rooted in the deep-seated systematic prejudices and the historical marginalization of her community. This was not a mere oversight; rather, it constituted a deliberate attempt to undermine the credibility of her testimony. The injustice became immediately evident after her death, as her voice was swiftly sidelined and overshadowed by an array of forensic details. When the testimony of Ernestina and other witnesses was deemed unreliable, and if their capacity as knowers was denied, then the burden of truth was transferred to the body itself, which was then forced to 'speak' through forensic interpretation.

One of the most striking aspects of this case was the central role that forensic evidence played in shaping the public controversy, as reflected in numerous press releases over several months. The forensic focus effectively positioned Ernestina's body as the only credible source of testimony, while simultaneously elevating medical knowledge as a more legitimate and authoritative voice. Although autopsy results were instrumentalized as part of a broader strategy to construct impunity, they also posed a significant challenge to the pursuit of truth undertaken by those in solidarity with the case, including certain journalists and members of social organizations.

The initial autopsy findings were promptly released to the public, however, the full details did not become available until April 13, 2007, nearly six weeks after Ernestina's death, when journalist Carmen Aristegui published a report on the matter. It later emerged that the report's original author was not Aristegui herself, but Regina Martínez, a journalist from Veracruz known for her thorough coverage of the case. Martínez was later accused of having obtained the photograph through infiltration.

The findings were detailed and exhaustive, with extensive excerpts from both autopsy reports published in the most national newspapers. In this case, medical expertise was initially upheld as a legitimate source in the search for truth, even as government authorities denied the possibility that Ernestina's death was the result of sexual violence. However, this scientific authority was later undermined by deeper, more entrenched prejudices. Another form of injustice emerged: the marginalization of the region where the medical and judicial institutions responsible for Ernestina's care and the initial investigation were located. Officials from

other institutions cast doubt on the professionalism of the local doctors, pointing to alleged procedural irregularities. These claims led to the request for a second autopsy, conducted just a few days after the first. This second report became the basis for concluding that Ernestina's death was due to natural causes and not a criminal act. The case was closed in May of that year. In a matter of weeks, the family and the broader community moved from a position of active mobilization for justice to one of complete silence.

Similarly, these forms of testimonial injustice were evident in Nancy's case, more than a decade later. However, the circumstances differed, as the incident involved a civilian victimizer and received far less media coverage. After Nancy's mother filed the complaint, serious challenges emerged during the registration process, which negatively affected the case's progression. Immediate consequences included errors in the documentation of Nancy's clothing, which had been found in the community. The issuance of the arrest warrant for the sole suspect was significantly delayed, ultimately allowing him to flee the community. As a result, the mother, often accompanied by other family members, was forced to undertake a number of trips, including long journeys to the state capital, located over seven hours away. When the garments were retrieved more than a year later, there was concern that potential fingerprints – possibly those of her spouse – had been erased. Although the witnesses' testimonies unequivocally implicated the primary suspect, they were ultimately deemed insufficient. Irma also identified the passage of time as a factor that contributed to the bureaucratic violence she endured.

The first few times we went to file a complaint, we had to wait a long time, both inside and outside the building, and it was very stressful. On top of that, the staff in charge didn't respond to us quickly enough. I found the process challenging, the one time I had to give a statement. The person responsible for recording it was busy with other tasks and seemed to have started taking notes before I had even finished speaking. She didn't wait for me to finish before beginning the transcription. As a result, my statement wasn't recorded accurately. I remember her saying, 'You will say so,' after I corrected her about who found my daughter – my brother Germán, not the people from Tonalixco, as she had written. When I pointed out the mistake, she simply replied, 'I can't go back on that.' Given my emotional state, I wasn't sure how to respond. I didn't know if I had

the right to challenge what had happened or demand that it be corrected.⁴

The interaction between Indigenous peoples and the justice system is profoundly shaped by systematic racism and the deep inequalities that define their relationship with the state. México also ranks among the countries with the highest levels of impunity, which poses a significant obstacle for Indigenous peoples seeking justice. Furthermore, the chronic lack of essential services limits their access to healthcare, education, and legal support. When Indigenous people attempt to seek redress through official channels, they are frequently met with violence, intimidation, or institutional indifference – factors that often deter them from continuing with legal action.

A particularly notable aspect of Nancy's case was the prolonged impunity, as it took three years before an arrest warrant was finally issued in México City. This breakthrough was only made possible thanks to the persistent efforts of a women's organization, which offered unwavering support to the family and intervened when it became evident that the case was stagnating.

In a context where impunity is the norm, the testimonies of victims and witnesses are often rendered illegitimate and ineffective. Their voices are denied space for expression, and the specific contexts and grievances they endure are frequently ignored. Although forensic evidence is regarded as essential to provide links between perpetrators and victims, it is often lost or not analysed within the critical window in which traces can still be preserved. This broader forensic crisis has also affected numerous cases where such analysis is crucial to establishing accountability, particularly in instances of homicide and feminicide. Thousands of the disappeared have been discovered in clandestine graves, overwhelming the country's forensic capacity. As a result, lawyers from women's organizations working in Indigenous regions must invest a significant effort in reconstructing files that were poorly compiled from the outset.

In this case, a crucial witness, the victim's uncle, who discovered the body, hadn't given his testimony for over a year. We began working on a revised and more accurate statement, alongside a comprehensive review of all existing expert reports and those still pending. On top of that, we found out that items of the victim's clothing found

⁴ Interview with Irma, Zongolica, October 2023.

during the search hadn't been sent to the Directorate for Genetic Profiling. About a year and three months later, these garments were sent for analysis. However, it became clear that the sample had been mishandled, rendering the clothing unsuitable for testing. The responsibility for covering the cost of this transfer fell on the victim or her family, as the prosecution lacked the necessary resources. In such cases, there are a few mechanisms available to seek redress, including filing complaints with the State Coordinator of Specialized Prosecutors or the Attorney General's Office. We've had to engage with these institutions repeatedly to make any progress.⁵

The experiences of the families in the pursuit of justice, marked by evidentiary challenges and prosecutorial shortcomings, have led to the perception that they were subjected to inhumane treatment. This not only undermines trust in the institutions involved but also reinforces the broader perception of state-sanctioned impunity. Even in cases where the perpetrator is found guilty and receives what is considered a relatively severe sentence in the local context of femicide, there is often no institutional accountability for the serious procedural errors or the years of delay. In such instances, the burden of pursuing justice has fallen almost entirely on the family. As a result, the objective of justice remains unfulfilled, and sentencing becomes a mere formality, an act devoid of restorative and transformative impact. Furthermore, acts of institutional violence, the broader social harms, and the consequences for the affected communities are frequently minimized, ignored, or left unacknowledged.

The cases of Ernestina and Nancy exemplify how the testimonies of victims and witnesses are routinely discredited or rendered invisible within institutional processes. While acts of spectacular, physical violence against women's bodies are often centered in both institutional and community narratives, other forms of harm – those less visible or less easily articulated – are pushed to the margins. These silenced grievances find alternative pathways for expression, outside the confines of formal legal channels.

Creating a Testimony of the Unspeakable and Silenced

In the case of Ernestina, her testimony, delivered in Nahuatl, was dismissed and deemed illegitimate within the broader context of militariza-

⁵ Interview with Elisabeth, lawyer of Kalli Luz Marina, an organization of Indigenous women, Orizaba City, October, 2023.

tion, despite the existence of prior complaints involving military personnel. Similarly, in Nancy's case, her account of gender-based violence perpetrated by her partner, situated within the context of rising criminal violence in the community, was marginalized and distorted in the transcription of her mother's testimony, which ultimately went unheard. The pursuit of a legitimate and credible voice within deeply unequal epistemic structures, in which Indigenous people are systematically devalued, has led to the erasure of women's testimonies. As a result, their bodies become the sole site through which violence is recognized and validated. This occurs not only because of the symbolic message inscribed upon the body and projected outward, but more fundamentally because medical and forensic discourse is granted exclusive authority. In the end, it is this technical testimony, superimposed on the body, that becomes the only account considered credible.

In this pursuit of truth and justice, a range of representations and public demonstrations have been employed to challenge impunity and advance a search for truth that demands both access to justice and guarantees of non-repetition. In Ernestina's case, the act of delivering a vital testimony and the limited vocabulary in her language to express concepts such as sexual violence or the presence of the military posed significant obstacles. In Nancy's case, the failure to acknowledge and address the broader community's grievances surrounding her death – and the implications it held within the local context – constitutes a serious injustice. In both instances, alternative testimonial strategies were developed to provoke a deep emotional response, challenge the criminalizing narratives surrounding the victims, and disrupt the atmosphere of terror that had been inscribed through their bodies.

In response to the widespread scepticism surrounding Ernestina's testimony, a photograph of her face was circulated a few days after the official narrative began to take shape. This act appeared to be an effort to prevent the case from falling into oblivion and to ensure that it did not go unpunished. The image accompanied an article published in *Proceso* magazine on March 11, 2007, authored by journalists Regina Martínez and Rodrigo Vera (2007). Regina, who had covered what would become one of the most significant cases of her career, was later murdered in April 2012, during the administration of Governor Javier Duarte de Ochoa (2010–2016), a period marked by the highest number of journalist killings in the state of Veracruz.

In the photograph, Ernestina is positioned on a white ceramic surface.

The image captures her face and upper torso, with the rest of her body covered by a white sheet. A small amount of blood is visible seeping from the occipital region of her skull. Near her head lies an empty Coca-Cola bottle, while in one corner of the frame, a bloodstained rag and what appear to be plastic cloths or gloves are visible. It was later revealed that, due to the investigation launched against the journalists who disseminated the image, the photograph was part of the judicial case file initiated on February 26, 2007. This detail aligns with the timing of the autopsy, which took place several hours after Ernestina had been admitted to the hospital in a state of severe distress.

The dissemination of the photograph had several significant consequences. First, it resonated with a broader audience, particularly amid the prevailing scepticism surrounding Ernestina's testimony during the official investigation and the subsequent construction of an official narrative. Among the most active agents in the pursuit of truth were the deputies and senators from the opposition party, the Partido de la Revolución Democrática (PRD). The party's secretary repeatedly cited the photograph, presenting it as irrefutable evidence of a cranioencephalic fracture, supported by the visible pool of blood beneath Ernestina's head (Castro 2007). Moreover, journalist Carmen Aristegui publicly challenged the president of the National Human Rights Commission (CNDH), who had dismissed the findings of the initial autopsy. While the CNDH report concluded that the cause of death was gastritis and internal bleeding, Aristegui (2020) posed a critical question: 'How can the photograph of Ernestina be interpreted as evidence of a cranioencephalic fracture if the bleeding was internal?'

The image stood out for its compelling composition, which synthesized multiple visual elements to produce a striking and memorable portrayal. Unlike a written chronicle, whose accessibility may vary depending on language complexity and audience, photography speaks a universal language, with the potential to reach a broad public (Sontag 2003). The act of photographing confers a sense of reality upon its subject, making what is represented appear incontestable. In this case, the photograph of Ernestina's face rendered the reality of her violent death undeniable. While some may have attributed the presence of blood to the autopsy process, many in the press interpreted it as unequivocal evidence of a violent death.

The presence of blood in the photograph made the reality of the conflict more tangible. This conflict is not limited to the struggle against drug traf-

ficking within the country; it also encompasses an ongoing war against the population, particularly against Indigenous communities, marked by structural and systemic violence. Ernestina's case exemplifies this, as she was denied timely medical attention due to the absence of nearby health-care facilities; the closest one was several hours away from her community. The photograph further underscores the broader conditions that frame the deaths of Ernestina and other Indigenous women. It captures a body laid out on a slab – the standard site for autopsies, surrounded by objects that convey a sense of abandonment. The empty Coca-Cola bottle beside the corpse and the presence of soiled clothes evoke a profound feeling of neglect, desolation, and degradation.

In Nancy's case, the community's peaceful protests served as a platform for articulating broader grievances and for reconstructing the impact of the violence inflicted upon her body, which had been discarded like refuse on the hillside. Her murder represented a profound rupture within the community, leaving a lasting imprint on its social fabric. In more isolated communities – where increasing numbers of young people, particularly men, were being recruited into criminal or drug-related groups – there was a notable rise in criminal activity. This environment gave rise to specific and heightened threats against women, both within the domestic sphere and in public spaces.

Nancy's murder served as a form of social deterrence, sending a chilling message to the entire community: remain passive and exert control over lives that had been rendered expendable. In the aftermath, the victim's mother recounted that men within the community began using her daughter's case to intimidate other women. 'The fate that befell Nancy will befall you as well,' they warned. The incident left a profound mark on the collective psyche, plunging the community into a prolonged period of mourning. As one witness described it, 'A pervasive atmosphere of sadness was palpable.'

The sexual and extreme violence inflicted upon women's bodies has far-reaching communal repercussions that are frequently silenced within formal justice processes and seldom find expression in alternative forums. These spiritual and affective harms deeply disrupt community relationships and are rarely acknowledged (Hernández Castillo 2016; De Marinis 2019).

Sadness, in this context, is not merely a fleeting emotion but a manifestation of profound social wounding, an injury that undermines the very fabric sustaining collective life. The integration of healing practices and

the provision of time for communal recovery are essential components of any meaningful reparation process. Yet, such elements are largely absent from the current justice system, which tends to emphasize individual cases, prioritize punitive outcomes, and quantify reparations in economic terms, approaches that fail to address the broader, collective dimensions of harm.

In Nancy's case, Irma made it clear that securing a conviction was only one component of a broader struggle for justice, one that sought to address the deep harm inflicted upon the community. On the day of the hearing, a significant number of community members gathered in solidarity. Demonstrators assembled outside the courthouse, expressing their demands through a silent protest featuring placards calling for justice in Nancy's name. The community stood with Irma and her family, including Nancy's daughter and sister, who had invited supporters both to apply pressure on the authorities and to show collective support. The accused's parents were also present. Although he was ultimately sentenced to 55 years in prison, the community's sense of impunity persisted, as the perpetrator never acknowledged responsibility for his actions.

The acknowledgment of his actions and a request for forgiveness would have constituted a form of reparation for all those he had harmed. Within Indigenous communities, forgiveness is not merely a personal gesture but an act of recognition and a pathway toward collective healing and reparation (Saavedra Hernández 2019). In the absence of such recognition, the community's collective performativity during the hearing underscored a lingering, unresolved grievance, one that remained peripheral to the formal justice process.

Final Reflections

In numerous justice processes, whether within ordinary judicial frameworks or transitional justice contexts, the testimonies of Indigenous women have been subjected to specific and recurring forms of violence. Beyond the pervasive silencing of sexual violence in contexts of war and armed conflict, intersecting systems of oppression, such as racism, economic marginalization, and historical exclusion, have given rise to distinct forms of testimonial and epistemic injustice. Nevertheless, several studies documenting the emergence of these testimonies have highlighted their destabilizing impact on both women and their communities. The testimonies of Indigenous women victims have revealed the interwoven nature of violence, showing that sexual violence cannot be under-

stood in isolation or as serving merely sexual ends. They have further illuminated the collective dimensions of harm, underscoring the potential of reparations to contribute to the healing of social fabrics torn apart by violence (Fulchirone 2016; Crosby and Lykes 2019).

The political force of such testimonies lies not only in their content but also in the actions and reactions they provoke (Jelin 2002; Bacci 2015; De Marinis and Macleod 2020). Their capacity to evoke emotional responses is rooted in their relational character. In some cases, testimony becomes a form of witnessing by proxy, an act performed by those who speak on behalf of victims who are no longer able to articulate their experiences due to death or the destruction of their subjecthood. In contexts where violence annihilates not only individual bodies but the very conditions of humanity for historically marginalized groups, the role of the audience becomes central in the pursuit of truth and the preservation of memory. From this perspective, the circulation and reception of Indigenous women's testimonies must be critically examined, not only in light of gendered silences and normative boundaries of what is deemed 'sayable,' but also in terms of racialized structures that determine what is heard, believed, and rendered legible to broader publics.

Ernestina's photograph played a pivotal role in galvanizing public reaction at a moment when national concern over the unfolding war's toll was intensifying. The image of an elderly Indigenous woman lying in a pool of blood became emblematic of the war's violence, an affront that resonated far beyond her community. In contrast, in Nancy's case, the fragmentation of family and witness testimony, compounded by a bureaucratic process seemingly designed to erode any possibility of justice, led to the strategic use of her photograph in various performative acts. These acts aimed to pressure local authorities into action during a judicial process that lasted more than four years. However, the individualized focus of the justice system created further exclusions, specifically, the inability to account for the collective wounds that Nancy's violent death had exposed.

In both cases, the public visibility of the victims' bodies, treated as disposable or degraded matter, underscored how military and criminal logics have come to dominate Indigenous territories and bodies, disrupting normative expectations of violence. These forms of systemic criminality not only fractured communities but also prompted unprecedented collective performances of grief and resistance by community members and their allies. Through these collective narratives and acts, individual-

ized and often invalidated testimonies are re-legitimized, and the broader scope of collective harm is articulated, a harm that urgently demands recognition and reparation.

References

- Ahmed, Sara. 2004. *The Cultural Politics of Emotions*. Edinburgh University Press.
- Aristegui, Carmen. 2020. 'Zongolica, los peritajes.' *Aristegui Noticias*, 25 February. <https://aristeguinoticias.com/2502/mexico/zongolica-los-peritajes-articulo-2007/>
- Bacci, Claudia. 2015. 'Numeralia: ¿cuántas voces guarda un testimonio?' *Constelaciones. Revista De Teoría Crítica*, no. 7: 528–36.
- Borzacchiello, Emanuela. 2024. *¡Rexistimos! El feminicidio y la telaraña del poder*. Bajo Tierra.
- Castro, Laura. 2007. 'El PRD pide transparencia a la CNDH por el caso Ascencio.' *Proceso*, 29 March.
- Clough, Patricia, and Jean Halley, eds. 2007. *The Affective Turn: Theorizing the Social*. Duke University Press.
- Crosby, Alison, and Brinton Lykes. 2019. *Beyond Repair? Mayan Women's Protagonism in the Aftermath of Genocidal Harm*. Rutgers University Press.
- De Marinis, Natalia. 2018a. 'De ruinas y servidumbre: aproximaciones etnográficas a las memorias de las haciendas de Zongolica, Veracruz.' *Abya-Yala: Revista Sobre Acceso à Justiça E Direitos Nas Américas* 2 (2): 243–75.
- De Marinis, Natalia. 2018b. 'Political-Affective Intersections: Testimonial Traces among Forcibly Displaced Indigenous People of Oaxaca, México.' In *Resisting Violence: Emotional Communities in Latin America*, edited by Morna Macleod and Natalia De Marinis. Palgrave Macmillan.
- De Marinis, Natalia. 2019. *Desplazadas por la guerra: estado, género y violencia y la region triqui*. CIESAS.
- De Marinis, Natalia. 2020. 'Apuestas para comprender los entrecruces de violencias: reflexiones desde una investigación antropológica y colaborativa con mujeres nahuas de Zongolica, Veracruz.' In *Antropologías feministas en México: epistemologías, éticas, prácticas y miradas diversas*, edited by Lina Rosa Berrio Palomo, Martha Patricia Castañeda Salgado, Mary R. Goldsmith Connelly, Marisa G. Ruiz-Trejo, Monserrat Salas Valenzuela, and Laura R. Valladares dela Cruz. Bonilla Artigas, UAM, CEIICH-UMAN.
- De Marinis, Natalia, and Antonio Fuentes Díaz. 2023. 'Repensar las violencias y el estado en Latinoamérica: estados de excepción, gobernanza criminal y extractivismo.' *Bajo el Volcán* 4 (8): 11–30.
- De Marinis, Natalia, and Morna Macleod. 2018. 'Introduction.' In *Resisting Violence: Emotional Communities in Latin America*, edited by Morna Macleod and Natalia De Marinis. Palgrave Macmillan.
- De Marinis, Natalia, and Morna Macleod. 2020. 'Testimonios en Latinoamérica: usos y destinos.' *Revista Desacatos* 62 (1): 8–17.
- Fricker, Miranda. 2007. *Epistemic Injustice: Power and Ethics of Knowing*. Oxford University Press.

- Fulchirone, Amandine. 2016. 'La violencia sexual como genocidio: memoria de las mujeres mayas sobrevivientes de violación sexual durante el conflicto armado en Guatemala.' *Revista mexicana de Ciencias Políticas y Sociales* 61 (228): 391–22.
- Gallegos, Elena, and Claudia Herrera. 2007. 'Entrevista a Felipe Calderón Hinojosa presidente de la república: "México asumirá el liderazgo, sin importar lo que diga us."' *La Jornada*, 13 March.
- Gibler, John. 2014. *Tzompaxtle: la fuga de un guerrillero*. Planeta.
- Gordillo-García, Johan. 2023. 'Social Movements and Political-Emotional Communities: An Approach from the Movement for Peace with Justice and Dignity in México.' *Social Movements Studies* 24 (2): 239–56.
- Hernández Castillo, Aída. 2016. 'Between Community Justice and International Litigation: The Case of Inés Fernández Before the Inter-American Court of Human Rights.' In *Demanding Justice and Security: Indigenous Women and Legal Pluralities in Latin America*, edited by Rachel Sieder, 51–86. Routledge.
- Human Rights Clinic. 2017. 'Control ... Over the Entire State of Coahuila': *An Analysis of Zetas Testimony in San Antonio, Austin, and Del Rio, Texas*. The University of Texas School of Law.
- Jelin, Elizabeth. 2002. *Los trabajos de la memoria*. Siglo XXI.
- Lagarde, Marcela. 2006. 'De femicidio a feminicidio.' *Desde jardín de Freud*, no. 6: 216–25.
- Macleod, Morna, and Ángela Ixkic Bastian Duarte. 2019. 'Comunidades emocionales, violencia y "fosas clandestinas": solidaridad en Tetelcingo, Morelos, México.' *Revista del Centro de Estudios Latinoamericanos de la UNAM*, no. 43: 99–116.
- Martínez, Regina, and Rodrigo Vera. 2007. 'Fueron los soldados, hija.' *Proceso*, 11 March.
- Monárrez, Julia. 2000. 'La cultura del feminicidio en Ciudad Juárez, 1993–1999.' *Frontera Norte* 12 (23): 87–117.
- Morales, Andrés. 2007. 'Descalifica Inmujeres acusación de Ascencio Rosario contra militares; "fue en náhuatl."' *La Jornada*, 1 April. <https://www.jornada.com.mx/2007/04/01/index.php?section=politica&article=009n1pol>
- 'Periodistas asesinados en México: en posible relación con su labor periodística.' N.d. Article 19. <https://articulo19.org/periodistasasesinados/>.
- Reguillo, Rosana. 2021. *Necromáquina: cuando morir no es suficiente*. ITESO.
- Saavedra Hernández, Laura Edith. 2022. *Corazonar las Justicias: los saberes de las mujeres tzeltales sobre violencias, justicias, y derechos humanos*. CENEJUS-UASLP.
- Secretaría de Gobernación del Gobierno de México. 2022. *4º Informe: una cultura para el respeto y garantía de los derechos humanos*. Secretaría de Gobernación del Gobierno de México
- Segato, Rita. 2013. *La escritura en el cuerpo de las mujeres asesinadas en Ciudad Juárez: territorio, soberanía y crímenes de Segundo Estado*. Tinta y Limón.
- Segato, Rita. 2016. *La guerra contra las mujeres*. Traficantes de sueños.
- Sontag, Susan. 2003. *Regarding the Pain of Others*. Farrar, Straus and Giroux.

- Taylor, Diana. 2003. *The Archive and the Repertoire: Performing Cultural Memories in the Americas*. Duke University Press.
- Wright, Melissa. 1999. 'The Dialectics of Style Life: Murder, Women and Maquiladoras.' *Public Culture* 11 (3): 453–73.