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From prison to pit: trajectories of a dispensable population in Latin America

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ABSTRACT

The prisoner population in Latin America is highly vulnerable to violence and deadly disease due to overpopulation, understaffing and political neglect. The COVID-19 pandemic has worsened their situation. Drawing from empirical research in three countries – Argentina, Colombia, and Nicaragua – this paper analyses three phases of marginalisation in prisoners' trajectories from prison to pit. Our analysis is structured by the triple marginalisation that stretches out from an experienced situation of 'social death' in prison, a legally imposed 'depersonalisation' of the dead prisoners' body, and the 'bare' death of their plastic-wrapped bodies buried without any ceremony in a politically neglected cemetery. This process points to the everyday necropolitical production of marginal deaths and sheds light on marginalised populations' moral conceptions of dying in pandemic times.

KEYWORDS

COVID-19; Latin America; prisoners; public cemeteries; necropolitics; marginalisation

Introduction

In Latin America, trajectories for the dying and the dead generally differentiate between those whose lives are considered valuable and those whose lives are considered dispensable. Prisoners tend to belong to the latter category.¹ This paper discusses the trajectory of this 'dispensable' population during the COVID-19 pandemic. With the officers of state forensic institutions as the gatekeepers of their final destination (Pan-American Health Organisation [PAHO], 2004), Latin American prisoners who have died while incarcerated generally end up in (often marginalised) public cemeteries due to their generally weak socio-economic position (Carballo et al., 2006). While the prisoner-dead are cremated or buried in the least space-consuming graves or pits, their next of kin are often deprived of information about their disposal. In the context of the COVID-19 pandemic, some family had even less than a day to reclaim a body (see below). Though the obscuring and marginalisation of prisoners' deaths was already the case prior to the pandemic, the pandemic heightened the sense of immediate and invisible disposability among the prison population, leading to numerous prison riots.

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In this article, we argue that a trajectory consisting of three subsequent forms of death-related marginalisation can be discerned: firstly, social death is experienced in the prison system; secondly, the bodies of prisoners that have died either during prison riots or from COVID-19 are invisibilised and/or mishandled in the process of their disposal; and, lastly, the burial itself becomes an obscured act that takes place in politically neglected public cemeteries. The processual marginalisation of this group can be theorised as a gradual process of depersonalisation, which begins with the biopolitical governance of prisoner populations (Foucault, 2008) and the mortification processes they are subjected to within the institutional environment (processes aimed at stripping them of their social identities and value; cf. Goffman, 2013 [1961]). These governance practices acquire a necropolitical undertone as prisoners are set up to 'let die' (Mbembe, 2003), either through the length and weight of imposed sentences, or literally, when they fall ill and do not receive adequate medical care. Eventually, many prisoners are subjected to a 'bare death' (O'Neill, 2012)² that may or may not be accompanied by additional violence to their dead body (termed 'necroviolence' by Jason De León, 2015). While those suspected to have died of COVID-19 in many Latin American countries are already relegated to society's margins as 'necro-waste' populating the spaces of 'bare' disposal at the public cemeteries of low social standing (Klaufus, 2016a, 2016b, 2021; cf. Olson, 2016), prisoners face a complex interplay of prior and exacerbated forms of marginalisation and depersonalisation.

Methodology and analytical framework

Based on empirical research data gathered in and about prisons and cemeteries in Colombia, Argentina and Nicaragua this paper engages with broader theories and processes of marginalisation in and through death in Latin America (e.g. Ayala Ugarte, 2017; De León, 2015; Longazel & Hallet, 2021; O'Neill, 2012; Silverman, 2002; Vignolo, 2013). The study builds on our separate but complementary research exploring the long-standing neglect of prisoners and their experiences of social death on the one hand (Weegels, 2014, 2019, 2021), and the marginalisation and invisibilisation of the dead from lower socio-economic layers of society on the other (Klaufus, 2014, 2016a, 2016b, 2018, 2021). Drawing from case studies on these three countries, we analyse what happens with prisoners in the face of the COVID-19 pandemic, tracking the imagined and real trajectories between the prison and the grave (or urn) in terms of public policies and the experiences of next-of-kin, to uncover the everyday necropolitics of prison worlds and the practices and structures of 'necroviolence' that gird the treatment and disposal of marginalised people's dead bodies.

Our data is drawn from nations with politically different regimes, a fact that influences both the quality of the data itself and the context in which that data should be interpreted. If we imagine a conceptual continuum on which the level of governmental control over dead bodies' trajectories is placed, Nicaragua would be close to the pole of authoritarian control over the body and mortality data; Colombia would be in the centre, whereas Argentina would be positioned more closely to the other pole, being an economically stagnating country yet with a substantial level of democratic policy and data transparency. These political differences are methodologically relevant not only because they define the accessibility and trustworthiness of policy information about the impact of

the pandemic on a national and local level but more significantly because they outline the contingent values of that information and frame how marginal death, biopower and necro-power need to be interpreted in the respective contexts.

The data here presented derives from our long-term empirical research in the region, from policy documents and human rights and news reports, as well as semi-structured interviews we conducted with local researchers and practitioners. Based on a long-term engagement stemming from previous ethnographic research into prisons, Weegels conducted thirty structured interviews with Nicaraguan political prisoner family members in 2020, assisted by a Nicaraguan colleague,³ for the production of a report on the situation of COVID-19 in Latin American prisons and a human rights violations report (RIDH, 2020; SOCLA, 2020; Weegels, 2020b). For this article, three regional experts were also interviewed: Manuel Iturralde (Universidad de los Andes, Colombia), Maynor Curtis (Nicaraguan Human Rights Centre CENIDH), and Ramiro Gual (Universidad de Buenos Aires, Argentina). They generously shared or directed us towards reports, documents and video materials. Using this range of data, we explore the trajectories of COVID-19 victims from prison to pit, with special attention to the politics and underlying processes that inform them. In the text, all quotes from interviews are followed by a reference to a full name and job title (where the interviewee is a formal spokesperson) or a pseudonym (for imprisoned research participants and their family members).

Prisoner death and state responsibility

Latin America as a region was hit hard by the COVID-19 pandemic (see Table 1). By August 2020, there had been at least 138,522 recorded cases and 1,504 deaths in Latin American prisons (FairTrials, 2020). COVID-19 is a mortal disease for people with vulnerable health conditions, and the trajectory of the infected prisoner was from prison (or prison infirmary) to the morgue and then largely to the public cemetery. Oversight of this

Table 1. Registered COVID-19 victims in Latin American countries sorted by deaths, 17 March 2021.

Country	Cases	Deaths	Recovered
Brazil	11,519,609	279,286	10,111,954
Mexico	2,167,729	194,944	1,711,931
Colombia	2,305,884	61,243	2,206,210
Argentina	2,201,886	53,836	1,993,215
Peru	1,418,974	49,177	1,329,788
Chile	900,782	21,789	845,712
Ecuador	302,854	16,259	263,164
Bolivia (the Plurinational State of)	260,059	11,974	205,628
Guatemala	183,985	6,599	169,149
Panama	348,155	6,005	336,277
Paraguay	181,414	3,517	15,087
Costa Rica	209,093	2,862	188,967
El Salvador	62,531	1,958	59,576
Venezuela (Bolivarian Republic of)	146,488	1,444	137,948
Uruguay	72,862	717	61,609
Honduras	178,925	436	68,725
Belize	12,383	316	12,004
Nicaragua	5,251	176	503

Source: PAHO (2021). Please note that this overview is incomplete since some states are more equipped and determined to test the population for COVID-19 than others.

trajectory from prison to pit falls to the state forensic institute (locally termed *Medicina Legal*), where the cause of death is established of anyone who dies outside the home or hospital. The vulnerability of this process in the countries under examination here became clear from the early stages of the pandemic, when state institutions too often failed to provide support to, or information about, prisoners who had died from the virus or who had been killed in prison riots aimed at protesting prisoner vulnerability.

According to international humanitarian law state authorities have a legal responsibility to organise the disposal of the unclaimed dead. Governments should be prepared, spatially and logistically, for the disposal of dead bodies in case of a crisis, regardless of the number of victims (Pan-American Health Organisation [PAHO], 2004, p. 1). In countries with a history of massive death, such as Colombia, municipalities have reserved extra space for unexpectedly large numbers of the deceased. Bogotá, for example, completed a new public cemetery in 2006 for just that purpose (Klaufus, 2016a). Other cities are less well prepared. In April 2020, international media reported that bodies had piled up in the streets of Guayaquil, Ecuador, as public cemeteries overflowed with the COVID-19 dead. In Lima, Peru, residents of lower class urban areas notified the media that clandestine burials of assumed COVID-19 victims were taking place in their neighbourhood (*La República*, 2020; cf. Klaufus, 2021). These examples demonstrate that state inability to manage a deadly crisis affects the most vulnerable citizens in multiple ways. Due to their precarious living situations, they are hit harder by the disease itself, as they are both more likely to be exposed (due to precarious housing conditions) and more likely to die (due to poorer medical attention or underlying health conditions), while those who survive struggle to secure a decent burial for their dead or to find proper avenues of mourning and memorialisation.

Prisoners are vulnerable in every sense of the trajectory identified above. State institutions in Colombia, Argentina and Nicaragua do not always establish the cause of death of prisoners, and in Argentina, at least, autopsy is discouraged when there is a suspicion of COVID-19. When it is unknown whether COVID-19 is the cause of death, next of kin and employees are put at risk. And even when cause of death is known, the sick, injured or dead body may be transported without the next of kin being informed about the place or time of hospitalisation or disposal (as has happened in Nicaragua). While Colombia and Argentina had pre-COVID-19 legislation mandating cremation in the case of epidemic diseases, expedited cremation makes it almost impossible for the bereaved to find out where the remains of their loved ones are, let alone to identify cremated remains. Thanks to legal prohibitions that trump laws around disease control in countries where cremation is otherwise commonplace (such as Argentina), prisoners are mostly spared this last step. A contradiction exists, therefore, between regulations that protect society against the spread of disease and regulations that provide vulnerable populations with a decent burial. Throughout Latin America, burial and cemetery regulations were only slowly adapted to the new pandemic reality.

Necropolitics: the prison-as-cemetery

During a pandemic, prisons face a particular set of dangers produced by their infrastructural set-up and societal purpose, as they house a confined population that largely shares facilities such as showers, toilets, and chow halls (communal eating spaces). That confined population also needs to, or is forced to, interact with a varied and mobile population

composed of guards, chaplains, educators, doctors and other prison personnel, as well as prison visitors, all of whom may leave and re-enter the prison on a daily basis. In Latin America, in a medium-sized prison of around 1,000 prisoners, there are easily over 100 people entering and leaving the facilities for work and visits every day (Romero et al., 2021). This reality is complemented by high rates of overcrowding with at best limited and at worst absent medical attention and sanitary conditions. With the advent of the War on Drugs and penal populism, Latin American incarceration rates surged over the past thirty years, leaving many (generally already underfunded) prison systems overburdened (Darke & Garces, 2017). On average, these policies tripled prison populations across the region, leading to a region-wide overcrowding rate of 64%, with outliers running at over four times their actual capacity (IADB, 2020). As a result, many prison systems were already treading water before the pandemic hit. In many ways, the pandemic simply exacerbated the structural inequalities faced by the confined populations that reside within these systems.

In a largely futile attempt to stave off mass contamination under these overcrowded conditions, all Latin American penitentiary systems (except for Nicaragua) indefinitely closed the doors to their prison establishments, banning prison visits and suspending educational and work programmes (SOCLA, 2020). Yet it is precisely these minimal connections with the outside world that prisoners value most, to avert feelings of social isolation or even social death (Weegels, 2021). Over the course of Weegels' ethnographic research within the Nicaraguan prison system (2009–2016), her research participants often described prison as a 'cemetery of the living' ('Manuel'), a place they felt 'buried alive' ('Loco'), or – after release – the place 'where I was dead' ('Javi'). So characterised, death is of a social kind. As 'Douglas' explained, 'we're like the dead because we don't exist outside'. Existence, then, is social realisation – that is to say, realisation *within* society, on the *outside*. Just as a cemetery holds its dead, prison holds its socially-dead. While the state is then omnipresent in the form of the infrastructural conditions that imprison and contain, it is also present as a purposefully negligent and selectively absent guardian.

By understanding the prison as a 'cemetery of the living' prisoners point to a necropolitical and socially mortified space, and suggest a specific quality of marginalisation: their continuing (alive) presence in a space where nobody wants to *be*, let alone *die*. The prison-as-cemetery is where biopolitics seamlessly flow into necropolitics, and *vice versa* (see Haritaworn et al., 2014). In the day-to-day churn of the prison, this awareness of the prison-as-cemetery produces movement in two seemingly opposite directions. The first is towards the *undoing* of the cemetery by the prisoner deploying all types of resources (physical, mental, social, even financial) towards the speeding up of prison time and envisioned release – taking classes, attending mass, paying off a judge, staging a riot. The second, by contrast, produces a temporary or more permanent sliding into the prison-as-cemetery's abyss – that realm of unbearable stress or depression; a slow self-annihilation that might be aided (or temporarily forestalled) by contraband drugs or alcohol. These two directions are not mutually exclusive, however, and prisoners might exercise one or the other at different times.⁴ In the context of the present pandemic, the prison-as-cemetery was suddenly exacerbated beyond its regular everyday manifestation. In the face of the imminent reification of the 'cemetery of the living' as a cemetery of the dead, for those imprisoned the need to *do something* in the face of the very real prospect of dying from a highly contagious, air-borne virus in an overcrowded and neglected space outweighed the prospect of punishment and pushback should they take action.

At the very start of the pandemic in Latin America, a series of prison riots shook the region, initially leaving more dead to the riots than to the virus. Prisons in both Colombia and Argentina witnessed riots of this kind. In Colombia there are more than 120,000 prisoners, distributed over 138 prisons, with an average overcrowding rate of 50% (SOCLA, 2020). After prison visits were banned, advocacy groups and prisoner organisations felt the national penitentiary services (INPEC) were not doing enough to prevent contagion and worried that a single case could lead to a massive outbreak. With these worries in mind, the *Movimiento Nacional Carcelario* (MNC, National Prison Movement) called for a nation-wide, peaceful prison protest to take place on 21 March 2020. Some of the protest was however not peaceful, but violent. In an interview with a major newspaper after the riots took place, MNC spokesman José Antonio Rodríguez, imprisoned in Bogotá's penitentiary La Picota, explained:

Here [in prison] we feel the imminent danger of dying and being infected, and we feel the lack of attention and disparagement on part of the government and [penitentiary] authorities. There isn't a single medicine, we don't even have water. For instance, in this moment [22 March 2020] there is no water in the cells [. . .]. There aren't any facemasks. We don't have control over the movement of people [entering and leaving], and in the health unit they don't even have [medicine] to treat a stomach ache. [. . .] We have to be huddled together, while the policy is for everyone to isolate. [. . .] We're confronting an imminent situation of mass contagion that won't be controllable, and nobody outside is going to worry, they're going to let us die in here. (*El Espectador*, 2020, author's translation)

Painfully aware of their social position and of their poor odds against the virus, prisoners felt they had to do something to draw attention to their plight. With only one doctor available for 1500 prisoners, and taking into account the likelihood of a wider societal outbreak, prisoners were afraid their lives would be the last to be saved. Facing such a situation, 'not all prisoners have the same capacity to respond with calm', José continues, 'there are prisoners who are much more altered and worried and who can even be a bit intransigent facing the situation. That anxiety is what makes them violent' (ibid.). In another Bogotá prison, La Modelo,⁵ this was precisely what happened. There, the protest started with banging on cell doors, but quickly escalated into a full-fledged riot that ended with 24 prisoners dead and 83 wounded (Human Rights Watch, 2020). The following morning, the Minister of Justice, Margarita Cabello, claimed on national television that a 'criminal plan for escape' had motivated the prisoners to riot (*BBC News Mundo*, 2020). Images of the riot, however, pointed to a different reality.⁶

Footage released by the Colombian District Attorney's office shows how the INPEC riot squad repelled the protests by the use of excessive force (see *Noticias Caracol* and *Cero Setenta* materials in endnote 5). Security camera imagery from the prison showed rioters hand-cuffed and stripped naked then beaten while prone on the floor. Security footage also recorded the authorities indiscriminately firing live rounds at the rioting prisoners. That course of events clearly demonstrates a disregard for prisoners' lives and bodies, a disregard that extended to the mishandling of the bodies of dead rioters, and to the manipulation of the scene and circumstance of their deaths. Although legally obliged to provide first aid to the wounded, and to leave the prisoner-dead at the place where they had died (securing the scene for later forensic investigation), prison authorities moved various bodies, both prior to the arrival of forensic services, and after, while they were at work on the scene.

In an attempt to draw attention to what was happening, some prisoners used mobile phones to record video and audio of the riot and of their wounded and dying companions, sending the footage to news agencies and their loved ones outside prison (see *Noticias Caracol* and *Cero Setenta* materials in endnote 5). This attempt at making visible is vital for breaching the walls of the prison-as-cemetery and destabilising the state's capacity to obscure what happens within those walls (Symkovich, 2018; Weegels, 2020a). In the days following the riot, the (mis)handling of wounded and dead rioters' bodies on the part of the state was further exacerbated by delays in disclosure to relatives, in releasing of the bodies of the dead for burial, and in the continued criminalisation of the rioters, living and dead, by the Minister of Justice, who rationalised the rioters' deaths and denied the legitimacy of their claims by referring to them as 'criminals preparing a mass escape'—indeed, the Ministry proclaimed it was 'proud' of the INPEC's handling of the riot (Human Rights Watch, 2020). As at the time of writing, more than a year after the massacre, this lack of accountability and the deferral of responsibility for the prisoners' deaths continues to feed the Colombian state's necropolitics, which ominously reiterate and reify the prison-as-cemetery.

A similar process of the reification of the prison-as-cemetery occurred in Nicaragua. On 12 May 2020, three days after he missed a court date without notice, political prisoner Uriel Pérez was found by his mother on the intensive care of a Managua public hospital, struggling with severe illness from COVID-19 (*Confidencial*, 2020). Uriel was serving his sentence at La Modelo penitentiary, the country's largest prison, located just outside Managua. Uriel's appearance, and his mother's story, shattered the Nicaraguan government's attempts to hide the pandemic's effects on the country and its prison system. While two months had passed since the first case had been formally registered by the Nicaraguan Ministry of Health (MINSAs), the government and state institutions had done little to nothing to stop the spread of the virus in that time, denying its gravity and underreporting its occurrence.⁷ Even as people began to be hospitalised with 'pneumonia' in their hundreds, and reports surfaced of so-called 'express burials', the Directorate of the Nicaraguan Penitentiary System's (DGSPN) refused to take precautionary measures to curb the spread of the virus in the prison system. In structured interviews conducted by Weegels in May 2020 with families who had recently visited their imprisoned relatives, respondents spoke of how the prison authorities had made them take off their face masks, failed to clean the visiting hall between visits, or to ensure social distancing. Family members furthermore stressed that they were forbidden from sharing cleaning products, face masks or hand sanitiser with their imprisoned relatives, which were not provided to the prisoners by the authorities in the first place (RIDH, 2020; SOCLA, 2020; Weegels, 2020b).

It was the express burials that particularly concerned prisoners and their families; the fear of prisoners felled by the virus 'going missing'—that their bodies, or places of interment, would be untraceable if they were to die from the virus. In an express burial, the bodies of the COVID-19 dead are wrapped in plastic and sealed with tape, then placed in a casket and driven immediately to the cemetery for interment by MINSAs workers in hastily dug graves (e.g. *AP News*, 2020; *New York Times*, 2020), leaving their survivors no time for the possibility of ceremony or grave-side mourning. Many such express burials were performed at night, which, aside from the fact that autopsies were not performed and certificates of death stating 'pneumonia' were issued, added to a sense that COVID-19 related deaths were being obscured. This is what Calmon (2020) refers to more generally as the risk that a generation of

'new missing bodies' will appear in Latin America as a result of the pandemic, rather than political or social violence. Surrounded as they were by an air of politically interested opacity, Nicaragua's express burials moreover raised traumatic personal and cultural memories of disappearance and lying state actors (Gatti, 2020). The delivery of bodies wrapped in plastic or sealed into caskets in such a way that it was impossible to identify the deceased was reminiscent of the way in which the remains of young men conscripted into the Sandinista popular army (EPS), who were killed in confrontations with counterrevolutionary Contra forces during the country's civil war (1979–1990), were brought back from the mountains and handed over to their grieving family by state officials with the warning that they should under no circumstances open the casket (supposedly to spare them seeing the condition of the body). When it was later discovered that some of these caskets were filled with stones, mistrust of the state and its handling of the dead took root (cf. De Volo, 2004). Not only for family members, but also for prisoners, the long tail of this fear of disappearance-once-dead is compounded by their sense of being already socially dead and, especially for *donados* — those abandoned by family — the realisation that there is no-one but the state to bury them (Maynor Curtis, CENIDH).

In prison, the disappearance of dead or living bodies is thus not a new phenomenon, nor are the anxieties surrounding death in prison. In Colombia, Manuel Iturralde, leader of the Universidad de los Andes prisons research group, noted there are entrenched imaginaries of prisoners being buried in Bogota's La Modelo prison as a result of fights during the drug wars of the 1980s and early 1990s, to such an extent that the prison is considered an *actual* cemetery of prisoner-dead. In Nicaragua's La Modelo and Chipote prisons, built during the Somoza dictatorship (1936–1979), similar imaginaries exist, more closely related to political imprisonment, torture and disappearance. Fear of the latter resurfaced during the pandemic as prisoners told family members of seeing plastic-wrapped bodies being transported outside by the authorities (*Nicaragua Investiga*, 2020; RIDH, 2020). With human rights organisations banned from accessing Nicaragua's prisons since 2008, and the institution itself not sharing any data on prisoner deaths, it is extremely difficult to verify if, how, and of what prisoners in Nicaragua die, and whether these fears are grounded in fact or not. That opacity around prisoner death and the confusion it produces between the imaginary, the possible, and the real is tightly woven into the state's biopolitical and necropolitical governance techniques as part of its culture of public secrecy (Weegels, 2020a).

From prison to pit

In contrast to Nicaragua and Colombia, prison deaths in Argentina both require, and receive, direct investigation. Upon the democratic transition following the military dictatorship (1976–1983), during which more than 30,000 people were disappeared and over 8,000 people imprisoned for multiple years, human rights mechanisms and institutional transparency became primary items on the political agenda. In 1993, the Prison Ombudsman's National Office (*Procuración Penitenciaria de la Nación* or PPN) was established, a body tasked, since 2004, with oversight of human rights compliance and other legal protections for prisoners within Argentina's federal penitentiary system. Ramiro Gual, whom we interviewed for the purpose of this article, works both at the University of Buenos Aires and with the PPN's prisoner death investigation team. He explained that any time a prisoner dies, of natural or violent causes, the PPN is tasked to investigate this

death following the Minnesota protocol.⁸ In most cases an autopsy is required to determine the cause of death, such that the level of responsibility of the state might be determined.

On 19 March 2020 the first COVID-19 measures were taken in Argentina, which directly placed all prisons on lockdown. This meant the suspension of family visits and work programmes that brought non-prison personnel into the facility. The movement of guards was also limited to minimise the possibility of infection within both the prison-worker and prisoner population and reduce the infection risk in the direct community outside prison. Prisoners felt abandoned by the state and an initial wave of prison riots swept Argentina in March 2020, leaving five dead (*El País*, 2020). After a guard tested positive to the virus, prisoners at Villa Devoto federal prison in Buenos Aires broke through the roof on 24 April 2020, toting banners that read ‘we refuse to die in prison’ and ‘silence is not our language’ (*Aristeguinoticias*, 2020). They demanded excarceration to decongest the prison, fearing the lack of infection control measures.

Argentina entered the pandemic with a functioning framework for the investigation of prison deaths and a set of disposal regulations for the dead that stemmed, in part, from the 1970s when the military dictatorship mandated that victims from epidemic diseases must be cremated (Art. 46 in Ordenanza 27590). Although Colombia and Argentina both have legislation requiring cremation in cases of epidemic contagious disease, the rule in practice limits the possibility of relatives of the prisoner-dead being able to identify and claim their dead. It also adds to the overload on the capacity in public crematoriums. In 2020 Argentina accordingly adapted the protocol for the disposal of cadavers with an assumed or proven COVID-19 infection (Ministerio de Salud, Gobierno de la Ciudad de Buenos Aires, 2020) to allow burial as well as cremation provided that strict infection control measures were applied (wrapping the cadaver and casket in thick plastic; black for the cadaver and red for the coffin – both emblazoned with the warning ‘COVID’). Even though pandemic regulations emphasised the dignity of the deceased and next of kin, both that emblazoned warning, and the creation of a special section for the COVID-19 dead in La Chacarita, had the effect of stigmatising those who died of the disease and did not have the money to be buried in a private cemetery. The state’s power to flag dead bodies in wrapped coffins and place warnings in the public cemetery needs to be understood in relation to existing forms of marginalisation associated with public cemeteries, and indeed with the internment of the dead who were already marginalised and stigmatised while living.

Whenever a death occurs in the federal penitentiary system in Argentina, the PNN investigation entails accessing the autopsy report, and talking with the family, cellmates and guards who would have been in contact with the deceased. In 70% of prisoner deaths, a *causa judicial* — judicial case — is opened (Ramiro Gual, PNN). That processual status to the death prohibits both the authorities and the family from cremating a body that may be evidence in a future criminal investigation. In stark contrast to disposal practices for the broader population, prisoners who died from COVID-19 were then *not* allowed to be cremated. In this way, the bodies of the prisoner-dead were oddly more protected from disappearance in death than were other marginalised populations. However, family members were seldom able to take on the expense and complication of the transfer of the body from the Buenos Aires’ federal prison system. Gual notes that, for a long time, the transfer of bodies was deemed the family’s responsibility, but due to

pressure from the PNN and human rights and family associations, the prison system now carries this responsibility. If the prisoner has no family or when the family has no financial means to arrange funeral services, the municipality pays for an interment in the immense public Chacarita cemetery. When there is family in such cases, the prison authorities will often be reluctant to notify them of when the interment will take place, supposedly to prevent impoverished families from ‘taking advantage’ of the ‘free’ burial. This approach was also observed by Klaufus regarding the right to a dignified burial, which appears to be differentiated along the lines of class and underlines the marginalisation of the prisoner- and COVID-19 dead, as the next section demonstrates.

Public cemeteries and the marginalisation of the Covid-19 dead

Due to their socio-economic position, the prisoner-dead largely end up in public cemeteries across Latin America. Throughout the region, socio-economic inequalities around death and disposal are paramount. Relatively poor families rely on the services offered in cramped inner-city public cemeteries. Middle and upper-class families can opt for the more extensive service packages offered in private parkland cemeteries, the costs of which are on average tenfold the costs paid in public cemeteries (Klaufus, 2016a, 2016b, 2018). These are usually located in suburban areas near middle and upper class gated communities (Carballo et al., 2006). Buenos Aires has three public cemeteries offering a total number of slightly over 600,000 burial spaces: the immense 95-hectare cemetery in the central-western part of the city called La Chacarita covers 76% of the demand; the smaller cemetery of Flores to the south of the city caters to a poor (Bolivian) migrant population and the historical cemetery of Recoleta near the Rio de la Plata has a restricted and limited capacity. Buenos Aires has one public crematorium, which is conveniently located in the heart of the Chacarita cemetery. The disposal facilities in the public cemeteries consist of graves in and above the ground in different price categories, ranging from a cheap rental niche in a columbarium to a simple earth grave, to the more costly lots on which a family mausoleum can be built. The niches and simple earth graves in Chacarita are based on grave rotation. When the 5-year lease period is not extended, bodies are exhumed and the remains either reburied in a smaller ossuary space or cremated. With almost 8,000 burials in 2018, Chacarita is the most dynamic public cemetery in the city (Gobierno de la Ciudad de Buenos Aires, 2018). If the relatives of a deceased cannot bear the costs of the transportation and burial, or if they cannot be traced or refuse responsibility when found, the state is responsible for interment. As Ramiro Gual confirmed, if there are no relatives to pick up the prisoner-dead or they cannot afford to bury them, the prisoner-dead from the Buenos Aires federal prison system are unceremoniously disposed of at Chacarita – so too during the pandemic.

To avert a crisis in its capacity to warehouse bodies at the morgue, the Buenos Aires government issued an ‘extraordinary protocol’ for a ‘withdrawal request’ for dead bodies in June 2020, facilitating the transportation of dead bodies through a petition to the Civil Registry (Disposición 16/DGEVYC/20). While several legal procedures for hospitals, morgues and cemeteries were adapted to the new pandemic reality, a change of managers in charge of the mortuary service chain complicated decision-making on the ground. The official in charge of public cemeteries, Director Eduardo Somoza, left office in January 2020, right before the pandemic reached Latin America. His successor Martin

Andrés Maffuchi was not formally installed until a year later, in January 2021. This one-year governance vacuum left its marks on the level and quality of a service already under pressure, as successive mayoral regimes already pursued a neoliberal economic agenda that sought to sell and redevelop parts of Chacarita to stimulate real estate and commercial development in the area prior to the pandemic (cf. Lederman, 2020).

During field research at Buenos Aires' cemeteries in 2019, Klaufus interviewed Director Eduardo Somoza in his office looking out over Chacarita about the preparedness of public cemeteries for calamities – an important state responsibility in this crisis-prone region. Not imagining the pandemic threat that awaited the world, Somoza explained the protocol that marked Chacarita as the natural recipient for the dead in a 'catastrophe', but added that the cemetery could handle only 'up to 150 cadavers' (fieldnotes). Considering the total number of COVID-19 victims over the year 2020, that reserve capacity was absolutely insufficient. Cemetery structures were moreover poorly maintained, affecting at least 40 thousand niches in the underground catacombs (Dirección General de Cementerios, 2020, p. 4). In his exit report Director Somoza summarised just before the start of the COVID pandemic: 'the maintenance services in general were insufficient for an adequate functioning' and 'due to a lack of a Manual of Internal Procedures' things were being done on the basis of existing routines rather than adequate instructions. In addition, he stated that 'there is no exchange of information that allows an overview of the availability of niches' (Dirección General de Cementerios, 2020, p. 4). Nobody knew how many burial niches were available; and employees were not protected against health hazards. One gravedigger told Klaufus how even Somoza had 'never in the four years of his term visited them' in the cemetery (fieldnotes), manifesting the authorities' general disinterest.

It was known, then, that this state of affairs would affect the functioning of the mortuary system in a crisis and, more importantly, that this would disproportionately affect vulnerable groups who depend on the functioning of this public cemetery – like the incarcerated. Yet the political priorities were elsewhere. In his study of the urban policy discourse in Buenos Aires, Jacob Lederman (2020) concludes that two frames characterise the aspirations of policy makers and authorities in Buenos Aires: while one frame stresses tolerance, equity and sustainability, the dominant one uses global paradigms as a veneer for profit making, 'creating cities that are sustainable, tolerant, and lively for some through the physical removal and symbolic invisibility of others' (p.203). It is exactly this symbolic invisibility that characterises the mortuary trajectory of COVID-19 victims dependent on state support in 2020.

When the number of COVID contaminations increased in 2020, the authorities created extra burial space in two public cemeteries, including Chacarita, by rapidly exhuming graves with already expired lease contracts. The city appointed sections in the cemeteries of Chacarita and Flores for the serial burial of assumed COVID-19 victims. These extra graves were dug at the corners of both cemeteries to forestall a situation where coffins were piling up in the morgue. While the speeding up of procedural steps to dispose of assumed COVID-19 victims as efficiently as possible seems to have been effective in Buenos Aires to date, the procedure to efficiently dispose of bodies presumably infected with COVID-19 (considered potentially dangerous for their pathogens), stripped the dead that depend on state support (including prisoners), of their personhood. Without the possibility for the next of kin to open the coffin one last time, to identify the person and commemorate their life, the cadaver is reduced to invisible bodily and potentially

dangerous COVID-19 'waste'. This is what in the literature has been referred to as 'bare' death: the dead disconnected from the social and political meanings of the person during their life (O'Neill, 2012). They are no longer a social and political 'somebody', not even a prisoner of name, but an unrecognisable body wrapped in two layers of colour-coded plastic, disposed of as necro-waste of sorts.

Conclusion

Mbembe (2003) stresses the asymmetrical conditioning of the life-death duality in societies in which certain populations are marked as 'non-subjects' or 'illegitimate' bodies. Prior to the pandemic, the prisoner population-at-risk already faced a situation defined by powerlessness over (and resistance against) their individual and bodily fate, both before and after death. As we have demonstrated here, the biopolitical management of prisoners' bodies by the state engenders a sense of social death among the prisoner population, who imagine prison as a 'cemetery of the living' where they are subjected to the system's necropolitics of 'letting die'. Here, 'the state' and 'the system' are neither abstract entities nor uniform ones, but assemblages of individuals and organisations attributed with bureaucratic power to decide specific civic liberties and limitations (Foucault, 2008). The pandemic has exacerbated the ambiguous status of dying and death for the prisoner population, by further obscuring their fate and depersonalising their lifeless bodies. In this sense, the pandemic not only increased the vulnerability of their living bodies to deadly infection, but subjected their bodies to necroviolence at death, through mishandling and relegation, and/or to an undignified 'bare' interment, stripped of their personal biographies. For prisoners, already feeling themselves abandoned in a 'cemetery of the living', the very real prospect of being infected and dying from COVID-19 was a threat they had to answer by whatever form of resistance they could muster: from riot, to peaceful protest, to intramural practices of mutual support in the absence of family visits. Due to the lack of adequate medical attention and overcrowded prison conditions, the pandemic then exacerbated the ambiguous status of dying in prison and death for the prisoner population.

In this article, we described three succeeding phases of marginalisation of the prisoner body both living, and dead. This trajectory is messy: it involves prisoners who have died from COVID-19 and other causes, and it varies across national contexts. What is certain is that a triple marginalisation emerges in the process, of the prisoner alive, dying, and dead – compounded by the handling of (assumed) COVID-19 infected bodies during the pandemic. The first phase of 'letting die' in prison encompasses routine, systematic, unprotected exposure to infection risk, but also the provocation to riot, with all the (deadly) consequences to such action. The next phase concerns the trajectory of the dying and dead body both within and outside prison. This starts with their transportation from the cell to the hospital (or prison medical ward) and the obfuscation of that journey in failures to inform the prisoner's next-of-kin about the prisoner's condition, place of treatment, or circumstances of interment. If they die, this is followed by the process of establishing the exact cause of death through autopsy and forensic investigation as completion of a person's biography, which is often evacuated – for reasons of public health (Argentina), or in the more questionable circumstances of

rioting prisoners killed by authorities in Colombia. Finally, the process of marginalisation is completed by the relegation of the prisoner dead's body to the margins of the public cemetery, compounded by the depersonalisation of the COVID-19 infected body by wrapping it in a double layer of plastic to keep it from contact with employees and the next-of-kin, and quickly disposing of it in a process that deprives the next-of-kin of the possibility of seeing or touching the body, and even forestalls the possibilities of mourning ceremony. This final stage renders the deaths of prisoners 'bare' in a socio-political sense, as the (presumably) infected body is stripped of any social ceremony and processed as if it were little more than biological waste. This process is already producing 'new missing persons' (Calmon, 2020), lost in the system due to the (mis)handling of their bodies between the place of death, the morgue and the cemetery. While the degree of intentional opacity, state capacity and accountability vary across the three countries addressed here, a necropolitical trajectory clearly emerges between the prison and the burial pit through the compounded marginalisation of the incarcerated: living, dying and dead. Sustained political attention and action is direly needed to counteract this process.

Notes

1. We use the term "prisoner" to refer to incarcerated people regardless of their legal status.
2. Anthropologist Kevin O'Neill builds his conceptualization of 'bare death' (2012) on the basis of Giorgio Agamben's conceptualization of 'bare life' (1998).
3. We do not mention this person's name here on their request, out of safety concerns for the ongoing repression of university teachers, students and government critics in the country.
4. See Weegels (2014, 2019, 2020a, 2021) for detailed examples of this double tension for Nicaraguan prisoners. For examples beyond Nicaragua see for example (Darke, 2018; Solinger et al., 2010).
5. 'La Modelo' is a common prison name in Latin America as it Spanish for 'the model prison'. The capital city penitentiary in Nicaragua is also called La Modelo.
6. A media investigation presented ample footage of the riot one year after it occurred ('Motín en La Modelo: las pruebas desconocidas de una noche de horror', *Noticias Caracol*, <https://www.youtube.com/watch?v=H4pvdqOkWdA>, last accessed 9 January 2022). An earlier reconstruction of the riot was made based on 39 videos shot by prisoners and neighbours of the La Modelo prison (*Cero Setenta*, <https://cerosetenta.uniandes.edu.co/siete-horas-de-angustia-en-la-modelo/>, last accessed 9 January 2022).
7. See the MINSAs website for full statistics and reports: <http://www.minsa.gob.ni/index.php/repository/Descargas-MINSA/COVID-19/Datos-COVID-19/> (last accessed 9 January 2022). The officially recognised number of COVID-19 cases stands at a little over 17,500 and 218 dead, while conservative estimates of the independent Citizen Observatory (composed of medical doctors working at public and private hospitals) are at least ten times higher. See the Citizen Observatory's website for full statistics and reports: <https://observatorioni.org/> (last accessed 9 January 2022).
8. The Minnesota Protocol was originally drafted to supplement the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions. The UN Principles ... set out international legal standards for the prevention of unlawful death and the investigation of potentially unlawful death' *The Minnesota Protocol on the Investigation of Potentially Unlawful Death* (2016), Office of the United Nations High Commissioner for Human Rights, New York/Geneva, 2017, p.iv.

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