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Claremont McKenna College

Truth and Reconciliation Commissions and the Search for
Justice: A Comparative Study of Chile, Argentina and
Guatemala

submitted to
Roderic Ai Camp

by
Pastor Jose Arroyo

for
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Abstract

During the mid to late 1900s many Latin American countries found themselves under the rule of violent military regimes and in civil war. The purpose of this paper is to discuss the atrocities committed in the late 20th century throughout Latin America and to discuss the ways in which these societies, affected by state violence, were able to overcome the past. In this paper, I will look at the purpose of truth and reconciliation commissions and their outcomes in Chile, Argentina, and Guatemala in order to find some similarities and compare and contrast the successes and failures of the different commissions in their respective settings.

Acknowledgements

The process of writing this thesis has been a very rewarding one and there are many individuals who have helped me along the way. First and foremost, I would like to thank my academic adviser for helping me through the process and providing guidance. Additionally, I would like to thank my family for their support over the past three months, and in all of my academic endeavors. I would also like to thank Claremont McKenna College, more specifically the Off-Campus Study Office who helped organize my trip to study abroad in South America. My experiences in South America inspired my thesis and allowed me to have a much broader perspective about the contexts in which the truth and reconciliation commissions were established.

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Introduction

The idea of human rights... is a social construct which reflects social acknowledgements of individual and communal basic and perceived needs in a particular historical period. In short, human rights are statements of needs. Of all species of the animal kingdom humans appear the most vulnerable. The susceptibility of humans to succumb to illness and misfortunes is a prime reason that the social construct of “human rights” is necessary.¹

Humans are susceptible to nature, but the greatest threat to the well-being of a human is another one. Human history is plagued with murder, war and violent repressions by individuals in positions of power. These individuals out of spite, out of a sense of superiority, out of a sense of duty, feel that they are entitled to do what they do because of the power that they wield. Many will argue that the reasons for which atrocities happen are complex and nuanced but regardless of the reasons, the violations of human rights are a crime against humanity. We as members of democratically elected represented societies expect that those to whom we yield power will act in accordance with our individual interests and preferences, after all they are supposed to represent society. But when those democratically elected members of society engage in activities that repress and discriminate against individuals’ personal human rights, how is it that we go about holding those individuals accountable? And when the wielders of power go even further as to murder innocent civilians in an organized systematic means using the resources of the state, a state that has been entrusted with the monopoly of violence, a state that is comprised of the very same victims, what is it that those victims can do? When the regime comes to an end, what is the role of society and how should it engage

¹ Wronka, Joseph. n.d. *Human Rights and Social Policy in the 21st Century*. Lanham, Maryland: University Press of America, Inc.

with those responsible for crimes against humanity? What should the leaders of the society that gain power following the morally corrupt regime focus on, should they focus on ensuring that the society achieve peace and stability even at the expense of justice for the victims of the regime? Numerous countries throughout Latin America have directly dealt with this question of overcoming dictatorial regimes.

James Monroe in 1823 issued the Monroe Doctrine that established that the European countries, primarily, should stay out of the American continents. This doctrine would outline the attitude of the United States towards its neighbors in the American continents by further implying that European countries who meddled with independent countries in the Americas would be viewed as unfriendly by the United States. In the mid to late 1900s in the midst of the cold war the United States launched a campaign of destabilizing democratically elected regimes throughout Latin America attempting to secure its own interests in its backyard. Additionally, the United States following the end of WWII, engaged in activities around the world aimed at preventing the spread of communism and so it established the Army School of the Americas. Through this institution the United States provided training and anti-communist indoctrination to Latin American military personnel, some of whom would go on to participate, even lead, coups that resulted in civil-military control of Latin American countries. However, the United States would also engage more directly in the politics of Latin America by funding coups and providing strategic support for covert activities. The military dictatorships that came to power would go on to murder, forcefully disappear and brutally torture in unimaginable ways those that the regime viewed as a threat. But in the aftermath of the brutality, when the country had lived through years of violence and psychological fear

and instability, how was the country to move forward? These countries in transition were at a crossroads, they had to decide how to offer compensation and justice for the victims and the family members of the victims without causing more instability. The transitional governments had to deal with the fact that those who were responsible for unthinkable violations to human rights would never agree to be prosecuted for their actions and would do their best to avoid being held accountable. But before the transitional governments could know what they should do they had to find the truth, the truth that had been hidden for the years of the dictatorships because the truth in the periods of dictatorships was the truth that the dictatorship wanted the people to know. So how could a transitional government justify actions, even know what to do if they didn't know the full truth. In recent years, countries following periods of atrocities have as common practice established truth and reconciliation commissions in order to investigate the crimes and to try to identify those who have been hurt.

However, the specific purposes of the truth and reconciliation commissions vary and they vary because of the differing opinion as to how far the truth commissions should go in establishing blame if there should be any established at all by the government commissioned investigation. Should countries' commissions be focused on redistributive justice or retributive justice?

Methodology and Purpose

This paper has a primary goal to evaluate and compare three different cases of truth and reconciliation committees and highlight the strengths of each of the commissions. This study in particular will analyze the cases of Chile, Argentina, and

Guatemala and the reports published by the truth commissions in those countries. The three cases will be compared on three different areas. Firstly, what degree of blame is expressed in the different commission reports. Additionally, did the degree of blame outlined in the report influence in the retributive justice against the perpetrators of mass atrocities? Were the victims and the victims' families given an avenue or the support in order to bring the perpetrators to justice? Secondly, what recommendations were made in the report in regard to the compensation of the victims and the victims' families? Furthermore, on the same question, what sort of policies have been carried out and how have they been received by the specific countries? Finally, what policies were recommended by these truth commissions in order to prevent the violation of human rights in the future? To answer these questions, the paper will engage in evaluating the commission reports and the literature published regarding the reports by both American and Latin American scholars some of which teach at institutions in the countries that suffered under a repressive regime. Ultimately it will be clear that truth and reconciliation committees should ensure that they provide a variety of recommendations that both acknowledge the guilt of the individuals who have carried out atrocities and also have strong forms of reparations or compensating those who have been afflicted by a dictatorships injustice. But most importantly it will be evident that justice is necessary in order to give stronger significance to the truth that is uncovered, but that justice will very much depend on the government that is in power and its ability and commitment to bring about change.

Chapter 1: Justice

The nature of truth seeking commissions is that they are usually created by the governments of individual countries to carry out investigations and establish the truth as best as they can about a specific period of time. In addition, it is important to recognize that the different countries will have different goals that will probably be influenced by the regimes that task the commission and the power of the regime. As will be explained in the particular cases, the three countries being examined had different goals and we can see that the level of political involvement of perpetrators influenced in the ultimate goals and the execution of the search for the truth. The search for truth, however, is a particularly hard one when the perpetrators access most of the knowledge, hold most of the information regarding the period that commissions are tasked with investigating. This creates a very strong dilemma that is still debated today, should individuals guilty of crimes against humanity be given amnesty if they provide information that is given to ultimately bring the fuller truth the world?

For some guidance on answering this question one can look to the Truth and Reconciliation Commission in South Africa following the end of Apartheid. During said commission, amnesty was granted to individuals who told the entire truth and those who provided a political justification for their involvements in particular crimes. However, to some the search of truth is not enough to justify the granting of amnesty to criminals. “It stinks to high heaven...to imagine that after confessing these people who committed the

more horrendous crimes will be patted on the shoulder by the TRC.”² In addition Kevin Avruch further adds to this when he cites evidence that there is a strong feeling for retributive justice in South Africa and that victims feel robbed of legal recourses to achieve justice³. But Alex Boraine would argue that the approach of a limited amnesty was actually crucial for a peaceful transition of South Africa into a stable state. As he points out the right-wing party, the state military and security forces warned Mandela that if the government attempted to prosecute individuals responsible for the apartheid they would make peaceful elections impossible⁴. This power held by the perpetrators of apartheid is due to the way in which the new government came to be. As Boraine explains in South Africa the conflict of apartheid was not resolved through a war with a winning side but instead was resolved through negotiation which meant that there would have to be some compromises made by both sides⁵. Furthermore, Elizabeth Kiss would argue that there was a moral justification in offering amnesty in order to achieve the goals of the Truth and Reconciliation commission. It was moral to allow criminals to go free in exchange for peace and stability.

Kiss defends this point of view under the idea of restorative justice, a justice that focuses on making sure the victims of the egregious acts are at the center of all efforts

²Rotberg, Robert I. "Truth Commissions and the Provision of Truth, Justice and Reconciliation." In *Truth V. Justice: The Morality of Truth Commissions*, by Robert I. Rotberg, Dennis Thompson, & Robert I. I. Rotberg, 3-22. Princeton: Princeton University Press, 2000.

³ Avruch, Kevin. 2010. "Truth and Reconciliation Commissions: Problems in Transitional Justice and the Reconstruction of Identity." *Transcultural Psychiatry* 33-49.

⁴ Boraine, Alex. "Truth and Reconciliation in South Africa: The Third Way." In *Truth V. Justice: The Morality of Truth Commissions*, by Robert I. Rotberg, Dennis Thompson, & Robert I. I. Rotberg, 143. Princeton: Princeton University Press, 2000

⁵ *Ibid.* 147.

regarding truth and reconciliation committees. Kiss, further than the argument that the use of amnesty provides for a more peaceful transition, defends the need for the truth as crucial to moving on as a society. As was the case in many countries that commissioned truth commissions, the transition to democratic governments came as a result of negotiations and thus it was vitally important for countries truth commissions to be viewed as impartial. Additionally, they had the task of ensuring that their reports avoided presenting a report with “‘partisan’ or ‘selective’ accounts of past conflicts” because doing so would “easily provide the basis for mobilization towards further conflicts”.⁶ But more specifically to individuals, Kiss points out that individuals greatly benefit from the commissions just by being able to tell their story. As she put it, there is a healing power for survivors being able to tell their story to official commissions, commissions working for the governments that once used to repress them, the government that once stripped them of their voice.⁷ Accepting the role of the truth in being able to transform societies, how is it that we as societies can balance the countries’, and victims’, right to the truth and the right to retributive justice. A model that has been suggested by many is the idea of transitional justice.

Transitional justice according to the International Center for Transitional Justice is “is the attempt to confront impunity, seek effective redress and prevent recurrence not in the routine application of normative standards, but in the careful and conscious

⁶ Kiss, Elizabeth. "Moral Ambition Within and Beyond Political Constraints: Reflections on Restorative Justice." In *Truth V. Justice: The Morality of Truth Commissions*, by Robert I. Rotberg, Dennis Thompson, & Robert I. I. Rotberg, 72. Princeton: Princeton University Press, 2000.

⁷ Ibid.

appreciation of the contexts where it is to be done”⁸. Transitional justice is about comprehensive action that includes criminal prosecution for the most serious offenders, finding the truth, reparations, and reforms to laws and law enforcement agencies.

Transitional justice relies on a different understanding than retributive justice.

Transitional justice is heavily influence by the idea from restorative justice that the state should focus more on addressing the victims rather than prosecution of individuals. It is premised on the idea of forgiveness rather than vengeance which some have argued actually produces better results for the victims⁹. It is important to remember at this point that truth and reconciliation committees operate under the assumption that the truth will help society reconcile, it will help the society to come together after a tumultuous period of repression.

One of the harms to reconciliation caused by transitional justice models is the fact that the trials that do take place create divide between perpetrators and victims¹⁰. An interesting case of this is in Chile where 55% of the population believe that the dictatorship was bad, 9% said that the dictatorship of Pinochet was good and the rest had no opinion or had mix thoughts regarding the dictatorship¹¹. Trials following the end of the dictatorship created divide as those on the right tend view Pinochet favorably because

⁸ "What is Transitional Justice? | ICTJ." International Center for Transitional Justice. July 11, 2017. Accessed November 17, 2017. <https://www.ictj.org/about/transitional-justice>.

⁹ Avruch, Kevin. "Truth and Reconciliation Commissions"

¹⁰ Schabas, William A., Hughes, Edel, and Thakur, Ramesh Chandra, eds. 2007. *Atrocities and International Accountability: Beyond Transnational Justice*. 36. Tokyo: United Nations University Press. Accessed November 22, 2017. ProQuest Ebook Central.

¹¹ Long, Gideon. "Chile still split over Gen Augusto Pinochet legacy." BBC News. September 09, 2013. Accessed November 17, 2017. <http://www.bbc.com/news/world-latin-america-24014501>.

they regard him as a hero who defended the country against the dangers of socialism. As Mani further points out, truth and reconciliation commissions “fail to move from the divided past of perpetrators versus victims to a united future of all survivors of conflict, whatever their past role”¹². However, this begs the question, should we consider everyone as a survivor and is this really the best form of justice in order to achieve a better society in which we prevent this from happening?

Through the cases of the Chile, Argentina, and Guatemala we will consider some of these models and ideas of justice. We will look at the commission reports issued and see that lots of the ideas discussed apply to the different cases. The question about which form of justice is the best form of justice is best defined on a case by case basis. There is no universal model for truth commissions and every commission is tasked with different goals and objectives in its investigations. Through an analysis of the three different cases we will highlight the strengths and the weaknesses of the different reports to try to define ideal commission goals based on the evidence that is available on the particular cases.

Chapter 2: Chile

Allende and the Rise of Pinochet

In 1970 Salvador Allende became the first democratically elected Socialist president in all of Latin America. Allende, a long-time politician, had ran for the presidency on multiple occasions but was finally able to win in 1970. Allende’s socialist tendencies were quite clear throughout his campaign and when elected into office began

¹² Schabas, William et al. Atrocities and International Accountability.

to carry out the socialist reforms on which he had campaigned. One of the largest reforms of his campaign was the nationalization of Chilean Copper. Copper was a resource that was, and is, plentiful in Chile and before Allende took the presidency it was mostly privately owned. According to Felipe Larrain and Patricio Meller, when Salvador Allende came to power he continued, rather than started, the nationalization of copper that had been started by the previous administration of Ricardo Frei. Allende and his predecessor sought to nationalize the foreign owned copper mined through constitutional reforms that were approved by the congress because at the time the policies were extremely popular. People liked the idea that they would have a larger stake in the resources that were plentiful in the country. At first the government engaged in buying majority of the shares in the larger copper foreign owned companies. Ultimately, the form of compensation to the foreign based owners of the mines would be a huge point of contention with the state. Under the constitutional amendment, the state would pay the companies their market value but was allowed to subtract from the market value the “excess profits obtained by the foreigners since 1965... some \$800 million from the total indemnification”¹³. But Allende would not stop at controlling copper mining but would expand to nationalize even more of the countries resources, including those not owned by foreign actors.

The fact that Allende wanted to take control over non-cooper assets owned by domestic owners presented a problem because the constitutional amendment didn't help

¹³ Larrain, Felipe, and Patricio Meller. "The Socialist Populist Chilean Experience 1970-1973." In *The Macroeconomics of Populism in Latin America*, by Rudiger Dornbusch, & Sebastian Edwards, 175-221. University of Chicago Press, 1991.

much in domestic matters. However, Allende and Unidad Política, his political party, swiftly moved throughout the country nationalizing both large and small companies and even nationalizing 90% of the banking sector by the end of the first year¹⁴. Through the use of laws that had been passed in previous administrations but had not been used yet. Allende's government targeted companies and industries at its own discretion never really defining which targets it would go after. The rapid nationalization that went on throughout the country created resentment within right wing political parties and the wealthier members of society because the notion of private property seemed to be quickly evaporating. The right wing political groups and the Partido Demócrata Cristiano, which formed part of the UP that helped Allende get elected but left the political coalition in opposition of aggressive nationalization efforts, sought the assistance of the United States Central Intelligence Agency in carrying out a *coup de tat*.

In 1970 there was an organized effort to try to prevent the election of Salvador Allende in which sympathizers of a former military officer Roberto Viaux, sought to kidnap Rene Schneider, the current army commander in chief. Though declassified CIA documents show that the agency did not actively support the organization, despite communication, they did provide a Viaux plotter who escaped prosecution with \$35,000 USD in “an effort to keep the prior contact secret”¹⁵. With regards to the 1973 coup the United States CIA maintains that it did not provide direct support for the coup but does acknowledge that it did provide funding to sway the elections in the country and to hurt

¹⁴I Larrain, Felipe, and Patricio Meller. "The Socialist Populist Chilean Experience"

¹⁵ The National Security Archive. Accessed November 27, 2017.
<https://nsarchive2.gwu.edu/news/20000919/01-13.htm>.

the public image of Allende and the socialist experiment. Following the coup, the United States continued to provide funding for propaganda efforts by the conservative news organization, El Mercurio, which is believed to have received at least \$2 million¹⁶. In the months leading up to the coup the right wing political groups spent money on anti-Allende propaganda, some of which came from the money allocated by the United States funds appropriated for delegitimizing the Allende regime before the 1976 election. Numerous strikes throughout the country along with shortages of goods lead the Allende government to push for rationing of state resources. The economic crisis was caused for a variety of reasons including United States economic pressure on Chile. “recently declassified NSC records on Chile show conclusively that the Nixon administration moved quickly, quietly and politically to shut down multilateral and bilateral aid to Chile”¹⁷. Additionally, the United states worked hard to ensure that the World Bank disqualified Chile “for a pending \$21 million livestock-improvement credit.”¹⁸ Coupled with a downgrading of its credit score at the behest of president Nixon the United States was successful in its mission to economically undermine the Allende administration. Which would prove vital to the legitimacy of the coup. The economic pressure and chaos in Chile prior to the coup of September 11, 1973 proved to be vital to the tolerance and

¹⁶ Bonnefoy, Pascale. "Documenting U.S. Role in Democracy's Fall and Dictator's Rise in Chile." *The New York Times*. October 14, 2017. Accessed November 27, 2017. https://www.nytimes.com/2017/10/14/world/americas/chile-coup-cia-museum.html?_r=0.

¹⁷ Kornbluh, Peter. *The Pinochet File : A Declassified Dossier on Atrocity and Accountability*. New York: The New Press, 2013. Accessed November 23, 2017. ProQuest Ebook Central.

¹⁸ Ibid.

legitimacy of the civil military dictatorship that would seize power in brutal bombardment of the national palace.

Chile under Pinochet

Following the seizure of power by the Pinochet thousands of political dissidents went missing. The Chilean government would detain and forcefully disappear thousands of individuals it perceived a threat to the regime and as opponents. The state would use the national police for, Los Carabineros and the DINA, the states' secret police organization, to carry out its detentions. Individuals detained would be imprisoned in makeshift concentration camps throughout the country and would be tortured and/or murdered. The government in many cases would deny having individuals in captivity either arguing that they had never detained an individual or that the individual had been set free.

Additionally, when an influential leader or member of the community was forcefully disappeared El Mercurio would publish news articles in which the detained was charged with conspiracy against the government in an attempt to legitimize the detainment to the general public. Some members of society not directly affected were suspicious but life seemed to be better under the military dictatorship.

It is important to point out that following the seizure of power by the Pinochet regime the shortages had seemed to disappear. This is because the right wing political groups had funded shortages and strikes throughout the country in order to create the economic chaos to prime for the success of the coup. Following the coup, the strikes and shortages seemed to go away and the government engaged in denationalization in an effort to undue all of Allendes policies which was very popular by business owners. The

seeming improvement in the economy seemed to legitimize the military council that had taken control of the country and had instituted wide sweeping reforms to the country's policies that had as a focus the privatization of the economy, culminating in an overhaul of the constitution after it ratified in a plebiscite in September 1980. For 17 years the military dictatorship would rule in Chile until the 1990 when it agreed to hold a referendum asking the country whether it wanted the equivalent of another presidential term under the military dictatorship or if it wanted to hold elections. The country narrowly voted to call for the end of the dictatorship and for elections to be held. However, the elections were held under the condition that the new government would agree to uphold some of the demands of the government, demands that will later be discussed in this chapter. Under the military council set up by Pinochet Chilean dissidents and opponents would live some of the darkest years of their lives.

Transition

In 1990, following a plebiscite in which the people declared that they wanted free and fair elections, the first truth commission would be established by Patricio Aylwin. Throughout his campaign Aylwin expressed his support for the establishment of a truth commission that would bring to light all the truths that had been covered up during the 17 years under a military dictatorship. Additionally, as Priscilla Hayer tells us, though the commissions can serve as a means of establishing the truth, truth and reconciliation commissions also serve the purpose of the state acknowledging its past¹⁹. Acknowledging

¹⁹ Hayner, Priscilla B. "Fifteen Truth Commissions--1974 to 1994: A Comparative Study." *Human Rights Quarterly* 16, no. 4 (1994): 607. doi:10.2307/762562.

the past actions of the state is even more relevant especially in the case of Chile where for 17 years the state covered up and denied its involvement in the forced disappearance of thousands of individuals. It is with this in mind that in May of 1990, Aylwin established la Comisión Nacional de Verdad y Reconciliación (the National Commission for Truth and Reconciliation) that would more commonly be referred to as the Rettig report, after Raul Rettig the chair of the commission. The established purpose of the National Commission for Truth and Reconciliation was “to investigate abuses resulting in death or disappearance over the previous seventeen years of military rule.”²⁰ However, the mandate specified that the commission could only investigate human rights abuses that resulted in death or disappearance thereby excluding the investigation of cases of torture that did not result in death. The rationale that Aylwin gave for not including torture as part of the report was the fact that the only denied the allegations of murder and forced disappearance but not cases of exile or illegal imprisonment.²¹

Within this larger mandate the commission tasks were outlined in the commission report. The commission was to establish the events that transpired, to try to identify victims by name and what happened to them, to “recommend such measures of reparation and reinstatement as it regards just” and “to recommend the legal and administrative measures which in its judgement should be adopted in order to prevent actions such as those mentioned in this article from being committed”²². However, the commission report also points out that the commission did not have prosecutorial power, meaning that the

²⁰ Hayner, Priscilla B. "Fifteen Truth Commissions"

²¹ Weissbrodt, David, and Paul W. Fraser. "Report of the Chilean National Commission on Truth and Reconciliation." *Human Rights Quarterly* 14, no. 4 (1992): 601-622.

²² Rettig, Raúl. 1991. "National Commission for Truth and Reconciliation ."

commission did not have the right or the power to subpoena individuals or compel testimony from those it suspected would have a lot to add to the report. The nature of this organization was a governmental organization that would try to collect as much information as possible. Thus, government organizations were expected to fully comply and collaborate with the committee and hand over information that they had that they could provide. But the success of this commission was sometimes limited due to the fact that the military commanders that formed part of the military council with Augusto Pinochet remained in their post after the induction of the new president. Because of legislation that Pinochet passed these individuals were given an extended period of time as commanders of their posts and even received immunity as part of a condition for free and fair elections. It is important to point out that because of policies implemented during the civil military dictatorship Pinochet had a seat in the senate for life. Such involvement by the perpetrators within the government made some of the investigations difficult to complete.

The commission at the end of its investigation evaluated a total of 2,920 cases of victims of human rights violation and political violence though it was not able to come to a conviction on 641 of those cases²³. The Rettig report furthermore found that there were 957 cases in which victims disappeared after arrest, while about 1,068 victims were killed by government agents or persons at their service²⁴. The very same table points out that an estimated 4.3% of the victims were victims of politically motivated private citizens. The following table from the report highlights the reasons for some of the disappearances.

²³ Rettig, Raúl. 1991. "National Commission for Truth and Reconciliation ."

²⁴ Ibid.

Table 7	VICTIMS BY POLITICAL ACTIVITY	
Socialist party	405	17.8%
MIR	384	16.9%
Communist party	353	15.5%
MAPU	24	1.0%
FPMR	19	0.8%
Radical party	15	0.7%
Christian Democrat party	7	0.3%
Christian Left	5	0.2%
National party	4	0.2%
Other parties	15	0.7%
Not known to be politically active	1,048	46.0%
TOTAL	2,279	100.0%

Figure 1. ²⁵

The Pinochet regime targeted political dissidents the most. As we can observe about half of the victims had some sort of political affiliation. And we notice that those who suffered the most were the left wing political parties. Let us remember that the Christian Democrat party actually helped in orchestrating the coup against Salvador Allende but the total number of victims that were identified to have ties with the Christian Democrat party were about 7%. Meanwhile the total number of victims that identified with say the socialist party was at about 405 at the time of the report. This is in line with what was discussed before that the purpose of the dictatorship was to undue the socialist movement that had started to spread throughout Chile. The government would either detain individuals it sought or would offer edicts demanding that specific individuals report voluntarily for questioning to the police. The report gives the names of different individuals who were not considered politically active. In particular they point

²⁵ Rettig, Raúl. 1991. "National Commission for Truth and Reconciliation ."

out the cases Juan Mamani Garcia and Nicolas Chanez Chanez as individuals who were detained and disappeared. But furthermore, the report points out that these, among others, were accused of being involved in drug trafficking and contraband though they did not receive a trial. Rather individuals were arrested and taken to camps. Subsequently the perpetrators who detained these individuals would send letters to families that their loved ones claiming that they had been set free. This is where the confusion was created during the dictatorship. Individuals were detained and tortured and murdered, but as far as the public knew those detained were guilty of something and those detained were often “set free”. It is from here that we begin to delve into the first question regarding the blame that the commission placed as part of its final report. Because if the leaders of the dictatorship remained in power and involved within the state affairs how accurate of a portrayal was the report in framing the guilt of those very same actors.

Blame

From the perspective of many the Rettig report had many shortcomings one of which was the inability of the report to accurately frame what happened during the years of dictatorship. The report was a very surface level description of the years of dictatorship that was able to identify some of the bodies and the identify those who may have disappeared. Additionally, it is believed that the report may not have published all of the information that the commission came across given the actors that were involved within the actual commission. President Aylwin attempted to establish the legitimacy of the commission by making sure that it was comprised of different types of individuals. In particular Aylwin included Gonzalo Vial Correa as one of the commissioners that formed

part of the Rettig Commission. Gonzalo Vial was the minister of education during the dictatorship and thus it led some to question the ties or the loyalties that he still felt to the armed forces.²⁶ Barbara De Cock and Daniel Michaud Maturana seek to try to establish that the report itself is not as truthful as it can be based off an analysis of the language in the text. More specifically they believe that the report tries to hide some facts or does not present them in an adequate way by choosing certain phrases over others. The others explain to us the term “agentividad”.

To try to translate it may not be a fair representation so I will try to best define the explanation given by the authors of the meaning and the significance of the terms. The definition in Spanish provided by the authors is, “La agentividad se definió como la relación causal entre una entidad agente, una acción intencionada y el estado de quien sufre los efectos de la acción.”²⁷ Summarized the authors are trying to communicate that “agentividad” is the causal relationship between and agent, an intended action and the state of a those who are affected by the intended action. “Agentividad” can be expressed through four different means,

1. Expressions that make direct or indirect reference to the perpetrators.
2. The verbal predicates that imply the intentionality of the perpetrators (e.g. detain, execute)
3. The structural syntax that invokes the perpetrators
4. The participle that expresses the state of the victim as a result of the action committed by the perpetrator (e.g. disappeared, shot)²⁸

²⁶ De Cock, Barbara, and Daniel Michaud Maturana. "La Expresión De La Agentividad En El "Informe Rettig" (Chile, 1991) A La Memoria." *Revista Internacional De Lingüística Iberoamericana* 12, no. 1 (23) (2014): 123-40.
<http://www.jstor.org/stable/24364801>.

²⁷ Ibid.

²⁸ Ibid.

TABLA 1
Distribución de ocurrencias por nivel de agentividad

Niveles de agentividad	Frecuencia absoluta	Frecuencia relativa en %
Nivel 1. Se caracteriza porque se nombra al perpetrador como agente y se expresa intencionalidad y causalidad. <i>El día 9 de octubre Carabineros de la Comisaría de Penco y civiles lo arrestaron en su lugar de trabajo</i>	59	4,3
Nivel 2. Se diferencia del nivel 1 por presentar al perpetrador como complemento de agente. <i>El 19 de octubre de 1973 fueron ejecutados por personal militar, en el camino entre Calama y Antofagasta, las siguientes 26 personas:</i>	472	34,3
Nivel 3. Se caracteriza por la ausencia de una referencia explícita al perpetrador. El lector puede inferir la identidad del perpetrador ya sea por extensión metonímica, en la que la referencia al recinto sirve para identificar al perpetrador por ser el usuario prototípico, o porque se le nombra en una acción precedente. En ambos casos el verbo expresa intencionalidad y existe una relación causal entre la acción y la muerte de la víctima. <i>El 23 de octubre de 1973 fueron ejecutados en la Comisaría de Tocopilla las siguientes personas (...)</i> <i>El 23 de septiembre tras ser detenido en su domicilio por carabineros de la Comisaría de San Bernardo, desapareció Enrique Segundo MONTERO MONTERO, 29 años, comerciante ambulante.</i>	30	2,2
Nivel 4. Las oraciones en este nivel no nombran al perpetrador, pero sí se expresa intencionalidad a través del significado del verbo y/o de la estructura pasiva perifrástica. Existe además una relación causal entre la acción y la muerte de la víctima. <i>El 14 de septiembre de 1973 fue fusilado José Eusebio RODRÍGUEZ HERNÁNDEZ de 24 años, obrero, militante del Movimiento de Izquierda Revolucionaria (MIR).</i>	401	29,1
Nivel 5. En las oraciones de este nivel se omite al perpetrador, el verbo no expresa intencionalidad ni se expresa la causa de la muerte. El que la muerte se deba a una fuerza externa, se puede constatar a veces en el contexto. <i>El 11 de septiembre de 1973, muere en la Industria INDUMET, Manuel OJEDA DISSELKOEN, 30 años, ingeniero, militante del Movimiento de Izquierda Revolucionaria (MIR) y miembro del GAP.</i>	415	30,1
Total	1.377	100

Figure 2²⁹

²⁹ De Cock, Barbara, and Daniel Michaud Maturana. "La Expresión De La Agentividad."

Table 3		
Levels of "Agentividad"	Frequency in Absolute Numbers	Frequency Relative in percentages
<p>Level 1. Is characterized by the fact that it names the perpetrator as an agent and expresses the intentionality and the casualty</p> <p><i>On October 9 Carabineros of the Penco station and civilians arrested him at his worksite</i></p>	59	4.3
<p>Level 2. It is distinguishable from level 1 because it presents the perpetrator as a complement of an agent.</p> <p><i>On October 19, 1973, 26 individuals were executed by military personnel, between Calama and Antofagasta</i></p>	472	34.3
<p>Level 3. Is characterized by the absence of an explicit reference to a perpetrator. The reader can infer the identity of the perpetrator whether it by metonymy, in which the reference to the precinct serves to identify the perpetrator for being the common user, or because they are named in a previous action. In both cases the verb expresses intentionality and there is a causal relation between the action and the death of the victim.</p> <p>On October 23, 1973, the following individuals were executed in the Tocopilla Station.</p> <p>On September 23 after being detained in his home by carabineros of the San Bernardo station, Enrique Segundo MONTERO MONTERO, disappeared. He was a street vendor.</p>	30	2.20%
<p>Level 4. The sentences on this level don't name the perpetrator, but do express intentionality through the meaning of the verb and/or the passive periphrastic structure.</p> <p>On September 14, 1973, 24-year-old Jose Eusebio Rodriguez Hernandez was shot, day laborer, and militant of the Movimiento de izquierda Revolucionaria(MIR)</p>	401	29.10%
<p>Level 5. The sentences on this level omit the perpetrator, the verb does not express intentionality, nor do they express the cause of death. From the context we can sometimes assume that the death was caused due to some external force.</p> <p>On September 11, 1973 Manuel Ojeda Disselkoen, 30 years old, engineer, militant of the Movimiento de Izquierda Revolucionaria(MIR) and member of GAP, died in the INDUMET industry.</p>	415	30.10%
Total	1,377	100

Figure 3- A translated version of figure 2³⁰

³⁰ De Cock, Barbara, and Daniel Michaud Maturana. "La Expresión De La Agentividad."

Furthermore, the authors clarify that there is varying degree of reference to the perpetrators of violence. The first level is when the sentence directly implies a single or multiple perpetrators giving the example of a patrol of military members. Meanwhile the second degree would be when the sentence states an organization and the reader is expected to imply the actors that carried out the action. And finally, the third degree is when certain words are used to imply another action so for example they give the example of the use of detain and how individuals read it as execution.³¹ It is with this methodology that the authors engage in the analysis of the Rettig report and provide us with the results reported in figure 2.

The authors of the report provide us with a breakdown of the different levels of “agentividad” and the frequency with which they occur throughout the report. It is important to highlight how the report tends to favor the objective truth and communicates this at the expense of placing blame directly on individuals. We are able to observe that the first level of “agentividad is used about 59 times throughout the report, roughly 4.3% of the report. This first level according to the table is comprised of naming the perpetrator as an agent and expresses the intention of the agent and the casualty that resulted of said intention. The second level of agentividad has to do with the perpetrator being presented as a complementary agent. An example of a level 1 “agentividad” is the example “On October 9 Carabineros of the Penco Station and civilians arrested him at his worksite”³². In this example, Carabineros are the national police that patrol Chile and in this example the report specifies the station from which the Carabineros were, as well as

³¹ De Cock, Barbara, and Daniel Michaud Maturana. "La Expresión De La Agentividad."

³² Ibid.

explicitly mentioning that we are dealing with the Carabineros versus say the army. Meanwhile a level 2 agentividad would be more on the lines of a statement like “on November 19, 1973 they were executed by military personal, on the road between Calama y Antofagasta, the following 26 individuals.”³³ In this example the perpetrators are summarized to be military personal without specifying what branch of the military was responsible for the comes up about 472 times in the report, or about 34.2% of the time. It becomes obvious that the commission comprised of individuals from across the political spectrum wrote the paper of level of objectivity that to some obscured [art of the truth, the truth there were those who were guilty for human rights abuses and those who were victims, a distinction that some felt should be muddled. Yet De Cock’s conclusion is that the report has a tendency to avoid centering the attention on the perpetrator though she believes that the reason for this is the existence of a silent pact between the armed forces and the political parties in the immediate aftermath of the dictatorship.³⁴

Furthermore, beyond the structural composition of the sentences throughout the report we can observe that the report itself has very limited aims and excludes many topics that would be of great concern to a society after a dictatorship. As Daniela Soto points out, it is no accident that in Chile only a truth commission was decreed following the end of the dictatorship and that tribunals to hold those individuals responsible accountable were not implemented. The purpose of the truth and reconciliation commission was to establish and clarify only the truth that was necessary to bring

³³ De Cock, Barbara, and Daniel Michaud Maturana. "La Expresión De La Agentividad."

³⁴ Ibid.

reconciliation to society³⁵. Many including Daniela Soto view the Rettig commission as a weak and toothless commission that did not accomplish everything that it should have, in their view the commission needed to have some judicial power to be more effective. In addressing the question of who is guilty, Soto points out that the problem is that the commission presents one narrative, the narrative of the victims while omitting the narratives of those who carried out the acts and those who are guilty. To Soto reconciliation is a paradox because,

Reconciliation is about the reintegration of the criminal into the community by means of a common recognition that violence has affected everyone and to create a new community free of violence, everyone must show themselves willing to incorporate themselves into it publicly acknowledging the criminal nature of their previous actions. Hilb, 2012:145³⁶

With this definition in mind, Soto questions how it is that the society can incorporate the individual who has confessed to crimes against humanity and create reconciliation. Soto summarizes the case of the Rettig report in the following way, the Rettig report by focusing on establishing a single narrative from the perspective of the victim, established a shared responsibility amongst all of society by neglecting to name specific guilty individuals. The Rettig Report provided a sense of the gravity of the human rights abuses and helped promote the idea that all members should be vigilant in order to prevent the atrocities from happening in the future.³⁷

³⁵ Soto, Daniela Sepúlveda. "Entre la culpa y la responsabilidad: La respuesta del Chile postdictatorial a las violaciones a los derechos humanos desde una lectura de Hannah Arendt." *Revista de ciencia política (Santiago)* 36, no. 2 (2016): 523-40.
doi:10.4067/s0718-090x2016000200006.

³⁶ Ibid.

³⁷ Ibid.

But is blame necessary for the success of a report? Some would argue that the Truth Commission was successful despite the existence of a silent agreement that did not place blame arguing that maybe this silent pact was necessary for the peaceful transition in a time when the armed forces remained in the hands of those who ruled in the dictatorship. Regardless of whether there is blame placed or not in the truth commission there is another important question that remains, how we rebuild as a society? More specifically how do we help those most affected by the dictatorship, the victims and the families of the victims?

Victims as a Starting Point

The Rettig Commission made recommendations regarding how the government should deal with the victims of the violence and their families. Firstly, the Rettig Commission recognized that it was not able to investigate all of the cases of human rights abuses because of the timeframe that it was given. Following the publishing of the report president Aylwin publicly acknowledged the role of the state in the human rights atrocities by the state by acknowledging and certifying the report. Meanwhile he also made a public apology to the victims on behalf of the state. The report while generally accepted to be accurate did receive criticism and was rejected by the military organizations that were headed by the generals of the dictatorship in addition to the Supreme Court that was the same that was in power during the latter years of the dictatorship. President Aylwin to show his commitment to acknowledging the report established the Corporación Nacional de Reparación y Reconciliación, also known as the National Corporation for Reparation and Reconciliation. “The objective of the

corporation was the ‘coordination, execution, and promotion of the actions necessary for complying with the recommendations contained in the Report of the Truth and Reconciliation National Commission.’”³⁸ One of the recommendations that report highlighted was the necessity for the state to materially compensate the victims through reparations in order to address the moral harm to victims.

The reparations went further than establishing a monthly pension plan by establishing subsidies for the “education of victims’ children, medical benefits.”³⁹ Chile is a particular case because it had at the time, and continues to have, one of the strongest South American economies in the region because of its copper mines. Eric Wiebelhaus-Braun points out that 80% of eligible families had accepted the reparations package within 9 months of the creation of the program.⁴⁰ The pension for the nearly 5000 families that receive this compensation is estimated to be at about \$5000 annually, while those same families continue to receive other social benefits such as access to scholarships and psychological services.⁴¹ But beyond the reparations programs the corporation created also helped in increasing the number of cases that were examined.

Following the establishment of the corporation which invited for new cases to submitted for investigation the number of cases soared from 600 unresolved cases from

³⁸ Vasallo, Mark. "Truth and Reconciliation Commissions: General Considerations and a Critical Comparison of the Commissions of Chile and El Salvador." *The University of Miami Inter-American Law Review* 33, no. 1 (2002): 153-82. <http://www.jstor.org/stable/40176564>.

³⁹ Wiebelhaus-Braun, Eric. 2010. *Truth Commissions and Transitional Societies: The Impact on Human Rights and Democracy*. London: Taylor and Francis. Accessed November 25, 2017. ProQuest Ebook Central.

⁴⁰ Ibid.

⁴¹ Ibid.

the Rettig commission to nearly 2,119 open cases in less than two years.⁴² Legally victims benefitted from the investigative work of this organization because the whereabouts of missing persons became clearer and family members could now prove to insurance companies that a family member was deceased in addition to spouses being allowed to get divorces.⁴³ The reparation recommendations made by the Rettig Commission were largely successful in attempting to provide some compensation for the past. However, something that the report established was the need to ensure that this never happened again.

Preventing future Human Rights Abuses

The fundamental goal of the Truth and Reconciliation Commission chaired by Rettig was to collect information and investigate claims of human rights abuses so that people could know what happened. The purpose was to make clear the timeline and the actions that transpired in state secrecy for 17 years. But once the truth is known it is also vitally important that the society not forget so as to not allow for the events to occur again.

Following the publishing of the Rettig report there were attempts to circulate the report to as many people as possible. However, a few weeks after release of the report there were attacks against right wing political groups in addition to the assassination of a right wing political leader. This led the government to stop the circulation of the report out of fear that there would be more violence in addition to the fact that the media

⁴² Wiebelhaus-Brahm, Eric. 2010. Truth Commissions and Transitional Societies.

⁴³ Ibid.

wouldn't focus on the actual findings of the report but rather the violence that ensued. The public discussion as a result regarding the need for justice, forgiveness and repentance never really took place because of the diversion of the public attention to the violence.⁴⁴ In line with the efforts of remembering the past the Corporation helped found the Memorial for the Disappeared and the Executed for Political Reasons.⁴⁵ This memorial in Santiago's main cemetery pays tribute to all the victims by engraving the names of the individuals on a wall. Today in Chile you can find memorials to the victims of the dictatorship throughout the country. In particular in Santiago, Chile former concentration camps have been remodeled and serve as a museum space for individuals to walk through. A particular example of a concentration camp is el Estadio Nacional, the national football stadium in Santiago. The stadium was used to detain, torture, and murder prisoners and today is still used by the national football team for important international matches and for local club matches. But on the grounds of the stadium citizens can walk through a museum that tells the history of how the museum was used during the dictatorship. Furthermore, the Rettig commission recommended the reformation of laws in order to further bolster human rights in Chile.

One of the first recommendations by the commission was to urge the Chilean government to adopt more laws that furthered the protection of human rights. In addition, the commission urged the state to make sure that the laws were in line with protecting human rights and if a law did not comply with the ideas of human rights then the state should work to ensure that those laws were removed. It specifically points to the military

⁴⁴ Weissbrodt, David, and Paul W. Fraser. "Report of the Chilean National Commission."

⁴⁵ Ibid.

code of justice that allowed the military to execute suspects “without a previous legal process” by the means of War Tribunals⁴⁶. Additionally, in order to “enhance the integrity and accountability of judges, the Rettig Commission called for the publication of clear standards of judicial qualification” and recommended that through a constitutional amendment judges should be able to be dismissed very similarly to the way which legislators and the president can be.⁴⁷

The report it would appear made an honest attempt at addressing some of the issues within the parameters that it was operating under. As mentioned before Pinochet and other members of the dictatorship were given amnesty and were free from prosecution because they threatened to destabilize the country if they didn't. However, that would all change a couple years down the line when the United Kingdom arrested Pinochet for crimes against humanity. Meanwhile the Chilean courts, under the Guzman Doctrine defined “disappearance cases in which the body was never found, as kidnapping cases”⁴⁸, kidnapping was not protected under amnesty. By mid 2008 the Supreme Court of Chile had 20 judges appointed to focus on disappearances and there were about 500 military personnel and civilian collaborator on trial with 250 convictions. The report made recommendations but what we are able to observe is that the mere existence of the report was necessary for justice to be brought about even if not explicitly mentioned in the report. The report a representation of truth, endorsed by the government and a report whose recommendations were also followed paved the path for people to know what

⁴⁶ Ensalaco, Mark. 1994. “Truth Commissions for Chile and El Salvador: A Report and Assessment.” *Human Rights Quarterly* 16 (4).

⁴⁷ Ibid.

⁴⁸ Wiebelhaus-Brahm, Eric. 2010. Truth Commissions and Transitional Societies

really happen during the dictatorship and for people to bring about the justice they sought when the time came.

Chile's case is a very particular case and we have observed some of the weaknesses and some of the strengths within a report that is considered to be a success. But it is with this analysis that we move on to the case study of Guatemala, a country with a complicated history and truth commission.

Chapter 3: Guatemala

In March of 1999, President Bill Clinton apologized to Guatemala on behalf of the United States for its involvement in the Guatemalan civil war, involvement that was in the form of supporting right wing governments. In 1954 the United States, through the Central Intelligence Agency, provided support for the overthrow of a democratically elected president who was suspected of being a communist threat and instead place Colonel Carlos Castillo. Four years later would mark the start of a 36 year bloody civil war as leftist guerilla groups sought to take the government back. Though during the civil war there was a period of time in which civilians took back control of the government through a presidential election, the civil "war only intensified with a major counterinsurgency campaign by the army."⁴⁹ The United States in the civil war trained officers teaching them about counterinsurgency techniques through the US Army School of the Americas. The report that was released actually places blame on the United States

⁴⁹ "Timeline: Guatemala's Brutal Civil War." PBS. March 07,2011. Accessed November 21, 2017. https://www.pbs.org/newshour/health/latin_america-jan-june11-timeline_03-07.

backing of right wing paramilitary groups as a reason for which so many died during the civil war, particularly the scorched earth tactics that the United States taught. For decades, the country was run by military backed leaders and in 1982 General Efraim Rios Montt orchestrated a coup to take the power. A graduate of the school of the Americas, and esteemed by President Ronald Reagan as a man of “great personal integrity and commitment”⁵⁰, Montt dissolved the civilian government by annulling a 1965 constitution, dissolving congress and suspending political parties⁵¹. Montt with the use of the military and of civilian squads would take back lots of land from the guerrilla in the country regions. Montt would come to employ essentially a scorched earth campaign in an effort to eradicate the Revolutionary National Unity of Guatemala (URNG), a rebel group that had been fighting government forces. But the savage massacre of innocent individuals would not end there but would last another decade.

It wasn't until 1993 when the United Nations renewed peace talk negotiations between the rebels of the Guatemalan Revolutionary National Unity and the Guatemalan governments, that Guatemala started to see the light at the end of the dark tunnel. The United States Institute of Peace points out that in 1987 there were peace talks between government forces and URNG but they ultimately broke down because the URNG was engaged in subversive activities throughout.⁵² Though the United Nations facilitated

⁵⁰ Diaz-Hurtado, Jessica. "Notorious Graduates from Guatemala." Notorious Graduates from Guatemala | SOA Watch: Close the School of the Americas. Accessed November 27, 2017. <http://www.soaw.org/about-the-soawhinsec/soawhinsec-grads/notorious-grads/239-notorious-graduates-from-guatemala>.

⁵¹ “Timeline: Guatemala’s Brutal Civil War.”

⁵² "Truth Commission: Guatemala." United States Institute of Peace. May 01, 2013. Accessed November 27, 2017. <https://www.usip.org/publications/1997/02/truth-commission-guatemala>.

peace talks both the government and URNG agreed to set up an independent panel to investigate human rights abuses during the years of civil war, the Commission for Historical Clarification.

The Commission was chaired by Christian Tomuschat, a law faculty member at Berlin's Humboldt University. The other two members were a woman of Mayan descent and a Guatemalan man, all of the commissioners were highly esteemed. The commission was set up in a way that it would seem as impartial in the investigation in order to add credibility in a country that had just begun the process of rebuilding after 36 years of civil war. The conception of the truth commission in Guatemala was a different than that of Chile because it was not commissioned by a government but rather was a compromise of peace talk negotiations between both belligerents of the civil war, making us consider the relative power of bargaining that the parties held in the negotiations. The commission was prohibited from publishing the names of any perpetrators, or as many other truth commission wasn't able to punish offenders. As Amy Ross points out there were many in society that were dissatisfied with the commission and its report in that it was seen as weak. But additionally, many thought that the 2 years allotted to investigate 36 years of civil war was dangerously inadequate. Some of the inefficiencies that will be noted throughout this chapter can be attributed to the fact that there was lots of disagreement and debate over the purpose of the truth commission but more specifically what the truth was. Both sides wanted to be able to control the narrative of the truth which proved to be so contentious that "the word truth was conspicuously absent"⁵³ from the title of the

⁵³ Ross, Amy. "The creation and conduct of the Guatemalan Commission for Historical Clarification." *Geoforum* 37, no. 1 (2006): 69-81. doi:10.1016/j.geoforum.2005.02.005.

commission. What distinguished the commission in Guatemala from that of Chile is that this commission had some reports of missing individuals but its main concern was investigating the genocide of the indigenous people in the country side at the hands of government regime. As result the commission had to try harder in order to reach out to individuals in the country side and to try to gather testimony of injustice from those related to victims. Additionally, in many rural communities, individuals who participated in the crimes against humanity continued to hold power and that discouraged some from speaking about their experiences fearing that they would face repercussion and that the largely symbolic commission would not be able to protect them⁵⁴. But in the end when the report was published lots of the skepticism regarding the strength of the report seemed to diminish.

Blame

In terms of blame, there are many ways to observe the means by which blame was placed on the perpetrators of the merciless killings. Though characterized by coups and dictatorships the conflict in Guatemala can best be described as a civil war in which armed rebellions sought to take back the power they thought had been illegitimately been taken in the first place. So, when the report was being commissioned and important question was on everyone's mind, who would be blamed the most? Both sides argued that they had undeniable proof of the other side carrying out acts against human rights.

⁵⁴ Ross, Amy. "The creation and conduct of the Guatemalan Commission."

So, the commission had to be delicate and precise when describing the atrocities carried out by militants of either side.

Ultimately, the commission's investigation found that more than 200,000 individuals were killed in the civil war. Though the commission was prohibited from naming specific individuals, on page 33 of the report it did establish that the government military and government paramilitary forces were responsible for 93% of the human rights violations investigated during the civil war.⁵⁵ Most of the casualties, most of the persecution was aimed at rural indigenous populations who were perceived to be allies of the insurgent groups. Of the more than 200,000 killed it is estimated that 83% of the victims were Mayan and 17% were Ladino.⁵⁶ In light of the undeniable evidence that indigenous populations were systematically targeted the report labeled the actions by the state as genocide. At the time of the report this was seen as a major victory for the victims who thought that the commission would be soft on the perpetrators. The report pointed to the fact that villages were razed throughout the country and that the government engaged in the indiscriminate killing of innocent civilians. The report in regard to those within the state responsible for the violence blames the army and the successive governments that failed to investigate and punish the injustices of previous regimes. The report does highlight the Chiefs of Staff for National Defense as the highest authority most culpable for the violation of human rights⁵⁷. However, with the objective of being an impartial investigative body it explicitly states on the next page that the

⁵⁵ "Truth Commission: Guatemala." United States Institute of Peace.

⁵⁶ Ibid.

⁵⁷ Ibid.

insurgents throughout the civil war were responsible for approximately 3% of the human rights violations documented in the study. Though minimal in comparison to the violations by the state it was important for the commission to recognize the blame that lie on both sides of the civil war. It points out immoral acts for which they were responsible such as arbitrary executions, forced recruitment of minors, and indiscriminate massacres. To give a sense of the gravity of the violence one must look at the fact that there was evidence that the insurgent groups were responsible 32 massacres and yet their share of violations was a mere 3%⁵⁸. The report furthermore states that the individuals at the top of the guerilla forces shared undeniable responsibility in the violation of international humanitarian laws because many of the violations happened because of their consent or their knowledge of. The leaders of the guerillas knew that they too would be blamed for human rights violations within the report.

Many believe that the commission was weak because the rebels didn't hold enough power and so they couldn't compel the publishing of names within the Historical Clarification Commission. However, as Ross points out there was some doubt by the URNG as to whether or not they wanted names to be published. Ross gives us the example of how the guerrilla leaders knew that the military and government would be able to control the flow of information that was published and that though the guerilla leaders weren't responsible for as many human rights violations, the report may be misconstrued by the media to damage guerilla commanders⁵⁹. Had names been published

⁵⁸ Truth Commission: Guatemala." United States Institute of Peace.

⁵⁹ Ross, Amy. "Truth and Consequences in Guatemala." *GeoJournal*60, no. 1 (2004): 73-79. doi:10.1023/b:gejo.0000033585.03206.2c.

the leaders of the guerilla forces too would have been targeted. Regardless, the report did go on to publish that there weren't two actors involved, the atrocities of the civil war were enabled by different actors including universities and churches.⁶⁰ Additionally, as the NACLA report implies the state knew of the limited capabilities of insurgents to pose a threat to the state but the state magnified the threat in order to justify its annihilation of the opposition political forces.

Indigenous populations were murdered in what is considered to be a genocide and thus it is important to evaluate the means through which the commission sought to compensate victims of the civil war.

Reparations

The Historical Clarification Commission recommended that the National Reparations Program be established in order to restore material possessions stolen from victims such as land, provide economic compensation, psychological rehabilitative services among other practices to restore human dignity. The report specified some of the logistics of the organization and how it would be financed but largely only gave vague recommendations allowing the state to define some of the questions. The problem in Guatemala, however, was that at the end of the war they did not have a strong economy that could actually afford all the reparations programs recommended by the commission. Additionally, as part of the peace agreements the state agreed to carry out economic reforms, economic reforms that in 2006 had yet to be carried out in a satisfactory

⁶⁰ "Findings of the UN Commission for Historical Clarification." *NACLA Report on the Americas* 32, no. 5 (1999): 60-63. doi:10.1080/10714839.1999.11725646.

manner⁶¹. One of the major obstacles to economic restructuring was the wealthy members of Guatemala who blocked reforms that would hurt them such as increased taxes. June Erlick points out that in 1997 there was proposed legislation in the congress to establish a property taxes that never was approved. In 1997 there were no property taxes in a country where 83% of the population lived in poverty and 59% in extreme poverty.⁶² The National Reparations Program was established nearly a decade after the publication of Historical Clarification report in 2005.

Under the established program approved families receive compensation of \$3000 which is criticized for being too little. In addition, the number of cases that still need to be reviewed is a very large one and the staff that is available is very small and so the National Reparations Program is backlogged. However, in the last few years the government has reduced the amount of compensation. The *Washington Post* in 2009 gave the example of a man who lost 16 relatives and after 5 years his family received \$5,400 in compensation along with an apology.⁶³ In 2009 the state acknowledged that it had 64,000 requests pending, the state also acknowledges that there isn't enough money for all the victims so it has had to privilege older, more vulnerable victims.⁶⁴ What we see is a state that is unable to carry out all of the recommendations because of the limited economic

⁶¹ Ceballos, Marcela. 2009. *Comisiones de la verdad y transiciones de paz: Salvador, Guatemala, Suráfrica y posibilidades para Colombia*. Medellín, Colombia: La Carreta. <http://books.google.com/books?id=Y1dOAQAIAAJ>.

⁶² Erlick, June Carolyn. "The Sorrows of Peace in Guatemala." *World Policy Journal* 18, no. 2 (2001): 65-70. doi:10.1215/07402775-2001-3007.

⁶³ "Payments and Apologies for Victims of Guatemala's Civil War." *The Washington Post*. May 06, 2009. Accessed November 25, 2017. <http://www.washingtonpost.com/wp-dyn/content/article/2009/05/05/AR2009050503809.html>.

⁶⁴ "Ibid.

resources of the state and the sheer number of cases in which individuals were murdered. Despite the state being unable to fairly compensate the families of victims we see that the state has taken some limited steps in order to try to prevent future abuses in line with the recommendations of the report.

Remembering

Guatemala, like Chile, hopes to prevent future human rights abuses by making sure that individuals remember the past. Immediately following the publishing of the report, the president at the time apologized for the violence committed by the state. The state in 2004 dedicated February 25 as the “Day of Dignity”, the national remembrance day. One of the recommendations of the commission was that the government should engage in erecting monuments meant to the preservation of the memory of the genocide. Though there have been some established the state there are many communities that have come together to erect these monuments honoring their dead. As Gidley and Roberts point out the dead are highly respected by the living within the Mayan Culture. To the Mayan the dead continue to be alive in their own way and are able to communicate with the living⁶⁵. The importance of monuments to the Mayans is explicitly shown through the example of Rio Negro. In Rio Negro, a monument was built at the site of a mass grave in which 143 bodies had been buried. The monument was vandalized a few days after it was

⁶⁵ Gidley, Ruth, and Hannah Roberts. 2003. “Setting the Truth in Stone: Guatemala's Monuments to the Dead*.” *Medicine, Conflict and Survival* 19 (2): 148–57. doi:10.1080/13623690308409682.

erected and the community came together and rebuilt it this time naming the killers as being members of the civil patrols.⁶⁶

The report additionally recommended that the state ensure that it commits to enforcing and fully carrying out the Peace Accords as well as the National Reconciliation Law. However, the National Reconciliation law is widely criticized for not allowing the prosecution of criminals of the civil war⁶⁷. The National Reconciliation Law gave amnesty to those actors responsible for human right violations and in exchange the government would reincorporate members of the Guatemalan National Revolutionary Union and would give amnesty to political crimes by insurgents.

Ultimately, what we observe is that Guatemala has not been very successful in implementing the reforms suggested by the United Nations led Historical Clarification commission. The government has met resistance from wealthy citizens and political parties when it has sought to bring about some of the reforms. Additionally, the state lacks the resources to distribute the most equitable form of reparations especially given the fact that there are hundreds of thousands of victims of the civil war. Though the UN led Historical Clarification Commission made waves when it described the targeted killing of Mayan and Ladino populations as a genocide the government has not been as impactful in addressing the victims.

⁶⁶ Gidley, Ruth, and Hannah Roberts. 2003. "Setting the Truth in Stone."

⁶⁷ Popkin, Margaret. "Reconciliation Law: Combating Impunity or Continuing it." *Revista IIDH24* (1996). <https://revistas-colaboracion.juridicas.unam.mx/index.php/rev-instituto-interamericano-dh/article/view/8031/7221>.

Chapter 4: Argentina and *¡Nunca Más!*

Similar to Guatemala, Argentina suffered a period of instability and violence through a “civil war” that primarily erupted following the military coup of 1976 that overthrew President Isabel Peron. President Isabel Peron came to power following the death of her husband President Juan Peron. President Juan Peron in 1973 was serving his third term as President of Argentina after winning the election of 1973 through the use of a stand in candidate. The reason he had to use a stand in was that during his second term as president he was overthrown in a coup orchestrated by the military in 1955. Following the coup, he was forced into exile by the government until 1973 the year democratic elections took place. Hector Campora ran in the 1973 election with the intentions of winning in order to pave the way for Peron to return to the country and be able to win elections. As such shortly after victory of Campora, both he and his vice president resigned from power forcing the country to have elections again and this time Peron himself was in the election. It is important to highlight however, that the elections of 1973 occurred right after the end of a military regime that had repressed political dissidents. Left wing extremist that arose during the dictatorship did not cease to exist and continued to carry out murders and atrocities. However, it is also important to point out that government atrocities did not end with the election of Peron.

During the presidency of Juan Peron and that of Isabel Peron the state continued to use violence against the countries’ leftist organizations. The struggle for power in the country between military, paramilitary, governmental and rebel forces continued throughout the presidencies of the Perons’. This chaos and political repression of the left would mark the beginning of the Dirty War, the war that the Truth commission in

Argentina would ultimately focus on. Though there was an escalation of violence following the coup we observe that the seeds of repression were planted during the Peron presidencies. The military following the coup would rule the country through a series of military councils that were at the head of a dictatorial regime. For the next 7 years a series of general would be the leaders of the country meanwhile continuing their violent repression of the left and of political enemies of the state. As Crenzel points out, torture and violence against political opponents was systematically practiced throughout the era of military dictatorship as the military was resolved on ending once and for all the leftist organizations in the country⁶⁸.

The states' repression of the media and of political dissidents created fear within Argentina and would be further manifested through feelings of indifference held by individuals throughout the country. As Bustos, Webb, and Fairbairn tell us, many individuals began to believe that those who disappeared must have done so for a reason but even more the feeling was that one should not get involved out fear of being hurt themselves.⁶⁹ These feelings arose because the government would forcefully disappear individuals and later deny having the individual, sometimes even denying that they knew of said individual, very much like Chile. When victims asked and sought answers to the whereabouts of their missing relatives all they got was silence. Additionally, Bustos points out that the individuals could not rely on the media to help them out because the

⁶⁸ Crenzel, Emilio. "Argentinas National Commission on the Disappearance of Persons: Contributions to Transitional Justice." *International Journal of Transitional Justice*2, no. 2 (2008): 173-91. doi:10.1093/ijtj/ijn007

⁶⁹ Bustos, Ayeray Medina, David Webb, and Gavin J. Fairbairn. "(Un)Covering the Silence During the Argentinean Coup d'État." *Peace Review*21, no. 2 (2009): 155-59. doi:10.1080/10402650902877377.

media itself was also under the threat of persecution by the government. The government targeted individuals that had the power and would spread information regarding its regime including, musicians, writers, lawyers, psychologists among others⁷⁰.

The military regimes after stepping down and handing power to the democratically president would find themselves being prosecuted by the government of Raúl Alfonsín. Upon taking the office of the presidency Alfonsín was swift in establishing la Comisión Nacional Sobre la Desaparición de Personas(CONADEP) also known as the National Commission on the Disappeared. The Argentine truth commission CONADEP, has long been regarded as one of the most successful commissions given that the findings of the commissions would be used for the eventual prosecution of those guilty of crimes against humanity.⁷¹The government of Alfonsín was committed to ensuring that those individuals responsible for the crimes carried out during the Dirty were held accountable.

Blame

The last military leader of the government established a law that would give immunity to those largely responsible for crimes during the dictatorship. However, Alfonsín upon taking office sought to immediately get rid of this immunity that the military had given itself. Furthermore, the President held that both the military and the armed leftist organizations should be held equally responsible for the chaos and

⁷⁰ Bustos, Ayeray Medina, et al. "(Un)Covering the Silence During the Argentinean."

⁷¹ Crenzel, Emilio. "Argentinas National Commission on the Disappearance of Persons."

bloodshed of the 7 years.⁷² This action by the President would prove not only empowering to the victims, and the family members of the victims but would also prove very beneficial to CONADEP and its mission of establishing truth and eventually justice.

CONADEP originally was tasked with collecting reports of individuals who disappeared and then to look into the cases. However, the commission during its investigation realized that in order to find out the most truth about those who had disappeared it had to go directly to the source of the disappearance, the perpetrators.⁷³ The commission hoped that by identifying the perpetrators it would be able to get the best account of what happened and would be able to help and even larger number of victims and it would be able to identify more individuals that had been forcefully disappeared. Additionally, during the Dirty War state forces would torture and illegally detain thousands of individuals in clandestine detention centers. There were about 50 centers found by CONADEP throughout the country of Argentina. Clandestine detention centers were for the most part unmarked centers and sometimes would be a home or building in the middle of a neighborhood in the greater Buenos Aires province for example. The testimony of the perpetrators would be much more helpful in identifying the clandestine centers and identifying who was held in these secretive centers. However, the names of these perpetrators were not in the official report published by CONADEP. Within the actual report CONADEP made more generalizations in regard to those that

⁷² Chavez-Segura, Alejandro. 2015. "Can Truth Reconcile a Nation? Truth and Reconciliation Commissions in Argentina and Chile: Lessons for Mexico." *Latin American Policy* 6 (2): 226-239.

⁷³ Ibid.

were responsible. The report does go further in summarizing some of the testimonies that were collected during the investigation.

CONADEP points out how many of the testimonies by perpetrators of human rights abuses were not telling their stories out of a sense of guilt but rather for personal gain. The report highlights that many individuals decided to give testimony because they thought they had been abandoned by those military leaders they had served. Meanwhile others were afraid that they would be murdered by individuals higher up than them because they knew too much. But through the report's section on the agents of repression it becomes obvious that the agents who gave testimony did not feel guilty over their actions because they genuinely believed in the cause that they fought for. Additionally, the defense lawyers of the military junta advanced the same notion as a defense. The actions by their defendants were as a result of the "war against subversion".⁷⁴ This is further expressed when individuals give testimony that they felt used by the state when they reflect and realize that the state was not actually promoting the nationalist ideals "for which they had joined the Army, the Policy or paramilitary groups in the first place."⁷⁵ But the report also acknowledges other institutions for the impunity and the inaction that they exercised during the military dictatorships. The report specifically has a section in which it talks about the testimonies in which the catholic church is singled out or mentioned as being accomplices or passive actors in the face of injustice and repression.

⁷⁴ Crenzel, Emilio. "Argentinas National Commission on the Disappearance of Persons."

⁷⁵ Crenzel, Emilio. "The Narrative of the Disappearances in Argentina: The Nunca Más Report." *Bulletin of Latin American Research* 32, no. S1 (2013): 174-92. doi:10.1111/blr.12112.

Blame seems to be placed in a very general manner avoiding the publishing of names of those perpetrators identified during the investigation. However, the commission at the end of the report would recommend that the government ensure that the documents and the files collected during the investigations be handed over to the courts in order to aid in the prosecution of criminals. The Argentina truth commission focused on establishing the truth, thereby accomplishing the task it had been given. However, knowing that it would be possible to bring about prosecutions sought to identify individuals who were guilty and collect the files that they could later have delivered to courts to carry out proceedings.

Reparations

The commission suggested the state pass laws to provide victims and the family of victims, with “economic assistance, study grants, social security and employment and, at the same time, to authorize measures considered necessary to alleviate the many and varied family and social problems caused by the disappearances”. Additionally, the state established the National Commission for Right to Identity as an institution that would be responsible for searching for children that went missing during the Dirty War. This was to address the fact that children, babies were separated from their parents in some cases and given to members of the government to take care of. To this day hundreds of mothers and grandmothers continue to look for their children who were taken from them. The government recognizes the difficulty of finding all of these children given the fact that records of such activities are scarce. But again, it is worth highlight that the state of

Argentina like that of Chile has the capacity and the resources to provide compensation to many victims who suffered from the dictatorship.

In 2004 the Argentine government provided \$3 billion USD in reparations for those individuals that were detained without a trial from 1976-1979.⁷⁶ The programs in general have had some success in bringing some reparations to the country. But in Argentina what do these reparations mean? Nora Sveaass and Ann Sønneland led interviews in Argentina with individuals who were either victims or were family members of victims. From their interviews, they gathered what was discussed earlier, reparations were seen as a form of recognition of the atrocities⁷⁷. Additionally, they point out that those interviewed made it clear that they thought of the reparations as compensation for their suffering but not as a form of compensation for their loss because they held that their loss was not something that could be quantified. Additionally, the authors point to the result that following the lifting of amnesty and the prosecution of all the individuals that were involved in the repression during the Dirty Way changed the way in which victims saw reparations. Some of the respondents held that the system of reparations was unjust, a view that they held particularly strong when impunity remained as many perpetrators weren't being brought to justice. They thought that the state was trying to buy their silence and compliance⁷⁸.

⁷⁶ "Truth Commission: Argentina." United States Institute of Peace. May 01, 2013. Accessed November 27, 2017. <https://www.usip.org/publications/1983/12/truth-commission-argentina>.

⁷⁷ Sveaass, Nora, and Anne Margrethe Sønneland. "Dealing With the Past: Survivors of Severe Human Rights Abuses and Their Perspectives on Economic Reparations in Argentina." *International Perspective in Psychology: Research, Practice, Consultation* 4, no. 4 (2015): 223-38. doi:10.1037/e501982016-001.

⁷⁸ Ibid.

¡Nunca Más!

Following the publishing of the report, also referred to as *¡Nunca Más!*, the President of Argentina would seek to bring the military leaders of the dictatorships in what would be known as the “Trials of the Juntas.” Additionally, the findings from the report were used in order to prosecute the leaders of the military junta with 711 cases from the commission report being used in the prosecution of the junta.⁷⁹ Nine individuals were brought to trial during the Trials of the Juntas of which two would be sentenced to life imprisonment, while three would receive lesser sentences and four would be acquitted. Though early in his time in office President Alfonsín sought the repeal of amnesty laws it was not until 2003 that the laws were repealed. In addition, the state under Kirchner made an exception to the statute of limitations to allow victims to bring cases before the courts in order for them to seek justice. Furthermore, in an attempt to stress the results of the commission President Alfonsín sponsored a documentary that summarized some of the results of the report. The legitimacy of the report of the commission was called into question but was legitimized later by another commission that reached many of the same conclusions. The Peronist party created bicameral commissions to essentially do the same thing that the original commission report had.⁸⁰

The *¡Nunca Más!* found that about 9,000 individuals disappeared during the 7 years of military dictatorship. However, numerous human rights groups believe that this is a very low representation of the actual numbers, and the commission acknowledged this when it suggested that the real number may up to 30,000 but that not everyone came

⁷⁹ Crenzel, Emilio. "The Narrative of the Disappearances in Argentina."

⁸⁰ Ibid.

forward out of fear. In Argentine society, some individuals still dispute the number of victims but human rights groups tend to use the number 30,000. But this points to a larger problem in Argentine society, the failure to acknowledge the atrocities that the regimes brought. As mentioned before, the report found that many perpetrators in interviews still firmly believed in that their actions were justified because it was a just cause. Meanwhile others do not acknowledge what the report published. But the state has tried to combat this through an incorporation of discussions within the classrooms. Additionally, Argentina has adopted reforms such as raising international treaties ratified by government to the status of constitutional law⁸¹. This step by the government of Argentina represents a positive change that shows commitment to upholding international law and human rights standards. Individuals, however, must remain vigilant in order to ensure that the state does not falter on its commitment. Human rights groups play an important role in keeping the pressure on the government to deliver on its promises. One said group is the Madres de la Plaza de Mayo.

The Madres de la Plaza de Mayo is an organization that was created during the years of military dictatorship by mothers who were looking for their children that had been forcefully disappeared. Las Madres de a Plaza de Mayo to this day march in front of the Casa Rosada in the capital of Buenos Aires on Thursdays at 3:30 pm. They hold the pictures of their loved ones lost and read out names of those who are still missing. The state of Argentina has taken many steps to bring about change and turn the chapter on their dark history.

⁸¹ "Truth Commission: Argentina." United States Institute of Peace.

Chapter 5: Conclusions

When we compare and contrast the different truth commissions previously mentioned there are many factors that must be kept in mind. Firstly, we must acknowledge the different political circumstances under which these commissions were started. Additionally, it is important to understand the social context of the countries at the time of the truth commissions were started. But with these in factors in mind we can still seem some commonalities across the cases that are worth noting.

First of all, it is important to note that none of the commissions engaged in directly naming the perpetrators of the injustices beyond those that may have been obvious. Most of the reports seem to make general statements and some are more passive in criticizing the role of the government in the injustices. However, this was necessary in order to prevent political backlash in all of the countries, countries trying to come to terms as to what had just occurred. We see that in Guatemala the commission was tasked with investigating crimes during a series of dictatorships plagued by a civil war, thus being perceived as impartial for legitimacy was crucial. In Argentina, the government had violently repressed actors that were perceived as internal enemies in what the Argentine military attempted to describe as a civil war but was far from. Meanwhile the truth commission in Chile attempted to establish the truth somewhat limited by the fact that the military commanders of the dictatorship continue to hold power over their branches. All of the commissions sought to establish the truth, but their ability to use the truth to achieve justice was determined by the influence of the perpetrators in power. In Guatemala, the fact that the Historical Clarification Commission was established as part of the peace agreements that marked the end of the civil war meant that many

perpetrators continue to hold power and so trying to bring them to justice would be nearly impossible. Chile did not see cases against the most serious offenders, such as Pinochet, begin until nearly a decade later. Argentina had the most success in bringing its regime to justice because most the military had ceded power in the transition to the democratically elected president Alfonsín following its defeat in the war over the Falkland Islands to the United Kingdom. The military junta thought that they would be safe from prosecution given that they passed amnesty laws before they ceded power but that amnesty was removed nearly two decades later by the courts. Though Alfonsín brought the military leaders to court almost immediately bringing the individual perpetrators to justice took several years. However, the truth commissions work was invaluable, and has proven crucial in the cases brought by victims essentially the truth commissions are only as powerful as the government that commissions them.

In the case of Guatemala, the commission proved to be novel and powerful by its decision to classify the violence against indigenous populations as genocide. However, the Guatemalan government following the peace negotiations failed to pass laws to fairly compensate the victims and to punish the aggressors mostly because it continued to be fractured. 36 years of civil war and genocide cannot be fixed with the truth. Even justice cannot right all of the wrongs but justice for the victims must be a priority for the governments. Justice must come in the form of reparations and in the form of trials against those who are responsible. Reparations are a form of recognition of the state for the harms they have inflicted upon a population and are necessary not to make up for what was done but to help alleviate some of the burdens that resulted from said harm. Truth commissions are about the state acknowledging what has happened, but also about

the state helping families of victims get closure and ensuring that everyone remembers what happened, rather than try gloss over the dark period in their history.

Truth commissions in the three countries have helped provide closure to some families while helping others get closer. In the case of forcefully disappeared individuals' families have either been able to find their loved ones or know that that they might have been victims of the state. The military in Argentina would destroy records that it did keep and would engage in campaigns of misinformation. Within a country the government has a greater ability to control the information that the general public has access to, and that's exactly what the states did. They engaged in legitimizing their actions as actions necessary to combat the internal enemy and many people believed the state. Many people, as evidenced in the Argentine testimonies, truly believed, believe that what they did was just and necessary.

Denial and indifference by citizens in the face of atrocities is actually a well-documented phenomenon within the academia of psychology. The states of Chile, Guatemala, and Argentina sought to control the flow of information and had the power in misconstruing information. In most of the states the repression of individuals was justified for patriotic reasons. As Sutton and Norgaard point out, Argentina and the military dictatorship characterized the leftist organizations as enemies of the state engaged in subversion.⁸² This most closely explains why some perpetrators of violence did not feel remorse in the post-dictatorship. And though the countries won't be able to

⁸² Sutton, Barbara, and Kari Marie Norgaard. "Cultures of Denial: Avoiding Knowledge of State Violations of Human Rights in Argentina and the United States." *Sociological Forum* 28, no. 3 (2013): 495-524. doi:10.1111/socf.12035

deal with all of the deniers, won't be able to change everyone's mind the report can be used as proof and as a legitimate source of information for future generations. But most importantly it is important that everyone have access to the knowledge of what the government did and the ways in which it may have happened, with or without their knowledge. Though the publication of the reports did have some initial backlash in Chile where vigilante justice seemed to rise with the publication of the report, we can mostly argue that the reason for this vigilante justice was the impunity with which the state acted towards the aggressors. We see that in Argentina there was little backlash because the president seemed committed justice as evidenced by the prosecution of the junta military. Also, we must consider that in Chile discussion regarding the report was weak because of the distraction of the public with the violence that seemed to follow the report. Meanwhile in Guatemala, though there was public outcry against the government, the transitional government formed through peace negotiations weren't as receptive to the demands of the public. Additionally, the granting of amnesty and the continued participation of perpetrators of violence within the Guatemalan government also hurt the discussions regarding the commission's findings. But within these processes of restoration of justice and democracy and the rule of law all individuals must remain vigilant.

Sonia Cardenas points out that during the dictatorship of Pinochet, the government defended human rights as something fundamental to Chilean democracy yet we observed some of the most egregious violations within the same government⁸³.

⁸³ Cardenas, Sonia. "Violators Accounts: Hypocrisy and Human Rights Rhetoric in the

Additionally, Cardenas gives the example of Argentina that under the military dictatorship also seemed committed to uphold human rights it did not translate into anything. Ultimately, governments will justify their violations of human rights through different rhetorical means and that was consistent through the cases of Chile, Argentina, and Guatemala. In all of the countries the victims were enemies of the state and in some of them, out of fear people believed that they must have done something to be targeted. The atmosphere of fear created by the repression can also explain some of the limited successes of the governments bringing about change through the use of the truth commission.

Sikkink argues that in Guatemala repression was so severe that it eliminated or silenced the human rights movement⁸⁴. Meanwhile in Chile and Argentina, not many individuals died as a direct result of massacres but rather Chilean and Argentinian citizens lived in fear of being forcefully disappeared. The scorched earth policy implemented by the Guatemalan armed forces was extremely harmful because those most likely to speak out were murdered. But the truth commissions gave individuals an opportunity they had not been given before. They were given a space to share their experiences, stories, their petitions for loved ones and someone was finally willing to listen.

Southern Cone." *Journal of Human Rights*5, no. 4 (2006): 439-51.
doi:10.1080/14754830600978224.

⁸⁴ Sikkink, Kathryn. "From Pariah State to Global Protagonist: Argentina and the Struggle for International Human Rights." *Latin American Politics and Society*50, no. 1 (2008): 1-29. doi:10.1111/j.1548-2456.2008.00002.x.

All of the reports mentioned the need to try to find as many victims as possible regardless if they lived in urban or rural settings. For many people, the truth commissions were necessary to feel heard to feel like someone actually cared about what had happened to their loved ones. It would seem commissions in this respect have been able to achieve something very important beyond establishing the truth. However, though it is important for these individuals to be heard they will also tell you that seeking justice is equally important. All three of the commissions had very similar recommendations which revolved around the need for reparations and the need to ensure that it did not happen again. We see that more important than the stated goals of a truth commission, is the ability of the governments to commit to implementing the recommendations in an effective manner. Acknowledgement of past atrocities, whether through the findings of the truth commission or through the reparations that they recommend are not enough to achieve justice.

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