

# New Track for LASA2020: Verdad, justicia, reparación y no-repetición

by **Jo-Marie Burt**, LASA2020 Program Co-chair | George Mason University | jmburt@gmu.edu

“Verdad, justicia, reparación y no-repetición” (Truth, justice, reparations and nonrepetition) is one of the new tracks created by the LASA Program Co-chairs for the 2020 Congress taking place in Guadalajara, Mexico. This new track acknowledges the consolidation of an important and growing field of research and practice commonly referred to as transitional justice and seeks to encourage scholars to propose panels and workshops analyzing the different mechanisms that constitute transitional justice practice.

Also motivating the creation of this new track was the critical need to draw attention to the magnitude of the human rights crisis in Mexico, the host country of the Congress, where an estimated forty thousand people have been forcibly disappeared since 2006, when the government of Felipe Calderón declared “war” on drug trafficking and submersed the country in unprecedented levels of violence. The promise of current president Andrés Manuel López Obrador to implement an integral transitional justice process brought great hope to victims and human rights activists, but he has yet to fulfill these promises.

LASA2020 will further promote engagement on these issues through a presidential session, “Verdad, justicia y memoria: Armas para combatir la impunidad,” which features four women who have played a pioneering role in transitional justice processes in Latin America and South Africa: Pumla Gobodo-Madikizela, former commissioner of the South African Truth and Reconciliation Commission; Yassmin Barrios, Guatemalan High Risk Court judge; Patricia Tobón Yagarí, a member of the Colombian Truth Commission; and Karla Quintana, director of Mexico’s National Program to Search for Disappeared Persons.

## **Latin America: The Birthplace of Transitional Justice**

Latin America gave birth to the concept of transitional justice. The term, coined by Argentine legal scholar Ruti Teitel,<sup>1</sup> was rooted in the pioneering experience of Argentina’s National Commission on the Disappearance of Persons and the 1985 criminal trial of the generals who designed and implemented the so-called Dirty War in which an estimated thirty thousand people were disappeared, including over five hundred children of dissidents who were illegally appropriated by the military.<sup>2</sup>

Transitional justice consists of judicial and nonjudicial measures implemented in order to address the legacy of grave violations of human rights. These measures include truth commissions, reparations programs, criminal prosecutions, programs to search for disappeared persons, memorialization and other commemorative practices, and vetting programs, among others. Various kinds of institutional reforms are also typically associated with transitional justice, including judicial and security sector reform as well as educational programs. While these are usually long-term processes, they are fundamental to the promise of nonrepetition.

Typically, transitional justice measures are adopted after a country has gone through a process of political transition from a period of repressive authoritarian rule and/or internal armed conflict toward elected democratic rule, but this is not always the case. Some mechanisms, particularly criminal trials, may come years or even decades after the transition. The adoption of mechanisms of truth, justice, reparation and nonrepetition is predicated on the perceived need to rebuild social trust and repair fractured social relations,

democratize the justice system and ensure peaceful coexistence, and build a democratic system of governance based on the rule of law.<sup>3</sup>

### **Transitional Justice: A Global Concept, Practice, and Field of Research**

Transitional justice has truly become a global concept and practice. In recognition of this, in 2012 the United Nations established the Special Rapporteur on Truth, Justice, Reparations, and Guarantees of Non-recurrence. The Special Rapporteur has conducted site visits to dozens of countries around the world and made a series of recommendations to governments, donors, and civil society organizations. The Inter-American Commission for Human Rights followed suit soon thereafter, with the creation of the Unit on Memory, Truth and Justice. It has also become a global and interdisciplinary field of research.

It is our hope that this new track will inspire scholars, activists, and practitioners engaged in this unique field of research and practice to propose panel discussions, workshops, and roundtables to enhance our understanding of how these mechanisms have operated in practice, how they impact victims and their communities, and how the context of rising authoritarianism and the closing of civil space is challenging these processes. We hope to highlight new research agendas and priorities in the field forty years after the onset of transitional justice, including greater attention to how transitional justice processes affect women, children, indigenous and Afro-descendant populations, and the LGBTQI communities. We also hope to generate bridges and productive dialogue between scholars and other stakeholders involved in the search for truth, justice, reparations, and nonrepetition in Latin America and beyond.

### **Notes**

- <sup>1</sup> The term was reportedly first used at an Aspen Institute workshop at which Ruti Teitel was one of the participants. The discussions of that workshop are available in a three-volume series, *Transitional Justice: How Emerging Democracies Reckon with Former Regimes*, ed. Neil J. Kritz (Washington, DC: United States Institute of Peace Press, 1995). See also Ruti G. Teitel, *Transitional Justice* (New York: Oxford University Press, 2002).
- <sup>2</sup> Emilio Crenzel, *La historia política del Nunca Más: La memoria de las desapariciones en la Argentina* (Buenos Aires: Siglo XXI Editores, 2008).
- <sup>3</sup> United Nations, *Guidance Note of the Secretary-General: United Nations Approach to Transitional Justice*, March 2010, [https://www.un.org/ruleoflaw/files/TJ\\_Guidance\\_Note\\_March\\_2010FINAL.pdf](https://www.un.org/ruleoflaw/files/TJ_Guidance_Note_March_2010FINAL.pdf). See also Pablo de Greiff, *Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence*, Human Rights Council 30th Session, United Nations General Assembly, September 7, 2015; and Pablo de Greiff, "Theorizing Transitional Justice," *Transitional Justice* 51 (2012): 31-77. //