

ANALYTICAL SUMMARY

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DOES JUDICIAL INDEPENDENCE EXPLAIN POST-TRANSITIONAL JUSTICE?

América Latina Hoy, 61, August 2012, pp. 15-49

Post-transitional justice in Latin America started in the Southern Cone in the mid-1990s and gradually spread to a number of countries which are seeking to address the human rights violations committed during the authoritarian regimes that dominated the continent from 1970s to the early 1990s. To distinguish trials at the time of transition from trials that take place years into the consolidation phase, this article develops a theoretical framework that explains variations in the propensity to prosecute the military for gross human rights violations (i.e., the number of trials) across time and across countries. The main argument presented here is that constitutional reforms have made Latin American judges more prone to prosecute the military for past human right violations because judges now enjoy more independence from powerful Executives and the hierarchy of the judicial system has loosened, making lower court judges less dependent on their superiors. As a result, judges, especially those sympathetic to a human rights agenda, can push prosecutions more forcefully than they could before.

Key words: human rights, judicial independence, courts, Latin America, prosecutions.

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THE SANCTIFICATION OF NATIONAL CONSENSUS AND STRUGGLES OVER HISTORICAL MEMORY AND JUSTICE IN POST-DICTATORIAL URUGUAY

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This article analyzes the interplay of institutional actors and social forces affecting the formation of policies of transitional justice and constructed historical memory of Uruguay, as they engaged in a series of attempts to preserve or change the legal frameworks created during the democratic transition for dealing with the legacy of human rights violations committed during the Cold War.

Key words: transitional justice, historical memory, human rights, impunity and accountability.

DUTRÉNIT BIELOUS, Silvia

SENTENCES OF THE INTER-AMERICAN COURT OF HUMAN RIGHTS AND STATE REACTIONS. MEXICO AND URUGUAY COMPARED TO PAST CRIMES

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Between 2009 and 2011 the Inter-American Court of Human Rights issued two convictions to Mexico and Uruguay. These cases may be regarded as paradigmatic of the repressive legacy of the seventies and eighties. Although both States have taken different routes of their political regimes, the crimes may come to be considered similar. Political contexts in which it has been discussed the legacy of human rights violations have differences. In this article we look at aspects of the pathways leading to the main judgments and official reactions to those decisions, and explores the reasons for such behavior.

Key words: Inter-American Court of Human Rights, judgments, reactions, Mexico, Uruguay.

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and RINCÓN FONSECA, Liliana
«DE LA LOCURA A LA ESPERANZA: ¿NUNCA MÁS?». IMPUNITY IN EL SALVADOR
AND GUATEMALA
América Latina Hoy, 61, August 2012, pp. 101-136

The issue of transition to democracy has been approached mainly from political elite perspective. Researchers have found that fights amongst elite groups determine what measures are taken during the first steps of political transitions –including trials to repressors. However, Judiciary branch, civil society and changes in Government can influence the process –bringing about changes in justice policies further later. This issue, which has been studied in Latin American Southern Cone, is less studied in Central America, where the emphasis was placed on search of truth, and on the efforts made to prosecute past human rights violations –with little initial results at a national level. That is why this work is aimed to explore the development and current status of the mechanisms of transitional justice in Guatemala and El Salvador, focused on the prosecution of crimes committed during the conflict, and its evolution and the played role by national and international actors.

Key words: post-transitional justice, impunity, Guatemala and El Salvador.

STABILI, Maria Rosaria
OPAREÍ: TRANSITIONAL JUSTICE IN PARAGUAY
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The purpose of this paper is to analyze, after giving a synthetic reconstruction of the Stroessner's regime, the complex dynamics of transitional justice in Paraguay. Special attention is devoted to the discovery in 1992 of the *Archivos del Terror* (The Horror Files) and the establishment and operation of the Commission for Truth and Justice that was created in October 2003 by President Nicanor Duarte Frutos. It also reflects about the reactions of politicians and the judiciary to the recommendations and remedial measures suggested by the final report of the Commission.

Key words: Paraguay, political transition, transitional justice, policies of memory, Commission for Truth and Justice.

SOLÍS DELGADILLO, Juan Mario

POLITICAL PAST WEIGHT: FACTORS THAT AFFECT THE DEVELOPMENT OF POLICIES OF MEMORY IN ARGENTINA AND CHILE

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This paper explains why the Argentine and Chilean presidents believe important to face the political past of their countries; or in other words, why no president resists the temptation to interfere in the issue of public policies of the memory through different strategies with different political costs. In that sense, we try to explain what factors mainly affect the decision of the Argentine and Chilean presidents when they adopting public policies of memory. Following the analysis made by means of logistic regressions, it is estimated that the ideology of the leaders, affect on the repair policies. In justice policies, the analysis shows that these are particularly conducive in times of critical juncture. And in the symbolic policies, anniversaries are not so decisive as might be expected.

Key words: memory, public policies, governments, policy classes.

REBÓN, Julián and PÉREZ, Verónica

HOSTILE OUTBURSTS IN THE XXI CENTURY ARGENTINA. PERSISTENCE AND RECURRENCE OF A DISRUPTIVE FORM

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Direct forms of confrontation represent one of the main features of the social conflict in Argentina in the XXI century. Particularly, the hostile outbursts have constituted a dynamic that is present throughout the decade. The public system of railway transportation of passengers in the metropolitan area of Buenos Aires was one of the social spaces with the most recurrence of this kind of collective action. Between 2003 and 2009 a cycle of hostile outbursts took place, in which groups of passengers attacked goods and employees of the concessionary enterprise –and in some cases security forces involved– showing its social dissatisfaction with the quality of service. In this paper, we expose a hypothetical frame in order to explain these events while promoting a conceptual debate about this kind of action.

Key words: hostile outbursts, collective action, direct action, commuters, Argentina.