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**Prepared for the conference
“Human Rights: Challenges of the Past and Challenges for the Future”
Woodrow Wilson International Center for Scholars
Washington, D.C.
June 2, 2009**

**Historical and Contemporary Patterns of Atrocities and Amnesties,
of Coming to Terms with the Traumatic Past**

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SUMMARY

The military regimes in Latin America, with national variations were characterized as state terrorism. These regimes generally govern under “states of legal exception,” which in most national constitutions of Latin America confer legal authority to suspend individual rights and guarantees and exercise political power at discretion. Terror results from the selective employment of legal and illegal means (death squads, security forces, etc) to cause death, which generates feelings of helplessness and defenselessness not only among people who had an active political involvement but also for anyone else who might be deemed a potential “enemy.” Patterns and intensities of internal conflicts vary greatly among the world's nation states.

Reconciliation has been invoked as “the way” of coming to terms of a traumatic past in most of the countries after wars between nations, civil wars or periods of political repression with painful aftermath and deaths. In common usage the term is employed with no distinction between social and private relations. In its most usual political usage it implies the negotiated

end of conflict and violence, establishing a minimally acceptable framework for social and political relations, which contemporary society has made synonymous with governability.

Within the framework of such distinctions this reflection addresses on questions related to political reconciliation, the presumptions and processes they endorse as a way to coming to terms to a traumatic past. In particular, we hope to stimulate reflection on the relationship between political reconciliation process (truth, justice, reparations and memory) and the process of “healing” of the victims.

From the perspective of a human rights paradigm, the process of political reconciliation can become a national objective only if there is *recognition* of the past conflict and events that took place, with acceptance of different and even opposing views of the origin of the conflict and the subsequent process from which the problem originated. This recognition, itself a rejection of impunity and denial of past events, even without criminal prosecution, makes “forgetting” impossible and therefore allows the victims a chance to begin healing. In this sense, political reconciliation based on denial or suppression of the atrocities of the past denies to victims even the minimal foundations for psychological recovery and social reintegration: recognition of the injury done to them. It may also be that “political reconciliation”, based in the short term on “legal forgetting” (unconditional amnesty or pardon), leaves embers burning that may reignite the flames of hatred in the future if it is imposed rather than negotiated to the point of gaining a general (though never unanimous) consensus.

The debate on conditions for reconciliation in Chile has been based in political truth regarding the past and the demand for justice in regards to abuses and crimes committed. This suggests a radical questioning of the historic political foundation of governability in Chile: amnesty and impunity for crimes of the past are no longer entirely acceptable as the foundation

for social peace. This vision of political reconciliation, coexisting with the older tradition of pragmatism and negotiations, complicates application of the 1978 amnesty decree law in cases defined as violations of universal human rights, including forced disappearances, judicially defined as aggravated abduction.

The configuration of dilemmas related to truth, justice, forgiveness, punishment and impunity shape the historic and political synthesis that influences how each era deals with and resolves such conflicts. On the social level it is impossible to act as though the pain of thousands never existed, all the more, because for many these were traumatic experiences which can never be erased from memory. When victims demand their rights, some believe that "social peace" is threatened. But, what are their rights? This is an important point and also part of the debate. When victims demand justice, others warn that national stability and the political liberalization achieved after dictatorship is threatened.

“Correr el velo del olvido” (“Draw the veil of oblivion”) has been a familiar phrase in Chile, taken up by literature and the press in reference to the formula desirable in resolving conflicts. Consistent with the perception that forgetting about the past is a good way to solve conflicts, the talk is about passing “laws of oblivion,” otherwise known as amnesty laws. These expressions reveal a shared cultural expectation: that the big conflicts of society and of individuals are resolved by trying not to resolve them at all – and that not resolving them requires imposition of political amnesia – amnesties. This means allowing the passage of time to extinguish psychological and biological memory, presuming that once the past is forgotten spirits and passions will be appeased. However, the fallacies of this assertion are evident in both the psychological and political sphere.

The Truth and Reconciliation Commission Report of Chile in 1991 illustrated the consequences by including testimony from victims' family members. The Report drafted by the Commission on Political Imprisonment and Torture in 2004 addresses the psychosocial effects on individuals and their families stating that torture functioned as a political control mechanism that inflicted suffering with the aim of undermining the prisoner's moral, psychological and physical resources. Considered and treated as an "enemy," the main objective was to annihilate the prisoner as person (and also as a citizen). The aggression victims suffered is not limited to them personally or to their closest circle; it effects and has implications for the entire society. The effects of human rights violations profoundly changed historic models of civic and citizen participation, and trust between people. Politics as a legitimate occupation became associated with death and losses. A person who was tortured not only experienced his or her own silence but also that of others, thus converting torture into a strictly private matter. Commitments to social change projects appeared absurd and a senseless mistake...

Despite political and institutional differences that exist among countries and the diverse ideologies and politics of governments, practically all transitional governments view national reconciliation as their ultimate political goal. Truth commission reports recognize the victims' suffering, confirm the serious nature of the impact of political repression, and its recommendations are traverse to a symbolic plane or economic reparations and benefits without addressing this gulf between recognition of irreparable damage and the limitations of reparation. Paradoxically, when the gulf is acknowledged, it can be breached. Words that express the intentions, scope and limitations of reparations give meaning to state policy, and permit victims to react and question or recognize in those words a political will to overcome injustice and sufferings. Official discourse does not undo the damage but it can contribute to diminish or

dissolving the injury and offense [agravio]. What can never be repaired is the damage inflicted. But recognition of injustice has the power of repairing the injury.

Truth implies acknowledgement that the events did indeed take place. An important step in the "healing" of victims is acknowledgement of their experience and suffering as an unjust act, and recognition of the existence of a political will to exercise repression that deprived victims of all rights. Establishing the truth also implies exposing the institutional and systematic nature of the crimes committed and the recognition of the various political and criminal responsibilities of protagonists of the conflict, opening the way for seeking justice in the courts as an avenue for restitution of the rights of the victims and the principle of equality before the law for all citizens.

The judicial process has a healing effect on victims and on society, because law and order are reinstated, limits on violence and murder are restored, the guilty parties are identified, the crimes are proven to have taken place and the responsible can be condemned. Legal, social, and public sanctions serve this function. On the other hand, when justice is impossible due to the impunity of material authors of the crimes and those who hold political responsibility, the complicity of judges and politicians in that impunity impedes recovery of the sense of security and confidence in belonging to the society. Vulnerability and fear are not overcome and many people are unable to feel "at home" in their own country.

In addition, in most cases, the guilty parties feel no sense of guilt and see no reason to repent; on the contrary, they are proud of their accomplishments. Pursuing cases in court, they warn, will only revive past conflicts, open old wounds, "re-traumatize" victims, reignite hatred and conflict. Such warnings are accompanied by a call for political reconciliation that will "freeze" such demands.

Reconciliation requires explicit recognition of the rupture that occurred in social and political community, its causes, and the mutual responsibilities of actors that resulted in transforming fellow citizens in "enemies". At the political and social levels, a more realistic objective may be agreements of coexistence among a plurality of groups with varying values and "utopias" within the bounds of laws acceptable to all.

The discourse that pleads for reconciliation nearly always treats the problem of justice and forgiveness as if forgiveness on the personal and national level were the same, as if talking of forgetting the offenses and malice in the heart of a family were the same as that of "forgetting" political violence within a nation. The rationale is different in each sphere and the conditions applicable to the personal level cannot necessarily be reproduced on the political level. As the political level, forgiveness has expressions that are regulated by law: laws of amnesty or pardons. Such laws have a long tradition in western European and Latin-American history- but their meaning and usage have been redefined to some extent since 1945, the Nuremberg trials, and the evolution of the international human rights regimes. Nevertheless, understanding of these processes and their sequences at the psychological level may contribute to thinking through the political and symbolic requirements for gradually overcoming the impact of political violence and human rights violations and their effects on victims and on society.