

Foreword

In 2003, the study on the *Current Overview of Human Rights and Democracy* incorporated the IIHR institutional view on what was called “treatment of the past” for the registration of serious human rights violations in Latin America and the Caribbean in the following terms: “Old tensions of decades of authoritarianism and internal armed confrontation have not been completely resolved (...) Peace accords have not been fully effective in putting an end to internal confrontations, and efforts to establish truth commissions and adhere to recommendations are falling short. In some cases, remains of repressive structures and untreated structural causes are still standing.” Such overview echoes a recent past rooted in numerous political conflicts in the region, expressed through excessive power of repressive dictatorships and a large number of victims of human rights violations who have not been given acceptable answers or compensation in terms of truth, reparation, and justice.

In this context of suffering and hardships yet of democratic efforts from a mixed group of social and political stakeholders, the Inter-American Institute of Human Rights (IIHR) has developed –since its foundation more than thirty years ago– a wide variety of actions to train, support and provide technical assistance not only to human rights organizations assisting victims and seeking justice but also to institutions, especially commissions established in several countries that found their way to democracy starting in 1983.

With concern, the IIHR has kept track of human rights commitments by parties in the different peacemaking processes, especially those accounting for systematic violations, realized in the work of truth commissions in Argentina (1983), Chile (1988), El Salvador (1992) –with the participation of our honorary president and founder Thomas Buergenthal– Guatemala (1996), and Peru (2001). More recently, it has been familiarized with similar efforts in Colombia, Ecuador, and Paraguay. It has contributed significantly to documenting experiences from truth commissions in the continent by monitoring agreements and recommendations, investigation and publishing production. In different academic events, issues such as impunity and rights to truth and justice have been addressed, particularly at the Interdisciplinary Course on Human Rights in the last decade of the Twentieth Century.

An important trend in the work of the IIHR is focused on assisting victims of human rights violations both through indirect support to establishing or strengthening civil society entities that had filed cases before internal and Inter-American justice and through specific actions, including project *Comprehensive Attention to Victims of Torture*, in line with psycho-social support to individuals in criminal proceedings under the Inter-American system. This means facing the consequences of this historical period prevailing today as impunity in many countries in the region. Such project included preparation of methodological guidelines for psycho-social and legal monitoring actions, psychological support, publication of comparative studies, expert exchange activities, and trainings (courses, workshops, roundtables, seminars). Another project along the same line throughout 2006 was *Actions to Support Transparent and Effective Enforcement of the Law of Justice and Peace in Colombia*, where the IIHR partnered with the Colombian Commission of Jurists (2006). Such project arranged meetings between experts or victims across the continent and Colombian victims, opportunities to analyze support to victims from a psycho-social perspective, and the publication of the collection *Truth, Justice and Reparation*.

In terms of publishing production, aside from regular publication of articles by several authors in the IIHR Journal, numerous articles have been published on truth, justice, and reparation –main concerns of IIHR. Some of them included *Truth and Justice: In Search of Reconciliation in Suriname* (1999), *Truth and Justice: A Tribute to Emilio Mignone* (2001), *Dialogue on Reparation: Experience in the Inter-American System of Human Rights*; the collection *Truth, Justice and Reparation*, recently published for Colombia, including titles such as *Colombia before the Inter-American Court of Human Rights*, *Comprehensive*

Attention to Victims of Serious Human Rights Violations; Challenges to Democracy and Social Coexistence and their Instructional Guide; and Latin American Experience: Meeting of Victims Motivated by Hope; Meeting of Social Stakeholders. In addition, project *Comprehensive Attention to Victims of Torture* included publication of several books collecting experiences, opinions, and methodologies in their implementation and academic development. In terms of distribution, the digital library on the IIHR website offers a collection of texts on these topics aside from institutional publications.

This book set two precedents: first, in 2001, when the IIHR published *Truth and Justice: A Tribute to Emilio F. Mignone*, a systematic effort and dissemination of experiences of truth commissions in the continent; and second, in 2005, in cooperation with the International Institute for Democracy and Electoral Assistance (IDEA International) under the auspices of the Swedish International Development Cooperation Agency (SIDA). This precedent was the book *Truth, Justice and Reparation: Challenges to Democracy and Social Coexistence*, whose main hypothesis was to prove that successful reconciliation processes were essential to build sustainable democracy. The objective was to support consolidation of democracies and respect for human rights in Latin America by thinking over official truth finding processes recorded to date and promoting public debate to extend the concept of reconciliation and contribute to its inclusion in the democratization agenda.

With this new publication, the IIHR resumes the analysis and documentation of processes of truth, justice, and reparation in the region both in countries under study in 2005 (Argentina, Chile, El Salvador, Guatemala, and Peru) and in Colombia, Ecuador, and Paraguay to offer a comparative perspective on different experiences. Similarly, it highlights policies of truth, justice and reparation and their contribution to building sustainable, inclusive and effective democracies in Latin America. In so doing, the IIHR expects to increase knowledge on these initiatives and to disseminate lessons derived from these studies that might be useful and reproduced in other contexts.

Some of the recurring elements from the studies in this book confirmed that nearly every process under analysis started long before truth commission processes did. The latter initiated with resistance expressed through multiple actions such as supporting victims, fighting for human rights protection, facing fear and threats, and searching for the disappeared. These actions were taken by movements of brave women who spilled into the streets and became key figures in the political scene –the group of “mothers and relatives” of the victims who changed the history of the movement for human rights in the region.

As to truth related policies, most democratizing processes observed in the countries under study established truth commissions as the first step to unmask institutionalized lying, to map a general picture of the impact of human rights violations, to promote victim recognition, and to build collective memory. Such processes have been a starting point rather than an end in itself, given that experiences under analysis accounted for progress and setbacks in human rights protection and close relationship with democratic quality. Nevertheless, the democratic need to examine the past in terms of human rights, despite a strong and solid rule of law, was so urgent that, when this book was about to go to press, President Dilma Rousseff approved the establishment of a truth commission in Brazil in order to investigate human rights violations occurred under military dictatorships in this country between 1964 and 1985.

Now in terms of justice, contrary to sustained progress in some countries, some others give account of existing adverse conditions compulsively affecting cases in the past and conflicts in the present. As to reparations, the general picture shows achievements against obstacles faced by victims in the different countries under analysis, including the principle of subsidiarity applied to such reparations with respect to democratizing policies. There is also a need to clarify that reparation is meant not only to pay a debt to victims of massive human rights violations, resulting in State responsibility and its obligation to grant reparation, but also to contribute to building democracy and peace in the region.

TRUTH, JUSTICE AND REPARATION

Finally, while regional studies are analyzing policies on truth, justice and reparation pertaining to human rights violations in the recent past, the region is witnessing the emergence of other forms of violence and inequality, also violating the rights of people and of human collectivities. These situations suggest new challenges to developing and implementing a new human rights policy that –based on lessons learned from recent history– will articulate new ways to address social conflicts, rooted in respect for human rights promoted and protected by the inter-American System.

My sincere thanks to the authors of the different articles for their hard work, and whose contribution has made this new publication possible in our Latin America and the Caribbean. I also want to express my gratitude to the Swedish International Development Cooperation Agency (SIDA) for its sponsorship.

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