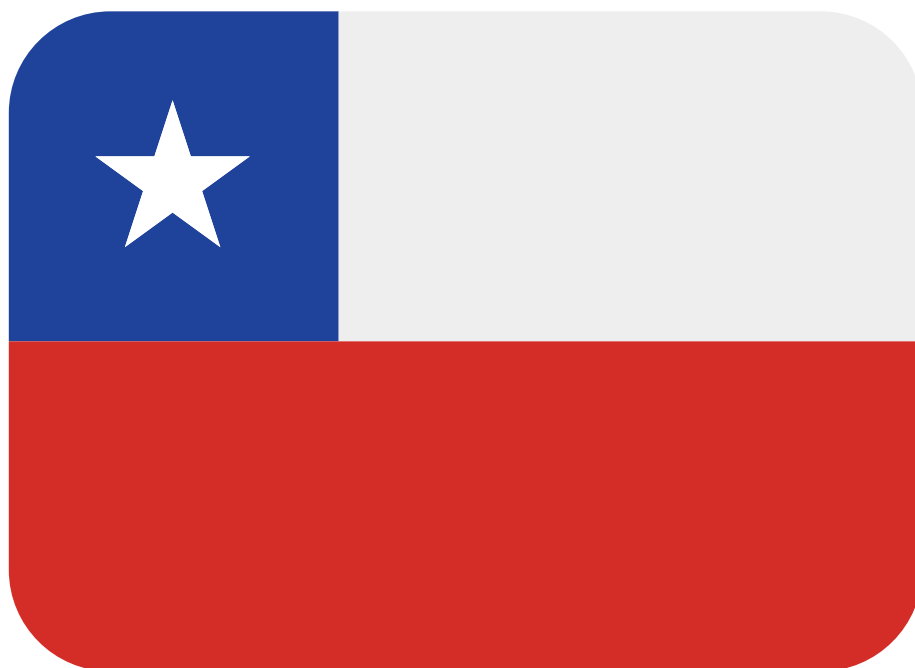


TRANSITIONAL JUSTICE IN CHILE'S POST-DICTATORIAL ERA (1988 - PRESENT): A LITERATURE REVIEW

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During the 51st commemoration of the military coup, on September 11, 2024, at the Palacio de la Moneda, the Chilean President Gabriel Boric reiterated its will to process the repeal of the amnesty law that protects crimes against humanity committed during the Pinochet dictatorship¹. This project of repeal aims at removing obstacles to the persecution of perpetrators of human rights violations during the Chilean dictatorship. It is also an attempt to address the demands of human rights organizations and members of civil society that denounce the impunity towards crimes committed by the military regime. The Amnesty law², instituted in 1978, during the dictatorship, has been the main legal argument for the impossibility of processing perpetrators of human rights violations. It is thus clear that the current debate sheds light on how the process of transitional justice (TJ) in Chile has not come to an end yet.

The Chilean military dictatorship began with the military coup of the 11th of September 1973, after which date, the general Augusto Pinochet Ugarte seized power, ruling the country till 1990, when Chile transitioned *de facto* to democracy. The process of democratization had already begun in 1988, when a referendum took place, asking Chileans whether they wanted to keep Pinochet's government in place or not³. The "franja del NO" catalyzed a vast coalition of opposition parties and social movements, which campaigned for the end of the dictatorship and were the main actors of the transition to democracy. In 1989, free elections took place, leading to the victory of the Concertation, a coalition of left and center-left parties.

Chilean transition to democracy was a peaceful process, taking place through negotiation between the Concertation and the military power. Amid this process, human rights violations were a central theme, as, throughout the dictatorship, the military power and the police committed several crimes, ranging from the infamous case of the *desaparecidos*, people that were made to disappear, to sexual violence and torture. During the dictatorship, members of civil society, such as the *Agrupaciones de Familiares de Detenidos Desaparecidos* (AFDD), as well as international actors, denounced the crimes committed by

¹ <https://prensa.presidencia.cl/comunicado.aspx?id=289871>

² Memoria Chilena, *Ley de Amnistía*: <https://www.memoriachilena.gob.cl/602/w3-article-95548.html>

³ Memoria Chilena, *Plebiscito de 1988*: <https://www.memoriachilena.gob.cl/602/w3-article-92412.html>

the regime⁴. It is from the moment of the transition onward that these crimes acquired legal, social and cultural recognition.

This article will focus on transitional justice issues, dealing with this topic in a broad manner, to grasp the multifaceted dimension of this process. According to the United Nations (UN), transitional justice refers to the full range of processes and mechanisms employed by societies to address the legacy of large-scale human rights abuses in order to ensure accountability, promote justice, and achieve reconciliation⁵. To that end, the article reviews literature on transitional justice, using Chile as a case study, and thus assessing the specificities of the Chilean transition to democracy. However, scholarly work addressing other countries or studying the Chilean case from a comparative perspective will be mentioned when deemed necessary.

Several scholars have investigated the use of transitional and post-transitional justice to assess human rights violations committed during the military coup and following Pinochet dictatorship (1973-1989). The notion of transitional justice is treated beyond its legal dimension, as a tool to understand how human rights violations have been addressed in democratic Chile. Therefore, the subject has been covered by scholars from different disciplinary backgrounds. This article mainly takes into consideration the contribution of legal studies and political sciences, centering the discussion on how political and legal actors, as well as social movements, have shaped the human rights agenda, from transition to present. Transitional justice is used in the article as a tool to understand the legacy of state terrorism and political violence in democratic Chile: how and to what extent the dictatorial past continues to shape Chilean social fabric?

Such questions came at the forefront of the political debate in 2019, when the social movement of the “estallido social”, a wave of social uprisings, took place. One of the demands of this movement was to finally break with the dictatorial past, on legal, social and economic terms. Drawing on this event, a new generation of politicians, who grew up in democracy and was forged by social unrest, came to power. In parallel, a progressive constitutional project was submitted to referendum in 2021, trying to turn the page with the dictatorship on legal terms. The persistence of the dictatorship’s legal framework was one of

⁴ Collins, Cath. *Post-Transitional Justice : Human Rights Trials in Chile and El Salvador*. University Park, Pa: The Pennsylvania State University Press, 2010, p. 66.

⁵https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/TJ_Guidance_Note_March_2010FINAL.pdf.

the issues denounced by the *estallido social*. However, the Constitutional project did not pass and the same fate was attributed to a second project, voted out in December 2023. Therefore, the Constitution of 1980, drafted during the dictatorship and lacking political legitimacy⁶, is still in place.

Building on these elements, the article will review scholarly work on transitional justice in Chile, trying to make a global portrait of the literature and identifying gaps.

On the one hand, scholars have focused their attention on institutional actors, assessing the evolution of human rights policies and their shortcomings, as well as the impact of legal actors in this process (judges, international courts, human rights lawyers) (I). On the other hand, social movements are deemed to be central actors in the process of justice-making, capable of influencing public policies on the matter (II).

Transitional justice in Chile has benefited from the contribution of multiple actors, which based their actions on different conceptions of justice, different goals and interests at stake. Consequently, matters of transitional justice can be read as a political arena, where social pressure for punishment and establishment of memory has been confronted with positions based on reconciliation, trying to keep social unity and mediating between parties. Scholarly work has highlighted the tension between political actors, who tended to give priority to reconciliation matters, and organizations issued from civil society, who pushed for more justice and punishment for perpetrators. Moreover, resistance from conservative sectors of society has contributed to limit prosecution.

I. Institutional response to human rights violations: main features, temporalities and shortcomings

Academic literature extensively addresses Chile's transition to democracy. One of the most prominent scholars in this field is Cath Collins, a professor of transitional justice specializing in Latin America and Chile. Her work provides a comprehensive examination of the legal challenges surrounding transitional justice (TJ) in Chile, offering both a historical and analytical lens.

⁶ Ruiz Rodríguez Leticia M., "Le cinquantième anniversaire du coup d'Etat de 1973 au Chili". Les Études du CERI, 2024, Amérique latine. L'Année politique 2023, 271-272, p. 41.

Collins offers a theoretical framework that divides Chile's TJ process into two distinct phases: the long transitional phase, from 1988 to 1998, and the post-transitional phase, from 1998 to the present. This chronological division underscores the transformation in legal and political approaches to human rights accountability.

During the transitional phase, Collins emphasizes the conciliatory nature of the transition, defined largely by the terms established by the Pinochet dictatorship⁷. Throughout the pre-1998 phase, human rights violations were deemed as a secondary concern and a minority demand, being rather avoided by the Concertation⁸. On the contrary, the early post-1998 period saw an increase in judicial activism, marked by a wave of judicialization that gradually reshaped Chile's approach to human rights accountability. This claim needs to be nuanced, considering the prominent place of human rights organizations since the beginning of the process of transition to democracy. However, the TJ agenda implemented by the 1st president of democratic Chile, Patricio Aylwin, lacked consistency when compared to more recent judiciary activity on human rights matters. While he promised to establish truth and instituted a National Commission of Truth and Justice, no legal proceedings were undergone and no name was mentioned in the report of the Commission, the report Rettig⁹.

The improvement taking place from 1998 on can be linked to what Naomi Roth-Arriaza describes as the "Pinochet effect". With the arrest of general Pinochet in London in 1998, the international community started perceiving transnational forms of TJ as potential means to assure accountability. According to Roth-Arriaza, the scope of the Pinochet effect goes beyond Chilean borders, setting a model for TJ all over the world. From this moment on, she identifies a renewed interest in human rights policies on an international level, and the multiplication of legal proceedings at the expense of military personnel¹⁰. Collins delves on the work of Roth-Arriaza, identifying other reasons for the post-1998 improvement. Indeed, after the arrest and extradition for prosecution to Spain, Pinochet was headed back to Chile to be judged by national courts. However, in 2002 the Supreme Court permanently closed the case, due to the moderate and progressive dementia observed in Pinochet, which would have prevented him from testifying¹¹. While the role of the Pinochet arrestation was key in terms

⁷ Collins, Cath. *Post-Transitional Justice : Human Rights Trials in Chile and El Salvador*, art.cit., p. 72.

⁸ Collins, Cath. "Human Rights Trials in Chile during and after the 'Pinochet Years'", In *International Journal of Transitional Justice*, Volume 4, Issue 1, March 2010, p. 9.

⁹ Roth-Arriaza, Naomi. *The Pinochet Effect: Transnational Justice in the Age of Human Rights*. 1st ed. Philadelphia: University of Pennsylvania Press, 2010, p. viii-ix.

¹⁰ *Ibid*, p. xii.

¹¹ *Ibid*, p. 92.

of TJ discussions, because it raised the possibility of convicting perpetrators of crimes against humanity in other countries, it is also important to acknowledge that the closure of Pinochet's case also sparked frustration among relatives of victims and human rights organizations.

Building on Roth-Arriaza's findings, Cath Collins provides a multifactorial explanation for the post-1998 improvement in TJ, which led to Chile entering in a post-transitional phase, oriented towards consolidation of democracy. The change is the reflection of both transnational evolution and domestic factors, such as judicial change and gradual democratization¹². Collins' portrait entails an evolutionary vision of TJ in Chile, which comes, among other factors, with a wider recognition of the crimes investigated. In "Truth-Justice-Reparations Interaction Effects in Transitional Justice Practice: The Case of the 'Valech Commission' in Chile" Collins highlights the shift in terms of recognition of the experience of survivors, closely tied to the activity of the Valech Commission, the commission investigating torture under Pinochet's regime, in which the testimony of survivors had been central. Prior to this evolution, "the main target agents of victimhood were victims' relatives"¹³. The prioritization of absent victims over survivors is still present within Chilean society. Collins refers to reparations' policies, which have been frequently contested by conservative sectors of society, especially when they're aimed at survivors. Despite the effectiveness of reparations as TJ measures, for large sectors of Chilean society they are benefits rather than something survivors are entitled to. Sometimes, the discourse around reparations policies also described them as fraud. Through the example of reparations, Collins sheds light on the conflictive visions of TJ that characterize Chilean institutions and society. Different interpretations of TJ among society forced institutions to center their policies around principles of reconciliation rather than restorative justice, leaving human rights organizations dissatisfied.

While the TJ policies put forward by the Chilean state have gotten more and more ambitious from 1998 on, the issue pointed out by Collins lies in the separation between the principles of truth, justice and reparations. The approach of TJ policies in Chile lied on a single-issue basis¹⁴, "decoupling of Valech from justice entitlements"¹⁵. On the other hand, more contemporary and progressive views on TJ tend to incorporate the three elements

¹² Collins, Cath. *Post-Transitional Justice : Human Rights Trials in Chile and El Salvador*, art. cit., p. 77.

¹³ Collins, Cath. « Truth-Justice-Reparations Interaction Effects in Transitional Justice Practice: The Case of the 'Valech Commission' in Chile », *Journal of Latin American studies*. 2017, vol.49 n° 1, p. 76.

¹⁴ *Ibid*, p. 77.

¹⁵ *Ibid*, p. 76.

simultaneously. While the correct approach to TJ, both in Chile and elsewhere, is still up to debate, the constant tension between human rights organizations and political power has contributed to make visible the shortcomings of official TJ policies.

Scholars have emphasized the central role of reconciliation in shaping human rights policies in Chile, particularly during the presidency of Patricio Aylwin. The focus on reconciliation has remained consistent throughout Chile's democratic period. In his work "Chile: Report on the Democratic Transition Process after Pinochet", Ricardo Brodsky highlights the limitations of reconciliation policies, in their struggle for assignment of personal responsibility¹⁶. President Aylwin himself argued that justice entitlements were linked to forgiveness and restoration of "sense of community" among Chileans¹⁷. Therefore, the main issue revolving around reconciliation policies is the lack of accountability that should have come with it.

Scholars have pointed out the legal obstacles to prosecution. For what concerns the Valech commission, conventionally conceived as a fundamental milestone towards TJ in Chile, Collins offers a nuanced evaluation of its effectiveness. One important limit identified by Collins is the deliberate omission of perpetrators names or clear assignment of institutional responsibility¹⁸. Therefore, it is fair to state that within the TJ framework, while reparations and truth have been addressed, though not always thoroughly, the main weakness of Chilean TJ policies seem to reside in the establishment of justice. Without this element, TJ remains largely symbolic rather than resulting in tangible improvements. The limits of Chile's TJ policies are also evident in the application of reparations. Brodsky points out that despite their formal recognition, certain institutions such as the Council of Defense of the State oppose civic compensation¹⁹, resulting in an ambiguous state attitude, undermining civic trust and efforts of reconciliation.

The situation extends beyond Aylwin's government, as even left-leaning administrations, theoretically more aligned with human rights demands, have struggled with justice entitlements. For instance, Michelle Bachelet's first presidency (2006-2010) saw significant efforts to expand the state's response to human rights violations, such as the

¹⁶ Brodsky, Ricardo. "Chile: Report on the Democratic Transition Process after Pinochet." In *After Dictatorship*, Berlin, Boston, p. 342.

¹⁷ *Ibid.*

¹⁸ Collins, Cath. « Truth-Justice-Reparations Interaction Effects in Transitional Justice Practice: The Case of the 'Valech Commission' in Chile », art. cit., p. 75.

¹⁹ Brodsky, Ricardo. "Chile: Report on the Democratic Transition Process after Pinochet.", op. cit., p. 365.

creation of public memorials and the *Museo de la Memoria y de los Derechos Humanos* in Santiago, as well as fostering relationships with victims' families²⁰. However, as Collins observes, justice for these violations remained lacking, with Bachelet prioritizing the aforementioned human rights initiatives over judicial accountability²¹. While her policies contributed to strengthening collective memory, the inability to establish justice limited their effectiveness.

The rise to power of the right-wing Sebastián Piñera²² further complicated the landscape. Brosky draws parallels between the human rights violations under Pinochet's regime and the political violence that characterized the *estallido social* (2019 social outbreak). The "latent memory of impunity"²³ for the regime's crimes is seen as a contributing factor to the anger that erupted during the *estallido*. This event caught the attention of academics, leading to increased analysis of civil society's role in TJ, as well as the continuity between human rights groups that opposed the dictatorship and contemporary social movements in Chile, which continue to integrate human rights into their political agendas.

Despite extensive analysis, particularly by Collins, several key questions remain: How does the limited civic participation intersect with human rights issues? How should the actions of the current left-leaning government be understood in relation to the human rights agenda? And, how can Chilean institutions address the growing frustration of human rights groups, whose distance from state institutions continues to widen?

II. The role of civic engagement in the making of transitional justice

The role of civil society in the development of TJ in Chile has increasingly become a focal point in academic discussions, likely in response to the ongoing political crises that challenge the notion of a fully realized democratization. However, civil society's involvement in this process is not a new phenomenon; rather, it is the result of a long tradition of human rights activism that dates back to the dictatorship. Scholars largely agree on the significance of human rights groups during the dictatorship, particularly their rapid incorporation of

²⁰ Collins Cath. "Human Rights Trials in Chile during and after the 'Pinochet Years'", art. cit., p. 19.

²¹ *Ibid.*

²² Piñera absolved two presidential mandates, alternating the presidency of Michelle Bachelet: his first mandate was from 2010 to 2014, the second, when the uprisings took place, went from 2018 to 2022.

²³ Soto Labbé, Maria Paulina. "El magma cultural del estallido social chileno. Hacia una nueva Constitución"p. 75.

judicialization practices into their strategies, as well as their meticulous documentation of human rights violations²⁴.

Recent scholarly work has further explored the creative relationships contemporary social movements have fostered with human rights archives. On the one hand, these archives are politically instrumental in giving visibility to past human rights violations and ensuring they are thoroughly documented. On the other hand, contemporary social movements have used these archives as tools to engage in the “resignification” of their content, effectively updating them to speak to current political contexts.

Blickford's work, for instance, underscores the scope and importance of the archives produced by human rights organizations during the dictatorship, while also highlighting the lack of recognition of what he calls the "Archival Imperative" in public debate²⁵. He affirms that these archives, essential for historical research, are currently at risk of being lost²⁶. However, his article may underestimate the continuity in archival practices from the dictatorship era to the present. Despite the transition to democracy, the attention paid to documentation by contemporary social movements has remained crucial, and in many ways, it has expanded the role of archives in shaping the national memory.

The role of documentation within human rights activism in Chile has also been examined by Bernasconi, Mansilla and Suarez, whose analysis centers on the dispute over truth exacerbated by the Commission Valech²⁷. This Commission, which was established to document human rights violations during the dictatorship, introduced privacy clauses that guaranteed the secrecy of all documents produced for the report for 50 years. While these clauses were intended to protect the survivors who testified before the Commission, they sparked opposition from groups like the *Colectivo de Desclasificación Popular*, which advocated for the public disclosure of these archives. The Colectivo argued that releasing the documents was essential for fostering memory and preventing impunity. Their demands, however, were not solely grounded in legal arguments; they represented a broader

²⁴ Collins, Cath. *Post-Transitional Justice : Human Rights Trials in Chile and El Salvador*, art. cit., p. 76.

²⁵ Bickford, Louis. “The Archival Imperative: Human Rights and Historical Memory in Latin America’s Southern Cone.” *Human Rights Quarterly* 21, no. 4 (1999), p. 1122.

²⁶ *Ibid*, p. 1110.

²⁷ Bernasconi Ramirez Oriana, Mansilla Santelices Daniela, Suarez Madariaga Rodrigo. “Las comisiones de la verdad en la batalla de la memoria: usos y efectos disputados de la verdad extrajudicial en Chile”, *Colombia internacional*, n° 97, 2019, p. 27-52.

reinterpretation of the secrecy clause, which shifted the conversation about documentation from a purely legal sphere to a more contentious, politically charged “battle of memory”²⁸.

Jelin’s concept of “memory entrepreneurs”²⁹ is crucial in understanding the role of human rights groups in Chile during the dictatorship and beyond. These groups, which were responsible for spreading the practice of memory within society, continue to challenge the limits of official memory. In democratic Chile, human rights activism has moved beyond the dyad State-victim³⁰, positioning memory, truth, and justice as collective issues that require the involvement of a wider portion of the population, including people with no direct familial ties to victims. Democratic Chile inherited from the dictatorship era a “well-organized, often lawyer-led human rights movement that adopted legal strategies to seek justice for the victims”.³¹ Nevertheless, democratic Chile’s social movements have critically renewed and expanded upon the practices of opposition groups from the dictatorship era, thanks to a certain degree of democratization and political evolution that provides more space for protest.

This rupture between past and present social movements has not yet been thoroughly analyzed in academic literature. However, some scholars have examined the influence of other types of social movements, such as feminist mobilizations, on the evolution of human rights activism in Chile. Feminism’s relationship with TJ became particularly evident during the *Mayo feminista* of 2018 and the *estallido social* (2019), during which protesters highlighted the gendered dimensions of political repression. In the context of the uprisings, the concept of “violencia politico-sexual” was popularized, and adopted in academic literature as well. The concept refers to the political use of sexual and gender-based violence (SGBV), perpetrated by the Chilean State at the expense of political opponents and protestors³². Practices of SGBV as a tool of repression were current during the dictatorship, and were readopted by the police towards social movements, with the aim of controlling feminine bodies³³.

²⁸ *Ibid*, p. 31.

²⁹ Jelin, Elizabeth. *Los trabajos de la memoria*, collection « Memorias de la represión », siglo veintiuno de España editores, Madrid, 2002, p. 48-51.

³⁰ Bernasconi Ramirez Oriana, Mansilla Santelices Daniela, Suarez Madariaga Rodrigo. “Las comisiones de la verdad en la batalla de la memoria: usos y efectos disputados de la verdad extrajudicial en Chile”, art. cit., p. 35.

³¹ Collins, Cath. *Post-Transitional Justice : Human Rights Trials in Chile and El Salvador*, art. cit., p. 7.

³² Doran, Marie Christine, Fernández Droguett, Francisca and Peñafiel, Ricardo. “Violencia Político-Sexual: Genealogía de un concepto de lucha”, Facultad de Derecho y Humanidades, Universidad Central de Chile, p. 118.

³³ Doran, Marie Christine, Fernández Droguett, Francisca and Peñafiel, Ricardo. “Violencia Político-Sexual: Genealogía de un concepto de lucha”, art. cit., p. 120.

The article “Patriarchy is a Judge: Young Feminists and LGBTQ+ Activists Performing Transitional” also dives into inter-generational debate, concerning human rights violations, referring to the famous performance “El violador en tu camino” by the feminist collective LASTESIS. Initially a critique to police sexual violence during the *estallido social*, in a second moment it was seized by sexual torture survivors and women that lived through the dictatorship, advocating for gendered transitional justice³⁴. The aim of the performers is to visibilize the case of female and LGBTQ+ survivors, that in many occasions could not achieve formal justice³⁵, consisting in a “grey area” in TJ policies. While the cases analyzed in this article refer to informal spaces of TJ³⁶, the American professor Caroline Davidson analyzed the tangible effects of feminist activism in the making of formal TJ, recognising a central role of feminist collectives on this matter. For her, addressing SGBV practices during the dictatorship was a natural reflex of the feminist critique of contemporary violent practices³⁷, with special regard to cases of “violencia político-sexual”. Davidson recognises the judicialization of feminist activism that brought their demands to the stage of TJ. Adopting a transnational perspective, she links evolution in Chilean feminist discourse towards TJ with global debates, as well as domestic factors. For example, she mentions the inclusion of gender perspective in Peru’s truth commission, which encouraged feminist movements from the region “to incorporate international norms into domestic activism and strategic litigation”³⁸. This article allows to make the link between activism and informal spaces of TJ, with official judiciary and policy improvement.

By doing so, the continuity between activism of women, as family members, and contemporary feminist movements is hinted at. The inter-generational heritage is strongly assessed when referring to female survivors, for example, through the activism of the *Colectivo de Mujeres Sobrevivientes Siempre Resistentes*, an organization of survivors of sexual torture. The collective openly framed their activism as a feminist stance, inscribing themselves within the feminist movement of contemporary Chile. However, other feminist collectives included the influence of feminine movements of opposition to dictatorships, such

³⁴ Hiner, Hillary, Manuela Badilla, Ana López, Alejandra Zúñiga-Fajuri, and Fuad Hatibovic. “Patriarchy Is a Judge: Young Feminists and LGBTQ+ Activists Performing Transitional Justice in Chile.” *The International Journal of Transitional Justice*, Vol.16, n° 1, 2022, p. 78.

³⁵ *Ibid*, p. 81.

³⁶ *Ibid*.

³⁷ Davidson, Caroline. « Nunca Más Meets (hastag) Niunamenos: Accountability for Pinochet-Era sexual violence in Chile », *Columbia human rights law review*. 2019, vol. 51, n° 1. p. 168-169.

³⁸ Davidson, Caroline. « Nunca Más Meets (hastag) Niunamenos: Accountability for Pinochet-Era sexual violence in Chile », art. cit., p, 173.

as the *Agrupaciones de Familiares de Detenidos Desaparecidos* (AFDD), composed by female family members of disappeared people. The use of performance, such as the *cueca sola*³⁹ (a traditional Chilean dance performed alone to symbolize the disappearance of a partner), has been reimagined by the *Colectivo Cueca Sola*, which aims to frame human rights violations as a collective societal issue rather than a personal or familial one⁴⁰. For example, members of the Colectivo dance in the name of victims of femicide as well, and each performance is accompanied by a declaration of their demands.

The ongoing reinterpretation of the *cueca sola* demonstrates the broader effort to frame TJ as a transgenerational discourse. A few articles build on the example of the Colectivo, enhancing their contribution to evolution in terms of the role of women within social movements, from the position of victims to active political agents⁴¹. The relationship between these different generations of activists and their evolving attitudes toward state-led TJ measures continues to raise important questions that require further academic inquiry.

Conclusion

In conclusion, TJ in Chile has benefited from a robust body of academic literature that has critically examined the policies implemented, the correlation between memory and TJ, and the limitations of official policies. Cath Collins stands out as a leading scholar, providing comprehensive insights into the legal and political dimensions of TJ in Chile. In recent years, an increasing body of literature has focused on the role of civil society, likely in response to social movements advocating for more civic participation and a deeper commitment to TJ. On the centrality of civic society with regard to TJ, Collins notes that TJ has largely been pursued through private endeavors due to the state's disengagement since the transition to democracy⁴². Consequently, judicialization has been central to human rights activism since the dictatorship era.

The social movements of democratic Chile have diversified their repertoire of collective action, drawing from the militant heritage of dictatorship-era dissidents. However, the ruptures and continuities between Pinochet's opposition and contemporary movements is

³⁹ Museo de la Memoria y los Derechos Humanos, *la Cueca Sola*: <https://fb.watch/wBoSwaXNg4/>.

⁴⁰ Medalla Contreras, Tania Haydeé, and Gallardo, Milena. «PARA UNA POLÍTICA DE LA INSISTENCIA: TRAYECTORIAS Y DESPLAZAMIENTOS DE LA CUECA SOLA EN CHILE (1978-2019)». *Index, Revista De Arte contemporáneo*, n.º 0, 2019, ., p. 199.

⁴¹ *Ibid.*

⁴² Collins Cath. "Human Rights Trials in Chile during and after the 'Pinochet Years', art. cit., p. 20.

an area that warrants further academic exploration. While these movements have used different strategies, often with divergent conceptions of TJ, there is still limited analysis of the multifaceted nature of their activism. The hybridization that occurred during the *estallido*—which united different generations and causes—resulted in a polyphony of demands concerning TJ and memory. On this matter, the role of the new government, led by President Boric, can be seen as a synthesis of both worlds, navigating political constraints while advancing justice and taking steps to address the demands of the social movements from which he originally emerged. Furthermore, both human rights groups and political institutions must confront the growing normalization of pro-Pinochet positions⁴³.

As Michael Lazzara insightfully argues, official memory in post-dictatorship Chile has primarily focused on convicting military members, largely exonerating civilians of responsibility for human rights violations⁴⁴. Therefore, future academic inquiry should further delve into the relationship between memory entrepreneurs and the broader society, including resistances to human rights activism, especially among conservative sectors. This would offer a more comprehensive understanding of how these groups interact with institutions to limit the scope of TJ measures.

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⁴³ Ruiz Rodríguez Leticia M., “Le cinquantième anniversaire du coup d’Etat de 1973 au Chili”. Les Études du CERI, 2024, Amérique latine. L’Année politique 2023, 271-272, p. 43.

⁴⁴ Lazzara, Michael J. *Civil Obedience : Complicity and Complacency in Chile since Pinochet*. Madison (Wis.) London: The University of Wisconsin press, 2018, p. xvi.

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