Judicial Independence and Human Rights in Latin America
Previous publications by Elin Skaar

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Judicial Independence and Human Rights in Latin America

Violations, Politics, and Prosecution

Elin Skaar
For Terje and Torstein
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When I arrived in Buenos Aires in 2000 to do fieldwork for my doctoral dissertation, I was stunned by the uproar that retired military officers managed to create just by showing their faces in public. As I was sipping café con leche in a café across from Congress in the city center, a mob of people suddenly descended upon an infamous torturer, Julio Simón, also known as “El Turco Julián,” as he made his way into a neighboring café. Two hours later, El Turco Julián was escorted from the café, where he had been forced to seek refuge in the bathroom, by heavily armed police, covered by army trucks with water cannons, all protecting him from the furious crowd loudly chanting “¡asesino, asesino!”

My stay in Buenos Aires came almost two decades after the transition to democratic rule and years after a handful of military junta members had been prosecuted and sentenced. Clearly, the human rights question was not yet settled in Argentina. In 2000, I was witnessing the onset of a new wave of prosecutions against former military repressors both in Argentina and in neighboring Chile, where Pinochet had just returned to stand trial in the national court. Pinochet died in custody in 2006, leaving the numerous court cases against him unconcluded. Simón, by contrast, was later convicted and sentenced to 25 years in prison for his involvement in the kidnapping of a baby whose activist parents were killed by military security forces in Buenos Aires in 1978. The cases against Pinochet, Simón, and numerous other former military officers in the region prompted the question: why trials now, so many years after the transition to democracy?

This book attempts to answer this question by focusing on the role of the courts in the legal processes aimed at holding the military to account for past human rights violations. My interest in human rights dates back to research I undertook in Latin America while in a master’s program in the early 1990s, when the brutality of the military dictatorships was still fresh in people’s minds. The book is based in part on my subsequent doctoral work, but it incorporates new insights gained through other research projects that I have been involved in on judicial reform and the role of courts in new democracies.

The initial doctoral fieldwork was made possible by generous assistance from the University of California, Los Angeles (UCLA); the Research
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Bergen, April 2010
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<th>Abbreviation</th>
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<tr>
<td>APDH</td>
<td>Asamblea Permanente por los Derechos Humanos</td>
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<td>CDE</td>
<td>Consejo de Defensa del Estado</td>
</tr>
<tr>
<td>CELS</td>
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<td>CNI</td>
<td>Centro Nacional de Informaciones</td>
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<tr>
<td>CNRR</td>
<td>Corporación Nacional de Reparación y Reconciliación (Chile)</td>
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<td>CNVR</td>
<td>Comisión Nacional de Verdad y Reconciliación (Chile)</td>
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<tr>
<td>CODEPU</td>
<td>Corporación de Promoción y Defensa de los Derechos del Pueblo</td>
</tr>
<tr>
<td>CONADEP</td>
<td>Comisión Nacional Sobre la Desaparición de Personas</td>
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<td>CONADI</td>
<td>National Commission for the Right to an Identity</td>
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<tr>
<td>CONSUFA</td>
<td>Consejo Superior de las Fuerzas Armadas</td>
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<td>DINA</td>
<td>Dirección de Inteligencia Nacional (Chile)</td>
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<tr>
<td>ESMA</td>
<td>Detention center at the Escuela Superior de Mecánica de la Armada, Buenos Aires</td>
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<tr>
<td>FASIC</td>
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<tr>
<td>IACHR</td>
<td>Inter-American Commission on Human Rights</td>
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<td>International Criminal Court</td>
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<td>NGO</td>
<td>nongovernmental organization</td>
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<tr>
<td>PIT-CNT</td>
<td>Plenario Intersindical de Trabajadores-Convención Nacional de Trabajadores</td>
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Map of South America