

## **Political Cycles and Transitional Justice: Evidence from Uruguay and Chile**

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## **Abstract**

This study concentrates on how countries deal with the mass human rights violations, large-scale massacres, and social abuses experienced during authoritarian rule. A comparative research is conducted, focusing on the differences and similarities between societies governed by bureaucratic authoritarian systems. Uruguay and Chile are studied as similar cases that have ended up with different outcomes in transitional justice processes. The main question of the study is whether and how political cycles affect transitional justice policies. It is assumed that successive leftist governments in power can better serve transitional justice. However, despite the successive electoral victories of the left in Uruguay and its relatively longer control over the executive, it is concluded that the country could not perform better than Chile, where left and right-wing actors alternated in the executive.

**Keywords:** Bureaucratic authoritarianism; chile; latin america; transitional justice; uruguay

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## INTRODUCTION

Transitional justice (TJ) is, in one way, a legal process that tries to prevent future human rights violations and reveal the facts, especially in international trials. The economy is also critical in this process violations by punishing the perpetrators of the previous regime's human rights violations. This process also prepares and supports the infrastructure for the formation of a transition to a democratic process. Siegel mentions that during the transitional justice process "Basically, a new leader comes to government and the leader being responsible for all the criminal acts after the authoritarian system period" (Siegel,1998). Another assumption is that, with the end of oppression and human rights abuses, transitional justice and the transition to the rule of law and democracy begin (Genç, 2020). The bureaucratic-military authoritarian form of government is a form of government that is governed by a coalition of military officers and technocrats. The democratic transition after an authoritarian regime is called the period that describes changing the form of government to democracy. The restoration of legitimacy and the fact that the principle of separation of powers can continue from the point where it left off are the requirements for democracy to move forward (Genç, 2020). Some approaches predict the authoritarian system to repeat itself in the future if trials and sanctions are not sufficiently established. Prosecutions and retrospective trials should be carried out in full so that the authoritarian system is not reencountered in the future. However, the states may not, and many scholars such as Cesarini, Sanderson, and O'Regan supported this idea. Many authoritarian systems have engaged in socio-economic reform as the best way of providing welfare to stay in the government. Hence, transitional justice involves a complex set of processes, measures, and fields of activity.

The factors facilitating transitional justice may be varied. This study intends to understand what kind of an impact political or electoral cycles and alternation in the presidency have on transitional justice. Based on the assumption that left-wing political actors are more likely to seek justice as victims and because of their ideological stance, the initial proposition of the study will be formulated with a reference to how uninterrupted left-wing governments facilitate transitional justice.

This study compares the transitional justice processes in two countries to identify facilitating factors. Through a similar system design, it is discussed to what extent Uruguay and Chile are

similarly advancing transitional justice processes. A similar system design is used to see the progress in two countries in the same region that have experienced similar political traumas. This study tries to see whether Uruguay, where the left has been uninterruptedly in power, has progressed and fared well in introducing and implementing transitional justice measures. On the contrary, given that the political balance has alternated in Chile between the right and the left, whether Chile has run into greater problems in introducing and implementing transitional justice measures is explored.

In the first part of my thesis, a literature review on transitional justice is undertaken. The instruments of transitional justice are explained and exemplified. A methodological discussion is undertaken in the following part, focusing on case selection. In the next two parts, the authoritarian past of the two countries is summarized, and human rights violations are presented. Transitional justice mechanisms resorted to after democratic transition are also studied. In the last part of the study, a comparative discussion of the two cases- with a view to similarities and differences in dealing with the past - is attempted.

## **RESULTS**

Transitional justice processes often occur in countries where social order breaks down and mass repression is experienced. The bonds that form the basis of the society are destroyed in the name of a political or ethnic cause, and crimes are often directed at the dehumanization of the perceived enemy (Genç, 2020). After such significant violence, victims struggle to coexist with perpetrators or place their confidence with the state, whereas perpetrators often find it difficult to reintegrate into a society partially torn apart by their violent actions. Transitional justice can be considered a response to past human rights violations, large-scale massacres, and other societal abuses. It entails a more democratic, peaceful, and equitable future by creating activities that describe this process. It also focuses on areas of justice and expression.

Truth commissions and non-governmental organizations that strive to ensure a reliable environment for society and the realization of Justice come into play as integral elements of transitional justice. Politics and the intertwined legal system are replaced by a new order, "democracy," which allows it to achieve stability. For the process to begin, all elected officials, soldiers, and police remaining from the authoritarian government must be removed from their posts, and those who have crimes from the dictatorship period must be tried. Prosecutions must

begin, and the essential elements in the transition to democracy must be provided. Administrative justice and criminal justice measures thus need to accompany the truth commissions.

In addition to the victims' rights movement, internal criminal law reform began. In parallel with the attention given to victims at the local level, there have also been several significant developments at the international level, calling on states to strengthen victim-oriented measures in judicial proceedings. In addition, international criminal institutions have begun to focus more on victims' rights in criminal cases and develop rights related to protection, participation, and compensation.

To the extent that transitional justice processes manage to recognize victims, restore trust (in the state and its citizens), and prevent future violations, they can contribute positively to reconciliation in different contexts. In this way, Paul Seils argues that public participation in temporary justice mechanisms can determine the extent to which they lead to reconciliation. Similarly, there are pathways beyond transitional justice to reconciliation in the wake of significant abuses. Activities such as conflict mediation and community dialogue to heal traumas can contribute to repairing social bonds without being covered by transitional justice processes.

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Transitional justice was formed in the late 1980s and early 90s due to political changes and demands for justice in the regions in Latin America after the bureaucratic authoritarian regime, in Eastern Europe after the fall of the Soviets, and in the Middle East and Africa after coups. In those years, human rights activists and victims seeking justice sought reconciliation regarding human rights violations by former regimes without dangerously affecting political transitions. For the first time, the judiciary forms the basis of the concept of state responsibility for crimes against humanity, the universal recognition of human rights, and the transition of individual responsibility (Genç 2020). This idea can provide international accountability for human rights violations, which forms the basis of the transitional justice process.

It has been argued that democratic transition gains momentum when the authoritarian government has a weak record and is unable to bargain its way out of the authoritarian regime (Diamond et al,

1999). The authoritarian elites are unable to bargain and negotiate the terms of their retreat from the political scene due to a poor record on economic performance, social peace or foreign policy. Under such circumstances, the civilian elite is expected to take complete control over politics. This enables the political elite to engineer the democratic transition and bring the perpetrators of past crimes before justice. When, to the contrary, the authoritarian elite leaves behind a solid record and few violations of fundamental rights, it is also able to negotiate and bargain with the civilian elite to whom power is to be transferred. When the exiting authoritarian leaders are bargaining on the details of their withdrawal and return to civilian politics from a point of strength, they are also able to dictate the terms of their exit. Concepts such as reserved domains, prerogatives, authoritarian enclaves are used to point at how the authoritarian regime can secure amnesties, exemptions or privileges for itself when bargaining from a point of strength. Tutelary powers of the military and other bureaucratic institutions are more likely to be seen in such cases.

Argentina experienced the democratic transition period faster and earlier than the other two countries and carried out trials and arrests of the bureaucratic authoritarian regime authorities quickly. The bureaucratic authoritarian regime could not address a major economic crisis at the time. It also confronted popular protests and demands with a disproportionately harsh reaction that led to thousands of deaths and disappearances. Additionally, Argentina lost the war of Malvinas in a humiliating defeat which led to the downfall of the bureaucratic authoritarian regime. With this abrupt rupture from the past, Argentina is considered in this study as having followed a different trajectory of democratic transition. For this reason, Argentina is excluded from the sample of this study. The two cases examined in this study share many similar characteristics.

While experiencing a bureaucratic authoritarian episode in their past, unlike in Argentina, the end of bureaucratic authoritarianism was not abrupt or through rupture in Chile and Uruguay. Both countries were classified as consolidated until they broke down in 1973 (Valenzuela 1990). The democratic transitions in the second half of the 1980s, on the other hand, were slower and more protracted than Argentina. Valenzuela (1990, 25) notes that “the new democratic situation appears to be a continuity of something that existed in the past rather than a new and unknown departure”, in Chile and Uruguay most particularly. The explanation offered by Valenzuela is that “Successful redemocratizations therefore require a deliberate effort on the part of the democratizing elites to avoid resurrecting symbols, images, conducts, and political programs associated with the conflicts

leading to prior breakdown,” with the political elite in both Chile and Uruguay “quite consciously” taking this road (Valenzuela 1990).

In his discussion of the modalities of the transition, “collapse, defeat, or withdrawal” to characterize Argentina in 1983, “extrication” to explain Uruguay in 1985, and “reform” to describe Chile in 1990 (Valenzuela 1990). Even the Chilean transition was considered as “incomplete” due to the fact that “the outgoing nondemocratic regime was able to give tenure to many key members of the state bureaucracy in politically sensitive areas such as justice and education” (Linz and Stepan 1996). It has been underlined that “Transitional justice in Uruguay is fraught with delays and omissions” (Brito, 2001b; Groppo, 2001; Roniger and Sznajder, 1999). By 1984, when the army was negotiating with political parties on the transition to a democratic government, the armed forces were recognized as a de facto political force and even with the transition to democracy, in 1985, the armed forces still had the authority to exercise guardianship in national affairs (Loveman, 1994).

Bureaucratic authoritarianism is a kind of military form of rule, which, concerning the previous history of Latin America, is interpreted as new. Contrary to the individuality of the officers, it was usually managed by the army as an institution. In this system, there is a rotation between military leaders. It has been interpreted as a form of bureaucratic management because “national leadership has been dominated by individuals who have come to prominence through bureaucratic careers in large public and private organizations, including international agencies and international institutions, rather than political careers” (Collier, 2001). Decision-making is technocratic.

In comparative politics, thanks to classification, we more easily compare countries by creating categories and grouping them. By making a simple grouping, such as classification or categorization, we can separate countries. Classification is also a component of systematic comparison and contextual description. Comparing the qualities of countries, we reduce the complexity.

The most similar system design (MSSD) is the design that is used in this study. The main purpose of this method is to compare political systems by highlighting important common characteristics or events and neutralizing other differences. MSSD deciphers its main features by conducting observations among similar countries, considering their differences and similarities. Countries with the same geography may naturally have similarities. The common language, religion, politics, culture, and history are used for MSSD. For example, in this study, we will examine the similarities

between the two countries in the transition to democracy using the MSSD. As far as Chile and Uruguay are concerned, both countries are Latin American, their native language is Spanish, and their history, cultures, and policies are mostly similar.

Regarding case selection, this study concentrates on cases that share similar experiences in as many variables as possible. Both countries are Southern Cone countries, which enables controlling for more variables. Southern Cone countries have more in common among themselves than with the rest of Latin America such as Central America. With their stronger economies and better democracy scores, these countries are considered to be relatively more stable than the rest of the region. The table below focuses on how Chile and Uruguay experienced the same variant of authoritarianism during almost the same periods of time.

Table 1. The authoritarian episodes in the two countries

	Authoritarian Era	Type of Authoritarian System
Chile	1973-1990	Bureaucratic Authoritarian
Uruguay	1973-1985	Bureaucratic Authoritarian

These two countries experienced a military coup during the same year. Bureaucratic authoritarian regimes were introduced in both countries. Those regimes marginalized the political, depoliticized the entire country, banned political party and union activism, transferred power to civilian and military bureaucrats, tried to establish their legitimacy by ensuring economic liberalization, allied themselves with national and international monopolies as well as oligopolies (O'Donnell, 1988). Bureaucratic regimes culminated in various violations of human rights in both countries, including purges and discrimination as well as deaths, torture, and disappearances. The authoritarian system lasted for 17 years in Chile and 12 years in Uruguay. The transitions to democracy in both countries were pacted, with the leaders of the bureaucratic authoritarian regime bargaining for their exit and transferring power to civilian authorities. In both countries, consensual forms of government could be assembled. The Concertación governments in Chile mainly functioned as centrist coalitions,



whereas the collegial executive in Uruguay reduced the prospects for executive dominance in the country. In both countries, power was shared by various executive actors and there was no risk of executive power abuse. In return for multi-party competitive elections, the bureaucratic authoritarian elites secured certain guarantees, exemptions, protection for themselves. It is the objective of this study to understand how, two countries that are so similar ended up with different results in dealing with the bureaucratic authoritarian legacy.

Uruguay and Chile have been slow to move forward with retrospective judgments, while Argentina has started this issue quickly. For this reason, while the most similar theory system can be applied in Uruguay and Chile, we cannot add Argentina to this review. Although all three countries experienced a period of bureaucratic authoritarianism during the same periods, they did not progress in the same way concerning retrospective trials and the transition to democracy. Argentina is considered to have democratized through rupture, with the delegitimization and defeat forcing bureaucratic authoritarian regime leaders to a quick departure from power. That was in contrast to the pacted or negotiated transitions experienced by Chile and Uruguay. That factor also explains why Argentina is not included in the sample of this study as it weakens controls in the research design.

In this research effort, the main question may be whether left-wing governments facilitate transitional justice processes once a country exits authoritarian rule and transitions to democracy. The periods when the left was in power witnessed more trials than when the coalition and the right-wing governments were in power. While the left controlled the presidency in both countries, the proportion of trials and prosecutions was higher than when the right-wing governments were in power. It is thus assumed that, for two reasons, sustained left-wing government is desirable from the point of transitional justice. The agent-based explanation is that many of the left-wing political leaders were either personally victimized during bureaucratic authoritarianism or suffered under the bans and prohibitions faced by their left-wing political parties. Personal and direct victimization or indirect victimization due to the experience of one's political party may be expected to make left-wing political leaders more inclined to seek justice. On the contrary, Latin American right has been accused of siding with the bureaucratic authoritarian regime, calling for military intervention or condoning the shift to authoritarianism.

A second underlying factor in the construction of the hypothesis is rather ideology-based. The emphasis on rights awareness and orientation has usually been associated with the left. It has been

confirmed by recent research that “data from several cultural contexts have shown that left and liberal voters receive significantly higher scores with respect to equality, accepting immigrants, and civil liberties,” which “is in accordance with the traditional profiles of left and right” (Caprara and Vecchione, 2018).

The hypothesis that this study will test can then be formulated as:

*When left-wing political parties score consecutive electoral victories and rule without interruptions for at least two terms during democratic transition, transitional justice processes gain momentum.*

There was a military coup carried out by General Pinochet in Chile in 1973. The country was a democratic country under the previously elected Salvador Allende and had the status of an economically developed country. Pinochet remained in power from 1973 to 1990, and the country was ruled by bureaucratic authoritarianism.

Many Latin American countries have prosecuted former dictators, middle- and lower-ranking civil servants, and even civilian accomplices (Capdepón and Figari Layús 2020). In Chile, after 1995, 476 final decisions were made in criminal (400) and civil (76) cases related to human rights violations committed during the Pinochet dictatorship (Collins et al. 2020).

Since the landmark detention of General Augusto Pinochet in London in 1998, there has been an unprecedented shift away from impunity and towards accountability for serious human rights violations. Scientists have labeled this trend as the "cascade of justice" (Sikkink, 2011) and the "age of human rights accountability" (Lessa and Payne, 2012). Even though it is seen in the global arena, with this trend, the number of criminal cases turned out to be significant, even though past human rights violations were investigated (Payne et al, 2015).

The military Junta approved by law an Amnesty law for 1973-1978 to cover the crimes committed. Amnesty laws protected criminals responsible as author, accomplice, or liability of all persons who commit an implicit crime from the day of the coup, 11 September 1973 - 10 March 1978 siege status removed. During the 17-year military dictatorship period, the judiciary did not consider the "habeas corpus" provided by the relatives of the persons detained or lost; the court refused to investigate these cases.

In 1980, the military-drafted a constitution, and a popular vote approved this constitution. Another popular vote was held in 1988 for the continuity of the army in power and several constitutional reforms. There were two options: yes or no. No won by a large majority.

Parliamentary elections were held in 1989, and the Concert won the polls. The president was Patricio Aylwin. Chile's transition to democracy is a transition process negotiated by the military. The National Truth and Reconciliation Commission was established in 1990 and has documented and named victims of disappearances and deadly political violence. Information was transferred to the courts about illegal burials or lawsuits.

The Truth Commission was an official account to be created of human rights violations and was the way to overcome the absence of a criminal investigation. The judiciary closed the cases and started the pardons without investigation. The Rettig Commission, on the other hand, collected information about criminals and sent files and confidential reports related to violations to the judiciary.

The National Compensation and Reconciliation Company was established in 1992 to help the relatives of those who were killed and executed, people who were dismissed from public office for political reasons. This institution has also made recommendations to the Rettig Commission on the repercussions for the victims (Genç, 2020).

In 1988, while Chile was still under a dictatorship, Pinochet held a referendum to extend his administration for another eight years. Saying "no" to the popular vote, Chileans ended Pinochet's 15-year dictatorship. The referendum held in 1989, on the other hand, is a referendum that included the restriction of the tendencies of the state of emergency, the affirmation of political pluralism, and the strengthening of constitutional rights.

The table below displays the presidents who served during and after the democratic transition and their political affiliations.

Table 2. Chilean presidents from democratic transition on

Years	Wing	Actors in the Government
1973-1985	Authoritarian	Pinochet
1990-2003 Aylwin Frei Lagos	Center	CPD and Alianza Congress
2005 Lagos	Right Wing	CPD and Alianza Congress
2006-2010 Bachelet	Left wing	CPD and Alianza Congress
2010-2014 Pinera	Right Wing	Christian Democrat Party
2014-2018 Bachelet	Left Wing	CPD and Alianza Congress
2018-2022 Pinera	Right Wing	Christian Democrat Party
2022 Gabriel Boric	Left Wing	Social Convergence

It is evident from the table that, after the dictatorship, a coalition of centrist and left-wing parties formed the Chilean governments. This fact reveals that a controlled and managed transition was engineered. Furthermore, from 2006 and the pink tide or turn to the left on, the left and right alternated in controlling the presidency. Hence, the left controlled executive power intermittently and with intervals.

The military administration in Uruguay wanted to demobilize and depoliticize the political environment. The military officers have taken a military approach, applying a military hierarchy, authority, and discipline. The generals remained a faceless junta administration (Sondrol, 1997). They infiltrated the public and private life of the country, taking control of every part of it. The armed forces played an active role in economic and political issues in the administration. Even

with the transition to democracy in 1985, the armed forces still had the authority to exercise guardianship in national affairs.

When the military dictatorship in Uruguay ended in 1985, the victims and victims of this process filed lawsuits. Yet, Uruguay put the Amnesty Law into effect after the end of the regime. It is the Ley de Caducidad de la Pretensión Punitiva del Estado, No. 15.848. It is a law enacted in 1986 and is known as the "expiration act." The purpose of this is to equalize and assimilate the commanders and police officers who executed those orders during the dictatorship for political reasons or to fulfil the orders of the functions.

In 1989, a referendum was held on the abolition of this law. The result of the referendum was that the law remains in force. In 2007, a referendum campaign was launched to amend the constitution to repeal the law partially. In 2009, the Electoral Court confirmed that sufficient signatures had been reached. A referendum was held along with national elections.

In 2005, during the first term of President Tabaré Vázquez, he tried to launch an investigation, but the judicial powers refused to do so. As a result, the victims' families appealed to the Inter-American Commission on Human Rights. It was declared in 2009 that the Termination Act was unconstitutional.

The Inter-American Court of Human Right delivered its verdict on November 15, 2021, and the Uruguayan government was found guilty of various crimes, including forced disappearance and failure to conduct adequate investigations to determine what happened and, if necessary, punish those responsible. The court stated that although the amnesty law had been abolished, it hindered investigations.

Uruguay paid symbolic reparations to the victims. Both Uruguay and Chile have also paid compensation due to the Inter-American Court decisions. In Uruguay, the state issued an official apology in 2012. There are memorial museums in both Chile and Uruguay. It has been stated that "Now, in a struggle that has been ongoing since the country's return to democratic sovereignty, a growing multi-generational and multi-ethnic coalition of Uruguayans and international allies continues to fight for truth, justice, recognition and responsibility. The struggle of memory with oblivion has not yet ended (Sharnak and Amivilia, 2023).

The table below reveals the presidents that served since the return to democracy and their political party affiliation.

Table 4. Uruguay's presidents from democratic transition on

Years	Parties	Presidents	
1985-1990 1995-2000	Colorado Party	Julio Maria Sanguinetti	Right wing
1990-1995	National Party	Luis Alberto Lacalle	Right wing
2002-2005	Colorado Party	Jorge Battle	Right wing
2005-2010	Left-Wing Political Coalition	Tabara Vazquez	Left wing
2010-2015	Left-Wing Political Coalition	Jose Mujica	Left wing
2015-2020	Left-Wing Political Coalition	Tabara Vazquez	Left wing
2020	National Party	Luis Lacalle Pou	Right wing

It is evident from the information in the table that an uninterrupted period of left-wing presidencies was experienced from 2005 to 2020. This factor seems to distinguish Uruguay from Chile. A longer and more continual rule by left-wing presidents can be observed and whether this record facilitates the taking of transitional justice measures in Uruguay is the key question.

The table below reveals the results of some of the critical referendums organized in Uruguay.

Table 6. Referendums for constitution and amnesty in Uruguay

Year	Subject	Yes Vote	Turnout
1980 November	Approve constitution	%42	%78.6
1989 April	Amnesty for Army	%55.4	%70
1989 November	Index Pensions	%81.7	%90
1992 December	Repeal Privatization	%72	%77
1996 December	Constitutional Amendment	%50.2	%93

How the amnesty was preserved and how a new constitution did not find the required popular support can be seen. The referendums thus fell short of facilitating the taking of transitional justice measures in Uruguay.

## DISCUSSION

Human rights violations in Chile have been considered a civil war or social conflict, denoting more a “state of war” instead of dictatorship or state terrorism. In this way, it was thought that it could continue without prosecuting most human rights violations. The Pinochet regime, unlike other dictatorships, was supported widely by the Chilean society. These factors seem to have prolonged the process of transitional justice.

The table below summarizes the similarities and differences experienced by Chile and Uruguay. It is a comparative table containing the differences and similarities of the two countries during the dictatorship period. It covers the bureaucratic authoritarian period.

Table 7. Comparison of the authoritarian experiences

	Chile	Uruguay
Military Rule	1973-1990	1973-1985
Amnesties	1978	1986, Ley de Caducidad
New Constitution	No	No
Amnesty Derogation	No	2011
Truth Commission Reports	1992,2004,2011	2000,2002
Criminal Conviction	Yes- many cases that are not high-profile	Yes- few high-profile cases
International Human Rights Norms	Ordinary	Ordinary
Reaction to International Law	Engagement	Engagement
Judicial Definition of the Dictatorship	State of War	Civic-Military Dictatorship
Main Repressive Practices	Clandestine and Authoritarian Legality	Military

Amnesty Judicial Review	No	No
Inter-American Human Rights Court Conviction	2006	2011

Chile was also a divided country before Pinochet's dictatorship, as right-wing groups disapproved of the Allende administration. Those who were dissatisfied with the Allende administration considered it a segment of the bourgeoisie. Since the Allende administration was governed by Marxist rules, privatizations had decreased, and workers' rights were more at the forefront. That situation had already initiated polarization in the country, and when there was a coup later, that polarization continued.

In Uruguay, on the other hand, the situation was different, as economic factors were at the forefront, rather than ideology. The coup was preceded by a severe economic crisis and soaring unemployment. The coup was trying to fix the system by establishing a civilian government of its own. Thanks to neoliberal economic policies, it had somewhat corrected the system in the country. To test the hypothesis, using the most similar system, the processes of democratic transition in both countries have been studied and some tables have been created. With the change of the regime experienced by two countries with the same culture and geographical conditions at the same time, they shifted to an authoritarian system. With this long regime change they experienced, and human rights violations, they created a highly violent environment. With the violence rising from year to year, the secret service exiles conducted joint operations with the CIA. Former prisoners of war who were in exile and fled the country, or people who experienced violence disappeared or were killed. It is known that the two countries also have secret police or secret military organizations, secret places of torture headquarters. They may have differences in terms of the functioning of bureaucratic authoritarian governments. The civilian names of the administration in Uruguay were constantly changing, while in Chile the same figures presided over the country throughout the dictatorship.

Almost the same methods have been used to solve human rights violations. They were addressed more by the pressure of the civilian population than by the pressure of the political system. Activists and the public (including victims) worked together to open cases with the help of commissions and prosecute criminals.



The two countries have avoided solving this problem in the international arena. They have evaded international trials, arguing that it was an internal matter. In fact, many tried to escape criminal responsibility because Chile declared the period a “state of war”. A part of the public also supported that attitude of politicians. Amnesty laws in both countries remained in effect for a long time after the dictatorship. There had been no prosecutions for a long time in the two countries. Some of the judges avoided the trials because they were appointed during the dictatorship, because they were also supporters of the government at that time. There were exceptional cases in the constitutional court. Elected senators, military officers, and those in parliament implicated in the crimes of the era were removed from office.

The table below reveals the comparison of transitional justice practices in the two countries.

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	Uruguay	Chile
Date of the initiation of the bureaucratic authoritarian regime	June 27, 1973	September 11, 1973
Duration of the bureaucratic authoritarian regime	12 years	17 years
Year of the ending of the bureaucratic authoritarian regime	1985	1990
Left-wing presidents since the ending of the bureaucratic authoritarian regime	Consecutive and uninterrupted until 2020	Nonconsecutive and alternating with right-wing
Abrogation of the amnesty law	2011	-
Judicial reform	November 1, 2017	1995-2005
Trial of bureaucratic authoritarian regime leaders	High echelons but few trials and convictions	Figures lower in hierarchical terms but many trials and convictions
Truth and/or reconciliation commission	Not official	National Truth and Reconciliation Commission (The Rettig Report)

New constitution after bureaucratic authoritarian era	-	Deliberated upon
Social and economic reparations for victims of bureaucratic authoritarianism	Symbolic Reparations	The National Corporation of Reparations and Reconciliation
Purges	Not Successful	Not successful
Memorialization	Museo of Memory	Museum of Memory and Human Rights

Table 8. Transitional justice in the two countries

Both countries had an amnesty law. This amnesty law covered human rights violations committed because it covered the entire period of the dictatorship. For this reason, the duration of trials and prosecutions was extended. Most of the judges were judges appointed during the dictatorship and continue their duties. The existence of amnesty laws in both countries influenced the formation of cases. Even though both countries were constantly going to referendums on this issue, they were receiving a high degree of amnesty law support. Exceptions were introduced to the amnesty law in 2004, whereas amnesty was also reinterpreted in Chile. These steps enabled ways through which the amnesty law could be transcended, and its provisions could be emptied of protection granted to bureaucratic authoritarian figures. While amnesty was reinterpreted and declared unconstitutional in 2010, it was repealed the following year. Yet, in 2013, parts of the law that repealed the amnesty law was ruled by the Supreme Court to be unconstitutional. It has been noted that the total number of trials in Chile was 1048 as opposed to six in Uruguay, while the total number of convictions was set at 365 for Chile and just 18 for Uruguay (Munck and Luna, 2022). Chile was also regarded as the leader in forming truth commissions in Latin America (Munck and Luna, 2022). Even if the case of missing people was unsuccessful, compensation was paid for the victims and psychological and social support was provided. Chile has dealt with victims more broadly in terms of compensation than Uruguay. It is a compensation that includes psychological

assistance, trainings, financial support. The Committee of Solidarity and Peace has been established in Chile. In this institution, information about human rights violations was collected, classified, and filed.

In the case of Chile, even the left-wing governments were proceeding very slowly and cautiously. Judges were regarded to be more independent during the Bachelet Government and upheld a more pro-active attitude. In the Aylwin era, however, judges were mostly against prosecution. Chile began prosecutions at least as early as the mid-1990s. Special punishment rooms have been created for liberal judges. The Pinochet-era judges were retired due to age. Prosecutions have been carried out in Uruguay too late and to a very small extent.

Another factor in the inability to file a lawsuit is that insufficient resources have been provided for investigations. Since the majority of the Chilean Parliament was in the right-wing party, the repeal of the amnesty law was repeatedly vetoed. Compared to Uruguay, there have been more prosecutions in Chile, more fines have been imposed, and more cases have been filed. Most criminal trials in Chile have resulted in convictions, starting with the lower courts, and have progressed faster thanks to the reform of the Supreme Court and activist judges. Equally, thanks to the Geneva Conventions, judges had the powers to open universal cases against war crimes and crimes against humanity. There have been international trials in the case of both countries. The first cases against Chile were filed from Europe. To Uruguay, it was opened from America.

In Chile, there has been a right-left alternation in government. This rotation resulted in the interrupted nature of the left's ascendancy to executive power since the democratic transition. The intermittent nature of left-wing presidencies is assumed to weaken the drive for transitional justice in contrast to continual and uninterrupted left-wing rule. While from 2005 to 2020 the left-wing controlled the presidency in Uruguay, this longer period without interruptions did not seem to particularly serve the cause of transitional justice. Hence, it is possible to argue that the hypothesis proposed by this study cannot be confirmed, as uninterrupted left-wing rule did not provide Uruguay a head start in dealing with its past.

## **CONCLUSION**

This study has tried to explore how the alternation between left and right-wing governments impacted transitional justice processes. Whether left-wing governments facilitate the design and implementation of transitional justice policies has been examined. To test this hypothesis, two countries from the Southern Cone have been selected as cases. Two countries that experienced

bureaucratic authoritarian regimes and then transitioned to democracy during almost the same years are scrutinized, to maximize the control exerted over as many variables as possible. This design has helped to examine the attitudes of Chile and Uruguay towards the processes of transitional justice, while monitoring the process management by left-wing political actors. The study has shed light on the effects of the ideological attitude of the governments that came after the authoritarian system towards the past and the people's reckoning with the past.

We have seen that democratic transitions may walk along prosecutions left over from former governments, whereby the process of reckoning gains momentum. We found that one of the most important factors affecting the transitional justice and democratization processes is the government's attitude towards retrospective trials. The left-wing governments in both took various steps in reckoning with the past dictatorship period. Some degree of acceleration of the processes could have been achieved by the leftist governments.

Uruguay switched to leftist rule after the transition to democracy. On the other hand, the transfer of power to the left was incremental in Chile, as the ideologically pluralistic coalitions initially succeeded the dictatorship. The two countries experienced similar processes at the same time, including regime change. There have been serious human rights violations in both countries. There have been heavy losses. The violations experienced, the inability to deal with the past immediately, and the attitude of the first incoming governments are similar characteristics.

Transitions to trials show differences even if the processes of preparing for trial have similar qualities. Chile has progressed faster and more comprehensively than Uruguay. We know that more efforts were made to start the processes in Chile. While high profile trials did not unfold, more actors affiliated with the bureaucratic authoritarian regime could be brought before justice in Chile. Hence, in the realm of criminal justice, Chile progressed more effectively in ensuring that regime authorities were held accountable. Rather than few symbolic and high-profile cases, remarkably more trials and convictions could be achieved in Chile. Equally, Chile is considered as the bastion of reparations in dealing with the past in its region.

Contrary to the proposition of this study, intermittent left-wing governments in Chile presented no barrier to the taking of transitional justice measures. Although the left has been in power in Uruguay for 15 uninterrupted years, Chile has taken more steps than Uruguay in various variants of transitional justice. The faster and more comprehensive steps taken by Chile in comparison to Uruguay thus cannot be explained with a reference to left-wing governments. Where the left has

controlled the government without intervals and interruptions, transitional justice processes progressed more slowly and less comprehensively. Uruguay thus has not witnessed any major boost to transitional justice just because the left has controlled the presidency for longer and without interruption.

A major shortcoming of this study is that it does not discuss the causes for why rule by the uninterrupted left-wing governments does not particularly facilitate transitional justice. A future research agenda may involve offering causal explanations as to why uninterrupted left-wing governments do not provide guarantees for swift transitional justice. Secondly, due to the selection of the MSSD, the generalizability of the findings of this study is weak. In future research efforts, through the diversification and possibly enlargement of the sample, higher levels of external validity of findings may be achieved.

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## **NOTES**

MSSD: Most Similar System Design

TJ: Transitional Justice

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