

## Synopsis

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**‘These trials are not easy, because they are against the state’:** Victims’ experiences with trials and individual economic reparations after serious violations of human rights in Argentina and Peru

What is it like to go through court trials related to serious human rights violations that were committed decades ago? What does it feel like to receive individual economic reparations after such crimes? How do persons who were targeted by state violence engage in court trials and in other policies that aim at dealing with past atrocities?

In this study, I analyse how victims in Argentina and Peru experience and engage with two of the most used mechanisms of transitional justice: trials and individual economic reparations. I employ a comparative and qualitative approach. I have followed trials and participated in events related to justice and memory in both countries, and have 114 qualitative interviews with survivors and relatives. In addition, I have interviewed persons who work professionally with trials and reparations or in support of persons affected. I have used a thematic analytical approach, which aimed at describing patterns across the data.

In order to understand the impact of and the experiences with particular mechanisms of transitional justice, I have needed to understand the crimes that people have been subjected to and how they live with these experiences in the aftermath. Thus, an important task has been to describe the ways in which peoples’ lives have been changed due to the human rights violations, and how the crimes have led survivors and relatives to the struggle for truth and justice. This background is crucial for understanding how victims engage with and experience processes of transitional justice, and what this engagement means in their lives. Hence, the thesis gives a thick description of the process that began with the serious human rights violations that took place and ends – at least for now – with the ongoing trials and the existing reparation schemes.

I focus on three central concepts in order to grasp experiences with trials and individual economic reparations: *citizenship*, *stigma* and *recognition*. I have arrived at these three concepts through an abductive process of trying out various theoretical approaches to analysing the data.

The ongoing trials are interpreted as partly the result of the effort of relatives, survivors and the human rights movement at large, although the role of the governments is not overlooked. Two reasons have been mentioned to explain why trials are considered important in both countries: first, those responsible must be tried in court, as this is a search for justice and not for revenge; second, the importance of getting a conviction. Trials differ from other mechanisms of transitional justice in several ways. First, they establish a ‘legal truth’, identifying the crime, the perpetrator and

the victim, as well as when and where the crime was committed. Trials place the responsibility for wrongdoings with the individuals and institutions that committed the crimes – thereby removing the responsibility placed on the victims through such sayings as ‘there must have been a reason’ or ‘they must have been *terrucos*’. Trials can make it clear that the crimes were not the fault of the victims, and that the victims are to be recognised as persons whose lives matter.

In cases of enforced disappearances, there is a need to find out what happened to those who were forcefully disappeared, and, for most of the relatives interviewed for this study, to find the remains and organise a proper burial. However, the legal truth that trials may achieve can at times be only partial in such cases.

Trials do not necessarily deliver the justice that was envisioned. In Argentina, the ongoing trials are fragmented and seem never-ending, and the persons affected find that they must testify over and over again. In Peru, the trials often lead to the acquittal of the defendants. Thus, while trials are a demand from the persons affected and their organisations, the ongoing trials may not be what they expected or hoped for.

Do victims want individual economic reparations? This, too, varies, and can be interpreted as two different questions: On the one hand, whether victims demand individual economic reparations. On the other, how they perceive of existing reparation schemes. In Argentina, individual economic reparations have never been among the main claims of persons affected. In Peru, they have. In both countries, reparation schemes have been contested. In Argentina, this had to do with the context of impunity in which the reparations were introduced. In Peru, it was related to a lack of participation from organisations of persons affected, as well as to the amount which was considered very low.

An important aspect in the ongoing trials is time. Processes of transitional justice in Argentina and Peru appear never-ending, with the constant possibility of new pardons. In both countries, the interviewees noted how the time it took to get the crimes tried in court was problematic. In Argentina, many said that they would have liked the trials to take place soon after the transition to democracy, after the trial against the Juntas. In Peru, several questioned the time it took not only to get cases to court, but also to get a programme of individual economic reparations after this had been proposed in the Truth and reconciliation commission. The demand has been for trials and reparations – not for interminable judicial processes.

It is often held that transitional justice is for the victims. If so, we need to find ways to improve transitional justice mechanisms so that victims can feel respected and acknowledged. To be able to organise trials and reparations in ways that victims perceive as good or at least as showing recognition, we need to know how they feel about existing trials and reparations, and how they envision trials and reparations could be if they themselves had more influence. My thesis is a small

contribution towards such knowledge.