

Cambridge University Press

978-1-107-02500-4 - Amnesty in the Age of Human Rights Accountability: Comparative and International Perspectives

Edited by Francesca Lessa and Leigh A. Payne

Index

[More information](#)

Index

NOTE: page numbers with italicized *f*, *n*, or *t* indicates figures, notes, or tables respectively.

- Abrams, Jason, 22–24ⁿ¹⁷
- Abreu, Julio, investigation of torture of, 138–140
- Acana, David, II, 230–231
- accountability. *See also* individual criminal accountability (ICA) model
- amnesty for leaders and, 305–306
 - amnesty for subordinates and, 304–305
 - amnesty with, 344–345
 - beginnings of, 21–22
 - collective, conditional accountability as component of, 260
 - creatively-circumvented amnesty and, 347
 - delayed, examples of, 309ⁿ⁴⁶, 309–310
 - democratically-displaced amnesty and, 347
 - future of amnesty and, 356–357
 - international pressure for, 6
 - Kirchner legitimizing his rule in Argentina through public support for, 115
 - legal and reputational, 22–23
 - proper pursuit of amnesties and, xviii
 - separating individual guilt from collective guilt and, 338
 - in Uruguay, Ley de Caducidad and, 142–143
- accountability impasse
- on amnesty-accountability continuum, 338^f, 347–348, 352–354
 - in Argentina, 106–107
 - in El Salvador, 353
 - in Guatemala, 353
- accountability norm. *See also* global accountability norm
- diffusion of, 5–6
 - disregard for, by some governments and judiciaries, 3
 - spread throughout the world, 1–2
- accountability stream(s)
- from Central America, justice cascade and, 182
 - challenging amnesty laws, 338
 - from Latin America, justice cascade and, 40
- accountable amnesties, 313ⁿ⁴⁹, 313–314
- Aceh, Indonesia
- Helsinki Memorandum of Understanding for Constitutional Court nullifying law creating TRC and, 283
 - on human rights court and TRC, 274, 276, 287–288
 - human rights violations in, 272–273
 - mass crimes in, 264
 - tsunami (2004) and continued human rights violations on, 274
- Aceh Monitoring Mission (AMM), 274, 275–276
- Acholi (of Uganda). *See also* *mato oput*
- in the diaspora, on amnesty in Uganda, 225
 - on ICC as Museveni's political tool, 234
 - seeking integration into Ugandan national life, 214
 - study of traditional leadership of, 229–230
- Acholi Paramount Chief, naming of, 229–230
- Acholi Parliamentary Group, 225
- Acholi Religious Leaders Peace Initiative (ARLPI), 225, 226–227, 230–231, 234
- Acoj, Mario Julián, arrest of, for massacres in Guatemala, 192
- ACORD (Gulu-based organization, Uganda), 229–230
- Act of Free Choice (1969), on Papua integration with Indonesia, 276–277
- Ad Hoc Commission, El Salvador, 196
- Ad Hoc Committee on Reparations, South Africa, 245ⁿ³⁵

Cambridge University Press

978-1-107-02500-4 - Amnesty in the Age of Human Rights Accountability: Comparative and International Perspectives

Edited by Francesca Lessa and Leigh A. Payne

Index

[More information](#)

384

Index

- Additional Protocol II to the Geneva Conventions. *See* Protocol Additional to the Geneva Conventions of 12 August 1949
- Africa. *See also* North Africa; sub-Saharan Africa; *specific countries of*
- domestic prosecutions in, during CAT drafting and ratification, 31
 - human rights prosecutions in, 39
 - ICC prosecution of crimes against humanity in, 40–41
 - rise of accountability in, 20
- African Court of Human Rights and Peoples' Rights, 23–24
- African National Congress (ANC). *See also* South Africa
- amnesty applicants from, 243–244, 246
 - gross human rights violations by, 247
 - brief history of, 243n27
 - leadership
 - amnesty applications by, 248n46, 250n51
 - political violence by, 247–248
 - success of amnesty applications by, 250
 - murder conviction for former activist in, 255n71
 - South Africa's conditional amnesty and, xxii–xxiii
 - violent clashes between IFP and, 246n40
- Afrikaner Weerstandsbeweging (AWB), 244n31
- age of accountability
- accountability models for, 22–24
 - individual criminal accountability, 24–28
- amnesty in, 3
- continued adoption of, 6–7, 345–346
 - international law applicable to, xviii–xix
 - introduction to, 336
 - justice balance and, 347
 - trends in, 346
- Amnesty Law Database timeframe for analysis of, 79
- anti-apartheid convention and, 28
- conclusions on, 39–41
- disappearances, government obligation to punish and, 28–30
- domestic human rights prosecutions and, 31, 39f
- elements in, 19–22
- foreign human rights prosecutions and, 36–39, 40f
- ICC creation and, 33–36
- ICTY and, 31–33
- justice cascade and, 19–20, 38f, 69–70
- war crimes and, individual accountability for, 30
- AIDP. *See* International Association of Penal Law
- aircraft sabotage, international law on, 338–339
- Akello, Grace, 228n63
- Albright, Madeline, 32
- ALD. *See* Amnesty Law Database
- Alfonsín, Raúl
- campaign promises to prosecute human rights violations by military of, 100n10
 - charges that amnesty laws violated rights of victims and their relatives to judicial protection under, 111n68, 111–112
 - coup plot against, 103–104
 - early resignation of, 106
 - military self-amnesty of 1983 and, 99–100
 - military uprising of 1987 and, 104–105
 - political will to promote accountability by, 323
 - transitional justice in Argentina and, 120
- Alianza Popular (AP), Spain, 320–321
- Allegation of Breach of Fundamental Precept (Arguição de Descumprimento de Preceito Fundamental, ADPF No. 153), Brazil, 165, 165n9, 176–178
- Allen, Tim, 229–230
- Almonacid-Arellano* case (2006, IACtHR), 324
- Álvarez, Gregorio, prison term for, 37–38, 137
- Amaral García, Uruguayan investigation on kidnapping of, 138–140
- Amendment No. 26 (1985), to Brazil's constitution, 154
- American Convention on Human Rights (ACHR, 1978)
- amnesty not prohibited under, 180
 - on disappearances, 202–203
 - duty of state to investigate and prosecute and, 339
 - IACHR on El Salvador's General Amnesty Law and, 201–203
 - IACHR on Uruguay's violation of, 132–133
 - IACtHR on Brazil's Amnesty Law (1979) and, 58–59
 - IACtHR on Brazil's Supreme Court decision on *Gomes Lund* and, 180
 - IACtHR on *Ley de Caducidad* in Uruguay and, 140
 - Lecchini on statutory limitation for crimes of dictatorship and, 150n125
 - transformation of international human rights norms and, 69–70
- American Declaration of the Rights and Duties of Man, 132–133
- Americas. *See also* Central America; Latin America

Cambridge University Press

978-1-107-02500-4 - Amnesty in the Age of Human Rights Accountability: Comparative and International Perspectives

Edited by Francesca Lessa and Leigh A. Payne

Index

[More information](#)

- amnesties excluding crimes against
 - international law in versus those including in, 88–90, 89f
- amnesties resulting from ongoing conflict
 - in, 86
- Amnesty Law Database on amnesty laws in, 82–84
- human rights prosecutions in, 39
- justice cascade development in, 94–95, 95n90
- Americas Watch, 132–133
- Amin, Idi, 218–219, 229–230
- amnesia
 - in Cambodia, 291–292, 303–304
 - proponent approach to amnesty on, 340
 - Uruguay's Ley de Caducidad as, 126–127, 130
- amnesic amnesties, 303–304, 313n49, 313–314
- amnesties, domestic. *See also* Amnesty Law Database; amnesty laws
 - beneficiary choices in, continuum of, 301
 - as contrary to international law
 - crystallization of, 55
 - international criminal tribunals on, 64
 - criticisms of, 55
 - crystallizing impunity for international crimes and, xxi–xxii
 - definition of, 346n24
 - as failures of justice, 43
 - Genocide Convention (1948) on, 46
 - for human rights abuses, stable and just society and, 303–304
 - for international crimes, international treaties on legality of, xxii, 44
 - lack of global studies of, 72
 - limiting concessions to impunity and accountability for, 64–65
 - as permanent, challenges to, 308–309
 - political and economic costs of, amnesty-accountability continuum and, 348
 - political and legal tools of transitional states and, 43
 - prohibitions on statutes of limitations and, 49–50
 - restorative justice and, 351
 - rights-based versus social order approach to legitimacy of
 - definitions for, 303
 - value placed on deterrence and, 304
 - sequencing transitional justice mechanisms and, xxvii
 - under South Africa's 1993 constitution, 239n3
 - challenge to, 239n4
 - scope of, 239n6
 - stricto sensu* pardons as, 107–108
 - for subordinates, deterrence and, 304–305
 - in Uganda
 - lobby for, 225
 - northern Ugandans' disquiet with, 235
 - polarized debate over, 234
 - precedents for, 225–226, 235
 - as preferable to punishment, 226
- amnesty. *See also* amnesty-accountability continuum
 - with accountability, 344–345
 - adoption of, as international peace agreements, 3–4
 - after human rights atrocities, 1
 - amnesty laws on forms of leniency for, 75
 - beneficiaries and length of, 293
 - in Brazil without economic compensation, 154–156
 - Brazil's Amnesty Caravans as public concessions and official apologies to victims, 156
 - characteristics for granting of, 3–4
 - debate over, 5–7
 - future of, 356–357
 - international support for and endorsement of, 92–93, 93n83
 - origin of term, 3, 3n9
 - Sanguinetti on importance of, 130
 - success of, varying claims on, 7
 - transitional justice mechanisms used with, 20–21
 - types of, 4–5
 - use of term, 4, 97–98n1
- Amnesty Act (2000, Uganda)
 - amended to exclude LRA commanders indicted by ICC, 227
 - ARLPI proposed amnesty compared to, 226–227
 - cash paid to reporters under, 227n58
 - Lord's Resistance Army and, xxv
 - OHCHR study on northern population's view of, 228
 - rebel returnees under, 227–228
 - reintegration and reconciliation focus of, 226
 - success of previous amnesty measures and support for, 235
- amnesty applicants, South Africa
 - Amnesty Committee's generosity policy and, 251n60, 251–254
 - deeds of, 245
 - character of, as grounds for refusal, 250–251
 - gross human rights violations among, 247

Cambridge University Press

978-1-107-02500-4 - Amnesty in the Age of Human Rights Accountability: Comparative and International Perspectives

Edited by Francesca Lessa and Leigh A. Payne

Index

[More information](#)

386

Index

- amnesty applicants, South Africa (*cont.*)
 with or without clear orders for, 248
 participation acts among, 247
 of low hierarchical status, 248
 'participation acts' as unit of analysis for, 247
 public confessions by, restorative justice and, 351–352
 as rank and file or leaders, 247–248, 250n51
- amnesty applications, South Africa
 bona fide, 243n25, 243–244
 from common criminals, 242n21, 246–247, 251n55
 concerning activities with the jurisdiction of the committee, statistics on, 246–247
 by different perpetrators in the same incident, 247
 gender differences among, 244n32
 overlap of human rights violations reported to the TRC and, 245n35
 pardons for prisoners and other convicted persons not filing, 255
 participation acts, analysis of, 247–248, 249–250
 perpetrator affiliations, 244–245
 political offense requirement for, 248–249
 refused, analysis of, 250n52, 250–251, 251n55
 submission and processing of, 242m8, 242
 two-stage qualifying test for, 239–240
 Norgaard principles and, 240n8
 pretransitional indemnity laws and, 240n9
- Amnesty Caravans (Caravanas da Anistia), Brazil, 156, 166–167, 168–169
- Amnesty Commission, Brazil
 civil society interest in transitional justice and passage of, 176
 Political Amnesty Memorial and files of, 168m4
 public hearing on judicial accountability organized by, 164–167
 reparation for those affected by 'institutional acts' and, 154–156
- Amnesty Commission, Uganda, 226
- Amnesty Committee, South Africa, 238–239.
See also amnesty applicants, South Africa; amnesty applications, South Africa
 application of preconditions for amnesty by, 248–251
 explaining generosity policy of, 251m60, 251–254, 252n62
 two-stage qualifying test for application to, xxii–xxiii, 239–240
 Norgaard principles and, 240n8
 pretransitional indemnity laws and, 240n9
 work of, 241–245
 decisions by, 241m6
 hearable and chamber matters reviewed by, 242–243
 membership, qualifications, and workload of, 241
- Amnesty Decree Law (1976, Spain), 319
- Amnesty International (AI)
 Campaign for the Abolition of Torture by, 25
 Draft Convention for the Prevention and Suppression of Torture and, 26–27
 opposition to community-based rituals and accountability in Uganda by, 233, 235–236
 PRI's approach to *gacaca* versus, 222n43
 promotion of international criminal justice concept by, 237
 on Rwanda's domestic approaches to post-genocide accountability, 221–222
 inadequacy of critiques by, 222–223
 undermining accountability in, 224
 on Spain's Reparation Law, 327
 on Uruguay's second interpretative bill, 141–142
- Amnesty Law (1979, Brazil). *See* Law No.6, 683
- Amnesty Law Database
 on amnesty laws by transition type, 84–86, 85f
 as data collected to support the justice cascade, 70n13, 70–71
 data collection parameters for, 76–77m39–43, 77–79
 defining amnesty laws for, 74–76
 design of tables and variables in, 76–77
 documentary sources for, 78, 78n45
 on global and regional trends, 1979–2011, 79–95
 on amnesties and crimes under international law and, 86–90, 88f, 89f
 and global accountability norm, 90–95
 by political crises, 83n57, 84n60, 84–86, 85f, 86f
 by region, 82–84, 82f, 83f
 by year, 79–82, 80f, 81f
 operational definition of amnesty for, 75–76, 346n24
 on regional differences in approaches to granting amnesties for international crimes, 88–90
 research purposes and design for, 74
 temporal scope for, 78, 78n44, 79
- amnesty laws. *See also* amnesties, domestic; Amnesty Law Database; amnesty-accountability continuum; *specific laws*

Cambridge University Press

978-1-107-02500-4 - Amnesty in the Age of Human Rights Accountability: Comparative and International Perspectives

Edited by Francesca Lessa and Leigh A. Payne

Index

[More information](#)

Index

387

- accountability and challenges to, 1
 in age of accountability, 3
 continued adoption of, 6–7, 345–346
 trends in, 346
 classified by constituent elements for analysis
 of, 74
 definition of, methods for, 74–76
 examination of crimes under international law
 included in, 70–71
 global accountability norm and decline over
 last decade in, 92
 increasing controversy over, 73–74
 international regulation of, xviii
 justifications for, global accountability norm
 and, 94
 not prohibited in international conventions, 93
 political contexts and differences in, 81n54,
 81–82
 prospects for prosecutions for crimes excluded
 from, 93–94, 94n88
 reasons for mapping, 71–74
 regional differences of trends in, 81n53, 81–82
 social disapproval of, 91
 inconsistent application of, 92nn80–81, 92–93
 technical analysis of nature of, benefits of,
 72–73
- Amnesty Memorial, Brazil, 168n14, 168–169
 amnesty-accountability continuum, 338f, 347–356
 accountability impasse on, 347–348, 352–354
 creative circumvention on, 347, 350–351
 democratic displacement on, 348–350
 in Argentina, 349
 description of, 347, 348
 in Uruguay, 349–350
 factors explaining placement of countries on, 348
 obstinate amnesties on, 347–348, 354–356
 in Brazil, 355
 in Spain, 354–355
 restorative justice on, 351–352
 description of, 348
 in South Africa, 351–352
 in Uganda and Rwanda, 352
- Anderson, Benedict, 268n14
 Anderson, David, 214
 Annan, Kofi, 61n47, 271
 Anti-Corruption Court, Indonesia, 288–289
 Apartheid Convention, 28
 Arab Spring, 20, 81–82
 Araguaia region, Brazil, IACtHR on locating
 remains of guerrilla members killed
 in, 180
- Arancibia Clavel, Enrique, 116n87
 ARENA (Nationalist Republican Alliance), El
 Salvador, 198, 206
 Argentina. *See also* Due Obedience Law; Full
 Stop Law; human rights organizations;
 Menem, Carlos; military, Argentina's;
 Supreme Court, Argentina
 accountability impasse in, 106–107
 accountability norm in, 121–122
 creative circumvention of amnesty laws with
 trials in, 350
 crisis and reversal of government human right
 policies in, 114–116
 death penalty in, 325–326, 326n37
 democratically-displaced amnesty in, 349
 distinctive forms of human rights violations
 in, 72
 estimates of dead and disappeared in, 155n5
 HRO challenges to impunity laws of, 111n68,
 111–112
 “legalized” dictatorship in, 173t, 172–173
 military on trial in, 101–103
 military self-amnesty in
 annulment of, as challenger approach to, 339
 human rights mobilization challenging,
 108–113
 judicial challenge and congressional action
 on, 98
 in judicial dismantling of, 116–117
 transition to democracy and annulment of,
 99–100
 military unrest and government reversal in,
 103–106
 negotiations on CAT and, 27–28
 overview of pathway to accountability in,
 97–98
 Plan Condor operations in, 126n14
 political weakening of military under Menem,
 107n50, 107–108, 108n55, 109n58
 posttransitional justice trends in, 117–120
 prosecutions in, 19
 recentness of worst crimes and institutional
 reform in, 330, 330n58
 Simón case, 105–106, 112–113, 117
 Spanish Amnesty Law (1977) compared with
 amnesty process in, 323
 trials in Brazil versus, 175–176
 Argentine Chamber of Appeals, 112–113
 ARLPI (Aholi Religious Leaders Peace
 Initiative), 225, 226–227, 230–231, 234
 armed forces. *See* military

Cambridge University Press

978-1-107-02500-4 - Amnesty in the Age of Human Rights Accountability: Comparative and International Perspectives

Edited by Francesca Lessa and Leigh A. Payne

Index

[More information](#)

388

Index

- Arredondo, Pedro, 188
- Article 1, Ley de Caducidad (Uruguay), 128, 129, 138–140
- Article 2, Ley de Caducidad (Uruguay), 128, 129
- Article 3, Ley de Caducidad (Uruguay), 128, 129, 138–140, 143–144
- Article 4, Ley de Caducidad (Uruguay), 128, 129, 138–140, 143–144
- Arusha Peace Accords (1993), 212–213, 216–217.
See also Rwanda
- Asia. See also Central Asia; *specific countries of*
amnesties resulting from ongoing conflict in, 86
- Amnesty Law Database on amnesty laws in, 82–84
- East, crystallization of amnesty as contrary to international law in, 55
- economic crisis in, massive public demonstrations and killings in Indonesia (1968) and, 268–269
- justice cascade in, 94–95
- lack of studies of role of amnesty in, 72
- prosecutions in, 39
- trend toward justice and accountability in, 289
- askaris*, in South Africa, 248n47, 248
- assassinations. See deaths; murder
- Assembly of Inter-Union Workers (PIT-CNT), Uruguay, 137, 138
- Association for the Recovery of Historical Memory, Spain, 332
- Association of Judges for Democracy, Brazil, 164–166
- Astiz, Alfredo, in *absentia* conviction of, 110–111
- Attishari, Marti, 274
- Attorney General's Office (AGO), Indonesia, 266–267, 287–288
- Audiencia Nacional (Madrid). See Spain, Audiencia Nacional
- aut dedere aut judicare*, universal jurisdiction and, 188
- authoritarian legalities, 169. See also Brazil
- authorization for political violence in South Africa
- amnesty application success and, 250
- with or without clear orders, 248
- Avocats Sans Frontières (ASF), Rwanda and, 216, 221, 224
- Aylwin, Patricio, 324
- Aylwin doctrine, Chile's Decree Law 2191 and, 324, 334–335
- Ayres Britto, Carlos, 177
- Azanian People's Liberation Army (APLA), South Africa
- amnesty applicants from, 243–244, 246
- gross human rights violations by, 247
- political violence by, 247–248
- as armed wing of PAC, 243n130
- guilty pleas by members of, 255n71
- AZAPO and others v. Truth and Reconciliation Commission and others (1996, South Africa), 45, 239n4
- Bachelet, Michelle, 323, 324
- bacrim (criminal gangs), Colombia, xxviii–57
- Ban Ki-moon, 19
- Banya, Kenneth (LRA Brig.), 227–229
- “Barcelona Traction Case,” on *erga omnes* definition, 52
- Barrio Altos case, IACtHR, 112–113, 117
- Bashir, Omar al-, ICC indictment of, 37–38
- Basque nationalists. See ETA
- Bassiouni, Cherif
- Apartheid Convention and, 28
- Draft Convention for the Prevention and Suppression of Torture and, 26
- ICC creation and, 33, 34–35
- on international criminal court, 31–32, 34
- Basson, Wouter, South African prosecution of, 254, 254n68
- Battle, Jorge, 130, 135, 144
- Belgium, funding for ACORD research of Acholi traditional leadership by, 229–230
- Bell, Christine, 73–74
- “The Bending of the Spears” (Pain), 229–230
- Benedetti, Mario, 130–131
- beneficiaries, amnesty. See also followers; leaders in Cambodia, 293
- continuum of choices for, 301
- limited amnesties and, 312
- Benzien, Jeffrey Theodore, 252n62
- Bere, Maternus, accountability in Indonesia and, 285
- Bigombe, Betty, Ugandan peace process and, 234
- Bill 7, 3376 (2010 Brazil), on truth commission, 179f
- BIN (National Intelligence Agency), Indonesia, 279
- Binningsbø, Helga, 79–80
- bionic senators, in Brazil, 171
- Bizimungu, Pasteur, *gacaca* in Rwanda and, 217–218, 220
- Blair, Tony, 35
- Blanco, Juan Carlos (Uruguayan foreign minister), 134–135, 135n51, 136–137
- Blanco, Sidney (Uruguayan Supreme Court judge), 204–206

Cambridge University Press

978-1-107-02500-4 - Amnesty in the Age of Human Rights Accountability: Comparative and International Perspectives

Edited by Francesca Lessa and Leigh A. Payne

Index

[More information](#)

Index

389

- Blancos Party, Uruguay, 147–148
- blanket amnesties. *See also specific amnesty laws*
- challenger approach on, 339
- definition of, 4–5
- in El Salvador (1993), Supreme Court on, 184
- in Guatemala versus El Salvador, 201
- peace agreements without, xxvi
- proposed by ARLPI in Uganda, 226–227
- sequencing transitional justice mechanisms seen by perpetrators as, xxvii
- in Spanish Amnesty Law (1977), 321
- sustainable peace and failure of, xviii
- as violation of state's obligations under international law, xxii22, xx–xxi
- Boesenecker, Aaron, 73–74, 84–86
- Bol de la Cruz, Héctor, Guatemala's arrest of, 194–195
- Bolivia, 19, 27–28, 126m14
- Bonadio, Federal Judge Claudio, 113
- Bordaberry, Juan María, 1–2, 37–38, 125–126, 137, 349–350
- Boutros-Ghali, Boutros, 31
- Brazil. *See also* civil society, in Brazil; disappearances; Law No. 6,683; military dictatorship, Brazil
- accountability norm in, 121–122
- Amnesty Law (1979) and disappearance of guerrillas of Araguaia and, 58–59
- bilateral amnesty in
- challenge to assumption that 1979 amnesty was, 167–168
- erosion of idea for, 168
- judicial development of, 171, 172–174
- reparations commissions as challenge to, 152–153
- Supreme Court on ADPF 153 case and, 177
- Supreme Court on validity of, 165, 181
- continued absence of criminal accountability in, 169–178
- authoritarian legacy, 170–172
- fragmented social movements, 174–176
- judicial branch and “legalized” dictatorship, 172–174, 173t
- legal reasons for, 176–178
- political reasons for, 170–176
- elements of transitional justice process in, 153
- empty legalities formed in, 169
- estimates of dead and disappeared in, 155n5
- IACtHR on broad amnesty law in, xx–xxi, 355
- negotiations on CAT and, 27–28
- obstinate amnesty in, 354–355
- overview of reparations process in, 152–153
- Plan Condor operations in, 126m14
- public opinion on accountability for state crimes during authoritarian rule in, 167
- pursuit of truth and justice alternatives in, 178–181
- reparations process under Lula in, 156
- transitional justice in, 153–169
- assessing fundamental characteristics of, 166–169
- institutional reform, 156–163
- justice and rule of law, 164–166, 165n9
- reparations, 153–156, 157t, 162t
- truth and memory projects, 163–164
- Brazilian Association of the Politically Amnestied (ABAP), 164–166
- Brazilian Bar Association, 164–167, 177
- Brazilian Committees for Amnesty, 153–154
- British justice system. *See* United Kingdom
- Buenos Aires Lawyers' Association, 99–100
- Burgers, Jan Herman, 26
- Busquets, Julio, 320–321
- Bustillo, Rafael, Jesuit murders and, 204
- Buthelezi, Mangosuthu, 243n29
- Caducidad de la Pretensión Punitiva del Estado, 123–124. *See also* Ley de Caducidad
- Caetano, Gerardo, 130
- CALDH (Centre for Human Rights and Legal Action), Guatemala, 195
- Cambodia. *See also* Extraordinary Chambers in the Courts of Cambodia; Khmer Rouge
- accountability impasse in, 353, 354
- amnesties in, 293–300
- Agreement with UN on ECCC and, 296–297, 299
- as amnesic, 313–314
- amnesties in other countries compared with, 292
- for Khmer Rouge members (1994), 293–294, 294n8, 294m10, 300n35, 306–307
- legitimacy and, 300–301
- hybrid tribunals in, 40
- impunity with relative peace and security in, 303–304, 304n43
- prosecution of Khmer Rouge in, 2, 32–33
- torture and murder by Khmer Rouge in, 291
- UN and establishment ECCC (Tribunal) in, 291–292, 292n4
- Campaign for the Abolition of Torture, by Amnesty International (1972–73), 25
- Campo de Mayo Infantry Base, Buenos Aires, rebellion at, 104–105

Cambridge University Press

978-1-107-02500-4 - Amnesty in the Age of Human Rights Accountability: Comparative and International Perspectives

Edited by Francesca Lessa and Leigh A. Payne

Index

[More information](#)

390

Index

- Camps, Ramón, 105–106, 106*n*45
- Caravanas da Anistia (Amnesty Caravans), Brazil, 156
- Cardoso, Fernando Henrique, 152–153, 154–156, 164
- Carpio* case, Guatemala, 193
- Carrillo, Marc, 327*n*45
- case law, Amnesty Law Database and, 87
- CAT. *See* Convention against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment
- CAT (Committee against Torture), 187, 196, 201
- Catholic Church
mediation proposed for Uruguay by, 134
truth commission report for Guatemala, 353
- Cavalli, Eduardo, 146
- Cavallo, Federal Judge (Argentina), 112*n*70, 112
- CAVR (East Timor Commission for Reception, Truth and Reconciliation), 270*n*23, 271, 283
- CELS (Centro de Estudios Legales y Sociales, Center for Legal and Social Studies), 99–100, 102*n*28, 110
- CENIMAR (Navy Information Centre), Brazil, 164
- ensorship, under Brazil's dictator, repeal of law on, 156–163
- Center for Justice and Accountability (CJA), 204
- Center for Justice and International Law, 140
- Central America. *See also specific countries of* accountability stream from Latin America compared to, 182
international treaties and national criminal law in, 183*n*1
- Central American University (UCA) case (El Salvador), convictions (1989) for, 198
- Central Asia. *See also specific countries of* amnesties excluding versus those including crimes against international law in, 88–90, 89*f*
Amnesty Law Database on amnesty laws in, 82–84
justice cascade development in, 94–95
- Central Europe. *See also* Europe domestic prosecutions in, 39
- Centre for Human Rights and Legal Action (CALDH), Guatemala, 195
- CERD (Committee on the Elimination of Racial Discrimination), 201
- Cerda, Carlos (Chilean Judge), 324
- challenger approach to amnesty examples of, 339
international law and, 338–339
moral imperative for, 338
political and strategic considerations for, 338
threat of prosecution leading to new amnesty laws and, 338
- chamber matters, for South Africa's Amnesty Committee, 242–243
- Chapultepec Accords (1992, El Salvador), 196
- Chargoña, Pablo, 134–135, 137
- Chialanza, General (Uruguay ret.), prosecution of, 138–140
- chieftancies. *See also* Acholi
of central and northern Uganda, 229–230
- Chikane, Frank, attempted murder of, 255*n*71
- children
detained or disappeared in Uruguay, 126
Lord's Resistance Army, Uganda, and, 210
- Chile. *See also* Pinochet, Augusto
accountability norm in, 121–122
court cases against human rights violators in, 1, 308–309, 309*n*46
amnesty and, 180
Cambodian amnesty compared with amnesty for, 292
creative circumvention of amnesty laws with, 350–351
death penalty in, 325–326, 326*n*37
estimates of dead and disappeared in, 155*n*5
“legalized” dictatorship in, 172–173, 173*t*
military against Allende government and torture in, 25
Pinochet as dictator in, 36–37
Decree Law 2191 (1978) as self-amnesty for, 323–325
legacy of restrictions on freedom of expression under, 329
Pinochet Effect and human rights cases in, 37
Plan Condor operations in, 126*n*14
recentness of worst crimes and institutional reform in, 330, 330*n*58
universal jurisdiction for Pinochet case of, 1, 355
- Chiquimula Sentencing Tribunal, Guatemala, 193–194
- Christian–Muslim violence, in Indonesia, 269–270
- Chupina, Germin, 188
- CIE (Army Information Centre), Brazil, 164
- CISA (Air Force Information Centre), Brazil, 164
- Civic Union, Uruguay, Navy Club Pact and, 126–127

Cambridge University Press

978-1-107-02500-4 - Amnesty in the Age of Human Rights Accountability: Comparative and International Perspectives

Edited by Francesca Lessa and Leigh A. Payne

Index

[More information](#)

- civil society
- in Argentina
 - democratically-displaced amnesty and, 349
 - discontent among, midterm election of 1987 and, 106
 - in Argentina and Chile compared with Spain, 331
 - in Brazil
 - amnesty law and, 153–154, 171
 - fragmented agenda after 1988 for, 174–176
 - late justice claim by, 167
 - military appointments to judiciary from, 173
 - reciprocal amnesty and, 172
 - transitional justice agenda and mobilization of, 181
 - in El Salvador and Guatemala, weakness of, 183
 - in Guatemala, individual criminal accountability and, 196
 - international court rulings mobilization of, 178–180
 - in northern Uganda, on local rituals for accountability, 234
 - in Uruguay
 - demand for accountability by, 144, 148–150
 - plebiscite (2009) and, 138, 147
 - popular will or sovereignty and, 147–148
- civilian government, Argentina
- first stage of transitional justice process and, 98
 - military self-amnesty annulled by, transition to democracy and, 99–100
- Clark, Phil, 20–21
- cleansing rituals, in northern Uganda, foreign versus local interest in, 229
- clemency, royal powers of, 3
- Clinton administration, 32, 33–34
- Coalition for the ICC, 34–35
- Cohen, David, 271–272
- Cohen, Stanley, 176
- Cojulún, José Eduardo, 190
- Cold War
- amnesty laws following end of, 79–80
 - amnesty laws of 1970s during, 79
 - end of, ICTY establishment and, 31, 32
 - global accountability norm evidence after, 90–95
 - individual criminal accountability and end of, 31
 - stalemate over international criminal court during, 33
 - Uruguay's economic, social, and political crises and, 125
- collective pardons, 3
- Colombia
- alternative sequencing law as disappointment for, xxviii
 - Justice and Peace Law in, xxvii–xxviii
- Colorado Party, Uruguay, 126–127, 142–143, 144, 147–148
- Comisión para la Paz, Uruguay, 135
- command responsibility, of leaders versus followers, 306
- Commentary on the Additional Protocol, 93. *See also* Protocol Additional to the Geneva Conventions of 12 August 1949
- Commission for Truth and Friendship of Indonesia and Timor Leste. *See* Indonesia-Timor Leste Truth and Friendship Commission
- Commission of Experts to Investigate Grave Breaches of the Geneva Conventions (1992), 32
- Commission on the Dead and Disappeared, Brazil, 166–167, 176
- Committee against Torture (CAT), 187, 196, 201
- Committee on the Elimination of Racial Discrimination (CERD), 201
- Committees Statute, Uganda, 218–219
- common criminals. *See also* crimes, common
- in prison, South African amnesty applicants among, 242, 242n21
 - as South African amnesty applicants, 243–244, 246, 251n55
- community-based justice system. *See also* *gacaca* (community-level jurisdictions) in Rwanda
- in Uganda, 48–49
- comparative studies, large-N, on amnesty laws
- problems caused by lack of, 72
 - for UN by Joinet, 72–73
- complementarity principle
- jurisdiction of the ICC and, xxivn46, xxiv, 61–62
 - Kirsch on, 61n47
- compromise amnesties, 305, 313n49, 313–314
- concealment of crimes against humanity, Spain's Organic Law of the Judicial Branch on, 204
- concentration camps, Balkan, 32
- Conde Pumpido, Cándido, 327
- conditional amnesties. *See also* limited amnesties; South Africa
- baselines for amnesty-worthy conduct in, xxiii–xxiv
- credible domestic prosecution policy as trigger for prosecutorial competence of the ICC, 257n80, 257

Cambridge University Press

978-1-107-02500-4 - Amnesty in the Age of Human Rights Accountability: Comparative and International Perspectives

Edited by Francesca Lessa and Leigh A. Payne

Index

[More information](#)

392

Index

- conditional amnesties (*cont.*)
 criteria for assessing legality of, xxiii
 definition of, 4–5
- confessions. *See also* public disclosure requirements; truth commissions
 Acholi justice practices and, 235
 by Argentinean military officers, 110n62, 133–134
 restorative justice in South Africa and, 351–352
- conflict, ongoing, amnesty laws and, 84–86, 85f
- conflict resolution
 limited amnesties as tool in, xxv
 relationship of amnesties to, 84–86
- conflicted democracy, amnesty laws and, 84n60, 84n61, 84–86, 85f
- Conservative Party (CP), South Africa, 244n31
- constitution, Argentina's
 international treaties on human rights incorporated into, 109–110
- Constitution of the Republic of South Africa
 Amendment Act 35 of 1997, 239n2
- Constitutional Court, Chile, on Decree Law 2191 (1978), 324
- Constitutional Court, Indonesia
 on ad hoc courts to prosecute human rights violations, 266–267
 amnesty provisions of TRC challenged in, 280–281
 overturning law creating TRC, 268, 281n56, 281–282, 287–288
 TRC for Aceh and, 283
- Constitutional Court, Spain, 327n46, 327–328
- constitutions, Brazil, 153–156
- Contras, in Nicaragua, HRW monitoring of, 30
- Contreras, Manuel, 322–325n31
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 46–47
 derogations not permitted under, 50
- Draft Convention for the Prevention and Suppression of Torture and, 26
- individual criminal accountability model and drafting of, 25
- justice cascade and, 40
- national criminal law in Central America and, 183n1
- state duty to investigate and prosecute and, xix–xx, 338–339
- states where early human rights prosecutions were used and, 27–28
- transformation of international human rights norms and, 69–70
- universal jurisdiction in Pinochet case and, 36–37
- Convention for the Prevention and Suppression of Torture, 26–27
- Convention on the Elimination of All Forms of Racial Discrimination, 201
- Convention on the Non-applicability of Statutory Limitations to War Crimes and Crimes against Humanity, 49, 114–115, 115n82, 116–117
- Convention on the Prevention and Punishment of the Crime of Genocide (CPPCG), xix–xx, 40, 46, 183n1, 338–339
- core crimes, individual criminal accountability model and, 24
- corruption
 institutionalized, in Indonesia, 288
 in Salvadoran and Guatemalan courts, 183
- coup attempts
 amnesty laws and, 84–86, 85f
 in early years of Spain's transition, 317
 by ETA in Spain, 320n17, 330n58
- Court of Appeal, Indonesia, 280, 287–289
- courts. *See also* judiciary; *under Supreme Court*
 amnesty law challenges by, 308–309
 in Brazil
 independent electoral, 156–163
 in Guatemala, corruption and ineptitude of, 183
 on human rights in Indonesia
 for Aceh, 274, 276, 287–288
 acquittal rate by Anti-Corruption Court versus, 288–289
 after tsunami, 274, 276
 Indonesia-Timor Leste CTF and, 283
 for killings in Tanjung Priok, 280
 parliamentary recommendation for, 266
 parliamentary recommendation unheeded by president, 267
 national, in Rwanda
 generalized critiques by AI and HRW on, 222–223
 immediate backlog in, 216
 overhaul of, 216
 transitional justice policymaking and, 215–216
 in Rwanda, decimation of, 215
- Salvadoran
 corruption and ineptitude of, 183
 Funes on responsibilities of, 206–207
 IACHR on deficits of, 201n90

Cambridge University Press

978-1-107-02500-4 - Amnesty in the Age of Human Rights Accountability: Comparative and International Perspectives

Edited by Francesca Lessa and Leigh A. Payne

Index

[More information](#)

Index

393

- inertia of, 199–200
- objectivity deficits of, 198
- creative circumvention of amnesty with
 - accountability, 338*f*, 347, 350–351
- crimes, common. *See also* common criminals
 - included in Argentinean self-amnesties of 1983, 99*n*6
 - not included in Amnesty Law Database, 76–77*nn*42–43
- crimes, human rights. *See also* crimes under international law
 - trials by Argentina's provincial courts for, 118–119
- crimes against humanity
 - acceptability of South Africa's conditional amnesty and, *xxi*–*xxiii*
 - Amnesty Law Database on amnesties and, 87
 - Argentina's *Videla* case on military regime's violations as, 109*n*61
 - during Bosnia-Herzegovina war, 31–32
 - covered under Spain's Organic Law of the Judicial Branch, 204
 - individual criminal accountability model on, 24
 - Inter-American Convention on Forced Disappearances of Persons on, 29–30
 - as international crime, *xviii*–*xix*
 - investigation and prosecution in Indonesia of, 265–267, 266*n*9
 - as *jus cogens* crimes, 53
 - LRA commanders arrest warrants from ICC for, 231–232
 - UN OHCHR on Rwanda's *gacaca* as inappropriate for prosecutions on, 220
 - universal jurisdiction for, 1
- crimes not committed under international law, amnesty laws regarding, 77–78
- crimes perpetrated abroad. *See also* Spain, Audiencia Nacional
 - prosecution in Uruguay for, 123–124
- crimes under international law
 - amnesties after ICC creation and, 87–88
 - Amnesty Law Database on amnesties and, 86–90
 - amnesty laws for situations not recognized as, 78
 - global accountability norm and inclusion or exclusion of, 88*f*, 92
 - international support for amnesties for, 92–93, 93*n*83
 - obligation to prosecute, independent and impartial judiciary and, *xxvi*–*xxvii*
 - refused but negotiated amnesty agreements on, 255–257
 - regional differences in approaches to granting amnesties for, 88–90, 89*f*
 - Sary's prosecution before ECCC under, 297–300
- criminal trials. *See* domestic prosecutions
 - Cristiani Burkard, Alfredo, 204–207
 - Cristiani government, El Salvador, 196, 197–198, 204–206
- crystallization
 - of amnesty as contrary to international law, 55
 - of customary international law against impunity, 43
 - interpretive problems for, 54–55
 - process of, freedom of states' political action and, 54
- CTF. *See* Indonesia-Timor Leste Truth and Friendship Commission
- Cusanero, Felipe, sentencing of, 193–194
- customary international law
 - conditions for recognition of, 52
 - crystallization of, freedom of states' political action and, 54
 - duty of state to investigate and prosecute and, 338–339
 - against impunity, crystallization thesis on, 43
 - Indonesia's Constitutional Court on interpreting national constitution and, 281*n*56, 281–282
 - international court rulings and, 58
 - interpretation issues for, 52
 - investigation of global accountability norm in literature on, 70*n*13
 - judicial proclamations based on states of amnesty laws under, 72
 - jus cogens* crimes and, 52
 - source for definition of, 51
 - universal jurisdiction in, 188*n*24
 - validity of, as source law, 51–57
- Czechoslovakia, lustration measures in, 316*n*7, 316
- Dahl, Enrique, 99–100
- Dalmao, General, prosecution of, in Uruguay, 138–140
- Danelius, Hans, 26
- Danish Centre for Human Rights (DCHR), 216, 221, 224
- Darfur region of Sudan, 37–38

Cambridge University Press

978-1-107-02500-4 - Amnesty in the Age of Human Rights Accountability: Comparative and International Perspectives

Edited by Francesca Lessa and Leigh A. Payne

Index

[More information](#)

394

Index

- de facto amnesty. *See also* El Salvador; Guatemala
 in Central America, 182–185
 definition of, 5
 delayed accountability and, 309–310
 not included in Amnesty Law Database, 76n39
 as obstinate amnesties, 354
 OHCHR description of, 264
- de jure amnesty. *See also* El Salvador; Guatemala
 in Indonesia, 280–286
 as obstinate amnesties, 354
- de Kock, Eugene, clandestine police hit squad
 under, 244n34
- de la Rúa, Fernando, 107, 113, 114
- death penalty
 in Chile for national security crimes, 329
 in Spain versus Chile and Argentina, 325–326,
 326n37
- deaths. *See also* genocide; murder
 in Brazil, revealed as state action, civil society
 and, 171–172
 in Brazil versus Argentina or Chile, 154–156,
 155n5
 of Brazilian guerrillas, IACtHR on locating
 remains, 180
 Brazil's Right to Memory and Truth project as
 official record of, 156
 extrajudicial, during Spanish Civil War and
 early postwar period, 331
 Guatemala's National Reconciliation Law on,
 186
- Declaration on the Protection of All Persons from
 Being Subjected to Torture and Other
 Cruel, Inhuman or Degrading Treatment
 or Punishment, 25
- Declaration on the Protection of All Persons from
 Enforced Disappearance (1992), 29
- Decree 486, El Salvador, 197–198.
See also General Amnesty Law for the
 Consolidation of Peace, El Salvador
- Defence Act (1955, South Africa), 244–245
- Delgado, Judge, of Guatemala's Juzgado Primero
 de Primera Instancia Penal de Sentencia
 (first instance criminal trial court), 193
- delict, in South Africa, 238–239, 239n5
- Demobilisation and Resettlement Team (DRT),
 Uganda, 226
- democracy, amnesty and long-term transition
 to, 235
 dilemma of, 315–316
- democratic displacement of amnesty with
 accountability
 on amnesty-accountability continuum, 338f,
 347
- in Argentina, 349
 in Uruguay, 349–350
- Democratic Military Union (UMD, Unión
 Militar Democrática), Spain, 320–321,
 321n18, 322
- Democratic Republic of the Congo (DRC),
 40–41
- Derby-Lewis, Clive, 250–251
- Des Forges, Alison, 210n2
- detention, arbitrary. *See also* disappearances;
 imprisonment
 amnesty laws regarding, 77–78
- deterrence
 specific or general, amnesty for subordinates
 and, 305
- diasporic elites, Rwandan, 217–218, 219–220
- dictatorship. *See also specific dictators*
 prosecutions in Uruguay for crimes under, 137
 transition from, amnesty laws and, 84–86, 85f
- Direito à Memória e à Verdade (Right to Memory
 and Truth project), Brazil, 156
- disappearances (disappeared).
See also displacement, forced
 acceptability of South Africa's conditional
 amnesty and, xxii–xxiii
- Amnesty Law Database on amnesties and, 87
- in Argentina
in absentia trials of military personnel for,
 110–111
 judicial challenge to military on behalf of,
 99–100
 Kirchner's change to number of, 115n83
 Martínez prosecuted for refusing to
 investigate, 118–119
 memory projects commemorating, 114–115
 of Montoneros returning from exile, 113
 of Uruguayans, 133–134, 137
- in Brazil
 versus Argentina or Chile, 155n5
 of guerrillas of Araguaia, Amnesty Law and,
 58–59
 revealed as state action, civil society and,
 171–172
 Right to Memory and Truth project as
 official record of, 156
 Special Commission for Political Deaths and
 Disappearances on, 154–156
- Chilean Supreme Court on amnesty law not
 applying for, 309n46
- in El Salvador, 202–203
- (en)forced
 criminal prosecution requirements under
 international treaties for, 48

Cambridge University Press

978-1-107-02500-4 - Amnesty in the Age of Human Rights Accountability: Comparative and International Perspectives

Edited by Francesca Lessa and Leigh A. Payne

Index

[More information](#)

- Cusanero sentencing for, 193–194
- Guatemala's National Reconciliation Law on, 186
- IACHHR on permanence of, 180
- as international crime, xviii–xix
- Judge Motta on, 149–150
- Uruguayan jurisprudence on, 145
- government obligation to punish, 28–30
- by Plan Condor, 126n14
- in Uruguay, 126
- legal category for, 136
- Ley de Caducidad on, 129–130, 143n95, 143–144
- displacement, forced. *See also* disappearances
- amnesty laws on, 77–78
- in Uganda, government implication in, 224–225
- DOI-CODI (Department of Information Operations – Centre for Internal Defense Operations), Brazil, 156–163, 165
- domestic law, individual accountability for
- human rights violations and, 22–24n17
- domestic prosecutions. *See also* Argentina
- in Brazil on human rights violations, 164–166, 181
- during drafting and ratification of CAT, 31
- in El Salvador and Guatemala, 184–185
- in Latin America, 21–22
- Pinochet's arrest and, 346
- readiness of independent and impartial judiciary for, xxvi–xxvii
- regional distribution of, 1979–2009, 39f
- right to remedy for victims and survivors and, 48–49
- sequencing ICC prosecutions versus
- sequencing for, xxvii
- in South Africa
- after amnesty phase, 254–255
- credible prosecution policy and, 257n80
- threat of, conditional amnesty and, 261, 261n90
- universal jurisdiction as complement to, 27
- in Uruguay, Ley de Caducidad derogation and, 150
- DOPS (Department of Political and Social Order), Brazil, 156–163
- double jeopardy, prohibition against. *See ne bis in idem*, general principle of
- DPR (lower house of parliament, Indonesia)
- amnesty applications under law on TRC and, 280–281
- amnesty provisions in Article 14 of the Constitution, 280
- constitutional right of president to grant amnesty and, 280
- Law No. 26 on investigating and prosecuting gross human rights violations passed by, 265–266
- recommendations on human rights court unheeded by president, 267
- Draft Convention for the Prevention and Suppression of Torture, 26
- drug cartels, Central American, 183, 184, 208–209, 209n127
- DSI (Division of Institutional Security), Brazil, 156–163
- du Bois-Pedain, Antje
- on criminal confessions and amnesty applications, 63
- Due Obedience Law (1987, Argentina)
- crimes excluded by, trials advanced by HROs and, 109n58, 109–110
- declared unconstitutional, 112
- distinguishing superiors from subordinates under, 302, 302n41
- IACHHR on amnesty laws in Peru and nullification of, 112–113
- legal proceedings after, 329–330
- as not strictly pardons, 107–108
- passage of and scope of, 104–105
- unconstitutionality of upheld by Supreme Court (2005), 117
- upheld as constitutional, 105–106, 106n45
- due obedience presumption for Argentine military
- HROs on prosecutions and, 102
- National Congress establishment of, 102
- Duhalde, Eduardo
- pressure from HROs on accountability for human rights abuses under, 113
- reconciliation and reparations for military preferred by, 107
- Dutch New Guinea (formerly Dutch East Indies), 264
- dwifungsi* (*dwifungsi* doctrine), Indonesia, 265, 288
- East Timor (later Timor Leste).
- See also* Indonesia-Timor Leste Truth and Friendship Commission
- human rights court for, 266, 271–272, 288–289
- hybrid tribunals in, 40
- UN administration and, 272
- Indonesian military occupation and violence on, 270, 270n23
- mass crimes in, 264
- UN-sponsored ballot on independence of, 270–271

Cambridge University Press

978-1-107-02500-4 - Amnesty in the Age of Human Rights Accountability: Comparative and International Perspectives

Edited by Francesca Lessa and Leigh A. Payne

Index

[More information](#)

396

Index

- Eastern Europe. *See also specific countries of*
domestic prosecutions in, 31, 39
- economic crimes, 76–77*nn*42–43, 123–124
- economic miracle, Brazil's, 171
- economic reparations, in Brazil's Law No. 10, 154–156, 155*n*4, 157*t*, 559
- economic stability, amnesties and, 344–345
- El Jute, Guatemala, illegal detentions in, 193–194
- El Mozote massacre, El Salvador, 200, 201–203, 206–207
- El Salvador. *See also* General Amnesty Law for the Consolidation of Peace; military, Salvadoran; Supreme Court, Salvadoran, courts, Salvadoran
- accountability impasse in, 353
- blanket amnesty upheld in, 184
- challenger approach to amnesty in, 339
- civil war and amnesty laws in, 183*n*5, 183–184
- de facto and de jure amnesty laws in
- applicability of international human rights treaty law and, 200–201
- judicial inertia and, 199–200
- overview of, 196–198
- repeated condemnation by the Inter-American system, 201–203
- Spanish jurisdiction in Jesuit case, 204–207
- humanitarian law monitoring in, 30
- impunity and individual criminal prosecutions in, 182
- murder rate in, 209*n*127
- systemic barriers to overcoming impunity in, 208–209
- Elster, Jon, 317, 322–323, 330, 330*n*157, 340–341
- Eluay, Theys, murder of, 278
- empty legalities, in Brazil, 169
- enforced disappearances. *See* disappearances
- Equipo Nizkor, 327*n*43
- erga omnes*
- International Court of Justice on definition of, 52
- jus cogens* crimes and, 52
- Espinosa, Pedro, 322–325*n*31
- Esquipulas peace process, Guatemala, 186
- ETA (Euskadi Ta Azkatasuna, Basque Homeland and Freedom)
- characteristics of, 319*n*14
- coup attempts and killings by, 320*n*17
- imprisoned, 1977 amnesties for, 319, 320–321
- terrorism targeting army and police by, 321
- ethical logic, state logic in Uruguay compared to, 148–150
- ethnic cleansing, in Balkans, ICTY establishment and, 32
- ethnic divisions, restorative justice and, 351
- Europe
- amnesties excluding crimes against international law in versus those including in, 88–90, 89*f*
- Amnesty Law Database on amnesty laws in, 82–84
- justice cascade development in, 94–95
- prosecutions in, 39
- rise of accountability in, 20
- European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, 28
- European Convention for the Protection of Human Rights and Fundamental Freedoms (ECPHR), 339
- European Court of Human Rights (ECtHR), 23–24, 339
- European Union, Aceh Monitoring Mission and, 274
- executive
- in Brazil, transitional justice initiatives of, 167
- in Uruguay
- ambiguity and contradictions in Resolution CM/323 by, 149
- Ley de Caducidad on powers of, 128, 129–130, 143–144
- oversight over accountability by, 130, 142–143
- executive policies
- on amnesties, in Argentina, 101, 107–108
- on amnesties, included in Amnesty Law Database, 76*n*41
- in Argentina, transitional justice and, 120
- Extraordinary Chambers in the Courts of Cambodia (ECCC)
- accountability impasse and, 354
- further amnesties prevented by, 307–308, 308*n*45
- jurisdiction of, 300*n*33, 303*n*42
- Khmer Rouge officials prosecuted by, 2
- proposed limited amnesty for Sary under, 314
- Sary's prosecution before, 297–300
- general principle of *ne bis in idem* and, 297, 297*n*20, 299
- pardon power of 1996 decree and, 298*n*27, 298–299
- ruling on Sary's challenge to, 299–300, 300*n*34

Cambridge University Press

978-1-107-02500-4 - Amnesty in the Age of Human Rights Accountability: Comparative and International Perspectives

Edited by Francesca Lessa and Leigh A. Payne

Index

[More information](#)

Index

397

- Sary's 1996 amnesty and pardon and, 296
UN and establishment of, 291–292
Exxon Mobil, 273
- Falange Española de las JONS (Spanish Fascist party), 333–334
- Falklands War, internal unrest in Argentina after, 175–176
- Farabundo Martí National Liberation Front (FMLN), 30, 196, 197–198, 206
- Fayt, Carlos, 117
- fear, discourse of, in Brazil, 171
- Federal Public Ministry of São Paulo, 165
- Fernández de Gurmendi, Silvia, 34–35
- Fernández Lecchini, Juan Carlos, 145
- Fifth Tribunal for Crime, Drug Trafficking and Environmental Offenses, Guatemala, 189
- Filippini, Leonardo, 169
- Flores, Francisco, 198
- Flores, Patricia (Guatemalan judge), 192, 194–195
- FMLN, 30, 196, 197–198, 206
- followers
amnesty for leaders or, 301
limited amnesties for, 313
rights-based versus social order approach to amnesty legitimacy and accountability and, 303
specific or general deterrence and, 305
- Ford, Gerald, 270
- foreign prosecutions
ICC creation and, 36–39
Pinochet case, 36–37
pursuit of Argentinean prosecutions in, 110–111
regional distribution of, 1979–2009, 40f
- forgiveness, Indonesia's TRC law on, 281
- France, military personnel of, trials *in absentia* for disappearances by, 110–111
- Franco, Francisco, 303–304, 333–334.
See also Spain
- Free Aceh Movement. *See* GAM
- Free Papua Movement. *See* OPM
- Freedom Front, South Africa, 244n31
- Freedom House, 79
- Freeman, Mark
on amnesty for international crimes, 256, 293
on challengers to amnesty laws, 338, 341–342
on differences between amnesties, 75
on international law on amnesty, 6
on prevalence of amnesties over time, 79–80
- Frei, Eduardo, 323–325
- Frente Amplio Party, Uruguay
campaign promises in 2010 and 2011 on popular will by, 147–148
Navy Club Pact and, 126–127
plebiscite on Ley de Caducidad nullification and, 138
political will toward accountability by, 144
second interpretative law and, 141–142
vote verde campaign and, 130–131
- FREPASO coalition, Argentina, 112
- Fretilin party, East Timor, 270
- From Madness to Hope: The 12-year War in El Salvador* (Salvadoran Truth Commission), 197
- Fujimori, Alberto, 1–2, 37–38, 112–113
- full disclosure requirement
Amnesty Committee's generosity policy and, 252–254
for South African amnesty applications, 252–254, 253n65, 253n66
- Full Stop Law (1986, Argentina), 104n37, 104
declared unconstitutional, 112
- IACtHR on amnesty laws in Peru and nullification of, 112–113
- legal proceedings after, 329–330
as not strictly pardons, 107–108
unconstitutionality of upheld by Supreme Court (2005), 117
- Funes government, El Salvador, 206–207
- Further Indemnity Act 151 (1992, South Africa), 240n9, 245n37
- gacaca* (community-level jurisdictions) in Rwanda
for hearing and prosecuting genocides
commission to study use of, 217–218
as inappropriate for prosecutions, UN OHCHR on, 220
international standards and, 219n33
as political compromise, 223
refinements to, 220–221
success of, 220
Urugwiro reflection meetings on use of, 217–220
placed under supreme court control, 219n33
transitional justice policymaking and, 215–216
- Uganda's use of, 223
as model for local rituals, 232–233
- Gacaca Law (1999, Rwanda), 220–221
- gag rules, in post-Francoist Spain, 318, 322
- Galeano, Eusebio Grave, arrest of, 192
- Galtieri, Leopoldo, 113

Cambridge University Press

978-1-107-02500-4 - Amnesty in the Age of Human Rights Accountability: Comparative and International Perspectives

Edited by Francesca Lessa and Leigh A. Payne

Index

[More information](#)

398

Index

- GAM (Free Aceh Movement), 273, 274, 275–276
- gangs, Central American, 183, 184, 208–209
- García, Benedicto Lucas, 188
- García, Edgar Fernando, disappearance of, 194–195
- García, Santos Rosales, arrest of, 192
- García Hernández, Amaral and others* case, Uruguay, 138–140
- García Iruretagoyena, María Claudia, kidnapping of, 140
- García Otero, Uruguayan Supreme Court judge, 138–140
- Garro, Alejandro, 99–100
- garrote, executions in Spain by, 325–326, 326*n*38
- Garzón, Baltasar (Spanish Judge)
- judicial initiatives against, 334*n*65
 - judicial review in Spain and, 334–335
 - ruling on Spanish Amnesty Law by, 333
 - suspension of duties due to ‘prevarication’ by, 333–334, 334*n*66
- GCC. *See* Guatemala, Constitutional Court
- Gelman, Juan, 140
- Gelman, Macarena (Uruguayan disappeared), 133–134, 140
- Gelman, Marcelo, 140
- Gelman, María Claudia (Uruguayan disappeared), 135, 136–137, 140
- Gelman* sentence, Uruguay, 140, 145–146, 150
- General Amnesty Law for the Consolidation of Peace (Decree 486) (1993, El Salvador)
- accountability impasse and, 353
 - application of, 199–200
 - IACHR criticism of, 201*n*90, 201–202
 - IACtHR criticism of, 202–203
 - international challenges to, 200–201
 - provisions of, 197–198
 - Supreme Court on constitutionality of, 199
- Geneva Conventions (1949)
- duty of state to investigate and prosecute and, xix–xx
 - grave breaches of, criminal prosecution requirements for, 46–47
 - justice cascade and, 40
 - on laws of war (humanitarian law), 30
 - national criminal law in Central America and, 183*n*1
 - Protocol II (1977), on amnesties, 44, 45, 84–86, 93
 - South Africa’s conflicts not bound by, 256*n*78
- génocidaires*, Rwandan
- alternate sentencing for, 220–221
 - enormous caseload of, 222–223
 - inadequate jails for 120,000 suspects as, 215
 - methods of killing by, 210
 - public executions of
 - anger over lack of justice for, 219–220
 - international advocates of accountability on, 223
 - truth commissions and punishment of, 216–217
- genocide. *See also* deaths; murder
- Amnesty Law Database on amnesties and, 87
 - during Bosnia-Herzegovina war, 31–32
 - in Guatemala
 - arrests for, 194–195
 - National Reconciliation Law on, 186
 - transnational prosecution of, 188–190
 - witness testimony of, 190
 - as international crime, xviii–xix
 - international law on duty of state to investigate and prosecute, 338–339
 - investigation and prosecution in Indonesia of, 265–267, 266*n*9
 - as *ius cogen* crime, 53
 - in Rwanda during 1994, 210, 210*n*2, 212–213
 - Rwanda’s Organic Law on categories of, 216
- Genocide Convention (1948), xix–xx, 40, 46, 183*n*1, 338–339
- Genscher, Hans-Dietrick, 33
- Gerardi Conedera, Juan José (Bishop), 353
- Germany
- invalidation of verdicts passed on regime opponents in, 326*n*40, 327–328
 - military personnel of, trials in *absentia* for disappearances by, 110–111
- Gil, Alicia, 328–329
- global accountability norm. *See also* Amnesty Law Database; justice cascade
- Amnesty Law Database on trends in amnesty law and, 70–71
 - conclusions on, 95–96
 - investigation of customary international law literature for evidence of, 70*n*13
 - overview of, 69–70
- Goldstone, Richard, 32
- Gomes Lund v. Brazil* (2010), xx–xxi, 58–59, 166, 178–180
- Gómez, Abraham Lancerio, arrest of, 194–195
- Gómez Benítez, José Manuel, 328
- gomo tong* (Acholi justice practice), 234, 235. *See also* *mato oput*
- government forces. *See also* under military human rights violations by nonstate actors and, 86

Cambridge University Press

978-1-107-02500-4 - Amnesty in the Age of Human Rights Accountability: Comparative and International Perspectives

Edited by Francesca Lessa and Leigh A. Payne

Index

[More information](#)

Index

399

- Government Gazette*, South Africa, 240–241
- Grau, Eros Roberto (Brazilian Supreme Court judge), 177
- Greco, Heloisa, 172
- Greece
as CAT signatory, 27–28
on international implementation of UN Torture Resolution, 25
prosecutions in, 19, 25
- Guatemala. *See also* National Reconciliation Law
accountability impasse in, 353
challenger approach to amnesty in, 339
civil war and amnesty laws in, 183–184
Code of Criminal Procedure, 186
compromise amnesty in, 313*n*49
Constitutional Court
amnesty laws upheld by, 192
on crimes qualifying as amnesty under NRL, 192–193
former military officers accused of intimidation of, 191
on jurisdiction for Spain's prosecution of Guatemalans, 189–190
de facto and de jure amnesty laws in
applicability of international human rights treaty law, 186–188
IACtHR rulings on, 190–192
overview of, 185–186
self-defined jurisdiction of national courts of, 192–196
transnational prosecution of genocide in, 188–190
impunity and individual criminal prosecutions in, 182
International Commission against Impunity in, 208*m*25
interpretation of amnesty laws in, 207–208
Mexican drug cartels controlling regions of, 209*m*27
murder rate in, 209*m*27
prosecutions for human rights violations in, 19, 37–38
systemic barriers to overcoming impunity in, 208–209
UN supervised peace accords (1996) in, 185–186
- guerrillas
of Araguaia, Brazil, disappearance of, 58–59
Argentinean, Alfonsín's policy on prosecution for criminal actions of, 101
- Guevara, Anibal, 188
- Guevara Portillo* case, El Salvador, 199
- Guianze, Mirtha (Uruguayan prosecutor), 138–140, 146
- Gusmão, Xanana (Indonesian prime minister), 285
- Gutiérrez Ruiz, Héctor, 130–131, 136–137
- Habyarimana, Juvénal, 213, 215–216
- Haggard, Stephen, 316, 317
- Hani, Chris, 250–251
- hearable matters, for South Africa's Amnesty Committee, 242–243
- Heller, Agnes, 306–307
- Helsinki Memorandum of Understanding (MOU, 2005), 274, 276, 283
- Herzog, Vladimir, death in Brazil of, 165
- hijacking, international law on, 338–339
- Historical Memory Law, Spain, 326–327
- “The History of Children Victimized by the Dictatorship” (“História de Meninas e Meninos Marcados pela Ditadura”), Brazil, 163
- Holmes, Stephen, 322
- Holocaust, Balkan concentration camps similar to, 32
- homicide. *See* genocide; murder
- Honduras
compromise amnesty in, 313*n*49
prosecutions for disappearances in, 28–30
hostage taking, international law on, 338–339
hostis humani generis, universal jurisdiction and, 188
- Human Rights Commission, UN, 26
- Human Rights Committee (UNHRC), 133, 138–140, 200–201
- Human Rights Council, UN, 55, 196
- Human Rights Organizations* case, Uruguay, 138–140
- human rights organizations (HROs). *See also* NGOs, international
- Argentina and
challenges to validity of Argentina's impunity laws by, 111–112, 330*n*59
crimes excluded by Due Obedience Law and trials advanced by, 109*n*58, 109*n*61, 109–110
democratically-displaced amnesty and, 349
first phase of Argentina's reforms and, 102, 107
first stage of Argentina's transitional justice process and, 98

Cambridge University Press

978-1-107-02500-4 - Amnesty in the Age of Human Rights Accountability: Comparative and International Perspectives

Edited by Francesca Lessa and Leigh A. Payne

Index

[More information](#)

400

Index

- human rights organizations (HROs) (*cont.*)
 Full Stop and Due Obedience Laws and, 105
 Inter-American Commission on Human Rights and, 11767
 judicial challenge to military self-amnesty of 1983 by, 99–100
 Kirchner embracing “Memory, Truth, and Justice” agenda of, 114–115
 lobbying for overturning of Argentina’s impunity laws by, 112
 Menem’s civil-military relations plan and suppression of prosecution demands by, 107150
 prosecutions in foreign courts for Argentinean cases sought by, 110–111
 transitional justice in, 120
 truth trials in Argentinean domestic courts and, 110
 in Central America, accountability efforts and, 184
 in El Salvador, as weak and without support, 206
 in Indonesia
 on establishing truth and reconciliation commission, 280–281
 on Indonesia-East Timor CTF’s final report, 285
 Human Rights Prosecution Data Base, 39143, 346125
 Human Rights Watch (HRW)
 integration of humanitarian law into work of human rights organizations and, 30
 on international criminal justice concept, 237
 on international war crimes tribunal in the former Yugoslavia, 31–32
 opposition to community-based rituals and accountability in Uganda by, 235–236, 233
 on prosecutions of Indonesian military for crimes in Aceh, Indonesia, 273
 on Rwanda’s domestic approaches to post-genocide accountability, 221, 222
 inadequacy of critiques by, 222–223
 undermining accountability in, 224
 World Report (2006), on military operations in Papua and Aceh, Indonesia, 277
 Hun Sen, Sary amnesty and, 294–295
 Hungary, Czechoslovakian transition compared to, 316, 31617
 Huntington, Samuel, 170, 315–316
 Hutu, genocide in Rwanda and, 210, 21012, 212–213, 215
 Ibáñez, Manuel Leandro y otros case, Argentina, 118–119
 ICTR. *See* UN International Criminal Tribunal for Rwanda
 ICTY. *See* UN International Criminal Tribunal for the Former Yugoslavia
 IDPs (internally displaced persons), Uganda
 agricultural training and access to land denied for, 228–229
 forced displacement in northern Uganda by government, 210, 213–214
 Kony and LRA leaders on dismantling camps for, 214
 LRA attack on camp in Abia of, 231
 reintegration packages from Uganda’s amnesty program and, 228
 traditional leaders introduced to, 229–230
 Iguales y Punto (All Equal and Period), Uruguay, 138
 immunity
 for knowledge of the past, reconciliation, reparations and, xxi–xxii
 official, statutes of limitation and, 310, 311–312
 imprisonment
 as amnestied crime in Uruguay, 123–124
 prolonged, by Uruguay’s dictatorship, 126
 impunity. *See also specific case studies*
 reconciliation and, xxvi
 impunity model of accountability
 definition of, 23
 description and history of, 23
 Menem’s use of, 107–108
 other accountability models and, 24
 inadmissible evidence, in South Africa, 241, 241114
 Indemnity Acts (1961 and 1976, South Africa), 244–245
 Indemnity Acts (1990 and 1992, South Africa), 24019, 245136
 individual criminal accountability (ICA) model
 AI’s Campaign for the Abolition of Torture and, 25
 collective dimension of amnesty for deeds in South Africa and, 258–260
 Convention for the Prevention and Suppression of Torture as, 26–27
 as cornerstone of global human rights community, 43
 definition of, 23
 Draft Convention for the Prevention and Suppression of Torture and, 26
 global trend in use of, 38–39f

Cambridge University Press

978-1-107-02500-4 - Amnesty in the Age of Human Rights Accountability: Comparative and International Perspectives

Edited by Francesca Lessa and Leigh A. Payne

Index

[More information](#)

Index

401

- Guatemala national courts' use of, 192–196
 ICC creation and, 35–36
 massive popular participation in genocide in
 Rwanda and, 224
 other accountability models and, 24
 on physical integrity rights, 24
 restorative justice and, 351
 rise of, 24–28
 social order approach to amnesty legitimacy
 and, 303
 South Africa's conditional amnesty and,
 257–258
 U.S. opposition to ICC creation and, 33–34
- individuation, amnesty applications in South
 Africa based on, 239–240
- Indonesia. *See also* Indonesia-Timor Leste Truth
 and Friendship Commission
 analysis and conclusions on amnesty in
 change in Argentina and Uruguay versus,
 289–290
 cultural legacy of dictatorship and *dwifungs*
 doctrine and, 288–289
 de facto amnesty, 287–288
 political change and, 289, 290
 reforms in, 286–287
- de facto amnesty for post-Soeharto human
 rights violations in, 281–287
 in Aceh region, 272–273
 around Poso, 270
 challenger approach to amnesty
 and, 339
 in East Timor, 270–272
 on Maluku Islands, 269–270
 mass murder of PKI supporters (1965),
 267–268, 268*m*4
 in May 1968, 268–269
 in Papua region, 276–278
 tsunami (2004) hitting Aceh, 274–276
- de facto amnesty in
 for killings in Tanjung Priok, 279–280
 for Munir murder, 278–279
 as obstinate amnesty, 355–356
 overview of, 263–264
- de jure amnesty in
 Indonesia-Timor Leste Truth and Friendship
 Commission for, 283–286
 national TRC for, 280–283
 historical background of, 264–265
 legal framework for mass crimes in, 265–267
 obstinate amnesty in, 354–356
- Indonesian Communist Party (PKI), 267–268,
 268*m*4
- Indonesia's Truth and Reconciliation
 Commission (TRC)
 Bahasa Indonesian translation for name of,
 282*n*57
 Constitutional Court overturning law creating,
 268, 281*n*56, 281–282
 national media criticism of, 282
 creation of, 264
 redrafting of, 282–283
- Indonesia-Timor Leste Truth and Friendship
 Commission (CTF)
 amnesty powers in mandate of, 280–281,
 283–284
 decision to not exercise, 285
 examples of, 284
 creation of, 264, 283
 final report by, 285
 UN refusal to cooperate with, 91, 284
- Inkatha Freedom Party (IFP), South Africa,
 243*n*29, 243–244, 246*n*40
- institution building, proponent approach to
 amnesty and, 340
- Inter-American Commission on Human Rights
 (IACHR)
 Argentina's HROs and, 111*n*67
 challenges to validity of Argentina's impunity
 laws and, 111*n*68, 111–112
 on disappearances and individual criminal
 accountability, 28–30
 on El Salvador's General Amnesty Law, 201–202
 Gelman petition and, 140
 on Guatemalan state responsibility for
 violations, 190–192
 individual criminal accountability in
 Guatemala and, 196
 recommendations for El Salvador by, Flores
 on, 198
 truth trials in Argentinean domestic courts
 and, 110
 Uruguay's Supreme Court on *Ley de*
 Caducidad and report by, 138–140
- Inter-American Convention on Forced
 Disappearances of Persons (1994), 29–30,
 48, 140, 183*n*11
- Inter-American Convention to Prevent and
 Punish Torture, 28
- Inter-American Court of Human Rights (IACtHR)
 on alternate sequencing law in Colombia,
 xxviii*n*55, xxvii–xxviii
 amnesty jurisprudence by, 58–59
 on Brazil's Supreme Court decision on *Gomes*
 Lund, 166

Cambridge University Press

978-1-107-02500-4 - Amnesty in the Age of Human Rights Accountability: Comparative and International Perspectives

Edited by Francesca Lessa and Leigh A. Payne

Index

[More information](#)

402

Index

- Inter-American Court of Human Rights (*cont.*)
 Brazil's Supreme Court on amnesty and, 180, 355
 on Chile's Amnesty Law of 1978, 324
 complaints on Uruguay filed with, 132–133
 democratically-displaced amnesty in Argentina and, 349
 on disappearances and individual criminal accountability, 28–30
 duty of state to investigate and prosecute and, 339
 on El Salvador's General Amnesty Law, 202–203
 on Guatemalan state responsibility for violations, 190–192
 high-profile rulings by, 191n34
 individual criminal accountability in Guatemala and, 196
 interpretation of state obligations under human rights law by, 21
 invalidation of *Barrios Altos* judgment in Peru by, 112–113
 lack of enforcement for rulings by, 178–180
 state accountability model used by, 23–24
 on state obligations to investigate enforced disappearances, xxn23, xx–xxi
 on Uruguay's Ley de Caducidad as invalid, 140n77, 140
 Uruguay's Resolution CMI/323 and verdict by, 149
 on Uruguay's second interpretative bill, 141–142
 Uruguay's Supreme Court on Ley de Caducidad and sentences by, 138–140
- internal conflict, transition from, amnesty laws and, 84m59, 84–86, 85f
- International Association of Penal Law (AIDP), 26, 31–32
- International Center for Transitional Justice, 235–236
- International Centre for Justice and International Law (CEJIL), Brazil, 164–166
- International Commission against Impunity in Guatemala (CICG), 208m25
- International Commission of Jurists (ICJ), 187
- international community, support or resistance from, amnesty-accountability continuum and, 348
- international conflict, transition from, amnesty laws and, 84–86, 85f
- International Convention for the Protection of All Persons from Enforced Disappearances, xix–xx, 48
- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 48–49, 50
- International Convention on the Suppression and Punishment of the Crime of Apartheid, 28
- International Court of Justice (ICJ), 51, 52, 311
- international court rulings. *See also specific courts*
 amnesty controversy and, 57–64
 civil society mobilization and, 178–180
 IACtHR on Brazil's Amnesty Law, 58–59
 ICC on domestic transitional justice with conditional amnesties, 63
 ICC potential mission redefinition for new global justice system by, 63–64
 ICC silence on domestic amnesties, 61
 ICTY on torture as *jus cogens* violation, amnesty and, 59–60
 Rome Statute on cases admissible before ICC and, 62
 Special Court for Sierra Leone on amnesty under Lomé Accord, 60–61
 state practice contrary to, 58
- International Covenant on Civil and Political Rights (ICCPR, 1966)
 duty of state to investigate and prosecute and, 339
 on nonderogable rights of states, 50–51
 right to remedy for victims and survivor's under, 48–49
- Spanish Civil War atrocities before creation of, 333
- UNHCR on Uruguay's Ley de Caducidad and, 133
- International Covenant on Economic, Social and Cultural Rights, 50
- international crimes. *See crimes under international law*
- International Criminal Court (ICC).
See also Rome Statute
 amnesty laws enacted immediately after creation of, 81–82
 cases admissible before, 62
 creation of, 1, 33–36
 crimes under international law and amnesties after creation of, 87–88
 on domestic transitional justice with conditional amnesties, 63
 Human Rights Watch on humanitarian law and, 30
 ICTY establishment and, 32–33
 increasing universal jurisdiction acceptance and, 69–70

Cambridge University Press

978-1-107-02500-4 - Amnesty in the Age of Human Rights Accountability: Comparative and International Perspectives

Edited by Francesca Lessa and Leigh A. Payne

Index

[More information](#)

- international criminal law regarding amnesties and, 43
- justice cascade and creation of, 22
- Ocampo on absence of trials by, as success, 64
- potential mission redefinition for new global justice system by, 63–64
- precedents for, 36
- sequencing in domestic prosecutions versus prosecutions by, xxvii
- silence on domestic amnesties by, 61
- suspension of activities of, to ensure peace and security, xxviii52
- two-tiered approach for prosecutions by, xxiv
- Uganda situation and
- ARLPI on local rituals and investigations by, 234
 - individual criminal accountability and, 343
 - interpretation by, 231
 - LRA commanders indicted by, 227, 231–232
 - Museveni referring to, 230–231
 - on prosecutorial competence, 257, 257n80
- International Criminal Court (ICC) Statute.
- See Rome Statute
- international criminal law. *See also* international law
- developments in, amnesty trends and, 81–82, 81f
 - Draft Convention for the Prevention and Suppression of Torture and, 26
 - expansion of *jus cogens* crimes under, 53
 - increased amnesties and growing influence of, 56, 64
 - individual accountability for human rights violations and, 22–24n17
 - new, on human rights violations, 21–22
 - on prosecution of Spanish Civil War atrocities, 333
 - Slye on increased use of amnesties and, 21
- International Criminal Tribunal for Rwanda.
- See UN International Criminal Tribunal for Rwanda
- International Criminal Tribunal for the Former Yugoslavia. *See* UN International Criminal Tribunal for the Former Yugoslavia
- International Crisis Group, 267–268
- international human rights law.
- See also international law
- applicability of
 - in El Salvador, 200–201
 - in Guatemala, 186–188
 - individual accountability for human rights violations and, 22–24n17
 - judicial decisions in many cases in different parts of Argentina and, 117–120
 - not traditionally applied by Uruguayan judiciary, 145
 - international humanitarian law, individual accountability for human rights violations and, 22–24n17
 - international law. *See also* international criminal law; international human rights law
 - on amnesties
 - Cambodian amnesty compared with, 293
 - challenger approach to, 338–339
 - evolution of, xvii–xviii, xxix
 - proponent approach to, 341–342
 - amnesty laws for crimes not committed under, 77–78
 - distinguishing leaders from followers under, 301–302, 302n39
 - on duty to prosecute perpetrators, 338–339
 - formation of custom in, 58
 - human rights trial in Chile and, 323–325
 - limitations to Guatemala’s National Reconciliation Law under, 186
 - regulation of amnesties under, xviii
 - Reparation Law (2007, Spain) on, 326–327, 327n44
 - South Africa’s conditional amnesty and evolution of, xxii–xxiii
 - as “unsettled” with regard to amnesty, 6
 - International Law Commission (ILC), UN, 33, 34
 - international prosecutions. *See also* foreign prosecutions
 - regional distribution of, 1979–2009, 40f
 - international treaties. *See also specific treaties*
 - on amnesties as contrary to state’s treaty obligations, xixm3, 45–46, 51
 - Argentina’s prosecutions for kidnapping children and, 109–110
 - criminal prosecution requirements under, 46–48
 - expansion of *jus cogens* crimes and limitations of, 53
 - on human rights, Alfonsín on Argentine legal system and, 101
 - on human rights, duty of state to investigate and prosecute and, xix–xx
 - on legality of domestic amnesties for international crimes, 44
 - national criminal law in Central America and, 183, 183m
 - South Africa’s amnesty law not in conflict with, 256, 256n78
 - transformation of international human rights norms and, 69–70

Cambridge University Press

978-1-107-02500-4 - Amnesty in the Age of Human Rights Accountability: Comparative and International Perspectives

Edited by Francesca Lessa and Leigh A. Payne

Index

[More information](#)

404

Index

- Inzaurrealde, Gustavo, disappearance of, 149–150
- Italian military personnel, *in absentia* trials for disappearances by, 110–111
- Jacinta Balbela, Uruguayan Supreme Court judge, 138–140
- Jaime, Belarmino (Uruguayan Supreme Court president), 204–206
- Jakarta, Indonesia. *See also* Indonesia
May 1998 violence in, 264
- Jakarta Post*, 282
- Jesuits, massacre in El Salvador of, 198, 204, 206–207, 208
- Jiménez Villarejo, Carlos, 328
- Johnson, Douglas, 214
- Joinet, Louis, 3, 72–73, 77
- Juan Carlos I, king of Spain, 319
- Juba peace talks, Uganda, 230–232, 232*n*41
- Jubette, Estela (Uruguayan judge), 134–135, 146
- Judicial Matters Amendment Act 104 of 1996, South Africa, 239*n*2
- judicial will, 323, 334–335. *See also* political will
- judiciary. *See also* courts
in Argentina, human rights policies and, 120
- in Brazil
on bilateral amnesty, 171–172
on deaths and disappearances, 171–172
“legalized” dictatorship and, 172–174
- independent and impartial, obligation to prosecute international crimes and, xxvi–xxvii
- in Indonesia, as tool to punish political opponents, 265
- in Spain
conservative, truth and justice shortcomings and, 318, 335
continuity inherited from dictatorship in, 329–330
permission for Garzón to emigrate by, 334
- in Uruguay
endurance of impunity and features of, 144–146
independence of, Ley de Caducidad and, 129–130
receptivity to accountability norm by, 144
- jus cogens*
Argentina’s Supreme Court on impunity laws and, 116–117
duty *erga omnes* and, 53
origin of, 53
torture as violation of, ICTY on amnesty and, 59–60
- Vienna Convention on the Law of ‘Treaties’
definition of, 53
- justice and peace
debate, amnesty law and, xxv
inseparability of, xxi
- Justice and Peace Law, Colombia
as alternate sequencing law for, xxvii–xxviii
as disappointment to victims, xxviii
- justice balance. *See also* retributive justice
amnesty in age of accountability and, 347
in Brazil, 178
as contingent approach to amnesty, 344–345
in Uruguay, 124
- justice cascade
accountability in Rwanda and Uganda in light of, 210–211
accountability norm in El Salvador and Guatemala and, 184
accountability stream from Central America and, 182
accountability stream from Latin America and, 40
in age of accountability, 19–20, 69–70
- Amnesty Law Database as data collected to support, 70–71
- Amnesty Law Database timeframe for analysis of, 79
- backlash against theory of, 40–41
- crystallization of customary international law and, 54
- cumulated prosecution years by type, 38f
- development in the Americas of, 94–95, 95*n*90
- in domestic and international law and institutions, 41
- evolution of human rights law and humanitarian law and, 40
- experiences in Rwanda and Uganda running counter to, 211–212
- Mallinder on persistence of amnesties and, 21
- Spanish Amnesty Law (1977) and, 325*n*35
- in Uruguay, 124
- use of term, 19*n*4
- justice mechanisms, peace agreements and, 84–86
- Kagame, Paul, 217–218, 220–221, 223
- Kaibiles (Guatemalan Special Forces), 191–192, 195–196
- Kaing Guek Eav (“Duch”), conviction in Cambodia of, 291–292
- Kaleck, Wolfgang, 37
- Karadžić, Radovan, 37–38

Cambridge University Press

978-1-107-02500-4 - Amnesty in the Age of Human Rights Accountability: Comparative and International Perspectives

Edited by Francesca Lessa and Leigh A. Payne

Index

[More information](#)

Index

405

- Karphammar, Christer, 275–276
- Kaufman, Robert, 316, 317
- Kenya, ICC prosecution of crimes against humanity in, 40–41
- Ker Kwaro Acholi (KKA), 229–230
- Khieu Samphan, 2
- Khmer Rouge. *See also* Sary, Ieng
 amnesty for members of (1994), 294n8, 302–303
 criminal liability for members under, 293–294, 294n14
 ECCC on Sary's amnesty and, 299–300, 300n35
 Sary amnesty and crimes under, 295–296
 ICTY as precedent for prosecution of, 32–33
 leaders of, omitted from 1994 amnesty, 294m0
 prosecuted by Extraordinary Chambers in the Courts of Cambodia, 2
 torture and murder in Cambodia by, 291
 kidnappings. *See also* disappearances of children, former Argentinean officers prosecuted for, 109n59
- killings. *See* deaths; murder
- king of Cambodia
 pardon power in 1994 amnesty declaration for, 293–294, 294n11
 ECCC prosecution on, 298n27, 298–299
 Sary amnesty and pardon decree (1996) by, 294–295, 302–303
- Kirchner, Néstor
 democratically-displaced amnesty and, 349
 election of, 114, 115, 115n84
 human rights as priority for, 114–115
 number of disappeared Argentineans changed by, 115n83
 transitional justice in Argentina and, 120
- Kirsch, Phillipe, 61n47
- KKR (Komisi Kebenaran dan Rekonsiliasi), Indonesia, 282n57. *See also* Indonesia's Truth and Reconciliation Commission
- Kolo, Sam (LRA Brig.), 227–228
- Komisi Kebenaran dan Rekonsiliasi (KKR), Indonesia, 282n57. *See also* Indonesia's Truth and Reconciliation Commission
- Komnas HAM. *See* national human rights commission (NHRC), Indonesia
- Kony, Joseph (LRA leader, Uganda), 214, 230–232
- Krog, Antjie, 260
- KwaZulu, South Africa, 250–251, 251n59
- labor unions, in Brazil, post-1988 efforts of, 174–175, 176
- Labara Farm, Gulu district, Uganda, 227–229, 228n63
- Lacalle, Luis Alberto
 amnesty as necessary evil under, 124
 lack of political will toward accountability by, 144
 policy of silence and oblivion on past crimes under, 130, 132, 133
- laches, equitable doctrine of, 310n47
- Lapacó case, truth trials in Argentinean domestic courts and, 110
- Larios, Rafael Humberto, Jesuit murders and, 204
- Las Dos Erres massacre (Guatemala, 1982), 187, 190–192, 195–196, 353
- Latin America. *See also specific countries of*
 accountability stream from Central America compared to, 182
 crystallization of amnesty as contrary to international law in, 55
 domestic human rights prosecutions in, 39
 justice cascade from 1970s to late 1990s in, 69–70
 post-transitional justice and accountability norm in, 121–122
 rise of accountability in, 20
 state prosecutions of human rights violations in domestic courts in, 21–22, 31
 universal jurisdiction for human rights trials in, 355
- Law Lords (British Supreme Court), 36–37, 40
- Law No. 26 (2000, Indonesia), 265–267
- Law No. 6,683 (1979 Brazil's amnesty law)
 Amendment No. 26 (1985) effects on, 154
 authoritarian influences on, 170
 authoritarian legacy and persistence of, 170–172
 disappearance of guerrillas of Araguaia and, 58–59
 enacted prior to end of authoritarian rule, 171
 IACtHR on Brazil's Supreme Court decision on *Gomes Lund* and, 166, 180
 IACtHR on broadness of, xx–xxi
 as impunity and oblivion, 170–171
 impunity for grave human rights violations under, 166
 judicial interpretation of, as bilateral, 172–174
 legal reasons for persistence of, 176–178
 as obstacle to implementing *Gomes* decision, 180
 political reasons for persistence of, 170–176
 popular demand for, 153–154
 Supreme Court on ADPF 153 case and, 177

Cambridge University Press

978-1-107-02500-4 - Amnesty in the Age of Human Rights Accountability: Comparative and International Perspectives

Edited by Francesca Lessa and Leigh A. Payne

Index

[More information](#)

406

Index

- Law No. 9,140 (1995, Brazil)
 on economic reparations, 155n4
 reparation measures under, 157t
 on Special Commission for Political Deaths and Disappearances, 154–156
 transitional justice in Brazil and, 166
 victims' relatives and passage of, 174–175
- Law No. 10,559 (2002, Brazil)
 on Amnesty Commission, 154–156
 civil society interest in transitional justice and passage of, 176
 on economic reparations, 155n4
 labor unions and passage of, 174–175
 reparation measures under, 157t
 transitional justice in Brazil and, 166
- Law No. 15,848, Uruguay, 123–124. *See also* Ley de Caducidad
- Law No. 23,049, Argentina's
 judicial challenges by HROs to, 102
 passage of, on jurisdiction for prosecution of individual military personnel, 102
- Law No. 23,521, Argentina's. *See* Due Obedience Law
- Law on Governing Aceh (LOGA), Indonesia, 274–275
- lawyers
 in Rwanda, on proposed use of *gacaca*, 218
 Urugwiro talks and, 217–218
- leaders
 amnesty for
 accountability impasse and, 354
 while holding subordinates accountable, 306–307
 amnesty for followers or, 301
 as “evil” individuals directing “bad” individuals, 306
 international law on command responsibility of, 306
 limited amnesties for, 313
 rights-based versus social order approach to amnesty legitimacy and, 303
 accountability and, 305–306
- Lecchini, Fernández (Uruguayan judge), 150n125
- legal accountability, definition of, 22n13
- legal remedies, victims and survivors' rights under international treaties for, amnesties and, 45, 48–49
- legal system. *See also* judiciary
 Spain's, continuity inherited from dictatorship in, 329n54, 329–330
- Legislative Assembly, El Salvador, 199
- Legro, Jeffrey, 23n14
- Letelier case, Chile, 322–325n31
- Lewandowski, Ricardo, 177
- Ley de Caducidad. *See* Uruguay, Ley de Caducidad in
- Ley No. 18,831, Uruguay, 150
- limited amnesties. *See also* conditional amnesties
 as accountable amnesty, 313–314, 344
 benefits of, 300–301
 Chile's Decree Law 2191 as, 324
 choice between peace and justice and, 308–309
 description of, 293
 for leaders and followers, 313
 as mechanism for resolving international and internal conflicts, xxv
 as probationary amnesty, 312
 rights-based versus social order approach and, 313
 as valuable conflict resolution tools, xxix
- “Limits and Possibilities for the Judicial Accountability of Perpetrators of Human Rights Violations during the State of Siege in Brazil” (2008), 164–166
- Liu Institute, 235–236
- Local Councils (LCs), Uganda, 218–219, 223
- Lomé Accord (Sierra Leone, 1999), xxviii, 60–61, 73–74
- Lon Nol, 291. *See also* Cambodia
- López Fuentes, Héctor Mario, arrest of, 194–195
- LOPJ (Organic Law of the Judicial Branch), Spain, 188, 204
- Lord's Resistance Army (LRA), Uganda
 civil war with Ugandan government and, 210, 213–214
 commanders indicted by ICC, 231–232
 excluded from Amnesty Act, 227
 ICC and amnesty for, 62–63
 ICC investigating all crimes in northern Uganda and, 231
- Juba peace talks with, 230–231
 on local rituals as alternative mechanism to ICC, 234–235
 support for local rituals among, 234
- Labora Farm and power structures of, 228–229
- Museveni accepting ceasefire with, 225
- traditional leaders on accountability for crimes by and reconciliation with community, 230–231
- Uganda Amnesty Act and, xxv
- Lucio Parada Cea et al.* (Case 10.480), El Salvador, 202

Cambridge University Press

978-1-107-02500-4 - Amnesty in the Age of Human Rights Accountability: Comparative and International Perspectives

Edited by Francesca Lessa and Leigh A. Payne

Index

[More information](#)

Index

407

- Luder, Italo, 100*m*10
- Lukwiya, Raska, ICC arrest warrant for, 231–232, 232*n*41
- Lula da Silva, Luis Inácio, 152–153, 156, 162*t*, 164
- lustration laws or process, 173–174, 316*n*7, 316
- Lutz, Ellen
- on justice cascade, 210–211
 - in the Americas, 94–95
 - over time, 69–70
 - on justifying norm breaking, 94
- MacDermot, Niall, 26
- Mack, Myrna (killed by Guatemalan state agents), 193
- Madres y Familiares de Uruguayos Detenidos Desaparecidos, 133–134, 134*n*46
- Malino peace agreement (2002, Indonesia), 269–270
- Mallinder, Louise. *See also* Amnesty Law Database
- on amnesties associated with amnesia, 341
 - on amnesties from prosecution versus compensation for victims, 48–49
 - on broad amnesties and lack of criticism by other states, 60–61
 - on continued adoption of amnesty laws, 3, 341–342
 - on increase in amnesty laws, 6–7
 - on increased amnesties and international criminal law, 56
 - on justice cascade and persistence of amnesties, 21
- Maluku, Indonesia
- inter-religious violence in 1998 and 1999 in, 269–270
 - mass crimes in, 264
- Malvinas/Falklands war (1982), 99–100
- Mao, Norbert, 228–229
- March of Silence (Uruguay), 133–134
- Marcos, Ferdinand, 288
- Margarrell, Lisa, 169
- Martínez, Manlio, 118–119
- Martínez de Hoz, José Alfredo, prosecution in Argentina of, 118–119
- Mason, Guillermo Suárez, *in absentia* conviction of, 110–111
- mass atrocities without internal armed conflict, amnesties as inappropriate for countries with, xxix
- Massera, Emilio, prosecution in Argentina of, 109–110
- mato oput* (Acholi justice practice, Uganda), 48–49, 230–231, 234, 235
- Maya Ixil Triangle massacres, Guatemala, 194–195
- Mayan-origin groups, in Guatemala, 183–184, 193–194
- McBride, Robert, 245*n*37
- Medina, Hugo (Uruguay Army Commander General), 126–127, 142–143, 143*n*95
- Mejía Victores, Óscar Humberto, 188, 195–196
- Meléndez, Florentín (Uruguayan Supreme Court judge), 204–206
- Memórias Reveladas (Revealed Memories), Brazil, 156
- memory projects. *See also* truth commissions to commemorate Argentina's disappeared, 114–115
- Political Amnesty Memorial, Brazil as, 168*n*14, 168–169
- Menchú Foundation, 188
- Méndez, Juan, 30, 338
- Menem, Carlos
- on *in absentia* trials of military personnel for disappearances, 110–111
 - assumes power, 107
 - campaign support for military factions for pardons by, 108*n*52
 - charges that pardons violated rights of victims and their relatives to judicial protection under, 111*n*68, 111–112
 - election of, 106
 - end of limited prosecution policy and granting full impunity by, 107–108
 - on improving civil-military relations, 107*n*50
 - judicial challenges to pardons declared by, 117
 - pardons by, 329–330
 - citizen rejection of, 330*n*59
 - pressure from HROs on accountability for abuses under, 113
 - reparation laws passed by, as response to IACHR cases, 111–112
 - transitional justice in Argentina and, 120
 - withdrawal from presidential campaign by, 115*n*84
- Mexico, accountability norm in, 121–122
- Michelini, Felipe, 123, 130
- Michelini, Rafael, 133–134
- Michelini, Zelmar, 123, 130–131, 136–137. *See also* Uruguay

Cambridge University Press

978-1-107-02500-4 - Amnesty in the Age of Human Rights Accountability: Comparative and International Perspectives

Edited by Francesca Lessa and Leigh A. Payne

Index

[More information](#)

408

Index

- Middle East
 amnesties excluding versus those including for crimes against international law in, 88–90, 89f
 Amnesty Law Database on amnesty laws in, 82–84, 83n57
 lack of studies of role of amnesty in, 72
 prosecutions in, 39
- military, Argentina's
 Alfonsín's policy to prevent further "atrocious episodes" by, 101n19, 101
 annulment of self-amnesty by civilian government for, 99–100
 diminution of political power, civil authority and, 120
 first stage of transitional justice process and, 98
 HROs on jurisdiction for prosecution of, 102
 Menem's policies and political weakening of, 107–108
 on plebiscite to nullify Ley de Caducidad, 147–148
 prosecution of individuals responsible for criminal behavior among, 101–102
 prosecutions and indictments for increased numbers of, 118–119
 Punto Final Law and prosecutions of, 104
 reactions to justice and truth policies by, 330n58
 rebellions in 1988 by, 106
 refusal to cooperate with government's prosecution policy by, 103–104
 uprising by middle- and low-ranking officers (1987) of, 104–105, 104n39
 Videla case on crimes against humanity by, 109n61
- military, Brazil. *See* military dictatorship, Brazil
 military, Chile, 329, 330n58. *See also* Pinochet, Augusto
 military, Guatemala, 183, 185–186, 190, 353
 military, Indonesia's
 dual function under Soeharto of, 265
 human rights violations by, 265
 on East Timor, 270–272, 285
 in Papua and Aceh, 277
 violence of May 1968 and, 268–269
- military, Italy, *in absentia* trials for disappearances by, 110–111
 military, Rwanda, 213, 218
 military, Salvadoran, 183, 196, 202–203, 204
 military, South African, amnesty applicants from, 246
 military, Spanish, 329n55, 329–330, 330n58
 military, Uruguay's
 direct negotiations to uncover fate of disappeared, 134
 incorporation into government, 125–126
 Ley de Caducidad and amnesty for, 127, 128
 limited power of, derogation of Ley de Caducidad and, 144
 Navy Club Pact and, 126–127
- military dictatorship, Brazil
 amnesty law of 1979 and, 171
 civilian control of, 156–163
 judicial support for, 172–174
 reciprocal amnesty and, 172
 reparations process beginning under, 153–154
 as rule of law regime, Supreme Court on, 177
 transition by transformation and, 170–171
- Milošević, Slobodan, 2, 37–38, 311
 MK (armed wing of African National Congress). *See* Umkhonto we Sizwe
- Mladić, Ratko, 37–38
 Molina case, Argentina (2010), 118–119
 Montano, Innocente, 204–206
 Montano, Orlando, Jesuit murders and, 204
 Montoneros returning from exile to Argentina, disappearances of, 113
- moral, political, and legal duties
 accountability of leaders and, 306–308
 crystallization of customary international law and, 54
 international human rights law and, 6, 23
 Ley de Caducidad (Uruguay), 129–130
 National Commission for the Referendum, Uruguay, on, 130–131
 transitional justice mechanisms and, 121–122
 of transitional states, 1
 Argentina as, 97–98
 Uruguay as, 129–130, 148–150
 tsunami (2004) in Aceh, Indonesia and, 274–276
- moral defensibility, of conditional amnesty, 257
 Motta, Mariana (Uruguayan judge), 145, 149–150
 Mubarak, Hosni, trial of, 2
 Mugisha, Nathan, 228n63
 Mujica, José, 141–142, 147, 349–350
 Mumir (Indonesian human rights activist)
 murder of, 264, 278–279
- murder. *See also* deaths
 nonderogable rights of states and, 50–51
 by Plan Condor, 126m14
 South African convictions of homeland policemen for, 254nn69–70
 statute of limitations in Uruguay on, 149–150

Cambridge University Press

978-1-107-02500-4 - Amnesty in the Age of Human Rights Accountability: Comparative and International Perspectives

Edited by Francesca Lessa and Leigh A. Payne

Index

[More information](#)

Index

409

- Museveni, Yoweri, 218–219, 225, 230–231, 234
- Muslim–Christian violence, in Indonesia, 269–270
- Musoni, Protais, 217–218
- Nagy, Rosemary, 253n66
- Nalepa, Monika, 316
- Namibia, principles on release of political prisoners in, 240, 240n8
- Natal, South Africa, 250–251, 251n59
- National Commission for the Referendum, Uruguay, 130–131
- National Congress, Argentina, 99–100, 101–102, 115–116
- National Congress, Brazil, 171
- National Coordinating Committee for the Nullification of the Ley de Caducidad, Uruguay, 138
- National Guatemalan Revolutionary Unity (UNRG), 185–186
- National High Court, Spain. *See* Spain, Audiencia Nacional
- national human rights commission (NHRC), Indonesia (Komnas HAM)
- gridlock between AGO and, 266–267
- Indonesia-Timor Leste CTF and, 283
- inquiry into violence around East Timor independence vote by, 271
- investigation of human rights violations by, 266n9, 278
- for killings in Tanjung Priok, 280
- of May 1968 killings, 268–269
- of military “sweeping” in Papua, 277
- recommendations for prosecution after, 287–288
- National Institute of Forensic Science, Guatemala, 195–196
- National Intelligence Agency (BIN), Indonesia, 279
- National Pacification Project (1985, Uruguay), 126–127
- National Reconciliation Law, El Salvador (1992), 197–198
- National Reconciliation Law (NRL), Guatemala
- external and internal pressures on enforcement of, 196
- CCC case-by-case approach to, 192–194
- CCC on responsibility for Las Dos Erres massacre under, 191
- international human rights law and, 186–188
- UN supervised peace accords (1996) and amnesty provisions in, 185–186
- international law limitations to scope of, 186
- national reconciliation policy, Spain, 318
- National Resistance Movement (NRM), Uganda, 218–219, 225–226
- National Search Commission for Disappeared Children, El Salvador, 206–207
- National Security Council, Uruguay, 125–126
- National Security Doctrine, Uruguay, 125–126
- Nationalist and Democratic Military Association (ADNAM), Brazil, 164–166
- Nationalist Republican Alliance (ARENA), El Salvador, 198, 206
- naturalistic fallacies, crystallization of customary international law and, 55
- Navy Club Pact, Uruguay, 126–127, 142
- Ndangiza, Fatuma, 217
- ne bis in idem*, general principle of
- ECCC on pardon power of 1996 decree and, 298n27, 299
- ECCC pretrial chamber on Sary’s claim of, 299
- Rome Statute on protection of previous conviction and, 297–298
- Sary’s challenge on ECCC pretrial chamber holdings on, 297
- Sary’s prosecution before ECCC and, 297n20, 297
- Neier, Aryeh, 30
- Nerlich, Volker, 244n34
- Netherlands
- Clark’s research interviews in, 211
- Draft Convention for the Prevention and Suppression of Torture and, 26–27
- on UN involvement in abolition of torture, 25
- Neves, Tancredo, 170
- New Order regime, Indonesia, 183, 288
- Ngoga, Martin (Rwanda’s General Prosecutor), 215–216
- NGOs
- Supreme Court renewal in Argentina and, 116n86
- NGOs, international
- on amnesty including crimes under international law, Amnesty Law Database and, 87
- anti-impunity position by, 43
- on criminal accountability as sole purview of ICTR, ICC, etc., 237
- on disappearances and individual criminal accountability, 28–30
- ICC creation and, 22, 33
- ICTY and influence on public opinion by, 28–30

Cambridge University Press

978-1-107-02500-4 - Amnesty in the Age of Human Rights Accountability: Comparative and International Perspectives

Edited by Francesca Lessa and Leigh A. Payne

Index

[More information](#)

410

Index

- NGOs, international (*cont.*)
 influence on content of international law by, 26
 issue-specific, post-1988 social movements in
 Brazil and, 174–176
 on local cleansing rituals in northern
 Uganda, 229
 Rwandan court reform and, 216
 traditional leaders in Uganda and, 229–230
 transitional justice in Argentina and, 120,
 330n59
 on Ugandan local rituals for accountability and
 reconciliation, 230–231
- Nicaragua, humanitarian law monitoring in, 30
 nonderogable rights or obligations of states,
 45–46, 50
 amnesties and, 50–51
 human rights treaties on, 50
 non-governmental organizations. *See* NGOs,
 international
- nonstate actors
 amnesties proclaimed by, not included in
 Amnesty Law Database, 76n40
 human rights violations by, 86
- Norgaard principles, on release of political
 prisoners in Namibia, 240n8
- Noriega, Manuel, 2
- Norodom Ranaridh (Cambodian prince),
 294–295
- North Africa
 amnesties excluding crimes against
 international law in versus those including
 in, 88–90, 89f, 89f
 Amnesty Law Database on amnesty laws in,
 82–84, 83n57
- Northern Ireland, British versus Irish description
 of Troubles of, 78
- Northern Ugandan Peace Initiative (NUPI),
 229–230, 235–236
- NRM. *See* National Resistance Movement
- Ntaryamira, Cyprien, death of, 213
 “Nuremberg Now!” (by Yugoslav journalist), 31–32
 Nuremberg Trials, 1, 32, 40, 53
- Obote, Milton, 218–219, 229–230
- obstinate amnesties
 on amnesty-accountability continuum, 338f,
 354–356
 description of, 347–348, 354
 in Brazil, 355
 in Indonesia, 354–356
 social order approach to amnesty legitimacy
 and, 303
 in Spain, 354–355
- Ocampo, Luis Moreno, 40–41, 64
- Ochora, Walter, 228n63
- Odhiambo, Okot, ICC arrest warrant for,
 231–232
- O’Donnell, Guillermo, 315–316
- offense, in South Africa, 238–239, 239n5.
See also delict, in South Africa
- Office for Indemnity, Immunity and Release,
 South Africa, 245n36
- OHCHR. *See* UN Office of the High
 Commissioner for Human Rights
- Olimpo detention center, Argentina, 112n70
- Olsen, Tricia
 on broad amnesties and lack of criticism by
 other states, 60–61
 on continued adoption of amnesty laws, 3
 on increase in amnesty laws, 6–7
 on justice balance model, 178
 on justice mechanisms in age of accountability,
 20–21
 on steady persistence of amnesties over time,
 79–80
 study of distinctions among amnesty laws and
 practices by, 74n31
- Omeda, Max, 228n63
- Onega, Peter, 227. *See also* Amnesty Commission,
 Uganda
- Ongwen, Dominic, ICC arrest warrant for,
 231–232
- Operación Limpieza, El Salvador, 202–203
- opinio juris*
 crystallization of customary international law
 and, 54
 as developing ahead of state practice, 56–57
- OPM (Free Papua Movement), 277
- Optional Protocol to the International Covenant
 on Civil and Political Rights (in 1976),
 69–70
- Organic Law of the Judicial Branch (LOPJ),
 Spain, 188, 204
- Organic Law, Rwanda, on genocide categories,
 216
- Otti, Vincent, ICC arrest warrant for, 231–232,
 232n41
- Pain, Dennis, 229–230
- Pan-Africanist Congress (PAC), South Africa,
 243n30, 243–244, 246, 246n43, 247
- Panama, as CAT signatory, 27–28
- Papel Prensa* case, Argentina (2010), 118–119
- Papua, Indonesia
 independence from Dutch and vote to
 integrate with Indonesia, 276–277

Cambridge University Press

978-1-107-02500-4 - Amnesty in the Age of Human Rights Accountability: Comparative and International Perspectives

Edited by Francesca Lessa and Leigh A. Payne

Index

[More information](#)

- law on special autonomy status for, 277–278, 287–288
- mass crimes in, 264
- military presence and intimidation in, 277
- retaliation after police station attacked in, 277
- Parada Cea, Lucio, torture in El Salvador of, 202*n*93
- Paraguay, Plan Condor operations in, 126*n*14
- paramilitary groups, Colombia, demobilized but rearmed or new, xxviii*n*57, xxvii–xxviii
- pardons
- collective, as predecessor to amnesties, 3
 - definition of, 5
 - restorative justice and, 351
 - in South Africa after conditional amnesty process, 261*n*93
- parliament, Indonesian. *See* DPR
- participation acts, South Africa's Amnesty Committee on, 247, 249–250, 250*n*54
- Partido Popular (PP), Spain, 326*n*40, 326–327
- Partido Socialista Obrero Español (PSOE), Spain, 326–327, 329–330
- Party of the Democratic Kampuchea. *See* Khmer Rouge
- Payne, Leigh
- on broad amnesties and lack of criticism by other states, 60–61
 - on continued adoption of amnesty laws, 3
 - on justice mechanisms in age of accountability, 20–21
 - study of distinctions among amnesty laws and practices by, 74*n*31
- Paz y Paz, Claudia, 187–188, 194
- peace agreements
- amnesties and, xxv, xxvi, 84–86
 - amnesty measures withheld from, xxix
 - Arusha Peace Accords (1993), 212–213, 216–217
 - in Central America, UN and, 184
 - in Indonesia at Aceh (2004), 264
- peace building, amnesty and process of, 6
- Pedraz, Judge of Spain's Audiencia Nacional, 188, 189–190
- Penal Reform International (PRI), 221, 222*n*43, 224
- Pensky, Max
- on amnesty for international crimes, 256, 293
 - on challengers to amnesty laws, 338, 341–342
 - on differences between amnesties, 75
 - on international law on amnesty, 6
 - on prevalence of amnesties over time, 79–80
- Pereira, Anthony, 169, 172–173
- Pérez, Edgar, 195–196
- Pérez Molina, Otto, 194
- Perón, Juan, 101*n*19
- perpetrators. *See also* amnesty applicants, South Africa; *génocidaires*, Rwandan
- in Argentina and Chile, prosecution and sentencing of, 331
 - blanket amnesties and further crimes by, xviii
 - Colombian, bypassing reconciliation and reparations for processes, xxviii
 - culpability of, IACtHR on state determination of severity of punishment, xxviii*n*55
 - international law on duty to prosecute, 338–339
 - rise of individual criminal prosecutions and, 21
 - sequencing transitional justice mechanisms seen as broad amnesties by, xxvii
- Peru, accountability norm in, 121–122
- Petracchi, Enrique, Justice of Argentina's Supreme Court, 105–106, 117
- physical integrity rights, individual criminal accountability model and, 24
- Pigou, Piers, 253*n*66
- Pimentel Ríos, Pedro, deported from U.S. for Guatemalan trial, 195–196
- Pinochet, Augusto
- arrest and prosecution of, 36–37
 - Chilean trial for, 1
 - domestic prosecutions and, 346
 - effect in Southern Cone region on, 133–134
 - for *jus cogens* crimes, 53–54
 - universal jurisdiction used in, 1
 - restrictions on freedom of expression under, 329
 - self-amnesty by, 323–325
- Pinochet Effect, 37
- piracy, as *jus cogens* crime, 53
- Plan Condor transnational network, 126*n*14
- Plan de Sánchez massacre (Guatemala, 1982), arrests for, 192
- plebiscite in Uruguay (2009)
- democratically-displaced amnesty and, 349–350
 - failure of, 132
 - on nullification of Ley de Caducidad, 138, 147
- Pol Pot, 291. *See also* Cambodia
- Poland, Czechoslovakian transition compared to, 316, 316*n*7
- police
- Brazilian, educational programs in human rights for, 156–163
 - South African, security branch of, amnesty applicants from, 246
 - full disclosure requirement and, 250–251
 - Spanish, continuity in, inherited from dictatorship, 329*n*54, 329–330
 - Uruguayan, Ley de Caducidad and amnesty for, 128

Cambridge University Press

978-1-107-02500-4 - Amnesty in the Age of Human Rights Accountability: Comparative and International Perspectives

Edited by Francesca Lessa and Leigh A. Payne

Index

[More information](#)

412

Index

- political amnesty
 - declaratory act to officially apologize for state wrongdoing in Brazil, 156
 - Law No. 10,559 (2002 Brazil) on request for, 157*t*, 161*t*
- Political Amnesty Memorial, Brazil, 168*n*14, 168–169
- political contexts, amnesty laws and differences in, 81*n*54, 81–82
- political crimes
 - criteria for assessing amnesties for, xxiii
 - definition of, xxiii*n*43
- political divisions, restorative justice and, 351
- political offense requirement, in South Africa, 248–249, 251–254, 253*n*66, 258–259. *See also* participation acts
- Political Reform Law (1976, Spain), 320
- political stability, amnesties and, 345
- political will. *See also* judicial will
 - in Argentina, democratically-displaced amnesty and, 349
 - in Argentina and Chile compared with Spain, 331
 - in Argentina and Chile to promote accountability, 323
 - in Central America, perpetuation of impunity and, 182
 - in El Salvador, accountability and, 198
 - in South Africa, for further prosecutions, 255
 - in Uruguay, accountability and, 144
- politically motivated crimes, amnesty applications in South Africa for, 239–240
- Polycarpus Priyanto, 279. *See also* Indonesia
- popular will or sovereignty (Uruguay), 147–148
- Portillo government, Guatemala, admission of state responsibility for violations by, 190
- Portugal
 - as CAT signatory, 27–28
 - prosecutions for human rights violations in, 19
 - release of colonies (1974) by, 270
- Poso, Indonesia
 - mass crimes in, 264
 - religious violence (1998–2002) around, 270
- Prats, Carlos (Chilean general)
 - assassination of, 116*n*87
- pretransition periods, amnesty laws introduced during, 78
- prevarication, Spanish National High Court Judge Garzón accused of, 334*n*66, 334
- principle of complementarity
 - jurisdiction of the ICC and, xxiv*n*46, xxiv, 61–62
 - Kirsch on, 61*n*47
- proaccountability actors and governments,
 - placement of countries on amnesty-accountability continuum and, 348
- probation, amnesty laws on, 75
- Project Coast, South African Defence Force's, 254*n*68
- Promotion of National Unity and Reconciliation Amendment Act 18 of 1997, South Africa, 239*n*2
- Promotion of National Unity and Reconciliation Amendment Act 33 of 1998, South Africa, 239*n*2
- Promotion of National Unity and Reconciliation Amendment Act 87 of 1995, South Africa, 239*n*2
- Promotion of National Unity and Reconciliation Second Amendment Act 84 of 1997, South Africa, 239*n*2
- Promotion of Unity and Reconciliation Act (South Africa, 1995), 45
- proponent approach to amnesty
 - acknowledging violations and advancing justice with, 341
 - hard and soft constraints on, 340–341
 - institution building, rule of law and, 340
 - international law and, 341–342
- prosecution preference. *See also* domestic prosecutions
 - for human rights accountability, 5–6
- prosecutions, human rights. *See also* domestic prosecutions; foreign prosecutions; international prosecutions; trials
 - binding legal obligation under international treaties for, 45, 46–48
 - definition of, 39*n*43, 346*n*24
 - failure to bring perpetrators to, for crimes excluded from amnesty laws, 93–94, 94*n*88
- Prosecutor v. Furundzija*, 59–60
- Prosecutor v. Kallon and Kamara*
 - Special Court for Sierra Leone on amnesty in, 60–61
- Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977, 44, 45, 84–86, 93
- Protocol I to Geneva Conventions, 46–47. *See also* Geneva Conventions
- Prunier, Gérard, 210*n*2
- pseudo-amnesties
 - definition of, 4

Cambridge University Press

978-1-107-02500-4 - Amnesty in the Age of Human Rights Accountability: Comparative and International Perspectives

Edited by Francesca Lessa and Leigh A. Payne

Index

[More information](#)

Index

413

- as violation of state's obligations under international law, xxii22
- Public Defender of the Union, Brazil, 156–163
- public disclosure requirements.
 - See also confessions
 - for South African amnesty applications, 254
- public information, right to access in Brazil to, 156
- Public Ministry, Brazil, 156–163, 175
- Public Ministry of São Paulo, 164–166
- Punto Final Law (1986, Argentina), 104n37.
 - See also Full Stop Law
- Queralt, Joan, 327–328
- Quinteros, Elena, 134–135, 137
- Quinteros, Tota, 134–135
- Quinteros case, sanctions risked by judicial officials for, 146
- racial divisions, restorative justice and, 351
- Radio-Télévision Libres de Mille Collines (RTL), Rwanda, 213
- Rainbow Nation, South Africa as, 261–262
- Ramírez Ríos, Héctor Roderico, arrest of, 194–195
- Ramos Horta, Jose, 283, 285
- rape
 - Argentinean armed forces member convicted of, 118–119
 - as *jus cogens* crime, 53
- Ratner, Steve, 22–24n17
- Recarey, Alejandro (Uruguayan judge), 146
- reciprocal amnesty, transition in Brazil and, 172n22, 172
- recognition, political
 - declaration of political amnesty in Brazil as, 154–156
 - as factual basis for legal initiatives, 168–169
 - source of term, 155
- reconciliation, as end goal of conflict resolution, xxvi
- recurso de amparo
 - on Mrs. Quinteros's right of information on disappeared daughter in Uruguay, 134–135
 - as remedy for protection of rights and freedoms in many Latin American countries, 134n49
- Red Cross, laws of war (humanitarian law) monitoring by, 30
- Reference Center of Political Struggles in 1964–1985 – Revealed Memories (Memórias Reveladas), 163–165n8
- referendum process in Uruguay
 - constitutional provision for, 123–146n111, 131n28
 - democratically-displaced amnesty and, 349–350
 - failure of (1989), 131–132
 - Ley de Caducidad and, 146
 - vote verde campaign (1989), 130–131
- reflection meetings, Urugwiro, Rwanda, 217–220
- reigning orthodoxy
 - impunity model of accountability as, 23, 24
 - state accountability model as, 23–24
 - use of term, 23n14
- Reiter, Andrew
 - on broad amnesties and lack of criticism by other states, 60–61
 - on continued adoption of amnesty laws, 3
 - on justice mechanisms in age of accountability, 20–21
 - study of distinctions among amnesty laws and practices by, 74n31
- Reparation Law (2007, Spain), 327n43
 - exhumation case before National High Court and, 334–335
 - on international law, 327n44
 - invalidation of Francoist summary judgments and, 327–328
 - invalidation of Francoist summary judgments missing from, 326–327
 - victims of Francoism and, 326n42
- reparation laws, Uruguay, 136
- reparations, immunity for knowledge of the past and reconciliation and, xxi–xxii
- reparations process in Brazil
 - benefits of, 178
 - commission created under Cardoso for, 154–156
 - late justice claim by civil society in, 167
 - under Lula, 156, 162t
 - overview of, 152–153, 157t
 - positive outcomes of, 168–169
 - public recognition and victim's social movements and, 166
 - reparation commissions and acceleration of, 166–167
 - unification of civil society in dispute over amnesty and, 168
 - for victims, political obstacles from old regime and, 169–170
- reporters, as returned combatants seeking amnesty in Uganda
 - benefits for, 226–227
 - cash paid to, 227n58
- repression, ongoing, amnesty laws and, 84–86, 85f
- Resistance Councils (RCs), Uganda, 218–219
- Resolution CMI/323, Uruguay, 149
- respondet superior*, international law on, 301–302

Cambridge University Press

978-1-107-02500-4 - Amnesty in the Age of Human Rights Accountability: Comparative and International Perspectives

Edited by Francesca Lessa and Leigh A. Payne

Index

[More information](#)

414

Index

- restorative justice
 on amnesty-accountability continuum, 338*f*,
 348, 351–352
 retributive justice through conditional amnesty
 in South Africa versus, 261
 in South Africa, 351–352
- retributive justice
 debate over traditional rituals in Uganda versus
 use of, 233
 restorative justice through conditional amnesty
 in South Africa versus, 261
- Revealed Memories (Memórias Reveladas),
 Brazil, 156
- revolutions in accountability, 69–70. *See also* age
 of accountability
- Reydams, Luc, 40–41
- Reyes, Alberto (Uruguayan judge), 146
- Right to Memory and Truth project (Direito à
 Memória e à Verdade), Brazil, 156
 photographic exhibit, 163
Right to Truth and Memory (book), 163,
 168–169
- rights of the person, individual criminal
 accountability model and, 24
- rights-based approach to amnesty legitimacy
 amnesties for leaders versus subordinates and,
 303, 305, 308–309
 definition of, 303
 limited amnesties as benefit for, 313
 value placed on deterrence and, 304
- right-wing political extremists, white South
 African, 244–245, 246, 250–251.
See also white right-wing organizations,
 South African
- Ríos Montt, Efraín, prosecution of, 37–38, 188,
 194–195
- Riquelme, Simón (Uruguayan disappeared),
 133–134
- “The Rise and Fall of Universal Jurisdiction”
 (Reydams), 40–41
- rituals, traditional. *See also* *gacaca*
 for cleansing in northern Uganda, foreign
 versus local interest in, 229
 debate over Western/formal/retributive justice
 in Uganda versus use of, 233
 to hold LRA commanders accountable for
 their crimes, 230–231
 Juba peace talks and LRA preference for, 232
 Uganda committee on codification of, 232–233
 Ugandan perspective on amnesty process
 and, 234
- Rodley, Nigel, 26
- Rodríguez, Hugo, on torture in Uruguay, 133
- Rodríguez Sánchez, Mauricio, charges against,
 194–195
- Rodríguez Zapatero, José Luis, 326–327
- Roht-Arriaza, Naomi, 37
- Rome Statute (1998). *See also* International
 Criminal Court
 Amnesty Law Database of period after, 70–71
 finalization and signing of, 35–36
 on ‘following orders’ defense, 302*n*39
 ICC investigating all crimes in northern
 Uganda under, 231
 no reference to amnesty in, 61, 93
 political and legal doctrines flowing into, 22
 on principle of complementarity, xxiv*n*46, xxiv,
 61*n*47, 61–62
 prohibitions on statutes of limitations in, 49–50
 on protection of previous conviction, 297–298
 ratification of, 34–35
 recognition of inseparability of justice and
 peace and, xxi
 on suspension of ICC activities to ensure peace
 and security, xxviii*n*52
- Romero, Oscar, assassination of, 199–200, 206–207
- Romero Niklinson case, Argentina, 118–119
- Ruano, Eduardo, Spanish detention and death of,
 328*n*49, 328–329, 334–335, 335*n*69
- rule of law
 in Brazil
 judiciary’s perception of the dictatorship
 and, 173
 justice and, 164–166, 165*n*9
 restoration of, 169–170
 Supreme Court on ADPF 153 case and,
 176–178
 challenger approach to amnesty on political
 obligation for, 338
 proponent approach to amnesty and, 340
 social order approach to amnesty legitimacy
 and, 303
- Rumsfeld, Donald, 37
- rural elites, in Rwanda, 217–219
- Rwanda. *See also* *gacaca*
 amnesty laws in
 changeable position on, 223
 reconsideration of, 220–221
 RPF opposition to, 215–216
 Clark’s research interviews in, 211
 court reform in, 216
 domestic accountability strategies in, 212

Cambridge University Press

978-1-107-02500-4 - Amnesty in the Age of Human Rights Accountability: Comparative and International Perspectives

Edited by Francesca Lessa and Leigh A. Payne

Index

[More information](#)

- contingent approach to amnesty and, 343
- innovative, international actors' opposition to, 237
- restorative justice and, 352
- genocide during 1994 in, 210, 210n2, 212–213
- international norm entrepreneurs' limited role in, 237
- justice cascade theory and accountability in, 211–212
- post-genocide transitional justice in, 214–224
 - amnesty and accountability debates and, 223–224
 - domestic and international norm entrepreneurs' responses to, 221–223
 - as organic process, 236
 - post-genocide challenges for, 215
 - trajectory of, 215–221
- Rwandan Patriotic Front (RPF)
 - Arusha Peace Accords (1993) and, 212–213
 - generalized critiques by AI and HRW on national courts under, 222–223
 - opposition to amnesty by, 215–216
 - on proposed use of *gacaca*, 218
 - Urugwiro talks and, 217–218
- Rwot of Payira, Gulu, Uganda, 229–230
- S-21 torture prison, Cambodia, 292n4
- Sabalsagaray, Nibia, Uruguayan case of, 138–140, 349–350
- Salvadoran Truth Commission
 - Chapultepec Accords and creation of, 196, 197n67
 - Decree 486 on human rights violators named in, 198
 - on El Mozote massacre, 200
 - General Amnesty Law as reciprocal amnesty and, 201–203
 - investigations and testimony gathered by, 196–197
- Sánchez Samayoa, Marco Antonio, sentencing of, 193–194
- Sanguinetti, Julio Maria
 - amnesty as necessary evil under, 124
 - consolidation of democracy as early goal for, 126–127
 - General Medina's negotiations with, 142–143
 - lack of political will toward accountability by, 144
 - Ley de Caducidad passage and, 127
 - policy of silence and oblivion on past crimes under, 130, 133
 - remaining opposed to accountability in 1990s, 134
- Sankoh, Foday, amnesty for, 60–61
- Santana, Nelson, disappearance of, 149–150
- Saravia, Alvaro, charges for Romero assassination against, 199–200
- Saravia, Jorge, 147–148
- Sarkin, Jeremy, 216–217
- Sarney, José, 170
- Sary, Ieng
 - amnesty and pardon for, 294–295, 302–303
 - indictment by ECCC and, 307–308
 - interpretations of 1994 amnesty proclamation liability for, 295–296
 - proposed limited amnesty for, 314
 - prosecution of, 2
 - Provisional Detention Order by ECCC for, 297
 - challenge on basis of *ne bis in idem* of, 297
 - prosecution defense of, 297–299
 - ruling on, 299–300
- Scharf, Michael, 33–34, 56
- Schmitt, Carl, 44
- Schmitter, Phillipe, 315–316
- Scilingo (Argentine navy captain), confessions on death flights and, 133–134
- self-amnesties. *See also* Argentina, military self-amnesty in
 - definition of, 4
 - for Pinochet, Chile's Decree Law 2191 as, 323–325
- self-defense units (SDUs), South African, 246n40, 247–248
- Semangi I and Semangi II cases, Indonesia, 266m0
- sentence reductions, amnesty laws on, 75
- separation of powers, Uruguay's Ley de Caducidad and, 129–130, 138–140
- sequencing transitional justice mechanisms
 - placement of countries on amnesty-accountability continuum and, 348
 - seen as broad amnesties by perpetrators, xxvii
- Serrano-Cruz* case, El Salvador, 202–203, 206–207
- Sezibera, Richard, 219n33
- Sharpeville massacre (1961, South Africa), 243n27, 244–245
- Sierra Leone
 - hybrid tribunals in, 40
 - Special Court for, 2, 37–38, 60–61
 - Truth and Reconciliation Commission, 60–61

Cambridge University Press

978-1-107-02500-4 - Amnesty in the Age of Human Rights Accountability: Comparative and International Perspectives

Edited by Francesca Lessa and Leigh A. Payne

Index

[More information](#)

416

Index

- Sikkink, Kathryn
 on accountability stream from Latin America, 182
 on age of accountability and international law, xviii–xix
 on international and domestic norm
 accountability entrepreneurs, 210–211
 on justice cascade, 210–211
 in the Americas, 94–95
 amnesties and, 336–338
 and increased demand for accountability, 90–91
 over time, 69–70
 on justifying norm breaking, 94
- Simón, Julio, 112n70
- Simón* case (Argentina)
 Argentina's Supreme Court confirming original verdict in (2005), 117
 Full Stop and Due Obedience Laws declared unconstitutional in, 112
 IACtHR on amnesty laws in Peru quoted in, 112–113
 reversal of opinion in, 105–106
- Siracusa Institute, Sicily, negotiations on ICC creation at, 35
- slavery, 50–51, 53
- slow-motion coup (1973, Uruguay), 125–126
- Slye, Ronald, 21, 56
- Smulovitz, Catalina, 175–176
- Smuts, Ms. M., 245n35
- SNI (National Intelligence Service), Brazil, 156–163
- Snyder, Jack, 40–41
- Soba, Alberto, kidnapping of, 137
- soberania popular (Uruguay), 147–148
- Sobukwe, Robert, 243n30
- social disapproval of amnesty laws, 91
 inconsistent application of, 92nn80–81, 92–93
- social movements. *See* civil society
- social order approach to amnesty legitimacy
 amnesties for leaders versus subordinates and, 303, 305, 308–309
 definition of, 303
 limited amnesties as benefit for, 313
 statutes of limitation, claims for justice and, 311–312
 value placed on deterrence and, 304
- Soeharto
 autonomy for Aceh region withdrawn by, 272–273
 fall of
 inter-religious violence and, 269–270
 UN-sponsored ballot on East Timor independence after, 270
 military dictatorship under, 264–265
 Stolen Assets Recovery Initiative and, 288
 violence after transition to power of, 264, 267–268
- South Africa. *See also* South Africa's Truth and Reconciliation Commission
 conditional amnesty in, xxii–xxiii
 as accountable amnesty, 313n149
 amnesty applicants and their deeds, 245
 Amnesty Committee work and, 241–245
 Cambodian amnesty compared with, 292
 Committee on preconditions for, 248–251
 Committee's generosity policy and, 251n60, 251–254, 252n62
 as component in collective accountability process, 258–260
 conclusions on, 260–262
 developments after amnesty phase in, 254–255
 history and legal framework for, 238–241
 as individual accountability process, 257–258
 path to justice and rule of law and, 255–257
 Constitutional Court on amnesty in AZAPO case, 45
 distinctive forms of human rights violations in, 72
 quasi-judicial accountability mechanism in TRC of, 63
 restorative justice in, 351–352
- South African Defence Force, Project Coast and, 254n68
- South Africa's Truth and Reconciliation Commission (TRC). *See also* Amnesty Committee, South Africa; TRC Act, South Africa
 as contingent approach to amnesty, 343
 creation of, 238–239
 mandate period and amendments to, 239n12
 Indemnity Acts (1990 and 1992) repealed under, indemnity and, 245n36
 quasi-judicial accountability mechanism in, 63
 restorative justice and, 351–352
- Soviet Union, amnesties after collapse of, 79–80
- Soweto riots (1976), South Africa, 244–245
- Spain. *See also* Spanish Amnesty Law; Spanish Civil War
 Association for the Recovery of Historical Memory in, 332
 Audiencia Nacional (Madrid)

Cambridge University Press

978-1-107-02500-4 - Amnesty in the Age of Human Rights Accountability: Comparative and International Perspectives

Edited by Francesca Lessa and Leigh A. Payne

Index

[More information](#)

Index

417

- in absentia* trials of Argentinean military personnel for disappearances and, 110–111
- complaints on exhumation of common graves from Spanish Civil War filed in, 333–334
- Jesuits massacred in El Salvador case and, 204–206
- Menchú Foundation complaint on human rights violations in Guatemala to, 188
- as Spain's federal-type court, 188n20
- demonstration against impunity of Francoism in, 334n65
- Francoist forces' perception of accountability by, 19n1
- jurisdiction for Pinochet prosecution in, 36–37
- military personnel of, trials *in absentia* for disappearances by, 110–111
- obstinate amnesty in, 354–355
- post-Franco, amnesia and stable peace in, 303–304
- repression under Francoist regime in, 316–318
- Spanish Amnesty Law (1977)
 - comparative perspective on, 322–332
 - Argentina's human rights trials and, 323
 - atrocities of Spanish Civil War and, 331–332
 - Chile's Decree Law 2191 and, 323–325
 - clandestine versus official repression, 331
 - continuity inherited from dictatorships and, 329–330
 - lack of prosecutions under, 328–329
 - repression in Chile and, 329
 - repression in Spain versus Southern Cone, 325–326
 - summary judgments by Francoist military tribunals and, 326–328
 - temporal remoteness of atrocities and, 330
 - conclusions on, 334–335
 - memory irruption and judicial reaction to, 332–334
 - political process leading to passage of, 318–322
 - Basque nationalists and, 319, 320n17, 321
 - gag rules in, 322, 322n24
 - national reconciliation policy and, 318
 - provisions of, 320
 - public opinion on, 319–320
 - UMD's right to rejoin the military and, 322
 - as preconstitutional, 332
 - settling accounts with the past and, 300n34
- Spanish Civil War
 - atrocities committed by both sides in, 317
 - 'never again' premise for Spanish democracy and, 319
 - common graves after, exhumation efforts for, 333–334
 - Spanish Amnesty Law and, 331–332
 - Special Commission for Political Deaths and Disappearances, Brazil, 154–156
 - Special Court for Sierra Leone (SCSL), 2, 37–38, 60–61
 - Special Secretariat for Human Rights, Brazil, 163
 - spoilers, level of threat from, amnesty-accountability continuum and, 348
 - state accountability model
 - Convention for the Prevention and Suppression of Torture as, 26–27
 - definition of, 23
 - description and history of, 23–24
 - other accountability models and, 24
 - state agencies, institutional support and capacity for prosecution policies and, 120
 - state logic, ethical logic in Uruguay compared to, 148–150
 - state officials, individual. *See also* individual criminal accountability (ICA) model
 - prosecutions of, 19
 - state security forces, South African
 - amnesty applicants from, 243–244, 246, 246n42
 - gross human rights violations by, 247
 - state sovereignty. *See also* popular will or sovereignty
 - amnesty laws and, 74–76
 - domestic amnesties for international crimes and, 44
 - state terrorism
 - covered under Spain's Organic Law of the Judicial Branch, 204
 - Ley No. 18,831, Uruguay, on state's punitive capacity with crimes of, 150
 - statutes of limitations (statutory limitations). *See also* Ley de Caducidad
 - Argentina's ratification of Convention on, 114–115, 115n82
 - claims for justice and, 311–312
 - crimes against humanity and, 29–30
 - under international treaties, amnesties and, 45–46
 - mechanism of and exclusions from, 310–311
 - other legal mechanisms similar to, 310n47
 - prohibitions on, amnesties and, 49–50
 - Uruguay's Resolution CM/323 and, 149–150
 - Uruguay's second interpretative law on, 141–142
 - Stolen Assets Recovery (StAR) Initiative, 288
 - stricto sensu* pardons, by Menem in Argentina, 107–108

Cambridge University Press

978-1-107-02500-4 - Amnesty in the Age of Human Rights Accountability: Comparative and International Perspectives

Edited by Francesca Lessa and Leigh A. Payne

Index

[More information](#)

418

Index

- Strydom, Barend, 245n37
- Suárez government, Spain, amnesty decrees for political prisoners by, 319
- subordinates. *See* followers
- sub-Saharan Africa
- amnesties excluding crimes against international law in versus those including in, 88–90, 89f
 - amnesties resulting from ongoing conflict in, 86
- Amnesty Law Database on amnesty laws in, 82–84
- crystallization of amnesty as contrary to international law in, 55
- justice cascade in, 94–95
- Suharto. *See* Soeharto
- Sukarno, 264–265, 267–268, 272–273
- Sukarnoputri, Megawati, 278
- summary judgments by Francoist military tribunals, 326n40, 326–327
- Military Division of Supreme Court on, 327n45
 - no inventory of, 327n43
- Sunstein, Cass, 90–91
- superiors. *See* leaders
- Supreme Council of the Armed Forces (SCAFFF, Argentina)
- on prosecutions of individual military for criminal behavior, 101–102
- Punto Final Law sixty-day limit and, 104
- resistance to government's human rights policy by, 103–104
- Supreme Court, Argentina
- on *in absentia* trials of military personnel for disappearances, 110–111
- Alfonsoín government's prosecution policy and, 102–103
- composition of
- Kirchner government and, 116n86
 - Menem's increase in size of and appointments by, 108n55
- congressional nullification of impunity laws and, 115–116
- democratically-displaced amnesty and, 349
- on Due Obedience Law (1987), 105–106, 106n45
- on impunity laws in *Arancibia Clavel* case, 116–117
- independence of, 103n29
- on Menem's policy on prosecutions and pardons, 108
- military self-amnesty of 1983 and, 99–100
- on prosecutions of individual military for criminal behavior, 101–102
- Simón* ruling, Uruguay's Supreme Court on Ley de Caducidad and, 138–140
- on truth trials in domestic courts, 110
- Supreme Court, Brazil, 165, 176–178
- Supreme Court, Chile, 309n46, 323–325
- Supreme Court, Guatemala, Penal Chamber of, 191–192
- Supreme Court, Indonesia
- constitutional right of president to grant clemency and restore rights and, 280
 - New Order regime under Soeharto and, 288–289
 - overturning convictions on human rights violations, 280, 287–288
- Supreme Court, Salvadoran
- on blanket amnesty of 1993, 184
- Criminal Chamber of, on *Guevara Portillo* case, 199
- Funes's reform appointments to, 206–207
- Spanish Audiencia Nacional's extradition procedures and, 204–206, 208
- Truth Commission on voluntary resignation of, 196–197
- Supreme Court, Spain, 327n45
- Supreme Court, Uruguay
- on constitutionality of Ley de Caducidad, 132
 - democratically-displaced amnesty and, 349–350
 - power to review constitutionality of laws reserved for, 150n128
 - quoting UNHCR reports in human rights cases before, 133
 - on unconstitutionality of Ley de Caducidad, 138–140
- Sweden
- Draft Convention for the Prevention and Suppression of Torture and, 26–27
 - military personnel of, trials *in absentia* for disappearances by, 110–111
 - on UN involvement in abolition of torture, 25
- Talangsari case, Indonesia, 266n10
- Tanjung Park shootings, Jakarta, Indonesia, 264
- Tanjung Priok case, Indonesia, 266, 279–280
- Tanzania, Clark's research interviews in, 211
- Taylor, Charles, prosecution of, 2, 37–38
- Tecú, Lucas, arrest of, 192
- Teitel, Ruti, 175
- Terre Blanche, Eugene, 244n31, 255n71

Cambridge University Press

978-1-107-02500-4 - Amnesty in the Age of Human Rights Accountability: Comparative and International Perspectives

Edited by Francesca Lessa and Leigh A. Payne

Index

[More information](#)

- Timor Leste. *See* East Timor; Indonesia-Timor Leste Truth and Friendship Commission
- tipping point, for global accountability norm, social disapproval as evidence for, 91
- Todos y Todas contra la Impunidad (Everyone against Impunity), Uruguay, 138
- Tokyo Trials, post-World War II, 1
- torture. *See also* Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- acceptability of South Africa's conditional amnesty and, xxii–xxiii
 - Amnesty Law Database on amnesties and, 87
 - Convention for the Prevention and Suppression of, 26–27
 - criminal prosecution requirements under international treaties for, 47–48
 - in El Salvador, 202n93
 - Guatemala's National Reconciliation Law on, 186
 - as international crime, xviii–xix
 - international law on duty of state to investigate and prosecute, 338–339
 - as *jus cogens* crime, 53
 - nonderogable rights of states and, 50–51
 - systematic, in Uruguay, 126
 - in Uganda, government implication in, 224–225
 - in Uruguay, as amnestied crime, 123–124
 - Uruguay's Ley de Caducidad on, 129–130
- Torture Convention. *See* Convention against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment
- Torture Declaration. *See* Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- transition from conflict, use of term, 83n57
- Transitional Constitutional Act, Brazil, 153–156
- transitional justice
- amnesties and, overview of, 336–338
 - challenger approach to amnesty and examples of, 339
 - international law and, 338–339
 - moral imperative for, 338
 - political and strategic considerations for, 338
 - threat of prosecution leading to new amnesty laws and, 338
 - condemnation in academic literature of amnesties with, 336–338
 - contingent approach to amnesty and content of amnesty laws and, 344 justice balance and, 344–345 positive outcomes and accountability with, 342–343 potential pathways for, 343
- mechanisms of
- alternative sequencing law in Columbia as, xxvii–xxviii
 - in Brazil, fundamental characteristics of, 166–169
 - in Brazil, social movements and, 175
 - implementation of, xvii–xviii
 - reconciliation and, xxvi
 - reputations of old regime and, 169
 - rhetoric of winners and losers replaced by, xxix
 - sequencing implementation of, xxvi–xxvii
 - types of, 20
 - use of, 20–21
- proponent approach to amnesty and acknowledging violations and advancing justice with, 341
- hard and soft constraints on, 340–341
 - institution building, rule of law and, 340
 - international law and, 341–342
- Transitional Justice Data Base, 79–80, 344–345
- Transitional Justice Data Base Project, 73–74
- transitional states
- political and legal tools of, 43
 - prosecution and accountability of leaders and, 305–306
- TRC Act (Act 34 of 1995). *See also* South Africa's Truth and Reconciliation Commission
- on act associated with a political objective, 248–249
 - on amnesty applications for prisoners released early, 244–245
 - on gross human rights violations, 242–243
 - Amnesty Committee's generosity policy and, 252n62
 - mandate period of, 239n2
- TRC Report, 241, 248–249, 249n50
- Treurnicht, Andries, 244n31
- trials. *See also* prosecutions, human rights
- creative circumvention of amnesty laws with, 350–351
 - fair trial standards for, Sary's prosecution by ECCC and, 297–298
 - increase in amnesty laws and, 6–7
 - individual criminal, restorative justice and, 351

Cambridge University Press

978-1-107-02500-4 - Amnesty in the Age of Human Rights Accountability: Comparative and International Perspectives

Edited by Francesca Lessa and Leigh A. Payne

Index

[More information](#)

420

Index

- trials (*cont.*)
 political and economic costs of, amnesty-accountability continuum and, 348
 verdicts in, Sikkink on full range of prosecution versus, 39n43, 346n25
- Trisakti case, Indonesia, 266m10
- truth (and reconciliation) commissions (TRCs).
See also Salvadoran Truth Commission; South Africa's Truth and Reconciliation Commission
 for Aceh, Helsinki Memorandum of Understanding (MOU, 2005) and, 274, 276
 for Argentina, Alfonsín on establishment of, 101
 in Brazil, 163–165n8
 2009 proposal for, 166–167
 obstinate amnesty and, 355
 proposed, 156, 179t
 reparations process and, 167–168
 working group on, 178
 as contingent approach to amnesty, 343
 immunity for knowledge of the past and reconciliation and, xxi–xxii
 increase in amnesty laws and, 6–7
 mandated for Papua, 277–278
 national, for Indonesia, draft law establishing, 280–281
 proposed for Uruguay, 134
 in Rwanda, consideration then rejection of, 216–217
 as substitute rather than complimentary mechanism for criminal justice, 262n96, 262
 in Uganda, consideration of, 226
 in Uruguay, Comisión para la Paz as, 135
- truth telling exercise, as inventory of universe of crimes, xxvi–xxvii
- truth trials, in Argentinean domestic courts during Menem period, 109–110, 110n62
- Tuol Sleng, Cambodian torture camp, 292n4
- Tupamaros (Uruguayan urban guerrillas), 134, 138–140
- Tutsi
 as diasporic elites, 219–220
 genocide in Rwanda of, 210, 210n2
 in Rwanda, genocide or exile of, 212–213
 Rwandan Patriotic Front and, 212–213
- Twa, genocide in Rwanda of, 210n2, 210
- UDPF (Uganda People's Defence Force), 227–228, 231–232
- Uganda
 amnesty for Lord's Resistance Army in, ICC and, 62–63
 civil war in, 210
 Clark's research interviews in, 211
 domestic accountability strategies in, 212
 as community-based justice system, 48–49
 innovative, international actors' opposition to, 237
 ICC prosecution of crimes against humanity in, 40–41
 international norm entrepreneurs' limited role in, 237
 justice cascade theory and accountability in, 211–212
- Local Councils for addressing community crimes in, 218–219
- northern, civil war in, 213–214, 224–225
- Rwanda's borrowing principles and practices of local justice from, 223
- transitional justice in, 224–236
 contingent approach to amnesty and, 343
 domestic and international norm entrepreneurs' responses to, 233–235
 as organic process, 236
 post-atrocity challenges for, 224–225
 relevance for amnesty and accountability debates of, 235–236
 restorative justice and, 352
 trajectory of, 225–233
- Uganda People's Army (UPA), 225–226, 235
- Uganda People's Democratic Army (UPDA), 225–226
- Umkhonto we Sizwe (armed wing of ANC), 243n27, 246, 246n40, 247–248
- UN Basic Principles and Guidelines on the Right to Remedy and Reparations, 281–282
- UN Commission of Inquiry, on East Timor, 271
- UN Committee against Torture (CAT), 187, 196, 201
- UN Committee on the Elimination of Racial Discrimination (CERD), 201
- UN Human Rights Commission, 26
- UN Human Rights Committee (UNHRC), 133, 138–140, 200–201
- UN Human Rights Council, 55, 196
- UN International Criminal Tribunal for Rwanda (ICTR)
 AI and HRW as supporters of, 221
 ICTY as precedent for, 32–33
 individual criminal accountability and, 343

Cambridge University Press

978-1-107-02500-4 - Amnesty in the Age of Human Rights Accountability: Comparative and International Perspectives

Edited by Francesca Lessa and Leigh A. Payne

Index

[More information](#)

Index

421

- justice cascade and, 40
 - creation of, 21
- recognition of inseparability of justice and peace and, xxi
- transitional justice policymaking and, 215–216
- UN International Criminal Tribunal for the Former Yugoslavia (ICTY)
 - HRW on humanitarian law and, 30
- justice cascade and, 40
 - creation of, 21
- Milošević trial by, 2
- prosecutions by, 37–38
- recognition of inseparability of justice and peace and, xxi
- rise of age of accountability and, 31–33
- on torture as *jus cogens* violation, amnesty, 59–60
- U.S. involvement in ICC creation and, 33–34
- UN Office of the High Commissioner for Human Rights (OHCHR)
 - on de facto amnesties, 264
 - on Rwanda's *gacaca* for prosecutions, 220
 - critique by team member studying, 220n37
 - study on Uganda's amnesty viewed by northern population, 228, 235–236
- UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, 73
- UN Transitional Administration in East Timor (UNTAET), 271
- unidentified individuals, as amnesty applicants in South Africa, 246n43
- Unión de Centro Democrático (UCD), Spain, 320
- United Democratic Front (UDF), South Africa, 243n28, 243–244
- United Kingdom
 - Argentinean military government collapse after Malvinas/Falklands war with, 99–100
 - High Court, proceedings on Rwandan genocide suspects before, 222–223
 - Law Lords (British Supreme Court), 36–37, 40
- United Nations. *See also specific Conventions or Declarations of; under UN*
 - Agreement on ECCC and Cambodian amnesties, 296–297, 299
 - on amnesty including crimes under international law, Amnesty Law Database and, 87
 - Arusha Peace Accords (1993) and, 212–213
 - Central American peace agreements and, 184
 - Extraordinary Chambers in the Courts of Cambodia and, 291–292
 - General Assembly
 - resolution on torture in 1973 by, 25
 - Torture Resolution of 1975 by, 25
 - Indonesia-Timor Leste CTF and, 284
 - International Commission against Impunity in Guatemala and, 208n125
 - large-N comparative study of amnesty laws (1985) for, 72–73
 - New York agreement (1962) concerning Papua, 276–277
 - refusal to cooperate with Indonesia-Timor Leste CTF, 91
 - Security Council
 - on Balkan war crimes, 32
 - East Timor independence and, 271
 - ICTY establishment and, 31
 - opposition to ICC creation within, 34–35
 - state accountability model and, 23–24
 - Stolen Assets Recovery Initiative and, 288
- United States
 - Cambodia bombing during Vietnam War by, 291
 - Constitution on pardons and Supreme Court on amnesties in, 75
 - ICC creation and, 33–34
- Universal Declaration of Human Rights (1948), 23–24, 48–49, 333
- universal jurisdiction
 - backlash against, 40–41
 - as complement to domestic prosecution, 27
 - in customary law, 188n24
 - definition of, 1
 - domestic prosecutions using, 31
 - in Draft Convention for the Prevention and Suppression of Torture, 26–27
 - implementation methods for, xxi
 - increasing acceptance of, 69–70
 - Pinochet case and, 36–37
 - prosecutions for *jus cogens* crimes using, 53–54
 - Spain's Organic Law of the Judicial Branch on, 188
 - Spain's use of despite its own obstinate amnesty, 355
- Universal Periodic Review from the UN Human Rights Council, 187
- Uppsala Conflict Data Program, 79
- urban elites, in Rwanda, 217–218

Cambridge University Press

978-1-107-02500-4 - Amnesty in the Age of Human Rights Accountability: Comparative and International Perspectives

Edited by Francesca Lessa and Leigh A. Payne

Index

[More information](#)

422

Index

- Uruguay
- challenger approach to amnesty in, 339
 - conclusions on, 148–151
 - constitutional provision for referendum to overturn a law in, 131n28
 - democratically-displaced amnesty in, 349–350
 - false impression of justice in spite of amnesty in, 137
 - first interpretative law, 136n59, 136–137
 - former authoritarian presidents sentenced in, 37–38
 - framework of transition in, 142–143
 - human rights violations in, 124–126
 - Cold War and economic, social, and political crises in, 125
 - dictatorship and, 125–126
 - exceptional political and social openness in early 20th century in, 124–125
 - Plan Condor operations in, 126n14
 - IACHR on violation of American Convention on Human Rights by, 132–133
 - impunity as official policy on human rights in, 123–124
 - international scrutiny of, 132–133
 - judiciary and endurance of impunity in, 144–146
 - Ley de Caducidad in, 126–130
 - declared unconstitutional, 138–140
 - as defeat of hope, 126n15, 126–130
 - derogation of, 142, 150
 - executive responsibility and power over accountability under, 143n95, 143–144
 - first referendum (vote verde campaign, 1989) against, 130–132
 - IACtHR on obligations of, 140, 140n77, 145–146
 - immediate opposition to, 130
 - as key symbol of impunity, 123–124
 - Lecchini on statutory limitation for crimes of dictatorship and, 150m25
 - moral, political, and legal issues with, 129–130
 - as necessary evil, politicians on, 148–150
 - as obstacle to advances in accountability, 127–128
 - plebiscite (2009) on, 138
 - political crisis and passage of, 127
 - Resolution CM/323 adopted to comply with IACtHR's verdict and, 149
 - Sanguinetti's and Medina's opposition to referendum on, 142–143
 - second interpretative law on legal validity of, 141–142
 - text of, 128
 - unconstitutionality appeal on, 132
 - UNHCR on, 133
 - Vázquez exclusion of cases from, 136–137
 - weakening independence of judiciary by, 129, 144–146
 - Michellini family on impunity in, 123
 - negotiations on CAT and, 27–28
 - as paradise of impunity, 148m18, 148
 - prosecutions in, 137
 - public agenda on fighting impunity in, 133–134
 - second interpretative law, 141n82, 141–142
 - “voluntad popular” in, 146–148
 - vote verde campaign in, 130–132
 - Uruguayan Institute for Legal and Social Studies, 132–133
 - Urugwiro (Rwanda) reflection meetings, 217–220
- van der Merwe, Johann, plea bargain in South Africa by, 255
- Vázquez, Tabaré
- democratically-displaced amnesty in Uruguay and, 349–350
 - first interpretative law and, 136n59, 136–137
 - human rights developments in Uruguay under, 135–137
 - on Ley de Caducidad and Sabalsagaray case, 138–140
 - more progressive interpretation of amnesty laws under, 136
 - political will toward accountability by, 144
- Velasco, Eloy (Spanish Judge), 204–206
- Velásquez Rodríguez* case (Honduras), 28–30
- vicarious liability, amnesty in South Africa and, 240–241m11
- victims and relatives
- accountability processes centered on, 343
 - in Brazil
 - on amnesty as impunity and oblivion, 170–171
 - not seeking justice initiatives, 172n
 - post-1988 efforts of, 174–175, 176
 - reparations process and, 169–170
 - bringing cases against human rights abuses in Uruguay, 127, 145–146, 148–150
 - in Central America, accountability efforts and, 184
 - excluded from Uruguay's truth and justice processes, 129–130
 - plebiscite in Uruguay (2009) and, 138

Cambridge University Press

978-1-107-02500-4 - Amnesty in the Age of Human Rights Accountability: Comparative and International Perspectives

Edited by Francesca Lessa and Leigh A. Payne

Index

[More information](#)

Index

423

- Videla, Jorge, prosecution of, 109–110
- Vienna Convention on the Law of Treaties, 52
- Vietnam War, U.S. bombing of Cambodia during, 291
- Viljoen, General, 244/231
- Villeda Figueroa, Luis Antonio (Salvadoran judge), 199–200
- Vinjamuri, Leslie, 40–41, 73–74, 84–86
- Vlok, Adriaan, plea bargain in South Africa by, 255
- voluntad popular (Uruguay), 147–148
- Walus, Janusz, 250–251
- Wamala, Katumba (Ugandan Maj. Gen.), 225–226
- Wamena and Wasior case, Indonesia, 266/110
- war, laws of, as humanitarian law, 30
- war crimes
 - acceptability of South Africa's conditional amnesty and, xxii–xxiii
 - amnesties under Protocol II to Geneva Conventions for, 44, 45, 84–86, 93
 - Amnesty Law Database on amnesties and, 87
 - in the Balkans, UN Security Council on, 32
 - indictments of sitting presidents for, 37–38
 - as international crime, xviii–xix
 - LRA commanders arrest warrants from ICC for, 231–232
- West Nile Bank Front (WNBF), 225–226, 235
- white right-wing organizations, South African, 243–244, 244/231, 246. *See also* right-wing political extremists, white South African
- Wiranto, Indonesian General, 272
- “Women’s Memories” (“Memórias do Feminino”), Brazil, 163
- World Bank
 - Multi-country Demobilisation and Reintegration Program (MDRP), 226–227
 - Stolen Assets Recovery (StAR) Initiative, 288
- World War II. *See also* Nuremberg Trials
 - amnesty laws following end of, 79–80
 - delayed accountability for human rights violations during, 309–310
- Yudhoyono, Susilo Bambang, 274
- Yugoslavia, former. *See also* UN International Criminal Tribunal for the Former Yugoslavia
 - collapse of, amnesties after, 79–80
- Yusuf, Irwandi, 274–275
- Zaffaroni, Mariana, 130–131
- Zalaquett, José, 169–170, 175
- Zepeda, Orlando, Jesuit murders and, 204
- Zetas drug cartel, Mexican, Guatemalan regions controlled by, 209/127
- Zulu-speaking black South Africans, IFP and, 243/129