Democracy Paradox Podcast
Guillermo Trejo on Accountability, Impunity, and the Fate of New Democracies (5/27/26)
Transcript

Introduction

Today's guest is Guillermo Trejo. He is a professor of political science at the University of Notre Dame and director of the Violence and Transitional Justice Lab at the Kellogg Institute for International Studies. He's also a returning guest to the podcast. Last time we discussed his book *Votes, Drugs, and Violence: The Political Logic of Criminal Wars in Mexico*. Now he has a new book coauthored with Lucía Tiscornia and Juan Albarracín called *Accountability Shock: Why Transitional Justice Prevents Criminal Wars in New Democracies*.

The last time I spoke to Guillermo, he argued criminal organizations operated as political actors and provided a form of authoritarian governance in pockets of Mexico. I found this insight interesting because we normally think of criminal organizations as outside of politics.

His latest book builds on those ideas. Guillermo finds transitional justice programs are the best tool available to prevent criminal organizations from taking root. This is surprising. For starters, most have believed transitional justice is the right thing but too idealistic. Guillermo says it's not just morally right but also good public policy.

He also argues transitional justice is a necessary component of successful democratization. Again, this challenges traditional theories that thought amnesties were essential to create a clean slate for democracy to succeed. So Guillermo offers a new way to think about the conditions necessary for democracy to thrive and what justice after democratization means.

My goal is not to make the case for Guillermo. Instead, I want you to understand his ideas because it asks real questions about what democratization requires. My challenge for you is to decide whether his case is compelling or if you think it's still too idealistic. Is transitional justice necessary for a successful transition to democracy?

Please share your thoughts. If you listen to Spotify, you can leave your thoughts as a comment on the episode. You can also send me your thoughts as an email to jkempf@democracyparadox.com. There is also a link to the complete transcript in the show notes.

The Democracy Paradox is made in partnership with the Kellogg Institute of the Keough School of Global Affairs at the University of Notre Dame. Thank you to everyone who attended this year's Global Democracy Conference. In fact, this conversation with Guillermo was recorded at the conference. Big thanks to everyone who was able to make it. But for now… here is my conversation with Guillermo Trejo….

Interview

Justin Kempf: Guillermo Trejo, welcome back to The Democracy Paradox.

Guillermo Trejo: Thanks for having me.

Justin Kempf: Well, Guillermo, I really enjoyed your most recent book, *Accountability Shock: Why Transitional Justice Prevents Criminal Wars in New Democracies*. I feel like your work is always so innovative. It feels very creative. It approaches democracy from different angles, and a big part of it is because you think of criminal organizations as actual political agents rather than being something outside the political system that politics has to deal with. So why don't we start there? How did you come to think of criminal organizations as actual political agents rather than being obstacles to political systems?

Guillermo Trejo: Thank you, Justin. That's a great question. In this work I co-author with Lucía Tiscornia and Juan Albarracín, and in previous work, very much like everyone who's working on criminal politics, we're making a very strong assumption here. Unlike sociologists and economists who typically associate crime with society, we're looking at the state.

And to a great extent, this book and previous books are about the state and the different forms by which state institutions and state agents – specifically the military and the police, but also the secret service, the judiciary, and public prosecutors – may to some extent be engaged in what we call the gray zone of criminality.

So most of my work sees organized crime as that intersection between state agents and criminal organizations. I very much have a network view of what organized crime is, and ontologically, I don't see it as a private actor, but as a hybrid actor. You need to understand the state to understand crime, and you need to understand crime to understand the state.

Not all states are involved in crime, and not all criminal organizations are organized crime. You have common crime and organized crime, and you have state agents and institutions that are involved in what we call the gray zone of criminality, but others are not. Some are involved in drug trafficking and different illicit economies, but not every state agent and institution is.

Justin Kempf: What that means is it turns the whole Weberian notion of the state upside down. That's the reason why I say it's so creative. Some listeners might be wondering what I'm talking about when I say the Weberian notion of the state, but Weber saw the state as possessing the legitimate means of force – that it had a monopoly on the legitimate means of force. And what you're doing is saying that within the state, there are lots of different actors who can potentially have the means of force. They may not all be legitimate, and sometimes when the state uses force, it may not be legitimate either. It's very creative and very innovative in the way that we're thinking about lots of different actors that are moving both together and at cross-purposes into a much more complex system than most political scientists still think of to this day.

Guillermo Trejo: Well, absolutely. For a long time in political science and in social science in general, we've had a view that really sees the state as a homogenous entity, and we're really trying to underscore the heterogeneous nature of the state. Some state agents are complicit and engaged with crime, but others are not.

But I think the second idea is that we connect this to political regimes, to autocracy and democracy. And what's crucial in this book is that when we as citizens select leaders – leaders who will then go on to claim to have the monopoly of force within a given sovereign territory – the key question we're asking is: what happens when these leaders are presiding over authoritarian military and police forces? What happens when the violent state forged under autocracy survives into democracy? So that coexistence between free and fair competitive elections and security forces with a long history of gross human rights violations and corruption and criminality.

The question we ask is: what happens to new democracies when they ignore that they are transitioning to a new regime with those institutions? And what happens when they actually reckon with that long history of repression? This book is really about how transitional justice processes, when they're adopted early on in the early years of a new regime, can set countries into different long-term trajectories of peace and violence. So we're really looking at the legacies of ignoring or reckoning with a long repressive history, rather than just building a new democracy, accepting that there's a long history of human rights violations, and having new leaders simply decide to turn the page.

Justin Kempf: Let's start with the cases where they don't reckon with the authoritarian legacies. Something that I found fascinating in the book is the idea that it's often the people who were involved in the security forces under authoritarian regimes who become part of these criminal organizations. That is mind-blowing, because you're talking about people who were part of the security forces in an authoritarian regime because they saw themselves as the people imposing order upon society, and they are now pursuing extralegal methods after democratization. They're actually breaking down order. Why is it that people who were part of the security forces enforcing order under autocracies can seamlessly integrate into criminal organizations after democratization?

Guillermo Trejo: We look at six case studies, all of them Latin American – Brazil, Argentina, Mexico, Peru, El Salvador, and Guatemala. Countries of very different sizes, different GDP per capita, different levels of state capacity. But we established a baseline that between 1965 and 1990, in the context of the Cold War, all these countries had dictatorships – military dictatorships or one-party regimes. What's common to all these cases is that during the Cold War, all of them adopted a counterinsurgent state.

And what was the purpose of this counterinsurgent state? To provide order, as you said. But in the context of the Cold War, what all these regimes did was empower the military, following the national security doctrine, to identify the internal enemy of the regime. In all these cases, the military was given the task of developing very extensive intelligence sectors to define and identify who the internal enemy was. And this could be members of guerrilla forces, but also university students, peasants, Mayan minorities, sometimes Catholics that didn't follow the mainstream, or anyone who was organizing at the grassroots level or who was different from the mainstream.

But the military was also tasked in all these regimes to develop the means to actually remove the internal enemy, which in many cases meant to kill, disappear, or torture them. To do this, they developed elite forces within the military, military zone commanders, and – crucially – a whole system of clandestine prisons. And many of the actors who led the counterinsurgency operations were not just the elite forces within the military, but also death squads and paramilitary forces.

So over the course of two or three decades, these counterinsurgent states committed lots of atrocities, gained a great degree of power, and autocrats decided to keep them loyal to the regime by allowing them to profit and lead the criminal underworld. So many of these specialists in violence – in Peru, Mexico, Argentina, Chile, Brazil – went on to lead or develop or protect everything from drug trafficking to arms trades, baby theft, and murder-for-hire operations. They became the kings of the criminal underworld.

And then the key question becomes: by the time many countries were transitioning to democracy, not only did many of these authoritarian specialists in violence have skeletons in their closet, but impunity and corruption had allowed them to become leading forces in the criminal underworld. So the dilemma was, what do you do with them? And when nothing was done with them – and

countries moved, like Mexico, from one-party regime to multi-party democracy – these authoritarian specialists in violence remained in office and played a key role in the development of illicit economies, but also in fighting, starting, and leading wars on drugs and gangs and crime.

So in democracy, in countries with persistent impunity, some of these authoritarian specialists in violence defected to lead the criminal underworld, while others stayed in government but fought using the counterinsurgency playbook against former state officials. That's why wars on drugs tend to be so deadly and lethal. That explains why countries like Mexico, Brazil, and El Salvador are among the world's most violent democracies – well, El Salvador until recently, but Mexico and Brazil remain two of the most violent.

Justin Kempf: I think something you're bringing up that gets easily overlooked when we think about the state is that part of the security apparatus was not even technically part of the state. You've got these militias effectively that were working in cooperation with the state but not directly governed by it. Which means after democratization, you don't even have control over those security forces – they're independent entities that were linked to the autocratic regime. So after democratization, these security forces that function more as militias with some level of independence are out on their own. And if they were financing themselves through illicit activities, it seems like a natural pivot to effectively become criminal organizations.

Guillermo Trejo: Absolutely. Two examples. Guatemala is probably the country that, during the Cold War and after 36 years of civil war, developed one of the most extensive intelligence sectors within different units of the military, the police, and the office of the presidency. And after signing a peace agreement in '96 and transitioning to democracy after two truth commissions, what we saw in Guatemala was the defection of some of these clandestine actors who had worked very closely with institutional actors – particularly the intelligence sector under the military and the elite forces.

So when these actors came together as countries transitioned to democracy, some of them defected to the criminal underworld. That's what you saw in Guatemala pretty much between 1996 and 2008 – many of these clandestine forces who had committed the worst atrocities, who had been at the center of genocidal campaigns in Guatemala, including some who had assassinated Bishop Gerardi and leading human rights defenders like Myrna Mack, underwent a process of mutation and became leading actors in multiple illicit economies, from land grab to drug trafficking. You can tell similar stories in Mexico and El Salvador.

But what's crucial is that sometimes many of them defected and started competing for turf. One of the most dramatic stories is the defection of elite Mexican military forces who went on to create the Zetas cartel, which was initially the private militia of a powerful drug cartel. They took drug wars in Mexico to another level because it was elite forces who remained in the Mexican military fighting against elite forces that had defected from the Mexican state. Those battles between the Zetas and the Mexican government are when Mexico reached unprecedented levels of violence against civilians and criminal territorial control.

You can tell similar stories in countries that failed to adopt transitional justice processes, like Brazil or Mexico. In Brazil, members of the police forces are very repressive – they police the favelas and the cities during the day, but several of them develop militias at night to control extortion. So you have police forces that truly take advantage of their comparative advantage in violence, in information, and most importantly, their guaranteed impunity, to move from the institutional to the non-institutional, from the repressive to the corrupt and the criminal.

Let me say it once again: not every member of the military, every member of the police. It's specific institutions, and I'm not trying to take a bad apples approach. This is a systemic approach. But even within a systemic approach, you need to understand that not everyone within the police forces and institutions is colluded. Some are, but others are not.

Justin Kempf: So that helps us get a sense of how things go wrong. Your book is really about how things could go right, and you argue that transitional justice is the key ingredient to preventing these catastrophic outcomes. So why does transitional justice prevent these outcomes from even taking root?

Guillermo Trejo: Transitional justice is a landscape of different policies that have evolved over the course of 70 years. We concentrate mostly on two mechanisms: truth commissions and truth-seeking processes on the one hand, and criminal prosecution and trials of perpetrators of gross human rights violations on the other.

Our argument is that this combination of truth and justice – you can think of it as two chemical ingredients of a powerful vaccine. A powerful vaccine that really protects you from an epidemic. Countries that adopted it – and possibly the best visual image of what we mean by this accountability shock is the movie *Argentina 1985*, in which you see how a truth commission on disappearances in the seventies under dictatorship comes together with the trial of the juntas.

So what does truth do? Truth commissions are tasked with who did what to whom, and why and how – to systematically look at whether gross human rights violations are generalized and systemic, part of a playbook. When you have one of those two elements, you have crimes against humanity. So the most robust truth commissions look systematically at that, putting victims at the center, gathering tens of thousands of testimonies, doing analysis of patterns of atrocities and the modus operandi – whether they were clandestine prisons or not, the chain of command, and so forth.

What do these truth commissions achieve? They expose actors, institutions, atrocities, and the modus operandi of something that happened under civil war or dictatorship. When this is combined with trials and criminal prosecution of perpetrators – think about Peru: Alberto Fujimori, the head of the intelligence sector Vladimiro Montesinos, the Secretary of Defense General Hermosa, the death squad Grupo Colinas – all of them were prosecuted, brought to justice, sentenced for life, and removed from public life and behind bars.

When you have this combination of truth and justice, we provide the statistical evidence that there's a correlation between the adoption of truth and justice and lower homicide rates. But we also show through the case studies that countries that adopted this combination – and specifically those who not only had one vaccine shot but also had boosters, and who didn't rely exclusively on vaccines but also adopted institutional reforms to prevent repetition, to reform the military, the police, and the justice sector – who adopted education policies by which high school students would be exposed to stories about human rights atrocities, who developed memory policies...

You go to Argentina, you go to Chile, you go to Buenos Aires and Santiago, and you visit several museums of memory. There's a whole art and iconography just to remember victims and to prevent repetition. Countries that actually walk through a process from retributive justice to restorative justice, who engage in truth-seeking, who adopt multiple trials, who accept that victims have rights and states have responsibilities – I'm quoting the Rome Statute, the 1998 treaty that changed international human rights law, which holds that victims of atrocity don't have an expiration date, and that states have perpetual responsibility.

So when you think about these processes beyond the shock – and this is what the case studies allow us to do – when you look at cases like Argentina specifically, what they were able to do is remove and dismantle this Cold War counterinsurgent state and move some of the key actors into the barracks. Some are behind bars. And crucially, in Argentina, the military plays no role in public security. I know that President Milei is trying to change that, but it remains a taboo.

In El Salvador, in Mexico, and to different degrees in Brazil, the same counterinsurgent military that fought dirty wars or civil wars is front and center in security policies under democracy – and now in El Salvador, under autocracy. So for us, the key elements are removing the counterinsurgent state and changing institutions and society to develop a culture of human rights.

In Argentina, it remains a taboo to bring the military back to the streets to fight crime. If you look at public opinion surveys in countries with persistent impunity like Mexico or Honduras or El Salvador, people believe that the only way to fight crime is to bring in the military, and there's 70 to 80 percent trust in the military fighting wars on drugs and gangs. In Argentina, that's 30 percent. So it makes a difference whether you enter into a trajectory that develops accountability and anti-impunity synergies affecting both state institutions and society, and develops an equilibrium in which the defense of human rights becomes a consensus.

That's something I don't find in Mexico, I don't find in El Salvador, in Brazil. What I find in Mexico is 133,000 people disappeared, 7,000 clandestine mass graves, hundreds of thousands of people displaced, systematic torture in Mexican prisons – under right-wing governments, when the PRI came back to power in 2012, and now under the left. That's the reality of persistent impunity, in which all the actors who profit from it – particularly the military – are veto players. So regardless of who's in power, left, right, or center, they behave the same.

We were disappointed that Vicente Fox, the first democratically elected Mexican leader, gave up on a transitional justice process. His first attorney general under democracy was a general, a member of the military who had presided over military courts. Fast-forward – the PRI and now Andrés Manuel López Obrador and Claudia Sheinbaum have accepted the military as a veto player, and every administration keeps empowering them. Mexico moved from a one-party regime to multi-party electoral democracy while the military remained a veto player, transitioning with an authoritarian military, police, attorney general's office, and courts that saw little reform. Mexico was the quintessentially liberal democracy. Now we have become a militarized illiberal democracy, and the left has played this role – but this is a role that all parties have played.

Justin Kempf: So I think one of the problems I have with trying to think through this issue is that it's easy to see how things go wrong in the extreme case like Mexico, where there's no transitional justice at all and things end up the way that they have. And then you give an example of Argentina where they more or less did everything right – it's close to an ideal case, with the acknowledgement that maybe there is no such thing as a truly ideal case. And you see a very positive outcome in terms of how democracy has proceeded within Argentina as a result.

The question I have for you is: when you have imperfect projects of transitional justice, is that better than nothing at all? Especially because you know how important synergies are. When I hear that, what I naturally hear is that there are lots of places for the process to break down and fall apart, and this is an incredibly difficult and complicated process. So is it better to have something that gets part of the process going, or is that effectively the same as nothing at all?

Guillermo Trejo: That's a great question, and it really speaks to several debates within the transitional justice literature. Every country trajectory, despite having similarities and learning processes from others, is to some extent different. Even the case that we praise as probably one of the most successful examples of transitional justice in Latin America and the Caribbean – Argentina – was very complex. After the initial shock, there were amnesty laws under Menem, the military got empowered, and the process seemed to be breaking down. Then a few years later it was restored by the same party under different leadership, and eventually became somewhat politicized.

Justin Kempf: Chile is another great example – a case with lots of amnesty, and not only that, but almost the textbook case of a negotiated settlement. It's the one that Linz and Stepan really lean on as a model of democratization, but you have a pacted agreement between the autocratic regime and those pushing for democracy. Chilean democracy looked very incomplete at its inception, and yet you cite Chile as one of the stronger examples of an effective transitional justice program.

Guillermo Trejo: Indeed, you have to pay attention to the process. Initially, because Pinochet was still the head of the military and the military establishment had survived under democracy, the new democratic leadership was very limited in what they could do. So they started with one truth commission, which was under fire – lots of people criticized it as a very weak initial exercise. But one thing led to another. Opening even a small window in this massive wall of impunity allowed private actors – some linked to the Catholic Church, others to different human rights organizations, many linked with international institutions – to start contesting the amnesty law and take cases into the courts.

Then came the dramatic change of 1998 with the Rome Statute. General Pinochet was traveling to England when he was detained, and that opened a whole new process when he made it back to Chile. He was prosecuted and sentenced, and died at home, but that opened the possibility for – and the demand for – a second truth commission, which led to a cascade of truth-seeking processes, criminal prosecutions, and reparation programs.

I'd also love for your audience to pay attention to the case of Guatemala. Guatemala had two truth commissions: a Catholic-sponsored, bottom-up, civilian-led process of truth-seeking, and then a United Nations-led second truth commission built on the first one. By the early years of the 21st century, Guatemala had two of the most powerful truth commissions – one led by civil society, the other by international actors, with not much cooperation from the Guatemalan government, but both very powerful. They had exposed the counterinsurgency, but there was no justice.

What we know is that 24 hours after the release of the first truth commission, Bishop Gerardi was tragically assassinated. And despite having two truth commissions and a peace process, between 1996 and 2008, Guatemala became one of the most violent countries in the world. This is when civil society and a very powerful human rights movement went back to the United Nations and demanded help developing a hybrid institution – the International Commission Against Impunity – to work hand-in-hand with the public prosecutor's office, with the police, with Guatemalan law enforcement, to dismantle many of these very complex criminal networks in which politicians, members of the military, and former members of death squads were taking control over illicit economies. Mexican drug cartels, the Zetas, were going in. Guatemala had become a very violent place.

And this is when Guatemalan law enforcement reformed. With help from many European and Scandinavian countries – and most of this process funded by the US – they developed probably one of the most extraordinary processes of dismantling and fighting crime by means of law and not by

means of war. The Mexican government under Felipe Calderón declared war on drugs, and the war between the Mexican military and the Zetas became one of the most deadly conflicts in contemporary history in the Western Hemisphere. Guatemala followed a very different track. They created the institutional framework, including special tribunals, and with cooperation through the International Commission Against Impunity, Guatemalan prosecutors were able to bring three major cases in which twenty, thirty, even forty members of the Zetas who were trying to take control over Guatemala were sentenced to prison and removed from the criminal underworld. The Zetas collapsed in Guatemala. It was done by means of law.

Guatemala went on between 2008 and 2019 to dismantle seventy criminal structures and bring violence down from forty-five homicides per hundred thousand to approximately twenty – now they're around seventeen. With another co-author, we estimate that approximately thirty thousand lives were saved through these policies and processes. This is one idea I also want to introduce here: these types of policies prevent violence, but can also save lives. Accountability policies, transitional justice processes, and policies that undermine impunity and remove the counterinsurgency not only help to establish the rule of law and the basis of relatively peaceful democracies – they can actually save lives.

Justin Kempf: So what you're doing right now is emphasizing that transitional justice both appeals to ideals of human rights but also represents good public policy in terms of delivering outcomes we actually want – public goods like security, one of the most basic ones. But a key element of this book, in my opinion, is that it links back to democratic theory. You're saying that transitional justice is effectively necessary to complete the process of democratization. That's how I read this. And the reason why I say it's so creative is because you're going against what more traditional democratic theory has said in the past.

I don't need you to necessarily speak to that, but I want listeners to understand that in the '80s and '90s, there was a sense that in order to make democratization possible, you really needed widespread amnesties – forgiveness of the past regime in order for democratization to even get off the ground. You're now arguing that democratization remains incomplete until we reckon with those histories. So my question is whether this idea about transitional justice is really just about these situations within Latin America that have connections to drug crime and international cartels, or whether this applies universally. Is transitional justice necessary for a successful and complete democratization?

Guillermo Trejo: Again, a great discussion. Towards the conclusion of the book, we deal with that specific issue. I think the key is that to the extent that adopting robust transitional justice processes after transitioning to democracy makes a country less vulnerable to the militarization of public security, it is less likely that those countries will fight crime by deploying – like Mexico – 45,000 military troops against drug cartels. It is less likely that fighting crime by committing human rights violations remains part of the playbook. It increases the chance that law enforcement agents are civilians, that they play by a democratic rulebook rather than an autocratic or counterinsurgency playbook, that they observe the law, comply with the law, and respect human rights.

That doesn't mean you guarantee this – we're not making a deterministic statement. We're just saying it's less likely. To the extent that you regulate state coercion by means of truth and justice and by creating a human rights culture, you make society more demanding. Argentinians take to the streets when a journalist gets killed. Mexico has become the world's most lethal country for journalism in the past decade or so. Mexico is a country that has normalized violence, a country in which security forces not only take center stage in public security but in politics.

And if you fast-forward these two trajectories – to the extent that authoritarian specialists in violence become veto players, to the extent that they become key actors in defining public security and start building roads and infrastructure and bridges and become one of the key governing actors – you are on a path not just of undermining the rule of law and human rights, but of undermining democracy itself. Because the endpoint is El Salvador, in which societies are finally willing to trade democracy for some sense of security, and they are okay with the military entering parliament, with the military taking over, and with a president who pretty much rules with the military.

The adoption of transitional justice processes – and this is something that needs to be pursued and researched further, which is pretty much where you are hinting – is also a way not just to deepen democratic quality, but to make democracy more sustainable. To make it more sustainable by making it more peaceful.

Justin Kempf: Yeah. Part of the reason I ask is that we've seen transitional justice programs in other countries as well. Tunisia had a transitional justice program in its effort towards democratization, and maybe it was the fact that the transitional justice program had problems that led to the breakdown of democracy there – though it's something I haven't looked at very closely.

But something else on my mind is whether some of the efforts toward democratization in the past also felt incomplete because of a lack of transitional justice. One case that comes to mind as an American, not mentioned in your work, might be the Civil War, where you had blanket amnesty of Confederate generals and no serious attempt to reckon with what happened within the South. Reconstruction ended after ten years as a very haphazard process. Do you see historical parallels – like the American Civil War or other periods during the first wave of democratization – where transitional justice could have facilitated stronger democracies in the past?

Guillermo Trejo: I think one of the takeaway messages from the book is that failing to reckon with a repressive history of mass atrocities – regardless of the timing, regardless of the place – leaves institutional legacies, cultural legacies, social legacies. I'm not surprised when I see a country of persistent impunity, whether it's a democracy or not, in which members of the military and the police and security forces disregard human rights and adopt very repressive policies. I don't find that as easily in countries that did reckon with a history of atrocities and embarked on a long-term process.

One of the key messages of this book, illustrated by the Peruvian case: Peru had an accountability shock. It had a wonderful truth commission and trials, but it failed to adopt boosters and changes in lifestyle, so to speak – institutional reforms to prevent repetition, reparations programs, education programs, memorialization programs. What we find statistically, and also confirm through case studies, is that the effect of the initial shock – the initial vaccine – on average lasts for about ten years. If after ten years you fail to follow through, you see what you see in Peru: the military is out front and center in public security, and military zone commanders and other authoritarian specialists in violence move into politics or organized crime.

So one of the takeaway messages is that free and fair competitive elections are a sine qua non for any democracy. But they clearly become insufficient when you start thinking about the long-term sustainability of democracy, the development of the rule of law, and the development of peaceful societies. You cannot ignore that these are leaders who are commanders-in-chief, who appoint heads of the police, who preside over those who do intelligence work. We cannot have peaceful and sustainable democracies or a democratic rule of law if those who preside over those forces have skeletons in their closet, have the means to corrupt the state, and have the means to engage in

organized crime. That becomes very complex. That becomes unsustainable. That compromises democracy.

This is something we now know, but it was very difficult in the 1980s and 1990s, when practitioners and some of the greatest scholars of transitions to democracy were agonizing over the question of human rights. Many of them said: blanket amnesties, turn the page, let's build a democratic future, let's adopt free and fair elections and ignore this repressive past, because otherwise these actors, if faced with accountability, will become democratic spoilers. That's exactly what happened when Pinochet found out a transitional justice process was in the making in the early '90s. But he miscalculated. He said, 'Not to criminal prosecution, not to trials of my boys – but truth commissions are just symbolic.' One of the key findings of this book is about the power of truth commissions, the power of nunca más, the power of never again.

Because almost every transitional justice mechanism – whether it's criminal prosecution or trials, vetting and lustration, institutional reforms to prevent repetition, memory policies, or reparations policies – they all need that element of truth to develop those policies. So it's absolutely crucial for any country transitioning to democracy, in Latin America or elsewhere.

Venezuela is a crucial case. Transitioning to a new regime – let's say a democratic one. If Venezuela adopts a minimalist democracy, we now know that the counterinsurgent state we discuss in this book, developed mostly in the Cold War by right-wing military dictatorships, was also developed by left-wing dictatorships – namely Chávez and Maduro. When Venezuelans read this book, what we describe as this counterinsurgent state, and they see what happens to countries that fail to remove it, they immediately think about the challenges of having the survival of that counterinsurgent state in Venezuela, deeply rooted in repression, corruption, and criminality.

So if Venezuela simply adopts free and fair elections and ignores all these actors or starts talking about blanket amnesties, they should think twice and pay attention to the tragedies of Mexico, El Salvador, and Honduras – all those cases that failed to reckon with a repressive history – and look to the countries that had the moral courage, the leaders, the human rights movements, the civil society, to actually adopt robust transitional justice processes.

Because you're absolutely right, Justin: there are many countries that politicize transitional justice and pretend to adopt it. Mexico's government under Andrés Manuel López Obrador pretended to adopt truth commissions and lots of transitional justice policies. They were empty. No teeth. Window dressing. That's why one of the key concepts of the book is the idea of robust transitional justice mechanisms and processes. They have to be strong, they have to be meaningful. You can start with mechanisms that are limited, like in Chile, but then the second truth commission is more powerful. The first initial trials may be limited, but then they become more encompassing, and you embrace the whole landscape of transitional justice.

Justin Kempf: So, Guillermo, when I read your book – this one, your last one, articles you write – you're very much a political scientist's political scientist. You use the most up-to-date methodological tools: statistical analysis, case studies. It's very much a political scientist's book. So I was surprised to find in the acknowledgments that you're not just writing about things you observe but actually participating in transitional justice. So I'd like to give you an opportunity, since we've been talking so much about theory, to take a step back and explain how your personal involvement in these practices has shaped your thinking about both democracy and the theory itself.

Guillermo Trejo: Thank you for the opportunity. I think what's fascinating about the landscape of transitional justice is that it's both interdisciplinary – international human rights lawyers and international lawyers, political scientists and criminologists and sociologists and anthropologists and forensic anthropologists and historians – and methodologically diverse. Taking testimonies requires very advanced ethnographic methods, but there's also the data science behind estimating the scale of atrocities. So it's a fascinating world.

But the other crucial element is that scholars and practitioners – the victims, church leaders, human rights organizations – are part of this ecosystem of actors that fight against impunity, both domestic and international. In the specific cases of Mexico and Guatemala – and Guatemala is very important to many of us because it was a country that initially failed to adopt a full-fledged accountability shock, developed very complex criminal structures, and then dismantled them by means of law – I've spent a lot of time studying that case and am working on a book with other co-authors.

But specifically in Mexico, it's very important to understand that it is a country of persistent impunity. One of the scope conditions of the book is that even if you adopt very micro policies – like body cameras for police forces – it's very different if you adopt those policies in a country of persistent impunity like Brazil or Mexico than if you adopt them in Argentina or Chile.

So I am very much aware that I'm not just studying but working with victims – specifically victims of enforced disappearance in Mexico. Mexico experienced approximately two to three thousand disappearances during the dirty war. But now, under the war on drugs, 132,000 to 133,000 people have disappeared. Mexico is, by many metrics of mass violence and selective violence against leaders, the world's most dangerous country for local authorities and party candidates, for journalists, for Catholic priests, for business leaders, and one of the most dangerous for environmental leaders and human rights defenders.

Because of persistent impunity, a lot of this selective and mass violence persists. I've been part of several collectives, groups, and networks that have been trying to push transitional justice processes. We put together a proposal that we submitted and negotiated initially with the government of Andrés Manuel López Obrador – he had committed himself to announcing it the day of his inauguration in 2018, and he failed to do it. Subsequently he said, 'No, I will do it,' and he failed again. Eventually he just adopted a truth commission and a specific mini transitional justice process for one case – the case of Ayotzinapa, the forty-three rural teachers' college students who were disappeared – but that got lost fairly quickly. The military vetoed whatever investigation.

So I am at a moment in which I have moved together with other people – rather than working nationwide – to go local, city by city, and work together with victims of enforced disappearance, trying to empower them to demand truth, justice, and reparation from the bottom up, from the periphery to the center.

We're moving into a new era of transitional justice. From the Nuremberg trials to the Colombian transitional justice process, that's as much as we've learned about how to deal with different forms of political violence. But now that we're confronted by political-criminal violence and very complex networks in countries of persistent impunity like Mexico, El Salvador, Honduras, or Brazil and many others around the world, we need to learn from those experiences but also develop different tools. Because we cannot simply assume that the world is made of state and non-state actors, or that states are homogenous – states are heterogeneous. You don't know whether the public prosecutor you're working with is colluded or not, whether the police force or the military is. We have lots of actors – hybrid actors, state, private, criminal – who live and profit from these criminal underworlds. We

need to develop new tools, and this is where the Guatemalan experience really puts us into this new wave, this new landscape of how to dismantle criminal structures by means of law.

There's a lot there – we could devote a whole program to that. But I think what's crucial in the Guatemalan case is that they failed to develop the political infrastructure to actually sustain this magnificent set of policies and institutions that were fighting impunity, and they were vulnerable to a backlash. They fell in love with truth and justice, but what about institutional reforms to prevent repetition, memory policies, reparation policies? And this is when you go back to Argentina. Argentina went through all of that. Argentina may have all kinds of problems – hyperinflation and all kinds of problems – but they were able to solve one thing, and they are still defending it: how to constrain Leviathan and how to build security forces with a democratic and human rights lens. And that's crucial for sustainable democracy.

Justin Kempf: Well, Guillermo, thank you so much for joining us today. To mention the book one more time, it's called *Accountability Shock: Why Transitional Justice Prevents Criminal Wars in New Democracies*. Thank you so much for writing it, for the work that you do, and for discussing it with us today.

Guillermo Trejo: A pleasure, Justin. Thank you.