



Un pueblo sin memoria es un pueblo sin futuro: The Right to Memory and the Struggle for the Legal Regulation of Memory Sites in 21st Century Chile

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ABSTRACT

Over the past decades, the right to memory has gained traction among academic and public circles, which recognize the importance of remembering and commemorating the past for victims, their families, and future generations. This recognition has become especially relevant in transitioning societies like Chile, where several sectors of civil society have demanded a constitutional reform that considers the right to memory within political and legal spaces. Central to these claims is the need for sites of memory to be legally protected as they represent mechanisms integral to preserving the collective memory of the dictatorship and its human rights violations. However, while researchers in several fields have highlighted the importance of incorporating the right to memory within legal spaces, sociolegal scholars have yet to explore the need for sites of memory to be protected under the right-to-memory framework, which would ensure the protection and preservation of memory spaces in Chile. As such, this research seeks to highlight the integral role sites of memory play as symbolic reparations and memory enablers in the transitional justice process.

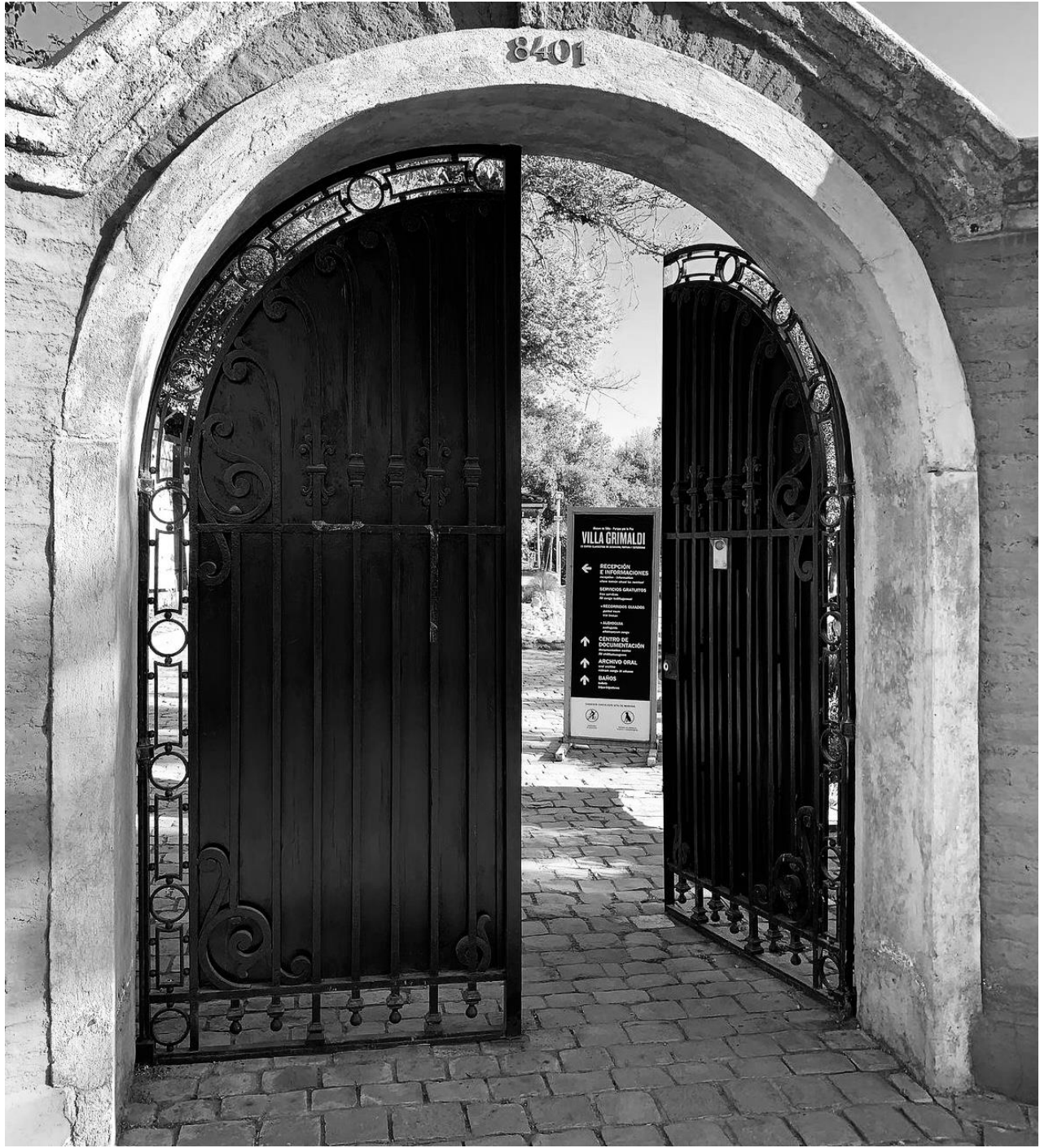
Keywords: right to memory, transitional justice, memory spaces, human rights.

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Figure 1

The gates of Villa Grimaldi Peace Park (formally known as Cuartel Terranova detention centre).



Note. Peñalolén, Santiago De Chile. 2023 (Author's photo).

INTRODUCTION

As the sun set over the smoggy metropolitan city of Santiago, Chile, I found myself standing in front of the gates of Villa Grimaldi, a former clandestine detention and torture centre used during the Chilean dictatorship (1973-1990). The air was heavy and solemn, as if the pressure of history was weighing on my shoulders. As I walked through the gates, I felt uneasy. The silence of the now peace park enveloped me. The walls that once confined over 4500 prisoners surrounded me, compelling me to listen, feel, and contemplate the atrocities of the past and the untold stories of those 234 people who never made it out. As I stood there, surrounded by the echoes of the past, trying to reconcile the peaceful surroundings with the horrors that unfolded on these very grounds, the woman I was set to meet for an interview tapped me on the shoulder. Maria¹, a former torture survivor from Villa Grimaldi, agreed to meet and chat with me while we strolled through the park. As Maria shared her journey of torment, pain, and resilience and the importance of never forgetting what happened within the confines of Villa Grimaldi's walls, I felt a sense of reassurance about the significance of my research and its relevance. Spaces of memory, such as Villa Grimaldi, play a vital role in preserving and transmitting the memory of the dictatorship and its human rights violations because it shapes the collective consciousness of future generations.

Maria's testimony became a poignant reminder of the transformative power that spaces of memory have in transmitting the past to present generations and in anchoring the importance of remembering to future ones. As our footsteps carried us deeper into the park, the interview drawing to a close, we arrived at the culmination of our journey- the final location marked on our tour pamphlet when Maria turned to me and said, "Villa Grimaldi es un espacio adonde las voces de las víctimas resuenan, donde sus historias quedan grabadas en el presente y donde la responsabilidad de recordar y defender los derechos humanos se transmite de generación en generación."² Maria's words resonated and lingered in my thoughts all throughout my time doing fieldwork in Santiago. In a few words, Maria was able to encapsulate the profound essence of Villa Grimaldi as a living testament to the remarkable power of space and place. This site not only stands as a physical marker but also as a material and symbolic embodiment of resilience, resistance, and remembrance. It is a space of dialogue, reflection, and pedagogy, forging a bridge between generations in their collective pursuit to honour the memory of victims and safeguard human rights. Like many other memory spaces scattered around Santiago, Villa Grimaldi is a powerful epicentre of truth and linkage, fostering a community of memory carriers who carry forward the memory of the dictatorship and its atrocities beyond the physical confines of its walls.

However, while some individuals, such as Maria, acknowledge the pivotal *mnemonic*³ role played by spaces of memory in preserving the collective memory of the dictatorship and commemorating the human rights violations that transpired during that period, this perspective is not universally shared among the Chilean population. Instead, there exists a pronounced division regarding the

¹ Name of interviewee has been anonymized.

² Translation of Quote: Villa Grimaldi is a space where the voices of victims resonate, where their stories become engraved in the fabric of the present and where the responsibility to remember and defend human rights is transmitted from generation to generation.

³ Mnemonics or mnemonic according to Worthen (2011) are cues placed in the environment to improve memory (p.2).

collective memory of the dictatorship, its associated human rights violations, and the relevance of spaces of memory. For a notable segment of Chileans, the dictatorship was perceived as a necessary measure, and the atrocities it produced as an inevitable consequence of the pursuit of safeguarding the state against a perceived communist threat. Consequently, many Chileans foster a strong desire to consign the past to oblivion, preferring to move forward and not dwell on historical wounds that should be forgotten, “emphasizing the need to focus on the future rather than on the past” (Jelin, 2007, p.139). The presence of multiple and divided collective memories causes memory spaces to remain contested. Those less inclined to revisit old wounds usually perceive spaces of memory as insignificant and devoid of purpose, occasionally going as far as to challenge the rationale behind their existence. As such, the memory of the dictatorship and its associated spaces remain contentious subjects, perpetuating a dichotomy of perspectives and an ongoing struggle for memory within the fabric of Chilean society. These circumstances engender precarious and uncertain conditions for these spaces, as they lack the adequate and appropriate legal safeguards to guarantee their protection and preservation. Although several sectors of civil society have demanded constitutional reforms to establish legal safeguards for spaces of memory under the right to memory, the proposal for the new progressive Constitution developed during the period spanning from 2021 to 2022, which included this provision, was regrettably met with rejection. As a result, the rejection of the proposed Constitution, which would have represented a pivotal departure from the dictatorship-era constitution, was perceived as a profound setback regarding transitional justice by those who have dedicated decades advocating, promoting, and engaging in *memory work*⁴ as well as by those committed to guaranteeing non-repetition of state violence.

Accordingly, in this dissertation, I draw on my ethnographic work to answer the following research questions: In what ways do spaces of memory facilitate the transmission of the memory of the dictatorship and its associated human rights violations from one generation to another? What can spaces of memory tell us about the intricate relationship between the memory of the dictatorship, its associated human rights violations and the transitional justice process in Chile? How does this relationship impact the regulation of memory sites in Chile? How have Chilean legal frameworks and institutions impacted the implementation of well-founded and solid normative legal underpinnings that would anchor and protect spaces of memory?

This dissertation seeks to understand why spaces of memory which serve as poignant reminders of past human rights abuses have not been legally integrated into the realm of human rights idioms and discourse within Chilean society, notably within the framework of the right to memory. The inclusion of these spaces into a regulatory framework with legal underpinnings that considers them places/spaces of memory rather than historical monuments would ensure these spaces can be safeguarded and preserved for succeeding generations who not only possess the “right to a symbolic representation of the past” but also a physical and material one as well (Tirosh & Reading, 2023, p. 6). By investigating this issue, this dissertation seeks to shed light on how legal processes can shape and be shaped by memory work and the contributing factors that have resulted in the absence of appropriate legal protection for these spaces. This research also seeks to

⁴ Nina Fischer (2015) defines the concept of “memory work” as an active process that entails adopting an inquisitive stance towards the past and engaging in the deliberate reconstruction of memories. Fischer's understanding of memory work involves an individual consciously and voluntarily interrogating the past while employing collective frameworks.

emphasize the significance of having a physically defined space of remembrance that is legally regulated and protected to engage those who experienced the dictatorship firsthand and for subsequent generations.

Methodology: Establishing an Intergenerational Dialogue

This dissertation is based on the culmination of extensive research spanning several months, complemented by fieldwork conducted in Santiago de Chile from May 10 to June 11. Multiple sources, such as archives from spaces of memory and secondary material, were also employed. Multi-sited ethnography⁵ was used to engage with civil society and memory spaces in the capital to gain an in-depth understanding of the socio-legal and political dynamics related to memory within Chilean society. More specifically, this research engaged with academics, human rights activists, lawyers, and the public from different generations to better understand the circumstances and social realities underpinning the memory landscape in Chile. This method was the most appropriate for this dissertation because it “satisfies the goal of investigating the associations and connections between distributed sites of memory” in Santiago (Basu, 2013, p.118).

The in-person fieldwork took place at multiple sites of memory, such as Londres 38, Villa Grimaldi, and the Museum of Memory and Human Rights, where several photos were taken, and discussions took place. Eleven semi-structured interviews with interlocutors were also conducted because to “effectively study memory sites, it is necessary to consider their materiality, how they are valued by society and their biography” (Gamboa Morales (2022, p. 107). The decision to use semi-structured interviews to guide the conversation is rooted in the desire to gain an in-depth understanding of the complexities surrounding the issue of memory in Chile. It also allowed for the collection of original data, which was crucial for the success of this dissertation. This approach was considered most appropriate because this type of interview permits respondents to talk at length about topics brought up during the interview and allows for a rich and detailed description of their experiences, attitudes and beliefs surrounding memory, its spaces, and transitional justice efforts in Chile that are not always captured by other methods. Indeed, as noted by Bauer & Gaskell (2000), semi-structured interview methods “provide the basic data for the development of an understanding of the relations between social actors and their situation” (p.39). The data collected through the interviews is not considered hard evidence, but rather, it is used in the analysis to understand the interlocutors' experiences and the negative consequences generated by the dictatorship. The data collected was used to analyze and identify patterns of meaning and interpretations of events in their sociopolitical and legal context. Likewise, the process of interviewing and the analysis afterwards cannot only be considered a methodological product of the research but also the direct manifestation of the practice of intergenerational memory transmission between interlocutor and researcher.

The analysis incorporates several anecdotes and interview excerpts, identifying the interviewee either in the text or the footnotes. Most conversations were conducted in Spanish, with two conversations being carried out in English and a mix of Spanglish. These discussions covered various topics, such as the period of the dictatorship, interactions with memory sites, and the

⁵ multi-sited ethnography defines as its objective the study of social phenomena that cannot be accounted for by focusing on a single site. (See Falzon 2009, p.1).

current legal and political landscape in Chile. Through multiple visits to the memory spaces, interactions with interlocutors, and the analysis of secondary sources, insights were gained on how sites of memory connect the past, present, and future through the transmission of memory. Notably, the research elucidated a consistent issue regarding the Chilean state's efforts towards transitional justice—The State has not made enough efforts in terms of justice, truth, and reparations. For instance, during my interview with Valentina Infante⁶, a former tour guide at the Museum of Memory and Human Rights and Ph.D. graduate from Oxford in Sociology, and currently a postdoctoral investigator at VioDemos Institute⁷ acknowledged that there are pending issues concerning reparations. She says, “I think as a society we have not healed the wounds of the past, because for victims to heal their wounds they need justice, and they need full integral reparations and those things have not been accomplished 100%” (Infante, 2023).

Similarly, Erika Hennings,⁸ a human rights activist, a survivor of Londres 38⁹, and current president of Londres 38, mentions that for her, Chile is not a reconciled country. She says, “I have said this in many interviews. However, I will repeat it because it is important, I do not see a reconciled country, and I personally do not want to be reconciled. I cannot visualize this idea of reconciliation because there has not been voluntary political action in creating or implementing an organized and effective policy toward memory and reparation¹⁰” (Hennings, 2023). Both interlocutors' understanding of the transitional process and its efforts in Chile are a cornerstone of this dissertation's main methodological goal- to highlight the essential role of spaces of memory as key contributors to the transitional justice process in terms of reparations and advancement of human rights, which underscores the imperative for their legal protection.

Visits to these sites alongside semi-structured interviews, therefore, served as tools to yield insights into how interlocutors engage with, understand, and embed meaning in these spaces. The combination of these methodologies permitted the collection of invaluable knowledge that was essential to answering the main research questions. Furthermore, as the granddaughter of Chileans who fled the dictatorship in 1975, I also recognize the importance of reflecting on my situational identity during the research process. This awareness was particularly significant as I conducted research, visited memory sites, and interviewed people since I needed to remain reflexive in my inquiries and data analysis.

To amend these challenges, it was essential to strike a balance when finding individuals to interview because it was imperative to ensure not to privilege the voices of certain groups over others in my research. It was also critical to examine my own epistemological bias and knowledge claims acquired from personal and academic experiences when speaking to the interlocutors. This reflexivity was critical given Chilean society's enduring ideological and political divisions. Ultimately the success of this research hinged upon the privileged position I held as an academic, being able to conduct research abroad and disseminate information about the memoryscape in Chile. It remains evident to me that many individuals still face extensive challenges in having their

⁶ Valentina expressed her preference to be identified by name rather than being anonymized.

⁷ Instituto Milenio para la Investigación en Violencia y Democracia (VioDemos) is a centre which focuses on researching the impacts of state violence on citizenship and democracy in Chile. For more info: <https://viodemos.cl/es/>

⁸ During our interview, Erika consented to have her name included in my dissertation.

⁹ Londres 38 is a former centre of detention, torture, and disappearance in Santiago, Chile.

¹⁰ My translation from Spanish

voices heard and acknowledged regarding human rights and memory issues in Chile. I am therefore grateful to have had this opportunity and highly indebted to all those who agreed to speak to me. Consequently, this research aims to amplify the voices of all interlocutors equitably and emphasize that while this dissertation is an original work, it does not represent “my truth” alone but rather the collective truth of the diverse range of all Chileans I had the privilege of interviewing. I do not intend to appropriate their voices or dominate their narratives but rather provide a platform for their stories and memories to be shared and respected.

A Brief Organization of the Dissertation

Un pueblo sin memoria es un pueblo sin futuro is an attempt to bring together the symbolic, political, and material connections within sites of memory that can leverage the transitional justice process in Chile towards a more just future. In line with this goal, this dissertation is composed of 5 chapters. Chapter 1 delves into some of the previous literature on memory, human rights, and transitional justice and presents the relevance of the research project. Chapter 2 presents a brief overview of the historical period of the dictatorship, starting from Sept 11, 1973, and the reconciliation efforts made after Pinochet stepped down in 1990. It will also analyze the dictatorship's legacy and its impact on Chilean society. As such, I will draw from my interlocutors' life stories to demonstrate how these processes unfolded. In Chapter 3, I will highlight the efforts made by bottom-up initiatives to reclaim memory spaces and the importance of considering space and place. The analysis will highlight how spaces of memory help preserve and transmit the collective memory of the dictatorship and its human rights violations across generations and illuminate how these spaces contribute to the transitional justice process by fostering an environment of truth, justice, and healing. Chapter 4 will discuss my experience visiting three sites of memory in Santiago de Chile: Londres 38, Villa Grimaldi and the Museum of Memory and Human rights. Chapter 5 will explore the right to memory and why collective memory must be regulated by a legal framework rooted in human rights principles. The analysis will engage with human rights literature and explore the challenges of implementing this type of legislation for sites of memory in Chile. Lastly, considering that Chile is currently going through an uncertain and unsettled political process regarding its Constitution, the conclusion will briefly capture the interlocutors' thoughts and doubts about the Constitution regarding memory and its spaces and their hopes for a more just future in Chile.

CHAPTER 1

On Memory, Human Rights, and Transitional Justice.

This dissertation builds on an extensive body of literature in memory studies engaging with current debates on memory politics in post-conflict societies, focusing particularly on Chile. It emphasizes the pivotal role spaces of memory play in helping victims, their families and society in post-conflict nations transmit their memories and challenge, resist, and transcend narratives of *negacionismo*¹¹ and institutionalized censorship practices that seek to invalidate and discredit their realities. Ultimately, the legacy of repression and state violence has profoundly impacted the collective memories of post-authoritarian nations. Therefore, this literature review aims to engage with concepts such as collective memory, post-memory, and politics of memory to make the chaotic nature of Chilean society regarding memory, human rights, and transitional justice intelligible.

Memory studies is a multidisciplinary field which combines intellectual strands from several disciplines, such as anthropology, education, history, sociology, and numerous others. (Roediger & Wertsch, 2008 p.9). Most scholars who begin their research on memory begin with the work of French sociologist Maurice Halbwachs who is seen as the founding father of the concept of *collective memory*¹² and has made significant contributions in the field of memory studies. For Halbwachs remembering happens collectively within social frameworks, where social groups influence individual memories. The construction of memory is deeply rooted in social interactions and shared experiences. In his renowned piece *Social Frameworks of Memory* published in 1925, Halbwachs showed that memories are social and passed from generation to generation¹³. Building on Halbwach's ideas, memory scholar Marianne Hirsh has further explored the concept of collective memory and introduced the term *post memory*¹⁴ to analyze and understand how memory is transmitted intergenerationally through different mediums. While these concepts are essential to understanding how memory is constructed and transmitted across generations, they need to be understood in the context of Latin America, specifically Chile.

In the Latin American context, the scholarship on memory issues is extensive and “occupies a vast and growing multidisciplinary terrain,” especially in the Southern Cone, where dictatorships left their indelible mark and trace on people, economies, and socio-political and legal framework (Hite, 2017, p.190). Chile, in particular, has been the subject of ongoing debates, research and investigations across various fields regarding the collective memory of the dictatorship and its human rights violations. (See Jelin 2007; Lira 2011; Richards 2000, 2004, 2019; Gomez-Barris 2009; Rojas Corral 2022). Presently the study of post-conflict societies that are still attempting to grapple with the arduous task of reconciling past abuses and dealing with the unresolved legacy of

¹¹ According to Abellán López (2023) Negacionismo, or denialism in English, is a social phenomenon used to systematically reject historical evidence to influence public opinion to favour certain interests (p.1).

¹² According to Barry Schwartz (2008) describes collective memory as the distribution throughout history of what individuals believe, feel, and know about the past (p.11).

¹³ See (Olick and Robbins, 1998) *Social Memory Studies: From "Collective Memory" to the Historical Sociology of Mnemonic Practices*.

¹⁴ Post memory as defined by Hirsh (2012) describes the relationship that the “generation after” bears to the personal, collective, and cultural trauma of those who came before-to experiences they “remember” only by means of the stories, images, and behaviors among which they grew up. See also <https://postmemory.net/>.

these dictatorships often employ the lens of the *politics of memory*¹⁵ Theorized by Alexandra Bahorona De Brito, the concept “politics of memory “consists of policies of truth and justice in transition (official or public memory); more widely conceived, it is about how a society interprets and appropriates its past, in an ongoing attempt to mould its future (social memory)” (Bahorona De Brito, González-Enríquez, Aguilar 2001 p. 37). This approach also examines the emerging tensions and conflicts that arise from the memory landscape and the ongoing struggles for justice and truth (See Lessa 2013).

These conflicts consist of what Alexander Wilde (1990) calls “*irruptions of memory*,” which essentially consists of events that unsettle everyday life in the public sphere because of conflicting and divided public discourse and memories of the dictatorship and its human rights violations. In the aftermath of violence, “these antagonistic interpretations of the past are often used as political tools” (Barahona de Brito, González-Enríquez, and Aguilar 2001). Extensive research has also been conducted on memory conflicts during the post-dictatorship ¹⁶era in Chile from a transitional lens (See Roth-Arriaza, 2010; Roth-Arriaza & Mariezcurrena, 2006; Stern, 2010; Tietel, 2000). As such, memory politics is also closely linked with *transitional justice*¹⁷ scholarship, which consists of “tracing the dynamic post-authoritarian interactions of particular political institutions, policies, and actors including the judiciary, the military, and human rights organizations” (Hite et al., 2013, p. 1). Barahona de Brito (2008) emphasizes that “transitional justice per se, and the politics of memory” are “two overlapping dynamics” and, therefore, should not be studied separately (Barahona de Brito 2008, p. 3). Transitional justice studies emerged after the atrocities committed during the Second World War, and for the most part, these scholars focus on how states take accountability and responsibility for human rights violations committed in the past through the adoption of policies and laws (See Tietel 2001; Collins, 2010). Currently, even terms such as *post-transitional justice* are being used in transitional justice literature to accentuate the long-term process of dealing with past atrocities that can span decades and generations. (See Aguilar 2008; Collins 2010; Skaar 2011).

Drawing on this debate are scholars such as Elizabeth Jelin, a prominent scholar in the fields of social memory, human rights, and transitional justice. She has significantly influenced Latin American social memory, where her work focuses on memory issues related to the Argentine dictatorship and the subsequent transitional justice process. Jelins contributions are foundational in these fields and have particularly influenced Chilean academics who draw from her work to gain insights into the socio-cultural and political dimensions of memory and its impact on the ways societies “confront and reckon with their violent pasts in the process of democratization” (Jelin, 2007, p.139). Hugo Rojas Corral (2022) also observes this overlap and examines the interaction between human rights, indifference, and transitional justice in his two works, “*Past Human Rights Violations and the Question of Indifference: The Case of Chile*” and “*Human Rights and Transitional Justice in Chile*” from a sociolegal standpoint. Rojas delves into the enduring legacy and memory of the human rights violations committed during the dictatorship era, contextualizing

¹⁵ According to Lessa (2013), the politics of memory highlights the dynamic evolution and changes in transitional politics and the emergence and replacement of dominant memory representations in the context of ongoing conflicts for justice against impunity (p.10-12).

¹⁶ This term is contested. For more discussion on this see (Nelly Richard 2001).

¹⁷ According to Ruti Teitel, transitional justice is a “conception of justice associated with periods of political change, characterized by legal responses to confront the wrongdoing of repressive predecessor regimes” (Teitel, 2003, p. 69; Teitel, 2017, p. 31).

Chile's strides in justice and reconciliation and sheds light on remaining tensions and challenges. Macarena Gómez-Barris (2009 & 2010) also explores the nexus between human rights and transitional justice but from a different standpoint. She analyzes cultural productions and the transmission of memory through visual representations. She examines how memory is contested, negotiated, and mobilized in the “afterlife of violence in the cultural arena” (Gomez- Barris 2009, p.3).

At the same time, research on transitional justice in Chile has mainly focused on social memory and policies of memory. It has paid little attention to the “process of memorial production taking place in specific spaces and places during the post-dictatorship period” (Gamboa Morales et al., 2022, p. 480). Katrien Klep (2012 & 2013) is one of the few scholars who touches on sites of memory in Santiago and how the past is constructed in these sites. Klep’s analysis focuses on the transmission of historical knowledge to social actors seeking truth and justice however does not address the broader socio-political and legal implications of this memory work for human rights and transitional justice. More recently, however, some scholars have delved more deeply into examining the role of memory spaces and places in shaping the collective memory of the dictatorship and its human rights violations (See Hite & Badilla, 2019 & Zaliasnik, 2022).

Within the field of memory studies, there are also those scholars who mainly focus on the processes of memorialization and commemoration of the past and the political dynamics associated with them (See Hite, 2012; Hite et al., 2013). The politics of commemoration “recognizes that commemorative processes are more than symbolic exercises to acknowledge the past” (Hite, 2012, p. 4). Pierre Nora’s concept of *lieu de mémoire*¹⁸(place or site of memory) is often adopted by many scholars who wish to understand how sites of memory play a role in memorialization and commemoration (See Gamboa et al. 2022; Jelin & Langland, 2003; Winn, 2014). However, there are still gaps in the knowledge regarding how memory is produced and constructed within these sites in Chile (See Cornejo et al., 2013; Jelin, 2002). According to some authors, this is a common issue within the field of social sciences which has tended to neglect *space* as an essential aspect of transmission, memory production, and construction (see Aguilera, 2019; Massey, 2005). Social sciences have also paid little attention to how *place* influences the construction of memories (See Cremaschi 2021). There is, therefore, a disconnect between the space/place continuum within the social sciences, that “either considers space as a container, deprived of all cultural meaning or as a cultural landmark, deprived of all spatial meaning” (Cremaschi, 2021, p.2).

Despite the interconnectedness between places/spaces of memory, human rights, transitional justice, and the law, the field of memory studies has given limited attention to this crucial nexus in Santiago de Chile. Specifically, research on the right to memory and the legal regulation and protection of memory spaces through legal frameworks remains scarce. Additionally, there is still plenty to learn about the relationship between place and space and its entanglement with political and legal processes. Understanding memory sites' significance requires considering space and place, as these concepts “can shed new light on sites that are saturated with a history of conflict and violence, producing irreconcilable perspectives, divided memories, and contrasting narratives” (Assmann, 2018, p.273). These gaps hinder our understanding of how these places of memory

¹⁸ Pierre Nora (1996) defines *lieu de mémoire* as any significant entity, whether material or nonmaterial in nature, which by dint of human will or the work of time has become a symbolic element of the memorial heritage of any community (p.xvii).

contribute to the broader context of human rights, transitional justice, and the legal dimension of memory in Santiago de Chile.

Thus, this dissertation will follow Fuller's and Löw's (2017) call for a consolidated approach toward a more coherent understanding of space in sociology and also Alexander Wilde's (1999) call to consider and study the "expressive dimension of transitional politics" (p. 474). Specifically, an approach that considers "how particular conceptions of the past are interwoven into the *memoriscapes*¹⁹ of the present in an attempt to legitimize a given socio-political and legal order" (Redwood et al., 2022, p. 448). Therefore, a close consideration of spatial politics in the analysis will be essential to highlight and challenge how "the transformative potential of memoriscapes is often obscured by the apparent fixity of "history" when it is materialized in landscapes of monumentality" (Redwood et al., 2022, p. 450). It will also draw on Hannah Arendt's contention that for rights to be taken seriously, they need political support and Amartya Sen's capabilities approach, which stresses the importance of individual agency and freedom to achieve well-being. (See Sen 2009). Adopting these standpoints will highlight that firstly; political support is crucial for enacting laws and establishing legal frameworks that can protect memory rights²⁰ (See Arendt 1958) and secondly; that the State must enable these rights through resources and tools so that society can access these capabilities. In other words, enforcing rights requires political and legal institutions that will ensure their protection and accessibility.

In the case of sites of memory in Santiago de Chile, it is essential to acknowledge the dynamic role of space and place in memory transmission. Memory sites are not static structures. They are dynamic entities that interact with individuals and communities and serve as dedicated spaces that bear witness to past human rights violations, keeping them alive and present in the collective consciousness of society. Recognizing this entanglement between space, place, and memory is essential to upholding the right to memory and correctly regulating memory sites because it acknowledges that memory is not only a collective and social process that relies on the physical space but also the symbolic context in which it is constructed and transmitted. The space/place memory nexus recognizes that sites of memory require legal protection that emphasizes their unique function and purpose, distinct from the laws that manage and regulate historical monuments. Whereas historical monuments are mere cultural artifacts embedded into the landscapes, sites of memory are dedicated spaces of remembrance, resistance, and pedagogy, where the promotion of human rights is of the utmost importance. Understanding this separation will ensure that spaces of memory receive the appropriate legal protection they deserve so that they can "be established in an official capacity with the resources they need to operate" (Rojas & Shaftoe, 2022, p.118).

This thesis research project matters because it will contribute to the existing body of knowledge in memory and sociolegal studies by demonstrating why grounding sites of memory in legal frameworks is critical for achieving the long-term goals of transitional justice. Rojas and Shaftoe

¹⁹ Senior and McDuie-Ra (2022, p.2) defines memoriscapes in broad terms as composed of three main elements: memorials; the built environment that "hosts" them; and the textual, visual, and digital "circulations" related to such places of memory (also, see Basu 2013, 2016; Davis, 2013).

²⁰ In "The Origins of Totalitarianism" (1951) and "The Concept of Human Rights" (1959), Arendt underscores the political character of rights, emphasizing the need for political recognition and support to ensure the safeguarding of human rights.

(2022) note that public policies regulating memory sites function as tools for protecting and promoting human rights (p.118). By exploring the intersections between memory spaces, human rights, and transitional justice, this research will shed light on the importance of having a defined place where the past, present, and future can be linked through legal means under the right to memory for current and future generations. As stated by Pierre Nora (1989), “sites of memory are locations that materialize concrete historical experiences; they constitute a point of reference not only for those who experienced traumatic past events but also for those born long after them because they create a sense of historical continuance” (p.10). Place-based spaces of memory, therefore, are necessary and essential for the transference, survival, and preservation of memories and for maintaining a commemorative consciousness in society since “the locus of memory lies more readily in place than in time” (Lowenthal, 1997, p. 180) Furthermore, this research will fill a gap in the current literature by adding new insights that can inform academic scholarship and policymaking for legislation, in hopes that the findings contribute to the implementation of effective legal frameworks for the regulation and protection of spaces of memory in Chile. However, it is important to note that the significance of this research and the questions it seeks to answer goes well beyond a purely analytical and empirical interest. For those groups in civil society who experienced the dictatorship or for those who appreciate the importance of remembering, fighting for the right to memory is one of the many ways these groups re-appropriate spaces and resist the neoliberal logic of the state that seeks to erase the marks of the dictatorship from the landscape.

Figure 2
La Moneda 2023



Note. Santiago de Chile. 2023. (Author's photo).

CHAPTER 2

Echoes of the Past: The Dictatorship and Its Legacy.

*My words are not bitter but disappointed.
May they be a moral condemnation for
those who betrayed their oath. History will judge them.*

— “Last speech” Salvador Allende 1973

“Everybody in Chile knew that the coup was coming, but what we did not know was the magnitude of the coup or what the true consequences of it would be” (Interview, Tricot 2023). This profound statement made by Tito Tricot²¹, during our interview, perfectly encapsulates the essence underpinning this chapter— understanding the enduring ramifications of the dictatorship and the scars it would inflict upon Chilean society for decades and generations to come. In the collective consciousness of Chilean society, there existed an awareness that an impending coup was coming, however, the true extent and the far-reaching repercussions were uncertain. So, on Sept 11, 1973, when the Chilean armed forces made their way from Valparaiso to the capital to violently overthrow the democratically elected president Salvador Allende, the very collective threads of the Chilean consciousness remained oblivious to the sheer scale, longevity, and persistent brutality that would subsequently come to define the dictatorship. That day marked the commencement of a traumatic chapter in Chile’s history— a seventeen-year period characterized by systematic and organized political violence and repression aimed at silencing any perceived enemies and critics of the new regime. As observed by Silvia Borzutzky (2017), “the repression was the result of a well-planned and structured process coordinated at the highest levels of government by two men [August Pinochet and Manuel Contreras²²] who were determined to eradicate Marxists and Marxism from the face of Chile” in the name of economic progress (p.20).

As such, over those seventeen years, Pinochet’s regime carried out a series of measures intended to stifle the opposition and control the flow of information. The regime kidnapped, detained, disappeared, tortured, and executed over 40,018 people (See Collins et al. 2013, p. 88). All hostile media centres, political organizations, and unions were forcibly closed, and military forces took control of hospitals and educational institutions. School curriculums were revised to align more closely with the regime’s ideology, and classes in civic education which fostered critical thinking were abolished with the explicit intent of suppressing any independent thoughts and dissent. Moreover, there was complete censorship and abolishment of human rights, and any opposing voices were repressed, leaving many Chileans unaware of the true scale of violence surrounding

²¹ Tito is a prominent figure within Chilean society and is well-known for his contributions to human rights activism and cultural initiatives related to memory. Beyond this impactful role, he is also a sociologist and author of several books about the dictatorship. He was detained on Sep 11, 1973, and brought to the football stadium in Playa Ancha in Valparaiso, where he was tortured and beaten repeatedly. He was later taken to a concentration camp called Isla Riesco in Colliguay and afterwards to Cuartel Silva Palma, a well-known detention centre in Valparaiso.

²² Manuel Contreras was the head of the La Dirección de Inteligencia Nacional (DINA). This secret police force was created under the dictatorship specifically to do the regime's dirty work and is responsible for thousands of human rights violations, including kidnapping, murder, rape, torture, and forced disappearances.

them. The regime even went as far as manipulating reports by “changing the scale of detention and violence,” attempting to evade accountability for the crimes they committed (Stern, 2006, p.93).

Pinochet’s regime also used extreme violence and unconstitutional measures to remain in power and employed several tactics to shield himself and his troupe from accountability. These tactics included the enactment of the 1978 Amnesty Law and the implementation of the 1980 Constitution. The dictatorship’s grip on power was further strengthened by the complicity of the courts, as they repeatedly denied justice to the victims and their families, effectively endorsing and legitimizing the regime's repressive acts. These mechanisms created a legal barrier, granting Pinochet, the military, and other high-ranking officials involved in crimes committed during the dictatorship a shield of immunity and amnesty, ultimately protecting them against any prosecution. The strategic implementation of these legal and constitutional amendments was especially handy when Pinochet stepped down in 1990 because not only was he protected from any potential charges, but he was also guaranteed the dual assurance of “remaining commander and chief of the army until 1998 and would thereafter serve as senator for life” (Hayner, 2011, p.47).

As such, while the resignation of Pinochet was seen as a pivotal democratic moment in Chile’s history, these amnesties constrained the political and legal potential for victims to seek truth, justice, and redress for the atrocities committed under the dictatorship, hindering transitional justice efforts. Any measures taken after power was handed over, therefore, was *en la medida de lo posible*²³— making apparent that the “transfer of government from military to civilian hands did not equate to a complete transfer of power” (Rojas, 2022, p. 48). As further noted by Tito in our interview “the discourse that the dictatorship was defeated by a pen and paper in the polls serves to conceal the fact that the concertation government negotiated with the military on an agreed democracy on their terms, this was not a transition but a **transaction**” (Interview, Tricot 2023). Therefore, the price of democracy meant that the authority of Pinochet and the right/military version of the dictatorship remained unchallenged.

At the same time, it is important to note that many of the authoritarian and neoliberal features of the 1980 Constitution remain in place today, as reflected in Chile’s economic and political model. Privatization of essential sectors such as education and healthcare persist, and prominent media outlets such as *el Mercurio* and *La Tercera* are owned and financed by the right-wing businessmen. These inequitable and asymmetrical features came to a head during the October 2019 uprisings, where millions of Chileans filled the streets, putting the country’s precarious political-economic model on trial. While Chile *despertó*²⁴ from the neoliberal nightmare that the Pinochet dictatorship imposed in the 1980 Constitution, it seemed like the promises made by the state of *Nunca Más*²⁵ and the guarantee of non-repetition had been forgotten. Not even decades of human rights promotion and transitional just measures such as the implementation of two separate truth commissions (The Rettig 1991 and the Valech Report 2003), a reparation and compensation program for victims (Law 19.123), persecution of perpetrators, a roundtable dialogue, and new

²³ This statement was made by Patricio Aylwin, the president who assumed power following Pinochet's resignation where he states that they will attempt to seek justice to the extent that is possible.

²⁴ During the 2019 protests, social media users made the hashtag *#ChileDespertó*– ‘Chile has woken up’– go viral, stating that Chileans will no longer stay silent about their country’s injustices.

²⁵ *Nunca Más* and *Never Again* in English represents a popular slogan used by Chileans, specifically the State to demonstrate their commitment to upholding their promise of non-repetition of widespread and systematic human rights violations.

human rights institutions stopped the state from using repressive and violent measures to subdue the protests. Therefore, the social explosion of Oct 2019 illuminates the longstanding “materialization of a deep social malaise with the economic system and the 1980 Constitution imposed by the Pinochet dictatorship” (Zapata Larraín 2020 & T. Gonzelez 2016, as cited in Rojas 2022p.984)

This malaise is also felt towards the transitional justice efforts made by the Chilean state thus far, as expressed by some of my interlocutors. While the state has implemented several transitional justice measures, these measures have been uncoordinated between all levels of government, limited in scope, and constrained by the policies implemented during the dictatorship. Furthermore, as noted by one of my interlocutors, these efforts “are never enough, especially when the State keeps violating human rights and keeps killing people to this day” (Juan Pablo²⁶, Interview 2023). At the same time, much of the progress made in transitional justice in Chile has been driven by survivors' and victims' families. As reiterated by one of my interlocutors, “If you do not pressure the state, they will not do anything, victims have to be there pressuring at all times, and the state could do more, but they don't” (Valentina, Interview 2023). Furthermore, while there have been prosecutions of perpetrators, prosecutions have mostly focused on low-level military officials or lenient sentences considering the severity of the crimes committed. As reaffirmed by Valentina:

“We still have a long way to go in terms of transitional justice because sometimes judges reduce their condemnations and rulings against the perpetrators. So instead of I don't know, like having a hundred years in prison, they let the person on trial serve the prison sentence in their homes. Given that they violated human rights, they do not deserve this type of leniency. There was a case in 2018 called *Supremaso*, in which the Supreme Court reduced the sentences of several DINA agents. Honestly, it is shocking that these things are still happening in Chile” (Interview Valentina, 2023).

As further noted by Tito:

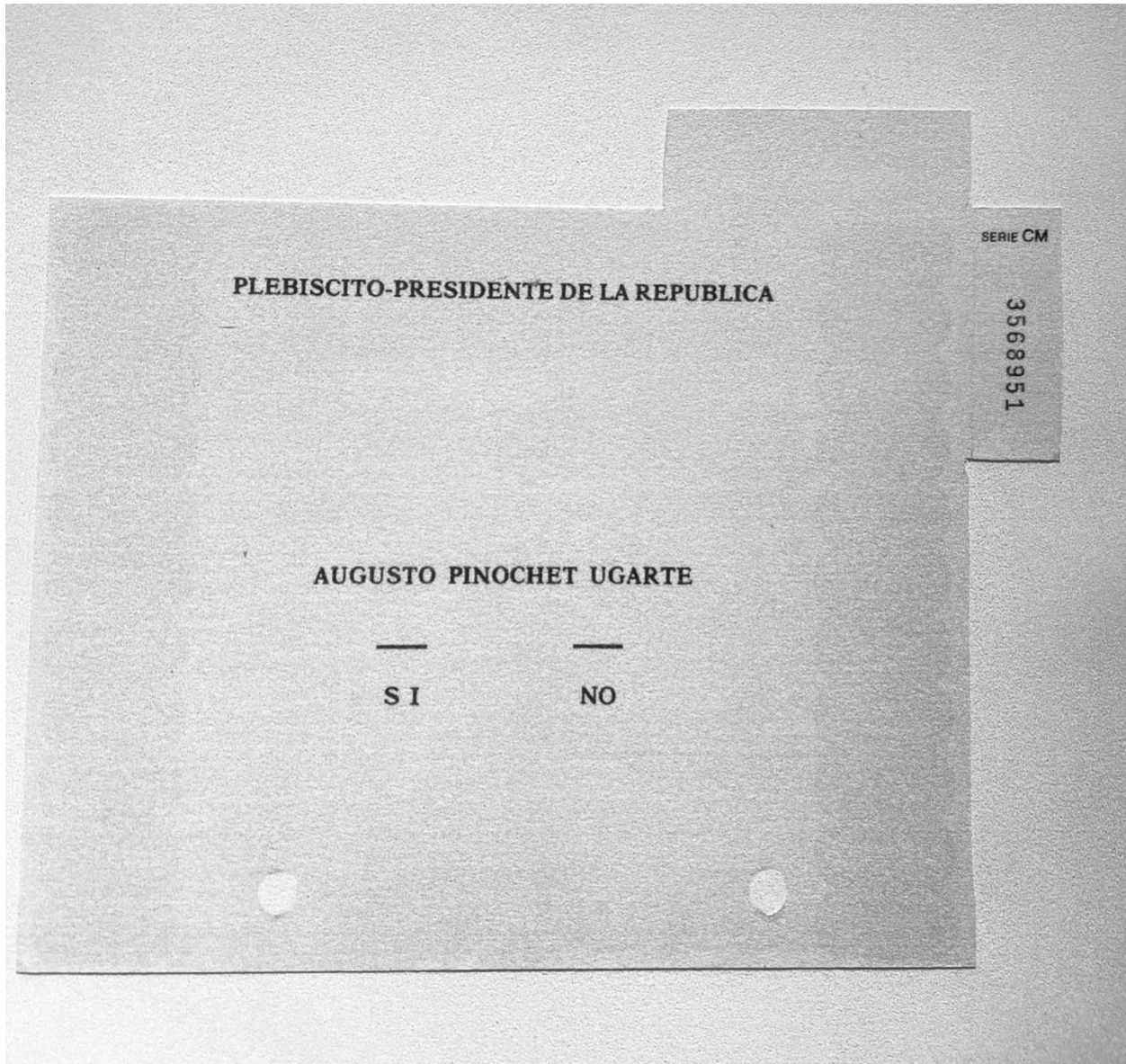
“I can count on the fingers of my hand the number of people condemned for their crimes just now, 50 years after the dictatorship. There is also a biological element to this as well. All those responsible for these crimes are dying, and the discourse permeating society is that they are dying, they are old, *pobrecitos* (poor them), so because they are old and dying, we need to treat them humanely, but they did not for a moment treat anyone humanely, they tortured, forcibly disappeared thousands and threw them in the ocean from helicopters. But all of that does not matter since they are old and dying, and we need to treat them with dignity” (Interview Tito, 2023).

As such, dealing with the atrocities committed under the Pinochet dictatorship continues to be a long and contested process, and as seen to this day, the “legacy of the dictatorship has not been wholly addressed in terms of justice and reparations since varying degrees of political, social, and institutional constraints affect the solutions adopted or limit opportunities to deal with the past”

²⁶ Juan Pablo Espinoza is a sociologist and post graduate professor at the University of Playa Ancha in Valparaiso. He expressed consent to have his name in this dissertation.

(Reátegui 2011, p. 35; Barahona de Brito 2001, p.1). These small fragments from my interviews highlight the frustrations many people in Chile feel concerning transitional justice efforts made in the legal and political realm. These frustrations and concerns are also shared in the cultural, symbolic, and historical dimensions of transitional justice concerning memory sites and their protection. These concerns and frustrations will be discussed and examined in Chapters 3 and 4.

Figure 3
National plebiscite vote (1988).



Note. Santiago de Chile. 2023. (Author's photo).

CHAPTER 3

Reclaiming Spaces and Places: Reconciling the Past, Present, and Future

In nations undergoing transitions, accounts of the past play a crucial role in establishing and shaping a new national identity. In the case of Chile, the transitional government sought to establish a new national identity by distancing itself from the past, promoting unity, and downplaying the full extent of past atrocities and minimizing their ramifications. Gómez-Barris (2010) observes that “selectively forgetting memories about state violence gives the opportunity for a new governmental regime to rebrand its tarnished image, especially in the neoliberal global arena” (p.29). Consequently, during this period of political transition, the pressure to move on and forget, supposedly for the greater good of society and assurance of institutional stability, led to the demands for truth and justice to be subordinated. This approach, however, often harms those who directly endured the adverse consequences of the dictatorship, leaving them struggling to reconcile their past and present and anchor their futures.

Those groups whose memories and lived experiences were not prioritized during the transition period, therefore, frequently found other avenues to express their political engagements and narratives. Among the various ways they did this was through the creation of spaces/places of memory because “memorials and commemoration are ways for such narratives to be anchored in time and space” (Gómez-Barris, 2010, p.28). For the most part, the creation of these spaces was carried out at former sites of political imprisonment. Through careful cultural-spatial maneuvering and curation, places once used as instruments of state violence were transformed into sacred spaces and places of reflection. The strategic reinvention of these former sites of detention accentuates that memory tends to cling to places and that the “visual is sometimes the only archive of what is better left unfound and unsaid” (Gómez-Barris, 2012, p. 10). At the same time, these actors recognized that to encapsulate memory and foster collective responsibility, the creation of communal activities is as important as the physical structure itself.

As such, spaces of memory are so much more than their spatiality and monumental functions. For these groups, memory spaces represent “a critical arena of struggle, engagement, and identification, where the past gives vitality and social meaning for the present” (Gomez-Barris, 2009, p.4). Besides acting as physical reminders of the past, they also serve as spaces of commemoration, reflection, pedagogy, and transmission because they facilitate collective remembrance and foster discussions about the dictatorship and its violations. In these spaces, “memories become crystalized and are transmitted from one generation to the next” (Nora, 1999, p.19). This process is accelerated by performative practices such as rituals, exhibitions, and educational initiatives, which effectively engage visitors visually, physically, and viscerally. As argued by Erika Hughes (2018), “spaces of commemoration are not merely archives, serving as depositories, they are also sites of community gathering in which the repertoire of memory is rehearsed, enacted, and reproduced” (280). The guides and objects in these place-based memory spaces also serve an intended purpose. According to (Piper Shafir et al., 2017), “the performance of the guide encourages and gives life to the space, creating a more complex experience than that provided solely by the place and its objects” (p.5). Similarly, objects “serve as portable places,” transporting individuals to different sites and times (Bell, 1997p. 821). It is a combination of the material markers and performative practices that gives these sites meaning, transforming them

from places into spaces that facilitate a bridge between the past and the present. Indeed, as reaffirmed by Halbwachs (2004), “there is no collective memory that does not develop within a spatial framework” (p.144).

Moreover, they are evocative spaces that embody consciousness, resistance, and resilience and provide a platform for anti-reductionist narratives that challenge the politics of forgetting pursued by post-dictatorship governments. As noted by Saona (2014), “sites are created so memories are neither swept away by the passing of time nor by those interested in forgetting, or on presenting a different version of this past” (p.97). By keeping the tangible manifestations of the past alive and grounded through different channels, these spaces defy narratives that attempt to render the past into oblivion—ensuring that subsequent generations are aware and have access to the location, archives, and narratives that confirm that these atrocities took place. Indeed, as noted by Rojas & Shaftoe (2022), “sites of memory are a means to evoke the memory of serious human rights violations that occurred in the past and to convey it to the generation that did not experience the events” (p.117).

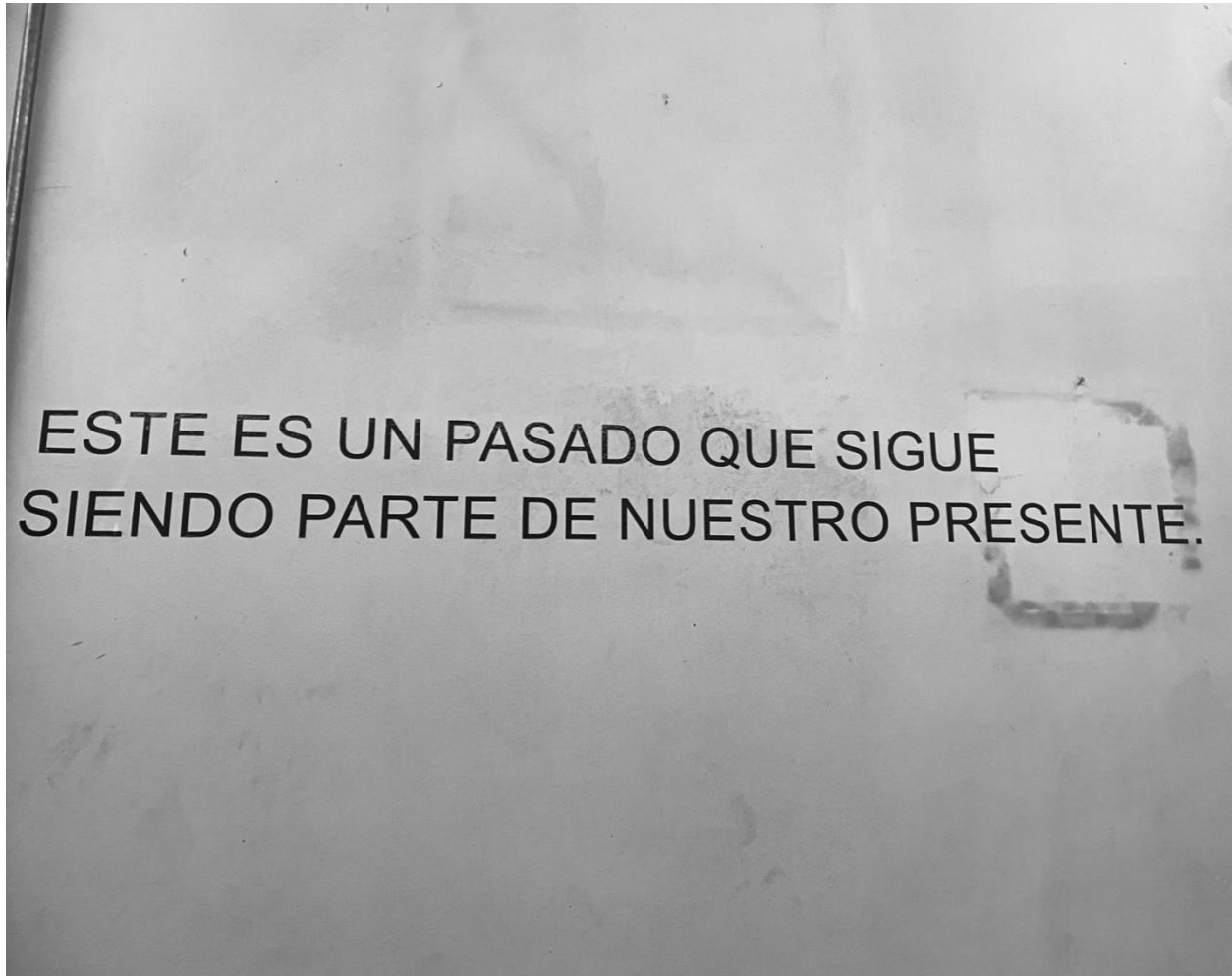
It is also crucial to emphasize that the existence of spaces of memory in Chile can be attributed to the efforts of a specific group of individuals consisting primarily of human rights activists and victims. Indeed “survivors and their families are often those who advocate the strongest to preserve sites of human rights violations as places of memory” (Rojas & Shaftoe, 2022, p. 18). These groups recognize the significance of preserving the memory of the dictatorship, its legacy, and the injustices it generated to promote truth and pursue justice. Consequently, these groups have actively worked and struggled to ensure that these spaces are preserved and that these memories are remembered and discussed in the public sphere as a tool to challenge top-down selective narratives about the past. According to the International Coalition of Sites of Conscience, the power that memory spaces possess is not inherent; rather, it must be harnessed as a deliberate tactic in the service of human rights and citizen engagement²⁷. As reaffirmed by Digan (2014), “because space is socially constituted, it also needs to be socially ‘kept,’ and the existence of a space depends on social action and does not somehow carry on without it” (p. 226). As such, these spaces remain operational thanks to a dedicated group of individuals who make a conscious effort to harness and leverage the past to energize the present. Furthermore, the deliberate act of linking the past to the present not only engages those who have a direct connection to the site but also attempts to captivate those individuals who did not directly experience the dictatorship, “calling them to commit to the construction of a just and pacific society that promotes a solid culture of human rights” (Estevez 2018 as cited in Hubbell et al. 2020 p.3). These spaces, therefore, have the capacity to contribute to broader processes of sociopolitical change and transformation in the long term.

Place-based spaces of memory like Villa Grimaldi, Londres 38, and The Museum of Memory and Human Rights, therefore, are “important deposits of memory and logical places to turn to for evidence of the relationship between collective violence and national refashioning as well as its effects,” because they reveal “the tensions, conflicts, and aspirations that must be addressed in the present” (Gómez-Barris, 2012, p. 6; Schindel, 2009, p.67). A close analysis of these sites, which will be done in the subsequent sections, will render visible that although the transition to

²⁷ See <https://www.sitesofconscience.org/our-work/>.

democracy was initiated 32 years ago, there remains an absence of complete legal justice for victims and their families.

Figure 4
Londres 38



Note. Santiago de Chile. 2023. (Author's photo).

CHAPTER 4

Case Studies: Londres 38, Villa Grimaldi and Museum of Memory and Human Rights.

Londres 38: #todolaverdadtotalajusticia²⁸.

As I strolled down the historic Londres Street in downtown Santiago, I could not help but feel transported to Europe. The narrow cobblestone streets and the charming European-inspired facades created an ambience that seemed an unlikely place for a clandestine detention and torture centre during the Pinochet regime. As I edged closer to my destination, I noticed names, ages, and political affiliations of people engraved on the stones along the pathway, the list of names growing as I neared the entrance of Londres 38.

Figure 5
The path towards Londres 38



Figure 6
Londres 38 House



Note.

Santiago de Chile. 2023. (Author's photos).

Londres 38, referred to as Cuartel Yucatán by the secret police (DINA), served as a clandestine detention, torture and extermination centre between 1973-1975. Here numerous Chileans endured systematic torture, forced disappearances, and executions, resulting in the loss of 98 lives. Out of

²⁸ This hashtag was started by Londres 38 regarding secret archives kept by the Chilean state on human rights violations committed during the dictatorship. This hashtag highlights the imperative need to open these archives to achieve justice and truth.

the 98 that were killed, 64 of them were people who belonged to el Movimiento de Izquierda Revolucionaria²⁹, 18 of them to the Communist Party, 10 were from the Socialist Party, and 6 did not have militant affiliation³⁰. Three years after DINA ceased its operations, the military regime attempted to hide its tracks by changing the house number from 38 to 40 and transferring the property to the O'Higginiano Institute, a right-wing non-for-profit. The manipulation of space is very common after state-sponsored violence, where “spatial reconfigurations attempt to destroy and disappear certain spaces” to ensure the erasure of violence from the landscape (Colombo & Schnidel, 2014, p. 4).

Furthermore, according to Wyndham & Read (2010), “the government continued to deny Londres 38 existence until 1979, but Londres 38 was always known about it,” especially by the prisoners who, after spending months in detention, became aware of their surroundings (p.199). Therefore, reclaiming the site and transforming it into a memory space was not a swift process; it required several years of unwavering efforts and innumerable demonstrations by the families of the detained and disappeared, alongside survivors and human rights activists, to negotiate its exchange. According to Hite & Badilla (2019), “rightists did not want to give up the site, and the government was initially wary of supporting the reclaiming” (p.9). In 2005 the house was declared a Historic Monument after a petition was made to the Council of National Monuments. Soon afterwards, in 2006, Londres was reclaimed by those most closely associated with the site to be turned into a memory space and, notably, is “the only one of four main clandestine centres of the DINA in Santiago that has been preserved in its original form” (Ferrara 2022, p.116).

Over the years, Londres 38 has become a space of political activism and critical pedagogy. As my interviewees Erika Hennings and another former employee from Londres 38, both emphasized—Londres is a space that contributes to the country's political project of democracy. Through its countless educational initiatives and cultural-political projects that advocate for truth, justice, and human rights, Londres 38 is a transformative sociopolitical space that harnesses memories to mobilize the present. This memory activism takes on diverse forms as exemplified by initiatives such as #todolaverdadtodolajusticia, a campaign that seeks to challenge state denial and silence by applying legal pressure on the State to take action.

Furthermore, during the interview with a former Londres 38 employee, another notable initiative she mentioned that caught my attention was an exercise called “Todos somos sujetos de memoria” (We are all memory carriers). This initiative aimed to accentuate that every individual is a carrier of memories and that irrespective of age, everyone possesses the memory of the dictatorship because we all bear our own memories and those of our families. As stated by the former Londres employee: “Memory is not meant to be kept in a box but to be used to serve us in the present” (Interview anonymous 2023). For Londres 38, therefore, the past is not a static archive but an instrument that should be used to generate mobilization in the present and to inspire the new generation of Chileans destined to shape Chile's future.

²⁹ The Movement of the Revolutionary Left was a political party created in 1965. In its declaration of principles, the MIR defined itself as the Marxist-Leninist vanguard of the working class and the oppressed segments of Chile. They candidly expressed their revolutionary position in opposition to the traditional left. (See <http://www.memoriachilena.gob.cl/602/w3-article-31553.html>)

³⁰ See <https://www.londres38.cl/1937/w3-channel.html>

Figure 7
Sign in Londres 38



Note. Santiago de Chile 2023. (Author's photo)

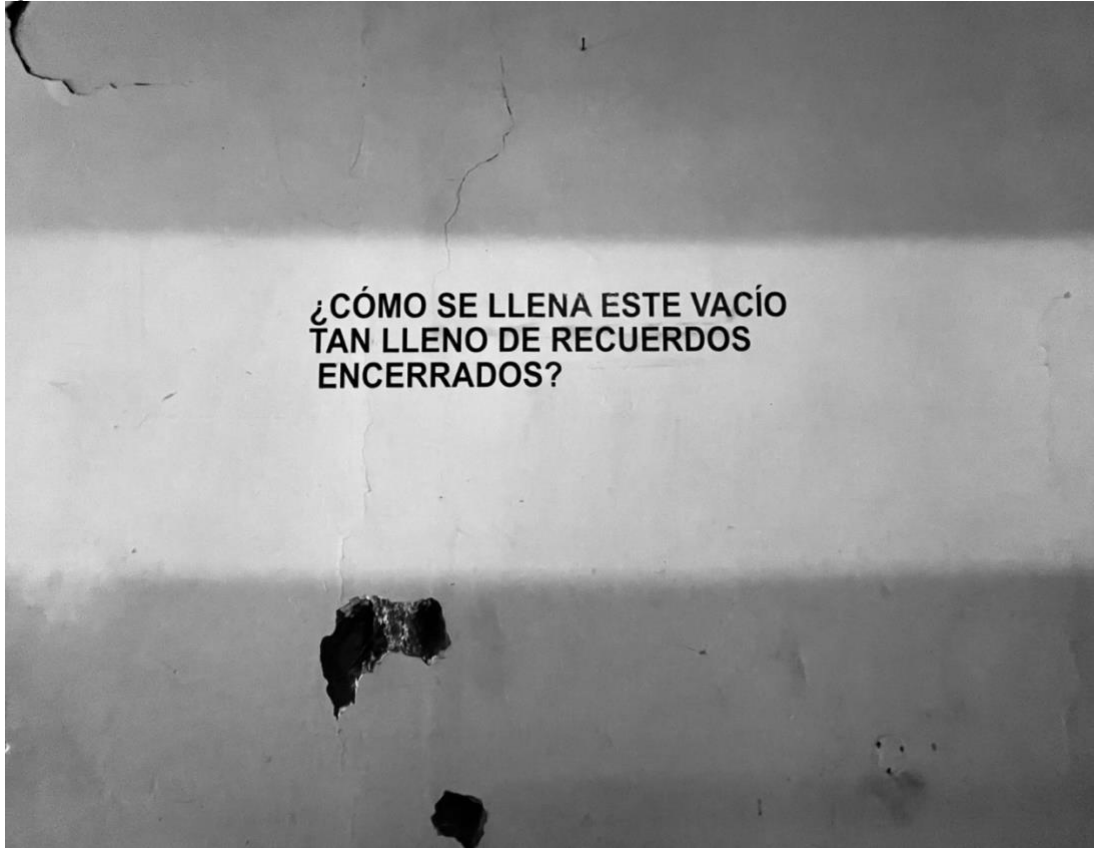
As I finally arrived at the front gates of Londres 38, I was lucky enough to join a guided tour. The tour started outside the property, where I initially saw all the tiles with different names. The guide explained that 98 placards along the pathway represented all the individuals executed in the building. Before entering the building, the guide explained that around 2000 people passed through this house and that the house's true nature as a detention centre remained unknown to the public during those initial years. She said that the DINA operated discreetly, using unmarked cars to detain people from the streets where the victims endured beatings and blindfolding before being driven through winding paths in attempts to disorient them before arriving at the detention centre. She further elaborated that many of the victims at Londres 38 who survived had reported that the experience of torture began immediately upon their arrest rather than when they were brought to the torture rooms in the house.

As we finally entered, the emptiness of the house took me aback. Unlike other memory sites I had been to, Londres 38 was vacant, besides some photos, quotes, and information adorning its walls. Yet, the emptiness and vacancy carried an evocativeness. The space conveyed a powerful narrative even in the absence of objects because this absence also revealed many things about the past. Londres 38 did not need material artifacts to recount the terrors of the past because the "past was spatially inscribed" into the house itself (Tyner, 2014, p. 22). The past resonated through the spatial

elements of the house—its walls, floors, and windows, revealing vestiges of the horrors that took place within its confines. The void of the house was filled with memories.

Figure 8

Quote on the wall in Londres 38



Note. Santiago de Chile 2023 (Author's photo)

Villa Grimaldi: Parque por la Paz.

Villa Grimaldi, also known as Cuartel Terranova, served as the DINA's largest detention and torture hub from 1974-1978. At the hands of the police, over 5000 people suffered brutal torture and interrogation sessions that intended to extract information about their political affiliations and activities during the Allende years. From the 5000 detained prisoners, “at least 240 were killed or disappeared” (Lazzara, 2003, p. 127). Similarly to Londres 38, Pinochet’s military regime attempted to destroy all remains of the clandestine camp by selling the property to an investment group that had ties to the regime in 1987. This construction company bulldozed and demolished many of the old detention and torture camp structures, making it impossible to keep the original structure intact.

Therefore, when the dictatorship ended in 1990, many of the buildings in the Villa had already been destroyed. According to Lazzara (2003), “what remained were only ruins and traces of what was once the most notorious symbol of the Chilean repression” (p.128). However, thanks to efforts and interventions made by different social actors, especially La Agrupacion de Testigos Sobrevivientes de Villa Grimaldi, who launched campaigns, demonstrations and legal action against the construction company, Villa Grimaldi was preserved as a Peace Park in 1997 and was “the first site to be rescued for memorialization” in Santiago (Read & Wyndham, 2016, p.129). Nonetheless, preserving the physical structures of the camp posed several challenges to the park’s reconstruction, as the military and later the construction company had cleared away much of the tangible evidence of state terror from the property. Thus, the architects and artists faced the daunting task of reconstructing and rebuilding the park with “few elements with which to design a peace park that would be faithful to its origins” (Gomez Barris, 2009, p.12). Despite this, architects and artists, alongside the help of survivors, found other ways to reconceptualize and visually represent state terror to create awareness about the past.

During my two visits to Villa Grimaldi, I witnessed how this site provides a space for reflection and knowledge transmission. Villa Grimaldi utilizes diverse methods to achieve this, including oral archives, tangible artifacts, and guided and audiovisual tours. The physical structures of the former detention and torture cells³¹ have also been reconstructed, enabling visitors to experience the haunting reality of where prisoners once endured their suffering. As elucidated by Gomez Barris (2010), “listening to terror narratives and viewing exhibits that simulate how atrocities happened right here is a powerful reminder of human rights violations committed in a nation” (p. 34). Moreover, at the back of the park, there is a Muro de los Nombres (Wall of Names), which represents a list of names of the *detenidos desaparecidos* (prisoners detained and then disappeared by the military) at Villa Grimaldi. According to our guide, the Wall of Names symbolizes the ongoing struggle to locate the disappeared, rendering visible the “unfinished business and legacy of state terror” that continues to haunt the present (Gomez Barris, 2009, p.13). This exhibit powerfully challenges the state’s narrative of moving on and seeking closure because, as articulated by one of my interlocutors, “to forgive and move on, you have to know the truth” (Alvaro Gonzalez, Interview 2023).

³¹ At Villa Grimaldi one of the many ways people were tortured was by being taken to Casas Corvi (Corvi Houses). As explained by Rojas (2015) Casas Corvis were one squared meter boxes, that had to be shared with other detainees while also being blindfolded and chained (p.267).

On top of these powerful mechanisms of transmission, The Corporation Park of Peace Villa Grimaldi, the organization responsible for the park's maintenance, actively promotes human rights and memory preservation through its diverse array of initiatives. These include the publication of numerous articles and films and the organization of performances, commemorations, and ceremonies. These initiatives extend beyond the period of the dictatorship, encompassing contemporary struggles for human rights and memory preservation. Villa Grimaldi, therefore, is more than just a place that retells the story of the Chilean dictatorship and seeks to recover and preserve its memory. Rather, it activates what Gomez Barris (2009) calls “cultural citizenship,” which facilitates the enhancement of democratic social processes. By persistently engaging in memory activism and strategically situating the dictatorship within contemporary struggles, Villa Grimaldi effectively communicates to younger generations thereby facilitating the transmission of the atrocities of the dictatorship and contributing to the project of *Nunca Más*.

Figure 9
Villa Grimaldi



Note. Santiago de Chile 2023 (Author's photo)

Museum of Memory and Human Rights

Upon my arrival at the Museum of Memory in Barrio Yungay, Santiago, I noticed a stark contrast in its popularity compared to Londres 38 and Villa Grimaldi. The front of the museum was filled with visitors. Unlike the other memory spaces I had previously explored, the museum was established as a government initiative in 2010 during the tenure of former President Michelle Bachelet (2006-2010) and lacks “a topographical relationship to the past” (Sosa & Page 2019, p.3). The museum represents the official state narrative of the events that unfolded on Sept 11, 1973, and the subsequent period of the dictatorship from 1973-1990. This narrative draws upon the findings of the Rettig Report and the Valech Commission (The Truth Commission reports developed after the fall of Pinochet). The primary objective of the museum is to remember and educate on human rights abuses perpetrated during the military dictatorship while also honouring and commemorating its victims. According to its website, the museum “is a project of moral reparation for the victims and proposes a reflection that transcends what happened in the past, to serve new generations to build a better future³²” in hopes that the nation learns from its past mistakes (MMHR 2010, p.1). The museum is thus a space of reparation and a site of education that seeks to “contribute to making the culture of human rights and democratic values into the ethical fundament shared by all Chileans” (MMHR, 2010, p.1).

As such, before entering the museum, visitors are greeted by an outdoor public square adorned with the Universal Declaration of Human Rights on its walls. This poignant display conveys the State’s commitment to safeguarding and promoting human rights while fostering a culture of respect for human dignity. Upon stepping inside, one is met by a bright and airy interior characterized by high ceilings and glass windows that stretch from the floor to the ceiling. As highlighted by Lazzara (2010) “luminosity and transparency” were emphasized in the Museum’s design “as a metaphor for not hiding the past, present, and future of the nation” (p. 65). Carter (2013) further notes that concepts of reparations and justice are core to the spatial, aesthetic, and programming practices of the museum (p.325). As I continued my exploration to the second floor, the interior of the museum unfolded into a captivating and purposefully curated series of exhibits that takes visitors along a journey through history. The immersive narrative within the museum is complemented by an array of audiovisual materials, artifacts, personal photographs, newspaper articles, letters, and archival evidence that help to piece together the nation’s tumultuous past.

One of the first exhibits displayed is a striking installation that captures the events of Sept 11. This installation presents a chronological retelling through a combination of video footage and interactive stations that allow you to hear Allende’s last speech before the Moneda was bombed and the military junta’s speech which declared “the people of Santiago must remain inside their homes to avoid [being] innocent victims” (Montealegre Iturra, 2003, p.21). This sensory experience evocatively recounts the harrowing events that unfolded that day while at the same time allowing visitors to gain perspective and empathy for those who lived through it. As visitors progress through the museum, they encounter a myriad of other exhibits, each thoughtfully curated to shed light on different aspects of the dictatorship era. Among all the installations, however, none captured my attention more than the haunting display of a metal bed named *la parilla*, a torture device used during the dictatorship wherein victims were bound to the metal bed and subjected to perpetual electric shocks. Complementing this visual was an accompaniment of video testimonies

³² See <https://mmdh.cl/museo/fundamentos>

from individuals who had endured this unimaginable form of torture. Although a shocking exhibit, it renders visible how torture was used as “an instrument of social discipline and reordering that was fundamental to the neo-liberalization of the country” (Macias, 2013, p.114). The curation of this installation was meticulous, unveiling not only the atrocities committed under the dictatorship but also the resilience of those who endured these violent acts. At the same time, guided tours also offer a human dimension to the curated experience of the museum. As noted by Infante (2015), “guided tours are spaces of memory performances that serve as democratic platforms for the unfolding of memories and experiences, that transform the museum into a forum where visitors create, articulate, join, connect, and expand their memories” (p.8). Visitors are, therefore, not passive observers; they are encouraged to critically engage with the space and its contents.

Figure 10
Museum of Memory and Human Rights



Note. Santiago de Chile 2023 (Author's photo)

However, since the museum opened its doors, it has not been without critique or controversy. Nelly Richard, a Chilean cultural critic, criticizes the linear narrative of the museum She says:

“The itinerary followed by the visitor follows an established chronology that goes from the military coup of 1973 (first room) to the plebiscite of 1989 (last room), which put an end to the military dictatorship. The linearity of this central route- without lateral bifurcations displays the memory of the past in an orderly fashion, marking the stages that follow the evolution of the processes of history to move from the memory of the most hopeless time

of military repression to the hopeful phase of democratic reopening and from concealment of the truth to the restoration of truth” (Richard, 2010, pp. 268-269).

While Richards makes a point that the linearity of the museum conceals the fact that Chile still has a long way to go in terms of transitional justice and addressing human rights violations, we must recognize that the Museum offers the opportunity for many sectors of the Chilean population to begin talking and expressing what has been silenced for a very long time. As reiterated by Infante (2015), “through the MMHR, the State officially recognized seventeen years of human rights violations” (Infante, 2015, p.29).

At the same time, while Londres 38 and Villa Grimaldi are bottom-up initiatives that are sites of cultural and political production that have captured the Chilean imaginary in many ways, they are unfortunately not as visible or accessible to the public as the Museum is. I would argue that this is in part due to the lack of state involvement in promoting and funding these sites, and therefore “are little known outside their immediate circles of participants, supporters, and human rights activists” (Hite & Collins, 2009, p.385). Since the museum opened its doors in 2010, “on average 10,000-15,000 visitors a month” have gone to the museum demonstrating how government involvement and promotion of sites can facilitate broad public awareness and societal impact (Hite & Badilla, 2019, p.2). Indeed, as noted by Zaliasnik (2022), it is important to have policies that have significant performative effectiveness (managing to influence reality) that reaches more of society” (p.29). Herein lies the transformative possibilities of place-based memory work. The social struggle for memory and memorialization must be expanded so that the responsibility to preserve the memory of the dictatorship and its human rights violations does not rest solely upon the shoulders of victims, survivors, and human rights activists. Hence it becomes imperative to safeguard sites such as Villa Grimaldi, Londres 38, and even the Museum of Memory and legalize them under the right-to-memory framework, as their existence remains vulnerable to potential closures resulting from lack of funding and insufficient legal protections. This chapter has shown the intricate relationship between spaces of memory and transitional justice and has also demonstrated that the symbolic actions made by the State have not been sufficient since bottom-up efforts are still the main actors responsible for ensuring the preservation and transmission of the memory of the dictatorships and its associated human rights violations.

CHAPTER 5

Legal Challenges and Considerations for Protecting Memory Spaces.

While the right to memory is not enshrined in international law, this right has gained traction among academic and public circles that recognize the importance of remembering and commemorating the past for victims, their families, and future generations. Scholars, human rights advocates, and international organizations have all examined the right to memory in conjunction with other rights, such as the right to truth, the right to know, and the right to reparations, underscoring its importance in the broader context of human rights³³. Reading (2023) observed that “this concern with memory rights finds expression in the international domain through various direct and indirect ways, significantly influencing how the past and history are mediated, preserved, and transmitted to future generations” (p.33). She further notes that several declarations and conventions “discursively articulate a concern with a right to memory” (p. 38). Preservation and affirmation of collective memories have long been a paramount concern in the realm of human rights, and it is evident that human rights and memory are inherently connected. As asserted by Andreas Hussyen (2011), “both are connected with the violation and protection of basic human rights, and both want to acknowledge past wrongs and protect and imagine a better future” (p.608). As further stated by Cabrera Suarez (2012), “memory can be considered a legitimate individual and collective right recognized legally and can be understood as the right to understand and elaborate the past” (p.175).

The right to memory has also gained increasing attention and recognition as an integral component of transitional justice³⁴. This recognition has become particularly relevant in Chile, where several sectors of civil society have demanded a constitutional reform that considers the right to memory within political and legal spaces. Central to their demands is the imperative need for spaces of memory to be legally protected as they represent mechanisms integral to preserving the collective memory of the dictatorship and its human rights violations. In 2022 several human rights institutions put forth a proposal calling for a constitutional motion to incorporate the right to memory into the Chilean Constitution³⁵. The main argument put forward was that the duty to remember is inherently linked with the right to memory and that the state has a duty to instill a commemorative consciousness and collective responsibility in its citizens regarding remembering the human rights violations that occurred during the dictatorship and informing future generations of this difficult past. The proposal states that “the fight for human rights during the dictatorship forces us to renew our commitment to human rights in times of democracy” (MMHR et al., 2022, p.5). They further state that the “right to memory is a human right and the duty to remember is a principle of responsibility towards this right” (ibid, p.6).

³³ International bodies, including the ICJ and the UN, have acknowledged fundamental principles such as the duty to remember, the right to know, and the right to truth. While these entities may not explicitly recognize the right to memory in their documents and proposals, they do address memory laws that are closely related and entangled with this right.

³⁴ See report on Question of the impunity of perpetrators of human rights violations (civil and political) : revised final report / prepared by Mr. Joinet pursuant to Sub-Commission decision 1996/119. See also <https://www.icj.org/wp-content/uploads/2018/11/Universal-Right-to-a-Remedy-Publications-Reports-Practitioners-Guides-2018-ENG.pdf>.

³⁵ See <https://mmdh.cl/recursos-e-investigacion/publicaciones/el-derecho-a-la-memoria-y-el-deber-de-recordar>

Considering this, we must think of the right to memory as a potent socio-legal mechanism that fosters and facilitates what Paul Ricoeur (2006) terms a “just memory.” Approaching the right to memory from this perspective renders visible that memory, especially when linked with human rights, should be grounded in ethical considerations and a commitment to truth, justice, and reconciliation. Despite certain critiques that framing memory through rights discourse is problematic and that “human rights discourse itself should be approached cautiously as the last utopia,” the justification for the right-to-memory framework becomes evident in the case of Chile, as will be demonstrated (Moyn 2010, p 30.).

Since the 1990s, heeding the recommendations put forth by The Chilean National Commission on Truth and Reconciliation (The Rettig Report), the State has implemented and endorsed public memorials as a crucial component of its policy of symbolic reparations for victims of the dictatorship. Subsequently, the Valech Commission (2003), recognizing the importance of memorials, recommended the transformation of former places of torture, detention, and extermination into memory sites to remember and commemorate the victims of human rights violations (Comisión Nacional Sobre Prisión Política y Tortura 2004, 526). Nevertheless, despite the implementation of some strategies aimed at confronting and commemorating the past, there is a notable absence of legal frameworks and policies dedicated to preserving the memory of the dictatorship and its human rights violations. This lack of legal certainty also has profound repercussions for spaces of memory, as their funding, management, and preservation remain uncertain under the current regulatory framework, leaving their existence in jeopardy. This underscores the urgency for memory spaces to be legally regulated and protected by enacting a dedicated memory site law under the right-to-memory framework.

Consequently, the absence of concrete legal measures and policies has left the battle for memory as well as the responsibility of *Nunca Más* in the hands of grassroots initiatives. These groups have fought and struggled to reclaim memory spaces and “make visible these memories that State language has omitted” (Gamboa-Morales et al., 2022, p. 481). If it was not for their mobilizations and the “continuous pressure they have placed on the State to allow for the recuperation and protection of memory spaces,” sites such as Villa Grimaldi and Londres 38 might have met the same fate as other former detention and torture centres—forgotten and destroyed³⁶ (INDH, 2018, p. 92). Therefore, the fight for these spaces arises not only from the desire to acknowledge, commemorate, and educate about the past but also from anxieties that the past will be forgotten or distorted.

Even though spaces of memory and their initiatives are pivotal to the transitional justice process, the “majority of memorial projects have largely been an afterthought” for the State (Ferrara, 2022, p.110). As reiterated by Taibi & Bustos (2019), “the laws on reparation have focused mainly on economic and material aspects rather than the symbolic facet” (p42). The Instituto Nacional De Derechos Humano in Chile has stated that “memory sites cannot be excluded from the transitional justice measures and policies implemented by the state because they are tools that contribute to

³⁶ The José Domingo Cañas House of Memory is a poignant example of a memory site that, despite being designated a national monument by the State, fell victim to the State's lack of coherent policies and laws on memory. Purchased by a private owner, the site was eventually demolished, erasing an invaluable piece of history and memory.

the collective memory regarding serious human rights violations committed” (p.92). Therefore, for the past to be properly dealt with, real concrete and consolidated legal measures need to be put in place to ensure that this memory is kept alive for subsequent generations because “infringing on the right of people to express their collective memory is to violate a fundamental human right” (Tirosh et al. 2023 p.5 as cited in Dahan Kalev 1999).

Notwithstanding this, there is currently still no legislation that protects memory spaces as memorial sites linked to the human rights violations that occurred during the period of the dictatorship. Therefore, memory spaces such as Villa Grimaldi and Londres 38 are governed by the Chilean Council of National Monuments and are officially protected as historic monuments. The law that oversees their protection is The National Monument Law (No.17,288). Article 1 of this law defines historical monuments as “places, ruins, constructions or objects of historical or artistic nature” (Law 17288, article 1). This law, however, does not offer adequate protection tailored to address the unique needs and intricacies of memory spaces, as well as the vested interests that underpin their preservation. As previously emphasized, memory spaces transcend their physical structures and patrimonial functions, and this law forces memory spaces to adjust and conform to a category ill-suited to their specific functions. Instead of devising a new legal framework, “the state has attempted to pigeonhole the concept of memorial sites into an already existing category, that of historic monument” (Escariz Oñate 2022, p2).

At the same time, the State only provides permanent funding for a few memory spaces, leaving others to compete for grants. For instance, when I did my guided tour at Londres 38, I asked the guide about the funding situation at Londres 38. She told me that Londres 38 receives money each year from El Servicio Nacional de Patrimonio, a body within the Ministry of Culture that oversees the conservation of historic monuments. However, the money they receive is scant and specifically for preserving and restoring the building. She says, “since Londres 38 is an old building and forms part of the heritage of old Santiago, we receive finances. However, it is not because the State wants to give us money to promote memory initiatives or to preserve the site as a memory space.” (Guided Tour, Londres 38 guide, 2023). She also tells me that the government has only around 10,000,000 pesos (around 16,000 CAD or around 11000 Euros) to give for all historical monuments in the country and that because of this Londres 38 must constantly be looking and competing for other grants in order to remain open because the money they receive is not enough to cover the perseveration of the site, the salaries of the people that work there, and the initiatives they do (Guided Tour, Londres 38 guide, 2023).

This precarious environment leads memory sites constantly struggle with the uncertainty of closing because funds are never guaranteed. While spaces of memory such as Londres 38, Villa Grimaldi and The Museum of Memory of human rights are slightly more fortunate, other sites such as Rocas de Santo Domingo do not even have the funds to have “water or electricity in the building” (Gambola Morales et al., 2022, p.488). Ferrara (2022) notes that “the state has a duty to preserve and provide adequate resources to maintain these sites while preserving the autonomy and independence of the organizations that coordinate and manage these initiatives” (p.123). Furthermore, currently, the State only protects 43 memory sites linked to the exercise of State terrorism regarding the military dictatorship. However, if we look at the official data in the Valech Report, 1132 torture and detention centres were denounced by Chilean citizens. Although only 802 we accredited, this still means that only 5% of memory sites have been protected. At the same

time, according to Seguel (2020), “there are seven regions in Chile where memory sites linked to human rights violations under the dictatorship have not even been afforded patrimonial protection”³⁷ (p.191). These pending elements demonstrate that the State's protection and preservation of these spaces have been limited and that the Chilean state has not fulfilled their duty and obligation to provide symbolic reparations.

According to the Resolution made by the Inter-American Commission on Human Rights (IACHR) on Principles on Public Policies on Memory in the Americas, “policies on memory are part of the obligation of States in the provision of truth, justice reparation, and measures to prevent repetition of serious human rights violations (IACHR, 2019, p.1). The IACHR further states that “in order to guarantee the legal certainty of memory sites, States should provide a **precise and appropriate regulatory framework** governing their identification, signage, creation, recovery, preservation, and sustainable management in accordance with international standards” (IACHR, 2019, p. 7). In light of these statements made by the IACHR, it is imperative, first and foremost, to establish a robust legal apparatus founded on the principles of transitional justice aimed at safeguarding memory sites. Secondly, there is a pressing need to develop a **dedicated and specialized** legal framework tailored to regulate and preserves spaces of memory effectively.

The mere existence of memory sites in Chile does not guarantee symbolic reparations or ensure the full development of transitional justice. Likewise, recognizing memory spaces as historical monuments alone is insufficient to create an environment that fosters the expansion of capabilities³⁸. Spaces of memory need to have political and legal backing under the right to memory. This is the only way to ensure that memory spaces have the necessary tools to access their capabilities because rights are dependent on the existence of political and legal institutions that uphold and enforce them. When political and legal institutions support these rights, individuals can pursue their desired capabilities without the anxieties of receiving funds or the uncertainty of closure. Therefore the “tools” provided by the state to “protect” these spaces are not sufficient without “well-defined socio-legal mechanisms such as memory rights which can better serve those who seek memory justice” (Tirosh et al., 2023, p.2). The incorporation of the right to memory into the Constitution as a fundamental and inalienable right thus becomes imperative because “ensuring State involvement is not a fail-safe way to preserve the past because as the political control of the state changes, memorialization and commemoration can re-emerge as a political issue many years later” (Rojas & Shaftoe, 2022, p.18).

Furthermore, Tirosh & Reading (2023) note that “the right to memory involves evaluating the efficacy and challenges of existing socio-legal mechanisms and understanding that if these existing mechanisms fail or are absent, the state must create new ones” (p.4). Considering that the current legal mechanisms put in place to regulate memory sites are not working, it becomes crucial for the State to implement a new framework that will adequately address issues of memory, human rights, and justice because “society not only has the right to know what took place but also to remember what took place” (Rojas & Shaftoe, 2022, pp. 17-18). Therefore, the right-to-memory framework is warranted and essential to ensure the preservation and legal validation of memory spaces for

³⁷ (These seven regions include: Arica, Copiapó, O'Higgins, Ñuble, La Araucanía, Los Lagos Aysén region)

³⁸ Amartya Sen understand capabilities as the substantive freedoms and opportunities that individuals must have to lead a life they value.

future generations in the context of Chile's historical complexities. As noted by Nelson Caucoto³⁹ in our interview, “If memory is instilled in our youth, then it is in our future” (Interview Caucoto 2023).

³⁹ Nelson Caucoto is a human rights lawyer and founded the firm Estudio Jurídico Caucoto Abogados. See <https://caucoto.cl/nosotros/>

Conclusion

As the 50-year anniversary of the coup approaches, tensions and discontent within Chilean society have escalated, especially since the social outbreak in October 2019. Despite the hope that the creation of a new Constitution would pave the way for a more democratic society, it faced significant opposition, with 62% of Chileans rejecting it. Nevertheless, the process of creating the new Constitution is underway, with the constitutional assembly being dominated by conservative parties. In conversations with various individuals about the current situation in Chile and its implications for the country's future, opinions varied. However, one common concern was that this conservative backlash could have detrimental effects on memory, its spaces, and human rights issues. It's disheartening to witness the re-emergence of negacionismo (denial of historical facts) in Chile, with some conservative politicians distorting and manipulating the past to their advantage. As one of my interlocutors pointed out, "today's politicians, including figures like Larrain, Chadwick, and Kast, were young supporters of the dictatorship; they were the "baby chicks" of Pinochet's regime" (Anonymous Interview 2023). This raises concerns about their commitment to memory and human rights issues, and many fear that the new Constitution with the Right in control, may not prioritize the right to memory or urgent issues like human rights. Juan Pablo Espinoza expressed his worry about the future, expressing doubt that spaces of memory will remain open, as the Right doesn't believe in their importance. He says, "memory spaces like Villa Grimaldi will likely close because this it is not a priority of the right to advance human rights or the memory of the dictatorship" (Espinoza Interview 2023).

As such, the current landscape in Chile is uncertain and filled with apprehension as the nation awaits the outcome of the new constitutional process. Despite this uncertainty, conversations with my interlocutors have revealed a glimmer of hope and a shared belief in the importance of finding common ground. Tito Tricot, with an optimistic outlook, emphasizes that the collective consciousness of Chilean society is gradually awakening. He firmly believes that amidst the challenges, hope persists. He says, "between the sword and the wall, there is always space for hope, and we must fight for the impossible as a collective to pave the way for a better future" (Tricot Interview, 2023). Valentina Infante echoes the sentiment and says "we need to find common ground and understand that no matter what you think of the past, we need to at least agree on the fact that there were human rights violations that occurred, and they cannot be justified or repeated" (Infante Interview 2023).

This shared sense of hope and the drive to uncover the truth and promote justice unites these individuals. It exemplifies the resilience of Chilean society as they grapple with their past, strive for a fairer future, and work collectively to ensure that human rights are protected and upheld. Central to this endeavour is memory and its spaces, which gain even greater significance as the 50-year anniversary approaches. As noted by Nelson Caucoto (2023), "it is imperative that we continue to educate Chilean society, especially the young sectors of the population, and show that there is a memory that cannot be forgotten" (Caucoto Interview, 2023). As such, it is crucial for Chileans to continue safeguarding their memories and their spaces of remembrance because "memory is a telluric force, it is stubborn, persistent and it is the seed of inspiration that we need to begin constructing a different and better Chile" (Caucoto Interview 2023).

Bibliography

Interviews Conducted

Anonymized (2023, May 17th Santiago, Chile). A sociologist who grew up during the Dictatorship.

Anonymized. (2023, June 7th, Santiago, Chile). Student at Pontificia Universidad Católica De Chile.

Anonymized (2023, June 7th Santiago, Chile). Student at Pontificia Universidad Católica De Chile.

Bravo Perez, M.J. (2023 June 8th Santiago, Chile). Former Employee at Londres 38.

Caucoto, N. (2023, July 12th Zoom). Human Rights Lawyer at Caucoto Abogados Santiago Chile.

Espinoza, J.P. (2023 June 7th Valparaiso, Chile). Sociologist and Director Fundación Territorios Colectivos.

Gonzalez, A. (2023, May 31st Santiago, Chile). Human Rights Lawyer.

Hennings, E. (2023, June 20th Zoom). Director at Londres 38

Infante, V. (2023 May 18th Santiago, Chile). Post-Doctoral Researcher at VioDemos.

Oyarzo, A. (2023). June 2nd Vina del Mar, Chile). Memory and Human Rights Activist and torture survivor.

Tricot, Tito (2023 June 28th Valparaiso, Chile). Sociologist, Director del Centro de Estudios de América Latina y el Caribe-CEALC, and human rights activist.

Tour Guide Londres 38 (2023 June 6th Santiago, Chile.)

References

- Abellán López, M. A. (2023). Negacionismo (concepto). *Eunomía. Revista en Cultura de la Legalidad*, 24, 250-260. <https://doi.org/10.20318/eunomia.2023.7664>
- Aguilar, P. (2008). Transitional or Post-transitional Justice? Recent Developments in the Spanish Case. *South European Society & Politics*, 13(4), 417–433. <https://doi.org/10.1080/13608740902735000>
- Aguilar Fernández, P., Brito, A. B. de, & González Enríquez, C. (2001). *The politics of memory: transitional justice in democratizing societies* (P. Aguilar Fernández, A. B. de Brito, & C. González Enríquez, Eds.). Oxford University Press.
- Assmann, A. (2018). One land and three narratives: Palestinian sites of memory in Israel. *Memory Studies*, 11(3), 287–300. <https://doi.org/10.1177/1750698018771859>
- Basu, P. (2022). *Memoriescapes and Multi-Sited Methods*. In *Research Methods for Memory Studies* (pp. 115–131). Edinburgh University Press. <https://doi.org/10.1515/9780748683475-008>
- Bauer, M. W., & Gaskell, G. D. (2000). Individual and Group Interviewing. In *Qualitative Researching with Text, Image and Sound*. SAGE Publications. <https://doi.org/10.4135/9781849209731.n3>
- Bell, M. M. (1997). The Ghosts of Place. *Theory and Society*, 26(6), 813–836. <https://doi.org/10.1023/a:1006888230610>
- Borzutzky, S. (2017). *Human Rights Policies in Chile: The Unfinished Struggle for Truth and Justice* (1st ed. 2017.). Springer International Publishing. <https://doi.org/10.1007/978-3-319-53697-2>
- Cabrera Suarez, L. A. (2012). El derecho a la memoria y su protección jurídica: avance de investigación. *Pensamiento Jurídico*, No. 36.
- Carter, J. (2013). Human rights museums and pedagogies of practice: the Museo de la Memoria y los Derechos Humanos. *Museum Management and Curatorship*, 28(3), 324–341.
- Comisión Nacional de Verdad y Reconciliación (1991). *Informe de la Comisión Nacional de Verdad y Reconciliación*.
- Comisión Nacional sobre Prisión Política y Tortura. (2003-2010). *Informe de la Comisión Nacional sobre Prisión Política y Tortura (Valech I)*.
- Cornejo, M., Reyes, M. J., Cruz, M. A., Villarroel, N., Viavanco, A., Caceres, E., Rocha, C. (2013). Histories About the Chilean Military Dictatorship. *Psyche*, 22(2), 49-65.

CreMASchi, M. (2021). Place is memory: A framework for placemaking in the case of the human rights memorials in Buenos Aires. *City, Culture and Society*, 27, 100419. <https://doi.org/10.1016/j.ccs.2021.100419>

Digan, K. (2014). Space and place of memory: The case of the Haus am Großen Wannsee, 56–58.

Escariz Oñate, M. (2022). Regulación de los sitios de memoria en el cono sur: análisis crítico y propuestas para Chile. *Latin American legal studies*, 10(1), 1-56. <https://dx.doi.org/10.15691/0719-9112vol10n1a1>

Estévez, F. J. (2018). La memoria como un derecho ciudadano. In Basaurem, M., & Estévez, F. J. (Eds.), *Fue (in)evitable el golpe? Derechos humanos: memoria, museo y contexto* (pp. 121-135). Editorial Cuarto Propio.

Ferrara, A. (2022). Bottom-up and through-provoking sites of memory in Rauschenbach, M., Viebach, J., & Parmentier, S. (Eds.), *Localising memory in transitional justice: the dynamics and informal practices of memorialization after mass violence and dictatorship*. Routledge.

Fischer, N. (2015). *Memory work: the second generation*. Palgrave Macmillan.

Fuller, M. G., & Löw, M. (2017). Introduction: An invitation to spatial sociology. *Current Sociology*, 65(4), 469-491. <https://doi.org/10.1177/0011392117697461>

Gonzalez T, R. (2016). *¿Malestar en Chile? Inform Encuesta CEP 2016*. Centro de Estudios Públicos.

Gamboa Morales, D., Berríos Castillo, I., Faúndez Abarca, X., Bravo Vidal, D., & Cordero Contreras, M. (2022). "I think memory sites are the same as the scars in your body": The tensions of memorial production and the use of space in memory sites in Chile. *Peace and Conflict*, 28(4), 480-490. <https://doi.org/10.1037/pac0000606>

Halbwachs, M. (2004). *La Memoria Colectiva*. Prensas de la Universidad de Zaragoza.

Hayner, P. B. (2011). *Unspeakable Truths: Transitional justice and the challenge of truth commissions* (2nd ed.). Routledge.

Huyssen, A. (2011). International Human Rights and The Politics of Memory: Limits and Challenges. *Criticism (Detroit)*, 53(4), 607–624. <https://doi.org/10.1353/crt.2011.0037>

Hughes, E. (2018). Performing Witnessing: Dramatic Engagement, Trauma and Museum Installations. *Research in Drama Education*, 23(2), 274–281. <https://doi.org/10.1080/13569783.2018.1441709>

Hite, K. (2017). Spaces, Sites, and the Art of Memory [Review of Spaces, Sites, and the Art of Memory]. *Latin American Research Review*, 52(1), 190–196. <https://doi.org/10.25222/larr.97>

Hite, K. (2012). *Politics and the art of commemoration: Memorials to struggle in Latin America and Spain*. Routledge.

Hite, K., Joignant Rondón, A., & Collins, C. (2013). *The politics of memory in Chile: from Pinochet to Bachelet*. FistForumPress.

Hite, K., & Badilla Rajevic, M. (2019). Memorializing in Movement: Chilean Sites of Memory as Spaces of Activism and Imagination. *A Contracorriente: Una Revista De Estudios Latinoamericanos*, 16(3), 1-16. Retrieved from <https://acontracorriente.chass.ncsu.edu/index.php/acontracorriente/article/view/1896>

Hughes, E. (2018). Performing Witnessing: Dramatic Engagement, Trauma and Museum Installations. *Research in Drama Education*, 23(2), 274–281. <https://doi.org/10.1080/13569783.2018.1441709>

Infante, V. (2015). Memory Performances at a Memorial Heritage Site: The Case of the Guided Tours at The Museum of Memory and Human Rights, Chile. *UCL INSTITUTE OF ARCHAEOLOGY*.

Inter-American Commission on Human Rights (2019). Principles on Public Policies on Memory in the Americas. <https://www.oas.org/en/iachr/decisions/pdf/Resolution-3-19-en.pdf>

Instituto Nacional De Derechos Humanos (INDH) (2018). Informe Annual: Situación de los Derechos Humanos en Chile. <https://bibliotecadigital.indh.cl/bitstream/handle/123456789/1173/informe-anual-2018.pdf?sequence=13>

Jelin, E. (2007). Public Memorialization in Perspective: Truth, Justice and Memory of Past Repression in the Southern Cone of South America. *The International Journal of Transitional Justice*, 1(1), 138–156. <https://doi.org/10.1093/ijtj/ijm006>

Jelin, E., Langland, V. (2003). Monumentos, memoriales y marcas territoriales. *Siglo XXI*.

Klep, K. (2013). Contested memories: two sites in the memory landscape of Santiago de Chile. *Leidschrift*, 28(3).

Klep, K. (2012). Tracing collective memory: Chilean truth commissions and memorial sites. *Memory Studies*, 5(3), 259–269. <https://doi.org/10.1177/1750698012441299>

Larrain Zapata, P. (2020). *La Casa de todos y todos. La Nueva Constitución que Chile merece y necesita*. Ediciones Universidad Católica de Chile.

Lazzara, J. Michael. (2003). Tres recorridos de Villa Grimaldi in Jelin, E., Langland V. *Monuments, memoriales y Marcas territoriales*.

Lazzara, M. J. (2011). Dos propuestas de conmemoración pública: Londres 38 y el Museo de la Memoria y los Derechos Humanos (Santiago de Chile). *A Contracorriente*, 8, 55-90.

Lessa, F. (2013). *Memory and transitional justice in Argentina and Uruguay: against impunity*. Palgrave Macmillan.

Lira, E. (n.d.). Chile: Dilemmas of Memory. In *The Memory of State Terrorism in the Southern Cone* (pp. 107–132). Palgrave Macmillan US. https://doi.org/10.1057/9780230118621_6

Lowenthal, D. (1997). History and Memory. *The Public Historian*, 19(2), 30-39. <https://doi.org/10.2307/3379138>

Löw, M. (2012). The constitution of space: The structuration of spaces through the simultaneity of effects and perceptions. *European Journal of Social Theory*, 15(1), 25–35. <https://doi.org/10.1177/1368431011426960>

Macias, T. (2013). "Tortured bodies": The biopolitics of torture and truth in Chile. *The International Journal of Human Rights*, 17(1), 113–132. <https://doi.org/10.1080/13642987.2012.701912>

Massey, D. B. (2005). *For space*. SAGE.

Montealegre, J. (2003). *Frazadas del Estadio Nacional* (1st ed.). LOM Ediciones.

Moyn, S. (2010). *The last utopia: human rights in history*. Belknap Press of Harvard University Press.

Museum of Memory and Human Rights (2018). <https://mmdh.cl/museo/fundamentos>

Museum of Memory and Human Rights (2022). *El Derecho a la memoria y el deber de recordar*. <https://mmdh.cl/recursos-e-investigacion/publicaciones/el-derecho-a-la-memoria-y-el-deber-de-recordar>

Nora, P. (1989). *Between Memory and History: Les Lieux de Mémoire*. *Representations* (Berkeley, Calif.), 26(26), 7–24. <https://doi.org/10.2307/2928520>

Olick, J. K., & Robbins, J. (1998). Social Memory Studies: From "Collective Memory" to the Historical Sociology of Mnemonic Practices. *Annual Review of Sociology*, 24(1), 105–140. <https://doi.org/10.1146/annurev.soc.24.1.105>

Piper-Shafir, I., Montenegro, M., Fernández, R., & Sepúlveda, M. (2018). Memory sites: Visiting experiences in Santiago de Chile. *Memory Studies*, 11(4), 455-468. <https://doi.org/10.1177/1750698017693667>

Reading, A. (2023). Framing Memory in International Law. In Tirosh, N., & Reading, A. (Eds.), *The Right to Memory: History, Media, Law, and Ethics* (1st ed.). Berghahn Books, Incorporated. <https://doi.org/10.1515/9781800738584>

Richard, N. (2010). *Crítica de la memoria: 1990-2010*. Santiago: Ediciones UDP.

Richard, N., Ascherl, A., & Richard, N. (2019). *Eruptions of memory: The critique of memory in Chile, 1990-2015* (A. et al.; English edition). Polity Press.

Richard, N. (2000). *Políticas y estéticas de la memoria*.

Roediger, H. L., & Wertsch, J. V. (2008). Creating a new discipline of memory studies. *Memory Studies*, 1(1), 9–22. <https://doi.org/10.1177/1750698007083884>

Roht-Arriaza, N., & Mariezcurrena, J. (2006). *Transitional justice in the twenty-first century: beyond truth versus justice*. Cambridge University Press.

Roht-Arriaza, N. (2010). *The Pinochet Effect: Transnational Justice in the Age of Human Rights*. University of Pennsylvania Press. <https://doi.org/10.9783/9780812203073>

Rojas, H., & Shaftoe, M. (2022). *Human rights and transitional justice in Chile*. Palgrave Macmillan.

Rojas, H. (2022). Chile at the Crossroads: From the 2019 Social Explosion to a New Constitution. *Seattle Journal for Social Justice*, 20(4), 981-1018.

Rojas, H. (2022). Past human rights violations and the question of indifference: the case of Chile. Palgrave Macmillan.

Schwartz, B. (2008). *Abraham Lincoln in the post-heroic era history and memory in late twentieth-century America*. University of Chicago Press. <https://doi.org/10.7208/9780226741901>

Schindel, E., & Colombo, P. (2014). *Space and the Memories of Violence Landscapes of Erasure, Disappearance and Exception* (1st ed.). Palgrave Macmillan UK. <https://doi.org/10.1057/9781137380913>

Skaar, E. (2011). Explaining Post-transitional Justice. In *Judicial Independence and Human Rights in Latin America*. Palgrave Macmillan.

Stern, S. J. (2010). *Reckoning with Pinochet: The memory question in democratic Chile, 1989-2006*. Duke University Press.

Tirosh, N., & Reading, A. (2023). *The Right to Memory: History, Media, Law, and Ethics* (1st ed.). Berghahn Books, Incorporated. <https://doi.org/10.1515/9781800738584>

Tyner, J.A. (2014). *Violent Erasures and Erasing Violence: Contesting Cambodia's Landscapes of Violence* in Schindel, E., & Colombo, P, *Space and the Memories of Violence Landscapes of Erasure, Disappearance and Exception* (1st ed.). Palgrave Macmillan UK.

Wilde, A. (1999). *Irruptions of Memory: Expressive Politics in Chile's Transition to Democracy*. *Journal of Latin American Studies*, 31(2), 473–500.
<https://doi.org/10.1017/S0022216X99005349>

Zaliasnik, Y. (2022). *Memoriales Vivos. Pasajes Para No Olvidar*. Ediciones Universidad Alberto Hurtado.