



The Holy See

MESSAGE OF THE HOLY FATHER FRANCIS

ON THE OCCASION OF THE PRESENTATION OF THE BOOK "PAST, PRESENT, AND FUTURE OF TRANSITIONAL JUSTICE"

Your Majesty,

Distinguished participants in this event:

I am pleased to be able to respond to the request of Mr. Enrique Gil Botero, Secretary General of the Conference of Ministers of Justice of Ibero-American Countries, and Mr José Ángel Martínez Sánchez, President of the General Council of Spanish Notaries, to join this presentation of the book *Pasado, Presente y Futuro de la Justicia Transicional: La experiencia latinoamericana en la construcción de la paz mundial* ("Past, Present and Future of Transitional Justice: The Latin American experience in building world peace").

The Pan-Hispanic Dictionary of Legal Spanish defines transitional justice, in its first meaning, as "the set of judicial and political measures that are adopted after a situation of conflict or repression in which massive violations of human rights have taken place, with the aim of promoting reconciliation and democracy; it includes criminal proceedings, truth commissions, reparation programmes and institutional reforms".

Learning from the past, reviewing often painful experiences, invites us to provide coherent and meaningful responses to current challenges, and to seek mechanisms to consolidate progress on the path to peace, freedom and justice. In this regard, and not to allude to current cases, I would like to mention an event that occurred during Columbus' first voyages to America. I am referring to the news that reached Isabella of Castile about the sale of Indians as slaves. If we follow the definition presented above, we have a situation of conflict and repression where there has been a massive violation of human rights and, immediately, the set of measures adopted by the Crown, which would be the seed of our modern declarations of human rights.

I use this example, which can only by analogy be compared with current situations, to draw a number of lessons. First, history does not go backwards, both in our case and in the painful histories of many countries; we must build on these situations without being under the illusion that

everything will be as it was before. America and Europe were meant to meet. Therefore, such events, even if they are conceived as harsh crises, must bear fruit, and it is our responsibility as human beings to ensure that they do. It is true that there are situations where violence seems to have no justification, but whether we are talking about revolution, regime change, or invasions, we cannot simply remain with the just but useless complaint "it should not be like this", but must face these challenges squarely, because unity is superior to conflict (cf. Apostolic Exhortation *Evangelii Gaudium*, 227).

The second lesson is the *immediate response*. The force of law, represented in Queen Isabella not only as the political authority of one of the parties, but as the moral conscience of one who knew that she had to give an account of her actions to God, imposes courageous, innovative and firm solutions, which go to the heart of man's truth, of his dignity, without concessions; reparations - freeing slaves even at one's own expense - and institutional reform - prohibiting slavery and demanding the fundamental rights of the victims in a proactive and comprehensive manner.

The third lesson, perhaps the most difficult, but not therefore without hope: *the effective and concrete application of these dispositions will not always be easy, nor will they be motivated by such a lofty spirit*. Although on paper Isabella took a giant step in the relations between the two peoples who were called to encounter one another, and generously, albeit unilaterally, offered everything she could from her position to the new peoples she encountered in order to create spaces for integration, tensions always existed. But this reality also teaches us that a treaty, a signature, a law, can be meaningless if the necessary means are not put in place to ensure that, with seriousness, good sense and patience, not only the letter, but the spirit that animates it, is instilled in those to whom it is addressed.

Your Majesty, dear friends,

The fact that the spirit of the laws of the Indies has been maintained, illuminating and inspiring the defence of human dignity, as well as the integral conception of the person that it entails, is an encouragement for us in our commitment to justice and law, despite the difficulties.

I hope that this evocation of the past can be of use to you. Be courageous and determined, and entrust yourselves to God, as Isabella would surely advise you, to apply justice, to open paths of understanding and fraternity, to create new and integrating spaces, to build that beautiful land which is not a utopia but a responsibility.

May God bless you abundantly, and please do not forget to pray for me.

Fraternally,

Rome, Saint John Lateran, 22 August 2024

FRANCIS

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