

The different models show diverse ways in which human rights legal enforcement are possible, from the strictly domestic to international ones. But once this was stated the second step was to analyze some of the dilemmas that judges took into account in their actual decisions.

The aim of this second step was to fill the gap between human rights and judicial politics. Two contrasting models were compared: the one that followed the Mexican judiciary after 2010 with the Radilla case, and the one that followed the U.S. judiciary after the Filartiga case of 1979.

The Mexican federal judiciary was a clear example of a contested change in the legal doctrine that favored the human rights from the outside, specifically from the Interamerican System. On the other hand, the U.S. judiciary was a clear example of contested legal doctrine that favored human rights from the inside.

But what were the main dilemmas that the judges dealt with, and continue to deal with, in the last decades we testify a “justice cascade”⁷⁶ following diverse human rights legal enforcement models: Two *Ad Hoc* International Tribunals (For Rwanda and for the Former Yugoslavia and the ICC were established; the Pinochet affair took place; Efraim Ríos Montt was prosecuted for genocide in Guatemala; thousand of trials against Argentinian perpetrators of human rights abuses had been made etc. The examples developed here can be understood as part of this “cascade” and this dilemmas. Here some reasons about why, how and in what cases some judges have accepted international human rights norms were given. Nevertheless, more comparative research on the topic must be done to better understand the tensions that domestic judges and judicial institutions face in this endeavor.⁷⁷ To do that a judicial politics approach embedded in human rights politics and policies context (like the one applied) here can be helpful.

⁷⁶ See KATHRYN SIKKINK, *THE JUSTICE CASCADE: HOW HUMAN RIGHTS PROSECUTIONS ARE CHANGING WORLD POLITICS* (W.W. Norton, 2011); Kathryn Sikkink & Hum Joon Kim, *The Justice Cascade: The Origins and Effectiveness of Prosecutions of Human Rights Violations*, 9-1 ANNUAL REVIEW OF LAW AND SOCIAL SCIENCE 269,285 (2013) doi:10.1146/annurev-lawsocsci-102612-133956; TRICIA D. OLSEN, ET AL., *TRANSITIONAL JUSTICE IN BALANCE: COMPARING PROCESSES, WEIGHING EFFICACY* (U.S. Institute of Peace, 2010).

⁷⁷ Ezequiel Gonzalez Ocantos, *Persuade Them or Oust Them: Crafting Judicial Change and Transitional Justice in Argentina* 46-4 COMPARATIVE POLITICS, FORTHCOMING, 279,298 (2014).