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## Memory and Truth in Human Rights: The Argentina Case. The Issue of Truth and Memory in the Aftermath of Gross Human Rights Violations in Argentina.

Andres Delgado  
*University of South Florida*, [adelgad5@mail.usf.edu](mailto:adelgad5@mail.usf.edu)

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Memory and Truth in Human Rights: The Argentina Case. The Issue of Truth and  
Memory in the Aftermath of Gross Human Rights Violations in Argentina.

by

Andrés Delgado C.

A thesis submitted in partial fulfillment  
of the requirements for the degree of  
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Major Professor: Rachel May, Ph.D.  
Bernd Reiter, Ph.D.  
Peter Funke, Ph.D.

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## **Dedication**

Le dedico esta tesis a mis padres, Jesus M. Delgado y Gloria I. Canizales, a mi hermana, Eliana A. Delgado, y a toda mi familia por todo lo que me apoyaron durante este largo y arduo proceso. Por todos sus animos y regaños, pero sobretodo por su amor.

Tambien le dedico esta tesis a las personas que arriesgaron sus vidas para trabajar por los derechos humanos en Argentina durante la época de la dictadura. Y para los profesores de la Universidad del Sur de la Florida por todo lo que me enseñaron en este largo camino academico.

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## Table of Contents

List of Figures.....	iv
Abstract.....	v
Introduction.....	1
Literature on Transitional Justice.....	2
Organization of the Thesis.....	7
Chapter 1.....	9
Background on Argentine History.....	9
Perón Background and Context.....	10
Military Dictatorship.....	14
Fall of the Junta.....	15
Alfonsín and the Return to Democracy.....	17
Amnesty Laws and Pardons.....	20
Alternative to Justice: Truth Trials.....	24
Kirchner Era: New Hope for Human Rights.....	28
Summary.....	30
Chapter 2.....	32
Structure of State Terror.....	33
National Security Doctrine.....	33
Political Violence During “El Proceso de Reorganización Nacional”.....	36
Desaparecidos: Victims of State Terrorism.....	38
Clandestine Detention Centers: ESMA.....	40
Summary.....	43
Chapter 3.....	45
Madres de la Plaza de Mayo.....	46
Madres de la Plaza de Mayo Linea Fundadora.....	48
Abuelas de la Plaza de Mayo.....	49
HIJOS.....	51
Summary.....	54
Chapter 4.....	56
Truth and Memory.....	57
CONADEP.....	58
Truth Trials.....	60
Memory Initiatives.....	62
Summary.....	65

Conclusion.....	67
References.....	71

## List of Figures

Figure 1: Disappeared in Argentina.....	39
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## **Abstract**

This thesis focuses on the importance of truth and memory in the process of transitional justice, within the context of the aftermath of gross violations of human rights that occurred during the military dictatorship of 1976 to 1983 in Argentina. The military junta that ruled Argentina took power under the pretext of national security, arguing that an enemy threatened to destabilize and destroy Argentine society. During the period of the military dictatorship an estimated 30,000 people “disappeared”; relatives of those disappeared mobilized and formed human rights organizations to confront the military regime for its abuses. Once the dictatorship collapsed and democratic rule was reestablished these human rights organizations changed their focus, mobilizing once again to find their missing relatives, learn the truth, and prosecute those responsible of any crimes.

A series of amnesty laws and pardons protected the perpetrators of many of the crimes of the military regime through most of the 1990’s, until in 2005 the Argentine Supreme Court declared those laws unconstitutional. During the period before the 2005 ruling human rights organizations worked hard to gather the truth about the crimes of the military regime and ensure these crimes were not forgotten. Their initiatives included the famous weekly march to the Plaza de Mayo by members of Madres (Mothers), one of the most important human rights organizations in Argentina; *escraches* (reveal what is hidden) and public protests



by HIJOS (Sons and daughters of the disappeared), actions in which members of HIJOS would go to the houses of known members of the military juntas and protest at their front doors; and programs to find missing grandchildren by Abuelas (Grandmothers), a human rights organization dedicated to searching for the missing children of the disappeared; and others. Because of the structure of terror during the military junta, most Argentines did not know exactly what was happening to the missing persons, and they were afraid to ask. The truth gathering initiatives and the official report of the commission charged with investigating the junta, CONADEP, came into being in response to this lack of knowledge. They helped to inform the Argentine people and the new generations of what had happened during the military dictatorship in hopes of making sure that such abuses do not occur again.

## Introduction

The purpose of this project is to understand the role of memory and memorialization as tools in the transitional justice toolbox. I want to explore the issue of memory in the context of the human rights abuses that occurred during the military dictatorship that ruled Argentina from 1976 to 1983. This thesis will shed light on the importance of memory within the context of transitional justice by examining the initiatives designed by the human rights relatives' organizations in Argentina. These iconic groups help Argentina to remember her victims, and they also promote the idea of truth telling.

First I will define some terms that I will be using throughout this paper. "Transitional Justice" refers to how societies which are transitioning from repressive rule or armed conflict deal with past atrocities; how they overcome social divisions or seek reconciliation; and how they enact justice so as to prevent future human rights atrocities. "Memorialization" generally refers to the process of preserving memories of people or events. "Truth Commissions" are commissions tasked with discovering and revealing past wrongdoing by a government.

A "military junta" is the ruling clique of a military government. In this case it refers to the government of military leaders that led Argentina from 1976 to 1983. "The Process of National Reorganization" ("*El Proceso*") is the name the military government that ruled Argentina in that period gave to itself. Finally, the term

“subversives” is defined by the military junta. These were the adherents of leftist ideologies who were seen as a threat to the state. For this reason they were persecuted, illegally detained, tortured and killed by the military.

### ***Literature on Transitional Justice***

Before I discuss what occurred in Argentina, it is important to have a basic understanding of transitional justice, and also to discuss the literature on this topic.

Stanley Cohen argues that after the collapse of an authoritarian regime or dictatorship, one of the first steps that the newly elected government needs to take is to deal with the atrocities of the past regime. First there is a debate within each society on how to confront the crimes of the previous government, how to dismantle the apparatus of repression used by the state, and how to create or restore the rule of law, democracy and civil society. It is in dealing with those past atrocities that the various tools of transitional justice are employed, and provide aid in understanding how to address the needs of the victims and their families (Cohen, 1995). As Nelson Mandela said “As all these countries recover from the trauma and wounds of the past, they have had to devise mechanisms not only for handling past human rights violations, but also to ensure that the dignity of the victims, survivors, and relatives is restored” (Kritz: foreword, 1995).

A unique set of challenges, such what to do with the perpetrators of abuses or how to deal with the victims, comes with the displacement of regimes characterized by gross violations of human rights; challenges that make a

peaceful transition difficult to achieve. Bronwyn Anne Leebaw, in an article for *Human Rights Quarterly*, discusses the idea that countries that wish to enjoy a durable peace after a period of repression or violence must first address their past violence. While unthinkable 20 years ago, today this concept is widely accepted. Several truth commissions and war crimes tribunals have furthered the cause of transitional justice around the world, some examples of truth commissions include EL Salvador in 1992, Chile in 1991, Guatemala in 1994 and South Africa in 1995 among others. Critics of the process of transitional justice argue that “opening old wounds” is not good for the reconciliation of the society, that it can in fact be a threat to national reconciliation (Leebaw, 2008), but I think that this is not the case at all just as we can tell from the experience in Argentina. We need to open those “old wounds,” treat them, and make sure that they heal properly. If we do not do anything about the past a society cannot truly be reconciled with itself.

Transitional justice has been widely accepted for many years and the creation of the International Criminal Court (ICC) in 2002 has made transitional justice part of the ordinary model of justice in contemporary times. It is also important to note what Ruti G. Teitel said, namely that “transitional justice, while contingent upon local conditions and culture, also displays dimensions commonly associated with periods of political flux” (Teitel: 94, 2003).

It is essential to recognize the importance of human rights organizations and civil society within the context of transition to democracy and transitional justice in Argentina. These groups have played an important role in making sure

the transition was as smooth as possible, and that the promises made by the newly elected governments have been kept. Rachel May, for example, argues that in Argentina these human rights organizations played an important role in pressuring the military to step down in 1983. These organizations have continued to be influential, shaping the evolution of Argentina's democratic transition (May and Milton, 2005).

In his article "Justice after Transition," Luc Huyse argues that one of the issues that have been widely debated during the transition from authoritarian rule to democracy has been how to deal with the past. Criminal prosecutions and amnesties (unconditional closing of the book or forgiving the crimes) are among the potential responses of newly democratic regimes. Whatever the method used, the goal has always been to answer two critical questions: whether to remember or forget the abuses (acknowledgment) and whether to impose sanctions on the individuals who are responsible for the abuses (accountability) (Huyse, 1995).

Lars Waldorf, in the introduction to the book *Disarming the Past*, states that there is a proliferation of transitional justice mechanisms to help render truth, justice, and reparations in the aftermath of state violence and civil war. These mechanisms range from international criminal tribunals to national truth commissions to local justice processes (Cutter Patel, 2009). It is my argument that both truth commissions and memorialization are essential parts of the process. Truth commissions are important to investigate and report on systematic patterns of abuse, recommend changes, and help understand the

underlying causes of serious human rights violations. Memorialization serves to keep the memory of the victims alive through the creation of museums, memorials, and other symbolic initiatives such as the renaming of public spaces.

Joanna Quinn states that transitional justice is “the process by which societies move either from war to peace or from a repressive/authoritarian regime to democracy while dealing with resulting questions of justice and what to do with social, political, and economic institutions” (Quinn, 2009) She also identifies the major categories of the field of transitional justice, which are memory and remembering, truth, peace building, transformation of institutions, and forgiveness (Ignatius Dube, 2011). I will be using this understanding of transitional justice in this thesis.

Jaime Malamud Goti argues that official transparency and truthfulness are important aspects of political life, and that they need to be applied in a project of rebuilding an inclusive society once a brutal regime has been replaced by a democracy. An ideal transitional democracy should be open, transparent and truthful, and should provide people who have suffered under the oppressive regime the answers to their many questions about the conduct of the government. This was what was attempted in Argentina, where there was a lack of openness and truth from most members of the Argentinean armed forces (Malamud Goti, 1998).

Carlos Nino, in his book *Radical Evil on Trial*, argues that confronting human rights violations is much more difficult than confronting regular crimes, even when those who committed the crimes are no longer in power. In the case

of Argentina this proved to be the case, and it was even more difficult because the military retained much of its power during the period of transition to democracy. He discusses the question that we need to answer in regards to transitional justice: on what moral grounds do we choose to pursue or decline to pursue punishment for violations of human rights? He states "that trials for massive human rights violations can be justified on preventionist grounds provided the trials will counter those cultural patterns and the social trends that provide fertile ground for radical evil" (Nino: 146, 1996). This is perhaps one of the most important reasons of why we need trials, according to Nino, to make sure similar crimes do not happen in the future; trials work not only as truth finding tools but also as preventative tools (Nino, 1996).

I have to say that I agree with Stanley Cohen and Bronwyn Anne Leebaw when they argued that a country first needs to address the wrongdoings and abuses of the past regimes if they want to move forward. I do not think that is possible at all for a country to move forward without addressing the past because it will create conflict and friction in its society. Among the options that a country has in how to deal with the past; accountability, acknowledgement, and unconditional closing of the book; given to us by Luc Huyse I feel that the best option is to make those responsible for the crimes accountable for their actions, and to make sure that we remember the victims in order to not commit the same mistakes in the future.

I also think that it is necessary to have as Jaime Malamud Goti says truthfulness and openness in any action that is taken by the newly democratic

regime in regards to the tools of transitional justice that it seeks to implement. Regardless of what tool they decide it always needs to be done in an open, truthful and clear way so that the public knows what is going on and that there is no corruption or other intentions.

This thesis project fits very well within the literature that currently exists on transitional justice by demonstrating how important it is to focus and deal with the past before moving on or otherwise there are going to be wounds in a society that are never going to close. This is what the human rights movement in Argentina is doing; they are seeking healing through all of their truth, memory and memorialization initiatives.

### ***Organization of the Thesis***

In chapter one I will give a synopsis of recent Argentine history. It is essential to understand this background in order to have a better perspective on the violence of the military regime period. I will also discuss one of the main political figures in Argentine history, Juan Domingo Perón. Perón plays an important role in the years prior to the rise of the military dictatorship. He was partially responsible, directly and indirectly, for the violence that engulfed Argentina during the last years of his life. I will discuss the return to democratic rule in Argentina, the election of Raul Alfonsín, the trials of the junta, amnesty laws, Carlos Menem and his pardons of the military, and finally conclude with the annulment of the amnesty laws and pardons and the Kirchner era.



In chapter two I will discuss the military dictatorship that ruled Argentina from 1976 to 1983. This government was responsible for the human rights abuses that occurred during this period of time. Chapter three will analyze these human rights abuses and the different organizations that were created in response to the abuses.

Finally, chapter four will look at the issue of memory during the period of transitional democracy as one of the tools utilized by the newly elected democratic government of Raul Alfonsín. I will also look at the issue of memory today in Argentina and how it contributes to the betterment of the human rights regime in Argentina, looking especially at the memorialization project at the Naval Mechanics School (ESMA) in the city of Buenos Aires as an example.

The conclusion provides the argument that memory and truth initiatives are indeed important and necessary in the process of transitional justice. They provide ways for a society to remember what happened during their past in order to make sure that it does not occur again.

## **Chapter One**

This Chapter will provide a general background to Argentine history while focusing on certain aspects of the military junta that ruled Argentina from 1976 to 1983. It will briefly explore the origins of Argentina, then move on to Juan Domingo Perón, who was perhaps the most influential political figure in the recent history of Argentina. Then I will discuss the military junta that ruled Argentina from 1976 to 1983, the fall of the junta, transition to democratic rule and the challenges that the newly elected government had to face. The chapter concludes with the 2001 economic crisis in Argentina that led to the election of Nestor Kirchner as president of Argentina and a new era for human rights.

This chapter aims to inform the reader on the situation in Argentina during the years prior to the rise of the military dictatorship, what occurred during the military dictatorship, the fall of the junta and the subsequent problems during the period of democratic rule.

### ***Background on Argentine History***

Argentina obtained its independence from Spain in 1816 after a war that started in 1810. After the war of independence from Spain, there was a period of anarchy and a series of disputes as well as a civil war. The cause of the war was the conflict between the Unitarians and the Federalists, both of whom wanted to

have control over the new institutions. The “*caudillos*” (leaders), ambitious men who aspired to power, such as José de San Martín, Juan Manuel de las Rosas, Facundo Quiroga, Domingo Sarmiento, and Julio Roca, among others, also played a role in this chaotic period of Argentine history. (Levinson 2011).

During the late 1800’s and early 1900’s there was a period of oligarchic rule under the presidency of Julio Roca, who tried to modernize the country. Roca’s government was more traditional and politically conservative. During this time a minority elite dominated the country (Stephens, 1988). This is only one of the many periods when elites dominated the politics and economics of Argentina; there was a similar situation during the time of “*El Proceso*” (the National Reorganization Process of 1976-1983), when the traditional landed elites allied themselves with the military.

Caudillo rule has been part of the political culture in Argentina, especially during crises and with the excuse of bringing stability to the nation. The country has also suffered many military coups throughout its history, so in 1973 when the time came for Juan Domingo Perón to rule again, it was nothing out of the ordinary. This was not the first time that he had taken the office of the presidency of Argentina, but it would be his last (Vanden and Prevost 2009).

### ***Perón Background and Context***

Perón participated in the 1943 coup in which nationalist and authoritarian officers took power. Perón rapidly emerged as a leader and as a skillful political figure within the military. He was the Secretary of Labor and was very popular

among Argentine workers. He became so popular in the country that his adversaries feared his popularity and tried to incarcerate him, but they had to release him after two days due to the unrest and the popular protest of the Argentine people, especially the workers who were his main allies (Vanden and Prevost 2009).

Perón emerged as a political figure in the middle of World War II. His opponent for the presidency, Spruille Braden, was seen as a puppet of the United States and the United Kingdom, so Argentines viewed it as a choice between the nationalist Perón and the U.S./U.K. Perón was elected president in 1946 and the people saw the beginning of the Argentine model of a corporatist state. Perón was an “authoritarian populist” but at the same time he was a very pragmatic politician. He was elected with a 54% majority of the electoral vote (Smith, 2008).

The Peronist government maintained democratic institutions but was engaged in a number of semi-authoritarian practices such as restricting freedom of expression, freedom to assemble and freedom to strike, as well as controlling the judiciary, among other illiberal practices. But his economic policies were successful in the post-war years so the workers, industrialists, and the military of Argentina remained united behind his government, it having satisfied all of their demands. Perón’s government started the policy of Import Substitution Industrialization (I.S.I.), which was meant to industrialize the country and also the policy of the “Third Position” or a sovereign position free from the influence of both the United States and The Soviet Union. He wanted Argentine foreign policy

to be independent. He opposed traditional landed elites, the oligarchy, and pitted their interests against those of workers and industrialists (Vanden and Prevost 2009).

Perón used a unique blend of authoritarian rule and popular support, which allowed him to create more social change than any other Argentine regime since the nineteenth century. He proclaimed that economic independence and social justice were the main policies of his regime. The Argentine state took over foreign trade, strategic industries and public services as part of his plan for economic independence. For his policies on social justice he recommended the redistribution of income to workers and the urban poor (Rock, 2002).

Perón was not the only important political figure of this time. Eva Perón, his wife, was also an important leader for the Peronist union leaders, female activists and workers in general. She was also very charismatic. She emerged as a strong voice for women everywhere in Argentina, especially those of the lower and middle classes. She became the “*madre tutelar*” within the Peronist movement, she was the source of moral value and spiritual content within the party. As the head of the Eva Perón Foundation, which worked for women’s suffrage, social welfare, built “*hogares de transito*” for the orphans, etc, she became even more popular than her husband. Evita died of cervical cancer in 1952 at the same time that Juan Perón’s government began to lose legitimacy (Taylor, 1979).

After Evita’s death, wages started to fall. Perón’s government took U.S. loans and he became even more authoritarian, antagonizing the church and the

economic elites of Argentina along with some sectors of the military and the middle classes. In 1955 Perón was ousted by a military coup and went into exile. All forms of Peronism were prohibited, so there was a period of limited democracy in Argentina from 1955 that lasted until 1973 when Perón and Peronism were allowed back into Argentina and Argentine politics (Levinson 2011).

In 1973 when Perón returned to the country, thousands of people gathered to meet him at the airport. However snipers, from a right wing faction of the Peronist party, opened fire and 13 people were killed and more than 300 wounded. This event marked the beginning of the violence under Perón, which only got worse after Perón himself created the paramilitary group AAA, or the Argentine Anti-Communist Alliance, as a way to combat the guerrillas. The massacre was a result of a conflict between the left and the right wing factions of the Peronist movement. Perón decided to ally himself with the right wing of the Peronist supporters (Lewis, 2002).

Perón died in 1974 and his third wife and vice-president, Isabel Perón, took over the country in the middle of a wave of violence between the right wing and left wing factions of the Peronist party. The military saw that she was unable to control the situation and feared that the violence would destabilize the economy, so they took over the country in 1976 (Vanden and Prevost, 2011).

## ***Military Dictatorship***

After Perón's death, the government of Isabel Perón lost legitimacy and the Argentine military saw it as their duty to act. On March 24, 1976 the Argentine military overthrew the government of Isabel Perón and sent her to a detention facility in Patagonia. The official name of the military operation was "*Operativo Independencia*" (Levinson, 2011). What followed was referred to by the military as the "National Reorganization Process" commonly known as "*El Proceso*." As the name states the main goal of "*El Proceso*" was to re-organize the political system in Argentina. One of the results of the National Reorganization Process was the disappearance of thousands of people who were to never be seen again. These people are called "*desaparecidos*" by the human rights organizations (Rock: 62, 2002).

A military junta was nothing out of the ordinary for Argentine society; the military had always been a very important actor within the political life of the country. According to the publication of the "Asamblea Permanente de los Derechos Humanos", "legitimacy as the ultimate force led to the surrender of absolute power to a new military junta, on behalf of the 'annihilation' of terrorism, they used all the state machinery to act as the real terrorist, denying all kinds of rights and guarantees to the people they claimed to defend" (Ana Chanfreau, Memoria y Dictadura: 15, 2011).

The members of the military, acting under National Security Doctrine, saw the leftist movement and their ideas as a threat to their homeland, a threat they were prepared to fight at any cost. "We must control the learning environment

and the industrial and neighborhood environments. It is there where what is left of the criminals and terrorists have taken refuge” (Frontalini: 15,1984).

The governor of the Province of Buenos Aires at the time, General Iberico Saint Jean, said something that characterizes the general consensus within the armed forces during this time, “first we are going to kill all the subversives, then their accomplices and sympathizers, then the indifferent, and finally those who are intimidated” (Baron, 2007). This reflected the collective thinking of the members of the armed forces before and during the “Dirty War.” They would make sure that anyone who thought differently from them was going to be eliminated or at the very least suppressed and terrorized. Some of those people who were “eliminated” were union leaders, workers, and most of them were from the middle and lower classes.

### ***Fall of the Junta***

As the economy faltered and the support for the ruling junta dwindled in 1982, the generals decided to invade the British-controlled Falkland Islands, known to Argentines as Islas Malvinas. The military junta saw this as an opportunity to gather support from the people and to stabilize their regime. But the defeat of the Argentine forces, along with the political instability caused by protests against human rights abuses and an unprecedented economic collapse, high unemployment, inflation and foreign debt, led to the fall of this military dictatorship. The situation became so uncontrollable for the junta that they



decided to gradually lift the bans on political parties, civil liberties, and to hold democratic elections (Rock, 1987).

Finally, after the humiliating defeat of the Argentine forces by the British forces, the military junta decided to relinquish power. This was a surprise move that was overseen by General Reynaldo Bignone. Nonetheless the armed forces feared the repercussions of their actions, and they knew that once a democratic government was elected, members of the armed forces could face prosecution for the crimes they had committed (Schwartz, 2004).

Argentina had seen more than its share of military takeovers throughout its history, but the 1976-1983 regime had not only been the most violent and cruel but had also lasted longer than any previous military regime. It had leveled the full power of a state military apparatus against the Argentine people, the very people the military was supposed to be protecting.

As a way to prevent prosecution for their crimes, the military junta passed on September 22<sup>nd</sup>, 1983, Law No. 22.924, which became known as the “Law of National Pacification” (*Ley de Pacificación Nacional*). This law was a self-amnesty that guaranteed the military protection from prosecution for the crimes committed from May 25<sup>th</sup> 1973 until June 17<sup>th</sup> 1982. It was designed to end the question of responsibility for the human rights abuses by granting members of the military regime amnesty (Human Rights Library University of Minnesota). This was their last resort to make sure they were not punished for the various atrocities committed in their fight against subversion.

On October 1983 Raul Alfonsín was elected President of Argentina. When the military agreed to an earlier election, they were first scheduled for 1984. This election marked the rebirth of democratic rule in a country that had been under a repressive military regime (Philip, 1984).

### ***Alfonsín and the Return to Democracy***

On December 10, 1983, Raúl Alfonsín took office as the President of Argentina. There were great expectations for his presidency. The first order of business was to address the terrible atrocities of the previous regime. In 1984 he created a commission of distinguished persons; such as writer Ernesto Sábato, Monsignor Jaime de Nevares, Rabbi Marshall Meyer, and Ricardo Colombes the former president of University of Buenos Aires, among others; to investigate the human rights abuses of the military junta. The name of the commission was “*Comisión Nacional sobre la Desaparición de Personas*” (National Commission on the Disappearance of Persons) or CONADEP (Romero, 2002).

It is very important to mention that the Argentine commission was one of the first of its kind in the world, and was by many accounts a success. The official report of the commission was called *Nunca Más* or “never again.” The report documented the disappearance of approximately 9,000 people during the time of the military junta. The report itself became a bestseller in Argentina and in many parts of the world, greatly raising awareness of the violations of human rights it documented (Hayner, 1994).

The intention of President Alfonsín with CONADEP and the junta trials was “not so much to punish as to prevent; to ensure that what had happened in Argentina could not happen in the future; to guarantee that never again would an Argentine be taken from his home at night to be tortured or assassinated by agents of the state” (Alfonsín: 16, 1993).

One of the main criticisms of the human rights trials, not only in Argentina but also elsewhere in the world, was that they would be a danger to the still fragile democracy of the country. The argument was that the trials would undermine democracy, but this did not occur. Proof of this is that Argentina today has had more human rights trials than any other country in the world, while at the same time enjoying the longest uninterrupted period of democratic rule in their history, with more than 30 years of continued democracy (Sikkink, 2007).

The human rights trials of the juntas in Argentina in 1985 and 1986 were crucial to the encouragement of the rule of law. The trials fostered the perception among ordinary citizens that Argentina’s legal system held everyone, even the powerful leaders of the junta, accountable for their crimes (Sikkink, 2007). Seeing generals brought to justice for the human rights violations committed during their regime raised the confidence of the Argentine people in the system. One regrettable consequence of the trials of the human rights violators is that they created conflict between the members of the military and the human rights community and civil society. Unfortunately, this confidence was undermined when the president urged Congress to pass the so-called “amnesty laws,” both the “Full Stop Law” in 1986 and the “Due Obedience Law” in 1987.

President Alfonsín argued that judicial proceedings should observe three important limits: “a limit on the public unrest provoked by the judicial investigations and proceedings; a limit on the time period of the trials; and a limit on the categories of persons considered responsible for criminal behavior” (Alfonsín: 16, 1993). “The Full Stop Law” limited the time period in which trials could take place, while “the Law of Due Obedience” limited prosecution to commanding officers. These measures served to exonerate the majority of people responsible for the human rights violations of the junta years.

The results of the 1985 and 1986 trials were: indictments of 481 military and police officers, trials of 16 (11 of whom were top level officers) and 11 convictions. The most notable sentences were given to General Jorge Videla and Admiral Emilio Masera, who were both sentenced to life in prison; General Roberto Viola, who was sentenced to 17 years in prison; Admiral Armando Lambruschini, sentenced to 8 years; and Air-Chief-Marshal Orlando Agosti, who was sentenced to 4 and a half years. Almost a year later the Supreme Court reduced the convictions against Viola and Agosti (Moreno Ocampo, 1999). This was a ridiculously small number of convictions given that over 30,000 people disappeared, and was largely the result of the “Full Stop Law” and the “Due Obedience Law,” which the Alfonsín government had enacted to appease the military and prevent yet another coup and military takeover.

## ***Amnesty Laws and Pardons***

Alfonsín's quest for accountability, especially the project of criminal prosecutions of military personnel, incurred the wrath of the military establishment, which threatened to destabilize the new democracy. President Alfonsín introduced several initiatives in an effort to appease the military, including the aforementioned "Full Stop" Law of 1986 and the "Due Obedience" Law of 1987, which limited the time frame in which prosecutions could take place and limited them to commanding officers. The Madres de la Plaza de Mayo protested these legal limitations, and produced evidence of hundreds of additional murder and torture cases (Rock, 2002). Alfonsín was put in the very difficult position of risking another coup if he did not placate the members of the military, while he risked losing his popular support if he angered the Argentine people by giving amnesty to those responsible for the human rights violations.

The issue of amnesty was debated heavily in Argentina and has been debated throughout the world. It is not a black and white issue; it is more complex than that. Without offering some kind of protection to them, it would not be easy to persuade members of the military junta to give up power. Sometimes tradeoffs must be made to assure a stable transition to democratic rule; and allowing those responsible for violations of human rights to escape prosecution so they will peacefully surrender power to a new democratic government can be one of those tradeoffs. Before there is a more complex discussion on truth and memory the issue of the power of the military needs to be addressed. We can see this being played today in Syria where President Assad refused to give up

power because he knows he is going to end up like Saddam Hussein and Muammar Gaddafi.

Pardons and amnesties weakens democracies, by giving up some of their power to the military which was the case of Argentina, while at the same time they do not, because these mechanism allow the democratic government to be able to rule. The pardons and amnesties allows to limit the power of the military that could be a threat to the democratic regime if these do not exist.

On December 23<sup>rd</sup>, 1986 the law No. 23,492 is enacted by the Argentine congress (Desaparecidos). This law became known as *Ley de Punto Final* or Final Stop Law, article 1 states:

*“Hereby ordered the termination of criminal proceedings against any person for his alleged involvement in any degree, in crimes of Article 10 of Law 23,049, who was not a fugitive, or declared in rebellion, or that has not been ordered summons to give his inquiry by a competent court, no later than sixty calendar days from the date of enactment of this Act. Under the same conditions will terminate the criminal proceedings against any person who has committed crimes related to the establishment of violent forms of political action until December 10, 1983.”*

Another law was passed on June 4<sup>th</sup>, 1987; this one was law No. 23.521, enacted by the Argentine congress (Human Rights Library University of Minnesota). This law became known as *Ley de Obediencia Debida* or Due Obedience Law, article 1 states:

*“It is assumed without proof to the contrary that those, at the date of the commission of the deed and acted as commanding officers, junior officers, NCOs and enlisted personnel of the armed forces, security, police and prison, are not punishable by the offenses referred in*

*Article 10 paragraph 1 of law No. 23,049 for having acted under superior orders.”*

President Alfonsín passed these laws hoping to satisfy the military concerns about prosecution. But he failed to appreciate the reaction of the human rights organizations to the laws (Human Rights Watch, 2009).

President Alfonsín resigned five months prior to his scheduled transfer of power due to several problems, including street demonstrations, hyperinflation, and the perception that he was unable to implement some policies. Carlos Menem, who was elected on May 14<sup>th</sup>, 1989, replaced Alfonsín and took over the presidency of Argentina on July 8<sup>th</sup>, 1989 (Valenzuela, 2004).

In 1989, before he came into office, Menem urged Alfonsín to “resolve the military issue” by giving pardons or enacting amnesty laws, but Alfonsín refused. On September 1989, in a televised interview President Carlos Menem announced his intention to give pardons to the members of the military. He utilized pardons instead of amnesty laws because according to Argentine law he could grant the pardons himself, as the president without Congressional approval. Menem followed the “theory of the two demons” by issuing pardons for both members of the military and members of the guerrillas groups (Mallinder, 2009).

President Menem issued a series of decrees that guaranteed the pardons of the members of the military and of the different guerrillas groups. Decrees 1002, 1003, 1004 and 1005 from October 7<sup>th</sup>, 1989 and decrees 2741, 2742 and 2743 from December 30<sup>th</sup>, 1990 granted pardon to virtually all members of the Argentine military and members of the different guerrilla groups for the violations

of human rights during the regime of the military junta from 1976 to 1983 (FIDH, 2009).

In total, President Menem pardoned 277 people in 1989, including almost 40 generals awaiting trials for the violations of human rights, low-level officers, and former guerrilla members. But his most controversial decision came on December 28<sup>th</sup>, 1990, when Generals Videla, Massera and four others were given presidential pardon for their crimes. Menem thought that the time had come for the country to move on from the crimes of the past. On December 30<sup>th</sup>, up to 60,000 demonstrators took over Plaza de Mayo as a way to signal their opposition to the pardons. Opinion polls showed that up to 72 percent of the population was against the pardons of the generals. It is important to note that with these pardons President Menem not only laid the foundations for impunity in Argentina, but also weakened democracy in Argentina, by bowing to the power of the military once again (Moreno Ocampo, 1999).

President Carlos Menem argued that his decrees were needed because the country needed to be pacified. He argued that there was a need to close the old wounds of the military regime and in order to do so Argentina needed to forgive and forget what had happened during the period of the Process. He argued that the people and the country were ready to go on with their lives and that the best way to do this was to have a clean slate for everyone (Filippini, 2009). This created discontent among human rights organizations not only in Argentina but also all over the world.



The amnesty laws of 1986 and 1987, along with the pardons given by President Carlos Menem in 1989 and 1990, effectively allowed most of the members of the military to walk free of punishment for the crimes they had committed while the military junta was in power. The implementation of these laws stopped the prosecution of crimes for the human rights abuses for several years, until a controversial court decision in 2001 and the arrival to the presidency of Nestor Kirchner in 2003.

### ***Alternative to Justice: Truth Trials***

One of the alternative methods used by the human rights organizations, after the failure of the state to prosecute those responsible for the heinous violations of human rights, was to push for the implementation of “truth trials.” These trials were an alternative path to seek the truth about the fate of the disappeared people and to advocate for justice (Human Rights Watch, 2009).

These truth trials served the purpose of collecting information, and they allowed some families to know the truth about what had happened to their disappeared relatives. Two human rights organizations, Madres de la Plaza de Mayo and Centros de Estudios Legales y Sociales (CELS) were paramount in the development of these truth trials (ICTJ, 2005).

The importance of these truth trials was that they gathered information and evidence. Amnesty granted immunity to the perpetrators of the violations of human rights, but the relatives of the victims argued that they had the right to know the truth regarding their loved ones and the methodology of state terrorism.

“Truth trials are judicial proceedings to establish the fate of the disappeared. There is no judgment, nor defendants, but people (relatives, military officers...) are summoned to appear and questioned as ordinary witnesses to gather information” (Lessa, 2011).

The victims argued that according to the Inter-American Court of Human Rights, and in compliance with its jurisprudence, the right to truth allows both individuals and collective communities to determine the truth about the crimes, and to establish factual circumstances as well as the fate of the victims. The documentation and evidence that was gathered in these truth trials, where both victims or their relatives and the perpetrators testified, was of paramount importance in the later trials against the members of the military regime, after the amnesty laws were ruled to be unconstitutional (Maculan, 2012).

In the 1990's human rights organizations were working very hard to get the truth out to the public so that the people in Argentina could finally know and understand what happened during the military dictatorship. Because most of the terrible crimes and abuses occurred in clandestine detention centers and behind the closed doors of the military regime, people even after the fall of the junta still did not know the truth about them, they still did not know that the government had carried out a systematic plan of terrorize its own people.

A crucial event in 1995 marked a turning point for the human rights groups. In that year retired Navy Captain Adolfo Scilingo finally acknowledged the methodology of state terrorism used by the regime. Scilingo acknowledged that the victims of state terrorism were captured alive, kept in clandestine

concentration centers and then thrown into the La Plata River. Scilingo admitted the victims had been disappeared to hide the junta's criminal activity (Valdez: 12, 2001).

This was a turning point in Argentina, because it was the first time that a member of the armed forces acknowledged the existence of a methodical plan to kidnap, torture and kill people during the regime of the military junta. Scilingo's testimony incited a new sense of memory within the people of Argentina. Soon after this event occurred, a spark was ignited in the younger generations of Argentines. They created new organizations such as HIJOS in Mar del Plata. They started to become more interested in the past, in memory and more importantly in doing something. But President Menem reacted to the declaration of Adolfo Scilingo by portraying him as untrustworthy and a petty criminal (Sprayregen, 2010).

In 1998, Abuelas de la Plaza de Mayo initiated a criminal trial against the appropriators of Claudia Victoria Poblete. Ceferino Landa and Mercedes Beatriz Moreira raised Claudia as their own daughter and kept her true identity hidden. Abuelas and CELS found a legal loophole in the amnesty laws and presented the case as the kidnapping of a child and theft of identity. Judge Cavallo ruled in favor of CELS and Abuelas and stated that the amnesty laws were unconstitutional. But because he was a federal judge this would only apply to the Simón case, for the kidnapping of Claudia Victoria Poblete. It took until 2005 for the Argentine Supreme Court to ratify his decision (Brown, 2002). This was one of the many cases that were brought to the Argentine courts in order to bring

those responsible for the kidnappings of children to justice. It is also important to note that there were cases open against members of the military junta in other countries as well for human rights violations and crimes against humanity.

At the end of Menem's presidency an economic crisis emerged in Argentina. This was the worst economic crisis in Argentine history and resulted in political and economic turmoil. The country defaulted on payments of its external debt, banks closed their doors and the people took to the streets to protest the difficult economic situation. Social conditions in the country were unbearable, unemployment reached twenty-two percent, and the number of people living in poverty doubled in a couple of years (EC-IILS).

It is important also to mention how these human rights organizations were able to act within transitional justice by utilizing both judicial and non-judicial approaches, such as the truth trials, when the conditions were present for it. They knew that during most of the 1990's and early 2000's it was almost impossible to act in the judicial system so they utilize a non-judicial approach and were very successful.

By the year 2003 the economy would stabilize once again and the social situation dramatically improve. But the consequences of the economic crisis were severe. In a period of less than four weeks, five presidents took power. In the year 2003 Nestor Kirchner arrived on the scene and changed the course of the human rights discussion in Argentina.

### ***Kirchner Era: New Hope for Human Rights***

Nestor Kirchner took office as the new president of Argentina on May 25<sup>th</sup> 2003. President Kirchner was elected after Carlos Menem withdrew his candidacy after only obtaining 25 percent of the vote in the first round (Jones, 2006). The election of Néstor Kirchner would be good news for the human rights movement in Argentina.

The government of President Kirchner promoted the trials against the perpetrators of the human rights abuses during the dictatorship. He listened to the demands of the human rights organizations, initiated the impeachment process of the Supreme Court judges that were deeply associated with corruption during the 1990's and replaced them with prestigious jurists that gave the court a sense of impartiality (Fernández, 2011). These changes on the Argentine Supreme Court were essential to the decisions that declared the laws of amnesty and the pardons to be against the Argentine Constitution and the international treaties signed by the Argentine government.

Almost 20 years after the fall of the military junta that ruled Argentina, impunity was still the norm. But this was to change when on March 6<sup>th</sup>, 2001 Judge Gabriel Cavallo ruled that the Full Stop and Due Obedience laws were not only against the National Constitution of Argentina, but that they also violated the human rights treaty obligations that Argentina had signed and ratified, thus rendering these laws invalid, unconstitutional and null. This opened once more the door to the prosecution of the members of the Argentine military (CELS, 2005).

On September 3<sup>rd</sup>, 2005 the Argentine National Congress passed two laws that ratified the Simón case, law No. 25.778 and 25.779. The first law granted “constitutional status to the Convention on Non-Applicability of war crimes and crimes against humanity, adopted by the General Assembly of the United Nations, on November 26<sup>th</sup>, 1968 and approved by law No. 24.584” and the second law “annulled all the effect of both the final stop and due obedience laws and declared these laws incurably void” (FIDH, 2009).

The Simón case provided certainty to the 2003 decision of the Argentine Congress in repealing both of the amnesty laws. “With its decision in Simón, the Supreme Court puts an end to the legal uncertainty concerning the prosecution of serious human rights violations committed under the military regime and definitively cleared the path for judicial actions against their authors” (Bakker: 1106, 2005). This decision gave the human rights organizations in Argentina something to hope for. They were finally going to be able to obtain the justice that they deserved and their steadfast maintenance of the memories of their relatives was rewarded.

Finally the Argentine Supreme Court decided in 2005 to uphold the Simón case verdict in a 7-to-1 vote. This also meant that the Full Stop Law and the Due Obedience Law were finally declared unconstitutional (Elias, 2007). This opened the door to future prosecutions for the human rights violations and created the path to new human rights trials in Argentina for the thousands of cases that were waiting to be heard.

## ***Summary***

After the return to democratic rule Argentina tried to confront the abuses and crimes of the past regime. But because the military continued to pose a threat to democracy there was little that the government of President Alfonsín was able to do. He had to compromise and he passed two amnesty laws that granted immunity to almost all of the members of the military for the acts committed during the dictatorship.

In the early 1990's with the election of Carlos Menem this became full-fledged impunity as President Menem pardoned the rest of the members of the armed and guerrilla forces that were still on trial or in jail. This move angered the human rights movement, and they spent the rest of the 1990's and early 2000's trying to find the truth and trying to make sense of how the government had betrayed them once again.

An economic crisis in the late 1990's early 2000's set Argentina on a journey that ended with the election of Nestor Kirchner in 2003. The curse of the economic crisis that had created high unemployment and inflation rates would end up being a blessing to the human rights movement. Kirchner's government eventually passed legislation that allowed the trials for the gross violations of human rights that occurred during the military junta to resume.

But before I examine the role of the human rights organizations it is important to understand the structure of state terror during the years of the military dictatorship and to get to know the victims of this terrorist policy. It is important to comprehend the structure of terror in Argentina because it was new

to the region. Oppressive regimes in Latin America had always used terror as a way to suppress and combat their enemies but they had traditionally done this in a more open way. They wanted people to know what they were doing and they were not afraid. In Argentina the case was different. The methodology used by the military junta to oppress its “enemies” was much more subtle. People disappeared and nobody knew where they were.

People were taken into illegal detention facilities all around Argentina without their relatives, neighbors or friends knowing where they were. People in Argentina were vanishing. The government wanted to kill them and disappear them without anyone knowing what was going on.



## Chapter Two

This chapter will discuss the structure of terror in Argentina during the period of the military dictatorship for the purpose of explain how the military regime terrorize and repressed the Argentine people. It is important to understand the structure of terror in Argentina. Because of the way that the military junta worked, and the clandestine nature of its illegal activities, people did not know what was happening to society. The nature of the terrorist activities was closed. The military and the members of the junta denied that kidnappings, torture, and assassinations were happening.

State violence in Argentina stands in contrast to the Guatemalan civil war, where the Guatemalan government used methods such as mass detention, torture, and murder in order to terrorize the opposition. In Argentina the military junta used these same methods but in a less overt way. In Guatemala mass graves were left open by the armed forces so that people would see them, but in Argentina this was different. Only a handful of mass graves have been found, victims were thrown in rivers and the Atlantic Ocean in hopes that they would never be found.

This chapter demonstrates that the structure of state terror in Argentina impacted the way the human rights community responded and also shaped transitional justice and memory in Argentina in the years since. The organizations

had as their primary purpose finding and exposing the truth of the atrocities committed by their own government.

### ***Structure of State Terror***

The military junta that ruled Argentina from 1976 to 1983 not only was responsible for the overthrow of a democratically elected government, but was also responsible for state terrorism against citizens of its own country. The military junta used military and paramilitary personnel as a way to control the population. There was extensive use of torture and assassination in the name of saving the country from internal subversion (Malamud Gotí, 1998).

These acts were part of a systematic plan of the leaders of the military junta to maintain control of the people of Argentina. These acts were responsible for keeping millions of people afraid that they might be the next “*desaparecidos*” or disappeared people.

Neighbors were afraid to intervene in the nightly raids and “they must have done something” became the unofficial slogan of these acts. Kidnappings, assassinations, harassment, rape and torture were some of the methods used by the military junta, all under the name of the doctrine of National Security.

### ***National Security Doctrine***

The military dictatorship that took over Argentina in 1976 based their legitimacy on the National Security Doctrine. This doctrine maintained that a third

world war was going to occur between liberty and communism, and this hypothesis is what the military junta used to justify their actions (Frontalini, 1984).

There are two main characteristics to the National Security Doctrine: first the military institution is involved in the political system; and second its goals are not personal gain or the benefit of a group, rather the transformation of the country's political and economic institutions. It is also important to note that human rights abuses and violations are not a characteristic of national security doctrine, even though it is also important to make the argument that most of the nations of Latin America that utilized this doctrine of national security did indeed commit human rights abuses or violations. Argentina was one of the most violent countries in Latin America (Mares, 2010).

The institutional matrix of the junta largely ignored courts, except as a means to deny writs of habeas corpus and to serve as cover for state terror. Security personnel picked up defenseless persons in the street or from their homes and took them to clandestine detention centers, interrogating them, torturing them, and finally "disappearing" them. All of this was carried out without any explanation to the family or any official records. This only demonstrated that the repressive strategies of this junta were almost entirely extrajudicial, making it harder for the victims and their relatives to maneuver within the system (Pereira, 2005).

The events that occurred in Argentina during the period of the military dictatorship were not acts of war against an external enemy; they were nothing less than state terrorism. Here we have a powerful authoritarian regime that is

committing clear violations of human rights against its own people, and doing so with the full support of the state apparatus.

One of the first things that the military government did was to dehumanize the enemy, by labeling them as “leftist”, “non-Argentine”, “irrecoverable”, etc. The president of the military junta, General Jorge Rafael Videla said: “I want to express that the Argentine citizens are not the victims of repression. The repression is against a minority, whom we do not consider to be Argentine citizens” (Frontalini: 22, 1984).

The so-called subversives were considered diseased, and no cure was available for them. It was very clear that the military wanted to eradicate all opposition. In order to make sure that this problem was “fixed,” the military took it upon themselves to get rid of the “disease” that was killing Argentina. This meant that thousands of students, workers, activists and civilians were disappeared during “*El Proceso*.”

The disappeared were held in clandestine detention centers all over the country. These detention centers were very different in size and in operation. Some of them were large and in plain sight such as ESMA while others were significantly smaller and hidden from the public.

One of the main clandestine detention centers was the Naval Mechanics School or ESMA (*Escuela de Suboficiales de Mecánica de la Armada*). In this place alone about 5,000 disappeared were detained, tortured and most of them killed. There are only about 200 survivors, less than 5% of the people who passed through the center.

The most fascinating fact and also perhaps the most horrible is that the building kept on functioning as a school, even when the disappeared were detained there. Today the building stands as a memorial of a time when the Argentine dictatorship harassed, tortured, persecuted and killed about 30,000 of its own people (ESMA Museo de la Memoria, 2011).

### ***Political Violence During “El Proceso de Reorganización Nacional”***

The military junta that ruled Argentina from 1976 to 1983 was responsible for many horrible human rights violations. They tortured, killed and disappeared thousands of Argentine citizens in a period that became known as the “Dirty War.” This seizure of power was a response of the military state to the violence of left-wing guerrillas and right-wing paramilitary groups that started in the 1960’s, and it was not unprecedented (Levinson 2011).

The “Theory of the Two Demons,” introduced in the CONADEP truth commission report, “*Nunca Más*” or “Never Again,” argues that Argentine society was the victim in the clash of two antagonistic forces, the two demons, which were the guerrilla groups and the armed forces. Within the context of this clash a military coup was inevitable. It is posited that the violence that ensued was the result of the clash between the two factions, for the violence comes from both the extreme right and the extreme left (Marchesi, 2006).

This idea of the two demons is introduced in the prologue of the report of the Argentine National Commission on the Disappeared called “*Nunca Más*” as a different perspective on the issue of the violence and the human rights violations

that had just devastated the country. The theory argues that “during the 1970's Argentina was convulsed by a terror that came from both the extreme right and extreme left, a phenomenon that has occurred in many other countries” (CONADEP: 3, 1986).

The commission argued that this also occurred, for example in Italy, but that there was a big difference in that in Italy the people in charge did not abandon the principles of the law to successfully fight this battle. In Italy the prisoners had all the guarantees of a fair trial and the government refused to torture them. In Argentina the state security forces responded to the violence of the terrorists with more violence and terrorism, by kidnapping, torturing and murdering thousands of human beings (CONADEP, 1986).

While the two demons idea was widely accepted in the immediate aftermath of the dictatorship, it does not take into account that the two demons were not equal; the armed forces had the full support of the state apparatus to create violence. It was the Argentine military that broke the law and terrorized its own people. It was never a level playing field for the guerrilla groups and for the thousands of innocent victims who lost their lives during this period.

The military took over the government of Isabel Perón in 1976 when the violence between paramilitary and guerrilla forces was starting to get out of hand. At first the military junta's control was welcomed by the people, who saw it as a way to bring order and control to a country that had been overcome by chaos and violence.

One of the main methods of political persecution and state terrorism used by the military junta were forced disappearances and murder of those who were seen as threatening to the state. The military targeted even individuals who were merely considered potential threats to the state. These people became the disappeared of the Dirty War. The CONADEP report estimated in 1985 that about 8,960 people were disappeared. Human rights NGO's have since revised that number to approximately 30,000 people. The number of disappeared people is likely closer to the 30,000 than to the 8,960 in the official report. CONADEP was given only 180 days to investigate and not all of the victims or their families came forward to testify because fear was still in the air. Also most of the bodies have never been recovered so it is really difficult to know an exact number (Godwin Phelps, 2006). For the purpose of this paper I will use the estimated number given by the different human rights NGO's, which is 30,000 disappeared people.

### ***Desaparecidos: Victims of State Terrorism***

State terrorism is even worse than terrorism committed by non-state actors. One who is a victim or potential victim of a terrorist act by an individual or a group can look to the state for the protection of its armed forces. But if it is the state itself that is assaulting one's liberties, rights and property there is no one to turn to for protection (Frontalini, 1984).

The victims in Argentina were not all subversives, as the military government wanted people to believe; they were workers, they were students,

they were professors, they were journalists, they were mothers, pregnant women and even children. The military that claimed to have a moral responsibility to protect the values of the family and Argentine society was targeting innocent people for to be kept illegal detention, torture and murder (Fisher, 1989).

The military and paramilitary personnel of the Argentine state made extensive use of torture and assassination in the name of saving the country from internal “subversion.” The main weapon that the military junta used to terrorize the people of Argentina and to persecute those who were seen as threats to the state interest was kidnapping. The people who were kidnapped, held in illegal detention centers, tortured and then killed became the disappeared (Malamud Goti, 1998).

The junta denied that any disappeared existed. There were no prosecutions and local police simply ignored and did not investigate the complaints of family members. When habeas corpus petitions were filed, the authorities simply denied that any abduction had taken place, without investigating (Crawford, 1990).

The following chart taken from CONADEP’s official report shows where the victims were kidnapped:

Detenidos en su domicilio ante testigos	62,0 %
Detenidos en la vía pública	24,6 %
Detenidos en lugares de trabajo	7,0 %
Detenidos en lugares de estudio	6,0 %
Desaparecidos que fueron secuestrados en dependencias Militares, Penales, o Policiales; estando legalmente detenidos en esos establecimientos	0,4 %

Nunca Más, CONADEP

Figure 1: Disappeared in Argentina



In most cases, the disappeared were taken in the presence of witnesses, but people were so afraid that it was rare for witnesses to come forward when trials investigated these cases. Sixty two percent of the disappeared were taken from their own homes; twenty four percent were taken from the street; seven percent were taken from their work places; six percent were taken from their school; while a small number were taken while being legally detained from military, criminal and police centers (CONADEP, 1986).

The disappeared people were taken to illegal detention centers all over Argentina. In those detention centers prisoners were held illegally, tortured, and killed. Only a lucky minority of those who were detained were able to survive the military junta. All the others were never seen or heard from ever again. Their families, relatives, and friends are still looking for answers.

### ***Clandestine Detention Centers: ESMA***

*“En la Escuela de Mecánica de la Armada convivíamos futuros muertos o ‘desaparecidos’, ancianos, hombres, mujeres, jóvenes y futuros hijos en los vientres de sus madres. Aun tenemos en nuestros oídos la música ensordecedora con que se trataba de acallar los gritos de los torturados mezclada con los desgarrantes gritos de dolor de las víctimas, los quejidos de las parturientas, los primeros llantos de los recién nacidos y el incesante ruido de nuestros grilletes en las piernas. Sumado al olor hediondo de las capuchas” (Martí 1979, pg. 9-10).*

The military used clandestine detention centers throughout the country where they detained and tortured the people whom they kidnapped. Even today, almost 30 years after the fall off the military junta, there is not an exact number for the illegal detention centers that functioned in Argentina. There are some estimates that there were about 500 of them, but the real number is not known.

Some of these detention centers were houses, garages, abandoned buildings, and even schools. But perhaps the most well known was the infamous ESMA.

ESMA or the *Escuela de Suboficiales de Mecánica* de la Armada was a military school that was used as a clandestine detention center by the military during the dictatorship.

ESMA is located in the city of Buenos Aires, on the busy artery of la Avenida del Libertador, with Comodoro Rivadavia and Leopoldo Lugones streets to the east and Santiago Calzadilla Street to the south. The building that was used as the detention place inside the school was the officers' mess, which is a three-floor building with an attic. The attic was the place where the prisoners were illegally held as captives, and the basement served as the area where they were tortured (ESMA Proyecto Desaparecidos, 2011).

The attic where illegal prisoners were held even had a nursery where the pregnant women gave birth. Most of the children that were born in ESMA were illegally taken by the military and given away in illegal appropriations, using fake names and birth certificates so that no one could find them. They were given to members of the military or to civilians who were collaborating with the junta (Abuelas de la Plaza de Mayo, 2009).

The group that was in charge of the kidnappings, the tortures and the assassinations was called Task Force 3.3.2 (Grupo de Tareas). They operated out of ESMA under the direct command of admiral Emilio Eduardo Massera. Their main objective was to kidnap subversives and to rehabilitate them in ESMA. Rehabilitation basically consisted of indoctrination, where the illegal

prisoners were supposedly “fixed” or “cured” of their disease (ESMA Proyecto Desaparecidos, 2011).

When the rehabilitation did not work, the only way to make sure that the prisoners would no longer be a problem for Argentine society was to “transfer” them. This was the term used by the officers in ESMA for the assassination of the detainees. The most common method used at ESMA was to take the prisoners to the basement of the officers mess, sedate them and take them in army trucks to the Jorge Newberry airport in Buenos Aires, put them inside a plane and then to drop them into the river or the ocean. When the bodies started to appear on the coasts around Buenos Aires, they studied the oceanic currents to make sure that the bodies disappeared forever. The name given to the method was the death flights (*vuelos de la muerte*) and it was used on most of the 5,000 detainees that were at some point illegally held in ESMA (ESMA, 2011).

ESMA was one of about 500 clandestine detention centers in Argentina but most of the detention centers did not have the “rehabilitation” program. This meant that there were almost no survivors from the other detention centers (ESMA, 2011).

In this place alone about 5,000 disappeared were detained, tortured and most of them killed. On March 24, 2004 Argentine President Nestor Kirchner along with the then mayor of Buenos Aires Mauricio Macri declared that ESMA was to become a museum of memory. This decree meant that the Argentine Navy had to hand over the property where the navy school was located, all 17 hectares, to the federal government (Di Paolantonio, 2008).

Today the complex functions as a memorial place for the people who were held there. The officer's mess is still being held as potential evidence in the ongoing ESMA trials, so it cannot be remodeled. But most of the other buildings were given to different human rights organizations so that they can have a space to share their opinions and their values with the people who visit and so they can have a place to remember the victims of this horrible period of Argentine history. The organizations use the buildings in different ways, such as a museum, a cultural center, a meeting place, and even a church, but always with the focus on the memory of the disappeared, on remembering and honoring the victims of the military dictatorship.

### ***Summary***

The structure of violence in Argentina impacted memory and human rights organizations in a very significant way. Because people in Argentina did not really know what was actually happening in regards to the gross violations of human rights, the disappearances, tortures and murders, it was up to the human rights organizations to inform the Argentine public of these crimes. They were not only responsible for informing Argentina and the world but they were also in a way responsible for prosecution of some of the members of the military junta.

The military government of Argentina terrorized the civil population by disappearing their opponents and potential opponents. The tactic of obfuscation used by the military had an important impact on the growth of the human rights movement and the trajectory of memory. State terror in Argentina was different

from that in other repressive societies, in that the state tried to keep many of its terroristic acts a secret. For this reason, human rights organizations in Argentina have played a somewhat different role than in other societies; characteristic of organizations in Argentina has been their work to gather information and expose the crimes the regime tried so assiduously to hide, and to make sure those crimes are not forgotten.

The disappeared people were taken from the streets, from their workplaces, from their homes and then taken into clandestine detention centers that were located all over Argentina. When their relatives started to mobilize it sparked the flame of the human rights movement in Argentina.

Organizations such as Madres, Abuelas, CELS and later HIJOS were the response of some brave individuals, mostly women, in order to fight the abuses of the repressive regime. These people would in some cases be targeted themselves by the armed forces but they continue, more than 30 years later, to fight for the truth and to try to find the remains and the descendants of their loved ones.

## **Chapter Three**

This chapter will discuss the importance and the different roles that some of the human rights organizations in Argentina played during the military dictatorship and during the democratic rule. It will enable us to understand how they were able to influence the decisions of the Argentine government in regards to how to deal with the atrocities of the past.

The chapter will look at some of the most important relatives organizations in Argentina such as both branches of Madres de la Plaza de Mayo, Abuelas de la Plaza de Mayo and finally HIJOS.

Human rights organizations played the essential role of informing the Argentine public about all the crimes and abuses of the military junta. Because of the repressive nature of the junta, censorship and oppression were the norm and people were intimidated and afraid to talk. Nobody really knew what had happened in Argentina.

Human rights organizations were responsible for shedding light on the violations of human rights that the military junta wanted to keep hidden. These organizations were also fundamental in bringing to justice the people responsible for those abuses. It was because of the hard work of the people in these organizations that convictions have been won, that grandchildren have been found, that truth is being told, and that memory is being preserved.

All of these organizations evolved over time and became a social movement that was able to influence the decisions of the Argentine government in regards to the trials and several other issues of human rights. They are able to still be relevant even after more than 30 years of their creation by shifting their goals. They have been one of the few constant actors in Argentina recent history and this is thanks to this adaptability.

### ***Madres de la Plaza de Mayo***

In the middle of all the chaos and violence created by the military junta a new organization was formed. In 1977 the Madres de la Plaza de Mayo appeared as a way to raise a voice that had never been heard before in Argentine politics, the voice of women and the voice of mothers. A group of middle-aged women forged a set of democratic and humanitarian values out of their experiences in the search of their disappeared children (Guzman, 1999).

The Madres de la Plaza de Mayo met in government offices when they were seeking information about their missing relatives. After the government officials refused to help them and refused to recognize the status of their children the mothers decided to take action into their own hands. By April 1977 fourteen women had started to engage in public political protests in the Plaza de Mayo in Buenos Aires. As the numbers of mothers grew, they become more involved, and started to add petitions, pilgrimages, and paid advertisement in newspapers (Brisk, 1994).

The Madres were persecuted and harassed by the military government; some of the original members of Madres were murdered by the military. They started to walk around the plaza in small groups. They divided themselves into small groups because large protests were prohibited by law and in this way the police could detain them so readily (Malagrino, 2005).

The Madres started to obtain recognition and respect, not only in Argentina but also in the international arena (Leis, 1987). And today they are one of the most important human rights organizations in the world.

Madres, after the transition to democracy, started to change their views and became more politically involved, leaving issues of human rights to the side and focusing instead on the struggle against systems of domination, specifically neoliberalism (D'Alessandro, 1998).

The Madres contributed to the human rights movement by giving a voice to the disappeared. The Madres became an innovative political actor within a system that traditionally refused opposition. The organization that was forged out of anger and pain serves as a model of equality and respect and proves that it is possible to honor democratic values in repressive settings (Guzman, 1999).

One of the main criticisms leveled at Madres de la Plaza de Mayo and its president, Hebe de Bonafini, is that they have been too closely tied to both of the Kirchner governments. There is concern that they are supporting a government



that still maintains neoliberal policies and that they being co-opted by the state (Khoan, 2007).

### ***Madres de la Plaza de Mayo Linea Fundadora***

In April 1986 a rupture within Madres de la Plaza de Mayo occurred. One of the official reasons for this rupture was the issue of exhumation of the bodies of the disappeared. A faction of the Madres, led by Hebe de Bonafini, refused to allow judges to order the exhumations of some bodies. A group of mothers, most of the initial founding members who were still alive, decided to break ties with Bonafini and they created a separate organization called Linea Fundadora. The main difference between these two groups was that the ethical and moral convictions of the Madres Linea Fundadora did not go along with the shift of Hebe de Bonafini to an explicitly anti-capitalist critique. Hebe de Bonafini's politics and the official voice of Madres became significantly more "leftist" in the years after the transition (D'Alessandro, 1998).

Hebe de Bonafini accused Linea Fundadora of betraying the human rights movement and the memory of their sons and daughters. Linea Fundadora wanted to change tactics and accept the remains of their children and to accept the reparations given by the state for their losses. They decided that it was necessary to adapt to the new circumstances of democracy (Femenia, 1987).

Linea Fundadora decided to actively collaborate with the state because they wanted to identify the bodies of their missing children. On the other hand Bonafini's Madres said that the important thing to do was to identify the people responsible for the deaths of their children and not the bodies of the disappeared (Waylen, 2000).

Today Madres de la Plaza de Mayo has been more successful at public relations and enjoys more recognition than Linea Fundadora. This is due to the success of Madres in making its emotional network visible and locating it in specific settings (Bosco, 2006).

Madres were not the only organizations working in the human rights field in Argentina. Abuelas de la Plaza de Mayo worked hand to hand with Madres in the search for their relatives. Abuelas focused its efforts on finding their grandchildren that survived the regime and that were given away in illegal adoptions.

### ***Abuelas de la Plaza de Mayo***

Abuelas or La Asociación Civil de Abuelas de la Plaza de Mayo is another organization that was born during the Dirty War. In this case it is an organization that began as a splinter group of Madres consisting of women who wanted to find their grandchildren who were born to their disappeared relatives or kidnapped along with their parents (Escher, 2009).

During the “Dirty War” many of the women who were taken by the military were pregnant and their children were born in captivity. Most of these children were abducted by the military and were never seen again by their families, but it is important to note that even infants were abducted and appropriated. Abuelas have been able to recover 107 (as of October 2012) of their missing grandchildren so far, but they still have hopes that they will be successful in recovering all of their relatives. The organization estimates that there were over 400 missing grandchildren and it is their goal is to find them all (Abuelas de la Plaza de Mayo, 2012).

Many women gave birth during their forced captivity. The conditions were terrible. They were chained until the last minutes of the pregnancy, and were only allowed to exercise during the days immediately before giving birth. Once the children were born they were separated from their mothers in most of the cases to never be seen again (CONADEP, 1986).

One of the ways used by Abuelas to find their grandchildren is genetic testing. They worked with scientists to create develop a genetic test that allowed them to prove that the children tested were their grandchildren. These scientists created the grandparenthood index, which proves identity with an accuracy of 99.95% (Arditti, 2007).

On October 9, 2012, Abuelas de la Plaza de Mayo was successful in finding grandchild number 107. The granddaughter was born in captivity on

October 11, 1978 while her mother, Maria de las Mercedes Moreno, was illegally detained in the detention center known as D2 in the province of Cordoba. She was able to learn her true identity after living a lie for about 34 years. There are 107 such persons who have been able to learn their true identities, and in some cases meet their grandparents that are still living and looking for them, even after more than 25 years (Abuelas de la Plaza de Mayo, 2012).

Abuelas is able to maintain their autonomy from the government by not receiving state funding. They finance their activities with donations made by international organizations and by people in Argentina. They have a variety of initiatives that publicize their goals among the people of Argentina. Some of these initiatives include Theater for Identity, collaborations with musicians and actors, and advertisement at sporting events (Abuelas de la Plaza de Mayo).

Along with Madres and Abuelas there are other groups that still today work on finding the truth of what happened during the military dictatorship and on bringing those responsible to justice. One of those organizations is HIJOS. HIJOS works closely with Madres, Abuelas and other human rights organizations in Argentina.

## **HIJOS**

HIJOS (*Hijos por la identidad y la justicia contra el olvido y el silencio*) is a group that was created in 1995 by the children of the disappeared people in the

city of La Plata. Lacking maternal and/or paternal figure(s) in their lives, these individuals wanted to know what had happened to their mothers and fathers. The working statement of the organization is “We demand individual and collective historical reconstruction, so that each one of us can reconstruct his or her history, know who we are, who our parents were, where we come from. The absence of our parents is a hole in the society. Today they would be teachers, bus drivers, carpenters, lawyers, actors, workers, employees, and physicians who lived among us” (HIJOS, 2012).

This group is able to protest in an open and democratic society that protects their values and rights, including their right to look for the truth. HIJOS members were often raised by grandparents who did the best they could after the parents had disappeared. Today members of HIJOS include not only children of the disappeared but also other members of a younger generation that is willing to participate in the discussion of memory, truth, justice and human rights and that wants to see those responsible for the violations of human rights made to pay for their crimes (HIJOS Capital).

Soon after their formation, HIJOS invented a new form of political public protest, the “*escraches*.” *Escraches* consist of marches “to the homes of former repressors to demand trials, throwing red paint on their doors to represent the blood on their hands, and passing out leaflets with their photos, names and

addresses.” This methodology was also used by other human rights organizations, but it was HIJOS who invented it (Sprayregen: 92, 2010).

One of the roles of HIJOS today is to remind people living near concentration or detention camps, such as the Orletti and Olimpo garages, what happened in those places during the military dictatorship. Members of HIJOS meet there and with loud speakers tell people about the atrocities that occurred inside. They write with paint on the street the crimes inflicted by police on the detainees. This is a marketing campaign that has been successful in reminding the Argentine people what happened (Taylor, 2002).

This is similar to the events that they have every time there is a sentencing in a case of human rights abuses during the military dictatorship, where HIJOS sets up giant screens and speakers so that the people who were not able to make it to the tribunal are able to see and hear what is happening inside the courtroom. There are usually hundreds of people who gather at these events that serve to remind Argentina of their troubled past (HIJOS).

It is also very important to note that HIJOS, like all of the other human rights organizations in Argentina, reject the notion of the “Theory of Two Demons” (HIJOS Capital). They make the point that those who suffered the repression from the military government were not comparable to the armed forces, which had the support of the full state apparatus to commit its abuses.

## **Summary**

All of the relative's organizations in Argentina played an important role in the development of the human rights field. Some were more important than others but at the end their main goal is the same, address the wounds of the past and make sure that it does not happen again. These human rights organizations once the democratic regime was reestablished were able to influence, after arduous work, the decision on how to tackle the issues of truth and memory.

Madres de la Plaza de Mayo became the symbol of opposition in Argentina during the years of the military junta. These brave women defied a powerful military government in order to find their sons and daughters. They eventually became targets themselves of the oppressive regime but they never gave up. The Madres, both Linea Fundadora and those led by Bonafini, still march around Plaza de Mayo every Thursday afternoon.

Abuelas de la Plaza de Mayo are still looking for their grandchildren and to this day they have found 107 appropriated children. This organization has also developed new techniques and ways to find their relatives and spread awareness of their goals to all the people in Argentina. Initiatives such as theater for identity have helped many young people who have doubts about their origins to reach out to the Abuelas to have their DNA tested to see if they are one of the approximately 300 missing grandchildren that the Abuelas are still looking for.

HIJOS, an organization created in 1995 by some children of the disappeared, has grown, and today there are branches all over Argentina and in other countries. HIJOS continues its work with *escraches* and public pleas so

that people in Argentina, especially members of the younger generations, remember what happened during the dictatorship. Another important activity that they have is that on the day of sentencing for the trials that are going on right now in Argentina they have a special event outside the tribunal where they put up giant screens so that everyone has the opportunity to hear and see the sentencing.

All of these organizations were created for different purposes. Once democratic rule was reestablished these organizations changed their focus to finding the truth and keeping memory alive. Truth gathering, memory keeping, and the prosecution of perpetrators became the new goals of the human rights organizations in the era of democratic rule.

Memory is vital in order for Argentine society to be able to reconcile with itself and to make sure that something like this does not occur again. It is also important because as younger generations grow in the democratic regime they still need to know what happened to their parents, friends, relatives and to their society.



## Chapter Four

This chapter will be discussing the issues of truth and memory and how they played a role in the aftermath of gross violations of human rights in Argentina. The discussion will be centered towards the different initiatives that were developed in Argentina to deal with these issues.

Such initiatives include CONADEP, which was the commission responsible for investigating the disappearance of people and that produced an official report called "*Nunca Más*" where it details some of the atrocities committed by the regime of the military junta; the truth trials of the 1990's, which seek to gather information about the atrocities of the regime; and finally the more recent experiences of memory developed by the different human rights organizations, such as the weekly marches of Madres to La Plaza de Mayo, the DNA bank developed by Abuelas and the *escraches* invented by HIJOS as a form of public protest. All of this tied to the role that important and symbolic places, such as the infamous ESMA, have in the democratic regime. In this case I will be focusing on how ESMA has been utilized as a way to promote memory and how it evolved from a clandestine detention center into a place of memory thanks to the efforts of these organizations.

### ***Truth and Memory***

Memory and truth are important in the healing process of a society, which has experienced a series of atrocities. Timothy Garton Ash has made the case that, “victims and their relatives have a moral right to know at whose hands they or their loved ones suffered” (Garton Ash: 3, 2005). Societies need to have or create a collective memory. They need to be able to deal with the past in order to work towards the future.

According to Martha Minow, “living after genocide, mass atrocity, totalitarian terror, however, makes remembering and forgetting not just about dealing with the past. The treatment of the past through remembering and forgetting crucially shapes the present and future for individuals and entire societies” (Minow: 119,1998). We cannot live in oblivion and forget the past atrocities committed by previous regimes, we need to find a way to deal with them and to work through those atrocities, while finding a way to remember the victims and those who suffered for their loss.

Memory is as important as the definition of a national identity, because it can bring a country together or it can break it apart. Memory is essential not only for the victims, but also for the offenders. It is here where truth commissions and trials are considered as part of the process of transitional justice. Before there can be constructive memory, states must establish the truth.

Often times after a civil conflict there are substantial disagreements about fundamental facts. In the case of Argentina there is little documentation because

the methodology of the armed forces was to terrorize the people of Argentina in a covert way and to avoid explicitly leaving evidence. After the fall of the junta there were few people who testified or gave declarations about their actions.

There was also a self imposed pact of silence among the members of the armed forces, which has made it harder to find the truth. One exception to this silence was the “truth and justice trials” where people gave free testimony on their actions, but there was no prosecution at all due to the amnesty laws and the pardons of the 1990’s.

### **CONADEP**

One of the main initiatives designed to find the truth after the return to democratic rule was CONADEP. Created by President Alfonsín in 1983, it was the commission responsible for investigating the disappearance of people. CONADEP was instrumental in gathering evidence that led to the sentencing of junta members prior to the amnesty laws and pardons. CONADEP and *Nunca Más*, the name of the official report written by CONADEP, became the model that Latin American countries used for truth commissions, as a tool for transitional justice (Crenzel, 2008).

CONADEP was given 180 days to fulfill its mission. It focused on hearing the voices of thousands of victims, family and friends of *desaparecidos*, to collect evidence that could be used by the judicial system. One shortcoming of CONADEP was the limited timeframe; 180 days is not much and the people were still afraid of the military, and thus a relatively small number of claims of

disappeared persons were documented. CONADEP estimated that 8,960 people disappeared during the military junta, while the human rights organizations put the number at 30,000 people (Sugiyama, 2008).

Nine months after CONADEP hearings were done, the commission published its official report, *Nunca Más*, which was considered a horrendous report that described in detail the systematic, brutal torture and murder of those disappeared under the military junta. The report estimated at 340 the number of detention centers, 1,300 people held captives before final disappearances and 8,960 missing people in total. These findings were important because *Nunca Más* broke the silence in regards to the disappeared and the human rights violations and it constituted the beginning of the process of revealing the truth (Avery, 2004).

The importance of CONADEP goes beyond the judicial system and the junta trials. *Nunca Más* became a bestselling book in Argentina, and eventually became the main vehicle through which the Argentine people came to know what happened during the military dictatorship. The book was the first step in truth gathering initiatives and in memory, but it would not be the last. After the amnesty laws and the pardons there was a period of impunity, but nonetheless human rights organizations found imaginative ways to find the truth and keep memory alive. One of those ways would be the truth trials of the 1990's.

## ***Truth Trials***

Truth trials were developed thanks to the efforts of the human rights organizations that pressured the Argentine government to do something about continuing the truth-gathering process. An essential moment in the development of truth trials was in 1995 when Adolfo Scilingo, a retired naval officer, confessed to his participation in what became known as “death flights,” in which illegally detained prisoners who had been tortured were dumped alive over La Plata river or the Atlantic Ocean and that official records on the conditions of the disappeared on illegal detention facilities (Verbitsky, 1996). This confession and the work of human rights organization with the Argentine judicial system became the framework of what would eventually be the truth trials.

Argentine federal courts eventually allowed truth trials. They went forward to gather official information about the fate of victims before criminal courts (ICTJ, 2009). Human rights organizations framed the necessity of these trials within the context of the right to truth. They argued that “truth trials were unlike ordinary criminal trials in that judicial action was expressly limited to investigation and documentation, without their being a possibility either of prosecution or punishment. That they were based on the right of both the relatives and the society as a whole to know the truth, and the rights of the relatives to bury and mourn their dead” (Human Rights Watch: IV, 2006).

The objectives of truth trials were: “to restore the right of the relatives to the truth of what happened to their loved ones during the military dictatorship;

and to recognize the right to information that civil society has” (Memoria y Dictadura: 39, 2011). It was clear from the beginning that these trials were not about prosecution for crimes but were all about finding the truth, though this would eventually change when the Supreme Court declared the amnesty laws and pardons to be unconstitutional, and all of the information collected during these early trials would be used as evidence.

These trials, because of the amnesty given by the Due Obedience and Full Stop laws, were first imagined as a way to document human rights abuses. But they became much more than that. For relatives of the victims they became the opportunity to face the aggressors and abusers of their loved ones. Perpetrators and victims faced each other in courtrooms where the “truth” was supposed to be exposed as a method of justice (EAAF, 2002).

Truth is not the only important tool in transitional justice. Memory is as important as truth because it will shape the identity of the society. It is important not only to construct a truthful and cogent memory, but also to keep it alive. The trials advanced the cause of memory by demonstrating the lengths of imagination and vigor that human rights organization were willing to go in order to address the past when there were no official mechanisms to do so (ICTJ, 2009).

These truth trials allowed Argentines to exercise their right to truth-- this in turn enabled Argentine society to reconcile with itself after the crimes of the dictatorship. The human rights organizations that have worked so hard in Argentina to find the truth continue working today to keep the memory of what happened to Argentina during the military dictatorship alive. All of these

organizations have several initiatives to accomplish this, among them collaborative efforts and partnerships with special events that draw attention to the cause.

### ***Memory Initiatives***

Several human rights organizations have been instrumental in the exercise of constructing a memory based on the truth that has been recovered and keeping it alive for future generations. All of the organizations that I have studied have multiple initiatives regarding memory. Both of the Madres organizations have their weekly marches around Plaza de Mayo, which they have conducted for over 30 years; Abuelas has a program that is aimed at finding the missing grandchildren and maintains a DNA bank; and HIJOS has their famous *escraches* and public gatherings at the sentencing phases of trials. All of these initiatives have a different impact, but all of them are important.

HIJOS has one of the most visible methods of keeping the memory of the junta's crimes alive, a form of public protest they invented in the late 1990's called "*escraches*." "*Escraches*" consist of going to the neighborhoods of known members of the armed forces who participated in massacres, tortures, kidnappings or murders during the military junta and putting up posters with their names and photos. HIJOS members talked to the perpetrators' neighbors letting them know who was living there, and they protested in the street directly in front of the perpetrators' houses (Avery, 2004).

The weekly marches around Plaza de Mayo by both lines of the Madres have become a global symbol of the struggle for human rights. People from all over the world come to see these incredibly brave women walk around the plaza as they have since the time of the military junta. People gather around the plaza cheering and chanting for the Madres with respect and admiration for their work. Linea Fundadora marches first, walks around the plaza a few times and then leaves, but Madres de la Plaza de Mayo, usually led by their president, Hebe de Bonafini, not only marches around the plaza but also set up a small tent that sells memorabilia, books, and magazines that promotes Madres de la Plaza de Mayo. There is always a speech made by Bonafini or a high ranking member of Madres at the end of the march (Visit to Plaza de Mayo, 2011).

Abuelas de la Plaza de Mayo also has an initiative that not only keeps memory alive but also promotes their search for the missing grandchildren that were illegally taken during the regime of the military junta. This initiative is "*Teatro por la Identidad*" or theater for identity. It consists of a theater festival with plays regarding identity and the search for the identity of those grandchildren who grew up with a false name, false parents and false relatives. Theater for identity in essence calls for awareness and action to transform each of us as citizens of a country that still does not see fulfilled the duties and basic rights of its people (Abuelas de la Plaza de Mayo, 2012).

These organizations have also impacted federal and local authorities and this has led to the creation of monuments, museum and places of memory. These have the important role of making sure that the Argentine people and



future generations still remember the victims of the state terrorism of the National Reorganization Process.

One of these places of memory is ESMA, which was a clandestine detention facility during the military junta, but that was designated in 2004 by the government of President Nestor Kirchner as a place of memory. This meant the preservation not only of ESMA but also of all of the detention centers of Argentina. This was important not only to preserve the memory of these places but it also allowed prosecutors to gather evidence in the new trials (Di Paolantonio, 2008). ESMA has been designated as a space for memory and for the promotion and defense of human rights (*Espacio para la Memoria y para la Promoción y Defensa de los Derechos Humanos*).

ESMA is an enormous campus divided into several different buildings, what the organizers of this memorial place have done is that they have given one building to each of the human rights organizations that want to have a presence there. Each organization has free use of the building to promote memory and human rights. The building of Abuelas de la Plaza de Mayo is called "*Casa por la identidad*," HIJOS has called theirs "*Casa de la Militancia*," Madres Linea Fundadora has a presence with "*Casa Nuestros Hijos, Vida y Esperanza*," and finally Madres de la Plaza de Mayo with "*Espacio Cultural Nuestros Hijos*." There are other organizations with presence in ESMA such as MERCOSUR that has an office for the promotion and advancement of human rights, UNICEF and the Argentine government, but once again the mission of all of these buildings is to be a space of memory, promotion and defense of human rights (ESMA, 2011).

With the introduction of the new tools of social media, these organizations have been able to reach a larger audience not only in Argentina but also all around the world. Abuelas de la Plaza de Mayo uses its Facebook profile as a way to advertise their programs on finding the missing grandchildren and on giving information about those who have already been found. On Tuesday, October 9<sup>th</sup>, 2012 they announced for example that they found grandchild number 107. This new tool also allows for quick exposure of their events, celebrations or publications.

### ***Summary***

The significant of this chapter lies in that is important in demonstrating the effects that the efforts of the different human rights organizations had in the field in Argentina. It provides evidence on how these initiatives contributed not only to gather evidence against the members of the juntas, but also to make sure that memory is kept alive.

Truth finding trials and memorialization are essential tools of transitional justice that were successfully implemented in Argentina. Truth trials were the main element in the search for the truth, where individuals who were part of the armed forces during the military regime participated in giving testimony in a judicial setting. These testimonies eventually served to gather evidence for the more recent human rights trials.

The Inter-American Commission recognized these trials on human rights as an important mechanism of transitional justice within the context of impunity

that persisted after the original truth commission and trials. These trials only took place thanks to the efforts of the human rights organizations that pushed the Argentine judicial system and the federal government into doing something.

Memory can shape the identity of a society and it is important that we preserve that memory so that future generations know what happened and so that current generations do not forget what their parents, grandparents, teachers, neighbors and friends had to go through to get to where they are, to have a free society where people are not kidnapped, tortured and killed for their political views.

## Conclusion

I think that all of the activities that are designed not only to find the truth but also to preserve the memory of what happened during the military dictatorship in Argentina are not only welcome but in fact necessary in order for the country to move forward but without forgetting its troubling past. I think that this is a lesson that can be applied not only in Argentina but everywhere in the world where there is a conflict and wounds that need to be healed.

It is clear that without addressing the past we cannot move towards the future and as hard as it may be to listen to the terrible crimes and atrocities committed during the military junta in Argentina, it is essential that the people of Argentina really know what happened in order to prevent a situation like that from ever happening again. As the name of the official report from CONADEP says: "*Nunca Más*" should horrible abuses like those occur again.

Impunity that for almost 20 years reigned in Argentina, after the fall of the military junta and the pressure from the armed forces, should never be tolerated again. This is why it is so important for societies to confront the past even with the risk that it may open up old wounds, as the critics of the human rights trials in Argentina argued, because the cost of living in a society where gross violations of human rights are accepted and where there are no consequences for those responsible is not a society that should be able to live with itself.

Trials in Argentina are necessary because we need to restore the dignity of the victims and their living relatives, we need to clear their names so to speak, and we need to find the truth. Today these trials are as much about justice as they are about truth finding. As Carlos Nino concluded in his book *Radical Evil on Trial*, there was a need for those trials for they may reveal details of crimes, advance the rule of law, restore dignity to the victims and their relatives, and promote public deliberation. Those trials did not merely serve the purpose of finding the truth and punishing the perpetrators; they also served as one of the measures of preventing similar crimes from ever happening again.

We need also to note the importance of the human rights movement in Argentina, especially organizations such as Madres de la Plaza de Mayo, Abuelas de la Plaza de Mayo, CELS and HIJOS and the role that they had not only in weakening the military junta, but also in fighting for the right of Argentine society to find the truth, once the democratic governments failed that society by protecting so many perpetrators from prosecution.

Activities such as the weekly walks of Madres de la Plaza de Mayo and the “*escraches*” and public protests that HIJOS organizes are important reminders of what happened under the junta. It keeps alive the memory of those who suffered under the power of state terrorism in a dark period of Argentine history. We cannot let that period remain in the darkness; we need those activities to make sure that future generations still remember that there was a time when people in Argentina were killed by their own government.

If nothing else, the one thing that we should learn from this thesis is that if a society wants to reconcile itself to the abuses or crimes of the past it needs first to not only confront them and deal with them, in a manner of trials so that truth can be found, but it also needs to make sure that future generations know what happened and it is here that the role of memory plays the biggest part.

The truth and memory initiatives created a new sense of community within Argentine society. The social movements that emerged out of the different human rights organizations impacted and continue to impact Argentine politics. This social movement was able to pressure the state into reinstating the trials against the members of the junta and in creating a place of Memory in ESMA.

It is also important to mention that the social movement that evolved out of the human rights organizations has been one of the only constants in recent Argentine history. The economy has changed with the crisis of 2001, governments have changed, but these organizations have been able to maintain themselves relevant by evolving and changing their goals.

First these organizations were created to find their missing children and grandchildren during the military dictatorship, with the return to democracy they changed their goals to deal with issues of transitional justice and impunity and in more recent times their goals include memory and memorialization, even with the human rights trials all they seek is to keep memory alive. They became a memory based movement that seeks to find healing through all of their initiatives.

What I feel that this particular case tells us about truth and memory in the aftermath of a repressive regime that committed gross violations and abuses of

human rights is that with the help of the truth and memorialization initiatives a society can reconcile with itself and they also serve to heal the wound created by the repression and oppression of the regime.

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