Struggling with the past: the human rights movement and the politics of memory in post-dictatorship Argentina (1983-2006)
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3. Beyond the democratic transition: the struggle against impunity and the growing importance of memory

Following the trial of the generals, the Alfonsín administration searched for means to make an end to the juridical prosecution of military and policemen. This led to the adoption of two laws that institutionalized impunity, a process that was consolidated with two presidential pardons under Alfonsín’s successor Carlos Menem. The scenery that emerged under Menem’s presidency was further characterized by corruption, ongoing abuses by the police and other security forces, and deepening socio-economic inequalities. The consequence was a growing disillusion with the democratic model implemented in Argentina, and the emergence of new issues and forms of social protest, which diverted attention away from the past-oriented demands of the human rights movement. Official policies emphasized the need for reconciliation and little or no space was given to the past in the media. In this context, the human rights movement and the victims became the main ‘guarantors of the memory of the repression’ (Feld 2002: 80). Halfway through the 1990s, however, the public confessions of a number of perpetrators brought the past right back onto the front pages of the newspapers. Simultaneously, the human rights movement was strengthened by the participation of a new generation of victims and of other actors that identified with its demands.

These developments constitute the background to the emergence of two fields of tension that have become symbolic for the struggles over the past from the 1990s onwards: reconciliation versus punishment, and forgetting versus remembering. During the 1990s, these tensions found expression in the confrontations between the official authorities that promoted policies oriented towards closure of the past, and the human rights movement that opposed these policies. The quality of Argentine democracy was at the heart of these confrontations. The human rights movement argued that memory and justice were necessary conditions for a democracy based on respect for human rights. The government on the other hand argued that punishment would destabilize the country and that memory would keep Argentina trapped in the past. In its role of oppositional actor, the human rights movement gained renewed strength, thus challenging the predictions of scholars in the early 1990s that it might ultimately be extinguished (Leis 1989a; Brysk 1994). On the contrary, the movement proved surprisingly vigorous and was able to reinvent itself in an adversarial context. At the same time, differences concerning how to relate to the democratic state, which had already become visible in the context of the democratic transition, deepened. This would prove a pervasive source of tension within the movement, as we will see throughout the rest of this book.

This chapter discusses the transformations outlined above. It describes how the struggle for truth, justice and memory of the human rights movement unfolded in opposition to official policies in the 1990s, with justice and memory becoming important fields of contention in this period. The first part of this chapter provides a historical background. It shows how the state gradually retracted from the matters of the past, and discusses the particular historical developments that created new opportunities for the human rights movement. The second
part focuses on the struggle against impunity as one of the two fields of contention of the 1990s. It discusses how the human rights movement established connections between the crimes of the past and of the present, and what strategies and activities were deployed to make an end to impunity. The last part then analyses the emergence of memory as a relatively new field of activity, alongside the demands for truth and justice. Memory in this context was conceived in opposition to oblivion and as a means of achieving social change and constructing a different kind of democracy. In this process, differences became visible concerning what democracy meant to each actor involved and what social change was supposed to entail.

Impunity laws and presidential pardons

The history of the period following the trial of the generals in 1985 until the first years of Menem’s presidency (1989-1995) has been extensively studied. The basic features of this period are the attempts by human rights activists and the judiciary to pursue the prosecution of the military and policemen, unrest in military quarters, and the institutionalization of impunity. The move of the Alfonsín government from an active policy to uncover the truth about the disappearances and establish responsibilities, to the adoption of two laws making an end to the prosecutions was less surprising than it might seem. As we saw in the previous chapter, it was Alfonsín’s intention right from the start to limit the trials for past human rights violations. After the trial of the juntas, the military unrest caused by new trials against lower ranks within the armed forces provided the government with strong arguments to put an end to the legal accountability process for the sake of democratic stability. The policy of trading justice for political stability was pursued under Menem and led to a period of silence about the recent past. However, a number of historical developments halfway through the 1990s which, following Wilde (2001), could be qualified as ‘irruptions of memory’, forced the Argentine public to reconsider its recent past. This section will explore these developments, thus providing a historical background to the rest of the chapter.

The consolidation of impunity

The first law to make an end to the prosecutions was the ley de Punto Final, or Full Stop law adopted in 1986. Alfonsín was determined to limit the trials to the highest ranks within the armed forces, and had already pressured the judiciary on various occasions throughout 1986 to apply the concept of ‘Due Obedience’. These attempts failed, however, and at the end of the year he sent to Congress a bill setting a sixty-day deadline for initiating new prosecutions. The only cases excluded from the law were those concerning rape, theft and the abduction and concealment of minors. The government justified the bill by pointing to the unrest in military quarters about the cases still running, which involved around six hundred military, and the time it would take to bring all these cases to trial (Ciancaglini and Granovsky 1995: 315–7). The law was passed on 24 December 1986, just before the beginning of the long summer vacations in Argentina. It generated huge demonstrations and a sense of outrage among broad sectors of society, including the Radical Party itself. The judiciary

57 See for example: Chereshy 1992; Brysk 1994; Bartolomei 1994; Acuña and Smulovitz 1995; McSherry 1997; Ageitos 2002.

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and human rights organizations reacted against the law by intensifying their activities. Many court systems in various provinces cancelled their summer vacations in order to process as many cases as possible. Hundreds of new cases were presented to courts as human rights organizations and families heightened activities to beat the deadline (McSherry 1997: 211-2; Arditti 1999: 47).

This increased activity radicalized the most authoritarian sectors within the armed forces, leading to the military uprising of Semana Santa (Holy Week), in which 'active-duty officers with painted faces seized garrisons across the country and demanded a “solution” to the trials' (McSherry 1997: 213). These officers became known as the Carapintadas (Brysk 1994: 101; Acuña and Smuloviz 1995: 67-8; McSherry 1997: 220). Despite massive popular support for democracy, the upheaval ended with the adoption of the ley de Obediencia Debida or Due Obedience law. The law was sent for approval to Congress a few weeks after the uprising on 13 May 1987 and exonerated all the officers under the rank of lieutenant colonel from criminal charges. The government argued that the officers had faced ‘irresistible coercion’, forcing them to commit criminal acts during the military dictatorship. The Congress approved the law and the Supreme Court made it constitutional in June 1987 despite numerous appeals challenging its constitutionality. As a consequence, ‘hundreds of accused torturers were freed. […] The number of officers facing charges dropped from four hundred and fifty after the Punto Final, to a hundred’ (McSherry 1997: 212-7). Two more uprisings by the Carapintadas took place in January and December 1988. On both occasions, the rebels demanded an increase in salary and the recognition that the ‘war against subversion’ had been legitimate. Although both uprisings were crushed, they did lead to concessions to the armed forces, such as increased funding for the army and a pay rise for the military, as well as public statements that to some extent vindicated the ‘war against subversion’ (Acuña and Smulovitz 1995: 71-2; McSherry 1997: 222).

Events at the end of January 1989 strengthened the position of the armed forces in an unexpected way. On 23 January 1989, several dozen members of the leftist organization Movimiento Todos por la Patria (MTP) attacked the military barracks of La Tablada on the pretext that a military coup was at hand. The attack was meant to stop the coup but had as its ultimate goal the sparking of a massive popular uprising. The operation ended in a complete disaster. The guerrillas met with fierce resistance and surrendered after a night of exchanging fire. The treatment reserved for the defeated guerrillas recalled the worst practices of the military dictatorship. The thirteen prisoners arrested inside the regiment were stripped of their clothes, hooded and handcuffed or attached by their feet and beaten constantly. Several other detainees were found dead, probably executed, while six others remain

58 The Carapintadas were ‘insurrectionist officers, mainly from the army but also including officers from the air force, Gendarmería, Prefectura and police as well as right-wing civilians’ (McSherry 1997: 202). Most of them were combat officers, many of whom had participated in the repression (McSherry 1997: 134).

59 The MTP was officially founded in 1986. It was a movement with grassroots activities, with its origins in the Partido Revolucionario de los Trabajadores (PRT) but also counting on the participation of militants of other leftist groups, including Peronism, who did not necessarily have a past of armed struggle. After the military upheaval of the Semana Santa, part of the group started to plead for armed struggle and Enrique Gorriarán Merlo, former leader of the PRT-ERP (the armed wing of the PRT during the 1970s), was incorporated into the leadership. As a consequence of these developments, several leading members left the movement (Página/12, 29.01.1989).
disappeared (Brysk 1994: 119-20). The human rights movement forcefully repudiated both the guerrilla attack and the subsequent repression. Nevertheless, the event was an important setback. According to Brysk (1994: 120), the resurgence of political violence ‘shifted the social discourse away from the consolidation of democracy to the military’s “logic of necessity”’. It also reintroduced the term ‘subversive’, which was used to refer to the guerrillas in the media, and it gave the armed forces the opportunity to revalorize the concept of internal war. It led Alfonsín to reconsider positively the demand of the armed forces to intervene in internal conflicts and internal intelligence. Finally, the image of the human rights movement was also negatively affected by the fact that two persons who had been related publicly to the human rights movement participated in the attack (Brysk 1994: 118-21; Acuña and Smulovitz 1995: 75; Mc Sherry 1997: 192-6).

Impunity for past violations was further consolidated when a Peronist candidate, Carlos Saúl Menem, took over the presidency on 9 July 1989. At that time, Alfonsín was faced with hyperinflation, food riots and ‘a general sense of hopelessness’ (Arditti 1999: 48). The political, economic and social crisis forced him to leave the presidency five months earlier than scheduled. Once in power, Menem exchanged pardons for obedience from the armed forces (Acuña and Smulovitz 1995: 89). One of his first measures was to pardon high-ranking officers prosecuted and convicted for human rights violations who had not fallen under the previous laws. The pardon, signed on 6 October 1989, benefited 277 people and also applied to military who had been condemned for their participation in Malvinas, and military men who had participated in the upheavals under the Alfonsín administration. Former guerrillas awaiting trial were also freed from further prosecution. Only the former junta leaders Videla, Massera, Viola and Lambruschini and the Generals Camps, Richieri and Suárez Mason and former Montoneros number one Mario Firmenich were excluded (Acuña and Smulovitz 1995: 81). They were pardoned a year later, on 29 December 1990. Martínez de Hoz, former Minister of Economy under Videla, also benefited from the pardon. Twenty-four hours after leaving prison, General Videla demanded an apology and a full recognition from society for his work on behalf of democracy (Arditti 1999: 48-9).

At the same time, the rebellious sectors within the armed forces were definitively neutralized under Menem’s administration. On 3 December 1990, the fourth and last military uprising was staged under the leadership of Seineldín. Of the 277 persons who had benefited from the presidential pardon of 1989, 174 participated in the uprising. Menem referred to the uprising as a failed military coup. The repression of the rebels was initiated almost immediately and at the end of the day, sixteen military and five civilians had been killed, leaving fifty injured and over three hundred detained. In contrast to the previous rebellions, the insurgent sectors failed to gain the support of loyalist troops and the High Command. After the pardon of 1989, and with rumours circulating that a second pardon was on the way, there was less support for their demands (Acuña and Smulovitz 1995: 83-8). Once

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61 On the list including former guerrillas, some gross errors were made: ten persons were named who remained disappeared and were even listed in the CONADEP files, as well as two persons who had been assassinated and whose cases had served as evidence in the trial against Videla. The list also included several other persons who had been absolved from further prosecution by the courts earlier on (Página/12, 10.10.1989).
impunity was secured for the crimes of the past, the institution isolated the Carapintadas and acquired a more professional profile (Cheresky 1992: 26). Another contributory factor for the submission of the armed forces to civilian rule was the fact that Menem expanded the capabilities of the state for intelligence, internal security and repression. He further promoted military involvement in counter-terrorism and drug-interdiction plans that drew on counterinsurgency training and doctrine. He also progressively inserted military officers and political personal of the repression into key civilian positions in the Interior and Defence Ministries and other important state agencies (McSherry 1997: 232).

Menem stated that the pardons were necessary ‘to heal the wounds of the past’, to generate ‘national reconciliation’ and ‘pacify the country’ (Bartolomei 1994: 296-7; Pierini 1999: 74). The notions of reconciliation and pacification came to occupy a central place in Menem’s discourse on the recent past. He qualified the demands for truth and justice of the relatives of the disappeared as ‘manifestations of revenge’ (revanchismo) and ‘resentment’ (Ludmila Da Silva Catela 2001: 238). He frequently reminded the public that he had the moral right to pardon, because he himself had been a political prisoner during the dictatorship. Menem’s Under-Secretary of Human Rights Alicia Pierini also insisted on the context of political instability in which the pardons were adopted, criticizing Alfonsín’s policies for raising unrealistic expectations in the realm of justice.62 Pierini further explained that the pardons should be understood as part of a broader programme of ‘eradication of resentment’, which also found expression in symbolic gestures such as the joint repatriation of the remains of Juan Manuel de Rosas and Domingo Faustino Sarmiento, two historical leaders who had been sworn enemies in the nineteenth century (Pierini 1999: 75). In practice, however, like in many other Latin American countries, reconciliation became a code word for impunity (Roht-Arriaza and Mariezcuerrana 2006: 12).

Struggling against isolation, silence and impunity

The Full Stop and Due Obedience laws and the presidential pardons generated widespread protest. The Full Stop law was passed with demonstrators protesting outside the Congress and polls showed that a majority of the public opposed the bill. The Due Obedience law again generated protest and led to the resignation of Alfredo Bravo, the Under-Secretary of Educational Affairs and a survivor of disappearance (McSherry 1997: 211-18). The presidential pardons provoked similar reactions. With the exception of positive statements from some members of the Church hierarchy,63 the unions64 and right-wing politicians who had served during the dictatorship,65 a broad spectrum of human rights organizations, members of political parties, intellectuals and other civilians forcefully rejected the measures. All comments pointed to the risks a pardon presented for the position of the judiciary as a

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62 In an interview with Feitlowitz (1998: 244), she also pointed to the fact that ‘...I think everyone over the age of fifty should say where they were during those years, what they were doing. But if we prosecute these crimes by the penal code, it will never end. We’ll have 500,000 people in jail. And nothing but rancour to show for it. Our goal is to heal the institutions; you don’t do that by dissolving them’.

63 On the differences within the Church see: Página/12, 13.10.1989; Página/12, 17.09.1989; Página/12, 29.09.1989.

64 Página/12, 30.12.1990.

65 Página/12, 27.12.1990.
guarantor of rights in the democratic system. On 8 September 1989, approximately 100,000 persons marched to express their disagreement. Human rights organizations and political parties declared the day on which the second pardon was signed, 29 December 1990, as ‘Day of protest and national mourning’ and invited citizens to congregate on the major squares of the country to express their opposition.

After the adoption of the presidential pardons, the human rights organizations saw their capacity to mobilize citizens diminish (Lorenz 2002: 81). There is a consensus within the literature on the human rights movement that at the beginning of the 1990s, the movement had become isolated from both civil and political society (Leis 1989a; Gomez 1989; Cheresky 1992; Brysk 1994). Mabel, president of Familiares, recalls: ‘And after that it was as though the people said, well, nothing is of any use anymore, not the marches, not the struggle, nothing, and there was a mantle of silence, after the pardons. We continued to work, we continued to denounce, but we made press releases and nobody would publish anything, nothing would appear on human rights anywhere…’ (Interview MG1 08.04.2003). According to Valdez (2001: 67), both the impunity laws and the presidential pardons made an end to the ‘spontaneous consensus that the demands for Truth and Justice that had been motorized by the human rights organizations since the transition to democracy used to receive’. The presidential pardons marked the retraction of the state from matters of the past, with the consequence that demands that had lain at the basis of the transition to democracy now became ‘sector-related’ demands, of the victims instead of society at large. For the human rights organizations it meant that they had to re-invest time and energy in recapturing the interest and involvement of society (Feld 2002: 80).

There were various reasons for the diminished mobilizing capacity of the movement in the initial years of the 1990s. The first one was the demoralization and disillusionment of many of its individual members after the impunity laws and the pardons, which led them to become less active or even to leave the movement. The institutionalization of impunity deeply affected those who had placed their hopes on truth and justice. In this context, the first two laws implemented under the Alfonsín administration often had an even stronger impact than the pardons, because many human rights activists had actively collaborated with Alfonsín’s human rights programme and had really believed in his concern for justice. They felt profoundly betrayed, especially after the widespread support for democracy during the uprising of Semana Santa in 1987. Thus, Carmen, Madre LF, remembers how distressed she and the other Madres felt when they heard about the Due Obedience law: ‘Look, one of the Madres who has since died sat on the ground and started to cry. Because we supported him,’

66 In a critical article, journalist Horacio Verbitsky stated that together with an upcoming reform of the Supreme Court, the pardon of 1989 ‘brings into question the value that the government attributes to the judiciary within the republican order’ (Página/12, 01.10.1989). Political scientist Atilio Borón opined that the pardon ‘affects the credibility of our political institutions and offends the sense of justice on which the democratic state is seated’ (Página/12, 03.10.1989). Opposition to the first pardons also came from inside the Peronist Party itself, provoking an internal crisis (Página/12, 08.09.1989; Página/12, 13.09.1989). In a letter published simultaneously in the New York Times, El País in Madrid, and Página/12 in Argentina, former detained-disappeared Jacobo Timmerman stated: ‘The democratic restoration at the end of 1983 had as a first result the functioning of an independent judiciary. It is the only thing the Argentine people obtained from democracy. Now Menem buried the illusion that the final decisions of the judiciary have any validity’ (Página/12, 06.01.1991).
67 Página/12, 09.09.1989.
68 Página/12, 30.12.1990.
everybody, all the people, all the people on the streets supporting him and he gave in to the military, you know? This was terrible for us. I remember Elida sitting on the floor, crying…’ (Interview CLA 21.10.2003).

For the victims, the adoption of the impunity laws and the presidential pardons were particularly painful. The idea that torturers had gone free was unbearable (Da Silva Catela 2001: 245). Concretely the laws meant they could be confronted with their torturers or the murderers of their beloved ones at any time. Miriam Lewin, survivor of the ESMA, met three times with one of the repressors of this detention centre, Tigre Acosta (Ciancaglini and Granovsky 1995: 348). Mario Villani, who had been through various secret detention centres during the dictatorship, met several times with one of his torturers, Julio ‘El Turco’ Simón (Feitlowitz 1998: 85-7). The murderer of Mariano’s father lived five blocks away from his house and he saw him on various occasions (Interview MDT 07.10.2004). For the victims, these types of encounters were profoundly disturbing. They left them with feelings of impotence and anger, and revived old fears. Mario, for instance, recalls that after running into his torturer, he would travel to his office in the most roundabout way just in case he was being followed. The laws and the pardons also meant that persons who had a well-known record in human rights violations under the military dictatorship could fulfil a public role again and even be elected. Domingo Bussi, who had been in charge of the counterinsurgency launched against the rural guerrilla in Tucumán, was elected deputy and later governor of that same province. Police officer Luis Patti was elected mayor of Escobar in the province of Buenos Aires despite having a human rights record. Later, Menem named him official investigator in the case of María Soledad in Catamarca, a case that became one of the major symbols of impunity of the 1990s (Malamud Goti 2000: 143-5).

The demoralization within the movement that resulted from this situation inevitably influenced their mobilizing capacities. But also contributing to the retraction of the movement from the public sphere was the fact that the political context had changed and that new issues were diverting attention away from the crimes committed during the dictatorship. These new issues had to do in the first place with the consequences of the highly exclusionary economic model implemented under Menem. Immediately after coming to power, Menem radically reformed the state through the establishment of a market economy. Within a few years, tariff rates were reduced, quantitative controls on imports were removed, drastic cutbacks in state expenditure had taken place and the largest companies in the country (telecommunications, airline, railways, petroleum, steel and companies in the military defence) had been privatized (Teichman 2001: 111). The economy was stabilized and hyperinflation was controlled through a convertibility plan that tied the Argentine peso with the American dollar. For the middle- and upper classes, this plan came to symbolize welfare and trips abroad. It guaranteed their support for Menem’s political programme (Armony 2001: 311). But Menem’s policies had a high social cost. Throughout the 1990s, the country

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69 See also Da Silva Catela 2001: 245 for similar testimonies.

70 Mario César Villani was a survivor of all the major camps of the capital: Club Atlético, El Banco, El Olimpo, Malvinas (located in the city of Quilmes in the province of Buenos Aires) and the ESMA. He spent a total of four years in captivity, and has been a crucial witness in the trial of the juntas and other subsequent trials. For a particularly moving and insightful account of Mario Villani’s memories of his years of detention, see Feitlowitz 1998: 71-88.

71 Pseudonyms are marked in italics when used for the first time in the text. The code MDT refers to the first letter of the pseudonym and the initial(s) of the interviewee’s surname.
became characterized by socio-economic fragmentation and marginalization (Azpiazu et. al. 1998: 19). Svampa (2005: 12) speaks of a process of ‘structural mutation and reconfiguration that Argentina went through in the 1990s…’, which led to an ‘exclusionary society, structured on the basis of the crystallization of inequalities as much economic as social and cultural’. The group of ‘new poor’, who had pertained to the middle classes but became part of the large group of poor, grew. The population in the urban villas miserias (shantytowns) increased. This situation led to new forms of social protest against the neoliberal policies of the government, such as the heterogeneous movement of unemployed, the Piqueteros, whose marker became the roadblocks or piquetes.

Simultaneously, under Menem’s presidency, institutional violence, especially from the police, acquired great visibility and became an important issue of social protest. Several cases of police violence against middle- and upper class victims put the subject on the public agenda (Stanley 2001: 238). Police violence consisted of torture in police dependencies and the practice of gatillo fácil (trigger-happy), as well as corruption and the involvement of the police in criminal activities. These practices were seldom adequately punished. On the contrary, police repression and illegal practices were supported by sectors of society that were external to the institution, such as judges and forensic doctors, who showed themselves disposed to covering the illegal practices of the police (Tedesco 2000: 538; Stanley 2001: 248-9). Families of the victims of police violence started to organize and demand justice.

A number of specific crimes that fed the perception that the judiciary was incapable of clarifying and punishing crimes, turned into highly mobilizing symbols of impunity (Pereyra 2005: 180). Among them were the rape and assassination of seventeen-year-old María Soledad in the province of Catamarca in 1993; the bombings of the Embassy of Israel in 1992 and of the AMIA in 1994, which resulted in hundreds of victims, and the assassination of the photographer and journalist José Luis Cabezas in Pinamar in 1997. All these cases revealed the involvement of police officers, of well-known politicians or of businessmen, and a web of corruption and covering up of evidence in the investigations. They stirred public protest and led to recurrent mobilizations for justice.

While most of these new forms of social protest and issues gained momentum in the second half of the 1990s, their contours started to become visible in the aftermath of the

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72 Households are poor or indigent if they do not have any kind of income, or if their income is less than 210 pesos per month, insufficient to buy the minimum food basket (Tedesco 2000: 534).
73 For instance, in the city of Buenos Aires, in 1983, 12,600 persons were living in villas against 140,000 in 1999. This growth was both a consequence of the high levels of unemployment in the provinces and in the capital, and of the growth of the families already living in the villas (Tedesco 2000: 534).
74 For an excellent study on the formation of the movement of unemployed, see: Svampa and Pereyra 2003.
75 Two cases that stirred public indignation were the death in 1991 of seventeen years old Walter Bulacio in police dependencies of the capital city after being arrested at the entry of a rock concert, and the disappearance of student of journalism Miguel Bru in 1993 in La Plata, province of Buenos Aires (Svampa 2005: 230).
76 The expression gatillo fácil, ‘trigger-happy’, refers to the easiness with which police officers pull the trigger of their fire arms in police operations (Stanley 2001: 238).
77 For a study on police violence and the forms of collective action that it generated see: Denissen 2008.
78 For an analysis of the case of María Soledad see: Bergman and Szurmuk 2001. For information on police involvement in the cases of the AMIA and José Luis Cabezás, see: Tedesco 2000. The Cabezás case was also particularly revealing for the risks ran by journalists under Menem. In 1993, another journalist, Mario Bonino, was killed. Journalists were also regularly confronted with verbal and physical aggression (CELS 1998).
presidential pardons. The human rights movement thus faced either a public that was supportive of Menem’s economic policies and therefore less inclined to look back on the past, or sectors of society that were hit by his policies and had other concerns. In this new context, human rights organizations had difficulties giving renewed significance to their cause (Valdez 2000: 5). According to Peruzzotti (2002: 85), the failure to move beyond a past-oriented agenda in a rapidly changing context explains at least part of the social and political isolation of the movement in this period. He also criticizes what he sees as a ‘maximalist political strategy around retributive issues’ (Peruzzotti 2002: 85), which failed to take into account the political constraints of the process of democratic consolidation. In a similar line of analysis, Brysk (1994: 124) points to the fact that alliances of some of the human rights organizations, like the Madres, with minority leftist parties and leftist analysis in general ‘introduced a politicized and ideological dimension that restricted the movement’s appeal’. The intransigent position of the Madres under the leadership of Hebe de Bonafini on a number of issues, such as the exhumations, also contributed to alienating ‘families that were seeking legal proof and spiritual comfort’. It wasn’t until halfway through the 1990s that the movement was able to regain some of the terrain it had lost, aided by a number of developments, which the movement also partly helped to set in motion through its activities.

The past hits back
At the end of 1994, a retired Navy Captain who had served during the military dictatorship, Adolfo Scilingo, approached journalist Horacio Verbitsky with the intention of revealing how the repression was organized within the navy, and particularly in the navy’s major secret detention centre, the Navy Mechanics School known as the ESMA. Scilingo decided to confess his crimes after the Senate refused to grant promotions to two of his friends and former colleagues, Antonio Pernías and Juan Carlos Rolón, because of their participation in the repression.79 He believed that it was not Pernías and Rolón who should be castigated, but the High Command that had given the orders. After having tried in vain to attract attention for the subject through letters sent to Videla, Menem and the successive chiefs of the navy, he decided to approach Verbitsky and speak up about his experience in the ESMA. On 2 March 1995, Verbitsky presented extracts of their taped conversations in a very popular television programme, Hora clave. The next day they were published in the newspaper Página/12.80 The conversations between Verbitsky and Scilingo would later become a best-selling book, El vuelo, published in 1995. However, it was Scilingo’s own appearance in the same television programme a few days later that really produced a great impact. Scilingo ratified the tapes and testified in detail about his participation in the ‘death flights’ that were a hallmark of

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79 In Argentina, the Senate must approve the promotion of military officers. In 1992 a project was passed through the Senate obliging the decision to be made public through public hearings of the officials to be promoted, a matter that used to be decided in closed sessions. After the transition to democracy, the promotion of military officers became a delicate affair because persons who had a human rights record continued to be promoted behind closed doors. The promotion of Lieutenant Colonel Guillermo Minicucci, who had been a director of two clandestine centres, El Banco and El Olimpo, to the rank of colonel in 1991 provoked the outrage of an opposition senator from the Radical Party, Adolfo Gass, and he presented the project that would make the deliberations public. When called before the Senate, Pernías and Rolón both confirmed that torture had been a common practice within the navy during the dictatorship. Rolón also stated that the navy used the principle of rotation of task force to involve as many officers as possible in the repression (Feitlowitz 1998: 201-2).

80 Página/12, 03.03.1995; Página/12, 05.03.1995.
the repression. He also revealed the existence of lists of disappeared circulating in the army (Feitlowitz 1998: 195).

Menem reacted on the declarations by calling Scilingo a crook and ordering his arrest for being involved in writing a series of bad checks in 1991. Within the armed forces and the police, Scilingo was seen as a traitor for breaking the ‘pact of silence’ (Feitlowitz 1998: 194). But they could not prevent Scilingo’s confession from having a considerable impact. In the first place, his declarations revived demands for truth from the victims and human rights organizations and, more specifically, demands for information from the armed forces on the fate of the disappeared. An intense debate unleashed between human rights organizations, the armed forces and the government over the existence of lists of disappeared circulating within the armed forces. Human rights organizations pressured Menem, as a Commander in Chief of the Army, to produce documentation on the disappeared. The Federal Chamber of Buenos Aires backed this demand through a resolution that ordered the President to make the list of the disappeared public.81 This ‘battle of the lists’, as it was referred to in the newspapers, ended in an unsatisfactory publication of an old list in the hands of the Under-Secretariat of Human Rights which contained numerous errors (Feitlowitz 1998: 215-7). However, these developments did lead to new initiatives that would result in securing a ‘right to truth’.

Scilingo’s declarations also set in motion other processes. One of them was a debate on the role of the Church hierarchy in the military dictatorship. In his declarations, Scilingo pointed to the complicity of members of the Church.83 In the weeks after his statements, Catholics who had searched for the help of the Church after the disappearance of their relatives testified about the ill-treatment they had received and recalled that many clergymen kept lists of the detainees. This was not in itself new information, as it was revealed during the trial of the juntas, but given the highly sensitive public opinion, it turned the role of the Church during the dictatorship into an issue of debate on television, on the radio and in the newspapers (Feitlowitz 1998: 217-23). It did not lead to a joint statement of the Church hierarchy on the subject, but some individual members of the Church hierarchy did come forward and urged for a thorough revision of the role of the institution during the military dictatorship.84

Scilingo’s confessions also stimulated half a dozen ex-military men who had been directly involved in the repression to follow his example. The media jumped on the opportunity. For months on end, they were featured day after day on television, radio, in newspapers and magazines. They openly admitted that army members were implicated in the repression, that torture was a common practice and that most of the disappeared were killed. On several occasions, torturers were featured together with their victims, sometimes taped separately but

81 Página/12, 21.03.1995.
82 Página/12, 09.04.1995; see also: Anguita 2001: 88. The right to truth will be explained later in this chapter.
83 “The ecclesiastical authorities were consulted to search for a Christian and not too violent manner of assassinating the political detainees”, declared the marine Adolfo Scilingo. He also recalled that, when returning for the flights they made to throw their victims in the ocean, “the chaplains comforted the officials with quotes from the Gospels on the necessary separation of the chaff from the wheat” (Página/12, 04.03.1995).
84 Página/12, 29.04.1995; Página/12, 30.04.1995.
shown together on the screen, sometimes confronted live in the studios. The commotion provoked by these confessions led to an institutional reaction from the then Army Chief of Staff, General Martín Balza. In a discourse on national television, Balza reformulated ideas presented in 1992 within the army and assumed institutional responsibility for the illegal repression (Feitlowitz 1998: 225). He criticized the military coup of 1976 and deconstructed the due obedience argument stating that ‘nobody is obliged to follow an order that is immoral or that departs from the military laws and regulations’. Later, the air force commander and the commander of the navy also made institutional statements, but these declarations mainly confirmed the traditional discourse of the armed forces that spoke of a ‘war against subversion’.

The renewed societal interest in the recent past was soon capitalized upon by the human rights movement, and became manifest during the twentieth anniversary of the coup on 24 March 1996. This anniversary was massively attended and included numerous independent individuals who were not connected to any organization, many of whom participated in the commemoration for the first time (Jelin and Kaufman 2000: 96-7; Lorenz 2002: 87). Furthermore, contrary to earlier commemorations, which had been in the hands of the small group of human rights organizations, this march was called upon by more than two hundred organizations, ranging from unions, to political parties, associations of professional artists, neighbourhood associations, organizations in defence of civil rights, student unions and others. This was the result of the efforts of human rights organizations, the oppositional union Central de Trabajadores Argentinos (CTA) and some intellectuals, organized in the Comisión por la Memoria, la Verdad y la Justicia, to articulate the different activities planned to commemorate the coup. The consequence was a permanent presence of commemorative activities during the month of March 1996. Commemorations were organized in university departments, tributes to the disappeared members of labour unions and organizations of professionals, and several governmental initiatives took place to mark the anniversary. The media played an important role in spreading the information on the activities, publishing supplements on the dictatorship years, and calendars with the activities organized both in the month preceding the anniversary and on the day of the anniversary itself (Jelin and Kaufman 2000: 96-7; Lorenz 2002: 83-4).

During this commemoration, generational change within the human rights movement also became visible, as a new organization encompassing the children of the disappeared, executed,

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85 In March, only a few weeks after Scilingo’s confessions, Hector Vergéz, frequently cited in testimonies of witnesses and who had been in charge of the secret detention centre of La Perla in Córdoba, gave an interview on the radio (Página/12, 21.03.1995). In April 1995 former Sergeant Ibañez was interviewed for a radio programme and was called by the mother of a disappeared, Sara Steinberg, who wanted to know what had happened to her disappeared son. In May 1995 Mario Villani was interviewed for national television parallel to Julian ‘El Turco’ Simón, who had operated in El Olímpico, Club Atlético, and El Banco (Feitlowitz 1998: 208-9). That same year, the Socialist deputy Alfredo Bravo, member of the APDH and former detained-disappeared, was confronted live with his torturer Miguel Etchecolatz in Hora clave (Bonaldi 2003: 56). Earlier on, that same programme had united victims of the dictatorship with a relative of someone who had been killed by the guerrillas and with General Díaz Bessone (Gelman and LaMadrid 1997: 267-8).

86 Página/12, 26.04.1995.

87 Página/12, 04.05.1995.

88 In Buenos Aires city, there were sometimes up to ten simultaneous activities per day in the week preceding the commemoration (Lorenz 2002: 83-4).
political prisoners and exiles, made its first public appearance under the name of Hijos por la Identidad, la Justicia, contra el Olvido y el Silencio (Children for Identity and Justice, against Oblivion and Silence, H.I.J.O.S.). The organization was officially created in April 1995 at a national gathering nearby Córdoba during the Holy Week. In one of their first interviews to the press, in April 1995, they explained that the idea emerged following a tribute organized in the Faculty of Architecture in the city of La Plata at the end of 1994 for the disappeared of the faculty. This was where they met for the first time, and decided to contact other children of victims of the dictatorship who had participated earlier in a series of workshops organized for this target group, the Julio Cortázar workshops in Córdoba. During the Holy Week, they organized a camp in Río Ceballos attended by seventy youngsters. From that initial gathering, regional groups emerged throughout the country, in Córdoba, Buenos Aires, La Plata, Rosario and Mar del Plata.89 They presented themselves to the public through an open letter published in the newspaper Página/12 on 30 April 1995, and were present at the yearly returning event of the Marcha de la Resistencia in December 1995. Meanwhile, the group grew rapidly. In October 1995 a new camp was organized in Córdoba that was attended by approximately 300 participants and fourteen regionales (regional sections) from cities all over the country. By the time of the twentieth anniversary of the coup, membership had reached impressive proportions (Bonaldi 2006: 145).

The other human rights organizations welcomed H.I.J.O.S. as a necessary complement to the existing map of family-related organizations. The members of these organizations were getting older and they feared the moment that they would no longer be able to carry on the struggle. In this sense, the emergence of a new generation of relatives prepared to take over their cause was observed with a certain relief, as expressed by Nora Cortiñas, mother of the Plaza de Mayo LF: ‘The Mothers, we carry many years of search, which is struggle, or struggle which is search. Our reserves are running short. It is good to know that the network of H.I.J.O.S. has been created, that there is new life force (savia) that will fight its own struggle with a new approach. Ours may be losing its shine’ (Gelman and LaMadrid 1997: 179). H.I.J.O.S also showed that the past could not be forgotten by decree. In this sense its emergence was seen as both a product of years of struggle to keep the subject alive, and as a powerful symbol of a memory that returned against all odds. Liliana, former detained-disappeared expressed this in the following way: ‘…To me it felt like “here it is”, no? This is the result of not forgetting (del no olvido). If they wished to conceal, to hide, here it is in this group, in this group alone, even if there would be nothing else, they could not do it, this aim to hide, the concealment, they could not do it. That is the feeling I had when H.I.J.O.S. appeared’ (Interview LC3 24.10.2003). H.I.J.O.S then, became a powerful symbol of the victory of memory over oblivion.90

H.I.J.O.S. irrupted on the public scene with a surprising force. Within a few days after its creation, the organization already had access to some of the media, walked at the head

89 Página/12, 30.04.1995.
90 The appearance of H.I.J.O.S. was also part of a broader process of incorporation of younger generations in the human rights organizations. This was particularly the case for Abuelas, where several of the grandchildren who had been identified by the organization, and others who were searching for their brothers and sisters, started to collaborate actively with the institution. These youngsters contributed significantly to changes in the way Abuelas formulated its message to society (Bonaldi 2006: 158).
of the marches, made public speeches at the main events on the human rights calendar, was invited to schools to tell its story, and organized its own marches and homages. All these elements reveal the acceptance and rapid social recognition of the organization within important sectors of society (Bonaldi 2006: 155). In Da Silva Catela’s (2001: 264) words, the organization encountered a ‘morally fertile ground’, which gave its demands and its presence legitimacy. The organization particularly appealed to younger generations, both victims and non-victims. In the marches, the group of H.I.J.O.S. stood out for its youthful and colourful presence, which differentiated it from the older human rights organizations. Emilio, who later became a member of H.I.J.O.S., recalls how he was impressed by the column of the organization at the commemoration of the twentieth anniversary: ‘…until then, one had very much been used to the fact that that the 24th of March was something very gloomy, full of sorrow […]. When I saw this column of H.I.J.O.S. come forward, throwing fire, jumping, boys and girls half disguised, it impressed me a lot, and I liked it a lot’ (Interview EM1 16.10.2003). In general, the participation of a new generation also rejuvenated the human rights movement, importantly contributing to a renewed public presence.

**Countering impunity**

In this context of renewed interest for the past, impunity arose as a central concern. The presence in the media of well-known torturers who had gone free under the Full Stop and Due Obedience laws and the presidential pardons confronted citizens with the fact that they were sharing public space with criminals who had escaped punishment. A number of practices under the Menem administrations further fed the perception of impunity. Among them were Menem’s abuses of presidential powers. He constantly appealed to presidential decrees to implement state reform, abused his veto prerogatives, a measure which permitted presidents to veto congressional initiatives appealing to presidential powers. Both practices seriously limited the role of the legislative power (Peruzzotti 2001: 151; Teichman 2001: 119). They were complemented with measures that were an important setback for judicial autonomy. Almost immediately after assuming power, Menem used his majority in both houses of Congress to raise the number of judges of the Supreme Court from six to nine, and fill the three new seats with judges who were supportive of the government. The Public Prosecutor and the Attorney General were asked to resign. These decisions seriously undermined judicial autonomy (Peruzzotti 2001: 150; Anguita 2001: 241-2). These undemocratic practices were accompanied by corruption scandals, especially in the context of the privatizations and ostentation of the political class (Tedesco 2000: 535; Teichman 2001: 125). The effect was that Argentine citizens had little or no confidence at all in state institutions (Powers 2001: 39). The juridical system was widely perceived as lacking

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91 In the marches, those who walk at the front are generally considered the most legitimate actors for making the claims that are the subject of the march. There are often intense struggles between organizations concerning who should be at the head of the march.

92 Just in the first term of his presidential tenure, from 1989 to 1993, Menem enacted 308 decrees against only 35 in the period from 1853 to 1989, of which ten had been enacted by Alfonsín (Peruzzotti 2001: 151).
independence and unable to provide justice for common citizens. In this context, impunity or *impunidad* came to express both the widespread experience of pervasive violence and of the lack of justice for common citizens (Humphrey and Valverde 2007: 181).

Human rights organizations played an important role in creating an awareness of impunity as a problem that constituted a threat for the democratic order. Pereyra (2005) recalls that the political use of the notion of impunity started in the mobilizations against the presidential pardons. He sees the development of different forms of civic protest against impunity in the 1990s as one of the legacies of the historical human rights movement. Similarly, Abregú (2000: 13) states that, whereas at the end of the 1980s few Argentines knew what the concept meant, today there is a widespread understanding that impunity is rampant in our society, and that this is a serious political and social problem that undermines our fragile democracy, and states that ‘the human rights movement helped establish the idea of impunity, or lack of accountability…’ The notion of impunity also enabled them to connect their struggle for truth and justice for the crimes of the military dictatorship to the new problems arising under the democratic governments. A central aspect in the argumentation of the human rights organizations was that the new crimes were a consequence of impunity towards the crimes of the past. They thus systematically recalled the origins of some of the new expressions of power abuse and impunity in the present, tracing them back to the years of the military dictatorship. This argument became the dominant collective action frame of the 1990s. This section will discuss the main ideas behind this collective action frame and the various repertoires of contention that the movement applied in this context.

*Impunidad* as the nexus between the past and the present

Continuities between the present and the past were considered most visible within the security forces. Human rights organizations argued that the new cases of institutional violence were a consequence of impunity and of the lack of reform of the security forces. They saw continuities both in terms of the persons employed, and in ideology and practices (Interview MP2 07.01.2005). This continuity expressed itself in the first place through the cases of torture, trigger-happy and illegal activities of the police. But there were also many signs of the pervasiveness of a repressive practice and ideology within the armed forces and the intelligence services. Thus the armed forces continued to demand the Senate to promote officers with a human rights record. They also insisted upon retaining their monopoly on intelligence and internal security. Army Intelligence Battalion 601, which had been deeply involved in the repression, remained virtually intact under a new name (Brysk 1994: 104). There was also evidence of involvement of military intelligence operatives in the bombings of the Embassy of Israel (1992) and the AMIA (1994). In 1996 the Head of the Secretariat of State Intelligence (SIDE) admitted that ‘unidentified’ intelligence groups had conducted phone tapping and political surveillance on left-wing candidates for political office (McSherry 1997: 155).

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93 A 1994 survey on the perception citizens of Buenos Aires Capital Federal and Gran Buenos Aires of the juridical system revealed that 88 percent of the interviewed believed that the administration of justice was not equal for all. 84 percent believed that the judges were influenced by the government. 78 percent recognized that they felt little or no protection from the judiciary, 82 percent stated that the Argentine judiciary did little to protect the rights of the common citizen, and 88 percent stated that it did little or nothing to protect citizens with fewer resources (Bartolomei 1998: 203).
Human rights organizations also pointed to continuities in economic policies, and saw this as a consequence of impunity. In the first place, impunity for the direct perpetrators had made it almost impossible to even start discussing the complicity of civilians (Interview MB 25.10.2003). Therefore, those who had actively supported the coup and benefited politically and economically from the repression had escaped responsibility and continued to play a role in the new democratic order. Secondly, both Alfonsín and Menem searched for alliances with these same civil actors, in order to secure political stability and avoid the possibility of a new civic-military coup. This meant that the balance of powers that was consolidated under the military regime was not reversed after the transition but rather strengthened. This paved the way for a further concentration of capital at the hands of those sectors that had already importantly benefited from the military dictatorship (Verbitsky 1998: 44; Tedesco 2000: 530; Teichman 2001: 124). In his intervention at a conference on impunity, Verbitsky (1998: 44) recalled that none of the civilian accomplices of the military had been prosecuted, but that they shared equal moral and political responsibility for the massacre perpetrated. Similarly, the organization H.I.J.O.S. systematically asked for justice and punishment for ‘all the genocides and their accomplices’ (Interview MC 22.09.2003).

The issue of the continuities between the economic model implemented under the military regime and the economic policies carried out by the democratic governments were to acquire increasing centrality as the social consequences of neoliberalism became more visible. This interpretation was accompanied by a renewed interest in the revolutionary movements and struggles that had characterized the 1960s and 1970s, as we will see in chapter five. In this context, human rights organizations argued that the military dictatorship had been a reaction of the dominant sectors to the high levels of mobilization of important sectors of civil society, with the ultimate purpose of implementing an exclusionary economic model (Casullo 2006: 42). Hebe de Bonafini sustained this argument from an early stage. In a discourse for the Marcha de la Resistencia of 1989, she declared: ‘Yesterday, to apply the economic plan of Martínez de Hoz, they had to take away so many men and women that were struggling for the revolution and the liberation, furthermore sending into exile thousands and thousands. Today, to go ahead with the plans of yesterday, they leave thousands of workers jobless, driving into desperation, anguish and hunger so many Argentines’ (Asociación Madres de Plaza de Mayo 2002: 75). By 1996, for the twentieth anniversary of the coup, this vision was firmly installed among the other organizations as well, as the document of the commemoration shows: ‘On 24 March 1976, the most ferocious dictatorship of Argentine history was installed, which implanted state terrorism. With its anti-national, anti-popular and pro-imperialist policy, it consolidated the basis of the current exclusionary model’ (quoted in Lorenz 2002: 88).

According to Lorenz (2002: 88), the fact that the declaration was elaborated jointly with other social and political organizations logically influenced its content. He points to the fact that the declaration marked a change in the discourse of the human rights organizations, including new elements and new political actors, and establishing links between the present and the past ‘that must be remembered because it influences the present’. As the economic crisis deepened and the costs of years of neoliberalism became increasingly visible, pointing to the connections between the economic policies of the military and the neoliberalism of the 1990s became commonplace, as we will also see in the next two chapters. It was one of the central issues of the commemoration of the 25th anniversary, on 24 March 2001. In their magazine of autumn 2001, H.I.J.O.S dedicated a whole dossier to the economic policies of
the dictatorship and their continuities in the present. They drew attention to the role played by economic groups and their collaboration with the repression, to the external debt that grew exponentially during the military dictatorship, and the privatizations carried out under Menem.94 In 2003, SERPAJ published a document on the collaboration of the leading staff of Mercedes Benz and of the head of the labour union SMATA in the disappearances of fifteen workers pertaining to an internal commission that opposed the policies of the enterprise. The document also contained information on a demand initiated against the state, requesting the President to reclaim from private companies the external debt that they had contracted during the military dictatorship and that had been covered by the state at that time.95

Impunity was also increasingly interpreted as a problem that had started with the impunity laws and the presidential pardons, but that had consequences that went far beyond the juridical domain and permeated political culture. Bartolomei (1998: 193) explains the workings of impunity in the following terms:

By its very definition – the absence of punishment for those guilty of crimes – impunity would seem to remain circumscribed to a strictly juridical field. Even though this aspect is important, impunity does not reduce itself to a merely juridical problem. It is before all and above all, a phenomenon that affects society as a whole and as such has political, economic, social, ethical and cultural dimensions. That is to say, impunity installs itself in all the spaces of society, corrodes and corrupts political life, destroys the social fabric and the legitimacy of the juridical system, installs terror and desperation in the people, weakens democratic participation and trust in the new governments, installs privileges for some sectors of society and consecrates the law of silence as the supreme rule for survival. To conclude, impunity ensures the reproduction of injustice in all its dimensions and the continuity of the status quo.

Impunity had pervasive effects on people’s moral values, on their perception of right and wrong, which paved the way for new violations, corruption and a lack of justice for new crimes. As Mariana, daughter of a disappeared couple, explained, impunity ‘imposed the idea that everything is the same. That there are no rules. Of a total lack of respect for the other’ (Interview MP2 07.01.2005).

Impunity towards the crimes of the dictatorship was thus considered to be more than a juridical phenomenon, and its effects were visible in the present. Reflecting on the effects of impunity on Argentine society, Mariana, stated:

One can see the marks of impunity in what happened in the disco in Once (a fire took place in a disco in the neighbourhood of Once and hundreds of persons died as a consequence of inadequate safety measures). I believe that these things occur in a society where massive aberrant crimes took place. Not only the disappeared, but also the prisoners, the exiles. Something that affected hundreds of thousands of persons. And for many years there was no one responsible. I think this is something that terribly damages a society. (Interview MP2 07.01.2005)

95 The demand stated that ‘Human rights organizations request the President of the Nation that he demands the private companies which, during the military dictatorship, did not pay their debts contracted in dollars outside the country and that were taken over by the state, to return the sum of 23,000 millions of dollars plus interest and commissions’ (SERPAJ-Argentina, La complicidad del poder económico con la dictadura: El Caso Mercedes Benz (2003) 16).
Establishing a connection between the lack of punishment for the crimes of the past and the new violations committed in the present also had the advantage of re-actualizing the past-oriented demands of truth and justice of the human rights movement. Drawing attention to the consequences of impunity in the present was a powerful means to mobilize people for a cause that might otherwise be considered less important in the light of the new problems and violations that were occurring. It showed that these demands went beyond the necessity of the direct victims for retribution, but that they concerned society at large for the whole democratic order was endangered by impunity for the crimes of the dictatorship.

**Combating impunity through different means**

Human rights organizations perceived that if impunity was not only a juridical construction, but also a cultural phenomenon, their actions should not only be oriented towards the development of legal and institutional measures, but also towards civil society. They should be directed towards creating a consciousness and awareness about what impunity was, how it could be implemented in the first place, what purpose it served and why it was necessary to make an end to it. Creating awareness of what had happened, it was believed, could contribute to breaking the wall of impunity, and ultimately create civil support for the re-initiation of trials against the repressors. Furthermore, in a context in which all legal roads were blocked, the recognition of what had happened and its condemnation by civil society would become a first act of justice. Investigating the fate of a disappeared, identifying an exhumed body, or securing economic reparations for the victims all became temporary and inadequate substitutes for legal justice.

Old differences between the more institutional organizations and the Asociación Madres de Plaza de Mayo who did not believe in the judiciary or in any other state institution largely determined the strategies adopted. The Asociación Madres preferred to operate outside the legal and institutional system, stimulating and accompanying mobilizations and other forms of popular protest. To a certain extent, the newcomer H.I.J.O.S. identified with the anti-institutionalism of the Madres, but at the same time, other differences of criteria and interpretation soon emerged, shifting them away from the Madres. The same had happened earlier with the Asociación de Ex Detenidos Desaparecidos (Association of Ex Detained Disappeared, AEDD), an organization of survivors of the secret detention centres created in 1984 and which always remained outside the historical alliance of human rights organizations. Most of the human rights organizations however – Madres LF, Abuelas, Familiares, CELS, APDH, SERPAJ, Liga, MEDH, in different gradations – chose to operate from within the system, with the instruments at hands. They searched for loopholes in the law, appealing to international justice, or transforming proposals coming from the Under-Secretariat of Human Rights to adapt them to their own objectives. Instead of opposing the institutions, they searched for alliances with staff members who could help them, particularly professionals of the judiciary, legislators or representatives of the executive sympathetic to
their cause. They also pressured the state to assume its responsibilities in securing human rights.96

**Pressures on the state**

The organizations that chose for an institutional approach managed to secure several rights that obliged the state to recognize and assume its responsibility in dealing with the legacies of the human rights violations. An important achievement was the securing of a right to truth and mourning. Scilingo’s confessions gave the demands for information on the disappeared an extra impetus. After the confessions, two founding members of CELS, Emilio Mignone and Carmen Lapacó Aguiar (who is also a member of Madres LF), presented a demand to the Federal Chamber of Buenos Aires to investigate the fate of their disappeared daughters, Mónica Mignone and Alejandra Lapacó. They invoked a universal right to truth and mourning recognized by the Inter American Court of Human Rights (IACHR).97 After the Federal Chamber ruled against the investigations, Lapacó’s case was taken all the way to the Supreme Court, which decided that such issues should not be brought to trial by criminal courts.98 Despite the ruling of the Supreme Court, federal courts accepted demands for investigation based on the right for truth. A few months later, the Supreme Court surprisingly ruled in favour of another case (the Benito Urteaga case). Meanwhile, CELS took the case of Carmen Lapacó before the IACHR. The Court stated that the impunity laws did not rule out the investigation on the fate of the disappeared and the search for their remains. It put the responsibility for this search in the hands of the government and ruled that similar cases should be taken by the criminal courts. Menem recognized his responsibility in 1999, giving new impetus to the provincial cases (Verbitsky et al. 2000: 36-41; Abregú 2000: 18; Filippini 2006).

From 1999 onwards, **Juicios por la verdad** (Truth trials) were initiated throughout the country, in the Federal Chambers of Buenos Aires capital, Córdoba, Bahía Blanca, Mar del Plata, La Plata and Santa Fe. They intended to reconstruct what had happened in a specific

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96 This group was reinforced with the creation of two more organizations, the *Fundación Memoria Histórica y Social Argentina* (Argentine Historical and Social Memory Foundation, FMHSA) created by parents of the disappeared in 1987, among them former Madres de Plaza de Mayo, and the *Asociación Buena Memoria* (Association Good Memory, Buena Memoria), created officially in 1998. Buena Memoria was composed mostly of exponents of the generation that was in adolescence in the 1970s. Many of them had been politically active and had suffered exile, disappearance and prison. Most of them had been students at the prestigious Colegio Pellegrini and the Colegio Nacional Buenos Aires. Both schools had been very politicized in the 1970s and counted a significant number of disappeared among their ranks (Interview AN 10.06.2003). Both the FMHSA and Buena Memoria would mainly concentrate their activities on memory although they supported the initiatives of the human rights organizations oriented more specifically towards truth and justice.

97 In 1994 a request of habeas data was filed for the cases of Roberto Santucho and Benito Urteaga. The habeas data is a juridical process meant to guarantee citizen’s access to registers containing information about them, and had been incorporated in the constitution that same year. The demand was initially rejected, but accepted by the Supreme Court in 1998 (Interview MG 21.12.2004; Filippini 2006: 5). In 1995, after Scilingo’s confessions, lawyer Horacio Méndez Carrera realized another presentation for the two French nuns abducted in 1977, Alice Dumon and Léonie Duquet to the Federal Chamber of Buenos Aires (Filippini 2006: 3-4). However, it was through Carmen Lapacó’s case that the demand acquired visibility.

98 In Argentina, criminal courts have more possibilities to investigate cases of state terrorism than civilian courts, because these courts also conducted investigations in the first years of democracy and thus have access to more information.
case of disappearance(s) through testimonies of witnesses or relatives of the victims. Until the annulment of the impunity laws in 2003, the perpetrators were not able to be convicted, but they could be called to court to testify. If they refused to appear, they were detained. The successes of the Chambers were mixed, depending on the resources of each court, the strategies chosen and the engagement of each Chamber in accomplishing the proposed objectives. The Chamber of La Plata has received most publicity because of the great number of repressors that were ordained to testify before this Court. The Chamber has been especially keen on obtaining official information on state terrorism. Oral trials have taken place in La Plata every Wednesday, and it was said that almost every Wednesday someone suffers from amnesia (Verbitsky et. al. 2000: 36-40). The trials have contributed to deepening the knowledge about the functioning of the repression, the fate of the victims and the identity of the repressors. In La Plata, one of the first places where trials were initiated in 1999, after years of silence, many people provided valuable information on other disappeared as well as on people who had worked in the different secret detention centres.99

Securing a right to truth and mourning was a means to obligé the state to assume its responsibility in the investigation of the fate of the disappeared and to make denial of the human rights violations more difficult. This was also the idea behind the programme for economic reparations for the victims of the repression. This programme was the result of a cause initiated by thirteen political prisoners against the Argentine state for damages. The case was brought before the IACHR, and after three years of litigation, the Argentine government came to an amicable settlement with the petitioners in January 1991. As a consequence, an executive decree was adopted, compensating a group of 260 former political prisoners (Interview CE1 02.08.2001; Hayner 2001: 176). Soon after, the Congress adopted law 24.043, compensating all individuals who had been imprisoned between 6 November 1974 and 10 December 1983, the period during which the country had been under a state of siege. This situation in its turn led to compensation for those who survived disappearance and for the relatives of a disappeared person. This led to the law 24.411 being adopted in 1994 providing economic compensation to the relatives of the detained-disappeared and the assassinated during the repression (Pierini 1999: 76-80).

The possibility of receiving economic compensation for the disappearance of a relative provoked an intense debate among the relatives and the human rights organizations. Hebe de Bonafini was the most vehement criticaster and accused relatives who accepted the money of ‘selling the blood of our children’. She asked, outraged: ‘Now they are going to give the economic reparation, between 100 and 200 thousand dollars for each disappeared. But how, if there is no money for the retired, for the teachers, there is no money for the hospitals, the people are dying of hunger. How is this possible? Does it not enter their heads that they are giving this to us to buy our consciousness and the blood of our children?’ (Gelman and La Madrid 1997: 60). Others raised a number of arguments against Hebe’s accusations.

99 In this context, Schifrin, judge in the truth trials of La Plata states: ‘We have received 420 testimonies, and declarations without oath as well. Of these 420 testimonies, many are from relatives of the victims, whom in many cases had never declared before, not in the CONADEP and not anywhere else. And other testimonies are from liberated persons, many of whom had never declared either. Wherewith we managed, especially on the case of the Comisaría 5ª (a secret detention centre), to know a lot about the people that went through this place. That is to say, of people about whom we had never had even the most minimum information’ (‘La infatigable búsqueda de la justicia. Entrevista con Leopoldo Schifrin’, Punto y Seguido nº1 (February 2001) 64-5).
They recalled that many families had gone through difficult economic situations after the disappearance of their relative, and that the money was a welcome relief in this situation. But most importantly, they argued that given the fact that it was the state that had committed the crimes of abduction, torture and disappearance, the state was obliged to repair the damage it had caused. They pointed to the fact that this was supported by international legislation, particularly from the IACHR.100

Part of the debate was also about the legal framework that would be adopted to compensate the victims. In this sense, the programme for economic reparations brought to light the difficult legal situation of the relatives of the disappeared. Relatives who wanted to realize any legal procedure concerning their disappeared, such as succession rights or inheritance procedures, or even re-marry someone else, had to appeal to the ley de presunción de fallecimiento (law of presumed death), which declared a person dead after ten years of being missed. For relatives it was very difficult to realize such a procedure. Emotionally they had the feeling that they were ‘killing’ their relative (Interview LB 28.10.2003). Furthermore, within the microclimate of the relatives of the disappeared and the organizations of human rights, it was considered politically unacceptable to officially declare the disappeared dead (Da Silva Catela 2001: 155). When the programme for economic reparations was presented, a debate arose about the legal framework that would be adopted to grant the compensation. Many relatives feared that they would receive the money for common death. In order to solve this problem, human rights organizations started to work with the Under-Secretariat of Human Rights to create a legal framework that would recognize disappearance as a crime perpetrated by the state. This resulted in the creation of a legal framework of forced disappearance, through the law 24.321: ausente por desaparición forzada (absent due to forced disappearance), adopted in June 1994. This framework was especially important for the relatives, because it solved many of their practical problems. But it also had an important symbolic value for it implied an official recognition of forced disappearance as a crime perpetrated by the state. It was thus one more step against denial.101

One organization that was particularly successful in appealing to the state and creating opportunities within the state institutions were the Abuelas de Plaza de Mayo. According to Mariana, at the time a collaborator of the organization, this was a consequence of the fact that they were searching for living persons: ‘We have no other choice. Because we are searching for people that are alive. You have to solve it and this gives you another kind of urgency. You can not say: “here I am not going to sit and talk” (Interview MP1 06.01.2005; see also Cohen Salama 1992: 107). The Abuelas developed effective methods to find their missing grandchildren, combining circumstantial evidence obtained through detective work with blood testing to confirm scientifically the real identity of the child. To facilitate their work, they requested the government to create a National Genetic Data Bank to permanently

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100 See interventions of Mignone and Carlotto in: Plataforma contra la Impunidad 1998: 87-8; Página 12, 13.12.1998, Ciollaro 1999: 135. The economic reparations also initiated intense debates within the families of the disappeared, and caused divisions within the human rights organizations internally (Interview AC 27.11.2006).

101 Reflecting on the emotional and symbolic significance of the law, Lita, who has two disappeared children, states: ‘After many years, this was in the year 1994 this law, we made this law, we had this law, and then I said […]: “The day that I die, when they open the drawer of my commode, where I have the death certificate of my husband and everything, here they will find a birth certificate of my children and another one that states that they are absent due to forced disappearance. Taken from the Civil Registration, with a state law in which for the first time state terrorism is mentioned” (Interview LB 28.10.2003).
store the genetic information of the families looking for the disappeared children. This was created in 1987 (Arditti 1999: 71-4). Furthermore, in order to counter the legal obstacles they met when trying to unite a child with its biological family, they managed to secure a right to identity for every child (Arditti 1999: 103). To secure this right they appealed to the International Convention of the Rights of the Child ratified in Argentina in 1989. They helped develop Article 8 of the Convention, which obliged the state to respect the right of every child to preserve his or her identity and to take action to restore that identity when it was put in jeopardy. The right to identity became the legal argument on which the Abuelas built their cases (Arditti 1999: 146-7). The responsibility of the government to secure this right was established through the creation, in July 1992, of a National Commission for the Right of Identity (CONADI). The purpose of the commission was to impel the search for the missing children and to secure the commitment of the state to the Convention of the Rights of the Child (Arditti 1999: 150).

Appealing to civil society

The Abuelas have also been well aware of the importance of achieving broader support for their cause. This has always been of crucial importance for the organization, because they depended to a large extent on reports from witnesses for their investigations. As Rosa, vice president of Abuelas explains: ‘…from the beginning, from the first child we found, we found him because of a denunciation. It could be an anonymous telephone call, an anonymous letter, or people could come personally to see us and we would not ask their name or anything else because we did not want them to become involved…’ (Interview RR 23.11.2006). From the 1990s onwards, as the youngsters grew older, they tried to reach them directly through several campaigns. At rock concerts, sports meetings and exhibitions, they asked: ‘¿Y vos sabés quien sos? – And you, do you know who you are?’ The central idea behind this powerful question was to ‘socialize the search’, showing that the issue of the disappeared youngsters did not only concern the direct relatives, but society at large. In Mariana’s words: ‘…we have always wanted to socialize this search and make people really feel that five hundred of us are missing. Not that the grandchildren of the grandmothers are missing. Especially that our generation would feel that five hundred of us are missing. That it can be anyone. If I am in a disco, dancing, it can be anyone who is here. Trying to impose that idea, I think we achieved this quite well’ (Interview MP1 06.01.2005). The message of the Abuelas was that, until the last missing child was found, doubts would continue to surround the identity of all the youngsters born during the military dictatorship (Interview AL 29.09.2003).

The Abuelas were particularly successful in gaining support for their cause. From 2001 onwards, artists started to collaborate through the cycles Teatro por la Identidad (Theatre for Identity), cycles of theatre plays on the suppression of identity, which became very popular and expanded throughout the country and even overseas, especially in Spain. Later, Music for Identity, Dance for Identity, Tango for Identity, and even Sports for Identity followed. They also received widespread media coverage. Reflecting on the public legitimacy that the organization had acquired, Mariana stated:

102 For the Abuelas, the returning of a child to its biological family also meant returning the child his right to identity, his right to know his own history and to live in an environment without lies.

103 As is the case for the Data Bank, the CONADI also works on cases of children disappeared in circumstances other than during the military dictatorship.
I realize because of the repercussion that the activities of the Abuelas have. In the quantity of television and radio programmes that ask for the Abuelas. In the awards and tributes that they receive. In all these things that say something about spaces gained (espacios ganados). Spaces of legitimacy gained. You realize when you talk to someone and you say: 'I work with Abuelas de Plaza de Mayo' and they do not mix them up with the Madres. They know already what it is about. What the Abuelas do. And if I say that I have a brother who was born in captivity, people already understand what it is about. And a few years ago this was not the case. (Interview MP1 06.01.2005)

The strategy of presenting the dictatorship as a collective experience that went beyond individual cases was successfully applied by other organizations as well. Thus the right to truth was invoked as a right that was not only an individual right of a relative to know what had happened (Human Rights Watch 2001: 14; Filippini 2006: 3). It was part of a broader discourse of the human rights organizations. Every Argentine citizen, except the perpetrators and their accomplices, was ultimately a victim of the dictatorship. This also became central in the discourse of the newcomer H.I.J.O.S., which primarily oriented its activities towards civil society. From the beginning, H.I.J.O.S. wanted to be more than a place of contention and friendship. Its young members wanted to influence the political process, and although they saw themselves as the heirs of the 'historical' human rights organizations, they also wanted to intervene in a different way than their elders. They had grown up under democratic governments and were disillusioned with a democracy that failed to punish its criminals. They had little faith in the institutions and this was particularly true of the judiciary. Impunity arose as their central concern. They defined both justice and impunity as social constructions, and considered that achievements in this realm would only be made through mobilizing broad sectors of society (Interview ET 26.05.2003). In order to achieve such support, it was important to explain to citizens who had not been victims of the repression, why it was important to continue to mobilize for these demands. This could best be done if the human rights movement managed to go beyond the tragedy of the disappearances and point to the continuities, in terms of human rights violations, between the present and the past.

H.I.J.O.S. developed a political practice, the *escraches*, that made it possible to merge both their longing for justice and their belief that justice started with the participation of actors other than the direct victims. *Escrachar* is Argentine slang for the word ‘to uncover’, ‘to denounce’, and emerged to draw public attention to the fact that many of the military and police personnel who had actively participated in the repression and had been freed through the impunity laws were still on active duty. In a context in which legal roads to justice seemed cut short, the escraches were meant to generate a social and moral condemnation: if there was no possibility to achieve legal justice, then society should become the prison of the repressors, or in the words

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The support contrasted with the first half of the 1990s, when several cases of children who did not want to live with their biological families turned public opinion against the Abuelas. According to Mariana, besides the campaigns of the Abuelas to explain their cause to a broader public, the shift in public opinion also had something to do with the fact that the children who had been identified by the organization came forward and testified about the importance of knowing the truth. Thus she stated: ‘This was what opened people’s eyes. The children themselves, and not the grandmothers. The children themselves saying: “this is how I can plan my life (proyectar mi vida), the other way, no”’ (Interview MP1 06.01.2005).
of H.I.J.O.S., ‘if there is no justice, there is escrache’. What is generally remembered as the first escrache started as a joint action between H.I.J.O.S. – Regional Capital and Abuelas in December 1996 to repudiate José Luis Magnacco, a gynaecologist who was accused of being involved in the robbery of babies born in captivity. They demanded that the authorities of the hospital fire him. As the authorities refused, they talked to some of the patients and the employees of the hospital, explaining who Magnacco was. They returned a week later with posters and flyers in order to create support for their demands. They also went to his house, identifying where he lived and searching for a moral condemnation from the neighbours. This protest was repeated on four successive Fridays until the authorities agreed to fire the gynaecologist (Da Silva Catela 2001: 265-6; Bonaldi 2006: 164-5). This action showed the potential of this form of protest, which was to improve in the years to follow.

An escrache was (and still is) generally organized around one repressor. The escraches took place in the neighbourhood where this person lived, and this was also where his identity and personal history were publicly revealed. On the day of the escrache, participants invaded the neighbourhood of the repressor and through speeches and flyers informed the public of the crimes committed by this person. The demonstrations ended in front of the repressor’s home, marking his house with red signs that symbolized blood. In the initial years, many members of H.I.J.O.S. received threats and the escraches were often violently repressed, but they were usually well received by the people of the neighbourhood. The escraches increasingly developed into colourful events in which popular artists like the Grupo de Arte Callejero (GAC) made official signposts with texts stating ‘Careful, at two hundred metres, assassin loose’ leading to the house of the repressor, and huge self-made dolls representing figures of the dictatorship. People dressed up and played the drums, giving the whole event a festive character (Bonaldi 2006: 167).

The escraches can be seen as a synthesis of earlier expressions of repudiation against repressors. After the impunity laws in 1987, human rights organizations published a document entitled Culpables para la sociedad – libres por la ley (Guilty for society – free for the law) including the names, grades, functions and crimes of the four hundred military and policemen that went free under the Due Obedience law. Organizations like CELS and the APDH also used to revise the lists of officials within the armed forces to establish whether perpetrators

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105 In this context, they demand: ‘for justice and punishment of those responsible for state terrorism. They fight for condena social (social condemnation), taking into account that the institutional justice at the service of power decreed impunity with the Full Stop and Due Obedience laws and the presidential pardons’ (quoted in Da Silva Catela 2001: 264). The notion of condena social was formulated as follows: ‘When the crime is organized by the state, it is society that has to identify the criminals, judge them, condemn them, persecute them even in their dreams’ (fragment of the discourse of H.I.J.O.S. in the escrache to Ernesto Frimon Weber on 7 October 2000, quoted in Bonaldi 2003: 50). Another statement said: ‘We have to search for the moral condemnation of the assassins. Achieve social punishment. That the country becomes a prison for them. We know that it will be very difficult through the judiciary. This does not mean that we renounce to the derogation of the pardoning laws and that justice will not truly be achieved’ (Gelman and LaMadrid 1997: 169).

106 In this context, Emilio, member of H.I.J.O.S.-Capital, states: ‘there are the most diverse reactions, but in general, the anger of the neighbour, or the eagerness of the neighbour that justice be done, often surpasses our own claims. We might be militating for the escrache, we talk to him and tell him that, well, that we want them all to be judged and punished, and they state that they should be killed. “No but he has to be judged…” “no, but we came and...” Once, when we had one in Lugano, the people were really furious, they wanted to burn the guy’s house...’ (Interview EMI, 16.10.2003; see also Kaiser 2000: 15).
of human rights violations would be given a promotion. Reflecting on these initiatives, Mignone (1991: 169) stated: ‘If the judiciary does not punish the culprits, society has to do it’. In 1989 the Asociación Madres de Plaza de Mayo initiated a campaign to ‘generate consciousness around the need not to forgive and not to forget, even though the same power of the state wants to impose that policy’ (Asociación Madres de Plaza de Mayo 2002: 63). They spread the names and duty stations of the military involved in the repression and asked: ‘Do you know where the torturers and assassins of our children are now? Do you know what post they occupy, what activities they perform, where they live?’ They called upon everyone to denounce where the repressors were working and living. In 1995, they organized an ‘ethical and popular trial’ against the repressors on the Plaza de Mayo, where they were ‘condemned to be nothing’.

There were also spontaneous acts of repudiation of civilians who recognized a repressor on the streets. Astiz was repudiated publicly on several occasions. During the 1980s, several repressors were removed from their posts or unable to reintegrate their village or town because of actions of local human rights groups, political parties, unions and students groups (Brysk 1994: 132-3; Asociación Madres de Plaza de Mayo 2002: 56-7).

For an extensive overview of the ways in which the human rights organizations have challenged the promotion of officials in the military and police forces, persons who aspired to hold electoral office in the legislature or the executive, or members of the judiciary with a human rights record see: Barbuto 2007. 

Página/12, 11.10.1989. 
Página/12, 05.05.1995; see also Gelman and LaMadrid 1997: 61; Da Silva Catela 2001: 266; Asociación Madres de Plaza de Mayo 2002: 100.
The escraches drew upon these previous experiences and transformed them. They developed into useful mechanisms for channelling feelings of anger and indignation, but they also claimed to be more than just an act of repudiation. It was understood as a political practice that made it possible to denounce impunity and create awareness about the legacies of the dictatorship and impunity among sectors that would otherwise not be involved in the struggle for justice. In Juan’s words:

…it was about occupying public space. Going out on the streets. But not only going, as historically used to happen, to denounce in front of the palaces of power, but to occupy territories like the neighbourhoods and political places, places about which a different political rationality would say: ‘What are you doing there, in the neighbourhood?’ It was this, the most simple ‘Mr. neighbour, Mrs. neighbour, this guy who seems to be a good old man, well, he did this, and this, and this’. (Interview JF and MDT 01.12.2004)

The idea was that the escraches could grow into a means of creating historical awareness on what had happened during the dictatorship years, and reverse the pervasive effects of impunity on political culture. As Mariano explains: ‘Here it is very much related to

\[\text{Picture 2. Hanging up signs indicating the address of the home of the person targeted. Escrache to Cecilio Abdenur in the neighbourhood of Haedo, 4 December 2004.}\]

\[\text{This focus on the neighbourhoods instead of on official institutions located in the centre differentiated them from the other human rights organizations and made them part of a broader phenomenon of ‘decentralization of memory’ which will be discussed in chapter four.}\]
the question: “In what ways can we activate within society commitments around memory and around what happened, in what ways can we activate a social condemnation of these crimes?” (Interview JF and MDT 01.12.2004). Furthermore, as a practice that brought the inhabitants of a neighbourhood and other social organizations together, H.I.J.O.S. also saw the escraches as a means of reconstructing social ties that had been destroyed during the military dictatorship. As will be discussed in chapter four, over time, this aspect of the escraches would become increasingly important. The escraches were most widely attended between 1997 and 1999,111 reflecting and at the same time contributing to a general context in which the issue of impunity was acquiring greater centrality. Although numbers of participants widely varied and never really went beyond a thousand, the photogenic character of the escraches and the symbolic force of the organization H.I.J.O.S. contributed to giving the practice broad media coverage and made H.I.J.O.S well-known to the public (Bonaldi 2006: 168).112

111 1998 would definitely become ‘the year of the escraches’, as one of the national newspapers titled (Bonaldi 2006: 168).

112 H.I.J.O.S. acquired visibility with the escraches, but they also developed other activities, such as the search for the disappeared brothers and sisters, channelled through the commission Hermanos. In the regional section Buenos Aires capital they also have a commission Identidad that reconstructs the history of revolutionary protest of the 1970s, and organizes tributes to well-known militants of that period. Furthermore, they have a radio programme, La lucha que nos parió, and a magazine, Revista H.I.J.O.S. These are but some of their activities, which vary according to the regional sections.

Loopholes in the law: countering juridical impunity

The escraches occurred in a context in which some of the more direct attempts to make an end to juridical impunity were starting to bear fruit. Immediately after the impunity laws and the pardons had been adopted, human rights organizations declared them unconstitutional. They turned to the IACHR to strengthen their position. In 1992, the IACHR ruled that with the Full Stop and Due Obedience laws, the Argentine government had violated the American Convention of Human Rights. However, the decisions of the IACHR were not binding, although they did constitute a means to pressure national governments and would become an important instrument in the search for truth and justice, making the internal process more dynamic (Valdez 2001: 68; Font 2000: 73). Meanwhile, alternatives were being investigated so as to get round the impunity laws and the pardons. In this context, the work of the Abuelas again had a unique significance. Baby theft had not been included in the impunity laws and the presidential pardons. The investigations of the Abuelas made it possible to gather a wide range of evidence on the systematic character of this practice during the military dictatorship, thus paving the way for new trials. Between 1998 and 1999, judges ordained the arrest of a dozen military men, among them ex-junta members Videla, Massera and Bignone, accusing them of involvement in baby theft (Lozada 1999: 242-3; Human Rights Watch 2001: 18-9).

This occurred in a context in which international trials and prosecutions against Argentine military and policemen were becoming increasingly common after the arrest of Pinochet in London in 1998. Immediately after the transition to democracy, trials were opened in several European countries for the disappearance of their citizens in Argentina. These initiatives mostly came from Argentine citizens living outside the country, but also involved Argentine human rights organizations collaborating with witnesses and plaintiffs.
In 1983 Italy initiated a judicial process for the disappearance of Italian citizens. In 1991, a French tribunal condemned Navy Captain Alfredo Astiz to life imprisonment *in absentia* for the disappearance of the French nuns Alice Dumon and Léonie Duquet. Similar legal suits were filed in Sweden (against Astiz for the disappearance of the Swedish teenager Dagmar Hagelin), and in Germany (Roniger and Sznajder 1999: 129-30). The most ambitious legal initiative, however, came from Spain. In 1996, the Spanish Public Prosecutor Carlos Castressana, impressed by the massive demonstrations to commemorate the twentieth anniversary of the coup, presented a case to prosecute the ex-commanders for genocide and crimes against humanity. Castressana’s demand was not only for Spanish citizens but also for Argentine nationals. After the arrest of Pinochet in 1998, the Spanish judge Baltasar Garzón, responsible for the Pinochet affair, also asked for the extradition of a hundred police and military men, with the order to try them in Madrid under the principles of Universal Jurisdiction. Menem refused the extradition, stating that the demand infringed Argentine sovereignty (Anguita 2001).

The escraches, the truth trials, the testimonies in the media of youngsters born in captivity and identified by Abuelas, the trials for baby theft, the permanent focus on the dictatorship years in the media, the international demand for extradition of military and police coming

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113 For a discussion on the debate going on within the judiciary and beyond about whether the events that unfolded in Argentina can be characterised as genocide or whether crimes against humanity is a more adequate notion, see chapter seven.
from Spain combined to create a generalized effervescence around the issue of impunity. It also stimulated six members of the former Alianza (an alliance between the progressive FREPASO and the Radical Party) to present a law project to declare the impunity laws unconstitutional. The project generated intense debate and unrest in the Congress. It did not come further than repealing the Full Stop law and the Due Obedience law, which meant that the laws were no longer applicable from 1998 onwards. They did still cover the crimes committed before that date (CELS 1999: 55-8). Nevertheless, the organization CELS interpreted the abolition as a first step towards annulment and started to build a legal case to overturn the laws. By the end of 2000, CELS requested the Minister of Justice to investigate a case in which two enforcers were already convicted for the stealing of a baby, but not for the abduction of its parents (the Poblete case). They also demanded that he declare the unconstitutionality of the Due Obedience and Full Stop laws in this particular case. In March 2001, federal judge Gabriel Cavallo asked the Argentine judiciary to resume bringing this case to trial, and presented a legal argument in which he appealed to a number of international conventions. He argued that according to these international principles, the impunity laws should be overruled for being unconstitutional (Interview MJG and LB 23.07.2001; CELS 2002).  

He won the case in the Federal Chamber, which set an important precedent.

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114 For the detailed legal argument see: Página 12, 06.03.2001, in which Cavallo’s argument was added as a supplement.
Preserving memory for the future

Parallel to the numerous activities initiated to combat impunity in the 1990s, the struggle for the construction and transmission of a memory of the military dictatorship also became increasingly important. Two main factors contributed to making memory a greater priority among the human rights organizations. In the first place, the passage of time, visible through the victims of the repression getting older and the emergence of new generations who had not grown up under the dictatorship, confronted human rights organizations with the need to transmit their experiences. Secondly, memory also emerged forcefully because the road to legal justice was blocked (Lorenz 2002: 79-80). Memory was increasingly seen as a means to counter impunity, as expressed in the following quote of Mabel, president of Familiares, when she explained that over the last years: ‘We have been working on the subject of memory a lot. Because, well, we understand that....the only way that some day there will be justice, is that the people do not forget. That they do not forget what happened, how it happened and for what reasons it happened’ (Interview MG1 08.04.2003). The same reasoning was also visible in Juan’s observation that the escraches developed from ‘a reading that impunity was based on oblivion and explicit concealment’ (Interview JF and MDT 01.12.2004). Breaking with silence and oblivion, then, was a first step towards justice.

Memory thus became an extension of the struggle for truth and justice, and came to refer to the activities of the human rights organizations to influence collective consciousness. Truth, justice and memory were seen as inseparable. Justice and truth were necessary in order to remember, as one slogan of the Marcha de la Resistencia of 1993 stated: ‘For truth and justice, so that the memory of the genocide does not get lost’.115 But memory was also necessary to make the demands for truth and justice prosper, as was expressed in Mabel’s earlier statement that ‘the only way to have justice is that people don’t forget’ (Interview MG1 08.04.2003). Furthermore, memory was seen as one of the principal means through which repetition of the human rights violations could be avoided. As Alba, member of Abuelas, explained: ‘All the human rights organizations of victims have the purpose or one of the purposes to spread [information], never lose memory to prevent this ever happening again’ (Interview AL 29.09.2003). Or, in the concise words of Carmen, Madre LF: ‘Memory because if the people forget, it can happen again’ (Interview CLA 21.10.2003). In broader terms, it was believed that truth, justice and memory were necessary to reach a society that was substantially different from the one that had gone through the military dictatorship.

Memory, then, like truth and justice, became an instrument to intervene on the present and transform the future, as Sebastián, collaborator of SERPAJ, expressed it through the words of the Nobel prize leader Adolfo Pérez Esquivel: ‘[Memory] serves to illuminate the present and where we are heading to’ (Interview SDW1 06.05.2003). Human rights organizations strongly insisted on the fact that memory should not be disconnected from the needs of the present and the future. There was a consensus on the fact that memory could help to better understand the problems of the present and serve as an instrument to transform the future. However, differences emerged in determining the character of the social change to be achieved, how radical these transformations should be, and how they could be achieved. These differences were – again – to do with how the democratic governments were perceived, what model of society one aimed at, and how the causes and consequences of the

115 Instituto Espacio para la Memoria, ‘Diario de la Marcha’ (December 2006).
military dictatorship were analysed. The following section will discuss the different visions among human rights organizations on how to interpret the present context, and how these different perspectives found expression in both the contents and the forms of remembering.

What memory for what future?
Two central lines of analysis ran through the human rights movement on what to remember, for what purpose and how. A first difference had to do with what to remember, what aspects of the past should be stressed for the purposes of the present. The main difference in this context was the place given to the human rights violations and to the political ideals of many of the disappeared in the process of remembering. A second difference was related to the role of the state in this process, and the extent to which participation of the state in memory initiatives was acceptable or not. The overarching issue, however, was a debate on democracy. The discussion was about what democracy was, to what extent Argentina was a democracy, and how to achieve ‘true’ democracy. Important differences emerged between those who considered that there was a substantial difference between Argentine democracy and the preceding military regime, and those who saw more continuities with the previous regime. The first group generally pleaded for transforming institutions from within, using the possibilities offered by the democratic system, whereas the second group considered that change should be more radical and should occur outside state institutions.

Both currents argued for a more inclusive and participatory democracy and a conception of human rights that also addressed social, economic and cultural rights, but there were clearly differences in accents when it came to an interpretation and evaluation of the democratic model implemented in Argentina. The most critical group, composed of Asociación Madres de Plaza de Mayo, AEDD, Liga, MEDH and H.I.J.O.S. (and showing internal diversity) criticized the socio-economic inequalities and argued that this model was at best a formal democracy. When referring to Argentine democracy, H.I.J.O.S. systematically wrote democracy and democratic transition between brackets and recalled that democracy was also used to justify all kinds of crimes, such as genocides, social exclusion, etc.: ‘Democracy serves to legitimize killings, massive exclusions, genocides. Today democracy does not mean democracy, it is a concept that lacks dignity’.116 In the conclusions of their fifth national congress, they wrote:

We characterize both the national and the provincial governments within the limits of a ‘formal democracy’, with ‘representatives chosen by the people’ which still gives them some legitimacy because democracy is an important value in our society. But clearly, the policies of these ‘representatives’ every time contain less the interests and needs of the majorities, violate the human rights recognized by the people: social justice, legal justice, right to work, to health, etc. Our work will be to de-legitimize these ways of doing, and to take over politics.117

The Madres headed by Hebe de Bonafini were even more radical in their criticism and considered that there was not much difference between the military dictatorship and the democracy installed after the transition. They equated the new economic policies with

terrorism and spoke of the unemployed as the ‘new disappeared’. In a summary of their main principles they stated:

The lack of work is a crime. The businessmen who leave millions of men and women without work are criminals. State terrorism is always organized by employees at the service of the economic groups. They want to convert us into slaves. We, the Mothers of the Plaza de Mayo believe that the unemployed are the new disappeared of the system. Dignified work is a right that nobody can take away from us, and for which we will have to struggle until the last consequences. (Asociación Madres de Plaza de Mayo 2003: 168)

They urged for a revolution and one of their principles was not to vote, stating that: ‘We do not vote because we do not believe in this miserable and corrupt political leadership’ (Asociación Madres de Plaza de Mayo 2003: 169). On how to achieve ‘true democracy’ they stated: ‘We believe that only the revolution will bring true democracy with social justice and dignity for our people’, and ‘we are convinced that the only democracy possible is the revolutionary one’ (Asociación Madres de Plaza de Mayo 2003: 167; 169).

The other group, composed of the majority of the human rights organizations (CELS, the APDH, SERPAJ, Madres LF, Abuelas, Familiares, FMHSA, Buena Memoria) was equally critical of the socio-economic model but held a conception of democracy that was more inclined to valorize political and civil rights such as freedom of speech, pluralism, constitutionalism and strong institutions. They insisted that the situation under a democratic government elected by the people, albeit deficient in a great number of fields, the means to deepen the democratic model was through constructive participation instead of radical confrontation. This vision was well expressed by Mignone (1996: 222) in an article reflecting on the new role of human rights organizations in the 1990s:

Historical experience shows that gradual modification pays out better, is less painful and risky and lasts longer than abrupt revolutions that frequently lead to the worst excesses. For this reason the human rights organizations, without refusing the task of denunciation, should not limit themselves to this function. They have to also offer viable alternatives, remain independent of the government offering a critical support; reprobating, but also applauding, depending on the case. Merely conspiracy-oriented formulas do not explain nor achieve anything. An adequate path to follow is that of working for the participation of citizens in all the state and corporate areas.

These differences also had profound implications for how the period of the 1970s was characterized, and particularly, how the revolutionary struggles of that period were valorized. Whereas for organizations like H.I.J.O.S. and the Asociación Madres, the military dictatorship had cut short a process of social transformation that should have been revived, for the more institutional organizations like CELS or the APDH what was to be rescued from the decade of social protest that preceded the dictatorship was not so straightforward and was at least an issue of debate. They argued that memory should focus on the mechanisms of state terrorism, and on its pervasive effects on institutions in the present. The other organizations argued that the focus should lie on the fact that a whole decade of social protest was cut short with the dictatorship, which should be revalorized as an example for
the present. The different perspectives on the democratic context and how to transform it also led to different visions about the role of the state. The more institutional organizations insisted on the fact that memory should be channelled through the institutions of the state. The state should assume its responsibility and develop a memory policy in order to guarantee continuity over time. The other organizations however, were absolutely against participation of the state because they argued that those who were representing the state were the same as those who had secured institutional impunity. They argued that the state, in this context, used memory as a means to ‘clear itself of guilt’ (Interview GR 20.10.2003).

At the same time, besides these political differences, there were also differences in perspectives, which were related to personal stories and necessities. Although all human rights organizations appealed to memory as an instrument to transform the present and the future, for the relatives of the disappeared there was also a more intimate need to remember their loved ones. In this sense, remembering was not the same for a father or mother of a disappeared as for someone collaborating in a human rights organization but who had not been a direct victim of the repression. Furthermore, even among the direct victims there were differences. Whereas a former member of one of the guerrilla organizations might prefer to recall a disappeared person for his or her political commitment, relatives often remembered the same person in the intimacy of family life, as a brother, sister, son or daughter. Whereas some were longing for a place to mourn their disappeared, and channelled their energies into the construction of a monument, others were not interested in monuments at all. Thus, political identities and personal stories also interfered in the visions on memory, creating variations within the two political lines of analysis previously described.

‘Putting faces on the silhouettes’ and materializing memory: monuments and archives

The organizations of relatives that ended up supporting institutional memory initiatives did not immediately see the necessity of developing these kinds of projects. Ilda, one of the founding members of the Fundación Memoria Historica y Social Argentina (FMHSA), remembers well that in the 1980s there was little interest for memory as something that required specific activities. The FMHSA was created in 1987 precisely with the objective of stimulating memory activities, particularly through the creation of a Casa del desaparecido (House of the disappeared), a project for a museum with information and objects remembering the disappeared. She recalls that ‘at that time we called together the human rights organizations that were functioning in that period to propose them this [project] and really, there was no concern for this issue, for memory, to do the kind of thing that we wanted to do, it was not part of any of the projects of any of the organizations, so we did not get much hearing…’ (Interview IM 11.11.2004). From 1990 onwards, with legal impunity looming as an insurmountable obstacle, memory did increasingly enter the vocabulary of these organizations, although it did not immediately translate into more institutionalized projects until the second half of the 1990s. They saw their very existence, the marches, the commemorations and the numerous symbolic actions they realized in all those years as being acts of memory. However, the passing of time confronted them with the question of who would remember the disappeared once they themselves were dead. They increasingly realized the importance of establishing markers of memory for future generations, and started to
demand more institutional initiatives such as the establishment of a museum and the construction of a monument for the disappeared.

One of the first institutional initiatives in this context was a project to build a park of memory and a national monument for the disappeared in the city of Buenos Aires. The idea to construct a park of memory came from a new organization, Buena Memoria, that was created with the idea of promoting the use of art in memory initiatives. This interest in art was determinant for the characteristics of the park of memory. Marcelo Brodsky (2000/2001: 6), member of Buena Memoria, explains in an article on the park of memory: ‘We considered that the narrative denunciation of the facts, be it historical, juridical or journalistic, had reached a limit in its ability to communicate, it was becoming repetitive and at some point innocuous. It was necessary to remember in a different way’. They thought art would be a more direct means to convey memory, ‘that would directly get at the heart’. The initial idea was to construct a park of memory that consisted of sculptures. Another crucial element was that it should be located near to the River Plate, in reference to the thousands of disappeared who had been drugged and thrown into the waters during the numerous death flights carried out by the armed forces (Valdez 2003: 98-9). The other human rights organizations supported the idea and added a crucial element to the project, proposing the construction of a monument with the names of the disappeared and assassinated during the military dictatorship.

Given the fact that the project implied a major intervention in the public space, it required the approval and involvement of the local authorities of Buenos Aires. The initiative coincided with important reforms within the city government, which had just become autonomous from the national government, with the consequent creation of a legislature at the city level. The newly constituted parliament opened on 10 December 1997, international day of human rights, and the human rights organizations took advantage of the fortunate combination of events to present a petition to several deputies of the different porteño blocks demanding the construction of the park of memory and the monument. The petition was accepted and a Comisión pro Monumento (pro Monument Commission) was created to develop a law that would make the project viable. In July 1998, law 46 creating both the monument and the park of memory was approved by a majority of the legislators of the city government. 57 out of 60 legislators of the city of Buenos Aires finally voted in favour of

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118 How the historical demand for a museum evolved will be discussed in chapter seven.
119 Brodsky 2000/2001: 6; Página/12, 18.03.2001.
120 In 1994 Alfonsín and Menem agreed upon the so-called Pacto de Olivos, which stated that the city of Buenos Aires would become autonomous in 1996. Historically, it was the national government which appointed the Intendente (mayor) of the city of Buenos Aires. But from 1996 inhabitants of the capital could choose their own government. In 1996 the first elections for Head of the Government of Buenos Aires took place, which were won by the Radical candidate Fernando de La Rúa, who would later become the President of Argentina, from 1999 until he was ousted by protesters in 2001. That same year, in 1996, the Legislature of the City of Buenos Aires was created. It started to function officially in 1997. Prior to this, the legislature was called Consejo Deliberante (Interview AC 17.12.2004).
law 46. The law institutionally framed the work that was already being performed by the pro Monument Commission, and gave it a legal basis.121

Both the design of the monument and the choice of the sculptures for the park were the result of concourses. The winning project for the monument was inspired by the Vietnam Veterans Memorial of Maya Lin in Washington and by the Jewish Museum of Berlin designed by Daniel Libeskind. The monument divided the park into two, and recalled a scar as its form: it was designed in a zigzag, leading from the entrance of the park to the river. The monument was to be composed of four large walls on which the names of the victims would be inscribed. Space was to be left open so as to be able to engrave more names in case new victims were denounced (Huysken 2000: 25-8).122 Later, the pro Monument Commission added a proposal for an information centre at the foot of the monument, with a database with information on the victims. These could be photographs, drawings, poems, etc., anything the family of these persons wanted to provide for (Interview MG1 08.04.2003). The sculptures for the park were chosen through an international concourse for Contemporary Art. Of the 665 projects presented, the international jury selected eight works, and recommended the construction of three more sculptures that were given a special mention. Furthermore, six artists that had been selected previously for their prestige, their trajectory and engagement with human rights, were asked to design a sculpture for the park (Valdez 2003: 101-2).

The monument and the park of memory united three issues that were of central importance to the organizations of relatives. In the first place, it responded to a longing for a place to mourn their loved ones. As Alba, who has two disappeared sisters, explained: ‘One of the fundamental reasons was that as the relatives of the disappeared, we wanted to have a place where we could go to shed a tear and leave a flower, a place with the name of our loved one, where he can be remembered’ (Interview AL 29.09.2003). Secondly, the monument was a means to show how widespread the repression had been. It would be an act of permanent denunciation. Mabel, president of Familiares and mother of a disappeared, recalls how she was impressed by the Vietnam Memorial and how it convinced her of the need to build a monument for the victims: ‘…I was very much impressed, when I visited the United States, and saw the monument for the victims of Vietnam, it was impressive seeing the names, because this gives you an idea of the dimensions of […], the size of what the repression had been’ (Interview MG1 08.04.2003). From that moment onwards, she constantly insisted that ‘we have to make a monument with the names, with the names, with the names…’ Thirdly, the monument and the park were considered to secure memory over time, as a member of

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121 The law stated that the commission would be composed of 27 members representing the legislative and executive powers of the city, one representative of the University of Buenos Aires, and one representative of each of the ten human rights organizations that promoted the law (Abuelas, Madres LF, APDH, Buena Memoria, CELS, Familiares, FMSHA, MEDH, SERPAJ and the Liga). The text of the law also established the functions and the duration of the term of office, which would finish three months after the inauguration of the park. A team of professionals would advise the commission on technical and administrative matters (two persons who elaborate the lists of the detained-disappeared and assassinated that were to be engraved on the monument; two arts specialists; an advisor in architectural matters; a secretary and six guides and guardians of the park). The financing of the Commission would come from the City Government of Buenos Aires (Valdez, 2003: 100-1; see also law 46, ‘Boletín oficial de la Ciudad de Buenos Aires’, 25.08.1998; Comisión pro Monumento a las Víctimas del Terrorismo de Estado, Proyecto Parque de la memoria 2003).

122 See also: Comisión pro Monumento a las Víctimas del Terrorismo de Estado, Proyecto Parque de la memoria 2003.
Buena Memoria explained: ‘The idea of the monument has to do with this; it has to do with the fact that these persons can be in some place where they will be remembered forever by future generations, when we will not be there anymore, when we, the persons most affected by this, will not be there anymore to remember them’.123

The park of memory and the monument gave way to the first of a number of mixed commissions involving the participation of both members of the local government of Buenos Aires and representatives of the human rights organizations.124 It pointed to a growing state involvement in memory initiatives, as well as to a growing institutionalization of memory in the city of Buenos Aires.125 Part of this development was the creation of an alliance in 1999 between the historical human rights organizations, in order to coordinate and articulate initiatives in the field of memory. The alliance was initially composed of CELS, APDH, SERPAJ, Abuelas, Familiares, Madres LF, Buena Memoria and FMHSA and was called Memoria Abierta.126 The objective of this alliance was twofold. It would classify and systematize the documentation spread over the different human rights organizations, and it would work on the relation between human rights organizations and the state in relation to memory initiatives (Interview PV1 26.08.2003). Memoria Abierta would also create an oral archive registering the testimonies of the protagonists of the 1970s: relatives of the disappeared, human rights activists, survivors of the repression, and protagonists of the political and social protest organizations of the 1970s.

123 Audiencia Pública Ley 46, Buenos Aires, 22.05.1998.
124 Other mixed commissions will be discussed in chapters four, six and seven.
125 This process of institutionalization will also be discussed in chapter six and seven.
126 Some organizations later withdrew from the alliance.
The creation of an alliance like Memoria Abierta that would concentrate on the systematization and preservation of documentation and oral testimonies was part of a broader phenomenon. Several archives and documentation centres were created at the end of the 1990s, including a biographical archive of the Abuelas de Plaza de Mayo in 1998 and the Comisión Provincial por la Memoria in the city of La Plata that same year. There was a sense of urgency in these undertakings, as Alejandra, former coordinator of the oral archive of Memoria Abierta explained: ‘The people are dying, the papers are humidifying, the ink is fading, memories are scattering. We have to avoid all this getting lost. If we don’t participate, who will do it?’ Similar preoccupations also led to the creation of the Archivo Biográfico (Biographical Archive) of the Abuelas de Plaza de Mayo. This archive was created to register the voices and memories of the relatives of the missing children so that this material could be handed over to a person recovering his identity. As was the case of the oral archive of Memoria Abierta, the archive was perceived as an urgent necessity, because many grandparents of the missing children were passing away. In this context, Isabel, who worked for the Archivo Biográfico since its creation, recalls the worried observation of the younger Mariana, when one of the grandparents died: ‘When one of the grandfathers died, I remember because Mariana Pérez, who is one of the granddaughters, the granddaughter of Rosa Roisinblit, said it. Mariana said: “the grandfather died, the grandparents are dying… who will tell our brothers and sisters when they reappear, who will tell them about the family, who will tell them about their life?” And this is how it started’ (Interview IC 07.11.2006).

The creation of oral archives also responded to an imperious necessity among the relatives to reconstruct the individual life stories of the disappeared. Thus for Isabel, who had several disappeared relatives, memory was about: ‘Not forgetting what happened here, not forgetting why it happened, and also, the individual stories. It would be really terrible if people were to forget…if they were to forget all these men and women that lived here and made plans and died in this terrible way, so obscure moreover’ (Interview IC 07.11.2006). Ilda, who was a mother of two disappeared, explained that what they wanted when they created the FMHSA was to ‘preserve the story of our children, their existence as persons. They existed, they were like this and did these things and thought these things and believed in these other things. We want to preserve them somehow, so that they will not disappear the way they disappeared’ (Interview IM 11.11.2004). This need was not in itself new. For the relatives, searching for a means to bring the disappeared back into the public space had been a preoccupation from the start. One of the first important symbolic activities carried out with this purpose was the siluetazo, an activity organized in the context of the Marcha de la Resistencia of 1983, during which real-life silhouettes were glued to the walls of the buildings surrounding the Plaza de Mayo, representing the thousands of disappeared (Asociación Madres de Plaza de Mayo 2002: 29). But the silhouettes had no faces, and increasingly, relatives wanted to

127 Página/12, 18.03.2001.
128 When a child (now a young person) is found and recovers his true identity, he is given the material gathered on his biological family. The material is composed of oral interviews with relatives, friends and companions of militancy of his parents, as well as photographs and a transcription of the interviews. The material is meant to help these persons, who are now often in their late twenties, to reconstruct their family story, and to get to know better who their parents were, and in this way, to help them reconstruct their own identity. The intention is to reconstruct the family histories of all the cases of disappeared children that have been registered by Abuelas (Interview LB 05.09.2003; Interview IC 07.11.2006).
‘give a face to the silhouettes’, in the words of one of them. Photographs of the victims, used in the marches and commemorations, either as decoration on the plazas, or carried by the participants on hard boards or laid on the bodies of the mothers, were one means to make the disappeared ‘reappear’. Other similar reminders of both the existence and absence of the disappeared (Oberti and Pittaluga 2006: 16) were the small announcements that were published every day in the newspaper Página/12 from the early 1990s onwards. This newspaper offered relatives the possibility to publish small reminders on the anniversary of the disappearance at no cost. Every day several of these reminders appear in the newspaper (Da Silva Catela 2001: 140–7). From the 1990s onwards, the pictures were also increasingly accompanied by a text or a story, and the oral archives were part of this process.

‘Memory of struggle’: memory as a daily practice

For the organizations of victims, however, archives and monuments continued to be but one of various means of constructing memory. When asked about the difference between the activities of Memoria Abierta and the memory activities of Madres LF, Carmen explained: ‘Oh no, Memoria Abierta is something else, but Madres never left its other activities for Memoria Abierta’. Later she clarified: ‘The activities of Memoria [Abierta] are not as…how can I say…something now and then, but not as active as ours. Memoria [Abierta] will make… […] makes the oral document, lets say, all these things, but is not an activity like ours, of intervention like that’ (Interview CLA 21.10.2003). On the memory activities of the Madres she stated: ‘Well, if I go to a school and talk to the kids, and we talk and tell about the things, this will be…we are transmitting through these kids so that memory continues. That is why we say “truth, justice, memory”. That is to say, we transmit all our things so that the people remember’. This was different for an organization like CELS, that chose to channel most of its memory activities through Memoria Abierta. For the organizations of relatives, memory continued to be a daily practice, something that was transmitted through their very presence on the public scene, be it through talks in schools, or at conferences or in their participation in marches and other public activities.

This vision of memory as a daily practice was also shared by the Asociación Madres de Plaza de Mayo, H.I.J.O.S., and the AEDD. However, there were important differences between these organizations and the organizations involved in institutional memory projects. For the Asociación Madres, memory was not about the victims but about the perpetrators and about those who made it possible for them to go free. Clarifying their slogan No olvidamos, no perdonamos (We do not forget, we do not forgive), Hebe de Bonafini stated: “Not forgetting, not forgiving” means not forgetting what happened with the Radical government, which threw the mess of this government to Menem, who takes it with arrogance and says that he will arrange everything because he believes that he is God’ (Asociación Madres de Plaza de Mayo 2002: 66). Furthermore, memory should also be about the continuities in economic policies that led to new inequalities. Therefore, they radically opposed any initiative that involved the participation of the state, which they considered responsible for institutionalizing impunity and for continuing the economic policies of the dictatorship. This was also one of the main reasons why they opposed the project of a monument for the disappeared, as they explained in a letter to the pro Monument
Commission: ‘…If necessary, we will use pikes, hammers and iron sticks to erase the names engraved on this monument, which for us offends our beloved revolutionaries who opposed the economic plans of hunger and misery that are being applied today by those who are constructing the so-called park of memory’ (quoted in Valdez 2003: 107). H.I.J.O.S. shared this perspective and stated:

In relation to the human rights policies of the government, we see that it is trying to wash its hands and its responsibilities realizing tributes, constructing monuments and other types of ceremonies for the ‘victims of state terrorism’. Obviously, they do not mention the causes of the assassinations, tortures and disappearances, they dissociate themselves from their responsibilities in relation to the prevailing impunity, and they forget to mention that they share the same project for the country as the one imposed by the military, given the fact that they continue to benefit the same sectors.130

The Asociación Madres also opposed the construction of the monument because they considered that the emphasis of memory should not be on the deaths and disappearances, but on the political struggles and ideals of the disappeared. This perspective was shared by the AEDD. For the AEDD, the choice of the river as a location of the monument and park of memory strengthened their rejection. In their view, the choice for the river focussed on the wrong aspects: it insisted on the symbolization of the death of the victims, which was, in the words of the AEDD, ‘just what we least needed to remember, given the fact that their absences are an evident loss for our affections and our political practices’. Instead, they wanted to recall their companions in the opposite way: ‘We want to […] bring back to the present their existences full of creativity, solidarity, and devoted to analysis, debate and projects of struggle’ (Vazquez 2000/2001: 8). In general terms, the Asociación Madres was completely opposed to almost any kind of homage, monument or plaques to remember the disappeared. They saw it as a means of ‘freezing’ memory, of declaring the disappeared dead and of ending the struggle. Thus Hebe stated: ‘I do not approve of any of this putting the names of the disappeared on the walls. At the university they placed a marble. Afterwards, the people will put flowers and candles. This is death. What we say is that one should not recognize death. It is the military who should say that they killed them. If we recognize it, it is very serious’ (Gelman and LaMadrid 1997: 56).

According to the Asociación Madres, the memory of the past should concentrate on the revolutionary ideals of the disappeared, instead of focussing on the repression. Some plaques and monuments were accepted, if they managed to convey the notion of the political commitment that had once mobilized the disappeared. Reflecting on a plaque in the University of Rosario Hebe stated: ‘In Rosario, in the university, they put a plaque: “Detained–disappeared companions”. I liked that. The word companions (compañeros) reflects the measure of the commitment’ (Gelman and LaMadrid 1997: 56). Under the leadership of Hebe de Bonafini, the Madres – together with the organization Familiares – were among the first organizations to vindicate the disappeared as political militants. In her discourse on 24 March 1986, Hebe de Bonafini recalled that ‘many of our children said it: we are popular militants and are proud of what we do, we prefer to live twenty years on our feet and not centuries on our knees’ (quoted in Lorenz 2002: 75). This vision would become stronger

over time, comparing the disappeared to revolutionaries. Thus in 1993 they stated that the military had ‘abducted and disappeared 30,000 revolutionaries’ (Lorenz 2002: 80). According to Lorenz, this also had consequences for the character of the commemorations of 24 March, as not the pain of the loss was remembered, but the revolutionary commitment of the disappeared.

For the Madres, the best tribute to the disappeared was to fight in the present for the same objectives. This was the only way to guarantee their presence over time. The disappeared continued to live through the emergence of new generations of militants and collective action, as was expressed in Hebe’s discourse at the resistance march in 1999: ‘Today we feel that our children are more alive than ever. They live on in everyone who struggles with their people.’ Therefore, activities of the Madres were principally oriented towards new human rights violations and socio-economic inequalities occurring under the democratic governments. In Argentina they accompanied the emerging movement of piqueteros and other new and old forms of social protest. Outside Argentina, they supported any initiative that attempted to offer a political alternative for capitalism, such as the Zapatistas in Mexico, the MST in Brazil or the Cuban revolution. In 2000, the Madres created their own university, the Universidad Popular de las Madres de Plaza de Mayo, where young people could follow a programme on different forms of collective action. At the inauguration of the university Hebe stated: ‘This university will be the most beautiful thing, the biggest dream, it is the incredible path towards the revolution, towards the revolution that our children dreamt of, it cost them their lives but they did not take away their dreams, they did not take away our hopes, and they did not take away from us the possibility to be their proud mothers’ (Asociación Madres de Plaza de Mayo 2003: 161).

Thus for the Madres, memory should be about continuing the struggle of the disappeared in the present, and it should focus on the ideals of social change instead of on the tragedy of the disappearances. The AEDD, the Liga, the MEDH and H.I.J.O.S. shared this vision in different gradations. The notion of ‘memory of struggle’, referring to the fact that memory was about struggling against injustices in the present, was well expressed in the following reflections of the late pastor José de Luca, historical leader of the MEDH:

On memory we take a clear stance, for which sometimes we differ with other organizations: we maintain that it is a memory of struggle. [...] This means that memory also implies keeping alive the struggle, no? A struggle that today is more valid than ever, because the economic and social genocide covers a very important number in this area…in numerical terms, and I emphasize, in numerical terms it covers far more persons than in those days. (Interview JDL 17.03.2003)

132 This sometimes led them to making faulty judgements such as supporting the ETA in Spain. This invoked critical reactions and obliged the Madres LF to differentiate themselves publicly from the Asociación Madres to avoid confusion (Clarín, 05.11.2000). Similarly, Hebe de Bonafini interpreted the attacks of 11 September 2001 on World Trade Center as an expression of anti-imperialism and admitted publicly that she felt ‘joy’ for what had happened, again causing a polemic (Tres Puntos, 25.10.2001). Hebe’s comments, supported by intellectuals collaborating with the Asociación Madres de Plaza de Mayo, were criticized publicly by Horacio Verbitsky, the current president of CELS. The debate was fought over in the media, basically in the newspaper Página 12 and in the magazine Tres Puntos.
Similarly, H.I.J.O.S. stated: ‘H.I.J.O.S. understands memory as the synonym of struggle and vindication of the struggle. Therefore, a piquetero is far closer than Sábato (referring to the president of the CONADEP) of what we understand as memory. A generous but critical memory. A memory that is an action in the present, that can only be resistance and creation, that does not accept manipulation and domestication’.133

One major difference however, divided the Asociación Madres from these other organizations, especially from H.I.J.O.S. The Madres radically subsumed the past to the necessities of the present: according to them, investigating the individual stories, even if they included the political actions of the disappeared, would divert attention away from the problems of the present and possibly create divisions. Thus Hebe criticized the search of children of the disappeared for more information about their parents: ‘Searching for the friends of their companions, does not make sense, it seems to me. Or if they were politically active in Montoneros, or in the ERP, or in the PC. This can divide them. They have to get used to the idea that the disappeared all struggled for the same cause, or at least against the same enemy’ (Gelman and LaMadrid 1997: 54). For H.I.J.O.S., the individual stories of militancy were important. In contrast to the Madres, they needed to think about their parents less in terms of heroes and martyrs than in terms of common human beings, and therefore they needed to reconstruct individual stories, question the political practices of their parents and investigate their achievements but also their errors. Thus they explained: ‘What we want to achieve is a critical recovery (not idealized) of the past, to use it as an instrument in the present. […] We want to […] show that the men and women of that generation were not demons thirsty for blood, nor martyrs, nor perfect heroes with perfect projects. They were persons who decided to commit themselves, organize and give it all’.134

For H.I.J.O.S., vindicating the struggles of their parents was as much about rescuing particular aspects of the projects of the 1970s, as about creating new projects. Thus they explained: ‘…our task is of rescue, although of creation. It is the continuity of the struggle, in the dreams, in the principles, in the diversity. But it is of rupture, in time, in forms and in certainties’.135 Juan, member of H.I.J.O.S.-Córdoba, explained this necessity of critical selection as follows: ‘I believe in any case, that it is necessary to make a critique of the political forms of the 1970s, and to implement a more democratic decision-making process. In contrast to the other human rights organizations, they had no president or vice-president, and each member of H.I.J.O.S. could participate on equal terms in the decision-making process. Their internal organization was thus characterized by horizontality and consensus. This meant that each decision, even the smallest one, had to be discussed in the weekly meeting of H.I.J.O.S. Furthermore, voting on decisions was excluded. Discussions could extend into the early morning hours until consensus was reached.

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Horizontality and consensus, for H.I.J.O.S., constituted more than a methodology: it was a political principle and reflected a particular vision of democracy: ‘If we have the possibilities to build something from nothing, why would we reproduce the system that oppresses us every day, with its hierarchies, its leaders, and the almost non-existent possibility to influence their decisions?’ they asked.\textsuperscript{136} It also distinguished them from the other human rights organizations. In general, in its relations with the other human rights organizations, H.I.J.O.S. tried to remain independent. Their forms of political structure led them to search for alliances with new emergent forms of collective organization that shared their vision on how to construct politics, as Emilio explained:

\begin{quote}
I believe that maybe we identify much more with the forms of doing politics of others organizations that are not exactly..., or other political groups that are not exactly of human rights, more than with one of the human rights organizations. For example, groups of the university, or \textit{piqueteros} or others, that work in a more horizontal way, that build their...that try to come to political forms through consensus between the members of the group. That is what mostly distinguishes us, I believe, from the more traditional human rights organizations. (Interview EM\textsubscript{2} 27.10.2003)
\end{quote}

Although H.I.J.O.S. was one of the first to apply horizontality and consensus, it was part of a broader development that took a flight at the end of the 1990s, and even more so with the emergence of neighbourhood assemblies after the crisis of December 2001. As we will see in the next chapter, it was part of a general rejection of more traditional forms of constructing politics, and of a general disbelief in the advantages of institutional politics.

\section*{Conclusion}

In 1990, when Menem ordered the pardon for the junta leaders convicted in 1985, the road to legal accountability seemed definitely blocked. An initial process of retraction set in for the human rights movement in this period, which scholars interpreted as the end of the movement. In this context, several scholars also attributed the growing political and social isolation of the human rights organizations to their uncompromising demands. Although this is certainly part of the explanation for their isolation in the first half of the 1990s, it was also a consequence of a more general historical context in which there was no space for demands related to the recent past. Neoliberal policies combined with official policies that pleaded for ‘reconciliation’ and ‘pacification’ that were meant to definitively close the subject relegated the past to the background. Human rights organizations saw themselves confronted with the need to readjust to the changing context and to reformulate their demands in terms of more contemporaneous needs and preoccupations.

From 1995 onwards, the movement went through a number of important transformations. Specific historical developments contributed to these transformations. Firstly, the confessions of Scilingo in 1995 shocked public opinion and revived the concern for the recent past. They produced what Feitlowitz (1998: 194) has called ‘the Scilingo effect’. Scilingo’s confessions took place a year before the twentieth anniversary of the military coup, and that particular

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\textsuperscript{136} Revista H.I.J.O.S., Àñò 6, nº11 (Winter 2001) 15.
\end{footnote}
commemoration mobilized groups, social and political organizations and individuals who had not previously organized around the demands of the historical human rights organizations. It also coincided with the emergence of a new organization of victims, H.I.J.O.S., that was created at the same time as the confessions of Scilingo, and was particularly concerned with ending impunity and silence. The emergence of H.I.J.O.S. marked a generational change which was also visible through the participation of a younger generation within some of the existing human rights organizations, particularly Abuelas. H.I.J.O.S. played an important role in reviving the demands for truth and justice of the human rights movement and reaching a broader public.

After the developments of 1995, the human rights organizations succeeded in maintaining the subject on the public agenda by pointing to the continuities between the past and the present. Impunity became identified as the cause and consequence of the many deficiencies of Argentine democracy. In a context in which the police continued to abuse its power, democratic institutions and especially the juridical system offered only selective protection, and where economic policies produced growing socio-economic inequalities and marginalization of large sectors of society, this connection between the past and the present was easily established. Continuities were identified principally in the security forces and in the neoliberal economic policies. The human rights organizations argued that impunity had not only let off the military and policemen who had permitted and executed the disappearances, but also civilian complicities. The balance of power had not changed following the democratic transition.

With the legal road blocked, activities of the human rights organizations to combat impunity were oriented towards searching for alternative means of ending impunity. Activities centred on creating consciousness about the military dictatorship and securing a number of rights that would make it more difficult for society to deny what had happened, and for the state to shirk its responsibility in securing human rights and in dealing with the legacies of the authoritarian past. A right for truth and identity, economic reparations, the derogation of the impunity laws by the Congress in 1998 and the reopening of trials for baby theft showed that this strategy was being successful. Parallel to these developments, memory became increasingly important as a field of activities in its own right. Memory was conceived in opposition to oblivion and silence, which were associated with the impunity laws implemented under Alfonsín and Menem. It was also seen as an instrument for social and political change, meant to intervene on the present and transform the future. In this context, old and new differences became visible on how to interpret the past, the present and the future, in which incompatible visions on democracy and the role of institutions and of the state led to conflictive visions on memory and on how to construct it. In the next two chapters I will elaborate further on these debates, showing how the participation of new actors in the struggle for memory importantly influenced both the issues and the forms of remembering.