Struggling with the past: the human rights movement and the politics of memory in post-dictatorship Argentina (1983-2006)
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6. The institutionalization of truth, justice and memory: new challenges for the human rights movement

In May 2003 the Peronist Néstor Kirchner was elected President of Argentina. Distancing himself from his predecessors, he made the unresolved legacies of the past one of the core issues of his presidential term. He adopted a number of measures in the field of truth, justice and memory that corresponded to long-term demands of the human rights movement, and stated that the defence of human rights would become state policy. He thus created important political opportunities for the human rights movement to institutionalize its demands. However, Kirchner's presidential term (2003-2006) also led to a profound fragmentation of the movement. Actors struggling for truth, justice and memory became deeply divided on how to react to the new political context. Some organizations chose to support the Kirchner administration and accepted the dialogue. Others chose the opposition ranks and came to confront their historical allies. Old ideological differences within the human rights movement re-emerged, and conflicts that had previously been settled internally were now staged publicly. As the ambiguities and limitations of the Kirchner administration became more visible, the organizations that had chosen for dialogue were confronted with thorny dilemmas on how to position themselves with respect to the government.

As we saw in previous chapters, how to relate to the state has been one of the central dilemmas of the human rights movement ever since the democratic transition. Under Kirchner's presidency, the debate re-emerged in all its complexity. The central issue was whether it was possible to maintain a critical judgement while cooperating with the state. This dilemma was not exclusive to Argentina. In many Latin American countries, social movements developed in opposition to the state, or were forced to deal with an overwhelming state apparatus that used systems of patronage and clientelism, frequently combined with state repression and violence (Foweraker 1995: 61). In such a context, social movements were particularly concerned with preserving their autonomy from the state. The emergence of ‘progressive’ governments that, quoting Zibechi (2005: 14-5), ‘adopted the language of movements’ and ‘claimed to defend identical objectives’, confronted social movements with the need to reposition themselves on this issue. Although there was a historical distrust towards state institutions, many social movements also saw these progressive governments as an opportunity to advance their agenda. This opportunity, however, immediately confronted them with a number of dilemmas that were not easy to solve. How, for instance, to maintain critical independence while at the same time avoiding confrontation? What to do when the government offered a movement or part of the movement the opportunity to integrate into state structures? (Zibechi 2005: 15).

How these dilemmas played out for the human rights movement under the Kirchner administration will be explored in this chapter. It will show how the various human rights organizations wrestled with their political roles in the new context, and discuss the fragmentation of the movement that resulted from it. There are two reasons for focussing attention on these issues. In the first place, the debates under Kirchner merit attention
because they are a synthesis of many of the previous debates on how to relate to the state. Secondly, the situation that unfolded under Kirchner offers an insight into where the human rights movement stands twenty years after the end of the dictatorship. The chapter is organized as follows. The first part will discuss some of the measures that Kirchner adopted in the realm of truth, justice and memory. It will show what was new about them but also how he was able to build on earlier advances made at the local level, especially in Buenos Aires. The second part will then analyse the different interpretations within the human rights movement of the new political context, and explain the origins of these differences. Finally, I will analyse the consequences of the new political context for the political practice of the human rights movement. I will show that it had a significant impact on chosen strategies as well as on internal and external alliances of the human rights movement.

Kirchner and the ‘politics of memory’

The elections of 2003 were the first after the crisis of December 2001 and the rise and fall of several presidents.262 Eduardo Duhalde, former governor of the province of Buenos Aires and member of the Peronist Party, assumed the presidency in January 2002 on the condition that elections would be held in 2003. His mandate officially lasted until 2003. However, he lacked legitimacy in the eyes of international institutions such as the IMF as well as of large sectors of Argentine civil society. The IMF refused to negotiate with a non-elected government, and domestic popular protest continued to pressure the government. Criticisms and protests strongly increased after the assassination by the police of two Piquetero leaders, Maximiliano Kosteki and Darío Santillán, on 26 June 2002 in the province of Buenos Aires. This situation led Duhalde to bring forward the elections by six months (Sánchez 2005: 460). Political rivalries between Menem and Duhalde and internal divisions within the Partido Justicialista (Peronist Party, PJ) led to three different Peronist candidates: Carlos Menem, Adolfo Rodríguez Saá, and Néstor Kirchner.263 Kirchner was Duhalde’s candidate (Sánchez 2005: 461-2). The other main presidential candidates were right-wing politician Ricardo López Murphy, Leopoldo Moreau of the Radical Party, Patricia Walsh of the leftist Izquierda Unida, and Elisa Carrió, representing the Afirmación para una República Igualitaria (ARI) (Llanos 2004: 98).

The presidential campaign was, according to Sánchez, ‘in many ways the most austere, dispassionate and devoid of content since the transition to democracy in 1983. The electorate showed an inordinate degree of apathy and a concomitant low degree of involvement’ (Sánchez 2005: 461). The candidates were largely perceived as representing the past rather than the future, and there was a profound scepticism about the political process. The campaign for presidency was dominated by the internal disputes within the Peronist Party

262 De la Rúa was replaced by the head of the Senate Ramón Puerta. After intense meetings in parliament, the majority of which had been occupied by members of the Peronist Party since October 2001, the governor of San Luis, Rodolfo Rodríguez Saá, was chosen to replace De la Rúa. However, his presidency only lasted a week. Ramón Puerta again replaced him, but he renounced an hour later. The head of the Chamber of Deputies, Eduardo Camaño, took over his office until Eduardo Duhalde replaced him on 1 January 2002 to complete De la Rúa’s presidency, which would end in December 2003.

263 All candidates had to run for presidency outside the party, under names like Frente para la Lealtad (Menem), Frente para la Victoria (Kirchner) and Movimiento Nacional y Popular (Rodríguez Saá).
and by the discussion concerning whether Menem had any real chances to win the elections. The first election round in April ended with a small victory for Carlos Menem, who was followed closely by Néstor Kirchner. Analysts believed that in this election many votes for Kirchner had been strategic, in order to avoid a victory for Menem, who was seen among the public as the man responsible for the economic, social and institutional crisis of 2001-2002 (Svampa 2008: 82). A week before the first round, opinion polls indicated that Menem might actually win. This had the effect of grouping the votes either around or against his candidacy (Llanos 2004: 99). The second round, scheduled on 18 May, increasingly developed into a referendum against Menem. Opinion polls showed that the choice for the electorate was not so much about voting either for Kirchner or for Menem, but about voting for or against Menem. The polls also showed that Kirchner could win the election with almost seventy per cent of the votes. Sensing that the result of the election might turn out to be catastrophic for him, Menem announced his withdrawal on 14 May. This gave Kirchner the presidency, but deprived him of the overwhelming victory that was expected. He won the elections with 22 per cent of the votes (Sánchez 2005: 470-1).

In spite of a weak starting position, Kirchner nevertheless managed, within a very short time span, to become a president with high levels of political support. The following section will describe how, immediately after assuming presidency, Kirchner was able to build a political power basis that permitted him to pass on many measures that would previously have been resisted by Congress. We will see that much of this support was acquired through implementing an agenda of moral and political change, which addressed both the legacies of Menemism and of the military dictatorship. The second part of this section deals more in detail with the concrete measures that Kirchner adopted to deal with the recent past and which constituted a substantial part of Kirchner’s agenda of moral and political change. The section ends with a contextualization of these measures. It argues that, while Kirchner’s policies in the field of truth, justice and memory clearly established a break with his predecessors, they should also be seen as part of a broader phenomenon of growing support for the cause of the human rights movement.

Building political power from a weak starting position
At the time of his election, Kirchner was a relatively unknown member of the Peronist Party, governor of the wealthy province of Santa Cruz in Patagonia since 1991. His wife, Cristina Fernández de Kirchner, senator for the province of Santa Cruz in Buenos Aires, was perhaps better known than Kirchner himself. They had met while studying in the city of La Plata, and had both been members of the Juventud Universitaria Peronista (Peronist University Youth, JUP), one of the political organizations linked to the Montoneros. During the dictatorship years they lived in internal exile in the province of Santa Cruz, Kirchner’s home province. They both returned to politics after the transition to democracy, as members of the Peronist Party. In 1987, Néstor Kirchner was elected intendant of Río Gallegos, the capital of the province of Santa Cruz, while his wife was elected provincial deputy. Cristina would twice be elected national deputy and twice senator for the province of Santa Cruz. Néstor Kirchner was elected governor of Santa Cruz in 1991, after his Menemist predecessor had left the

264 Two more elements contributed to Kirchner’s success: the choice for Daniel Scioli, a former Menemist who had the support of sectors of the middle classes, as a Vice President; and the promise to give continuity to Duhalde’s Minister of Economy Roberto Lavagna, popular among sectors of the establishment for having stabilized the economy after the crisis (Cheresky 2004: 4).
province bankrupt and was rendered destitute through impeachment. Within the Peronist Party, he was a relative outsider, the only governor to have chosen the side of Duhalde in his rivalry with Menem. He was also an ambitious man. As early as 1998 he made plans to create a transversal political movement to be launched in 2003, with the purpose of becoming a presidential candidate in 2007. Internal disputes within the Peronist Party made it possible to realize his project four years ahead of schedule.265

Kirchner campaigned with a progressive discourse that was constructed in opposition to ‘old politics’ and particularly in opposition to Menemism. Whereas Menem conducted a campaign that sought to capitalize on a certain nostalgia for the image of governance that had characterized his ten years of presidency, Kirchner spoke of a project of ‘national reconstruction’, and advocated against the neoliberal policies of his predecessors.266 He pleaded for ‘production and work’, for regional integration, and for a more autonomous position vis-à-vis the United States, in opposition to the ‘carnal relations’ that the successive Menem administrations had maintained with the United States in the 1990s. He also proposed to make an end to the listas sábanas (closed party lists) that were used for the election of legislators, with the purpose of promoting vertical accountability (Sánchez 2005: 462–3). Furthermore, he was explicit in his support for reform of the judiciary, particularly of the Supreme Court, which he accused of upholding the interests of the Menemist sector. He also opposed increased participation of the armed forces in internal security affairs and stated on several occasions that he was favourable to the annulment of the Full Stop and the Due Obedience laws.267

All these elements were reflected in Kirchner’s speech on his presidential inauguration on 25 May 2003. In what the leftist newspaper Página/12 qualified as a ‘social-democrat discourse’, he spoke of intentions and did not make promises. Explicit on his own political identity, he stated: ‘I am part of a decimated generation. Punished by painful absences. I joined the political struggles believing in values and convictions that I am not going to give up at the entrance of the Casa Rosada’.268 In his speech he criticized the neoliberal policies of his predecessors and announced that he would try to implement a ‘national capitalism’, revalorizing the central role of the state in the economy. The foreign debt would not be paid with ‘the hunger of the people’, poverty was not a matter of social assistance but of economic policies, and external policy would be oriented towards contributing to a strong and stable Latin America. He also stated that his government would be organized around the principles of ‘truth and justice’, and that governance could not be constructed on impunity.269 His message was generally well received. Reflecting on this fact, journalist Sandra Russo (2003: 18–9) observed: ‘It is surprising, in the days that followed, to note the meagre criticisms that such a clear, targeted message full of ideology received. This message, precisely re-ideologized politics, especially and above all state politics’. She attributed this to the fact that the tiredness with a particular cycle and model was so evident that few could disagree with Kirchner’s criticism directed at neoliberalism. ‘There are no arguments to refute that which is dead’, she stated.

265 Página/12, 27.04.2003.
266 Página/12, 13.04.2003.
267 Página/12, 26.04.2003; Página/12, 19.05.2003.
268 Página/12, 26.05.2003.
269 Página/12, 26.05.2003.
However, there was also scepticism. There were doubts about Kirchner's political will to implement more structural changes that would require him to confront the most powerful sectors of society. There was an evident tension between Kirchner’s progressive discourse and a political inclination towards what Bonasso called ‘real-politik’. Illustrative of this tension was the fact that his campaign was constructed in opposition to ‘old politics’, while his candidacy was backed by one of the main caudillos of the Peronist Party. His choice for an alliance with Duhalde distanced him from former allies who were less inclined to compromise. This tension was also visible during his governorship in Santa Cruz. On the one hand, during his administration – which benefited from income from the tourist sector, large oil reserves and a mining industry – he combined significant public investments in infrastructure, housing, education and health with a strict budgeting policy. Santa Cruz became the province with the best distribution of incomes and with the lowest poverty rates, after the capital city of Buenos Aires. On the other hand, critical observers remarked that Kirchner’s political practice as a governor was not very different from that of many other politicians of the Peronist Party and representatives of ‘old politics’. According to Sánchez (2005: 462), as a governor of Santa Cruz, Kirchner made ‘extensive use of patronage to consolidate his hold on power, the silencing of sources of dissent, the subjugation of the courts, executive control of the media and the amendment of the constitution to allow himself to be re-elected indefinitely’. This raised doubts about the sincerity of Kirchner's progressive discourse.

There were also doubts about Kirchner’s real possibilities to govern in an independent way, without the tutelage of Duhalde. Indeed, without his support, Kirchner would never have won the elections, and this was expected to limit his autonomy. Furthermore, Kirchner’s low voting percentage did not give him a strong starting position. But Kirchner surprised everyone by managing to construct his own power base in a relatively short time span. He made clear that he would not avoid confrontations with his benefactor, and openly manifested his disagreement when, in the month prior to handing over his presidential powers, Duhalde wrote a pardon for both former guerrilla leader Enrique Gorriarán Merlo and former Carapintada Mohammed Seineldin. He also opted to concentrate decisions in his own hands, neither consulting nor compromising with others. This style would be increasingly qualified as authoritarian, but in the first period of his presidency it was a means to strengthen his weak position. Thus he chose his government ‘in orchestrated solitude’, to use the words of Torre (2003: 16), and opted mostly for ministers within his intimate circle. Furthermore, besides being from the same generation, between 45 and 53 years old, none of them formed part of the establishment and several were not even members of the Peronist Party.

270 Página/12, 27.04.2003.
271 Página/12, 27.04.2003.
272 Veintitres, 01.05.2003.
273 Página/12, 20.05.2003. These differences would become more explicit as Kirchner advanced in the construction of his power base. In August 2003 a dispute with his Vice President Daniel Scioli would provoke the first institutional crisis of the new government (Veintitres, 21.08.03; Página/12, 20.08.2003; Página/12, 24.08.2003). Ideological and political differences with Duhalde soon characterized Kirchner’s relation with his former ally (see for example Página/12, 12.10.2003). Eventually, Kirchner even got rid of Roberto Lavagna in November 2005 (La Nación, 28.11.2005; Página/12, 29.11.2005).
274 Página/12, 21.05.2003; Veintitres, 05.06.2003.
The implementation of an agenda of moral and political change intended to reform both political culture and democratic institutions was also of crucial importance for reinforcing his political position. In this agenda, both the legacies of the military dictatorship and of the years of Menemism were the main targets. With far-reaching efforts, Kirchner used his presidential powers to reform the military hierarchies, the judiciary, to address corruption in the PAMI (the national social security for pensioners), and to challenge the power of the great corporations, especially by preventing the privatized public utility companies from raising their tariffs after the devaluation of the peso in 2002. He also stood firm in the debt negotiations with the IMF and other foreign creditors of the state, challenging the logic of the institution according to which states have to bow to the ‘imperatives of the market’ (Torres 2003: 16; Cheresky 2004: 7). With these measures, some of them of great symbolic importance in the post-December 2001 context, and with steady economic growth, in a short time span he managed to create what Cheresky (2004: 7) has called ‘some kind of post-electoral electorate’: opinion polls gave Kirchner about seventy per cent support for his policies. It enabled the alignment of different political institutions, especially the Congress, which voted in numerous initiatives that it would never have done in the previous period.

Talking of 'Truth, Justice and Memory': concrete measures and symbolic gestures

Many of the most important measures of Kirchner’s agenda of moral and political change were adopted in the first two years of his presidential term, and particularly in the first months after being elected. One of the first measures dealing with the legacies of the past was the forced retirement of the leadership of the armed forces – twenty-seven generals, thirteen admirals and twelve sergeant majors. This meant the renewal of 75 percent of the generals leading the army, and fifty percent of the leadership of the air forces and the navy. Age was given as the decisive factor to justify retirement: no military personnel that might have participated in the repression of the 1970s could be promoted. Commander in Chief Ricardo Brinzoni, involved in a lawsuit for a massacre that took place in Margarita Belén in the Chaco province during the dictatorship, was also retired. Brinzoni had been a fervent defender of the Full Stop and Due Obedience laws and had tried several times to make arrangements with politicians to prevent the Supreme Court from declaring the laws unconstitutional. The younger Roberto Bendini replaced him. At an official diner with the new leaders of the armed forces on 7 July 2003, Kirchner asked them to hand over information on the disappeared. Reconciliation, he stated, could not take place on the basis of silence and complicity.

Significant advances were also made in the realm of justice. During his presidential campaign, Kirchner had been explicit in his rejection of the Full Stop and Due Obedience

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275 This in itself was not new, as Kirchner’s predecessor Duhalde had maintained a similar line of action, and was also a response to the strong protests that followed the December 2001 crises (Wolff 2007: 20). However, especially in his first period of presidency, Kirchner had a confrontational style that gave him credibility among the Argentine public that Duhalde had lacked.

276 In 2003 economic growth stood at 8.7 per cent, and according to official statistics, unemployment declined by 5.9 per cent, decreasing from 21.5 per cent to 16.3 per cent in 2004 (Petras and Veltmeyer 2005: 33).


278 Página/12, 25.05.2003; Puentes, año 3, n°10 (August 2003) 8.

279 Brinzoni replaced Martín Balza in 1999.

280 Página/12, 25.05.2003; Página/12, 29.05.2003.

laws. Important achievements had already been made towards annulment as a consequence of the persistent attempts of human rights organizations, accompanied by some politicians and jurists. A project to promote nullification by the Congress in 1998 failed but did provoke heated debates which led to the derogation of the laws.\textsuperscript{282} On the juridical front, an important success was achieved in March 2001, when Federal Judge Gabriel Cavallo declared both laws unconstitutional in the Poblete case.\textsuperscript{283} Other judges of the lower courts followed Cavallo’s example, showing that there was interest, among the lower courts, in prosecuting victimizers in spite of the Full Stop and Due Obedience laws. In November 2001, the Second Courtroom of the Federal Chamber ratified Cavallo’s sentence, setting a precedent for the future.\textsuperscript{284} The final decision, however, was to be made by the Supreme Court. By 2003, the matter was still pending, and there were little expectations of a positive outcome. The Supreme Court had become strongly discredited after Menem passed a juridical reform that permitted him to appoint judges favourable to his policies, thus importantly constraining judicial autonomy.\textsuperscript{285} Suspicions of an unfavourable outcome were reinforced when information was leaked on the intention of the Menemist members of the Court to close all the pending human rights cases prior to the elections.\textsuperscript{286}

Kirchner decided to operate on different fronts at the same time. In the first place, he reversed a decree signed by former President De la Rúa, which had made impossible extraditions of military accused of involvement in human rights violations of the past. The measure was adopted on 25 July 2003, and responded to a demand from the Spanish judge Garzón to extradite 46 military accused of involvement in the repression.\textsuperscript{287} The nullification of the decree did not mean that the military would automatically be extradited, as this was to be resolved by the judiciary. However, the political message was clear: if the military could not be judged in Argentina, the possibility should exist to be judged outside the country. Parallel to this decision, Kirchner made public declarations stating that he would support a decision of the Congress to annul the Full Stop and Due Obedience laws.\textsuperscript{288} This stimulated members of the Chamber of Deputies to present a new proposal for annulment of the laws. On 12 August 2003, after a debate in the Chamber of Deputies that lasted more than seven hours, the deputies approved the law 25.779\textsuperscript{289} that revoked the Full Stop and Due Obedience laws.\textsuperscript{290} A week later, the Senate took the same decision.\textsuperscript{291} The annulment of the laws gave an incentive to the Federal Chamber of the Federal Capital to send two huge cases – the ESMA case and the case for the crimes committed under the jurisdiction of the 1st

\textsuperscript{282} See chapter three for more details.
\textsuperscript{283} An antecedent to the Cavallo case was a decision of the Federal Chamber of Buenos Aires on the disappearance of Conrado Gómez in May 2000. In this context, the sentence recalled that the crime of disappearance was not prescriptive and stated that the Due Obedience law should not be applied automatically but investigated in each individual case. Cavallo pursued the same line of analysis in his sentence (Página 12, 07.09.2003).
\textsuperscript{284} La Nación, 31.07.2003.
\textsuperscript{285} See chapter three.
\textsuperscript{286} Página 12, 06.04.2003; CELS 2007: 43.
\textsuperscript{287} La Nación, 26.07.2003.
\textsuperscript{289} Published in the Boletín Oficial, 03.09.2003.
\textsuperscript{290} Página 12, 13.08.2003; La Nación, 13.08.2003.
\textsuperscript{291} La Nación, 21.08.2003.
Corps of the Army – to the Court of First Instance. Human rights organizations, relatives and victims started to present lawsuits, leading judges to reopen cases that had been closed as a consequence of the impunity laws. A third big case, the ‘Camps case’, was reopened in March 2004. Thus, investigations progressed despite the fact that no pronouncements had been made by the Supreme Court.

Simultaneously, Kirchner initiated a reform of the Supreme Court. Kirchner publicly criticized the lack of independence of the Supreme Court under the previous governments, and pressured the Congress to initiate impeachment procedures against its members. Within a time span of approximately two years, six of the nine judges that represented the ‘old order’ were forced into retirement. Kirchner also signed a decree in June 2003 (222/03) that limited the presidential power to appoint new judges, and enhanced transparency and civil participation in the process. New appointments would be submitted to public scrutiny and subjected to a designation process that was determined in the constitution. Organizations and individuals could approve or challenge the candidate in an official document sent to the Minister of Justice. Furthermore, the candidate had to answer the critical questions of the Senate in a public audience (CELS 2004: 84, 92-4; Cheresky 2004: 5). The first judge to be appointed in this way was Eugenio Raúl Zaffaroni. He was known for his engagement with human rights and progressive views, and had the support of human rights organizations. He was soon succeeded by Carmen María Argibay, and Elena Highton de Nolasco, who thus became the first women to be appointed to the Supreme Court. Ricardo Lorenzetti was the last judge to be appointed.

It was this renewed Court that finally took up the Poblete case that had been pending for so long. On 5 May 2005, the Attorney General of the Nation, Esteban Righi, had declared on the basis of the Poblete case that the Full Stop and Due Obedience laws went against the principles established in the national constitution. On 14 June 2005, the Court confirmed the unconstitutionality of Full Stop and Due Obedience laws in the same case, allowing justice to be done for the crimes committed under the military dictatorship. In the

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293 La Nación, 17.03.2004; Clarín, 17.03.2004.
294 See Página/12, 05.06.2003; Página/12, 06.06.2003. Most of them already had numerous causes pending against them for irregularities in the exercise of their function, but in 2002 the Senate had decided to leave the denunciations for what they were (Página/12, 29.05.2003).
295 The first judge to come under scrutiny was the president of the Supreme Court, Julio Nazareno, who was accused of corruption and bad performance of his function as a judge. To avoid being removed from office he retired on 27 June 2003. Two other judges, Guillermo López and Adolfo Vázquez, made the same decision. A fourth judge, Eduardo Moliné O'Connor, awaited impeachment and was removed from office for irregularities in his functioning (CELS 2004: 78-9). Finally, the fifth judge accused of being part of the ‘automatic majority’, Antonio Boggiano, was removed in September 2005. Another member of the Court, Augusto Belluscio, retired that same year because of his high age (Clarín, 01.09.2005).
296 Página/12, 20.06.2003.
297 Página/12, 02.07.2003; Página/12, 07.10.2003.
298 Two of the five judges were not replaced. This was part of a debate on the possibility to revert Menem’s decision to enhance the number of judges from five to nine. In November 2006 Cristina Fernández de Kirchner, who was then still a senator, presented a bill to repeal the law. Her proposal was welcomed by the Supreme Court (Página/12, 10.11.2006; Página/12, 11.11.2006). The deputies of the Congress approved the law on 29 November 2006 (Página/12, 30.11.2006).
299 See chapter three for information on the Poblete case.
300 Página/12, 06.05.2005.
same sentence, which was approved by seven of the eight judges, the Court ratified an earlier sentence of August 2004 (Arancibia Clavel) stating that crimes against humanity were not prescriptive and should not be granted amnesty. The sentence also ratified the validity of law 25,779 declaring the nullification of the Full Stop and Due Obedience laws.301 The decision of the Court took away the last legal obstacle to judgement for the crimes committed during the dictatorship.302 On 4 August 2006, former officer of the Federal Police Julio Simón, known as ‘El Turco Julián’, was condemned to 25 years of imprisonment for the privation of liberty and torture of two persons (the Poblete case). Soon thereafter, on 19 September 2006, an ex-commissioner of the Police of Buenos Aires, Miguel Angel Etchecolatz was sentenced to life imprisonment in the city of La Plata (CELS 2007: 44-7).303

Although these advances in the juridical realm could certainly not be attributed exclusively to the Kirchner administration, the political will to end impunity towards the crimes of the past was important and earned Kirchner credit among the human rights organizations. He also showed his support for the struggle of these organizations in other ways. For example, he appointed Eduardo Luis Duhalde, a well respected individual within the human rights movement, as the new Secretary of Human Rights.304 Duhalde had been a militant as well as a lawyer assisting political prisoners in the period preceding the military dictatorship. He had also been in exile during the dictatorship, from where he had played an important role in denouncing the human rights violations.305 A few weeks after assuming presidency, Kirchner welcomed the human rights organizations at the Casa Rosada,306 and he continued to receive them on a regular basis during his presidential term. Both in his encounters with human rights organizations and in public, he often appealed to a shared identity and a shared history of militancy, loss and persecution. During an encounter with children of the disappeared, he recalled that he had known the father of one them during his years of militancy.307

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301 Among these seven judges there were some variations in the votes and the arguments presented. Carmen Argibay for instance did not ratify the law annulling the Full Stop and Due Obedience laws because she believed the Congress only had the faculty to repeal and not to nullify the laws (Página/12, 19.06.2005).

302 The presidential pardons of 1989 and 1990 protecting the higher ranks within the military and the police were declared unconstitutional in the case of Santiago Omar Riveros on 13 July 2007 (Página/12, 14.07.2007).

303 Other condemnations followed, although their number remains limited considering the amount of accused. According to CELS, in December 2009 there were 1386 accused all over the country, of which 59 have been condemned. Between 2003 and 2007 five trials took place, of which four resulted in condemnations. Besides Julio Simón and Miguel Etchecolatz, the former chaplain of the Buenos Aires provincial police Christian Von Wernich was condemned to life imprisonment on 9 October 2007 (Clarín, 09.10.2007). On 18 December 2007, the leadership of the Intelligence Battalion 601 was condemned for 20 to 25 years of imprisonment (CELS 2008: 31). This was the first condemnation against members of the armed forces since the annulment of the Full Stop and Due Obedience laws. In 2008, nine new trials started (CELS 2009: 23), which resulted in more condemnations. October 2009 saw the start of the second trial in the context of the ESMA case. 19 accused are to be judged, many of them emblematic figures of the repression such as Alfredo Astiz and Jorge Eduardo Acosta. The first trial of the ESMA case started in 2007 but was aborted due to the death of the accused, Hector Febres, in suspicious circumstances. For up to date information on the trials see also the blog in which CELS keeps track of the cases: http://www.cels.org.ar/wpblogs/

304 Former President Duhalde gave the Under-Secretariat for Human Rights the rank of Secretariat (Interview NV 06.11.2003).

305 Página/12, 28.05.2003.

306 Página/12, 04.06.2003.

discourse at the United Nations, he stated: ‘We are the sons and daughters of the Mothers and the Grandmothers of the Plaza de Mayo’. 308 Similarly, at a commemoration for four disappeared students of La Plata whom he had known personally, he stated: ‘It was them, but it could have been us’. 309

Confirming his engagement with the search for truth and memory of the human rights organizations, Kirchner also ordered the creation of an Archivo Nacional de la Memoria (National Archive of Memory) in December 2003. This archive fell under the supervision of the Secretariat of Human Rights, and its central objective was to ‘obtain, analyse, classify, duplicate, digitalize, and archive information, testimonies and documents about the violation of human rights and fundamental liberties in which the responsibility of the Argentine state is involved, and about the social and institutional response to these violations’. 310 The archive was to centralize the documentation produced by the military and police, as well as the CONADEP files, the files of the CONADI gathering cases of missing children, and those produced in the context of the reparation laws for the victims of state terrorism. The files of the CONADEP had been completed throughout the years and digitalized. Together with the files of the CONADI, they constituted the bulk of the documentation of the National Archive of Memory (Lorenz 2007: 3). But the intention was to actively search for documents produced by the military and the police during the military regime. The first military documents to be digitalized by the National Archive of Memory was documentation retrieved for the Feced Case. Feced was the Commander of the 2nd Regional Unit of the city of Rosario. The material recollected documented the repressive activities of the 2nd Corps of the Army that operated in Rosario and surroundings (Da Silva Catela 2007: 192).

Thus through a combination of concrete measures and symbolic gestures, Kirchner made explicit his identification with the cause of the human rights movement for truth, justice and memory. These ‘politics of memory’ reached a climax when he decided to transform the Navy Mechanics School ESMA, reputed for being one of the biggest secret detention centres during the dictatorship and an emblematic symbol of terror, into a ‘National Space for Memory and Human Rights’, a measure that will be discussed extensively in chapter seven. The ceremony that sealed the decision took place on 24 March 2004. It was the first official commemoration of the military coup. Prior to the commemoration, the Commander in Chief of the Navy Admiral Godoy stated in a speech that the ESMA was ‘a symbol of barbarism and irrationality’, and that ‘facts qualified as aberrant and offensive to human dignity’ had taken place there. 311 Until then, only the Chief of Army, Balza, had pronounced such a far reaching criticism on the participation of the armed forces in the repression. 312

A few days before the official ceremony, the President and his wife visited the plot and the buildings of the ESMA together with survivors of the former secret detention centre. At the official ceremony in front of the ESMA, they met on the stage with three youngsters who had been born in the ESMA. Poems by Ana María Ponce, a member of the Peronist Youth and detained-disappeared of the ESMA, were read. In his official statement that day, Kirchner criticized the policies of his predecessors and recognized state responsibility in both the repression and the impunity towards the crimes of the past (CELS 2004: 37). Before

308 Página/12, 26.09.2003.
309 Página/12, 29.11.2003.
311 Página/12, 05.03.2004.
312 See chapter three for more details.
moving on to the official ceremony at the ESMA, he visited the Military College and took down the portraits of the former junta members Jorge Videla and Reinaldo Benito Bignone that were still hanging on the walls.\textsuperscript{313}

\textit{Contextualizing Kirchner’s measures}

Kirchner’s measures to deal with the legacies of the past had a great political impact. Indeed, his policies in this field and his personal identification with the human rights movement strongly contrasted with that of his predecessors. His policies also had an impact because they were being developed at the national level. Coming from the executive branch, and even more so, from the President himself, a discourse promoting truth, justice, and memory had a greater political influence than when coming from local governments. This was especially the case in the Argentine political context, in which the President was a powerful actor who strongly determined the political course followed (Svampa 2008: 83). However, the appropriation of the language of ‘truth, justice and memory’ was also a strategic move. While it certainly alienated important sectors on the far right, it was a policy that captured well the spirit of the time. The post-December 2001 context clearly demanded a stance against the politicians representing the old era. Furthermore, some of the reforms in the realm of truth, justice and memory were implemented without high political cost, because they could draw on advances made by the human rights movement at the local level. In the city of Buenos Aires, but also in some localities of the province of Buenos Aires, local politicians and state entities had already adopted policies to institutionalize some of the demands of the human rights movement. Similarly, at the juridical level, the lower ranks of the judiciary had adopted measures that paved the way for some of the advances made at the national level.

As has been discussed in previous chapters, an important sector within the human rights movement\textsuperscript{314} considered that the state had the responsibility to implement memory policies and its claims were oriented towards achieving the institutionalization of its demands. In several localities, these organizations were successful in influencing public policies. In the province of Buenos Aires, the Legislature of the Province created the \textit{Comisión Provincial por la Memoria} in 1999. It was financed by the provincial authorities and contained a supervisory board of recognized human rights activists such as Nobel Prize winner Adolfo Pérez Esquivel and the president of Abuelas, Estela Carlotto. The commission developed an extensive educational programme on the military dictatorship, \textit{Jóvenes y Memoria} (Youth and Memory), which was implemented in various schools of the province. In March 1996, the Legislature of the Province of Buenos Aires was also one of the first to adopt a law declaring that every 24 March all schools of the province should devote one hour of their classes to discussing themes related to the military dictatorship.\textsuperscript{315} A similar law was adopted in March 2000 by the Legislature of the City of Buenos Aires, declaring 24 March as \textit{Día de la Memoria} (Day of Memory). Earlier, in May 1998, the Legislature of the City had already declared 16 September – the day known as the \textit{Noche de los lápices} (Night of the pencils), when several students of the city of La Plata were abducted – as \textit{Día de los Derechos del Estudiante}.

\textsuperscript{313} Página/12, 17.03.2004.
\textsuperscript{314} CELS, SERPAJ, APDH, Buena Memoria, FMHSA, Abuelas, Madres LF and Familiares.
\textsuperscript{315} Página/12, 15.03.1996.
Secundario (Day of the Rights of the Secondary School Student).316 Another significant example of the success of human rights organizations in influencing public policies was the elaboration and approval by the Legislature of the City of Buenos Aires in 1998 of law 46 that created the park and monument of memory.317

In the city of Buenos Aires, new opportunities emerged for the human rights movement when Aníbal Ibarra won the elections in May 2000 and became head of the government in August of that same year. Ibarra had been one of the representatives of the FREPASO in the pro Monument Commission and maintained good relations with several of the human rights organizations. During his work as a prosecutor in the 1980s, he had been actively involved in cases of children abducted during the military dictatorship and he was explicit in his support of the human rights cause. Ties with the human rights movement were strengthened through the appointment of Gabriela Alegre as a Director of Human Rights.318 She was a member of the organization Buena Memoria, one of the initiators of the park of memory and the monument. She had also been politically active in the 1970s and had experienced exile. She had excellent relations with several of the victims organizations, particularly with Madres LF, Abuelas and Familiares. Under her leadership, several other members of human rights organizations became employees in the Direction of Human Rights. Ibarra’s period of governance, which lasted until his dismissal from office in March 2006,319 gave an impulse to memory projects in the city of Buenos Aires. Examples of the pro-active attitude of the executive were the decision to excavate on the site where former detention centre Club Atlético had functioned, and the active support for law 961 creating the Instituto Espacio para la Memoria (Institute Space for Memory, IEM).320

317 See also chapter three. Not surprisingly, support from politicians was often motivated by a personal story of persecution and loss under the military dictatorship. Thus several of the legislators and their advisers who promoted the law 46 creating the park of memory and the national monument for the disappeared had been politically active during the 1970s, and had suffered disappearance, prison and exile. Of the four legislators of the FREPASO that integrated the pro Monument Commission, three had been politically active in the 1970s and had suffered either disappearance or political imprisonment. Delia Bisutti was detained-disappeared and her husband remains disappeared. Her mother-in-law was one of the historical Mothers of the Plaza de Mayo. Eduardo Jozami was a political prisoner during the military dictatorship. Liliana Chiernajowsky had a disappeared family member and was a political prisoner during the dictatorship. The representatives of the Peronist Party Juliana Marino and Alicia Pierini had similar backgrounds (Vecchioli 2001: 86-7).
318 After Ibarra’s re-election in 2003, he promoted the Direction of Human Rights to the status of Under-Secretariat as a political message of his engagement with human rights. Gabriela Alegre was promoted to the position of Under-Secretary of Human Rights of the city government.
319 Ibarra’s dismissal from office was the consequence of a fire in the discotheque of Cromañon on 30 December 2004, that caused the death of 194 people, most of them young and including several babies. In the discotheque the bare minimum of security rules had not been respected. Ibarra was soon seen as the main culprit of the tragedy and was the subject of numerous protests by the relatives of the victims of Cromañon during 2005. The Legislature initiated an impeachment procedure against him for bad fulfilment of his executive function, which ended on 7 March 2006 with his dismissal from office (Página/12, 09.06.2005; 30.07.2005; 15.11.2005; 30.12.2005; 15.11.2005; 02.01.2006; 07.03.2006; 08.03.2006; 14.03.2006).
320 See chapter four for details on Club Atlético and more information about the IEM, and chapter seven for details on how law 961 was implemented.
On several occasions, both Ibarra and Alegre reiterated that the IEM was to become the place where the public memory policies of the city of Buenos Aires were to be elaborated and implemented. In doing so, they were recognizing the role of human rights organizations as central actors in the elaboration of public memory policies. This recognition was also an expression of the levels of legitimacy that these organizations had acquired over time, especially among progressive sectors of the middle classes. As already described in chapters three and four, artists, intellectuals, members of the judiciary, and journalists increasingly manifested their support for the demands of truth, justice and memory of the human rights movement. This support was also enhanced by the crisis of December 2001, as a public reflection process developed that established causal relations between the military dictatorship and the crisis. More in general, the concept of ‘memory’ increasingly came to refer almost automatically to the ‘memory of state terrorism’ and acquired great centrality in public discourse. Reflecting critically on this situation, one former militant stated: ‘…there is a very facile discourse. And especially in the media, among politicians, in the cultural sector… everything is memory now’ (Interview AS 24.06.2003). But it also reflected the broader appropriation of a discourse that had previously been mainly sustained by the human rights movement. The appropriation of this discourse was also part of a post-December 2001 search for a different kind of politics, in which ethics and human rights were central, in opposition to the corrupt and elitist political practice that had been characteristic for the 1990s. From this perspective, adopting the language of ‘truth, justice and memory’, and promoting an agenda of moral and political change, was also a means for Kirchner to gain support from independent citizens in search of new political referents.

Dealing with the new political context: different approaches

In the first year of his presidency, Kirchner’s popularity reached unprecedented levels. Even after eight months of presidency, opinion polls continued to register approval ratings of 85 per cent, positive assessments of the government and optimistic expectations for the coming year (Llanos 2004: 87). Within the human rights movement, a broad sector, mostly composed of more moderate human rights organizations, was positive about Kirchner’s human rights policies. Surprisingly, approval also came from the Asociación Madres de Plaza de Mayo, who used to be radically opposed to any government. After her first meeting with Kirchner, Hebe de Bonafini declared: ‘We thought that he was like all the rest, that he was like Menem, and we realized that it was not the case’. Besides his concrete measures in the realm of truth, justice and memory, an important element of Kirchner’s success among human rights activists was that he managed to create a sense of shared collective identity. The fact that he had been politically active in the 1970s, and that he vindicated his previous political identity publicly was important in this context, as well as his numerous public expressions of support and identification. However, not all human rights activists and organizations were sensitive to these gestures and they even distrusted Kirchner’s expressions of support. A small but vocal group strongly criticized his administration from the start, and its criticisms intensified

322 Abuelas, Madres LF, Familiares, Hermanos, SERPAJ, APDH, CELS, Buena Memoria, FMHSA.
323 Página/12, 04.06.2003.
as the limitations of the government became more visible. This section will discuss these two different perspectives on the Kirchner administration, and show how these were strongly related to ideological differences on how to conceive the state and one’s own role as a civil society organization in a democratic context.

Positive reactions towards Kirchner’s policies

Several elements contributed to the positive evaluation by an important sector of the human rights movement of the Kirchner administration. The first one was Kirchner’s agenda in the realm of justice. Justice remained one of the most important demands of human rights organizations. After having struggled against official impunity for many years, they were now dealing with a President who not only expressed support for their claim for justice, but who also pressured politicians and members of the judiciary on the matter. This had a profound impact, especially on the organizations of victims. But almost as important were Kirchner’s numerous symbolic acts of reparation. Relatives of the disappeared and former militants of the 1970s were particularly sensible to these gestures. Mariana, daughter of two disappeared militants, explained: ‘I was very moved when, in his inauguration speech, even though it would not bring him anything more because he was already President, Kirchner admitted to being part of that generation. He vindicated the disappeared and put them in the same place as the pioneers that populated Patagonia, as the immigrants...let’s say, together with a whole saga of national heroes’ (Interview MP1 06.01.2005). Similarly, Jorge, former detained-disappeared, stated: ‘That the President of the Nation comes forward stating that the disappeared were good people, is very important. Neither Alfonsín nor Menem said this. [...] So, that Kirchner comes forward saying that he vindicates the detained-disappeared companions, is very good. [...] It is therapeutic’ (Interview JW 29.11.2004). These public expressions of support coming from the President representing the state were seen as the official recognition of their suffering and of the legitimacy of their demands.

The opening up of the Casa Rosada to the human rights organizations and the victims of the dictatorship, and the personalized and informal atmosphere of these audiences also positively surprised human rights activists. Carmen, Madre LF and former detained-disappeared recalled one of the audiences with the President: ‘...I don’t know who brought up the fact that I had been disappeared. And afterwards, when we were about to leave, Kirchner takes my hand and puts his arm around mine and says to me: “I have been shocked by what has happened to you”, he said to me. You know? He is affectionate. I am telling you this as a story because he is affectionate, he is sensitive, you know, to our situation’ (Interview CLA 21.10.2003). Similarly, Mariana described a meeting between the President and a group of children of the disappeared: ‘It was very strange, within five minutes we were already addressing him informally’ (Interview MP1 06.05.2005). Kirchner’s personal approach enhanced his credibility. Representatives of the human rights organizations appeared in the media making positive statements about the President in which they emphasized his sensibility. Hebe de Bonafini stated, after her first audience with Kirchner: ‘We are moved [...] He accepted with a lot of humility what we said to him, and he told us that the doors of the Casa Rosada would always be open.’

Furthermore, the fact that Kirchner and many of his ministers, staff members and advisers were former militants who openly vindicated their previous political affiliation also enhanced
their legitimacy among relatives of the disappeared as well as among former militants.325 The fact that this generation was now governing was considered an important step forward in reconstructing a specific political memory that had been suppressed in the first years of democracy.326 Journalist Luis Bruschttein, an exponent of that generation, and who counted several disappeared among his family, stated: ‘It is not that the Montoneros won. But there is a historical thread that is unavoidable and that will have a healthy effect on society as whole, which, once and for all, should assume history as its own and not as alien facts, at its convenience’.327 Several mothers of disappeared children were even more explicit in highlighting continuities. Lita, mother of two disappeared, stated: ‘Those who are now in the government are the ruling class that could have been our children’ (Interview LB 28.10.2003). There clearly was a perception, among relatives of the victims, representatives of the human rights organizations, and former militants, of a shared past, identity and set of values with the President and several of his staff members.

There was also cautiousness towards the new administration within this group. Human rights organizations insisted on the fact that the advances in the realm of truth, justice and memory were not a gift from the President but the result of their struggle. Furthermore, their approval remained restricted to specific initiatives of the President and some of his staff members. This was expressed clearly by Hebe de Bonafini:

We don’t support the government, we support certain initiatives of the President. In the government, there are persons who don’t have anything to do with the Mothers. We don’t like Lavagna, we don’t like Scioli, we don’t like Beliz, and although some attitudes have changed, it still has a smell of Menem, and the provinces are governed by the mafia. But we think that Kirchner has done many positive things.328

They were also critical of the lack of structural economic reforms.329 But these criticisms were often tempered by referring to the difficulties such changes implied. Thus Lila, former Montonera sated: ‘I think it is not easy to govern this country, not only because you don’t have proposals and plans, and because of the IMF, but also because […] there is no social

325 The Minister of Labour Carlos Tomada, the Chancellor Rafael Bilsa, the Chief of Government Alberto Fernández, the Minister of Education Daniel Filmus, and the General Secretary of Presidency Oscar Parrilli had all participated in revolutionary Peronism of the 1970s (Página/12, 25.05.2003). This tendency was reinforced after Kirchnerism won the legislative elections in October 2005. The new Minister of Economy, Felisa Miceli and the new Minister of Defence, Nilda Garré, had both been political militants in the 1970s (Página/12, 29.11.2005; Página/12, 29.11.2005). Similarly, many of Kirchner’s advisors, like Jorge Taiana, Carlos Kunkel, and Miguel Talento had participated in revolutionary Peronism. The Attorney General of the Nation Esteban Righi had participated in the Tendencia Revolucionaria of Peronism and had been Minister of the Interior during the short presidency of Cámpora in 1973 (Clarín, 06.06.2004), and one of the new ministers of the Supreme Court, Ricardo Lorenzetti (Página/12, 03.09.2004) participated in the Unión de Estudiantes Secundarios (UES) of the Tendencia Revolucionaria. Many former Montoneros also worked for the two Menem administrations (Gorbato 1999). However, the main difference was that whereas under Menem’s government this history of political activism was silenced, under Kirchner it became appropriate to mention one’s trajectory as a former member of the revolutionary movement (Schneider 2003: 20-2).

326 See also chapter five.

327 Página/12, 25.05.2003.

328 Clarín, 07.03.2004.

329 Página/12, 10.12.2004.
movement. The government sent many signals to ask for support, but they are not there, but not because they are not with the government, but because socially they are destroyed’ (Interview LP 27.09.2004). In general, most groups demanding truth, justice and memory chose to give Kirchner the benefit of the doubt.

**Criticisms against the Kirchner administration**

Other sectors of the human rights movement were less indulgent and expressed increasingly harsh criticisms against the government. Among these organizations, the most prominent were the AEDD, the Liga and the MEDH, but members of various neighbourhood commissions and organizations in the city of La Plata shared these criticisms. An article in the magazine of the AEDD can be considered representative for this position. In this article, the AEDD stated that there were many concrete measures that conflicted with Kirchner’s declarations. The authors criticized his ‘tactics of alliance with several of the worst expressions of the provincial caudillismo’, which, according to them, augured a continuity with the feudal policies that predominated in the interior of the country. These continuities were also visible in the fact that many of those who were the target of the ‘let them all leave’ slogan of the December days were still there or had returned, often with the support of the national government. They were equally critical of the negotiations of the government for the foreign debt, and considered that very few initiatives were being taken to reactivate the economy and redistribute the wealth. Finally, they were critical of the fact that despite official affirmations, repression continued to be the response to social demands.330

These criticisms grew stronger as the ambiguities of the Kirchner administration became more visible in 2004. The importance attributed to human rights in the rhetoric of the government was not always reflected in practice. In this context, the year 2004, when the demands for security acquired a prominent place on the political and the public agenda, was a turning point. The lack of security had been a political and public issue since the end of the 1990s. However, from 2002 onwards, a specific type of criminality was on the rise: extortive kidnappings. Although this type of kidnapping made victims among different strata of society, the most well-known and publicized cases were from the middle- and upper classes. During 2004, a number of these cases were followed intensively in the media, and captured the public imagination. Extortive kidnappings as a specific type of crime came to occupy a central role on the security agenda (CELS 2004: 148). One case brought the security debate to the forefront of the political and public agenda: the kidnapping and murder of Axel Blumberg, the son of businessman Juan Carlos Blumberg, in March 2004. After the assassination of his son, Juan Carlos Blumberg initiated a public campaign for more security, which managed to mobilize broad sectors of society, especially from the middle- and upper classes.

Blumberg was an advocate of mano dura policies. He proposed a number of reforms within the penal system, the judiciary and the police. Among them were demands for harsher punishments, a lowering of the age of arrest to fourteen years, the creation of a new arms law, a state of emergency within the judiciary, and the extension of the working day of judicial employees. He organized several marches that were widely covered by the media.

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and mobilized thousands of people.\footnote{Three marches were held in 2004, the first march being on 1 April 2004. Estimates for this march run between 120,000 and 350,000 participants. Other marches followed on 22 April and on 26 August. In 2006, in the middle of a court case, a fourth march was organized on 31 August (Denissen 2007: 124-8).} The wide popular support in society for his demands, and the huge media attention he received led the provincial and national governments to attribute great importance to the case. Immediately after the first march, the governor of the province of Buenos Aires, Felipe Solá, declared a security emergency in the province, and his Minister of Security resigned. His successor, León Arslanian, presented a programme to combat crime in the province and reform the police (Denissen 2007: 124). Both at the provincial and national levels, the penal system was reformed so as to make possible harsher punishments and reinforce the system of preventive detention (CELS 2004: 64). Furthermore, a number of interventions that identified shantytowns as a major source of insecurity were reinforced. The Plan de Protección Integral de Barrios (Plan of Comprehensive Protection of Neighbourhoods), which started in 2003 and was initially planned to last just a month, continued well into 2004. It consisted of wide security operatives in shantytowns and other marginalized areas. In the context of these operatives, there were constant controls in the shantytowns and their surroundings, and the neighbours had to coexist with the security forces in a way that seemed more characteristic of an occupation than of a protection plan (CELS 2004: 29-33).

A shift in policies was also visible in the work of the Secretariat of Human Rights from 2004 onwards. When he assumed office as a Secretary of Human Rights in 2003, Eduardo Luis Duhalde had a political agenda that was oriented towards going beyond the traditional tasks of the Secretariat of Human Rights to also tackle violations of social, economic and cultural rights in the present (Interview CE2 29.10.2003). In this first period, from 2003 to 2004, the Secretariat played an active role as a mediator in social conflicts throughout the country. It was also particularly keen on addressing the gross violations that were being committed in the provinces of the interior of the country, many of which still were being managed as feuds. However, increasingly, its activities became more limited. In its annual report on the human rights situation in Argentina in 2007, CELS (2008: 29) criticized the Secretariat of Human Rights for limiting itself to ‘the themes related to the search for truth and justice about the crimes of state terrorism’.\footnote{The attempts to deal with human rights violations in the provinces did continue after 2004 however. Directions, Under-Secretariats and Secretariats of Human Rights were implemented in the different provinces of the country from 2003 to 2006. In 2004 only five provinces and the city government had an area of human rights. In 2006, there were 21 including the city government of Buenos Aires (Interview AFB3 08.11.2006).} According to a former employee this development was a consequence of internal pressures:

There is not a lot of space within the government for dissidence, or for internal politics. The Secretariat will not say this publicly, but it translates it into facts. So they started to ask us not to intervene in situations with problems of torture in cases of detention, blows to the detainees. I used to intervene personally, there were kids that I would take out of prison myself. I used to talk with judges, with policemen so that they would not punish them. They told us not to get involved in these things anymore. (Interview FI 30.11.2004)
Reflecting more in general on the human rights policies of the Kirchner administration, CELS (2008: 28) stated that ‘...the fundamental and almost exclusive feature of the human rights policy of the outgoing government has been the interest in consolidating the juridical process for crimes of state terrorism’. Criticizing this focus, the organization insisted on the need to avoid ‘the social agenda on human rights remaining focused exclusively on these trials’.

In general terms, critics state that despite a number of serious attempts during its four years in power, the Kirchner administration was not able to reform state institutions in such a way that they would become more democratic and respectful of human rights, nor was it able to significantly reduce the levels of poverty and marginalization. Substantial economic reforms oriented towards a redistribution of wealth did not occur. The driving force behind the economic recovery was a boom in foreign trade on agro- and mineral exports – oil, meat, grains and soybeans. The sectors of growth (petroleum and mechanized agriculture), were capital-intensive and employed only small numbers of workers (Petras and Veltmeyer 2005: 34; Svampa 2008: 90-1). The economic growth did lead to falls in unemployment, and an increase in salaries, but the levels of poverty were still dramatically high. From 2004 onwards, there was also an increase in the precariousness of labour. The social tensions and conflicts that arose from this situation were increasingly met by repression and the criminalization of social protest (CLES 2004: 65; Svampa 2008: 84-5). Furthermore, the lack of significant reforms of state institutions such as the judiciary, the security forces and the penal system also led to a continuation of authoritarian practices within these institutions, which generally hit the most marginalized sectors of society. Arbitrary detentions and the use of torture in police stations continued to be common practice and were often covered up by the judiciary (CLES 2004: 18-9). In the prisons, the conditions for detainees were still abominable. Most establishments were overpopulated. The lack of space in the prisons led to the illegal situation of holding detainees in police stations, sometimes for several years. Most of these detentions were preventive and detainees could be awaiting trial for years. The use of torture on detainees was common, and violence in general was frequently used to cover up corruption within the penal establishments.

As these limitations became more evident, from 2004 onwards, the most critical sector accused Kirchner of using the measures in the realm of truth, justice and memory as a means to divert attention away from the fact that more structural changes were lacking. Analysing the decision to convert the ESMA into a museum of memory, Leonardo, member of the group Vecinos por la Memoria mobilizing for El Olimpo stated:

333 In 2004, 51.7 per cent the population was still living under the poverty line (Petras and Veltmeyer 2005: 35). In 2006, it had fallen to 31.4 per cent but this number was still impressive (CLES 2007: 31; see also Svampa 2008: 86 for more data).

334 Of the number of new paid jobs that were created between 2003 and 2005, 70 per cent were informal, and by mid-2007, these informal jobs counted for 43.2 per cent of the total amount of paid jobs (Svampa 2008: 87).

335 In the province of Buenos Aires for instance, 89 per cent of the detainees were held in preventive detention, awaiting trial (CLES 2004: 54-64).

336 See also CELS 2004: 54-64; Comité contra la tortura, Comisión Provincial por la Memoria, El sistema de la crueldad. Informe sobre corrupción, tortura y otras prácticas aberrantes en el Servicio Penitenciario Bonaerense. 2000-2004 (La Plata, October 2004); see also: Pita and Martíniz, ‘El sistema de la crueldad’, Puentes, año 5, nº23 (November 2004) 4-6; and Puentes año 5, nº15 (September 2005) 3-22.

337 See chapter four.
...we believe that it has to do with co-opting some companions, slowing down many of the popular demands, for human rights or for other things: to project an image that might be considered progressive, that has as a flipside the most fantastic repayments that have been made of the foreign debt, and many situations of repression [...] the political objective of these measures is to concede room to the human rights organizations, so that these organizations will close their eyes to the situations of repression that are actually occurring, and on the calamitous hunger that exists among the people nowadays. (Interview LG 06.12.2004)

According to Juliana, member of the Coordinadora contra la Represión Policial e Institucional (Coordination against Police and Institutional Repression, CORREPI), Kirchner’s government managed to construct an image of itself as progressive, while being one of the governments that most strongly promoted the criminalization of social protest. Furthermore, it had been able to transform a society that had been demanding radical transformations in 2001-2002, into a society that had an unprecedented confidence in a government that had numerous things in common with its predecessors (Interview JPZ 10.11.2004).

**Underlying ideological differences within the human rights movement**

Behind the conflicting visions on how to interpret Kirchner’s policies lay basically two ideological currents on how to conceptualize the state in a democratic context and on how to understand the relation between the state and civil society organizations. These ideological differences also led to different evaluations of how to characterize the human rights violations committed under democratic governments, and subsequently, their own priorities in the struggle for human rights. The sector that was critical of the Kirchner administration analysed the political situation in Argentina from a perspective of class struggle. These organizations and individuals emphasized the coercive role of the state and conceived it as operating systematically in opposition to the interests of the majorities, and in favour of the elites. The state was conceived as the organization that successfully served capitalist interests. They rejected the mainstream liberal view that the state was an institution established in the collective interest of society as a whole, with the purpose to reconcile competing interests in the name of the common good. Instead, the state served the interests of those who owned the means of production, with the ultimate goal to defend the class system that characterizes capitalist societies. In this context, although they recognized that there were differences between the state under a dictatorship and in a democratic regime, they considered that these differences were limited because they were ultimately guided by the same principles.

These critical groups thus essentially conceived the state as the enemy and the successive governments occupying state structures were seen as working to maintain class inequalities. In doing so, the governments were systematically violating people’s rights, especially their economic and social rights (Interview GR 20.10.2003). These violations were not seen as side-effects but as constituents of the system. Furthermore, from this perspective there was no substantial difference between the violations committed in a democratic context and those committed during the military dictatorship. The social exclusion provoked by neoliberal policies was referred to as a ‘social and economic genocide’, and unemployment, poverty, marginalization and the repression of social protest were mechanisms of social disciplining that were intrinsic to the prevailing economic model. The role of a human rights organization then, according to these groups, was to denounce this intertwining of the state with specific class interests, and to denounce the violations that resulted from that relation. From this
perspective it was crucial for them to maintain autonomy and independence from the state. Thus, according to María del Carmen Verdú, member of CORREPI: ‘One should never be with the government. One can be either with the government, or with the working people, but never with both at the same time’.  

Similarly Florencia, member of AEDD, stated: ‘…we think that we have to be independent and that when we have to denounce a human rights violation, this independence allows us to denounce it irrespective of the colour or the size [...] of the government of the moment…’ (Interview FJ 26.10.2003).

Given the conception of the state as representing the interests of ‘the happy few’, these groups ultimately aimed at changing the system. Thus, according to Diana Kordon, member of Liberpueblo: ‘We have to liquidate the oligarchic and imperialist state. Being oligarchic and imperialist is one of the essences of the state’. The role of human rights organizations in this context was to accompany this process: ‘The struggle for human rights is absolutely tied to the anti-imperialist and revolutionary struggle’. Human rights organizations should position themselves in the broader class struggle. There was no neutral position and one had to choose sides, either for the oppressed, or for the oppressors. Reflecting on how she conceived the role of a human rights organization Graciela, president of the Liga, stated:

There are no abstract human rights issues, it all depends on which position you take. […] It is a class problem, which position you assume. […] We defend human rights, but whose human rights? Of the excluded, the marginalized, of those who don't have a job, the oppressed. These are the ones we are talking about, not the other ones. We do not defend the human rights of Videla, nor of Massera, nor of Kirchner, because they know how to defend their rights, they will have their capacity or not. We defend this and have a vision about it. (Interview GR 20.10.2003)

According to Graciela, human rights organizations should question the status quo. If a person had been tortured, a human rights organization should go beyond denouncing this specific case to question the structure and ideology that permitted it. Insisting on the political role of human rights organizations she stated: ‘…when you discuss human rights you are discussing the political course of the country’ (Interview GR 20.10.2003)

In this vision, state institutions, such as the parliament and the judiciary, were also seen as instruments of domination. The law, which was a product of these institutions, was considered to protect the interests of the elites. Graciela explained how this worked by making a distinction between what was legal and what was legitimate:

For example, it is legal to demonstrate on the streets using my right to petition, but it is illegal in my country - when confronted with a rubber bullet or with gases - to throw a stone at a policeman; I am resisting authority by doing this. And if I smash a window I am damaging private property. And if, with this stone, I gather other stones and make a roadblock, I am cutting off the road and that is a federal crime, I am sent to federal justice. And it is not legal. But what I was doing is legitimate. (Interview GR 20.10.2003)
Part of the task of human rights organizations then, was to transform the law and the institutions in such a way that they would serve the interests of the majorities. In this context, state institutions and laws were considered to be political constructions that were permeable to collective actions and pressures. The ultimate goal was to radically transform both the judicial and the political system, and this could best be done through mobilizations and political pressure.

The human rights organizations and groups that were less condemnatory of the government did not want to transform the system, but to improve and consolidate it (Mignone 1996: 222). This meant accepting operating within the system, and following the rules of the system. Furthermore, contrary to the oppositional group, these organizations did not conceive the state as a sealed system, neither did they attribute all the limitations of democratic governments to issues of political will. They believed that these limitations might also be the consequence of the weakness of the state towards its public administrative, technical and enforcement institutions. Thus, reflecting on the trials against military and policemen and the difficulties they were encountering, Laura, a member of CELS, stated that the problem was mainly due to a lack of management within the judiciary and a lack of public policies to make the judiciary more efficient. ‘No, I don't think it is deliberate. […] everything points to the fact that what is lacking is public management’ (Interview LB 17.10.2006). Part of the solution, according to her, was to: ‘Make available brains and resources, human resources, technical resources, computing resources, we have been insisting on that’ (Interview LB 17.10.2006). State weakness and internal limitations of state institutions were recognized as part of the problem.

Most of these organizations also made a much more categorical distinction between the state under a dictatorship and under a democratic government. They considered that with the return of democracy the state had also become permeable to citizens’ influence. Exercising this influence was considered crucial to prevent the state from being captured by powerful private interests. This vision was combined with a perception of the state as being of heterogeneous composition, a situation that was perceived as an opportunity: within the state, one had enemies, but there were also persons with whom one could make strategic alliances. This vision was expressed clearly by Alba, member of Abuelas:

…the think that the state is ours, it is not owned by anybody, it is not owned by any government, and we know that there are classes, groups, persons, who agree with our struggle or who think about justice, truth, memory in the same way as we do. And we have to work with these persons. And besides, we should not leave the state to a bunch of guys who, for a determinate circumstance, won the elections and are the government. The government and the state are two different things; the state is owned by all the Argentines and the Argentines have to take advantage of the possibilities that this state is offering them. Otherwise, we are giving up in the same way as those who give up the things of the state. (Interview AL 29.09.2003)

They also distinguished fundamentally between human rights violations committed under the military regime and those committed under democratic governments. Some questioned the use of the term ‘social and economic genocide’ to refer to violations in the present, because they considered that it compared two situations that were not comparable. Thus Miguel, vice president of APDH explained:
This last dictatorship can not be compared [...] to anything that happened previously in Argentina. Some people, sometimes, there are differences on this matter as well, say, 'no, but also...'. or they compare it with now, they say, 'yes, there is no repression now, there is no torture, yes, but still there is a social genocide because there is poverty, because it is the same', and it is not the same. The ills that this country, Argentina, has at this moment exist and they are real, and we also blame the government for the inequalities, the poverty and all these things, but it is not comparable to a state that has a criminal apparatus that systematically detains, disappears [...], tortures, kills, assassinates, this is not comparable to anything in Argentine history. (Interview MM 15.11.2006)

They also questioned the intentionality that the more radical groups saw in these new violations. They considered that the human rights violations committed under the democratic governments did not respond to a plan, but were the consequences of the lack of reform of state institutions, impunity for the violations of the past and the continuation of the economic model introduced during the dictatorship. Thus, reflecting on police violence under the democratic governments Pérez Esquivel, president of SERPAJ stated: 'It is not that it is a state policy, but rather a remainder of the training received during the dictatorship, and even before, which until today we have not been able to banish'.341 Therefore, if one wanted to prevent new violations from happening, the crimes of the past needed to be addressed first.342

It was through these different ideological frameworks that the new political context was analysed. This also explains how each human rights organization and individual activist positioned itself in what Wolff (2007) has called the ‘cooperation versus confrontation’ debate. According to Wolff (2007: 23), who has analysed this dilemma for the movement of unemployed, the piqueteros, this debate is really about how far social change should go. Thus, on the case of the piqueteros, he writes: 'Behind the debate, when and where to participate and when and how to confront the government, lay the major question of whether some sort of general stabilization or the further destabilization of the political order was deemed necessary in order to foster the profound change all piqueteros called for'. Within the human rights movement, those organizations and individuals that aimed at more radical social transformations considered that the opportunities created under Kirchner were just a cómo si (as if), as Mónica, former detained-disappeared, formulated it (Interview MP 18.10.2003). The expression cómo si referred to measures, or politicians, who seemed to be progressive, but who only offered limited reforms. They argued that a cómo si presented the risk of neutralizing oppositional forces but offering no real change. Those organizations and individuals that wanted to reform the system from within, considered that even though Kirchner’s administration showed many limitations, it was still an option for change. Their position was reinforced by the fact that besides being confronted by a radical leftist opposition, Kirchner also had to deal with a very strong opposition from the right of the political spectrum. Opposition came from sectors of the military, from the influential conservative newspaper La Nación, from financial speculators, and from provincial governors linked to former President Menem (Petras and Veltmeyer 2005: 33). In this context, they considered that it was better to offer critical support than radical opposition.

What it meant for political practice

Necessarily, the different interpretations of the new political context led to different strategies. The most critical group chose for an opposition role, whereas the more moderate organizations and individuals chose to grasp the opportunities that the new political context offered, accepting various levels of cooperation with the government. These two choices had consequences for the political practice of both sectors, although the most difficult dilemmas emerged for the sector that chose for some levels of cooperation. These organizations and individuals were confronted with the question of how far cooperation should go and how to maintain independence from the government. Both positions also had consequences for the internal relations within the already heterogeneous movement, as the choice that one sector made was strongly criticized by the other. Those who had opted for the opposition ranks considered that the cooperative organizations had been co-opted by the government, whereas the more moderate groups and organizations considered that the oppositional sectors were playing the cards of conservative forces within society. It became even more difficult to present an image of unity to the public and to organize joint activities. This section describes how the different visions within the human rights movement of how to deal with the Kirchner administration played out in practice and ultimately led to the fragmentation of the movement.

Opposing the government or choosing for dialogue: new alliances and strategies

The human rights organizations that were critical of the government refused any form of cooperation with the state. They prioritized social protest as a means to achieve social and political change, and searched for alliances with political parties and other actors that shared their position.343 This group was initially composed of the AEDD, the Liga and the MEDH, and some organizations that focussed mainly on human rights violations committed under the democratic governments. Among them were the CORREPI, created in 1992 to denounce institutional violence, and the Centro de Profesionales por los Derechos Humanos (Centre of Professionals for Human Rights, CEPRODH), created in 1997. Several of these organizations, such as CEPRODH, Liberpueblo, and APEL were related to political parties of the left. The Liga had historical ties to the Communist Party.344 The annulment of the laws in August 2003 led these organizations to create a group to coordinate activities in the judicial realm. Initially only composed of lawyers, it was soon expanded to also include other persons who were interested in supporting the legal cases (Interview AV 20.10.2004). In 2004 the participation of social and political organizations, relatives of the victims, and complainants was formalized in the creation of a space called Justicia Ya (Justice Now) in the cities of La Plata and Buenos Aires. Increasingly, these organizations also worked together on issues that went beyond the judicial realm, such as the preparing of activities for the anniversary of the military coup on 24 March.

A majority of the human rights organizations, however, considered that the new political context offered important opportunities to institutionalize their demands. These organizations, among them Abuelas, Madres LF, Familiares, H.I.J.O.S., Hermanos, Buena

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Memoria, FMHSA, SERPAJ, APDH and CELS, chose to intensify the institutional strategy that most of them had already adopted in the 1980s and 1990s. In the 1990s, legal recourses were used to counter institutionalized impunity, and, especially at the local level of Buenos Aires, alliances were sought with progressive politicians sensible to the human rights cause. Under the Kirchner administration, the annulment of the impunity laws created a whole new panorama in the struggle for justice, but real possibilities also emerged to establish alliances within the national government. The major change with the previous administrations was that instead of being the target of the human rights movement, the national government was now considered an ally. This substantially changed the dynamics between national official authorities and the human rights movement.

The result was a growing intertwining of institutional and non-institutional politics at the national level, a phenomenon that had previously mostly been observed at the local level of the city of Buenos Aires. Human rights organizations and individual members of these organizations accepted different levels of cooperation and dialogue. A small group of activists, mainly of the younger generation of children of the disappeared or former militants of the 1970s, integrated the political movement of the President, becoming Kirchneristas. In this context, there was an active strategy on the part of the national government to enlist human rights activists, especially victims of the dictatorship who had acquired a certain public presence. Other human rights activists became employees of various areas of the government, especially of the Secretariat of Human Rights, without being Kirchneristas. Increased interaction also occurred in the meetings of human rights organizations with the President or with the Secretariat of Human Rights. Furthermore, the President and some of his staff members regularly participated in activities organized by the human rights movement. They were present at commemorations for the disappeared, participated in the resistance march that took place every year in December, and even became complainants in the trials against the military and policemen accused of past human rights violations.

Some representatives of the human rights movement chose to openly support the President, accepting invitations to be present at official ceremonies and making positive statements in the media. Moving away from her position as a spokesperson of the opposition, Hebe de Bonafini became one of the most active supporters of the President and his political movement. In April 2004, after the commemoration of the military coup at the ESMA, she wrote a public letter to the President, in which she stated:

Thank you, Mister President Dr. Néstor Kirchner; Yesterday 24 March was a historical day, not only for our country, but for the entire world. It is true that we have been struggling for 27 years every day and every hour, but without you, Mister President, the day of yesterday would not have been possible. Thank you for showing with your words the love for our children. Thank you for

345 Illustrative in this context was the rapid promotion of Juan Cabandié, son of a disappeared couple and who recovered his identity in 2004 with the help of Abuelas. Juan was born in the ESMA and acquired public notoriety when Kirchner invited him to tell his story at the opening ceremony of the ESMA on 24 March 2004. In the period thereafter, he actively supported the cause of Abuelas and appeared in public on numerous occasions. This made him an important referent despite his short time as a human rights activist. In 2005, the Kirchner administration invited him to become the coordinator of the Consejo Federal de la Juventud, an area of the Ministry of Social Development. In 2007 Kirchner personally asked him to present his candidacy to congressman for the Frente para la Victoria, the Kirchnerist movement, in the elections of the city of Buenos Aires, which he did (Clarín, 02.05.2007).
turning promises into facts. Thank you because with you, despite the fact that sometimes we have
differences, we can continue to walk together.\textsuperscript{346}

In 2006 she declared the end of the historical resistance marches in 2006, because ‘the enemy
is not in the Casa Rosada anymore’.\textsuperscript{347} Explaining her position Hebe stated: ‘…one should
not oppose this government but accompany it, it is a new political moment with a Latin
American project that we have always dreamt of’.\textsuperscript{348} For Hebe, Kirchner’s anti-neoliberal
rhetoric and his alignment with the so-called progressive governments in Latin America
marked an important difference with his predecessors. But almost of greater importance
was Kirchner’s public vindication of the disappeared and their political struggle. Thus she
explained: ‘For us what is fundamental is that he says that our children were his companions.
This is very powerful. And that we are his mothers. That he says this is more powerful than
handing over the Navy Mechanics School’.\textsuperscript{349}

The choice to grasp opportunities offered by the new political context to institutionalize
demands led not only to a growing intertwining of official authorities and the human
rights movement, but also to a change in strategies. Whereas previously non-institutional
politics such as mobilizations and protest had been oriented towards gaining the support
of civil society, now they were mostly applied to enhance the effectiveness of actions in the
institutional realm. Illustrative of this development was how the meaning attributed to the
escraches by H.I.J.O.S.-Capital changed under Kirchner. As we saw in chapter three and
four, the escraches evolved into a practice oriented towards constructing social condemnation
and historical awareness about the consequences of impunity. However, with the road to
legal justice reopened in 2003, H.I.J.O.S.-Capital decided to use the escraches to support
the legal cases against perpetrators. This meant that, when choosing the target of an escrache,
they mainly searched for persons with acknowledged involvement in cases that were under
scrutiny of the judiciary, instead of focussing on persons living in a neighbourhood possessing
good potential for collaboration in the preparation of the escrache.\textsuperscript{350} Later, after the targeted
persons in two cases had become fugitives, H.I.J.O.S. used the escraches to support broader
demands in the struggle for justice, such as the demand for witness protection, \textit{cárcel común}
(common imprisonment) for all the condemned, or acceleration of the trials. An example of
such an escrache was the one organized against Videla in 2006. The purpose of the escrache
was to draw attention to the fact that Videla, and with him numerous other condemned
human rights perpetrators, were imprisoned in their homes or in luxurious prisons of the
armed forces instead of in common prisons. Other escraches were organized against judges

\textsuperscript{346} Hebe de Bonafini, ‘Carta abierta al Presidente Néstor Kirchner’, \textit{Asociación Madres de Plaza de Mayo} (April 2004) 2.

\textsuperscript{347} \textit{Página/12}, 17.01.2006.

\textsuperscript{348} \textit{Página/12}, 17.01.2006.

\textsuperscript{349} ‘No podemos volver a perder. Conversación con Hebe de Bonafini’, \textit{Lavaca.org}, 07.02.2006.

\textsuperscript{350} This choice to focus on concrete legal cases led to discussions with the Mesa de Escrache Popular. Some of
its participants considered that the demand for \textit{Juicio y Castigo} – legal condemnation, was less important
than achieving social condemnation. Therefore, according to them, targets for an escrache should depend
on the neighbourhood where this person lived, and the potential to work with the neighbours in the
organization of the escrache. This discussion contributed to the separation of H.I.J.O.S. from the Mesa
Interview AP 02.11.2006; Interview TC 07.12.2006; \textit{Socialismo Libertario} nº26 (December 2004) 4-5).
or public prosecutors who were considered to be obstructing the judicial process (Interview TC 07.12.2006).

What also changed was how new violations committed by security forces or social and economic violations that were a consequence of economic policies were interpreted. Whereas previously the government would have been held responsible, now sectors within the state were accused and considered to undermine Kirchner’s policies from within. Illustrative of this reasoning was how human rights organizations reacted upon the disappearance, on 18 September 2006, of the 76-year-old bricklayer Jorge Julio López. López was a survivor of several secret detention centres and an important witness in the trial that was initiated in 2006 against ex-commissioner Miguel Angel Etchecolatz. López went missing the day before the sentence against Etchecolatz was pronounced. During the whole period of the trial, the witnesses and complainants, as well as members of the judiciary and human rights organizations, had met with intimidations and threats. These continued and intensified after the disappearance of Julio López. Therefore his disappearance was interpreted as a warning to other witnesses. Human rights organizations immediately mobilized to demand Julio’s reappearance, urging the government to investigate the case.351 But while the oppositional sector accused the government, the more cooperative organizations stated that it was not the government that should be held responsible, but sectors that escaped its control. Thus, Cristina, member of Hermanos, explained: ‘We […] believe that this sector which is responsible for the disappearance of López in fact is not part of the government, and that it also considers the government as part of the Montoneros and of the terrorists and of the leftists. […] Kirchner is a spot that annoys them’ (Interview CN 10.11.2006). In the march they organized to demand the reappearance of Julio López, they were accompanied by staff members of the Kirchner administration and leaders of Kirchnerism.352

Another consequence of the choice to grasp opportunities offered by the new political context was that a tendency was reinforced among these human rights organizations to concentrate on demands related to the recent past rather than addressing new violations. This was mainly the case for the organizations of victims, which had limited human and financial resources and also had a strong personal need to obtain truth, justice and memory for the crimes committed during the dictatorship. This focus was always present within this group of organizations, and some organizations explicitly chose this. Abuelas for example decided to concentrate on finding the missing children, and they have maintained this focus throughout the years (Bonner 2007: 142–3). Similarly, FMHSA and Buena Memoria were founded with the specific goal to work on the memory of the dictatorship, rather than to denounce new human rights violations. The other organizations, however, both solidarity organizations (CELS, APDH, SERPAJ) and organizations of victims (Asociación Madres, Madres LF, Familiares, H.I.J.O.S.), started to expand the scope of their activities at different moments in


352 Two different marches were organized. A first march was convoked by oppositional sectors gathered in Encuentro Verdad Memoria y Justicia on 27 September 2006, and the second one was convoked by the Madres LF, Abuelas, Familiares, Hermanos, H.I.J.O.S., Buena Memoria, CELS, APDH, SERPAJ and the MEDH. Each sector participated in the march organized by the other sector. However, the last group of organizations publicly distanced themselves from the discourse read by the Encuentro Verdad, Memoria y Justicia, considering its tone too oppositional (Página/12, 27.09.2006; Página/12, 28.09.2006; Página/12, 03.10.2006; Página/12, 07.10.2006; Página/12, 18.10.2006). López still remains missing and marches are organized every month as a reminder of his disappearance.
time. Most of the solidarity organizations and the Asociación Madres started to tackle new issues from the end of the 1980s. For H.I.J.O.S. it was a concern from the very beginning. Madres LF and Familiares were triggered by the crisis of 2001-2002 to also include activities addressing new violations, especially of social and economic rights. They started to support claims for land in illegal settlements, participated in the organization of an ‘ethical tribunal against impunity towards social, economic and cultural rights’, and in activities to declare the foreign debt illegal.\textsuperscript{353} However, the opportunities that arose from 2003 onwards in the realm of truth, justice and memory led to a renewed focus on the crimes of the past within the organizations of victims, even though they did not entirely abandon their activities on social and economic rights. It was especially the new possibilities that emerged in the search for legal condemnation that consumed time and energy of these organizations.

**Internal debates within the human rights movement**

The strategic and political choices that human rights organizations and their individual members made under Kirchner led to important internal debates within these organizations as well as between them and oppositional sectors. Within the group of cooperative organizations, the main issue of debate was to what extent and under which circumstances cooperation would lead to cooptation. The main challenge was how to take advantage of the new opportunities without losing independence and autonomy; how to remain critical of the government while at the same time considering it an ally. The exercise, then, was to recognize what was right and criticize what was wrong. Tomás, member of H.I.J.O.S. formulated this

\textsuperscript{353} Interview MG\textsuperscript{1} 08.04.2003; Interview CLA 21.10.2003; Interview NC 22.11.2006.
position as follows: ‘...as H.I.J.O.S., we took the stance that, when it is necessary to hit, we hit, when it is necessary to support, we support, and when it is necessary to applaud, we applaud, it is simple’ (Interview TC 07.12.2006). However, as Tomás himself would later recognize, in practice this was not an easy task. The exercise required a constant weighing up of the advantages and disadvantages of accepting some of the invitations of the government. Thus, Tomás recalls that when they had to decide on whether or not members of H.I.J.O.S. should participate in the official act of March 2004 at the ESMA, heated debates on the issue ensued: ‘That time we discussed it a lot because if the President did not have white scarves on the stage, this act would not exist, even though many people would go, it would not be legitimate. So I know that, going as H.I.J.O.S. to an act where the President is, I legitimate it, I legitimize the act, yes, obviously, I go, but I will say everything I have to say. This is what it is about’ (Interview TC 07.12.2006).

These debates could not always be solved in a satisfactory way, nor were all decisions weighed up as carefully as Tomás suggests. Clearly there were internal differences on the levels of cooperation that were considered acceptable, or on how cooperation with the government was shaped. There was a current that considered that cooperation was necessary, but that there was not enough reflection on how to deal with that cooperation in a more strategic way. Thus, according to Isabel, collaborator of Abuelas:

There is a group of people who think that we have to fight more, to demand more from the government of what we are demanding. It is like we accept what the government gives to us, we thank the government for what it gives us, and we are satisfied with what the government gives us. If I were Estela [Carlotto], you know the things that I would be pulling out (sacando a dentelladas) of the government! ‘Yes, I will get on that stage…I could even become one of your candidates, if you want, but you will give me this, this, this and that. I will organize an act for you with drums and cymbals and I will tell the people that they have to elect you, because you gave us this, and you promised us this and you did it, you see, I charge you’. I would charge them. Institutionally, I would charge them with laws, this type of thing, more than with contracts and budgets. (Interview IC 07.11.2006)

Some individuals within the cooperative sector of the movement analysed the political practice of the government as direct attempts of cooptation and considered that the greatest risk for the movement lay in not sufficiently acknowledging this fact. Thus, according to Luis, employee of Memoria Abierta:

…I think that this way of penetrating the spaces of the [human rights] organizations, of working with members of the human rights community, incorporating them into their ranks of public employees, all these forms, which are also means of growth for the organizations, at the same time are forms of control and testing and of ultimately implementing the policy that they are thinking of. That is a part of the reality, it is naive not to read that reality. (Interview LC2 28.09.2004)

Similarly Mariano, member of H.I.J.O.S.-Córdoba, argued that many of the practices of the government were oriented towards the cooptation of social experiences and achievements which could ultimately lead to de-legitimizing what he called ‘the historical work’ of these organizations. He was sceptical of the advantages of a further institutionalization of the human rights movement and wondered how far the changes in official policies really reached.
He considered that it could also be deceitful to think that there were real changes taking place within the state, considering the structural character of many of the causes of human rights violations. He feared that institutionalization of human rights and of the human rights movement would have a demobilizing effect. Reflecting on this situation, he stated: 'It has been a historical demand that the state would assume its responsibility and have human rights policies, but this “having” is quite a tension…' (Interview MDT and JF 01.12.2004).

In this context, the presence of some of the historical leaders of the human rights movement at official acts that had no direct relation to their cause were criticized internally because they could easily be interpreted as party politics. An example was the presence of various Madres and Abuelas on the third anniversary of the Kirchner administration, on 25 May 2006. Earlier on, in December 2005, Estela Carlotto had also been present at the official announcement of the payment of the debt to the IMF. Trying to explain the presence of representatives of Abuelas at this kind of official ceremony, a collaborator of the organization stated:

The Abuelas are seduced [by the government], they are old, [...] they are more easily seduced, they are more tired, I think, despite the fact that they continue to struggle. [...] I myself have a lot of political differences and differences of judgement, I don't think it should be like this, to get so hooked up with the government in my opinion is not right, but you know, when after so many years during which they have only received blows, and suddenly someone takes your hand and says, 'you are the best’… (Interview IC 07.11.2004)

The payment of this part of the foreign debt was in itself a controversial measure. Since the turn of the millennium, human rights organizations had been trying to declare the foreign debt illegitimate, with the argument that it had been contracted during the military dictatorship by private enterprises, who later passed it on to the state. They also considered that the money could be used to reduce poverty and the unequal distribution in the country. However, with the exception of some critical statements, the measure did not receive much attention from human rights organizations. Reflecting on this situation Nora Cortiñas, Madre LF, stated: ‘Some organizations, not all of them, have changed their way of thinking. In our documents we always mention the non-payment. In the last resistance march too, I think that there is some confusion, but of course this will pass' (Interview NC 22.11.2006).

Within this group of cooperative organizations, CELS was the most overtly critical of the growing intertwining of some human rights organizations and activists with the government.

354 Página/12, 26.05.2006.
355 Página/12, 16.12.2005. This part of the foreign debt was 9,5 billion dollars, that constituted nine per cent of the total foreign debt. The government was able to repay this debt at once with the fiscal surplus due to the constant economic growth (9,3 per cent in 2005). See: Svampa (2006), ‘Gauche et mouvements sociaux’, risal.collectifs.net.
356 ‘Las diferencias. Entrevista con Adolfo Pérez Esquivel’, Lavaca.org, 06.04.2006. The Asociación Madres de Plaza de Mayo used to walk their rounds on Thursday with the slogan No pago a la deuda externa (No payment of the foreign debt), but replaced it with Distribución de la riqueza ya (Distribution of wealth now). Explaining their position on the issue, Hebe stated: ‘When [the President] paid the debt to the IMF, I talked to people from Venezuela, with people from everywhere, and they told me: “It is good to pay, to become independent from the IMF”. This is when I understood’ (‘No podemos volver a perder. Conversación con Hebe de Bonafini’, Lavaca.org, 07.02.2006).
In its annual report on the human rights situation in Argentina of 2007, the organization wrote:

The raising of justice and truth to state policy of the national government has provoked diverse reactions within the [human rights] organizations, which went from the explicit abandonment of the spirit of resistance, to the direct participation of some organizations in governmental instances. In view of this scenario, CELS has maintained its historical policy of combining interaction and independence as one of the two fundamental keys of the relation with the state. (CELS 2007: 23)

This was not an entirely new criticism from CELS. Earlier on, in a polemical article published in November 2005, the president of CELS and journalist Horacio Verbitsky had criticized what he saw as the cooptation of human rights activists by the government of Ibarra in Buenos Aires. Thus he spoke of ‘the cooptation of the human rights organizations that receive subventions and governmental positions’. Madres LF, Abuelas and Familiares accused Verbitsky of defaming and disqualifying their work, but CELS responded by ratifying the statements of their president. They warned of ‘the attempts of different party-political expressions to use and co-opt the human rights organizations’ and insisted on the need to preserve a critical independence towards public powers. If one aimed at influencing public policies from a human rights perspective, they stated, this independence was a necessary condition to guarantee the credibility of their opinions and the legitimacy of their actions.

Although critical of the actions of other human rights organizations, as well as of the Kirchner administration, CELS did not belong to the oppositional sector. But for the human rights organizations belonging to the opposition, the diversity of positions among the cooperative organizations was lost. This sector considered that all the cooperative organizations had been co-opted. In an article published in the magazine of the AEDD in March 2006, Osvaldo Barros wrote:

Often in trying to gain one achievement one loses the notion of the whole. This loss of perspective has led [human rights] organizations to renounce the resistance marches, to embrace Presidents, to dance with the military at the embassies or to support official candidacies; to create their own exclusive ‘reserved areas’, which leads to the disqualification of sister organizations which, from other perspectives, vindicate genuine rights of our people.

In October the Liga organized a seminar on the occasion of its thirty years of existence in which one of the central issues was how human rights organizations should relate to the state under the Kirchner administration. Implicitly, and sometimes explicitly, participants referred in critical terms to those human rights organizations that did not share their critical vision of the government. Thus one participant spoke of ‘the co-optation of so many historical human rights leaders’, and one of the panellists referred to Hebe de Bonafini as the instrument through which Kirchner managed to legitimize his government, stating that: ‘She contributed to the credibility of this government. When Hebe de Bonafini goes

357 Página/12, 15.11.2005.
358 Página/12, 21.11.2005.
to the military college, this is where Kirchner manages to acquire a legitimacy that it would otherwise never have been able to achieve.\footnote{Seminario de la Liga por los Derechos del Hombre sobre las secuelas del genocidio, 28 y 29 de octubre de 2006, Fieldnotes, 29.10.2006.}

In general, they accused the cooperative organizations of having lost their capacity to resist and mobilize, and of attributing less importance to the human rights violations committed under the Kirchner administration. They argued that if one took these new violations seriously, no alliance could be possible with the government or with state institutions. They insisted that Kirchner’s measures in the realm of truth, justice and memory did not ‘whitewash’ him for the new violations that were being committed, and that these could only be prevented through mobilization and protest.\footnote{Osvaldo Barros, ‘Organismos de Derechos Humanos. Una Mirada desde el presente’, Tantas Vidas, Tantas Voces Año 7, n°11 (March 2006) 5.} The cooperative human rights organizations responded to these criticisms by stating that the origins of these violations went back to the military dictatorship and the impunity towards these crimes. Therefore, dealing with the crimes of the military dictatorship, as Kirchner was doing, was a first crucial step towards dealing with the problems of the present. Kirchner himself used this argument to counter criticisms against his human rights policies within the Peronist Party: ‘Many of my own party told me that we should not look back, and I do not look back. When one goes for the one who violated human rights so that justice is done, one is looking forward.’\footnote{Página/12, 20.07.2005.} 

Oppositional organizations shared the vision that impunity towards the crimes of the past led to new violations, but they considered that dealing exclusively with the violations of the past was insufficient, and accused Kirchner of using this to divert attention away from the problems of the present.

The cooperative human rights organizations, in their turn, criticized the oppositional sectors for playing the cards of conservative sectors (Interview TC 07.12.2006). Indeed, from a different perspective, conservative sectors also appealed to the more urgent problems of the present to criticize Kirchner’s focus on the search for truth, justice and memory. Thus, former President Duhalde stated:

> I disagree with the human rights policy. There is the human right of the kids, mortality rates that are not decreasing. This is what should be given priority. I know what the poor guy who has been destroyed, who does not have a job, thinks when they are preoccupied with the human rights of those who have already died. Everything that was done in the period of Alfonsín was good. I would have agreed if justice had proceeded. But to put it so much at the front stage… I would have preferred the government to be dedicated to the central theme, the production.\footnote{Página/12, 12.06.2004.}

Evidently, oppositional human rights organizations like the AEDD, the Liga or the MEDH, that criticized Kirchner for not dealing effectively with new violations, did not plead for establishing a contradiction between solving the legacies of the past and the urgencies of the present. In fact, much of their own work as human rights organizations was dedicated to the struggle for justice, truth, and memory. Rather, they were pleading for attributing as much importance to the present as to the past. Their criticism towards Kirchner was not so much about Kirchner’s focus on the legacies of the past, but about the absence of measures...
for the problems of the present. However, in the polarized context under the Kirchner administration, these nuances were not always perceived within the group of cooperative organizations. On both sides, images were constructed of the other that ultimately led to a fragmentation of the heterogeneous human rights movement.

The fragmentation of the movement and its consequences

These differences on how to deal with the new political context led to divisions, within each individual organization, as well as between organizations. Reflecting on the impact of the new political context on his organization, Tomás, member of H.I.J.O.S. stated:

What has happened in the middle? Kirchner has happened (laughter). I mean, all the organizations have split and within all the human rights organizations and other organizations there have been those who have gone elsewhere, we have a lot of companions who were militant in the Kirchnerist movement. [...] The Kirchnerists that are in H.I.J.O.S. are independent, they are not militant for the Kirchnerist movement, those who have decided to go and are militant in Kirchnerism have left. There are others who have left because H.I.J.O.S. is not sufficiently critical of this government, so they were militant in the opposition, and a few of us stayed. (Interview TC 07.12.2006)

These internal divisions were not limited to the human rights organizations, but also affected the numerous initiatives that emerged within the neighbourhoods to pressure for truth, memory and justice. Vecinos por la Memoria in Floresta was clearly divided on the issue, and it was one of the reasons why the group dissolved in 2006. Similarly, the Comisión por la Memoria, la Verdad y la Justicia of the neighbourhoods of Liniers, Villa Luro and Mataderos went through an internal crisis in 2003. Reflecting on this situation, Eliana, member of the commission, stated: ‘It has had its crises, its different political positionings, its reading of the government. The fact that for the first time there is a government that supports the struggle for human rights from the state has been a very big scenario change’ (Interview EC 09.11.2006). Debates were harshest when the commission had to position itself politically, as was the case at their yearly commemoration for the disappeared of the neighbourhood in April. Writing the statement that was read on these occasions was always difficult. But with the advent of Kirchner, what position to adopt towards the government became a central issue of debate. The polarized positions on the topic made it increasingly difficult to reach a consensus.

But conflicts also arose between human rights organizations, especially between oppositional groups and cooperative organizations. The polarization between these two sectors within the human rights movement became increasingly public and reached a climax in 2006 on the occasion of the thirtieth anniversary of the military coup. Since 1996, these yearly commemorations on 24 March had become multilevel concentrations involving hundreds of organizations, functioning as ‘a thermometer of the way in which society was processing its perception of the dictatorship’, in the words of journalist Luis Brusche. In the months preceding the commemoration, representatives of all these organizations, bundled in the commission Encuentro Memoria, Verdad, Justicia, gathered on a regular basis to come to an agreement on the document that would be read. These meetings

364 Página/12, 24.03.2005.
were often exhausting because of the great diversity of actors involved. Furthermore, over
the years differences emerged between groups that wanted to focus on the limitations
of democratic governments and wanted to use the day for social protest, and those who
wanted to concentrate on the demands specifically related to the military dictatorship. In
2003, Abuelas, Madres LF, Familiares, Hermanos, H.I.J.O.S., Buena Memoria, FMHSA,
SERPAJ, APDH, and CELS refused to sign the document. In 2004 heated discussions
took place concerning what the rallying slogans of the march should be, and in 2005 they
even marched separately and presented their own document in order to avoid these tensions
(Interview CN 10.11.2006). However, as 2006 was the year of the thirtieth anniversary of
the military coup, an attempt was made to overcome internal fragmentation, calling for one
central commemoration.365 The only organization that did not participate was the Asociación
Madres.

But rather than reflecting unity and strength, the commemoration became the public
staging of the differences between the human rights organizations when some of the
Madres LF and Abuelas distanced themselves publicly from the document that was
read on the occasion. The document was intended to be the result of a consensus reached
among the more than three hundred organizations that called for the march and had a
strong oppositional tone. It was read under loud protests from participants standing at the
foot of the stage, who were requesting the Madres to speak. As the reading finished, one
of the Madres LF stood up and took the microphone. Speaking also for other members of
her organization and the representatives of Abuelas and Familiares present on the stage, she
explained to the public that they had not signed the document and disagreed with its content.
In declarations to the media after the act, the president of Abuelas Estela Carlotto ratified
the Madres’ words and spoke of a fraud: ‘It is a fraud, grief is being used politically. There was
exploitation of the date, which is unjust and lacks ethics. All these people who have come
here have had to listen to what we do not approve’.366 The day after, Abuelas, Madres LF,
H.I.J.O.S., Hermanos, SERPAJ and APDH published a communiqué reiterating that they
disagreed with the content of the document, and accused the other group of authoritarianism
and of using 24 March for their political interests.367 The whole event caused great confusion
and was discussed extensively in the media, overshadowing the fact that the march was
widely attended, with numbers of up to 100,000 participants.368

Actors on both sides had their own explanations for what had happened, revealing
different interpretations and experiences of the event and its meaning. They both accused
each other of being manipulated, either by the government or by political parties of the left.
The organizations that had signed the document stated that Abuelas and Madres LF had
seen the document previously and had agreed not to sign it. Furthermore, they mentioned
the presence of ‘political groups related to the government that did not participate in the
announcement, and went directly to the Plaza de Mayo, blocking the surroundings of the
stage, attempting to prevent the reading of the slogans, sub-slogans and the part of the

365 Página/12, 11.02.2006.
366 Página/12, 25.03.2006.
367 Página/12, 25.03.2006.
368 Página/12, 25.03.2006.
document in which the actual human rights violations are denounced.\textsuperscript{369} They argued that the whole situation was part of official attempts to isolate them for being the opposition. According to Florencia, who participated actively in the preparations of the anniversary, ‘the government was permanently involved in destabilizing our act’. ‘The government,’ she insisted, ‘was not ready to accept that we would perform an act that denounced the actual human rights violations’ (Interview FJ 26.10.2006). In the months preceding the commemoration, the government had tried to organize a central act uniting Hebe de Bonafini, Estela Carlotto and Adolfo Pérez Esquivel on the Plaza de Mayo.\textsuperscript{370} According to Adriana and Florencia, members of the AEDD, as this attempt failed, it sent provocative groups to break the act. The intervention of the Madres LF was seen as part of these attempts to destabilize the event, and were meant ‘to leave us as the bad guys in the movie and to mislead the people’.\textsuperscript{371}

The more cooperative human rights organizations made a complete different analysis. According to them, the Plaza de Mayo had been co-opted by opposition groups, and especially by political parties of the left. Thus, in Tomás’s words:

One political party with five labels goes to the space for memory, truth and justice and it makes a huge fuss and does not let anybody participate, you know, you have three minutes to talk and the representative of the PO (Partido Obrero, a leftist political party) spoke, the one of the Cultural Centre which also represents the PO, the other one and the other one and the PO spoke five times, more than half of the meeting left, and first the PO did this, then the MST (Movimiento Sin Tierra, a piquetero movement), then… […] This space is a lie, it falls apart all by itself. (Interview TC 07.12.2006)

Furthermore, they insisted on the fact that this was not a new phenomenon, the only variation was that now differences were more pronounced. Reflecting on this process, Cristina, member of Hermanos, stated: ‘The point is that we have been having a serious problem with the 24\textsuperscript{th} of March for a while now. It has been years, even before Hermanos appeared as a group...because this space for memory, truth and justice that was created for the twentieth anniversary, after that it was like every time it was more difficult to be able to participate in this space. Because lots of [political] labels joined it’ (Interview CN 10.11.2006). The difference was only that now divisions became public (Interview LB5 17.10.2006). Underlying these divisions was also a more profound dispute over who retained the (moral) authority over the meaning of the historical commemoration of 24 March, an issue that will be discussed in chapter seven.

Both groups did agree on the fact that the differences had reached such levels that they had become difficult to overcome. Thus, according to Florencia, ‘it was a very difficult

\textsuperscript{369} Asociación de Ex Detenidos Desaparecidos, Liberpueblo, Liga Argentina por los Derechos del Hombre, Movimiento Ecuménico por los Derechos Humanos, ‘Hechos antidemocráticos el 24 de marzo’, draft for press communication, email communication 31.03.2006. See also: ‘Comunicado de HIJOS La Plata’, email communication 05.04.2006; ‘Carta de Liliana Daunes. 24 de marzo. Los sueños de los 30.000’, email communication 28.03.2006 for other similar reactions from members of Encuentro Memoria, Verdad y Justicia.

\textsuperscript{370} Interview CN 10.11.2006; ‘Las diferencias. Entrevista con Adolfo Pérez Esquivel’, Lavaca.org, 06.04.2006.

\textsuperscript{371} ‘Derechos humanos: el riesgo del vacío. El revelador testimonio de Adriana Calvo, después del acto del 24’, Lavaca.org, 29.03.2006.
situation but I think it helped to clarify the moment and the situation, let's say, of what... clarify the panorama, you know, so that it would become clear what each one's position was, and well, the fact that we need to accept, like in any rupture, with a lot of sorrow, but that this was a rupture....' (Interview FJ 26.10.2006). Although they recognized that they were not 'the enemy', to use Verónica's words, the human rights organizations that radically opposed the government distanced themselves from the other organizations. It became more difficult to organize joint activities, as became evident in the organization of two separate marches denouncing the disappearance Julio López in September 2006.

The fragmentation of the human rights movement was not an isolated phenomenon. Under Kirchner, the entire field of social protest reached unexpected levels of confrontation. In this context, Svampa speaks of a 'fundamental breakdown of solidarities' within the field of social protest, solidarities which had been reconstructed after the crisis of 2001-2002. According to her, 'we passed through a period that marked the passage from the heterogeneity to the fragmentation of the organizations' 372 Positions seemed to freeze between those who were 'for the government' or 'against the government' – a binary logic that was implemented in the first place by the government itself. Kirchner's strategy towards the heterogeneous field of social protest it inherited from the crisis of 2001-2002 was to incorporate those groups and organizations that seemed more inclined to accept a dialogue, and to divide and isolate the more combative sectors. One of the means of isolating these sectors was through blackening them in the media. The qualification of the Minister of Interior Alberto Fernández of the oppositional sectors that had organized the commemoration of the thirtieth anniversary of the coup as being 'the sinister left' 373 could be seen as an example of this strategy. The strategy was particularly successful in neutralizing the piqueteros, one of the main protagonists of the December upheavals. The government distinguished between the different wings and organizations within the movement, isolating the most radical sectors while simultaneously integrating, co-opting and disciplining the less confrontational wings and organizations (Wolff 2007: 24). This strongly divided the Piquetero movement, and by December 2003, it was so fragmented that three different marches had to be organized for the commemoration of the December uprisings (Petras and Veltmeyer 2005: 44). 374

The internal fragmentation of the human rights movement weakened its ability to develop joint proposals and position itself as a movement towards the state and civil society. This was problematic because there were still many challenges ahead, which demanded a joint approach. Despite important advances in the realm of public policies, and increasing support for truth, justice and memory from progressive sectors, reaching other sectors of society was still a difficult process. For those confronted daily with exclusion, discrimination and abuses

373 Clarín, 26.03.2006.
374 An analysis of the relation of the Kirchner administration with the movement of victims of police violence shows that it had similar effects on this movement. Through what Denissen (2007: 178-9) calls a 'politics of rapprochement', a strategy containing elements of co-optation and elements of cooperation, theKirchner administration partially divided and de-radicalized family members of the victims of police violence, and consequently weakened the movement. These tactics were also successful because there was a strong demand from Argentine society for a return to 'normality' after the economic crisis and the constant mobilizations of 2002. See Maristella Svampa, 'Tres ejes para una discusión. Modelo de dominación, tradiciones ideológicas y figuras de la militancia', Presentation at Encounter of the CTA, September 2005.
from the security forces, the struggle of the human rights movement for truth, justice and memory was often seen as having no connection with their own reality. Reflecting on this situation, historian Federico Lorenz, who was also a professor at a secondary school, stated: ‘…we have urban areas where there is no state; the southern area of the city, of the richest district of Argentina, a budget for education like the one in Belgium, has places where there is no state. So I go there one day and say “memory”, and they oust me with stones (me sacan a piedrazos) and with good reason’ (Interview FL 05.12.2006). But there were also important sectors, especially from the middle- and upper classes, that did not identify at all with the human rights movement. This was especially the case for those who felt threatened by what they perceived as growing insecurity. These citizens accused human rights organizations that opposed mano dura policies of defending the rights of ‘delinquents’, revealing a biased understanding of the notion of human rights. Surveys showed that more than eighty per cent of the inhabitants of the big Argentine cities asked for an increase in the sentences as a solution to insecurity, showing that this sector was numerically significant (CELS 2004: 149).

These developments intensified under Kirchner. The official appropriation of the language of truth, justice and memory converted it into ‘state language’ and therefore made it problematic as a resistance language. Furthermore, the almost exclusive focus of the Kirchner administration on the human rights violations committed during the dictatorship also strengthened the impression among broad sectors of society that dealing with human rights meant disregarding the urgent problems of the present. As we saw earlier in this chapter, this was also used by conservative sectors to criticize Kirchner’s focus on demands related to the recent past, creating a false dichotomy between the urgencies of the present and the need to construct a memory of state terrorism. But the difficulties in reaching other sectors also had to do with internal limitations of the human rights movement. Several interviewees attributed the difficulty to reach marginalized sectors to class differences. The human rights organizations were mostly members of the middle- to upper classes, and they were facing very different realities, thereby influencing the ways in which they organized and protested.375

According to Hugo, a former collaborator of the Asociación Madres, the consequence was that: ‘Nowadays the theme of human rights has remained restricted, in Argentina, to the middle layers’ (Interview HF 30.11.2004). But there was also a difficulty, especially for the organizations of victims of the dictatorship, to move beyond their demands for the crimes of the past, because there was a profoundly existential dimension to their struggle.

These developments showed that there was a growing tension within the various human rights organizations, between their role as agents of memory and their role as human rights organizations. In the 1990s, the human rights movement had successfully been able to revitalize itself, connecting its struggle for the crimes of the past with that of new emerging forms of collective action using the notion of impunity as a nexus between the past and the

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A discussion between middle-class activists and a group of piqueteros in the context of a preparatory meeting for an escrache was illustrative of these different realities. The group of piqueteros insisted on covering up their faces to protect their anonymity, a security measure they adopted because of the high levels of confrontation with the police. The other members of the Mesa de Escrache on the other hand considered that this would frighten the neighbours that they were trying to reach through their escrache. The piqueteros ended up refraining from participating in the escrache (Meeting of the Mesa de Escrache, Fieldnotes, 22.11.2004).
present. But in the new political context that emerged from 2003 onwards, the movement was again confronted with the challenge to justify its relevance to the present. Some human rights organizations were trying to deal with this issue. Thus, reflecting on the challenges ahead, Victor Abramovich, the executive director of CELS, wrote in the annual report of 2004 of the organization:

One can not question the fact that the human rights movement has contributed in a decisive way to the understanding of rights and citizenship as an identity feature of democracy, beyond the regularity of the electoral processes and the changes in government. In spite of this, one can perceive that it is still difficult to connect the notion of human rights to other themes that take up the interest and preoccupation of vast social sectors, such as the security of citizens, unemployment and social exclusion. This debate is pertinent for CELS, which in the year 2004 celebrates its 25th anniversary of existence. In this sense, one of the main challenges for our institution has been and continues to be, precisely, to extend the agenda of human rights to issues related to democracy, such as institutional violence, the conditions in the prisons, the denial of access to justice and social rights, trying to relate these themes to our demand against impunity for the crimes of the dictatorial past. (CELS 2004: 18-9)

The main challenge then, was how to develop a political practice that would move beyond the demands related to the military dictatorship, without denying their importance for the present. It was about including the past in the reflection on the present in a way that would avoid it becoming overwhelming (Interview FL 05.12.2006). However, this demanded an open and constructive internal debate that the human rights movement was unable to conduct because of its internal fragmentation. The next chapter will show how this played out in the context of the debate on how to re-signify the ESMA for the present and future generations.

Conclusion

Kirchner’s presidential term marked an important break with previous democratic governments in various ways, but especially in terms of human rights policies. At the heart of his moral and political agenda to strengthen democratic institutions lay the unsolved legacies of the past. Democracy, he insisted, could not be consolidated without dealing effectively with the crimes of the past. Revealing the truth about the whereabouts of the disappeared, prosecuting the culprits and constructing a memory of the years of state terrorism were crucial steps in the construction of democratic institutions. In giving such centrality to the crimes committed under the dictatorship, he aligned himself with the historical human rights movement which, since the democratic transition, had been claiming that truth, justice and memory were necessary to consolidate democracy and democratic institutions. His appropriation of the discourse of the human rights organizations and its follow-up through the implementation of some of their historical demands meant an important step forward in terms of the institutionalization of truth, justice and memory at the level of national politics. At the local level of the city of Buenos Aires, within several municipalities and provincial
governments, some advances had already been made in the realm of memory. However, under Kirchner, significant advances could also be made in the realm of justice, making possible the reopening of trials.

The new political context revived the old debate within the human rights movement on how to relate to the state. Despite signs of political change, a minority sector within the human rights movement continued to distrust the state and feared cooptation of social experiences that had been constructed in opposition to the state. They considered that their role should be to remain independent enough so as to be able to stay critical. This independent judgement, they argued, was threatened by the attempts of the government to secure the cooperation of the human rights movement. They also feared that their demands would become meaningless once appropriated by the state, and would be used as a progressive façade to hide the absence of more structural changes. They were strengthened in their argument as the limitations of the Kirchner administration became more visible over time. They opted for a strategy of protest and resistance, allying with political parties and groups that opposed the government, and distancing themselves from organizations that were more positive about the Kirchner administration. A majority within the human rights movement, however, saw the new political context as an important opportunity to increase its influence. Opposing the vision of those who feared cooptation, these organizations considered that it was their task to give content and direction to the institutionalization of truth, justice and memory. Furthermore, they saw Kirchner as an ally to their cause and, therefore, accepted cooperating with the government – a choice that, in the polarized context under Kirchner, made them move away from more critical groups and organizations.

In both cases, the new political context proved a difficult challenge. Within the group that chose for dialogue with the government, as well as between oppositional and cooperative organizations, a debate arose on the extent to which cooperation would lead to cooptation. For the cooperative organizations, a permanent issue of internal discussions was how to maintain independence while at the same time accepting some levels of collaboration. There was an intense internal debate on the levels of collaboration that were considered acceptable. The explicit support of some of the most prominent human rights leaders for the government was criticized by those who pleaded for more distance. However, this diversity within the cooperative sector of the human rights movement was ignored by oppositional groups, who considered that this sector had been co-opted by the government. They became increasingly critical of this sector of the human rights movement, whom they accused of minimizing the gravity of new violations for the sake of achieving advances in the realm of truth, justice and memory for the crimes of the past. Internal ideological differences on how to relate to the state, how to conceptualize one's role as a human rights organization, and how to interpret the various democratic governments, were made explicit and led to conflicts that seemed difficult to overcome. A logic of being either with or against the government was implemented, making it difficult to hold a position in between. All these elements contributed to the fragmentation of the human rights movement. This fragmentation, in its turn, weakened the ability of the movement to come up with joint proposals towards both the state and civil society. It also limited the possibilities of the movement to face the challenge of reaching the broad sectors of society that continued to associate human rights with 'something of the past'.