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Argentina

In the 1970's political violence in Argentina resulted in thousands of deaths, prolonged arbitrary arrest, unfair trials, pervasive torture, and cruel, inhuman, and degrading treatment. The most salient feature of repression by the military dictatorship was the practice of disappearances: At least 15,000 (and possibly up to 25,000) were abducted by security forces, their detention unacknowledged. They were sent to one of 250 secret detention centers, where they were interrogated under barbaric methods of torture. Ultimately, the vast majority of the *desaparecidos* were systematically, but secretly, murdered. Their bodies were disposed of in clandestine gravesites or dumped from airplanes into the ocean. More than twenty-five years later at least 12,000 victims remain unaccounted for, despite efforts by their relatives and civil society to establish their fate and the whereabouts of their remains.

The repressive campaign was launched in March 1976, as the commanders-in-chief of Argentina's three armed forces ousted President Isabel Peron and proclaimed a de facto regime designed to eliminate once and for all what they called the Marxist subversive threat. Serious human rights violations had begun at least eighteen months earlier, and the military participated in them. Isabel Person had been elected vice-president in 1973 and become president after the death of her husband, General Juan Domingo Peron, on July 1, 1974. Elements of her government organized secret death squads such as Triple A (*Alianza Anticomunista Argentina*) and *Comando Libertadores de America*. Years later it was

established that some police and military officers were members of these squads, and that security forces and public institutions covered up their crimes. Their modus operandi included kidnappings, but within hours the victims' bodies would be found in visible places, often showing gruesome forms of mutilation. For this reason the regime of Isabel Peron was widely seen as increasing the insecurity felt by citizens, while making little progress in curbing the action of left-wing guerrilla movements. In that sense the coup d'état of March 24, 1976, was an attempt to monopolize and intensify state violence and to expand its scope, while also hiding and denying it.

Unquestionably, official right-wing violence was a response to organized armed violence by several leftist revolutionary groups. As in other Latin American countries, Argentine guerrilla movements were organized shortly after the death of Ernesto Che Guevara in Bolivia in 1967. With some minor exceptions they employed urban guerrilla tactics; whether the violence reached the level of an internal armed conflict in terms of the laws of war remains an unanswered question. The largest of these groups was the Montoneros, formed by leaders emerging from student and working-class demonstrations in several cities in 1969. The Montoneros combined armed actions with political organization and mobilization, and considered themselves part of the Peronist movement. They had a commanding presence in the movement's large and actively mobilized student, rank-and-file labor, and grassroots wings. To the left of the Montoneros were several Marxist and Guevarist armed

organizations, the most prominent of which was the *Ejército Revolucionario del Pueblo* (ERP). The Montoneros and ERP launched bold attacks on military and sometimes civilian targets, and occasionally engaged in terrorist actions. The aggregate effect of their actions provoked the police, the military, and right-wing death squads into a spiral of retaliatory violence.

On assuming control of the government, the military junta closed down Argentina's Congress, replaced members of its Supreme Court and most other judges, and intervened in all local and provincial (state) governments. Many prominent politicians and labor leaders were incarcerated for long prison terms without trial. In fact, the military utilized emergency powers to arrest nearly ten thousand persons and hold them in definitely in administration detention, pursuant to the state of siege provisions in Argentina's Constitution. The government refused to comply with the few judicial orders issued by its own judicial appointees, seeking to release some detainees because of all the authorities' failure to establish a clear rationale for their continued detention. Many state of siege detainees spent between four and six years in prison. Others were subjected to military trials without a semblance of due process. A larger number were tried in the federal courts under counterinsurgency legislation of a draconian nature and with evidence largely obtained through torture.

[Argentina's Museum]

On March 24, 2004, exactly 28 years after the coup that launched the "dirty war," president Nestor Kirchner announced that the Escuela de Mecánica de la Armada (ESMA) naval base would be turned into a "Museum of Memory" to honor the thousands who disappeared after their capture by security forces between 1976 and 1983. The ESMA was only one of 340 camps used for these purposes. It was not

the only camp in Buenos Aires, but the most notorious because it held an estimated 5,000 *desaparecidos*, of which perhaps 100 survived

The most terrifying and pervasive practice of the military dictatorship, however, was that forced of disappearances described above. Investigations and prosecutions completed after the return of democracy established without a doubt that disappearances were conducted pursuant to official (albeit secret) policy, and implemented and executed under careful supervision along the chain of command. The National Commission on the Disappearance of Persons, one the of the earliest truth commissions of recent vintage and set in motion by president Raúl Alfonsín as soon as the country reestablished democracy in 1983, determined this critical fact without dispute. It was further proven through rigorous court procedures in 1985, when the heads of the three military juntas that governed between 1976 and 1982 were prosecuted for planning executing and supervising the reign of terror. General Jorge Videla and Admiral Emilio Massera were sentenced to life in prison for their respective roles as commanders of Argentina's army and navy.

By Videla's own admission the targets were not only the armed guerrillas: They included also their lawyers, priests and professors who allegedly spread anti-Western and anti-Christian ideas, labor leaders, neighborhood organizers, human rights activists, and in general anyone who—as defined by the military—lent aid and comfort to the so-called subversive movement. Military leaders variously claimed that their war against subversion was a "dirty war". The deliberate, widespread, and systematic nature of the practice of disappearances, and the protection of its perpetrators from any

investigation, qualifies the phenomenon, as implemented in Argentina, as a crime against humanity. To the extent that the targets were singled out because of ideology or political affiliation and did not belong to a racial or religious minority, the practice does not rise to the level of genocide as defined in international law. Nevertheless, many in Argentina, and significantly the courts of Spain exercising universal jurisdiction, consider it genocide insofar as it targets a distinct national group defined in its ideology and slated for extinction, in whole or in part, through mass murder.

Argentina's program to attain truth and justice about the crimes of the past was cut short when factions of the military staged four uprisings against the democratic regime. The laws of *Punto Final* (Full Stop) and *Obediencia Debida* (Due Obedience), enacted in 1986 and 1987 under the pressure of that military unrest, terminated the prosecution of an estimated four hundred identified perpetrators. Their legal effect was a blanket amnesty. Videla, Massera, and the other defendants in the only two cases to result in convictions were pardoned by Carlos Menem, who succeeded Alfonsín in 1989. In spite of these setbacks, Argentine nongovernmental organizations continued to press for accountability. They succeeded first in persuading federal courts to conduct truth trials designed to establish the fate and whereabouts of the disappeared for the purpose of relaying that information to their families and to society. Later, several courts found that the Full Stop and Due Obedience laws were unconstitutional for being incompatible with Argentina's international obligations under the human rights treaties. In August 2003, at the initiative of president Néstor Kirchner, the Argentine Congress declared these laws null and void, and the prosecution of some cases has begun again. In the matter of the abduction and illegal adoption of children of the disappeared, or of those born during the

captivity of their mother, criminal prosecutions have been brought against Videla, Massera, and dozens of defendants, because those crimes were specifically exempted from the pseudo-amnesty laws. Kirchner has lifted restrictions of processing extradition requests from Spain and other countries. He also expressed support for Mexico's decision to extradite an Argentine dirty warrior to Spain to stand trial there. In 2003 it seemed inevitable that Argentina would either prosecute the perpetrators of all dirty war crimes or extradite them to Spain or other countries exercising universal jurisdiction.

SEE ALSO Argentina's Dirty Warriors; Disappearances; Immunity; Torture

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