

1 Responsibilities in the system of enforced disappearance of people in Argentina

A historical perspective

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Introduction

After the coup d'état of March 24, 1976, the enforced disappearance of persons became a systematic practice in Argentina. There are registered cases of enforced disappearance since the 1950s. Furthermore, this criminal practice became regular under the constitutional government of María Estela Martínez de Perón (1974–1976), when the Armed Forces were authorised to intervene in the 'anti-subversive struggle'. However, according to the *Registro Unificado de Víctimas del Terrorismo de Estado* (Unified Registry for Victims of State Terrorism, RUVTE for its Spanish initials), 90% of the cases registered in the country occurred during the last military dictatorship (1976–1983) (RUVTE 2016, Annex IV: 1566).

Despite its importance, the relationship between various political and social actors and the military dictatorship has been scarcely addressed in academia and has been strained by two simplifying and generalizing views. On the one hand, after the return of democracy, the *Nunca Más* (Never Again) report—prepared by the *Comisión Nacional sobre la Desaparición de Personas* (National Commission on the Disappearance of Persons, CONADEP for its Spanish initials), and created to investigate the fate of the disappeared by President Raúl Alfonsín—posited the idea that society ignored the characteristics of repression (CONADEP 1984, 9–10). On the other hand, in the mid-1990s, in line with global processes that highlighted an understanding of mass crimes among the societies in which they were perpetrated (Browning 1992; Johnson and Heiz-Reuband 2006, among others), an inverse, but just as totalising representation grew in Argentina, postulating that society was aware of and legitimised repression (Crenzel 2008, 155–165). This chapter—based on the diachronic and synchronic examination of documentary and oral sources—postulates that the understanding of the state's responsibility in the system of disappearances was heterogeneous and assumed a procedural character even among its active denouncers.

This heterogeneity was a product of denial and disbelief mechanisms generated by experiences of extreme violence (Cohen 2001) through the violation of moral frameworks and the challenging of the resources of representation

(Friedlander 1992, 22–23). Specifically, the determination of the state's exclusive responsibility in the disappearance system came into conflict with an ideological representation of the state as a provider of rights. With an equal significance, for an important portion of society, the Armed Forces represented the agent ensuring the establishment of order and moral values. Thus, many found it difficult to think that, within the state, the Armed Forces were responsible for a criminal system.

In a similar vein, the articulation within the system of disappearances between its public phase—the kidnappings—and its clandestine phase—the captivity, torture and extermination of most of the disappeared, and the concealment of their remains—made it difficult for it to be intelligible as a system and complicated the identification of the perpetrators. Finally, the dictatorship promised to recover the state's monopoly of force, while denying the existence of the disappeared and any responsibility for their fate. This discourse gained acceptance, even among those who denounced the disappearances, based upon the fact that the coup took place in a scenario marked by *guerrilla*, state and para-state violence, which delayed the emergence of a universalised identification of state responsibility.

Based on these ideas, this article proposes a more complex look at the elaboration of understanding and its obstacles in determining responsibilities in the cases of enforced disappearances in Argentina, tracing its trajectory from the dictatorship to the present and showing its links with historical-political contexts which, it is proposed, model the epistemic frameworks for the interpretation of reality (Foucault 1968). The case study demonstrates that the controversies over criminal authorship, as demonstrated by Pilar Calveiro in this volume for the case of Mexico, also experienced a classic period of enforced disappearance, one whose victims were political and social militants, and whose main perpetrator was the state.

The very source of terror

[...] the fiction of right-wing gangs has been won out. These presumed heirs to López Rega's Triple A, that are somehow capable of crossing the largest garrison in the country in military trucks, carpeting the Río de la Plata with corpses, or throwing prisoners into the sea from the transports of the First Air Brigade, without General Videla, Admiral Massera or Brigadier Agosti finding out. Today the Triple A are the Three branches of the Armed Forces, and the Junta that you preside over is not the tipping of the balance between 'terrorism of different signs' nor the just arbiter between 'two parties of terrorism', but the very source of terror.

(Walsh 1977)

This paragraph is part of the '*Carta abierta de un escritor a la Junta Militar*' (Open letter from a writer to the Military Junta), written by Rodolfo Walsh—member of the Montoneros Peronist *guerrilla* organisation, on the first anniversary of the coup. Walsh was not looking to convince the Military

Junta. In fact, after the coup, he founded the '*Agencia de Noticias Clandestina*' (Clandestine News Agency), whose cables denounced state responsibility in the system of disappearances (Vinelli 2002). Rather, his allegation in the letter challenged a wide political spectrum, including even people who denounced the dictatorship and who had accepted the Military Junta's discourse claiming to be equidistant from 'terrorism of different signs' and its adjudication of the disappearances to right-wing gangs still uncontrolled by the state.

This representation began to take shape under the Peronist governments (1973–1976), during which 8,509 armed events took place and 1,543 civilians and military men were assassinated for political reasons by the *guerrillas* and by the Triple A (*Alianza Anticomunista Argentina*/Argentine Anticommunist Alliance), a para-police organisation led by the Minister of Social Welfare, José López Rega, that murdered hundreds of intellectuals, union leaders and students (González Jansen 1986). In this context, in 1975 the constitutional government authorised the Armed Forces to 'neutralize and/or annihilate the subversion', initially in the province of Tucumán, where a *guerrilla* focus was located, and later throughout the country. The Armed Forces positioned themselves as the agent that would restore order and the state monopoly of force despite their use of enforced disappearances as a repressive methodology (Quiroga 1996, 36).

Walsh confronted this interpretation by proposing that the Triple A had subsumed itself into the Armed Forces, aware that the Military Junta's discourse had penetrated into society in general and even into some of the people denouncing kidnappings and political assassinations.

Indeed, Horacio Ravenna—delegate to the leader of the *Unión Cívica Radical* (Radical Civic Union Party, UCR for its Spanish initials), Raúl Alfonsín, in the *Asamblea Permanente por los Derechos Humanos* (Permanent Assembly for Human Rights, APDH for its Spanish initials), a body founded in December 1975 that brought together representatives of the main political parties and religious faiths—recalls the difficulty that many members of the APDH experienced to understand and become aware of the illegality of the repression after the coup (Ravenna 2003). Indeed, this body included actors who firmly believed that the dictatorship would monopolize the use of force and that General Jorge Rafael Videla would dismantle the ultra-right gangs, which they believed acted autonomously. This idea was based on the belief that Videla represented a moderate wing of the Military Junta, as opposed to a Pinochet-like sector that sought to harden the repression. Six days after Walsh sent his *Carta abierta*, Methodist pastor Carlos Gattinoni, member of the APDH and the *Movimiento Ecuuménico por los Derechos Humanos* (Ecumenical Movement for Human Rights), claimed that 'the tough ones' presented a challenge to 'the moderate policies of President Videla' (United States Embassy in Buenos Aires, 1977, memorandum of conversation 85D366 13769, quoted in Lvovich 2020,167). Only a few months later, the APDH invited Videla to participate in a human rights conference, held on

August 27, 1976. The dictator did not attend, but he did send his accession (Veiga 1985, 117). Still in September 1977, Emilio Mignone—lawyer and then member of the APDH whose daughter Monica had been disappeared since 1976—told Patricia Derian, Assistant Secretary for Human Rights and Humanitarian Affairs of the US State Department, while she was visiting Buenos Aires, that Videla could not control the security apparatus, offering as an example the kidnapping of the Argentine ambassador to Venezuela, Hidalgo Sola. At that meeting, other members of the APDH asserted their support for the moderate sector of the government that, in their opinion, was headed by Videla (United States Embassy in Buenos Aires 1977, Cable 6621, quoted in Avenburg 2009, 94).

For their part, many relatives of the disappeared were unaware of the state's responsibility for the disappearances and their systematic and massive nature. They began to understand the latter when they found themselves complaining in police stations, courts, ministries and other agencies. Imagining the state as perpetrator meant displacing its representation as a protector of rights, and of the Armed Forces as guarantors of order. In fact, many members of the Mothers of the Plaza de Mayo had received the coup with relief, hoping that it would put an end to the violence. Even Azucena Villaflor, the first leader of the organisation 'shared the idea that Videla was not responsible for what was happening and thought it probable that he did not know its true dimensions' (Gorini 2006, 65). Nora Cortiñas, one of the founding mothers, thought the same (Cortiñas 2019). Only after countless attempts and after verifying that *habeas corpus* were invariably rejected did the Mothers decide to carry out, on April 30, 1977, *la primera ronda* (the first protest march) around the Plaza de Mayo in front of the Casa Rosada, seat of government. A few months later, relatives of the disappeared published the first petition demanding to know the truth about their relatives (Madres y esposas de detenidos – desaparecidos 1977, 9).

Before forming associations, the relatives of the disappeared turned to the *Liga Argentina por los Derechos del Hombre* (Argentine League for the Rights of Man, LADH for its Spanish initials), founded in 1937 in the context of the anti-fascist struggle and under the decisive influence of the Communist Party (Veiga 1985, 24 and 25). In keeping with the policy of the Communist Party, the LADH avoided holding the state and the Armed Forces responsible. Even in 1978, when 90% of the disappearances had happened, the LADH insisted on condemning terrorism of any kind, demanding that the state monopolise the use of force and discouraging the participation of relatives in the Madres' protest rounds (Casola 2015, 153–155). As Alberto Pedroncini, lawyer for the LADH and member of the Communist Party, self-critically pointed out, the party's slogan 'Recovering the monopoly of force for the state' denied state terrorism, attributing the disappearances to out-of-control gangs (Pedroncini 2003).

In fact, the Communist Party avoided using the term dictatorship and described the *guerrillas* as terrorists and provocateurs of the reactionary

forces (Casola 2015). In this context, the Communist Party argued that Videla represented a moderate sector of the Armed Forces, which it contrasted with a Pinochet-like and fascist sector personified by Luciano Benjamín Menéndez, commander of the III Army Corps based in the province of Córdoba, and generals Antonio Domingo Bussi and Ibérico Saint Jean, governors of the provinces of Tucumán and Buenos Aires, respectively.

A similar perspective was assumed by the Trotskyist-oriented *Partido Socialista de los Trabajadores* (Socialist Workers Party, PST for its Spanish initials), which three months after the coup highlighted the moderate characteristics of the repression compared to that exercised in Chile and Uruguay (Osuna 2015, 58). Peronism and radicalism—political movements represented by the two majority parties—kept silent about the repression and rejected international complaints of human rights violations. Furthermore, in the successive political dialogues convened by Videla and later by his successor Viola, Peronism and radicalism accepted, without formally committing themselves, not to review the actions of the Armed Forces in the ‘anti-subversive struggle’ (González Bombal 1991). For its part, the mainstream press based its information about violence on official reports, failed to disseminate information about human rights violations, rejected the complaints that blamed the dictatorship calling them foreign interference, and justified the repression based on the *guerrilla* threat (Iturralde 2016).

Doubts about state responsibility for disappearances also ran through non-governmental human rights organisations such as Amnesty International. On the same day that Walsh circulated his Letter, Amnesty published its report with the conclusions of its inspection carried out in the country in November 1976 after receiving hundreds of denunciations. Its report strongly affirmed that despite official promises to monopolize violence, reports of murders, torture, deaths of persons in custody, and summary executions doubled after the coup. It indicated that the number of disappeared varied but that, according to various sources, it was close to 15,000. The report included a provisional list and required the government to publish a complete one. Based on the denunciations received by Amnesty, the report also presented a list of 18 ‘unofficial detention centres’, which could not be described because the organisation was not allowed to inspect them (Amnesty International 1977, 7, 37, 43, 44, 69, 95 and 118). With regard to the perpetrators of the kidnappings, tortures and murders, the report fluctuated in proposing that they were committed ‘both by vigilante groups and by official bodies’, although it affirmed that ‘there are overwhelming elements of evidence according to which some disappeared persons are in fact being deprived of their liberty by the security services’ (Amnesty International 1977, 14–15, 47, 67 and 84).

In order to counter the reports from Amnesty International and other transnational human rights networks, the Military Junta deployed an intense international campaign that focused on differentiating itself from the Chilean dictatorship by demonstrating that the repression in Argentina was in

accordance with the law. The attempt had some success, as evinced by telegram 2061 of May 29, 1976, from the US embassy in Buenos Aires addressed to Washington and entitled 'Videla's Moderate Line Prevails'. In this telegram, Ambassador Hill claimed that after the coup 'Videla and his moderate colleagues were keeping the hawks at bay' (quoted in Avenburg 2009, 30 and 31), and limited his doubts to Videla's ability to control them, without questioning his good faith. Peronist politicians, radicals, Papal Nuncio Pío Laghi and members of the World Jewish Council declared before representatives of the United States government that Videla was the one person who could contain the excesses that, as they admitted, were committed within the 'anti-subversive struggle' (quoted in Avenburg 2009, 51 and 52).

At the same time, in September 1976, lawyers Gustavo Roca and Lucio Garzón Maceda—members of the *Comisión Argentina para la Defensa de los Derechos Humanos* (Argentine Human Rights Commission, CADHU for its Spanish initials), which was created in February 1976 by lawyers defending political prisoners—were received by the Subcommittee on International Organisations and Movements of the US Congress. Donald Fraser, the subcommittee president, organised these hearings to analyse the human rights situation in different countries and, following the hearing, succeeded in incorporating a clause to section 502B of the 'Foreign Assistance Act', prohibiting military aid to governments responsible for serious and systematic human rights violations (Forsythe 1988, 2–3).

During the meetings, Fraser and some members of Congress repeatedly questioned the members of the CADHU about the existence of moderate and hard wings in repressive matters, as well as Videla's possible willingness and ability to eliminate 'the existing reign of terror' and to control both right- and left-wing violence. Unlike other actors, Roca and Garzón Maceda dismissed the existence of differences within the dictatorship regarding repression, as well as the idea that Videla embodied a moderate wing that sought to control right-wing violence, and they linked these ideas to the Military Junta's propaganda, which was internationally reproduced by the Communist Party. After President Jimmy Carter's inauguration in 1977, the hearings resulted in the cancellation of military aid to Argentina. According to Garzón Maceda, this event constituted the first international defeat of the Military Junta (Garzón Maceda 2006, 246–249, 259, 261, 262, 264, 265, and 266).

The discourse that denied the state's responsibility in the system of disappearances also circulated in other international spheres. Rodolfo Mattarollo, lawyer for political prisoners and member of the CADHU, made the first denunciation of enforced disappearances in August 1976 before the United Nations Subcommittee on Human Rights. He recalled that:

In the session of the following year, where I was once again spokesperson for the denunciation, I put in the record the idea that enforced disappearances were a practice of 'state terrorism' and a systematic plan

of the Junta. The Soviet Union sought to block my intervention by proposing to cancel the consulting status of the NGOs that gave us their rostrum in the session. In this case, it was none other than the International Commission of Jurists. The Soviet position, which was the result of trade agreements with the dictatorship, impacted us left-wing exiles. To our surprise, we find solidarity in liberal and social democratic governments in Western Europe.

(Mattarollo 2004)

Only after one and a half years of dictatorship, on September 9, 1977, did Videla refer to ‘the disappeared’, at a press conference he gave while visiting the United States. He pointed out that:

In every war there are people who survive, others who are crippled, others who die and others who disappear [...]. The disappearance of some people is an unintended consequence of this war. We understand the pain of that mother or wife who has lost her son or husband, of whom we cannot give news, because he clandestinely joined the subversive ranks, having been prey to cowardice and not having been able to maintain his subversive attitude, because he has disappeared when he changed his name and clandestinely left the country, or because in a warlike encounter his body, after suffering an explosion, fire or projectiles, was extremely mutilated and could not be recognised, or due to excessive repression.

(Videla, quoted in Verbitsky 1995, 78)

Thus, Videla explained the disappearances as a result of the state of war, as practices of the victims’ own ‘subversion’, or as isolated events, eventual ‘excesses’, blaming subordinate personnel and thus feeding the idea that they were not part of plans and orders of the Military Junta and that the state, still, did not control these practices.

As is evident from 1976 to 1977—a period when 90% of the disappearances occurred (CONADEP 1984, 298 and 299)—there was a marked heterogeneity among the accusers regarding the knowledge and recognition that the system of disappearances was a plan designed and executed by the state through the Military Junta. Local and transnational human rights organisations, victims’ relatives, political parties, even on the left, and foreign governments rejected or hesitated to identify the disappearances as a system of state repression.

The interpretive turn

At the end of 1977, the dictatorship was forced to account for the disappeared. At the same time, the first report establishing state responsibility for disappearances was published. The report’s title was *Argentina: proceso al*

genocidio (Argentina: the Process to Genocide), and it was written by Gustavo Roca—who testified before Fraser in the United States Congress—and Eduardo Duhalde, both defence attorneys for political prisoners, members of the CADHU. This report—published in Madrid and translated into French, German and, partially, English, Dutch and Italian—had a wide circulation among exiles and transnational human rights networks. In the report, Roca and Duhalde proposed state responsibility in the system of disappearances, which they considered to be part of ‘state terrorism’. Simultaneously, the report qualified the crimes as ‘genocide’, proposing that its victims were religious groups, ‘the Jews’, ‘the Catholic Church’ or professionals such as ‘the press and journalists’, and people working in ‘education and culture’. Furthermore, the report linked the crimes to the dictatorship’s economic plan.

The originality of the report resided in the use of the concepts of ‘state terrorism’ and ‘genocide’. Until then, the term ‘terrorist’ was circumscribed to the exercise of indiscriminate violence by non-state actors (Sluka 2000). In the end of the 1970s, Noam Chomsky and Edward Herman introduced the concept of ‘state terrorism’ to qualify the political violence exercised from the state by National Security regimes under the influence of the United States which, in the context of the ‘Cold War’, sought to protect the capitalist regime through the legal and illegal use of force against enemies classified as subversives and terrorists against civil society (Chomsky and Herman 1979).¹ The classification of ‘genocide’ was based on the interpretation that specific groups were being victimized—religious, ethnic and socio-professional—although the report did not provide evidence of this. Instead, it provided evidence of persecution carried out for political reasons (Crenzel 2019). Both conceptualizations posited the state as the sole party responsible for the system of disappearances, and the whole of civil society, or specific groups within it, as its victims.

The CADHU report was followed by a series of testimonies made by the survivors of the *Centros Clandestinos de Detención* (Clandestine Detention Centres) before this commission, European parliaments and transnational human rights organisations. In all their testimonies, the survivors asserted the responsibility of the state in the system of disappearances. In April 1978, Domingo Maggio gave testimony before the CADHU about his captivity in the *Escuela de Mecánica de la Armada* (Navy School of Mechanics, ESMA for its Spanish initials) (CADHU 1978, 6 and 7). This testimony was later sent to the Argentine Episcopal Conference, to the national and foreign press, to embassies, unions and political parties. A year and a half later, on October 12, 1979, in the French National Assembly, Ana Martí, María Milla de Pirlés and Sara Solarz de Osatinsky, survivors of the ESMA, denounced the Navy for its responsibility in the violations perpetrated in that clandestine centre and in the murder of almost 5,000 detainees (CADHU 1979, 39–42). Furthermore, in February 1980, two survivors asserted the responsibility of the state in their captivity and torture in various clandestine centres (Amnesty International 1980).

Although the state's responsibility for the disappearances was already public knowledge at the time—given that human rights organisations, as late as May, 1978, informed the United States ambassador about it (Avenburg 2009, 123)—many family members refused to accept that the state was guilty of an extermination. Trusting the assertions of military personnel who were able to access official quarters and units, and official information reproduced by the commercial press (Somos 1977, 8–9), some 'clung to the illusion that their relatives were being held in 'recovery farms' in *el Chaco* or the south (Fernández Meijide 2004).

These views began to change after the Inter-American Commission on Human Rights (hereinafter IACHR) of the Organisation of American States visited the country in September 1979, after it had received hundreds of complaints of disappearances. The IACHR received complaints from Buenos Aires and various cities within the country. Furthermore, its representatives interviewed military and religious authorities, human rights organisations, political leaders, businessmen, journalists, and former presidents. It also inspected various sites such as the ESMA, the *Coordinación Federal* (Federal Coordination) and *La Rivera* in Córdoba, which had been denounced as clandestine detention centres, and public cemeteries, for it had been informed that there were nameless tombs. The report, published in April 1980, was the first document to officially use the concept of 'state terrorism.'

The report specified that the IACHR had received 5,580 accusations of disappearances and described the disappeared as persons 'apprehended in operations that, due to the conditions in which they were carried out and due to their characteristics, make it possible to presume the implication of the public security forces' (IACHR 1984 [1980], 13–18). This definition was agreed upon by the organisations considered by the IACHR and, for political tactical reasons, avoided holding the dictatorship fully responsible for the disappearances. Despite this, the report recounted how police interventions created a 'free zone' for kidnappings, the transfer of people 'to different military establishments' where they were tortured, and the subsequent official denial of any information to their families.

The report also gave a detailed account of the places that, according to the testimonies, were 'clandestine detention centres', and of the displacement of captives from the places that were to be inspected by the representatives. In its conclusions, the report validated the denunciations by attributing responsibility for the disappearances to a decision of the 'highest levels of the Armed Forces', executed by 'autonomous and independent operational commands in their actions against alleged or actual subversives'. The report also stated the '[IACHR's] concern for the thousands of disappeared detainees who, for the reasons set out in this report, can be reasonably presumed dead' and recommended, among other measures, that the perpetrators be prosecuted and punished (IACHR 1984 [1980], 13–18 and 148–152).

To confirm the organic nature of the repression, the IACHR transcribed a number of paragraphs taken from the speech that General Santiago Riveros,

Commander of Military Institutes and head of the Campo de Mayo region between 1976 and 1979, addressed before the Inter-American Defence Board in Washington DC, on February 12, 1980. In said speech, General Riveros acknowledged that:

We waged war with doctrine in hand, with the written orders of the Superior Commands. We never needed, as we are accused, paramilitary organisations [...] This war was conducted by the generals, admirals and brigadiers of each force [...] The war was conducted by the Military Junta of my country, through the Top Ranks.

(IACHR 1984 [1980]: 13–18 and 148–152)

This statement constituted a qualitative change in the official position. The military leaders assumed organic responsibility for the repression both in its planning and in its execution.

After the IACHR's visit, Emilio Mignone, already working at the Centre for Legal and Social Studies, prepared the report 'The Argentine case: Enforced disappearances as a basic and generalized instrument of a policy. The doctrine of global parallelism,' which was presented by Conte at the Colloquium '*La política de Desaparición Forzada de las Personas*' (The Policy of Enforced Disappearance of Persons) held in Paris between January 31 and February 1, 1981 (Mignone 1982, 150–183).

The Colloquium was spearheaded by the *Grupo de Abogados Argentinos Exiliados en Francia* (Group of Argentine Lawyers Exiled in France, GAAEF for its Spanish initials), which brought together 30 lawyers from different political backgrounds (Aragón 2003). The group obtained significant sponsorships: the French government, the International Association of Democratic Jurists, the International Centre for the Independence of Judges and Lawyers, the International Commission of Jurists, the International Federation of Human Rights, the International Movement of Catholic Jurists, the International Union of Lawyers, the Christian Action for the Abolition of Torture, the French Association for Peace and Justice, the *Comité Inter-Mouvements Après Des Évacués* (Inter-Movement Committee for Evacuees, CIMADE, for its French initials), the Catholic Committee against Hunger and for Development, and the *Institut de formation en droits de l'homme du barreau de Paris* (Training Institute in Human Rights of Paris Bar, IDHBP for its French initials) (Jensen 2016, 119 footnote 70).

The Colloquium was held in the French Senate, under the honorary presidency of the 1980 Nobel Peace Prize laureate, Adolfo Pérez Esquivel. Among the participants were the overthrown presidents Lidia Gueiler of Bolivia and Arturo Illia of Argentina, the ministers of the overthrown Chilean government of Salvador Allende, Carlos Altamirano and Clodomiro Almeida, as well as Peronist leader Vicente Saadi, and the 'Mothers of the Plaza de Mayo'.

For two days, the Colloquium analysed the legal, moral and geopolitical context in which the disappearances were perpetrated, as well as the official

responses and those of the international community. It also identified ‘a close relationship between the existence of emergency regimes and that of enforced and involuntary disappearances’ (Luna 1981, 5). Moreover, it highlighted the states’ tendency to avoid responsibility for disappearances, imputing them to ‘uncontrolled or terrorist groups.’

Mignone’s paper included these ideas. Furthermore, it described the structure of the repressive system in Argentina. According to the report, this system was two-sided: its first facet was public and consisted of a rule of exception sanctioned before and after the 1976 coup d’état, while the second one was of a secret and clandestine nature, and its main instrument was the disappearance of persons, for which the state denied having responsibility. It remarked that the clandestine system was organised on a cellular basis, with independent and relatively autonomous hierarchies, but that both facets were under the authority of the Military Junta and the superior officers of the Armed Forces. Thus, Mignone’s paper dismissed the idea that the disappearances were the work of out-of-control subordinates and, like the IACHR, cited the statement of General Riveros to support this (Mignone 1982). The work was published in French as part of the proceedings of the Colloquium, then edited in Spanish in Mexico, and finally translated into English (Mignone 1991: 54–56).

The Colloquium agreed that enforced disappearance combined different human rights violations, but that it required a specific legal instrument, an autonomous norm in international human rights law, a convention, to prevent it and punish those who committed it (López Cárdenas 2017, 175). Two of the three drafts of the proposal came from Argentina. They were presented by the APDH and the LADH, organisations that by that time were already proposing state responsibility in this system. The third one was presented by the IDHBP (Joinet 1982, 293–306).

The APDH proposal—*Propuesta para la Convención Internacional contra la Política de Desaparición Forzada de Personas* (International Convention against the Policy of Enforced Disappearance of Persons)—prepared by Alberto Pedroncini, suggested creating an international registry of disappeared persons, drawing up a series of presumptions about the government’s responsibility for disappearances, and establishing enforced disappearance as an imprescriptible crime under international law, a measure that would keep perpetrators from benefiting from amnesties or the right to asylum (Pedroncini 2003; Pedroncini 1982, 283–287). The IDHBP presented the ‘*Proyecto de Convención Internacional sobre la Desaparición Forzada de Personas*’ (Proposal for an International Convention on Enforced Disappearance of Persons) that defined ‘enforced or involuntary disappearance’ as any act capable of threatening the physical, psychological or moral integrity or safety of any person. It classified enforced disappearance as a crime against humanity and proposed creating an international committee to search for the disappeared and promote the eradication of enforced disappearances (IDHBP 1987, 277–282). Finally, the ‘*Projet de convention de la*

Ligue Argentine des Droits de l'homme' (Proposal for the Convention of the Argentine League for the Rights of Man) established a regulation that governments had to follow after a detention or arrest (LADH 1982, 339–346). The Colloquium asked the UN Human Rights Commission on enforced disappearances that 'cases that reveal a massive or systematic nature, with rational ends of elimination of political opponents or attributable to administrative causes, be classified as a crime against humanity' (Luna 1981, 5).

If the IACHR report was the first report by a supranational body that established state responsibility for disappearances and called for their prosecution, the Paris Colloquium was the first attempt, promoted by human rights organisations, to legally classify enforced disappearance and establish an international convention to prevent it, as well as to judge and punish those who committed it.

After the return of democracy, the notion of 'state terrorism' began to displace in the public discourse the term of 'anti-subversive struggle' to characterize dictatorial violence. This process was influenced by the official discourse, but also by Eduardo Luis Duhalde's *El Estado Terrorista argentino* (The Argentine Terrorist State), a book published in 1983 that immediately became a best seller, reaching eight editions. Duhalde, who was a member of the CADHU and later Secretary of Human Rights of the Nation under the presidency of Néstor Kirchner (2003–2007), proposed this concept arguing that, under the dictatorship, the state was organised monolithically and exercised absolute control, imbued with the National Security Doctrine over civil society (Duhalde 1983, 54). Highlighting his training under previous military dictatorships, especially under the government of Perón's widow (1974–1976), Duhalde posited the 'terrorist state' as the expression of the counter-insurgent state that represses through legal and clandestine instruments, including the system of disappearances, in order to discipline society and regressively transform its economic structure.

In this scenario, where the ways of conceptualizing repression were changing, on December 10, 1983, Raúl Alfonsín took office as constitutional president. On December 13 he ordered the trial of the *guerrilla* leaders and the Military Junta and on December 15 he created the CONADEP to investigate the fate of the disappeared. The *Nunca Más* (Never Again) report made official, for the first time in the country, the concept of 'state terrorism'. The report presented the system of disappearances as the result of a 'state of the State', the dictatorial state which, based on a 'semantic delusion' resulting from the National Security Doctrine, displays indiscriminate violence. On the other hand, society is portrayed as a whole in a dual position: as victim of the terrorist state, since state violence affected 'anyone, no matter how innocent', or as an outsider who, due to the prevailing terror, justifies the illegal violence (Crenzel 2011).

Despite the fact that the *Nunca Más* report had already mentioned the existence of disappeared persons and clandestine centres in 1975, under the government of María Estela Martínez de Perón, it proposed an institutional

periodization of violence that restricts the responsibility of the disappearance system to the military dictatorship. This representation, functional to Alfonsín's goal of restricting criminal prosecution to the heads of the dictatorship, silences the political and moral responsibilities of the Peronist government, the representatives of political and civil society in the disappearances before and after the coup (Crenzel 2011).

This representation of responsibility in disappearances became hegemonic and began to erode only on the 20th anniversary of the coup. The human rights movement's speeches in the massive acts of repudiation linked the dictatorship with the establishment of a neoliberal economic model and underlined the complicity of the Catholic Church and the Judiciary, as well as the role of large companies in the coup and their responsibility in the disappearance of union activists and leaders (Lorenz 2002, 83–88). A few years later, the '*juicios por la verdad*' (trials for the truth)² accompanied this interpretive turn. Despite not having criminal consequences, and being held for the sole purpose of satisfying the 'right to the truth' for those close to the disappeared, they exposed responsibilities of businesses—like Ford Motors and Mercedes Benz, among others, unions—the Union of Mechanics and Automotive Transport Related Workers, student groups, doctors, nurses and members of the clergy (Andriotti Romanín 2013).

After the economic, social and political crisis of 2001, and in the context of a strong criticism of the neoliberal model, this new representation of responsibilities in the system of disappearances was enshrined as a state policy by Peronist president Néstor Kirchner (2003–2007) and later by the governments of his wife Cristina Fernández (2007–2011; 2011–2015).

Under Kirchner's mandate, the impunity laws that prevented criminal trials were annulled by Congress, a decision endorsed by the Supreme Court of Justice. The new trials, carried out throughout the country, evinced the repression at the local level and re-signified the idea that certain communities in the provinces had about the relationship between said repression and the disappearances. In some cases, such as the trial for 'Operativo Independencia'—a counterinsurgency campaign developed in the province of Tucumán, the focus was on the responsibility in the disappearances of the constitutional government of María Estela Martínez de Perón. Thus, the new trials transcended the institutional periodization that had been enshrined by CONADEP and the Military Juntas' trial that limited responsibilities to the dictatorship, while also investigating the responsibility of priests, doctors, businessmen, judges and lawyers in the disappearances (Filippini 2011, 43), thus abandoning the identification of men in uniform as the only perpetrators and, at the same time, the representation of civil society as a group of either outsiders or victims of their crimes.

This change in the judicial scene occurred in parallel with the emergence of academic research that addressed the responsibilities of civil society actors in enforced disappearances (Ministerio de Justicia y Derechos Humanos de la Nación, et al. 2015; Verbitsky and Bohoslavsky 2013; Payne, Pereira and

Bernal Bermúdez 2020; Bohoslavsky 2015). These transformations were composing a more complex image of the disappearance system and its perpetrators by deconstructing two premises established during the dictatorship, but also enshrined as official truths when democracy returned to the country: the alienation of constitutional governments and of civil society from this crime. Thus, this new perspective on enforced disappearances, their supposed perpetrators and victims implied—returning to Calveiro (in this volume) and Foucault (2006)—the elaboration of a different representation of the governmentality that perpetrated enforced disappearances as compared to the one that prevailed during the first years of democracy and that restricted responsibility to the state and the dictatorship. In examining the regular practice of disappearances under the government of Perón's widow (1974–1976), the new trials—carried out in the country starting in 2005 after the repeal of the impunity laws and the renewal of academic research on recent history and social memory—abandoned the exclusive association of this crime with a specific political regime, the dictatorship. The new trials also revealed corporate and civil responsibilities in its perpetration and, at the same time, the complex complementary relation between the state apparatus and private interests. This new perspective even challenged the very concept of 'state terrorism' as a satisfactory designation to account for the network of social relations that made enforced disappearances possible.

Conclusions

This work has demonstrated the procedural and heterogeneous nature of the development of knowledge concerning the persons responsible for the system of disappearances, even among its denouncers. As noted, this heterogeneity had various roots: first, the mechanisms of denial and disbelief that complicate the recognition of the perpetrators of extreme violence, in this case reinforced by the dominant ideological representations of the state and the Armed Forces; second, the combination of public and clandestine phases of the disappearance system, which complicated the identification of the perpetrators; and third, the dictatorial intervention, denying or minimising the existence of the disappeared, but always detaching itself from any responsibility for their fate. In this framework, the declared dictatorial will to regain the monopoly of force by putting an end to violence of any kind, was accepted by a notable variety of actors, even within the universe of the denouncers. The political scene in which the coup took place, marked by *guerrilla*, state and para-state violence, contributed to the acceptance of this idea.

The expectation that the dictatorship would put an end to violence, the portrayal of kidnappings and murders as products either of right-wing gangs not yet subdued to the will of the state, or of autonomous subordinate personnel, together with the belief that General Videla was trying to restore the order and put an end to violence, illustrate the heterogeneity that ran

through the movement of denunciations regarding the knowledge and recognition of the nature of the system of disappearances and the people responsible for it. This heterogeneity began to dissipate after the IACHR report confirmed, with a different legitimacy, what reports such as CADHU's or the testimonies of the survivors of the clandestine centres had asserted about state responsibility in the disappearances. The Paris Colloquium, with the strong initiative of the Argentine political exile and human rights organisations, established the first international precedent for an international convention against enforced disappearance.

The return of democracy, with the wide dissemination of the *Nunca Más* report, would mean the consecration of the concept of 'state terrorism', developed during the dictatorship as the dominant characterization of responsibilities in crime. Stripped of any association with particular material interests, the concept of 'state terrorism' corresponded to the policy of prosecution limited to the Military Juntas that was promoted by Alfonsín.

This perspective began to erode starting with the 20th anniversary of the coup and the holding of the '*Juicios por la verdad*', in which the coup was associated with the implementation of a neoliberal economic model, and business and union responsibilities were revealed in the disappearances. This new representation would be nationalized under the Kirchner administrations, demonstrating the transformation in the interpretation of responsibilities in this criminal system and re-signifying the very meaning of the coup d'état.

The trajectory analysed here poses a more complex look at the elaboration of understanding and its obstacles in the determination of responsibilities in massive and systematic crimes, and shows the changing character, subject to historical and political contexts, of the representations and interpretations of criminal responsibilities.

Notes

- 1 The concept was also used by Jorge Tapia Valdés (1981), an ex-minister in Salvador Allende's government (D'Antonio and Eidelman 2019, 361–383).
- 2 In the mid-1990s, [...] the CELS [*Centro de Estudios Legales y Sociales*/Centre of Legal and Social Studies] decided to press the courts to investigate a few emblematic cases. [...] These "truth trials" (*juicios por la verdad*), as they became known, were an innovation in Argentine justice, and possibly in the rest of the Americas. They were unlike ordinary criminal trials in that judicial action was expressly limited to investigation and documentation, without there being a possibility either of prosecution or punishment. They were based on the right (both of the relatives and of society as a whole) to know the truth, and the right of the relatives to bury and mourn their dead (*derecho a duelo*)' (Brett 2001; see also Andriotti Romanín 2013).

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