

# Genesis, Uses, and Significations of the *Nunca Más* Report in Argentina

by  
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*The Nunca Más (Never Again) report was prepared by Argentina's Comisión Nacional sobre la Desaparición de Personas (National Commission on the Disappearance of Persons), created in 1983 to investigate the fate of thousands of persons who were disappeared during the dictatorship. It was used in the prosecution of the military juntas, to convey the past to the new generations, and as a model for the reports of truth commissions established in other Latin American countries. Because of its canonical nature, it illustrates the politics of memory regarding forced disappearances in Argentina following the return to democracy.*

*La Comisión Nacional sobre la Desaparición de Personas fue creada en 1983 para investigar el paradero de las miles de personas que fueron desaparecidas durante la dictadura en Argentina. Su informe Nunca Más sirvió para procesar a las juntas militares y dar a conocer el pasado a las nuevas generaciones y como modelo para los informes de las comisiones de la verdad que se establecieron en otros países latinoamericanos. Debido a su carácter canónico, sirve para ilustrar las políticas de la memoria sobre las desapariciones forzadas en la Argentina después del regreso de la democracia.*

**Keywords:** *Nunca Más, Argentina, Disappeared, Memory*

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The (Never Again) report was prepared by the Comisión Nacional sobre la Desaparición de Personas (National Commission on the Disappearance of Persons—CONADEP), created by constitutional president Raúl Alfonsín in December 1983, following Argentina's return to democracy, to investigate the fate of thousands of persons who were disappeared through the state's repressive actions.<sup>1</sup> *Nunca Más* exposed the characteristics and extent of the system of forced disappearances and established the responsibility of the state in its implementation. It became a bestseller, selling an unprecedented number of copies for a publication on the subject, was translated into English, German, Hebrew, Italian, and Portuguese, and was published abroad, with a total of 510,000 copies sold as of May 2009.<sup>2</sup>

*Nunca Más* gained greater public importance when the military juntas were brought to trial in 1985 and the investigation on which the report was based became the backbone of the strategy used by the prosecution, which also adopted its style of narrative and presentation of the facts. The court accepted

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the report as evidence, thus legitimizing its content as truth. The report's importance was further enhanced when the CONADEP was adopted as a model for various truth commissions formed throughout Latin America from 1985 to 2003 to expose the crimes committed under the various processes of state terrorism and civil wars that had afflicted the countries of the region from the 1970s to the 1990s (Acuña et al., 1995; Sikkink and Walling, 2006). In Argentina, starting in the mid-1990s, the *Nunca Más* report was postulated as a means for conveying an awareness of this past to the country's younger generations: it was incorporated into school curricula and disseminated through subsequent printings aimed at the general public. It acquired new meaning with the prologue added by the Néstor Kirchner administration in the 2006 edition, published for the thirtieth anniversary of the 1976 coup d'état. Through these processes, *Nunca Más* became Argentina's canonical account of the disappearances (Crenzel, 2008). It has been studied from different perspectives. A first group of works examined its impact on the field of transitional justice (Barahona de Brito, 2001; Funes, 2001; Grandin, 2005; Hayner, 1994; 2001; Marchesi, 2001), while a second group sought to understand the continuities and changes that it presented as a representation of human rights violations (Basile, 1989; González Bombal, 1995; Vezzetti, 2002). Until now, however, the history of the report has never been addressed as a specific object of study. Given the canonical nature of *Nunca Más* as an interpretation of the country's past of political violence, the history of the report will also serve to shed light on the politics of memory as applied to forced disappearances in Argentina.

### CHANGES IN THE CULTURE OF DENUNCIATION: THE "DICTATORSHIP NEVER AGAIN" SLOGAN

The systematic practice of forced disappearances that began with the coup d'état of March 1976 presented two radical changes with respect to the degrees and forms of political violence experienced in Argentina throughout the twentieth century: a determination on the part of the state to exterminate its opponents and the perpetration of political killings as clandestine operations. These features set Argentina's dictatorship apart from the other regimes that spread through the Southern Cone of Latin America in the 1970s. In 1984 the CONADEP recorded 8,960 cases of forced disappearances of persons. Human rights organizations maintain that as many as 30,000 people were disappeared. In Uruguay, prolonged imprisonment was more commonplace, and most of the 100 cases of disappearances of Uruguayan nationals occurred on Argentine soil; in Chile, two-thirds of the mortal victims of the dictatorship were killed publicly (SERPAJ, 1989), with the disappeared representing 33 percent of all deaths (CNVD, 1991), and in Brazil some 100 people were disappeared (Arquidiócesis de São Paulo, 1985).

From 1973 to 1976, under the constitutional administrations of the Peronist party, political violence escalated on the side of both the guerrillas and paramilitary groups such as the Alianza Anticomunista Argentina (Argentine Anticommunist Alliance), which murdered hundreds of political opponents with official backing. While in the first half of the 1970s there were only isolated

cases of disappearances, starting in 1975, under the presidency of María Estela Martínez de Perón and following two decrees issued by her authorizing the armed forces to wipe out all subversive elements, forced disappearances became increasingly common.<sup>3</sup> After the coup d'état of March 24, 1976, forced disappearances became a systematic practice. In fact, 90 percent of all disappearances occurred after the coup. Perpetrated by military or police forces, the disappearances combined generally public instances (kidnappings) with clandestine instances (imprisonment in clandestine detention centers, where victims were tortured and ultimately disappeared). In all cases, the military dictatorship denied any responsibility for them. It was only in December 1977 that, speaking to the foreign press, the dictator Jorge Videla mentioned the disappeared as an unintended byproduct of the "antissubversive war." The disappeared, he said, were subversives who had gone underground, fled the country, or been killed in armed clashes that left their bodies beyond recognition. Thus he described the disappeared as guerrillas and attributed their disappearance to the state of war (Verbitsky, 1995: 78).

Months before, new human rights organizations such as the Madres de Plaza de Mayo (Mothers of Plaza de Mayo), the Abuelas de Plaza de Mayo (Grandmothers of Plaza de Mayo), and Familiares de Desaparecidos y Detenidos por Razones Políticas (Relatives of the Detained-Disappeared for Political Reasons) had been formed. They presented their demands not only to the military authorities but also to local human rights bodies such as the Asamblea Permanente por los Derechos Humanos (Permanent Assembly for Human Rights—APDH), which received 5,580 reports of disappearances, the United States Congress, several European parliaments, transnational human rights networks, and supranational bodies such as the Organization of American States.

During this process, a common style of denunciation emerged among the various individuals and organizations, both within Argentina and in exile, that reported the disappearances—a style that was shaped by the new relations forged with transnational human rights networks. Prior to the coup d'état, political repression was denounced from a revolutionary activist perspective that stressed the relationship between state violence and capitalist society, historically contextualized the violence, and exalted the political commitments of those who had suffered it (see Foro de Buenos Aires, 1973). After the coup, this discourse was displaced by a humanitarian narrative that, in terms of a moral imperative, called for empathy with the victims. Moreover, this type of account privileged a factual and detailed description of the violations committed, the persons responsible for such violations, and the victims, whose depiction focused on their moral qualities and basic identifying particulars such as age, sex, nationality, and occupation, thus positing their innocence and lack of involvement in "subversion." In this way, the individuals and organizations that reported the disappearances sought to challenge the stigmatizing discourse of the dictatorship that equated the disappeared with guerrillas, even if in highlighting the innocence and moral values of their disappeared relatives they failed to question the premises and limits established by the dictatorship with respect to who merited the right to be considered a subject of law.<sup>4</sup> In this context of cultural and political change, the phrase "nunca más" (never again)

began to be increasingly used by human rights organizations and groups of exiles in connection with the crimes perpetrated by the dictatorship and the historical cycle of military interventions inaugurated in 1930 (see Jensen, 2004: 645; Rojkind, 2004: 287).<sup>5</sup>

However, up until its military defeat in June 1982 in the war with Britain over the Malvinas/Falklands Islands, the dictatorship succeeded in neutralizing any reports of this crime. After the war, human rights organizations channeled the country's discontent with the regime and emerged as a difficult-to-ignore actor in the public sphere. With the aim of preventing a revision of the past, on April 28, 1983, the dictatorial government issued the "Final Document of the Military Junta on the War Against Subversion and Terrorism," acknowledging its responsibility in the "antisubversive war" but leaving the examination of its actions to "divine judgment" and declaring that the armed forces had been called on to wipe out subversion by a "constitutional government," in reference to the decrees authorizing its involvement in the war issued in 1975 by Perón's widow in her capacity as president (*Convicción*, 1983). The legal counterpart to this message was the National Pacification Act (Law 22,924), passed on September 23, 1983, a month prior to the elections. This law, which came to be known as the "self-amnesty" law, extinguished all causes of action arising from crimes committed during the "antisubversive war," calling for the past of fighting, dead, and wounded "to never again be repeated" and for the country to "forgive mutual aggressions and engage in national peace-building efforts in a gesture of reconciliation."<sup>6</sup> Thus, the dictatorship proposed a "never again" that closed the book on the past and guaranteed impunity. The law was rejected by public opinion (see González Bombal and Landi, 1995: 158), and the human rights organizations then demanded that the future civilian government establish a bicameral commission to investigate state terrorism, which they claimed would guarantee the imperative of "never again." In this way, the phrase "never again" came to be associated for the first time with the demand for justice.

### THE CONADEP INVESTIGATION AND THE NUNCA MÁS REPORT

After winning the presidential elections as the candidate of the Unión Cívica Radical, Raúl Alfonsín took office on December 10, 1983. Three days after his inauguration he ordered the prosecution of seven former guerrilla leaders and the members of the first three military juntas of the dictatorship. His decision was labeled "the theory of the two demons" because it limited accountability for political violence to the two sets of leaders and explained state violence as a response to guerrilla violence. Alfonsín also proposed that in the first instance the trials be heard by the supreme council of the armed forces and distinguished three groups of perpetrators: "those who planned the repression and issued the orders; those who acted beyond the orders, prompted by cruelty, perversion, or greed; and those who carried out the orders strictly to the letter." This allowed for the existence of "excesses" without specifying what such excesses were and therefore failing to define who had acted beyond orders.<sup>7</sup> Alfonsín's proposal fueled the demand of the human rights organizations for a bicameral

commission, as these organizations believed that the military courts could not be trusted to hand down sentences. This initiative garnered increasing support from center-left parties, the Peronist party, and even some sectors of the government (Jelin, 1995: 128).

The president's advisers then suggested that he create a commission of "notables" modeled on the special commissions of prominent civil society personalities formed by the United States Congress to address specific issues. Alfonsín feared that establishing a bicameral commission would set legislators against each other as they vied to impose harsher sanctions on the armed forces, creating an extremely tense situation with the military (Nino, 1997: 112, 119).<sup>8</sup> He invited members of the human rights organizations calling for a bicameral commission to join the commission of notables in the hope of dissuading them from moving ahead with their proposal while at the same time legitimizing his own initiative. Nobel Peace Prize laureate Adolfo Pérez Esquivel declined the invitation, as did Augusto Conte and Emilio Mignone, both directors of the Centro de Estudios Legales y Sociales (Center for Legal and Social Studies—CELS). Alfonsín then invited Ernesto Sábato to join the commission instead (Adolfo Pérez Esquivel, interview, Buenos Aires, December 13, 2004).<sup>9</sup> Other personalities who were invited to form part of the commission included Eduardo Rabossi, lawyer and presidential adviser, Gregorio Klimovsky, epistemologist and APDH member, Hilario F. Long, former president of the Universidad de Buenos Aires, Marshall Meyer, rabbi and APDH member, Ricardo Colombres, former justice minister, Jaime de Nevares, bishop and APDH member, Magdalena Ruiz Guiñazú, journalist and human rights advocate, René Favaloro, heart surgeon, and Carlos Gattinoni, pastor and member of the APDH and the Movimiento Ecuaménico por los Derechos Humanos (Ecumenical Movement for Human Rights—MEDH). All were prominent figures, and most had been human rights advocates or, as had Sábato, had changed their positive view of the dictatorship when it started evidencing signs of crisis.

The CONADEP was rejected by every human rights organization except the APDH and by the opposition, with only three Radical Civic Union representatives agreeing to join (*Clarín*, December 21, 1983).<sup>10</sup> Despite this, its direction reflected the power wielded by the country's human rights organizations. That influence was heightened when APDH members Graciela Fernández Meijide and Raúl Aragón agreed to act as the commission's secretaries for depositions and procedures, respectively, and when Fernández Meijide called on the organizations to volunteer activists to take depositions. Despite having opposed the establishment of the CONADEP, all of the human rights organizations, except the Madres de Plaza de Mayo, agreed to hand over all the testimonies they had gathered, in addition to giving statements before the commission and contributing personnel.<sup>11</sup>

The CONADEP soon exceeded the mandate set by the executive. With the help of the human rights organizations, it gathered thousands of new testimonies in areas surrounding large cities and in more remote locations around the country where the relatives of the disappeared had had nowhere to report the disappearances.<sup>12</sup> It also increased the number of statements from survivors, from whom there had been very few testimonies available. These statements led to the identification of previously unknown clandestine detention centers,

provided additional information on other major centers, and revealed how prisoners were moved from one center to another, thus proving that the centers were part of a network. It also gathered testimonies from some perpetrators and from involuntary witnesses of these crimes who confirmed the reports (*Clarín*, March 14, 1984). The CONADEP organized this material according to clandestine detention center, understanding as such any place where a disappeared person had been held captive, even if only for a few hours. This led it to conclude that "any police or military unit could be turned into a secret detention facility at the discretion of the unit's chief, thus proving the systematic nature of state terrorism" (Alberto Mansur, CONADEP legal affairs secretary, interview, Buenos Aires, September 1, 2004).

The commission inspected close to 50 clandestine centers distributed throughout the country, coming up against military or police personnel whose reactions included attempting to prevent inspections, denying reports, and withholding information regarding the unit's physical infrastructure or personnel, as reported by witnesses (*Clarín*, March 1, 1984). In most cases the witnesses were able to identify general aspects of the places in which they were held captive, as well as details they would not have known if they had not been there before. The commission then held press conferences with the participation of these witnesses in which they offered a new public truth of what had happened, and it submitted the information gathered as evidence to the courts. These initiatives led to a shift in the way the CONADEP was perceived; its usefulness was no longer questioned, nor was it criticized for the ties some of its members had with the dictatorship. Instead, it now came to be associated with subversion (*La Voz*, May 29, 1984; *Clarín*, May 31, 1984, and June 14, 1984).

The convergence of the CONADEP and the survivors and relatives of the disappeared was also expressed through a television program, entitled *Nunca Más*, in which the commission presented a preliminary report of its findings to the general public. This program was aired despite pressure from military circles to prevent this. In the introduction to the program, Interior Minister Antonio Tróccoli warned viewers that the violence suffered by the country had been sparked by "subversion and terrorism," equating these with state terrorism. Moreover, in line with Alfonsín's decrees, he stressed the need to bring to trial "the high commands of the groups responsible for unleashing the violence" and called for "never again." The rest of the program featured relatives of disappeared persons and disappearance survivors, as well as Estela Carloto and Isabel Mariani, vice president and president of the Abuelas de Plaza de Mayo, respectively, and members of the Madres de Plaza de Mayo, who described the abuses suffered and their struggle and demanded "trial and punishment for all perpetrators" to guarantee that the disappearances would "never again" be repeated. Their testimonies were backed by the CONADEP, represented by Sábato. The program was viewed by 1,600,000 people. Thus the voices of survivors and relatives of the disappeared reached a mass audience (*Somos*, 1984).

The *Nunca Más* program presented two different conceptions of "never again." While Alfonsín's minister associated the imperative with the need to bring the top military and guerrilla leaders to justice, the human rights organizations associated it with trial and punishment for all guilty parties. In spite of

this difference between them, the human rights organizations and the CONADEP clearly agreed on where the legal proceedings should be conducted. Ignoring government pressures, the CONADEP decided that it would submit all the testimonies and evidence it had gathered to civilian courts except when the reporting party expressly authorized submission to a military court, thus giving the relatives and survivors the power of deciding where the criminal actions brought by them would be prosecuted.<sup>13</sup> The two also worked together when it came time to write the report; the commission asked the human rights organizations to contribute any final input they might have and for the most part included that input in the report.<sup>14</sup> In addition, Sábato's decision to build the report around the testimonies gathered placed the voices of survivors and relatives of the disappeared in the center of the account. Along that same line, the CONADEP decided to present the disappeared exclusively through their basic identifying particulars, excluding their political commitments, thus resuming the humanitarian narrative that had prevailed in the denunciation of this crime during the dictatorship. It also chose to refrain from examining the responsibility of the Peronist party and political party leaders in general in the disappearances committed prior to the coup so as not to diminish the impact of its report, which in this way would have condemned only the dictatorship. The "Never Again" slogan, which according to the CONADEP members was accepted by all without discussion as the title for the report, translated this aim.<sup>15</sup>

### THE *NUNCA MÁS* REPORT

As seen above, the CONADEP's investigation entailed the convergence of efforts by human rights organizations and the Alfonsín administration. The *Nunca Más* report expressed this convergence by combining the government's interpretation of the past of political violence with the humanitarian narrative forged by those who denounced the disappearances during the dictatorship. In line with the decrees ordering the trials of the guerrilla leaders and the military juntas, the prologue to the report presented the country's past political violence as a product of ideological extremes without putting it into historical context or explaining its causes. The report condemned the violence prior to the coup but focused on the "response" of the state as of 1976.<sup>16</sup>

By stressing the responsibility of the dictatorship in the disappearances, the report limited its object to the dictatorial period. Although the body of the report mentioned cases of disappearances that occurred in 1975, under the Martínez de Perón government, these facts were omitted from the prologue. Its periodization of violence according to the country's different institutional moments was complemented by its presentation of political democracy as a guarantee for preventing the horror from being repeated (CONADEP, 1984: 9, 15). This periodization was consistent with a policy of memory ignoring the political and moral responsibility that civil and political society may have had in the disappearances perpetrated prior to the coup. This policy was reproduced in the report's portrayal of society as a whole as taking one of two always innocent positions in the face of state terror: either its potential victim or an uninvolved observer that, if it justified the state's actions, did so only as a result of the widespread terror.<sup>17</sup>

Despite these propositions, the body of the report evidenced the complicity of certain sectors of society—such as the educational authorities and the business establishment—in the disappearances, although it refers to them institutionally only in the case of the judicial system. This is particularly true with respect to the Catholic Church (CONADEP, 1984: 259, 379, 397).

The report presented the disappeared as opponents of the dictatorship, social and even revolutionary activists, and “friends of any of these people,” thus constructing a universe of victims that excluded the guerrillas.<sup>18</sup> This delimitation was expanded in the body of the report to include political activists. The disappeared were almost exclusively identified by their names, presented as “individuals or human beings,” “kidnapped, detained or disappeared individuals, or captives or prisoners,” or classified according to their age and gender. This way of presenting the victims was complemented by the use of subsection headings such as “Children and Pregnant Women Who Disappeared,” “Adolescents,” “The Family as Victim,” and “The Sick and Disabled,” which highlighted the wide range of victims targeted for disappearance and the defenselessness and “innocence” of the disappeared. Thus, the report grounded its denunciation in the moral condition of the victims rather than in the universal character of their rights (CONADEP, 1984: 9, 10, 294, 345–346). Moreover, through the more than 400 names mentioned in the testimonies it revealed the identity of the perpetrators. In 6 out of every 10 cases they were explicitly identified as military or police officers. It also illustrated the repressive coordination of the dictatorships of the region and, near the end, briefly outlined their doctrine. This style of presenting the findings prioritized the description of the abuses over any mention of political considerations. Even so, it defined the abuses as violations of Western religious and political principles, refuting the discourse of the dictatorship that justified its actions in the name of “Western Christian” civilization (CONADEP, 1984: 8, 15, 265–276, 347–349).

The strategy employed in the *Nunca Más* report for presenting the facts was based on its exposure of the disappearances as a system. It charted the different stages of the crime: abduction, torture, clandestine captivity, and death of the disappeared. It put the number of disappearances at 8,960—although noting that this was not a definite figure—and the number of clandestine detention centers detected at 340. The number of clandestine centers and their distribution served to recreate the national dimension of the clandestine system. Moreover, by revealing that most centers were located in military or police facilities, the report refuted the military’s denial of any responsibility in the disappearances.

The report’s account drew primarily on the voices of survivors and relatives of disappeared persons, which represent 75 percent of the 379 testimonies included. The repeated reference to certain places, dates, and names in the testimonies restored the reality, spatiality, and temporality of the facts and the identity of the victims.<sup>19</sup> But the report also incorporated testimonies from perpetrators, which, while representing only 2 percent of the statements, together with statements from “involuntary witnesses” of disappearances served to confirm the voices of the relatives and survivors. This diversity of voices created a new result, a chorus of testimonies, that proposed a unified representation of the disappearances.



With respect to criminal responsibility, the report reflected the lack of consensus within the CONADEP on this issue and the differences between human rights organizations and the Alfonsín administration in terms of the scope of criminal justice. On the one hand, it established the responsibility of the military juntas in planning the crime. On the other hand, it presented clandestine centers according to the forces under their command, organized the disappeared according to the military units they were held in, suggesting the responsibility of the commanding officers of these units, and underlined that “any sign of disagreement within the armed and security forces over detention or elimination methods was brutally punished. . . . Any attempt to escape from the structure of repression, which members referred to as the ‘blood pact,’ could entail their persecution and even elimination” (CONADEP, 1984: 8, 253–259, 300). This suggests that the view taken in the report reproduced Alfonsín’s distinction of degrees of responsibility. This position had been seriously undermined in February 1984 in a debate in the Senate, which concluded with the inclusion (on the initiative of Elias Sapag, a representative for the Neuquén People’s Movement) of an amendment that denied the defense of due obedience to anyone who had committed “atrocious and abhorrent acts” (Nino, 1997: 119). However, *Nunca Más* challenged the official stance and came closer to the position held by humanitarian organizations when it warned that the “cases included in the report do not represent ‘excesses,’ as no such thing existed, if by ‘excesses’ we understand isolated and particularly abhorrent acts. . . . Abhorrent acts were not the exception but a common and widespread practice. The ‘especially atrocious acts’ numbered in the thousands. They were the ‘norm.’” Thus, the report also rendered the Senate’s amendment meaningless. It did so, moreover, by positing that it was “essential to conduct a judicial investigation to determine the makeup of the task forces that were part of the repressive structure,” thus expanding legal inquiries to include middle- and lower-ranking officers, whom the government had intended to exclude (CONADEP, 1984: 15, 16, 223, 256, 481).

### THE *NUNCA MÁS* REPORT AND THE PROSECUTION OF THE PAST

Released in November 1984, by March 1985 *Nunca Más* had sold 190,000 copies, including an edition in Braille and the first foreign edition, published by EUDEBA and the Spanish publishing house Seix Barral. This figure represents 42 percent of the 510,000 copies published as of May 2009 (Sandra Günther, interview, Buenos Aires, August 20, 2004).<sup>20</sup> This impact was linked to the credibility of the just-restored democracy, the prestige of the members of the CONADEP, and, in particular, public expectations surrounding the imminent trial of the military juntas. Domestically, the book was in great demand and drew a socially and ideologically diverse readership. However, because of the harshness of its contents, it was emotionally disturbing and difficult to understand, and readers often felt compelled to put it down (Fontán, 1985: 38; Luis Gregorich, interview). In the public sphere, the report’s assessment was conditioned by criminal prosecution objectives. This, however, was not a cause for

division between the human rights organizations and the military and its supporters. For Carlos Zamorano (1984) and Emilio Mignone (1984), leaders of the LADH and the CELS, the *Nunca Más* report was a “strong piece of evidence for the prosecution” that demolished the military thesis of “excesses” and the official position of “degrees of responsibility.” For the Madres de Plaza de Mayo, in contrast, it did not present the truth and denied justice by suggesting that the repression was a response to the guerrillas when in fact the guerrillas had already been decimated; it concealed the real objective behind the coup, which was to impose an imperialist economic model, and it declared the death of the disappeared through a “partial and deliberate selection” of testimonies “without any evidence to prove them” (*Diario de las Madres de Plaza de Mayo*, 1984 and 1985).

For their part, military supporters published their own book with the aim of creating a debate. The book, *Definitivamente Nunca Más: La otra cara del informe de la CONADEP* (Definitely Never Again: The Other Side of the CONADEP Report), was written by lawyers of the Foro de Estudios sobre la Administración de Justicia (Forum for Studies on the Administration of Justice—FORES), created shortly after the coup, and it was released in May 1985 (Lynch and Del Carril, 1985: 100, 102). According to the FORES, the *Nunca Más* report omitted the fact that the use of illegal methods began during the administration headed by Perón’s widow, María Isabel Martínez de Perón. The book further stated that the report was based on testimonies of affected parties without “any attempt to verify if there was any truth in them,” with the aim of “passing judgment on the armed forces in advance” and turning “guerrilla members into martyrs and those who combated them into murderers and torturers.” It also pointed out that the report failed to prove that the illegal methods employed were a result of orders issued by superiors as the prosecution argued in the military junta trials (Lynch and Del Carril, 1985: 19–20, 23–25, 71, 81–83, 95–99, 103–117).

In those trials the prosecutor, Strassera, grounded his strategy precisely in the account given in the *Nunca Más* report, drawing on the evidence gathered by the CONADEP. He presented the cases in which the victims were farthest from any political commitment, highlighted the violation of the victims’ rights and their defenselessness, sought to condemn the dictatorship alone, and closed his allegations with the emblematic words “never again.” The defense lawyers, for their part, tried to expose the political activism of the disappeared and the witnesses with the aim of denying their citizenship. Both strategies illustrate the limits of the concept of citizenship in the newly restored democracy by failing to recognize the universal nature of human rights.<sup>21</sup>

Nonetheless, the trials enhanced the legitimacy of the *Nunca Más* report. In Argentina there were several new printings of the book, and it was discussed in special events organized by the state and by the human rights organizations (Alberto Mansur, interview, San Martín, September 1, 2004; Eduardo Rabossi, interview, Buenos Aires, August 19, 2004; Graciela Fernández Meijide, interview, Buenos Aires, October 20, 2004). It was through the efforts of these two actors that the report was translated abroad. In 1985 *Nunca Más* was published in Portuguese in Brazil, and in 1986 it was released in Italy through the initiative of relatives of the disappeared. It was published in English in London, by Faber and Faber, and in the United States, by Farrar Straus Giroux, with the

support of Ronald Dworkin, a scholar who had advised Alfonsín on his human rights policy.<sup>22</sup> Also, at the regional level, in a context of democratization and debates over how to process the region's histories of political violence, *Nunca Más* was distributed through transnational human rights networks, and it was considered by governments as a model for building a new truth regarding their recent pasts (see CONADEP, 1984; Markarián, 2006: 176; Sikkink and Walling, 2006). Several truth commissions adopted *Nunca Más* as the title for their own reports (see Arquidiócesis de São Paulo, 1985; CIPAE, 1990; SERPAJ, 1989; Proyecto Interdiocesano de Recuperación de la Memoria Histórica, 1996).

The legitimization of *Nunca Más* can be said, then, to have resulted from a movement that emerged from the state and civil society and from both within and outside the country. Through these processes, the report established a new way of constructing a memory of the recent past, a concept that is proposed here to illustrate the structures of meaning that became dominant in the public sphere as various practices and discourses created frameworks for selecting what was memorable and introduced interpretative and narrative approaches for thinking about, evoking, and conveying the past.

However, divisions arose among *Nunca Más* supporters over their different expectations with respect to the criminal punishment that the perpetrators of the disappearances deserved. In December 1986 Alfonsín introduced a bill in the Congress for what would become the Full Stop Act, establishing a 60-day deadline for the filing of lawsuits, after which the cases would be extinguished. In May 1987 he introduced the Due Obedience bill, whereby all actions except those involving changes in identity, abduction of children, and misappropriation of property were deemed to have been committed under coercion and subordination to orders from superiors. The bill was accompanied by a message from the executive stating that the imperative of "never again" had been guaranteed by the trials and the end of indifference, in an allusion to the revealing nature of the report (*La Prensa*, May 14, 1987). For the human rights organizations, in contrast, "never again" was a goal that had not yet been fully attained and was threatened by pressures from the military but also by the official position that these laws represented (*Clarín*, April 30, 1987). These processes impacted the publishing history of *Nunca Más*. During the four years following the passage of the Due Obedience Act, the report was not published again in Argentina or abroad. The last printing from EUDEBA was published in July 1987, simultaneously with the German translation, which came out in 10,000 copies (Petra Dorn, electronic communication, July 16, 2004).

Upon taking office in 1989, the Peronist President Carlos Menem gave new meaning to the "never again" slogan, linking it to the policies of reconciliation and pacification of society that were summed up in the pardons he granted to members of the military juntas (*Clarín*, October 15, 1989; December 8, 1990). At that point, most humanitarian organizations saw the *Nunca Más* report as an instrument that could be used to challenge these policies, and they asked the authorities of the Universidad de Buenos Aires to publish it again.<sup>23</sup> This new printing came out in July 1991 and was presented by human rights organizations and the bishop Jaime de Nevares in his capacity as a former CONADEP member, without the participation of representatives from the state or political parties.<sup>24</sup> This absence was reflected in the document

read by the human rights organizations at the launching ceremony, in which they declared that the report was the result of efforts of relatives of the disappeared, survivors, and the CONADEP, omitting all reference to the commission's governmental origins.<sup>25</sup> Despite this initiative, in a context marked by hyperinflation and the implementation of economic adjustment programs, the public's interest in the recent past waned, and this publication and those released by EUDEBA from 1992 to 1994 totaled 11,000 copies in all, only 2.5 percent of the copies published as of 2009.

### NUNCA MÁS AS A VEHICLE OF MEMORY

However, the public debate on political violence was suddenly sparked again in February 1995, when the naval captain Adolfo Scilingo publicly confessed his participation in disappearance operations in which prisoners were dropped to their deaths from airplanes into the sea (*Página/12*, March 3, 1995). In this context, from March through August 1995, EUDEBA released 16,000 copies of *Nunca Más*, surpassing in only five months the number of copies issued in the 1991–1994 period. Simultaneously, various civil society groups called for new editions of the report. These initiatives had a number of peculiarities. On the one hand, they sought to employ *Nunca Más* as a vehicle for transmitting to younger generations the memory of the past violence. On the other, alongside a verbatim reproduction of the original text they featured other content and images through which the human rights organizations presented their own interpretations of the disappearances while at the same time denouncing current circumstances, thus making an exemplary use of *Nunca Más* (see Todorov, 2000).

The first of these new editions of *Nunca Más* was published by the daily newspaper *Página/12* in 30 installments that appeared from 1995 to 1996, with a circulation of 75,000 copies each. This serialized publication featured collages by the artist León Ferrari<sup>26</sup> in which the disappearances were represented as a product of “Western Christian” civilization. For Ferrari, massacres and genocides were explained by Christian morals, and therefore he saw the crimes committed in Argentina as another consequence of the Christian value system. His collages combined Christian iconography with photographs of the perpetrators of the disappearances, pictures of high-ranking Nazi officers, and engravings of the Inquisition, witch hunts, and Spanish violence in the Americas. In this way, the same Western political and religious principles that the CONADEP considered had been violated by the dictatorship were now presented as causes of the horror, while democracy was no longer seen as posing a barrier to its repetition. Nonetheless, like the CONADEP report, the collages did not delve deeper into the country's history for explanations of the disappearances, and the disappeared were presented merely as human beings, omitting their political commitments.

The second edition of *Nunca Más* in this period was published for the twentieth anniversary of the coup d'état, just as the situation of social exclusion created by Menem's neoliberal policies had begun to be read as a result of the model established by the dictatorship. At the same time, a documentary by the journalist Eduardo Aliverti entitled *Malajunta* was screened throughout the

country (*Página/12*, September 21, 1996). The film set out to describe the cultural policy of the dictatorship, including testimonies of artists and intellectuals who were persecuted during that period.<sup>27</sup> The people interviewed in the documentary reproduced the narrative of the *Nunca Más* report by presenting themselves as innocent and bewildered victims of repression, and the disappeared were identified by their occupations, excluding the guerrillas from their universe. However, in contrast with *Nunca Más*, *Malajunta* established a link between the dictatorship's repressive actions and those of the Peronist government, thus highlighting a continuity in the repression, and the people interviewed considered society as complicit with the disappearances, which they associated with the regime's economic policies.

The third of these initiatives involved the incorporation of *Nunca Más* into the classroom as a means of conveying this past to the younger generations.<sup>28</sup> In February 1997 EUDEBA published 3,000 copies of a text entitled *Haciendo memoria en el país de Nunca Más* (Remembering in the Land of Never Again), written by three education experts and distributed nationwide by the Ministry of Education. In contrast to *Nunca Más*, the text examined the political and ideological framework of the dictatorship, reviewed Argentina's history since the nineteenth century, established a connection between state terror and the economic programs of the regime, and portrayed the disappeared as activists and even as guerrillas. Moreover, by presenting the situation of increasing social inequality and police violence that prevailed in the country at the time of its publication, *Haciendo memoria* challenged the claim that democracy would guarantee the imperative of *Nunca Más* (Dussel, Finocchio, and Gojman, 1997: ix-x, 9-25, 33-34, 100-102).

Another edition appeared in March 2006, prepared by EUDEBA for the thirtieth anniversary of the coup. This time the report included a prologue penned by the National Human Rights Secretariat, formed by Eduardo Duhalde and Rodolfo Mattarollo, prominent defense lawyers of political prisoners and individuals who had denounced the dictatorship while in exile. This prologue did not establish a democracy-dictatorship dichotomy. Instead, it contrasted the Kirchner administration with the constitutional governments that came before it by criticizing the impunity laws passed in that period and the neoliberal policies implemented by the dictatorship and continued by the ensuing democratic governments and by describing the prologue of the original *Nunca Más* edition as a "symmetrical justification" of state violence in opposition to guerrilla violence.<sup>29</sup> It portrayed the present as a "historical" and "exceptional" moment, a product of the policies implemented by the government and its response to the "unwavering demands for truth, justice and memory that our people have been clamoring for throughout the last three decades" (CONADEP, 2006: 7). In this way, it presented a view of the relationship between Argentine society and the horror experienced by it that was the exact opposite of the one presented in the original prologue. But this new view was just as totalizing as the other in that it portrayed a society that stood undivided, as a monolithic whole, in the face of terror and impunity. It too failed to contextualize the country's political violence historically or to attribute responsibility for the disappearances perpetrated prior to the coup, and it reproduced the original CONADEP's socio-demographic portrayal of the disappeared, excluding the

guerrillas, although it expanded this portrayal to include political activists (CONADEP, 2006: 8 and 9).

In sum, with the exception of the 2006 prologue, all the interventions implemented as of 1995 placed the disappearances within a time frame that transcended the dictatorship, either presenting them as part of a wider history of exterminations (Ferrari), highlighting the continuity of repression between the pre-coup government and the dictatorship (*Malajunta*), or contextualizing it in terms of national history (*Haciendo memoria*). Nonetheless, these efforts avoided a complex examination of this past. They also adopted interpretative approaches that contrasted with those contained in *Nunca Más* (Ferrari) or were absent from it by associating the horror with the economic model (*Malajunta*, *Haciendo memoria*, and the new prologue). But they failed to assign political and moral responsibility in this process, and from an opposite but equally totalizing view they presented society as a block, either justifying the horror (Ferrari, *Malajunta*) or denouncing it (the new prologue). This depoliticization of history was also reflected in the portrayal of the disappeared: *Malajunta* and the new prologue reproduced the description of the disappeared in terms of their socio-demographic characteristics, while Ferrari presented them as abstract human beings. All of these readings rejected the dictatorship-democracy dichotomy, positing instead the existence of economic and moral continuities between the two. And as a result, they all imbued *Nunca Más* with new meaning both as a text and as an imperative.

## CONCLUSIONS

This article has examined the political and cultural processes involved in the preparation, uses, and resignifications of the *Nunca Más* report, a canonical text on the memory of Argentina's disappearances. It has shown that during the dictatorship the disappearances were denounced from a humanitarian stance that privileged the factual narration of the abuses and the presentation of the disappeared in terms of their basic identifying particulars, portraying them as innocent victims. The CONADEP engaged the representatives of this narrative in its work, appointing them to directive and technical positions within the commission, used the body of testimonies they gathered, legitimized their voices in the public sphere, allowed them to have an influence on the decisions made with respect to judicial proceedings, and involved them in the drafting of the report.

*Nunca Más* combined this humanitarian narrative with the premises established by the Alfonsín government for examining and judging the country's past political violence. It recognized the disappeared as subjects of law without revealing their political activism, posited the exclusive responsibility of the dictatorship in the disappearances, and upheld democracy as the guarantee for preventing the horror from ever happening again, thus obscuring the responsibility of political and civil society before and after the coup. By presenting a comprehensive account of the stages involved in the crime of forced disappearance and exposing its national scope and systematic nature, *Nunca Más* publicly challenged with unprecedented strength the dictatorship's denial of the crime. The official nature of the CONADEP and the prestige of its members rendered its account credible and secured it a massive readership.

The truth introduced by *Nunca Más* in its first major cycle of publication was shaped by its relationship with the process of justice and its use in and legitimization by the junta trials, which also enhanced the report's influence in the country and abroad. Thus, *Nunca Más* became the template for constructing a new memory of that past. It became the dominant way of thinking about, remembering, and representing the past. The coordination of *Nunca Más* with different judicial objectives set the human rights community against the government of Alfonsín in a dispute over who was the rightful interpreter of its contents, and this affected future publications of the report after the impunity laws were passed and the pardons were granted. In that period, the human rights organizations regarded the *Nunca Más* report as a means for denouncing the crime of forced disappearance and as a sign of the waning willingness of the state and political leaders to seek justice.

From 1995 on, *Nunca Más* entered a new cycle of mass dissemination as multiple actors sought ways of conveying the past to younger generations. In that context, it was no longer seen as a means for attaining punitive goals and became a vehicle of memory, opening the way for a debate over possible political and historical interpretations. In this process, it was reproduced literally while at the same time being resignified as exemplary memory on the basis of different readings of the violence perpetrated under the dictatorship. These accounts introduced new meanings, some even openly challenging the original report's view, by presenting state violence as existing prior to the coup, explaining the disappearances as a result of material goals or of political and religious values that the report posited as being violated by this crime, and abandoning the view of democracy as the political regime that guaranteed the "never again" imperative.

Nonetheless, these interventions reproduced some of the interpretative approaches of the report, eluded the historical examination of the past, overlooked any possible connections between political and civil society and the horrors perpetrated, and ignored the political activism of the disappeared. If the changes introduced by these interventions evidence the erosion of a system of memory established by the *Nunca Más* report, their continuations reveal the difficulties that Argentine society has had in recognizing the universal nature of human rights and in incorporating this past into a historical account that includes politics as a feature of its protagonists and a cause for ruptures. The uses of *Nunca Más* illustrate the public's acceptance of the report as a canonical text, while its resignifications evidence that it too was shaped by the political times of collective memory. These complex and contradictory processes explain why in today's Argentina "Nunca Más" is the only slogan that summarizes, in just two words, a sense of the country's past and future.

## NOTES

1. Created by the national executive's Decree 187, December 15, 1983, and published in the Official Gazette on December 19, 1983.

2. Calculated from data from Editorial Universitaria de Buenos Aires (EUDEBA), which released the report in book form.

3. See CONADEP database, National Human Rights Secretariat. In February 1975 President Martínez de Perón issued Degree 265 authorizing the armed forces to "carry out any military actions that may be necessary to neutralize and/or annihilate all subversive element activities" in

the province of Tucumán. In October of that year, by Decree 2772, Provisional President Ítalo Luder extended those powers to the rest of the country.

4. Markarián (2006) has analyzed their makeup and prevalence among Uruguayan political exiles on the basis of contacts with transnational human rights networks.

5. Argentina's first military coup occurred in 1930, with the ousting of democratically elected president Hipólito Yrigoyen of the Unión Cívica Radical.

6. National Pacification Act, Law No. 22,924, Official Gazette, September 27, 1983.

7. See Nino (1997: 106–107) and presidential decrees 157 and 158 of December 13, 1983 (Official Gazette, December 15, 1983, 4–5).

8. The proposal did not take into account the failed experiences of commissions created in Uganda and Bolivia to investigate disappearances in those countries (see Hayner, 1994: 611–614).

9. On Alfonsín's invitation to Conte, see Unión Cívica Radical Representatives, Actas 5, December 21, 1983, 13. On the invitation to Mignone, see Mignone (1991: 160). Sabato is one of Argentina's most prestigious writers. During the dictatorship he had praised Videla after meeting with him (Duhalde, 1999: 113–114), but in 1981 he headed the Movimiento para la Recuperación de Niños Desaparecidos (Movement for the Recovery of Disappeared Children) jointly with Adolfo Pérez Esquivel.

10. The representatives were Santiago López, defense attorney for political prisoners and national representative for Chubut, Hugo Piucill, APDH member and national representative for Río Negro, and Horacio Huarte, lawyer and representative for the province of Buenos Aires.

11. On the support given by human rights organizations to the CONADEP, see CONADEP, 1983–1984: Actas 2 (December 27, 1983), 3–4; 4 (January 3, 1984), 8; 5 (January 5, 1984), 13; 6 (January 10, 1984), 16; 8 (January 24, 1984), 22; and 11 (February 10, 1984), 32. On the position of the Madres de Plaza de Mayo, see *Clarín*, December 29, 1983. However, according to the CONADEP (Actas 8 [January 24, 1984], 22, and 14 [March 6, 1984], 44, the Mothers of Disappeared Conscripts submitted 101 reports and the Mar del Plata chapter of the Madres de Plaza de Mayo contributed another 196.

12. Sixty-four percent of the reports received by the CONADEP came from small localities (Izaguirre, 1992: 41).

13. CONADEP (1983–1984): Actas 30 (June 26, 1984), 117; 4 (January 3, 1984), 8–9; 9 (January 31, 1984), 24; 14 (March 6, 1984), 47; 19 (April 10, 1984), 75; 32 (July 10, 1984), 124–127; and 33 (July 17, 1984), 128–132).

14. Relatives of the Detained-Disappeared for Political Reasons asked that the names of those responsible for the repression be included; the MEDH requested laws that would protect the families of the disappeared; and the Liga Argentina por los Derechos del Hombre (Argentine Human Rights League—LADH) called for education in human rights and the repeal of repressive laws (CONADEP, 1983–1984: Actas 24 [May 15, 1984], 100; 27 [June 5, 1984], 108; 30 [June 26, 1984], 115; 33 [July 17, 1984], 135, 35 [July 31, 1984], 144–145; and 40 [August 28, 1984], 162). The CONADEP also initially invited the human rights organizations to review the final version of the reports, but in the end this was not possible because of time constraints (Eduardo Rabossi, interview, Buenos Aires, May 11, 2005).

15. According to interviews with Raúl Aragón, Gregorio Klimovsky, Graciela Fernández Mejjide, Alberto Mansur, Magdalena Ruiz Guiñazú, and Eduardo Rabossi. In 1955, the national inquiry commission created by the military government that ousted Juan Domingo Perón issued a report entitled *El libro negro de la Segunda Tiranía* (The Black Book of the Second Tyranny).

16. "The armed forces responded to the crimes committed by terrorists with a terrorism far worse than that which they were combating, because as of March 24, 1976, they availed themselves of the power and impunity afforded by an absolute state, abducting, torturing, and killing thousands of human beings" (CONADEP, 1984: 7).

17. "A feeling of vulnerability gradually took hold of society, coupled with the dark fear that anyone, however innocent, might fall victim of the never-ending witch hunt. Some people reacted with overwhelming fear, while others tended, consciously or unconsciously, to justify the horror: 'They must have done something to deserve it,' they would whisper, as though trying to appease formidable and inscrutable gods, regarding the children or parents of the disappeared as plague-bearers" (CONADEP, 1984: 9).

18. "From people who wanted to change society through a revolution to socially aware adolescents who went out to shantytowns to help their residents. Anyone could become a victim: trade union leaders fighting for better wages; youngsters in student unions; journalists who did



not enthusiastically support the regime; psychologists and sociologists simply because they belonged to suspicious professions; young pacifists; nuns and priests who had taken the teachings of Christ to underprivileged neighborhoods. And the friends of any of these people, and the friends of such friends, plus others whose names were given by someone out of vengeance or were obtained under torture from people in captivity. The majority of them were innocent. Not only had they not committed acts of terrorism, they did not even belong to guerrilla combat units, as these preferred to fight back and either died in shootouts or committed suicide before they could be captured, with few of them still alive by the time they were in the hands of the repressive forces" (CONADEP, 1984: 9–10).

19. On the importance of these frameworks for remembrance, see Halbwachs (2004). On the rupture of such frameworks after the disappearances, see Da Silva Catela (2001: 116–119, 122–123).

20. The figure for the number of copies of the report published was provided by EUDEBA.

21. For example, Prats Cardona, defense attorney for Massera, asked the journalist Ruíz Guiñazú if she knew of anyone persecuted in the antisubversive war who had been innocent, and she replied that she did: the disappeared children (*El Diario del Juicio*, July 9, 1985).

22. Two editions of 3,000 copies each were published in Portuguese (Iván Gomes Pinheiro Machado, L&M editor, electronic communication, July 20, 2005), and as many copies were published in the Italian edition (Octavio Raimondo, Editrice Missionaria Italiana, electronic communication, October 5, 2006). Two editions were published in English, one with 1,500 copies and the other, an economical edition, with 10,000.

23. Memoria Abierta, Relatives, Document C.9.16. Memoria Abierta is a nongovernmental organization that assembles all the documentation collected by Argentina's human rights organizations in a single database. It has a large oral archive containing interviews with activists of the 1960s and 1970s.

24. "Guía para el acto," in Memoria Abierta, Relatives, Document C8.91.

25. Memoria Abierta, Relatives, Documents B8.95 and C9.62a.

26. Ferrari was part of an avant-garde artistic movement of the 1970s. During the dictatorship he was forced into exile and his son was disappeared. The newspaper *Página/12* first came out in May 1987 and has covered human rights abuses since its first number. The information regarding the print run of this edition was obtained through an electronic communication with Ricardo Badía, administrative manager of *Página/12*, December 1, 2003.

27. The documentary is narrated by the actor Alfredo Alcón Aliverti and features testimonies from David Viñas and Eduardo Galeano (writers), Miguel Angel Solá (actor), León Gieco (musician), Luis Puenzo (movie director), and Roberto Fontanarrosa (cartoonist). The only testimonies in the film that do not come from representatives of the cultural community are those of the prosecutor, Strassera, and several children of the disappeared.

28. This was implemented in the city of Buenos Aires by municipal order No. 49,192 of June 1, 1995 (Municipal Gazette of the City of Buenos Aires, No. 20,074, July 10, 1995, 102.604).

29. "If we are to lay down solid foundations on which to build our future, we need to be clear about something: we cannot accept any attempts to justify state terrorism as a form of counteraction to other forms of violence, as if it were possible to find a justifying symmetry in the actions of individuals, in the face of a deviation from the nation's and the state's inherent functions, which cannot be relinquished" (CONADEP, 2006: 8).

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