



DEPARTMENT OF POLITICAL SCIENCE
MAJOR IN POLITICS, PHILOSOPHY AND ECONOMICS

The Latest Military Dictatorship of Argentina 1976-1983 and the *Desaparecidos*:
A Case of Repression of Political Dissent in Authoritarian Regimes

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A mamma, papà, Dado e Ale, per l'amore e il supporto incondizionato in ogni mia scelta, errore e successo.

A Palermo, casa dalla quale sono sempre scappata, ma alla quale ritornerò sempre.

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A los argentinos y a la Argentina, a los recuerdos, a los lugares, al azul del cielo de Buenos Aires, los voy a llevar siempre conmigo. Que nos volvamos a ver.

Los amigos del barrio pueden desaparecer
Los cantores de radio pueden desaparecer
Los que están en los diarios pueden desaparecer
La persona que amas puede desaparecer
Los que están en el aire pueden desaparecer en el aire
Los que están en la calle pueden desaparecer en la calle
Los amigos del barrio pueden desaparecer
Pero los dinosaurios van a desaparecer

Charly García, *Los dinosaurios*

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INTRODUCTION

According to the Political Terror Scale Scores based on U.S. state Department reports, in 2018 more people lived in countries with poor human rights records than in countries that experience low levels of state perpetrated human rights violations. While 38 out of 197 (19.3%) countries or territories perpetrate flagrant human rights abuse, almost 70% of the world's population inhabits these countries and territories¹. Citizens in these repressive regimes must make difficult decisions about whether or not to express their dissent. Coercive violence is often analyzed by political scientists as a signal of the cost of dissent, but it is often perpetrated in a way that seems designed to maximize fear in the population through graphic torture, public spectacle, or violation of norms. Given the substance of these numbers, is not hard to understand the considerable interest of intellectuals spacing from political scientists, to sociologists, to psychologists and the amount of scientific work that has already been dedicated to such phenomenon, although not historically recent in any way.

The 1970s were a time characterized by the presence of military regimes in almost every country in Latin America. Indeed, while the regional political map showed the existence of only one military dictatorship in 1961, by 1979 the situation was almost diametrically opposed, since only four civilian governments prevailed. Over a 20-year span of time, the military-civilian relation had undergone remarkable transformations. This kind of militarism differs from its predecessors, namely the autocracies that convulsed Europe and the Middle East during the Second World War and its aftermath, from the point of view of power, since it is here held by the Armed Forces as an institution, and not by factions belonging to them. Repression was the main feature characterizing such regimes and, in the majority of cases, it was employed, as happened in Chile from 1973, in Uruguay from 1973 to 1974 and in Argentina after the 24th of March 1976, to levels never known in the history of those nations. This new form of military dictatorship would be labeled as “bureaucratic-military authoritarianism”, which reflected the 20th-century Latin America-wide phenomenon characterized by the passage of the leadership of increasingly professionalized armies to sons of the middle class who committed to modernizing the infrastructure of their societies. It rested on the conviction that no democratically elected regime could afford to take the harsh measures needed to quicken the economic. While military men would keep order with varying degrees of violence and human rights violations, civilian economists and technocrats would direct most other policy, hence the term “bureaucratic-military authoritarianism”.

This dissertation does not purport to discuss in depth the bases, evolution and consequences of the political models adopted by the neo-military regimes in America Latina, less is it assumed as a finished theoretical dissertation on the concept of human rights. Rather, an attempt is made to set out in some detail how the minimum guarantees, which every state governed by the rule of law should respect, were violated in the case of the so-called “National Reorganization Process” in Argentina. Justified by the seizure of power within the

¹ The assessment of state repression is based on living in a country rated 3 or above on the Political Terror Scale based on U.S. State Department reports. Population data is from the United Nations Population Division. Most recent available data is from 2018.

ideological superstructure of the Doctrine of National Security, the military undertook a twofold task: to reestablish order and to introduce fundamental social, political and economic changes. Since the very beginning, repression was placed at the service of an exclusionary model of the popular sector both in the political and in the economic spheres. The repressive methods employed by the leaders of the Armed Forces were based on the disappearance of the constitutional legal framework, widespread coercive methods, and, most importantly, state terrorism.

The Argentine military dictatorship ushered in a new era in the exercise of violence. Unlike previous state repression against political militants or trade unions, it systematically instituted an unprecedented form of political crime: the forced disappearance of persons, which condensed a state decision of clandestine mass extermination. The systematic character and the magnitude of the disappearances distinguished the Argentine dictatorship from the rest of those established during the seventies in the Southern Cone. These disappearances implied a break in the history of political violence in Argentina and proposed an unprecedented challenge to the exercise of memory by replacing the publicity and responsibility of political death by its clandestine and anonymous exercise. Before the coup, political assassinations were admitted by their instigators, bodies appeared on the road and news spread through the press. After March 1976, terror was not based on the spectacular presence of death but on its occult course and in the indetermination of its authorship. In short, the new phenomenon of forced disappearances created an unprecedented unawareness concerning the information about its perpetrators and the victims. It gave rise to – sad Argentine privilege – the spread use of the word *desaparecidos* by the worldwide press.

Almost one year ago, when I first discussed the topic of my final dissertation with my supervisor, I told him that I had chosen this topic because in a matter of weeks from that moment I would have moved out to Buenos Aires for a semester. I firmly believed that being in a foreign country as a student would have provided me with a better perspective and understanding through which I could have studied in a deeper and aware way such a delicate subject matter, such as the one of the *desaparecidos*. And today I am glad to say that I have fulfilled my purpose. The exact moment in which I realized that this was the right topic for my final dissertation was precisely during a lecture of contemporary Argentine history at the Universidad de San Andrés. The professor, while talking about the Dirty War and the *desaparecidos*, decided to share with us a personal anecdote. He was a child during the dictatorship, too young to really understand what was happening in the country. One day, after school, he decided to go to one of his friend's house, however, he did not tell his parents he would go there. Once he got back home, he found his parents crying, they were desperate: "Don't you know that people are disappearing in Argentina?", they yelled at him. In that moment I understood what it meant to talk about that specific historical period for those who witnessed the horrors of the dictatorship, it was in my professor's voice, in all the feelings he expressed while he told us about something that, although happened more than forty years ago, will never be erased from his mind. This is why I have chosen to deal

with this topic, to make mine the memories of the Argentine people and the burden they carry on their shoulders, and to share it with everyone who will read my dissertation.

The starting point of this dissertation, namely the first chapter, will deal with an overview of the main historical phases through which Argentina underwent before, during and after the *Proceso de Reorganización Nacional*, that ruled the country from March 1976 until the democratic elections of 1983. A first stage goes from 1976 to 1979, period characterized by the starkest use of repressive measures and during which the highest number of people fell into the infamous label of *desaparecidos*, under Videla's guidance as President. The second stage concerns the period that extends until the democratic comeback with Alfonsín's appointment as President. Highlights of this historical phase are: the ICHR visit to the country to investigate the fate of the *desaparecidos* and the violation of human rights; the Falkland's War against Great Britain, under Galtieri's guidance and, finally, 1983 General Elections, with the subsequent redaction of the *Nunca Más* and the trial to the military *Juntas*.

The second chapter will go through the theories dealing with the repression of political dissidence in authoritarian regimes. Firstly, following Linz's (1964) definition of authoritarian regimes, four main dimensions characterizing such form of government are described, namely: limited and not responsible political pluralism; the use of mentalities rather than ideologies; low or absent political mobilization; and the undefined limits through which the leader rules. Thereafter, a typology of authoritarian regimes will be drawn. For the purpose of this dissertation and the importance of the role of the military in the regime, we will focus on one specific type of authoritarian regime: the bureaucratic-military authoritarian regime. Here, much of the theoretical framework is provided by Guillermo O'Donnell's contribution on the matter. Significant for the purpose of this dissertation is the influence dissent has on repression, as stressed by Tilly (1979). Finally, emphasis is given to the transnational nature of repression, meaning that repression in one regime is influenced by and influences levels of repression in other regimes, often those that are close geographically.

In the third and final chapter of the dissertation, the focus will go back to the Argentinian case, at this point dealing with it from the point of view of the repression of the political dissidence and, even more specifically, on the phenomenon of the *desaparecidos*. Thanks to the huge amount of information collected by the CONADEP in the *Nunca Más* Report, it will be easy to understand how the Armed Forces implemented a state of terrorism in the country, through which means it was possible to implement it and the reasons behind what is considered the bloodiest military dictatorship in the history of Latin America. Having fully discussed, in the first two chapters, both the historical context of the country and the theoretical background on state terrorism, the last section of the chapter will be dedicated to the concrete application of theory and to the thorough description of what happened in Argentina during the *Proceso de Reorganización Nacional* to those considered "subversives" and enemies of the country. Conclusions about the negative impact of the latest Argentine military dictatorship on the violation of human rights follow in the closing section of the thesis.

1. NATIONAL REORGANIZATION PROCESS (1976-1983): ARGENTINA'S BLOODIEST DICTATORSHIP

1.1. An historical background: before 1976

The civil-military uprising on the 24th of March 1976, began its preparation well in advance. By then, Argentina was the only country in the Southern Cone to maintain a democratic regime, while all neighboring countries were ruled by military dictatorships supported by the United States in the context of the Doctrine of National Security. Said doctrine is a concept used to define certain foreign policy actions implemented by the United States, aiming at having the armed forces of the Latin American countries, their “backyard”, modify their mission in order to dedicate themselves exclusively to: guaranteeing the internal order; combating ideologies, organizations or movements which could favor or support communism in the context of the Cold War; and legitimizing the seizure of power by the armed forces and justifying the systematic violation of human rights (Feierstein, 2010). The lack of democracy in the elective process in Argentina and the influence of the Cuban Revolution of 1959 created the framework that impelled the emergence, during the previous military dictatorship (*Revolución Argentina*, 1966-1973), of insurrectional movements throughout the country with a strong participation of the youth and the citizenry, and also of guerrilla groups, which then grouped in two main factions: FAR-Montoneros (Peronists) and the *Ejército Revolucionario del Pueblo*, ERP (Marxists). Peronism won again at the 1973 General elections with Héctor Cámpora (in office from the 25th of May 1973 – to the 13th of July 1973), who was quickly succeeded by Raúl Lastiri (in office from the 13th of July 1973 – to the 12th of October 1973), who in turn was replaced by Perón’s third Presidency, which lasted until his death. He was succeeded by his Vice, and wife, María Estela Martínez de Perón, alias Isabelita, who failed to contain the deteriorating political and social situation of the country.

Under Isabel’s Presidency, the power of the Minister of Social Welfare, José López Rega, a man highly trusted by the President and member of the international anti-communist lodge “Propaganda Due”, increased (Schmucler, 2019). The Minister was also the head of a parapolice terrorist organization called Triple A (Argentine Anticommunist Alliance, AAA), which would assassinate hundreds of people considered “left wing”, *zurdos*², from Perón’s death on. Many of the Triple A troops joined the task forces that systematically implemented state terrorism after the coup of the 24th of March 1976. The coup had its immediate antecedent in the signing of the first of the four annihilation decrees (*decretos de aniquilamiento*) issued throughout 1975 by the President, which aimed at neutralizing and/or annihilating subversive actions³. This was firstly implemented in the Operation Independence carried out in the northern province of Tucumán the 5th of February of 1975, a military intervention aimed at annihilating the guerrilla strongholds which had been present in the area since the beginning of 1974 (Garaño, 2011). At the end of November of the same year, all

² Literal meaning “left-handed”

³ Full text available at: http://www.desaparecidos.org/nuncamas/web/document/decreto_261_75.htm

the countries of the Southern Cone, namely Argentina, Bolivia, Brazil, Chile, Paraguay and Uruguay, signed in Santiago de Chile a document which declared the beginning of the so-called Operation Condor, a plan of coordination of actions and mutual support between the leaders of the non-democratic regimes of the abovementioned countries and the United States, with Henry Kissinger, the head of the US State Department, as its ideologue. This coordination involved, officially and directly, the monitoring, surveillance, detention, interrogation with torture, transfers between countries, rape and disappearance or murder of persons considered by these regimes as "subversive" (McSherry, 2002).

By the first months of 1976, the fate of Argentina was clear. The Armed Forces, which enjoyed full support from the US and the local elite, waited for the right moment to overthrow Isabelita's already weak Presidency. In February, the then-Lieutenant General of the Army Roberto Eduardo Viola drew up the plan for the coup, which included the need of covering up the clandestine detention of militants and opponents as "anti-subversive actions" from the very night of the coup.

1.2. The coup

On the 24th of March 1976, just before 1:00 in the morning, President Isabel Perón was detained at the airport Jorge Newbery in Buenos Aires and was sent to the residency of El Messedor, in the Southern part of Argentina. The coup was initiated by the General of the Army José Rogelio Villareal, who informed the newly ex-President that the political control was now in the hands of the Armed Forces and that she was being detained. Subsequently, the military occupied all television and radio stations, cut off communication and issued its first communiqué, which reported that the country was "under the operational control of the Joint Staff of the Armed Forces" and recommended all citizens to comply with the military and police orders⁴. The first of the three military *Juntas*, led by Lieutenant General Jorge Rafael Videla (Army), Admiral Emilio Eduardo Massera (Navy) and Brigadier General Orlando Ramón Agosti (Air Force), assumed power and baptized the regime as National Reorganization Process, *El Proceso* (*Proceso de Reorganización Nacional*, PRN). As the *Junta*'s manifesto shows⁵, the "subversive scourge", the "demagogy", the "corruption", the "chaos", the "power vacuum", the "lack of institutional solutions", the "irresponsibility in the management of the economy", were some of the arguments used by the coup leaders to overthrow the constitutional government. That day was the first day of a dictatorship that, using the *montonero* writer and investigative journalist Rodolfo Walsh's words (2013, p. 121)⁶, implanted "the most profound terror that Argentine society has ever known" and made possible the imposition of an authoritarian model, economically regressive and socially unjust, required by the centers of international power and concentrated economic groups. According

⁴ Original video available at: <https://argentoria.wordpress.com/2015/11/04/primer-comunicado-del-proceso-de-reorganizacion-nacional/>

⁵ Full text available at: (Proclama del 24 de Marzo 1976) <http://www.desaparecidos.org/nuncamas/web/document/document.htm>

⁶ Walsh mailed this letter, dated 24th of March 1977, to the editors of local and foreign newspapers. On the 25th of March, he was kidnapped by a *grupo de tarea* and has been missing ever since. The letter was not published by any local media, but gradually spread abroad. Since its reprint in 1984, De la Flor has included it as an appendix in all reprints of "Operation Massacre".

to Garcia (1994), what convinced the military of the need of control on the state and the physical extermination of the guerrillas was the Montoneros' decision to become a veritable clandestine regular army in 1975 and its quest for direct confrontation with the Armed Forces.

The first to take over the Presidency was Lieutenant General Jorge Rafael Videla, who ruled for five years, until being deposed and set aside in March 1981 by General Roberto Eduardo Viola. Every other future President until 1983 would be a member or the Chief of the Army. The military declared the terms of office of the Presidency; the roles of Governors and Deputy Governors of the provinces; federal auditors and the mayor of Buenos Aires, null and void. They dissolved the National Congress and dismissed the former members of the Supreme Court of Justice. The tripartite nature of power established a situation of virtual independence for each force, which, on more than one occasion, led them to act without any communication among them, or even reached confrontation (Floria & Garcia Belsunce, 1992). The authors and ideologues of the coup chose to label the regime "National Reorganization Process" alluding to two fundamental concepts of the dictatorship:

- i. That it was a 'process' and as such 'had no time-limits but objectives'⁷:
- ii. The country had to be radically 'reorganized', through the implementation of reforms that would profoundly change the economy, labor relations, the political system and the national culture⁸.

Furthermore, the label was devised to justify the rift between the constitutionality of the current government and the role assumed by the army, declaring that democracy and its institutions were unsuitable for the restoration of peace and order in the country. Initially, the intentions expressed by the *Junta* had been the repression of the guerrilla organizations and the economic reorganization, following the neoliberal profile, as was happening in Chile under Pinochet's dictatorship. However, this appeared to be just an excuse, used to brutally suppress all forms of social protest by establishing a regime of state terrorism. On the very first day of the regime, death penalty was promulgated (*Ley 21264*) for those who conducted subversive activities, civil rights were abolished, and the Supreme Court established that "subversive acts" were excluded from the jurisdiction of legal bodies. Political parties, trade unions, university organizations were dismembered and all media, from radio, to television, to newspapers, were censored and fell under the control of the *Junta*. From the very beginning, the repressive apparatus of the regime proceeded to the detection, arrest and physical elimination of alleged subversive elements.

1.3. 1976-1979: Dirty War and state Terrorism

⁷ On the 22nd November 1977, Albano Haraguindeguy, Minister of the Interior, made statements on the stages he intended to go through the dictatorship, there he said that "we do not want to talk about deadlines but about objectives to be achieved". Conf. "Until 1987?" (editorial by Bernardo Neustadt) Revista Extra, No. 150, December 1977, p.22. Spanish original version: "nosotros no queremos hablar de plazos sino de objetivos a alcanzar".

⁸ *Proclama del 24 de Marzo 1976*. Full text available at: <http://www.desaparecidos.org/nuncamas/web/document/document.htm>

The Collins Dictionary defines a dirty war as “a war that is not fought in a conventional way observing the rules of war, but is a clandestine war, usually conducted by the military or secret police of a regime, involving the repression of political dissidents”. In our case of interest, the *Guerra Sucia* was the name used by the military to label the period of US-supported state terrorism as part of the Operation Condor, during which Argentinian Armed and Security Forces, in the form of the AAA, hunted down any political dissidents and anyone thought of being associated with socialism, left-wing Peronism or the *Montoneros* guerrilla. The military claimed that a war, even though through “different” methods, was necessary to restore and maintain social order and eradicate political subversive⁹. The *desaparecidos*, victims kidnapped, tortured and murdered, whose bodies were disappeared by the military government, included those believed to be politically or ideologically threatening, even vaguely, to the *Junta*, or contrary to the neoliberal economic policies.

According to the official website of the Argentine Ministry of Education (2016), the distinguishing features of the state terrorism implemented during the military dictatorship were:

- i. “The use of violence to eliminate political adversaries and to intimidate the entire population with various repressive mechanisms such as imprisonment, forced exile, bans, censorship and surveillance, and mainly the use of clandestine detention centers.
- ii. The use of terror with the purpose of social and political discipline on an ongoing basis, not in an insulated or exceptional manner. Violence from the state constitutes the “rule” of political and social domination, i.e. a policy of systematic terror.
- iii. The carrying out of all these actions against those considered enemies of the regime, carried out clandestinely outside any legal framework or under a justifiable legal fiction.
- iv. The dehumanization of the “political enemy”, the systematic disappearance of people, the erasure of all traces of their history, and even of their death, which could mean a legacy that was characterized as dangerous, the most extreme form of which was the abduction of babies.
- v. The use of state technical resources for mass murder.
- vi. The breakdown of social ties through the internalization of terror, the categorization of “suspicious” activities in relation to the state – being young, worker, student, representing a group – leading to an exacerbation of individualism”¹⁰.

The military *Junta* devoted its first two years of government to the implementation of its “anti-subversive plan”, which, in addition to its repressive aims, included also political goals, concerning both the economic and the international sphere. Thus, according to the idea that subversion was the synthesis of the problems affecting Argentina, all government initiatives were arranged in direct or indirect relation to the plan (Novaro, 2010). Hence, they decided that the optimal solution would be to establish a clandestine structure of repression

⁹ Proclama del 24 de Marzo 1976. Full text available at: <http://www.desaparecidos.org/nuncamas/web/document/document.htm>

¹⁰ Own translation. Full text available at link in bibliography.

composed of active members of the Armed Forces and members of the para-military gangs that had been operating since the time of López Rega. As Novaro (2010) illustrates, this “clandestine army” included task forces (*grupos de tareas*) guided by the instructions of the military commanders of each area of the country¹¹, which aimed at the development of a plan that linked the abduction and forced disappearance of suspects of belonging to the guerrillas and revolutionary organizations, the usage of centers of clandestine detention and torture, all of which was supported by the disinformation spread through the media and censorship. The plan proved to be, at first, frightfully effective. In the first year it produced, according to the National Commission on the Disappearance of Persons (*Comisión Nacional sobre la Desaparición de Personas*, CONADEP), more than 3500 disappearances, followed by the 3000 of the next year and still around a thousand in 1978. In response to allegations of human rights violations in the Inter-American Commission on Human Rights (IACHR), the regime attempted to justify its clandestine actions by arguing that it was necessary to link “the issue of human rights with the need to suppress terrorism and subversion as means of preserving national security” (IACHR, 1979)¹². In two of the secret orders issued in December 1976 (R-C-9-1 and RE-10-51) by the Army Chief of Staff, Major General Roberto Viola, he no longer spoke of annihilating the action of subversives, but of annihilating individuals: “Apply the power of combat with the utmost violence to annihilate subversive criminals whenever they find themselves. Military action is always violent and bloody. The subversive criminal who wields arms must be annihilated, from the moment in which the Armed Forces start the operation, they must not interrupt the combat or accept surrender”¹³.

The capacity of resistance of Montoneros and the ERP was quickly exhausted, and their structures collapsed. Their reluctance to retreat made things easier for the repressors, as it left the members of the guerrilla exposed to kidnappings and continued to feed the “war climate” that justified the “cleansing” operations to the eyes of the public opinion. Nevertheless, the anti-subversive plan was also designed to facilitate political aims. By hiding the crimes that were being enacted, or attributed to gangs that operated outside the control of the government and that the government was slow to subdue, the *Junta* hoped to avoid or at least moderate international criticism for human rights violations, similar to the ones that the Pinochet regime in Chile was receiving. At the same time, the willingness of the local press, the ruling class and the public opinion to collaborate was encouraged. Generally, the Argentine military did not take the Western countries’ interest in the respect of human rights in the Third World very seriously. First, because they had learned from the leaders

¹¹ The regime maintained the country’s military zoning system, introduced on the 28th of October 1975 by the General Commander of the Army Directive 404/75 (Directiva del Comandante General del Ejército 404/75, Lucha contra la subversión), during Isabelita’s Presidency. Under the military zoning system, the country was divided into five military zones, corresponding to Army Corps I, II, III and V and the Command of Military Institutes. The commander of each Army corps was responsible for taking charge of the zone, which was divided into sub-zones and areas. Each of the chiefs of zone, sub-zone and area had direct command and complete autonomy for illegal repression in their jurisdiction. For example, the City of Buenos Aires was in the meantime Zone 4 and a sub-zone, located within Zone 1, and was divided into 6 areas.

¹² Full text available at: <http://www.desaparecidos.org/nuncamas/web/document/internac/cidh79/index.htm>

¹³ Own translation. Full text available at: <http://www.desaparecidos.org/arg/doc/secretos/orden.html> Original Spanish wording: “Aplicar el poder de combate con la máxima violencia para aniquilar a los delincuentes subversivos donde se encuentren. La acción militar es siempre violenta y sangrienta... El delincuente subversivo que empuñe armas debe ser aniquilado, dado que cuando las FFAA entran en operaciones no deben interrumpir el combate ni aceptar rendición”.

of those very same countries the importance of fighting the communist threat and the repressive techniques to apply for that purpose. Second, because they considered it a superficial and fleeting sample of ‘liberal pruritis’ which made Western democracies weak to the face of the enemy and which would have to be silenced once the effectiveness of the method had been demonstrated (Novaro, 2010). As illustrated by Novaro, the regime did not realize that the defense of human rights was more than a trend, it reflected a shift in the way in which the United States in particular and the Western powers in general faced their dispute with the Soviet bloc after the failures of Vietnam (1955-1975) and Algeria (1954-1962). The West had to regain its ‘moral superiority’ over communist regimes and that required demonstrating that democracy and the rule of law were on its side. The military leaders also failed to see that the application of such methods in a country with a considerable level of development of citizens’ rights and against people largely belonging to the urban and educated middle class, who had the possibilities to make claims both inside and outside the country, would result difficult to hide. Nor did they notice that Argentina was of little strategic importance to the Western powers and that few believed that a socialist revolution was imminent on their territory (*ibid.*).

United States diplomacy, which had unequivocally supported the coup against Allende in Chile and the coups that characterized Argentina’s political landscape during the twentieth century, assessed the Argentine situation in a very different way, it dealt with it as the result of the crisis of a populist force bled out in between of fascism and leftist terrorism and in any case incapable of leading to a social revolution. US diplomacy soon shifted from support to distance and finally to active criticism of the Argentine military *Junta*. In 1976, the US President was still the Republican Gerald Ford, and the Secretary of State was Henry Kissinger, a fierce anti-communist who had promoted the Pinochet coup in Chile (September 1973). Precisely because of the criticisms he had been addressed and because of the increasing vigilance now exercised by the Democratic majority of the Congress, Ford’s collaborators advised him not to repeat history with the Argentine case. In June 1976, during a meeting held between senior officials of the delegations of both the United States and Argentina, the representative of the United States, Kissinger, while talking to the Argentinian Foreign Minister Guzzetti about terrorism inside and outside the country, warned his counterpart: “if there are things that have to be done, you should do them quickly. But you should get back quickly to normal procedures”¹⁴. The underlying advise was to end the operations before January 1977, date on which Democrat James Carter would assume the Presidency of the United States. With Carter, in fact, the Argentine case became the counter-example of what happened in Chile in 1973: the head of the Human Rights section of the State Department, Patricia Derian, visited the country three times to check the seriousness of the situation and warned the *Junta* that the data available was sufficient to consider them as ‘systematic violators’ and to impose sanctions on them, such as the reduction or suspension of military aid, rejection of the request of credits and votes in the UN. This circumstance put the Argentine delegation in a situation similar to that of Cuba and the Soviet Union,

¹⁴ Full text available at: <https://nsarchive2.gwu.edu/NSAEBB/NSAEBB514/docs/Doc%2004%20-%2024087%20108254%201.pdf>

countries that, paradoxically, backed the *Junta* during voting procedures in the General Assembly throughout the years of the National Reorganization Process, as they were also accused of being systematic violators.

1.4. 1979-1983: From the consolidation of the Process to the defeat of the Falklands War

1979 could have been the year of the consolidation of the dictatorship and the implementation of its long-term plans. However, the leaders of the Process took decisions that prevented that possibility, which led to the very collapse of the regime. The Inter-American Commission on Human Rights's (IACHR) mission authorization to silence external criticisms was one of Videla's most impacting errors: the mission amplified the voices of denunciation, such as those of Madres de Plaza de Mayo¹⁵, and aggravated its external isolation. The rise in international interest rates meant that public and private debt, which had increased rapidly during the previous years, became unpayable and put the economic strategy into crisis. Nevertheless, it remained unchanged, which led to an acute economic recession and inflationary acceleration at the beginning of Viola's presidency in 1981, as Figure 1¹⁶ describes. This would deepen the process of economic dislocation, de-industrialization and unequal conditions that began in the middle of the previous decade. For worse, in an attempt to avoid a dishonorable exit from power, the military would play with Galtieri, Viola's successor, one last card: the invasion of the Falklands and a bloody war against the West-backed British Army.

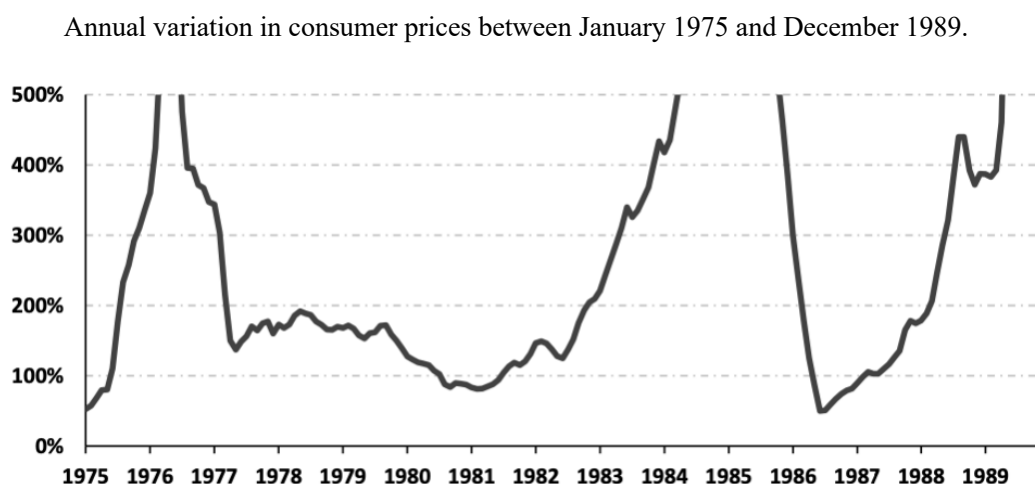


Figure 1 Source: UEPE CAC: Historia de la Inflación en Argentina

1.4.1. Videla and the ICHR

In March 1978, Videla retired from his military position of Chief of the Army, leaving the leadership of the Army to General Leopoldo F. Galtieri, and succeeded in being 're-elected' to the presidency by the Generals and the *Junta*. Many of his followers, both civilian and military, expected him to use this second chance and the support gained from the regime 'achievements' to launch a political plan: the reorganization of institutions

¹⁵ The main square in Buenos Aires, just in front the Casa Rosada, the Presidential Palace.

¹⁶ Full report available at:

https://www.cac.com.ar/data/documentos/10_Historia%20de%20la%20inflaci3n%20en%20Argentina.pdf

and the progressive call for elections, in short, the “civic-military convergence”. His careful image of austerity and Catholic devotion made him the right figure to face this transition: immune to “politicking”, “implacable, but not savage” in the fight against “subversion” and disorder (Novaro, 2010). But there were a number of obstacles to moving that project forward. In the first place, Videla’s own lack of disposition: while contemplating the Western democracies with more sympathy than the rest of the military, had a total contempt for the party practices that made them possible. In addition, Videla lacked the political vocation to take advantage of the situation and also to tolerate Viola or someone else doing it. Hence, he preferred to wait for an apolitical civility to emerge, capable of inheriting from the regime the spirit of “national unity” that he believed had to be imposed (Seoane & Muleiro, 2016). Secondly, and against this wager, the internal bids not only did not dissipate over time, but to some extent they worsened. Although tensions between the Forces had eased since Massera and Agosti retired, within the Army the situation worsened.

Given such internal difficulties, Videla bet on consolidating his power through other means. His first option was the already recurring search for US support, he believed that, once the anti-subversive struggle was over, given the success of the Process in ‘pacifying the country’, the time had come to eliminate the misgivings between the two governments and to demonstrate to Washington that the democratic vocation was sincere and that, with the necessary support, it could be implemented. The condition that the State Department imposed on him to accept the invitation was that the mission of the ICHR, which had been calling for since 1977 and hoped would be helpful at least to stop the disappearances, be fulfilled. After long negotiations, Videla accepted against the opinion of almost all the military, who saw in it a shameful surrender of sovereignty (Novaro, 2010). He did so in part because he was confident that civil society and the political class would accompany him in his efforts to show a ‘country at peace’. And also, because he hoped that those most favorable to an agreement among the American officials would accomplish the mission and help to portray him as such, besides helping him close the debate on the issue of human rights violations. In the latter he was not right: the illegal repression in Argentina was too serious and known to turn the page without further ado, and the IACHR acted with great autonomy from the political pressures of the State Department that, for the reasons already mentioned, were not too intense either. Thus, although the regime dismantled most of the detention centers and released a large part of the political prisoners, the IACHR mission, which arrived in Argentina at the beginning of September of 1979, did not devote itself to the recording of these ‘improvements’ but to investigating the fate of the *desaparecidos*. To that end, the Report collected the testimony of families and considered it sufficient evidence to report that “government security agencies” had “killed numerous men and women after their arrest” (IACHR, 1979). The total number of complaints received by the Commission during this period was 5.580, of which 4.153 were new, 1.261 concerned cases already registered and under consideration and 166 concerned cases not related to the violation of human rights. The Process had inadvertently opened the door for the truth of what had happened to be revealed through voices challenging the official versions, such as those claiming that the *desaparecidos* were hidden, exiled, that had died in combat and their bodies were unrecognizable, or that the guerrillas themselves had murdered them. The military

regime could no longer avoid external repudiation and the slow erosion of consensus internal to the regime itself. The prevailing position of public opinion and local elites was not to change even after learning about the IACHR's Report and the testimonies given abroad by some victims of repression who had been freed, neither after the regime suffered further affronts by the UN, where a declaration was voted that characterized the disappearances in Argentina and other countries as "the worst human rights violation since the Holocaust", and neither when in October 1980 the Nobel Peace Prize was awarded to Adolfo Pérez Esquivel, leader of the active local solidarity organization "Servicio, Paz y Justicia" (Service, Peace and Justice). For its part, the IACHR visit showed that the mistake had not been to commit the crimes, but to have been particularly thorough in committing them and, above all, to have insisted on seeking an impossible agreement with the United States and international organizations.

1.4.2. Viola's (short) interregnum

Videla was the first Argentine President to complete two consecutive terms – one of three and the other of two years – and the first, after decades of instability, to hand over power to a successor following the rules of the current regime. On the 28th of March 1980, when the new Commander-in-chief of the Army, Galtieri, announced in his speech at the Military College that "the ballot boxes are well guarded and will be kept guarded"¹⁷, the military regime began to show major fissures. The pressure for a political solution began to manifest itself as the *Junta* baffled with decisions that culminated in the appointment of General Roberto Eduardo Viola to exercise the Presidency of the Nation from March 1981 to March 1984 (Floria & Garcia Belsunce, 1988). However, his mandate would end in a matter of months.

Then, two significant events took place, coming from the religious sphere and political mediators (*ibid.*). The first happened between the 4th and the 9th of May of 1981, when the Argentine Bishop's Conference, during its XLII Plenary Assembly, published a relevant document entitled "Church and National Community". The Church's document received favorable reception in the most diverse ideological and social sectors. The message was addressed to the whole country, however, without abandoning its religious identity, with a way of speaking and reasoning understandable by everyone. It was placed on the ethical level, it began by giving shape to an historical recap and culminated in decisive assessments about the political issue. It is based on four points, written with clarity and bravery¹⁸:

- a. The common good can never allow the suppression, but only the restriction of the exercise of some human rights;
- b. The theory of the so-called "dirty war" cannot suspend fundamental ethical norms that oblige us to a minimum respect of human beings, including of the enemy;

¹⁷ Spanish wording: "las urnas estan bien guardadas, y van a seguir bien guardadas".

¹⁸ Own translation. Full text available at: <https://www.pastoralsocialbue.org.ar/wp-content/uploads/2015/05/1981-ComunidadNacional.pdf>

- c. The state of emergency, by its very transitory nature, cannot be prolonged indefinitely; it would no longer be a state of emergency but would become institutionalized. It must therefore cease once the aims of restoring the subverted order have been fulfilled.
- d. The country has been informed that the violent subversion has been defeated, hence it will be necessary to agree to accept a rule of law, that the country swore more than a century ago, within a federal and representative Republic.

The dense, rich and guiding message of the Church's document gave rise to a political mobilization which projected on the *Multipartidaria*, accomplishment that showed the recovery of the mediating role of politicians and parties (Floria & Garcia Belsunce, 1988). The second event, on the 14th of July of 1981, at the initiative of the Radical Civic Union (*Unión Cívica Radical*), saw the convergence of the Christian Democratic Federation (*Federación de la Democracia Cristiana*), the Integration and Development Movement (*Movimiento de Integración y Desarrollo*), the Intransigent Party (*Partido Intransigente*) and the Justicialist Party (*Partido Justicialista, peronismo*), and the *Multipartidaria Nacional* emerged, with a transitional response to which other leftist parties successively adhered. It was, in concrete, an agreement to demand deadlines and elections. In return, the parties would continue to show understanding on what the military were most interested in: the *Multipartidaria* refused to receive the Madres and their initial declaration endorsed the Church's call to reconciliation, since the society did not reveal greater interest in reviewing the past and it was already well known what it was hiding, the exchange of elections for oblivion seemed reasonable (Novaro, 2010). President Viola tried to build bridges for political agreement, but the regime – as such – had already given up. The *Multipartidaria* ended up complicating his life, leaving him completely alone. In December, a unanimous vote of the Commanders of the *Junta*, with the excuse of an health problem, ended with their “opening up experiment” and inaugurated Galtieri's leadership, again announced as a “re-foundational stage”. The one that for a long time would be remembered as the worst year for the Process, would conclude, paradoxically, with the promise that the Process would resume its momentum and its initial projects (*ibid.*).

1.4.3. Galtieri, from Anti-communism to Anti-imperialism: the Falklands War

Despite the protests for the *desaparecidos* and the social crisis, both political and economic, the military still had a chance to control the situation, to gain time until the worst of the storm passed and agree on a way out that would ensure a certain continuity to their power and traditional roles. None of the requests that were made constituted a real and immediate threat to the stability of the regime. Human rights organizations held their first public demonstrations throughout 1980, becoming assiduous during 1981, but in no case they exceeded a thousand attendees, and although the press began to report their realization, it was in general to suggest the necessity of giving some answers to the families and relatives of the *desaparecidos* and be able to close the chapter of the “war”. The problem was that the prevailing attitude in the headquarters, and even among their civilian environment, was too ambitious and optimistic to resign itself to a “prudent” exit (Novaro, 2010).

On the other hand, the internal and external crisis of the regime strengthened the warlike spirit of the officers in several simultaneous directions. The relaxation of discipline and of the hierarchical rules, which was long overdue, found the only remedy in keeping the spirit of struggle alive. The more critics it received, the more important it became for the leaders of the regime to claim their victory over subversion, because it was almost the only cohesive factor and because, unlike other initial objectives, it was considered an indisputable achievement. This willingness to fight seemed to be supported also by the course of international politics. The Republican administration of Ronald Reagan welcomed Galtieri's appointment with open arms, and the Argentine General thought that all past inconveniences arose with Carter would be now dissipated. Galtieri believed that the "neo-conservative revolution" underway in the United States and already advancing in Great Britain with Margaret Thatcher, would agree with the whole Process, since they shared the anti-Communist fervor, the military option for the troubled Third World countries, privatization and fiscal adjustment to contain trade unions (Novaro, 2010). The only obstacle to that plan, in his eyes, was the internal front, not the external one: it was necessary to win back the soul of the society, to recover the lost enthusiasm, this would be difficult to achieve in the midst of the crisis and with a policy that would increasingly dump its costs on wages (*ibid.*). The card in the sleeve to solve these problems was the realization of the invasion of the Malvinas (or in English, Falkland Islands), which had been under development since the very beginning of the Process. The operation was launched on the 2nd of April 1982, and it was, in several respects, a resounding success. Having kept the secret until the last moment, the occupation of the islands was swift and bloodless. Support from the public opinion and the civil society was so broad and enthusiastic that Galtieri could welcome, that same day, a crowded Plaza de Mayo, a popular meeting place celebrating a military action that gave rise to an international war, and with its result, the epilogue of the National Reorganization Process (Floria & Garcia Belsunce, 1988).

The Falklands War was the most important foreign conflict involving Argentina in its contemporary history. It was a 10-week undeclared war between Argentina and the United Kingdom over three British dependent territories in the South Atlantic Ocean: the Falkland Islands (*Malvinas*), and its territorial dependency; South Georgia (*Georgias del Sur*) and the South Sandwich Islands (*Sandwich del Sur*). The war set the country on a military confrontation with Great Britain and, to a lesser extent, with Europe. Argentina faced an intransigent and bold leadership like the one of Margaret Thatcher and an impressive military potential. Argentina's strength should then rest not only on its rights, but on its power and alliances, and on the proper appreciation of the context dictated by the Cold War, hostile to localized wars that were not encouraged or sustained by super-Powers.

The question opened on April 2 depended on factors that those who made the decision on the Argentinean side did not correctly ponder. The collective reaction was massively favorable to the exercise of an act of reparation for an act of force, after years of weary negotiations (Floria & Garcia Belsunce, 1988). However, the diplomatic scenario and the British attitude frustrated the *Junta's* expectations. Hours after the invasion,

the UN Security Council issued a resolution (Resolution 502) condemning and ordering Argentina to withdraw its troops, it was even voted by countries in favor of decolonization but not of endorsing the use of force, especially given that those who lived on the islands were not Argentine citizens and did not wish to be¹⁹. Two days later, Thatcher did not hesitate to do what the *Junta* had almost ruled out her doing: she launched a very costly military operation to recover the islands by force if the Argentine troops did not withdraw. The worst was that the military *Junta* considered it a bluff against which it was advisable to escalate the conflict, so that it sent more troops and equipment to what was renamed “*Puerto Argentino*” (today named Stanley), appointed a General as the Governor and instituted a new legal status for its inhabitants. Galtieri argued that the people’s enthusiasm for the cause was such that they could not give in to anything. But the truth was that he did not see fit to do so: the British could not reverse the occupation through arms or gain much at a negotiation table. Moreover, and above all, the invasion of the Falklands had not been for him or for the *Junta* a desperate recourse to buy time or to get out of the way in the face of social protest, but rather the key to countering a long series of frustrations with successive economic, political and military expansion projects. They could not, therefore, settle for anything less than a total victory that redeemed the islands and the country (Novaro, 2010). This explains why more attention has not been paid to the opportunities of agreement. The most serious case was the one presented when the US State Department, at the risk of antagonizing with its most important ally, proposed implementing a shared administration. Thatcher breathed a sigh of relief when she learned that the Argentine government had rejected the offer, since she would have found very difficult to present to her fellow nationals as anything other than a defeat (*ibid.*).

The *Junta*’s fatal decision raised the expectation that the British forces would eventually stop or be stopped by the United States. However, far from doing that, they began to collaborate militarily with Thatcher. The calculations on the importance of the repressive operation in Central America, in which the Argentine Armed Forces and CIA agents cooperated, were finally overcome. Instead of revising them to respond to the unforeseen situation, Galtieri replaced them with other opposing ones, in the name of a regionalism no longer anti-communist but, instead, openly anti-imperialist, sought the solidarity of the democratic governments of Peru and Venezuela and even the solidarity of the Cuban regime (*ibid.*). From them he received the only thing they could provide him: gestures and words of encouragement. Hence, he threatened the United States with extending the conflict by asking for military collaboration from the Soviet Union and summoned the living forces of society to travel around the world and explain that the conflict was not due to an occurrence of exorbitant despots, but rather to the claim of an entire people against the outrage of an imperial power that had already lasted one hundred and fifty years (Novaro, 2010). Anyway, the war had become inevitable. It began on the 2nd of May with the sinking of the cruiser General Belgrano, a brutal act with which the British closed the door to any other negotiation. The *Junta*, partly because of lack of expertise to face such a conflict and

¹⁹ As they then showed in the 2013 Referendum on the political status of the islands. The Falkland Islanders were asked whether or not they supported the continuation of their status as an Overseas Territory of the United Kingdom in view of Argentina’s call for negotiations on the islands’ sovereignty. On a turnout of 92%, 99.8% voted to remain a British territory, with only three votes against.

partly because it had not taken it seriously, had nor organized an effective defense. The technological, professional and driving superiority of the adversary was evident from the beginning. Great Britain took control of the air and naval space around the islands, eliminating the already low mobility of the defenders. At the end of May, the British troops occupied the southern part of the capital, where the Argentine troops were concentrated, which still offered a desperate resistance supported sporadically by the Air Force planes. Finally, on the 14th of June, and despite Galtieri's command to "fight to the last man", the Argentinian troops surrendered. About 700 Argentines and 300 British were killed in the conflict (*ibid.*).

With the Falklands War officially finished the decomposition of the military power. In domestic politics, the first consequence of the defeat was the displacement of General Galtieri, which unusually took the form of resignation and voluntary retirement. The second consequence was the withdrawal of the Navy and the Air Force, whose representatives retired from the military *Junta*, with the Army assuming full responsibility of the political leadership and of the government. Its commander-in-chief delegated the national government to a retired General, Reynaldo Bignone, who, as President, had to manage a rapid and traumatic transition towards democracy. Finally, the third consequence was the eclipse of the military regime as such (Floria & Garcia Belsunce, 1988). On the 11th of November 1982, the President was instructed by the constituted military *Junta* to agree with the national leaders to return to a constitutional order. When 1983 began, the *Junta* released a document, known as the "Final Document by the Military *Junta* about the Anti-subversion War and Terrorism"²⁰, which was perceived as a preparation for the future rather than as an adequate explanation of the past. The document acknowledged in several passages "errors" and "irregular acts" that could loudly transcend the limits of respect for fundamental human rights.

1.5. 1983 General Elections and the comeback of democracy

In February 1983, the Police Chief of Buenos Aires, Ramón Campos, publicly acknowledged the crimes and stated that the *desaparecidos* were, in fact, dead. On the 28th of June 1983, the last energies of the military government gave shape to the Ley 22838, calling for elections of national deputies and senators and of the President and Vice-president of the Nation, in accordance with the fundamental principles of the Constitution. In September of the same year, Bignone signed the Ley 22924, the so-called "National Pacification Law"²¹, or better known as the "Law of Self-amnesty", through which the leaders of the military regime, faced with the possibility of being prosecuted by the democratic government, sought to impose an amnesty on themselves. This law would be repealed during Alfonsín's term (from the 10th of December of 1983 – to the 8th of July of 1989). The elections were called for October 30, free and open, so that Bignone's government was able to conclude with the leaders of the political forces an institutional agreement sufficient to bring about the expected political change. The electoral campaign was characterized by the absence of polls that could be

²⁰ Full text available at: http://www.memoriaabierta.org.ar/materiales/documento_final_junta.php

²¹ Full text available at: <http://hrlibrary.umn.edu/research/argentina/ley22-924.html>

considered reliable. Since there were still no official pollsters in the country, the majority of the opinion polls published throughout 1983 were marked by extensive manipulation (Prieto, 1983). However, one fact was clear, the elections were polarized between the candidate of the Peronist party, Ítalo Lúder, and the candidate of the Radical Civic Union (*Unión Cívica Radical, UCR*), Raul Alfonsín. Alfonsín won with the 51.7% of votes against the 40.1% of Peronist representative Lúder, this result marked the very first defeat of Peronism in a free and fair election. On December 10, he assumed the Presidency of the Nation. His government faced two major groups of challenges: the consolidation of democracy and its diffusion to all areas of society and the relationship with the Armed Forces; and the general work of government conditioned by the social crisis left by ten years of dictatorship. Five days after his appointment, he sanctioned the Decrees 157 and 158/83. The first ordered the prosecution of the leaders of the guerrilla organizations, such as the ERP and the Montoneros; the second one ordered the prosecution of the three Military *Juntas* that led the country from the civil-military coup of the 24th of March 1976 to the Falklands War.

1.5.1. The trial of the *Juntas*

Three days after his inauguration as President, Alfonsín issued the Decree N. 158/83, which ordered to submit to trial nine members of the three Armed Forces who made up the *Juntas* that led the country from the military coup of March 1976 to the Malvinas War in 1982, among them three former presidents: Videla, Viola and Galtieri. Following the adoption of the decree, the former commanders-in-chief began to be tried by the Supreme council of the Armed Forces, as stipulated by article 122, paragraph 1, of the Military Justice Code. Nevertheless, it was noted that, at the time, existing laws provided that military personnel could be prosecuted only by military courts, regardless of the offence committed. The delays and unwillingness of the Armed Forces to actually prosecute the military commanders was evident from the very beginning. On February of the following year, the Congress passed Law 23 049 amending the Code of Military Justice, stipulating that military justice would only deal with “essentially military offences and misdemeanors”, any other offence committed by a member of the military had to be dealt with by civil courts. Furthermore, it established that sentences handed down by military courts should be appealed to the Federal Chamber (civil court) and that, if six months had lapsed since the beginning of the proceedings, “an unjustified delay or negligence in the conduct of the trial was noted, the Chamber could take direct charge of the case”²². Once the reform of the Code of Military Justice was approved, the Federal Chamber ordered to the Supreme Council of the Armed Forces to investigate the existence of a method of human rights violations – during the military government – and to determine whether this could have been the responsibility of the members of the military *Juntas*. The deadline was firstly set to one hundred and eighty days from that moment, but it was later *extended* for thirty more days. On the 25th of September, the Supreme Council of the Armed Forces issued a resolution stating that: “It is noted that, according to the results of the studies carried out to date, the decrees, directives,

²² Full original text available at: <http://servicios.infoleg.gob.ar/infolegInternet/anexos/25000-29999/28157/norma.htm>

operational orders, etc., which gave rise to military action against terrorist subversion are, in terms of content and form, unchallengeable” (Ciancaglini & Granovsky, 1995). Ten days later the Federal Chamber announced its decision to remove the military court from its duty and take over the trial, which officially began on the 22nd of April of 1985.

Since the number of crimes recorded was more than ten thousand, Prosecutor Julio César Strassera decided to resort to a mechanism used by the European Council of Human Rights, on the basis of paradigmatic cases. The prosecution then filed 709 cases, of which the court decided to consider 280. Between April and August of 1985, a public hearing was held in the courtroom of the *Palacio de Justicia de la Nación* during which 833 people had the possibility to testify, among them were former detainees, relatives of the victims and *desaparecidos* and personnel of the Armed and Security Forces. The hearing lasted 530 hours, all of which recorded on almost 150 videotapes.

During the trial, the clandestine apparatus of repression was exposed without filters. The clandestine nature of the arrests and the practice of looting detainees’ homes were acknowledged thanks to the testimonies of the Armed Forces and the police. It was demonstrated that the operating system put in place for the illegal repression by the military *Juntas* – which consisted of the capture of suspects, unlawful deprivation of liberty, interrogation under torture, the clandestinely and secrecy of those actions, and physical elimination of the “enemies” – was the same throughout the whole national territory of Argentina. Given that all illegal acts were committed by members of the Armed and Security Forces, who were disciplined and hierarchically organized, the trial was able to discard the hypothesis that these wrongs could have occurred without express orders from the superiors. The trial demonstrated the responsibility of the leaders of the *Juntas* and the falsity of any hypothesis about “excesses typical of many military action”, as often intended by the commanders.

Between the 11th and 19th of September 1985, Prosecutor Strassera put down the prosecution’s case, which would quickly become an historical piece. He closed his argument with this sentence: “I wish to waive any claim to originality in closing this indictment. I wish to use a phrase that is not my own, because it already belongs to all the Argentine people. Your Honors: Never again! (¡Nunca más!)”²³. At that moment, people applauded and shouted, seeing those who had carried out the bloodiest military coup in Argentine history judged for justice in a democracy (CONADEP, 1984). Many of them were family members, friends, comrades, children of those killed during the *Guerra Sucia*. From that moment on, the saying “*Nunca Más*” is a rule to follow, which states the desire never to return to that dark period, never to encounter the same stone again, and it remains intact, undisputed, and unpolluted in Argentine society, constantly recalled by famous people in Argentina and all around the world. The following month the defenses of the military commanders were carried out, who basically maintained that it had been a war, and that the acts revealed should be considered as inevitable circumstances of any war. Sentencing was read on the 9th of December: Videla was sentenced to

²³ Own translation. Full original video available at: https://www.youtube.com/watch?v=Hj_e3tyj8q0

life imprisonment, Viola to seventeen years. Galtieri was acquitted, however he would be court martialed for malfeasance in waging the Falklands War of 1982 and sentenced to twelve years.

After the trial, two laws were passed which virtually stopped the trials for the crimes committed during the dictatorship: the Full Stop Law (*Ley de Punto Final*, Ley 23 492) in 1986 and the Law of Due Obedience (*Ley de Obediencia Debida*, Ley 23 521) in 1987. The first law provided for the suspension of judicial proceedings against those accused as criminally responsible perpetrators of crimes against humanity. The second one established a *iuris et de iure*²⁴ presumption, stating that crimes committed by the members of the Argentine Armed Forces during state terrorism were not punishable since they were acting under the so-called “due obedience”. These laws, known as “laws of impunity” (*Leyes de impunidad*) were issued at the initiative of Alfonsín’s government after the *carapintada*²⁵ uprisings, in an attempt to contain the discontent of the Argentine Army officers, exempting military personnel below the rank of colonel from responsibility for crimes committed in the military chain of command. Thus, the majority of those charged in criminal proceedings for state terrorism were dismissed. Between 1989 and 1990, President Carlos Menem signed a series of decrees pardoning civilians and military personnel convicted of crimes during the military dictatorship, thanks to which more than 12000 people were released. Among those pardoned were all the military leaders on trial who had not benefited from the Full Stop and Due Obedience laws, among them Videla, Viola and Galtieri.

In March 2001, in the context of the “Simón” case submitted by the CELS (*Centro Estudios Legales y Sociales*), the federal judge in charge declared for the first time the nullity of the “laws of immunity”. This decision was later confirmed by the Federal Appeals Chamber of Buenos Aires and, in August 2003, the Ley 25 779 was enacted, annulling both laws and declaring their unconstitutionality. Judicial crimes for crimes committed during the dictatorship were then authorized. In addition, the Supreme Court of Justice declared unconstitutional the pardons granted by former President Menem. That year, the various prosecutors involved started investigating the events, but the cases involving presidential pardons were halted until 2006.

According to the Superintendence of Crimes against Humanity, unit of the Supreme Court of Justice of the Nation, in January of 2017, the number of convictions and judgements handed down since 2008 until 2016 were respectively 921 and 153 (CIJ, 2017).

²⁴ Rebuttable.

²⁵ English: Painted Faces. They were a group of mutineers in the Argentine Army, who took part in various uprisings between 1987 and 1990 during the presidencies of Raúl Alfonsín and Carlos Menem in Argentina. The rebellions, while at first thought to be an attempt at a military coup, were staged primarily to assert displeasure against the civilian government and make certain military demands known.

2. THE THEORETICAL FRAMEWORK BEHIND THE REPRESSION OF POLITICAL DISSENT AND THE VIOLATION OF HUMAN RIGHTS IN AUTHORITARIAN REGIMES

2.1. Authoritarian regimes

Ever since World War II, the terms democratic government and totalitarian regimes have been used as dichotomous or as a continuum, with an effort to fit different kinds of regimes into one or the other type (Linz, 1964). Even though this classification has proved being useful, a necessity of going beyond it was felt. It could be argued that there is not a real necessity for a new kind of regime, the authoritarian one, since regimes so labeled tend towards one or the other extreme. However, for the purposes of this dissertation it is necessary to reject the idea of a continuum from democracy to totalitarianism and to remark the distinctive nature of authoritarian regimes. To place authoritarian regimes on a different stage from the democratic and totalitarian ones is useful to understand how they manage problems common to all political systems, i.e. the maintenance of control and order, legitimacy, the decision-making process relating not only to the civil society, but also the armed forces, the religious bodies, the economy. Linz (1964, p. 255) developed the first full-fledged definition of authoritarian regimes, originally based on his experience in Franco's Spain, which seems the most useful one for our purpose:

“Authoritarian regimes are political systems with limited, not responsible, political pluralism: without elaborate and guiding ideology (but with distinctive mentalities); without intensive nor extensive political mobilization (except some points in their development); and in which a leader (or occasionally a small group) exercises power within formally ill-defined limits but actually quite predictable ones”.

Four main dimensions can be identified:

- i. Limited and not responsible political pluralism;
- ii. Mentalities rather than ideologies;
- iii. Low or absent level of political mobilization;
- iv. The leader(s) rules with formally undefined limits, but with predictable ones.

In the one hand, in contrast to the analysis democratic political systems, we speak of regimes rather than governments to indicate the low specificity of their political institutions, which often penetrate the life of the society, preventing, even coercively, the political expression of certain groups interests. On the other hand, in contrast to some analysts of totalitarianism, we speak of regimes rather than societies because the distinction between state and society is not fully erased (Linz, 2000).

2.1.1. Limited political pluralism

The central dimension is the limited and not responsible pluralism with a few relevant elite actors, which usually include the army, a single party, the church, the bureaucracy, and/or some interest groups. Doubtlessly, these actors are not politically accountable, i.e. they are not responsible towards the citizens through free competitive fair elections, as it usually happens in democratic political systems. It appears useful to underline the fact that we are here dealing with *limited* pluralism, in contrast to the unlimited pluralism of democratic governments and the almost absolutely inexistent pluralism of totalitarianism. This limitation might be legal or the facto, confined to particular political groups or extended to interest groups. Furthermore, some regimes even institutionalize the participation of a limited number of independent groups or institutions, and even encourages their emergence (Linz, 1970). According to Morlino, et al. (2017), the importance of limited pluralism remarks the importance of identifying the relevant actors of every authoritarian regime to better understand both the structure of the regime and the policies implemented by it. Consequently, he finds it helpful to refer to the ‘dominant coalition’, namely the set of active personalities and groups, at different levels of institutionalization, who together support the regime in its establishment phase and subsequent periods of stabilization. The agreement which arises is for the benefit of the actors who are part of the coalition and, at the same time, excludes and marginalizes all the other existing social groups. Political marginalization is achieved through the combination of political repression, mostly through coercive actions, and ideological legitimization adopted by the benefitted elite. Moreover, particularly when it follows a democratic government, the authoritarian regime is oftentimes the result of an ‘anti-something’ coalition, i.e. a ‘negative coalition’. This kind of coalition could result even more homogeneous than a democratic one, since there is agreement on the non-democratic method to be used and agreement on rejecting a specific political division that existed in the previous regime or government.

In some of these regimes, another important component of the limited pluralism is the presence of an official or a single or a privileged party (Linz, 2000). Following what noted by Sartori when talking about non-competitive systems (1976), a one-party system describes a situation in which only one party exists and is allowed to exist. However, not all single-party states are similar, they can vary in the intensity of repression, of coercive control. This is the reason why he singles out three patterns: one-party totalitarian; one-party authoritarian; one-party pragmatic. The main difference among the three lays on ideology: while the totalitarian and authoritarian polities usually reflect different ideological intensities, the one-party pragmatic polities represent the end of the ideological mentality and gives space to a pragmatic mentality. For the sake of the purpose of this dissertation, we will only look at the features of the one-party authoritarian polities. Authoritarian unipartism is characterized by a control system that does not have the power nor the ambition to pervade the whole society. In fact, in this case, it is useful to not talk about ‘totalism’ but rather about ‘exclusionism’, since it aims at restricting the political activities of some social groups. Table 1 sums up the features of each of the three patterns looking at four main criteria: the ideology-coercion criterion; the relation

to outer and intermediate groups; the dictatorial nature of the regimes; the channeling function. Examining only our pattern of interest, namely the authoritarian unipartism, we can conclude that it is a control system of a weaker ideological intensity and lower extractive and mobilizational capabilities, directed towards exclusionary policies; it impedes subsystems, but tolerates some kind of sub-group autonomy; finally, it canalizes through exclusion.

Table 1 Characteristics of single party states by types and criteria (Sartori, 1976, p. 202)

Criteria	Totalitarian unipartism	Authoritarian unipartism	Pragmatic unipartism
Ideology	strong and totalistic	weaker and nontotalistic	irrelevant or very feeble
Coercion, extraction, mobilisation	high	medium	lower
Policies vs. outer groups	destructive	exclusionary	absorbative
Sub-group independence	none	limited to non-political groups	permitted or tolerated
Arbitrariness	unbounded and unpredictable	within predictable limits	bounded

Going back to Morlino (2017), once the regime is established, the dominant coalition could gradually change as some actors achieve greater importance while other become marginalized, depending on the events that characterize the development of the regime or as a consequences of external events that can affect the domestic realm. This circumstance creates possible room for the opposition which, as analyzed by Linz (1973), can take the form of opposition, semi-opposition or pseudo-opposition, and in turn can variate from active to passive, from legal to illegal or even a-legal.

2.1.2. Mentality versus ideology

In the definition of authoritarian regimes established by Linz, we use the term ‘mentality’, which refers to the distinction made by the German sociologist Geiger (1932) between ideologies and mentalities. According to him, an ideology is a system of thought more or less elaborated and organized, often written by intellectuals. By contrast, mentalities are ways of thinking and feeling, more emotional than rational, that provide uncoded ways of reaction to different situations. Moreover, mentalities are based on attitudes and values, more or less ambiguous, on which it is easier for the different actors involved, with different interests and characteristics, to find an agreement (Linz, 1975). These values may include patriotic feelings, respect for order, hierarchy and authority, and similar ones, although in this kind of regime we never find fully developed and complex ideologies. What is clear here is that both ideologies and mentalities are part of a broader phenomenon of ideas, which leads to action-oriented ideas (Linz, 2000). The important question to ask at this point concerns the circumstances that prevent a stronger ideological articulation in authoritarian regimes. According to Linz, the complex coalition of forces, interests, political traditions and institutions – which compose the limited

pluralism – requires the leaders to use as symbolic referent only the few aspects that can link the whole coalition. The vagueness of the mentality of the regimes blurs the lines of cleavage in the coalition and allows the rulers to retain the loyalty from the most disparate elements of society. Furthermore, the lack of specific and explicit commitments makes easier the adaptation to changing political and economic conditions, both in the environment of support and opposition. Nevertheless, such regimes also pay a price for their lack of ideology, since it limits their capacities to mobilize people to create the psychological and emotional identification of the masses with the regime. In other words, the lack of an ‘ultimate meaning’ reduces the attractiveness of such regimes to those strata of society for whom ideas, meaning and values are central (Linz, 2000).

2.1.3. Apathy versus mobilization

Closely related to the first two dimensions, the low level of mobilization in authoritarian regimes is a crucial aspect in the study and understanding of their development and stabilization. In the definition we emphasized the absence of extensive and intensive political mobilization, except that at some point of the development of the regimes there could be some sort of mobilization. Hence, this characteristic is an aspect on which such regimes tend to converge, for a variety of reasons. In some regimes, the depoliticization of the masses falls into the intent of the leaders, fits their mentality and reflects the character of those belonging to the limited pluralism supporting them. In other cases, the leaders initially try to mobilize their supporters and the population in general into active involvement both in the regime and in its organizations. These aspects, however, should not prevent us from taking into consideration important differences derived from the origins of such mobilization in terms of the type of pluralism emerging, the legitimacy, the response to critical situations, the sources and types of opposition, and so on (Linz, 2000). Nevertheless, the ultimate degree of political mobilization and, with it, the opportunities for participation in the regime for those supporting it are the result of the other two dimensions of the definition of authoritarian regimes already discussed. On the one hand, the absence of an ideology, the vagueness of the guiding ideas and the mentality of the rulers, are serious obstacles in the process of mobilization and participation. Without an ideology it becomes problematic to mobilize people in a voluntary way and it seems difficult to attract those interested in politics as an end to itself rather than a means for more immediate interests (*ibid.*). On the other hand, the limited pluralism and the varying share of power that the tolerated pluralistic components have in different moments of the process lead to patterns of semi-opposition and pseudo-opposition within the regime (Linz, 1973). Semi-opposition comprises legal political opposition that acknowledges the legitimacy of the regime and is composed of various social groups that exist within the regime, yet outside of its leadership. These groups often criticize specific steps taken by the leadership with the aim of advocating for their own interests. Pseudo-opposition is more radical in its demands, it casts doubts upon the regime and works for its fundamental modification (*ibid.*)

According to Morlino, et al. (2017), if a regime is able to achieve consolidation, a low level of mobilization during the core phase of stability elides a large variety of possible situations. For instance, it is necessary to assess whether the regime has a mobilizing structure, meaning a hegemonic political structure, single party, unions or interest groups that are organized from above and exercise pressure for different forms of participation, which could show support for the regime. Nevertheless, the authoritarian regime can also pursue an alternative goal through the limitation and control of participation, with a resulting low level of mobilization. This situation usually happens, as highlighted by Morlino, when mobilization structures that are able to control participation are absent. From here follows an obvious statement: authoritarian rulers fear popular participation that they may eventually come to no longer have the ability to control if it starts to become independent and autonomous and the regime has no or weak means of suppression (*ibid.*). Furthermore, we should not ignore that the leaders may opt between looking at political mobilization as desirable or preferring to limit it totally. The decision may reflect ideological predispositions or influences toward social change or towards arresting such change, but this is not the only decisive factor. Followingly, here is worth to mention the distinction marked by Linz (1970). On the one hand, there are those regimes coming to power after periods of organized political strife, lack of consensus under democratic governments and suppressed revolutions: all these will tend to use apathy to consolidate their power. Depolitization in these cases is considered a way to reduce the tension in the society and achieve a minimum of re-integration, which would be otherwise reached only through repression of dissidents. On the other hand, there are those regimes trying to achieve the full control of societies in which the masses have never been mobilized by any political force, usually if the preceding regime had been of colonial rule, a traditional monarchy or an oligarchic democracy. These circumstances are likely to coincide with underdeveloped societies, in which the underprivileged classes have not given their loyalty to any organized movement and, consequently, their manipulation is an easy task to achieve for the regime. However, we should emphasize the fact that the degree of mobilization under authoritarian rule might not depend only on the desires of the rulers, rather also on the opportunities for mobilization, shaped by history, economic and social development, and even the degree of pluralism and variety of the society. Lastly, the international situation of the country, its strategic position, might be decisive (Linz, 1970).

2.1.4. Authoritarian leadership and its limits

Lastly, at the level of political structure, Linz's definition refers to the 'leader or small group' with 'formally and ill-defined limits, but quite predictable ones' within which they exert power. In authoritarian regimes, those who occupy relevant position reflect the views of various groups and institutions, however they do not derive their position from the support of these groups alone, rather from the trust that the leader, or "junta", places upon them. The fact that the limits imposed on them are roughly defined contrasts, clearly, with the rule of law, at the basis of democratic structures, and gives the rulers the opportunity of exercising their power with greater discretion, commonly accompanied by suppression and coercion. Authoritarian regimes are

characterized by a significant personalization of power, visibility of the leader, or leaders, who actually possess the power and take part in the decision-making governing bodies (Morlino, et al., 2017). Although the weak definition of the limits to the use of power is not a necessary feature for the classification of different forms of authoritarian regimes, what is important here is to pose attention to the political structures of the regime, in order to check whether and to what extent the regime creates and possibly stabilizes new institutions, such as a single party, unions controlled from above, distinct forms of parliamentary assembly, characteristic electoral systems, or any other specific body that is different from those of the previous regime or government.

Figure 2 shows the four dimensions and the connection among them. When distinguishing the different types of authoritarian regimes, such connections provide us the inner logic of any regime. Three are the main examples that can make this process more understandable (Morlino, et al., 2017). If, for instance, there is only one main political actor within the regime, which usually is the army, then the mentality on which actions are based will be related to order, national interest, hierarchy and safety, both civil and economic. In this case, civilian's participation is limited and, most often, suppressed, and the new structure of the regime is a military junta. Another outcome is possible if the army is allied with social groups, such as industrial entrepreneurs or the Catholic Church, then the mentality at the basis of the actions implemented still focuses on order and patriotism, but also on corporatism, technology and development. Citizen's involvement is limited and usually controlled. This type of regime seems more innovative than purely military ones because of the presence of unions, corporations and the single party, in spite of the weak organization. The third variant of authoritarianism would still be characterized by actors such as those already mentioned, but usually also by a strong development of its legitimating mentality, which could be an ideology or a religious orientation. This situation may involve stronger popular mobilization with a more permanent structure but controlled from the center. In this type of regime, the institutional structure is important and often sees also the presence of militias or other para-military groups.

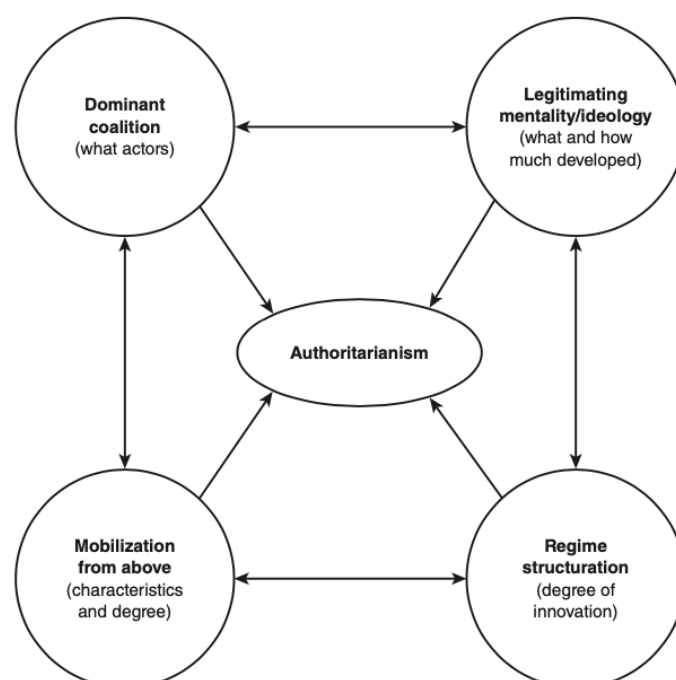


Figure 2 Salient dimensions to distinguish among authoritarian regimes. Source: Morlino, et al. (2017) "Political Science: a Global Perspective", p. 118

2.2. A typology of authoritarian regimes

Having deeply discussed Linz's definition of authoritarian regimes should now allow us to develop subtypes of such regimes. Hence, the typology found would be based on: which institutions and groups are allowed to participate politically and to what extent, and which ones are excluded (limited pluralism); the reasons for and the nature of the low mobilization; the mentalities on which the regime is founded (Linz, 2000). Figure 3 shows the typology of authoritarian regime based on the three dimensions. For the purpose of this dissertation, we will center on the distinction between military and non-military authoritarian regimes, with further differentiation on the political nature and purpose of the military intervention in the assumption of power.

In *Totalitarian and Authoritarian Regimes*, Linz accomplishes this comparison between military and non-military authoritarian regimes by looking at the differences they have regarding the dimensions of his definition. The limited pluralism which characterizes authoritarian regimes may take different forms, in which different groups and institutions take a stronger or weaker place. Participation of groups in political life is controlled by certain forces and channeled through different organizational structures. On this regard, authoritarian regimes range from those dominated by a bureaucratic-military-technocratic elite to others in which there is a privileged political participation and entry into the elite through a dominant party emerging from the society. When looking at the second dimension of our definition, i.e. the tendency toward political apathy and the toleration or encouragement of such apathy, we see that in bureaucratic-military-technocratic regimes there are few, if any, means for participation of the citizens and that the ruling elite has no particular interest in it. On the other hand, there are regimes that encourage mobilization and attempt to mobilize the masses through well-defined channels created by the political leadership, often a single or dominant party and its dependent organizations. Taking into account the circumstances under which mobilization has appeared in authoritarian regimes, Linz proposes two main types (2000). In the first type, the mobilizational dominant party emerges from the society in the course of the struggle for independence. The second type can be found in post-democratic society, ruled by a purely bureaucratic-military rule or based on the representation of well-defined social groups and institutional interests. Furthermore, these regimes emerge when the struggle to exclude from the political sphere particular sectors of the society has required more than a coup, when to exclude those sectors was necessary the creation of a mass party, mass organizations or even coercive organizations which go beyond the police or any army. Related to the first two dimensions is the third, since they have some affinity with different ways of articulating ideas to legitimize the political system. In bureaucratic-military rule, such ideas are less articulated intellectually, it is in such regimes that we can speak mostly of mentalities of the rulers and should pay less attention to the ideological formula offered. In contrast, in regimes where they assign an important role to a single or dominant party and attempt to encourage participation in that party, it is likely to rely on stronger ideological formulations. In conclusion, Linz states that bureaucratic-military authoritarian regimes are the "paradigmatic authoritarian regimes" (2000, p. 179),

since they are those furthest removed from any similar aspect to democratic systems but also from totalitarianism.

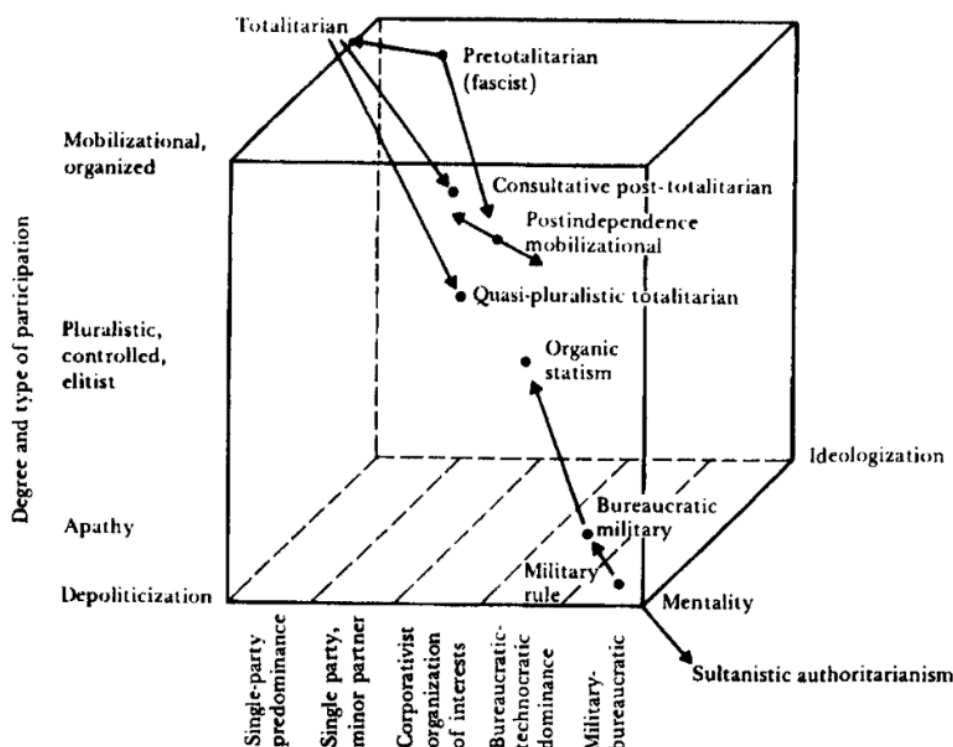


Figure 3 Typology of Authoritarian Regime. Source: Linz (2000) "Totalitarian and Authoritarian Regimes" p.175

2.2.1. The role of the military in authoritarian regimes

According to Samuel Finer (1980:16), the military is “by far the most powerful organization in society”, which means that it finds itself in a strongly advantaged position in case of intervention, thanks to its organizational and structural features. However, whenever thinking about the motives that might lead to military intervention, the political situation of the country provides the basic conditions, and the internal features of the military account for its actual manifestation. Hereof, Nordlinger (1978) stresses the importance of corporate interests of the military. In circumstances of civil unrest or deep economic crisis, the military identifies itself with the ‘national interests’ and acts to prevent cuts to the defense budget or to increase the expenditure. Another element of corporate interests can be the creation of independent militias that threaten the military’s monopoly of force, or even of political initiatives that threaten the survival of the military as an institutional body. Nevertheless, the analysis of military interventions has to consider also the factors that can prevent the military from intervening, thus preventing a coup. In this regard, Morlino, et al. (2017) distinguish between objective and subjective factors. The objective ones refer to strong forces of opposition which would resist a military takeover, such as strong unions, a strong civil society or even the presence of a dominant or hegemonic party. Subjective factors, on the other hand, refer to the prevailing attitude in the military leadership, such as a negative evaluation of the capacity for action and efficiency of the armed forces, followed by a fear of a war among different parts of it or even a fear that the army may disintegrate. Many, if not all, political systems are

bound to face the problem of subordinating the military to the political authority, and even once the military starts dealing with political problems, it faces the same issue. In many authoritarian regimes, the limited popular consensus means there is more need for potential force, this situation gives the army a privileged position. In the case of nationalism as an ideology, easily shared by all classes of the society, makes an emphasis on the army as a provider of national prestige and interests. Furthermore, if the break with the past was reached through a military coup, the position of the army is likely to be even more enhanced (Linz, 1970).

2.3. The bureaucratic-military authoritarian regime

Linz (2000, p. 184) defines bureaucratic-military authoritarian regimes as:

“Authoritarian regimes in which a coalition predominated by but not exclusively controlled by army officers and bureaucrats establishes control of government and excludes or includes other groups without commitment to specific ideology, acts pragmatically within the limits of their bureaucratic mentality, and neither creates nor allows a mass single party to play a dominant role (...) They may operate without the existence of any parties, but more frequent is the creation of an official government-sponsored single party, which, rather than aiming at a controlled mobilization of the population, tends to reduce its participation in political life even in a manipulated form”.

Such regimes, despite the arbitrary elements characterizing the exercise of authority not only in relationship to illegal opposition or just opponents and critics, make a considerable effort to operate within a legalistic framework, for instance holding on to pseudo-constitutional parliamentary forms, using – and abusing – legal procedures and courts, or even demanding obedience from civil servants and officers on the basis of legal authority. Nevertheless, this weak legalism leads to contradictions in such regimes. It assures not-so-obvious areas of individual freedom but also accounts for misuses of power, like political assassination, execution of opponents without a trial and the use of private violence with the complicity of the authorities. According to Linz (2000), we find here the distortion or perversion of legality, rather than “revolutionary legality”. Following his analysis, these regimes have appeared in societies that had an emerging industrialization and not highly modernized agriculture, and consequently had a large rural population. They have appeared in societies that, despite their now low level of development, were characterized by considerable urbanization, by an expansion of education that went beyond the expansion of economic development, and therefore by a growing number of middle-class professionals. This situation not only implies stronger demands from that portion of society, but also that the main support for the regime and the recruiting ground for the elites of the systems were found largely in new middle class. From the political point of view, such regimes aim at excluding independent, uncontrolled opportunities to participate in power and to organize the masses demanding greater rights and share of goods of the society, particularly workers and unions, sometimes religious or minorities. Such systems allow a weak pluralism within some sectors of the society and assure a prominent role to the bureaucrats and the military, who are able to enforce this exclusion through the

implementation of policies that will prevent the excluded portion of society from rebellion (Linz, 2000). During this process it will be unlikely to see the introduction of major structural changes in the society, but often the leaders of the regime will limit the power, organizational capacity and autonomy of the elite. Bureaucratic-military authoritarian regimes vary also in the degree of autonomy granted to the more privileged, in socio-economic terms, basing their analysis on the level of threat that dominance of those parts of society might represent for those who sustain the regime and try to protect it from the claims of the underprivileged (*ibid.*).

With the publication in 1973 of *Modernization and Bureaucratic-Authoritarianism: Studies in South American Politics*, Guillermo O'Donnell gave start to a new phase in the debate about the relationship between politics and social change in Latin America. In contrast to modernization theory, advanced most notably by Seymour Martin Lipset (1959), according to which industrialization generated democracy, O'Donnell argued that social and economic modernization in circumstances of delayed development is more likely to lead to authoritarianism, rather than democracy. His analysis focused on the emergence of military regimes in Argentina and Brazil followings the coups in the middle 1960s, which he labeled "bureaucratic-authoritarian" in order to distinguish them from forms of oligarchic and populist authoritarianisms found in less modernized countries. According to O'Donnell, the novelty of the form of authoritarianism experienced by South America lied on modern technocrats and professionalized military organization, rather than on populist politicians or traditional military strongmen. Hence, he underlined the affinity existing between higher levels of modernization and the rise of bureaucratic-authoritarian regimes, anticipating the military takeovers of the 1970s in Chile, Uruguay and Argentina. O'Donnell (1973) explained the rise of bureaucratic-authoritarianism in terms of the growing political weight of the lower middle- and working-class groups. He claimed that the industrial growth, based on consumer goods import substitution and the expansion of the domestic market, had created the basis for populist coalitions that encouraged incorporation of the popular sector. As the stage of import substitution was exhausted, leading to the appearance of economic problems, such as the crises of balance-of-payments and stark inflation, as well as the reduced ability of the market to respond to the demands by the active popular sector of the society, the populist coalitions collapsed. At this stage, the increasingly significant technocratic role of incumbents in both the private and public sectors, who attributed the crisis to the political participation of popular groups, became the core of the coup coalition. The resultant military regimes aimed at excluding and deactivating the popular sector.

By labelling such regimes as "bureaucratic", O'Donnell wanted to emphasize the features specific to authoritarian systems at high levels of modernization: "the growth of organizational strength of many social sectors, the governmental attempts at control by 'encapsulation', the career patterns and power bases most incumbents of technocratic roles, and the pivotal role played by large (public and private) bureaucracies" (1973, p. 95). In short, O'Donnell reversed modernization theory by arguing that the processes set in motion by high-level modernization tend to generate authoritarianism.

As highlighted by Remmer and Merkx (1982), in a series of more recent essays, O'Donnell has broadened his major concept. In his original work, the referent of bureaucratic-authoritarianism was the political system, which had the role of dependent variable. Hence, changes in this variable – for example from democratic to authoritarian – were the consequence of the interplay of a set of independent variables such as interests, popular sector activation or economic demands. In more recent works, the referent of bureaucratic-authoritarianism shifts to the state, seen as an aspect of the relations of domination in society embodied in the laws and public institutions, and reflected in the ideologies implemented (O'Donnell, 1979). In *Reflections*, O'Donnell underlines the difference between democratic governments and authoritarian regimes in terms of legitimacy. Under democracy, the way in which the state reinforces and maintains class domination is hidden by the claim of the state to represent and defend the nation's interests, to rest upon the consent of the citizenry and to realize the aspirations of its people. The legitimacy of its institutions allows the democratic state to serve as the organizational focus of consensus within society. By contrast, O'Donnell argues that the bureaucratic-authoritarian regime is unable to achieve legitimacy, due to some “fragilities” that characterize such states (1979, p. 310). Said fragilities include: its dependence on international capital, which weakens its claims to represent the interests of the nation; its self-imposed, rather than based on consent of the citizenry, nature; and the fact that it transparently represents the interests of the upper bourgeoisie, or privileged sectors of the society, rather than those of the people. While a lack of legitimacy and the dependence on coercion characterize the bureaucratic-military authoritarian regime, these are not the only features defined by O'Donnell, who offered the following definition (1979, pp. 291-93)²⁶:

“The bureaucratic-military authoritarian regime is a type of authoritarian state whose principal characteristics are: (1) guarantees and organizes the domination exercised through a class structure subordinated to the upper fractions of a highly oligopolized and transnationalized bourgeoisie... (2) on the institutional level, it is a set of organizations in which specialists in coercion have a decisive weight and aim at the restoration of order by means of political deactivation, as do those who seek to “normalize” the economy... (3) it is a system of political exclusion of a previously activated popular sector...this is achieved by coercion, as well as by the destruction or strict government control of the resources that sustained this activation... (4) this exclusion brings with it the suppression of citizenship and political democracy...the suppression of the institutional roles and channels of access to the government characteristic of political democracy is aimed at the elimination of the roles and organizations, political parties among them, that once served as channels for appeals for substantive justice. These channels are considered incompatible with the aims of the regime... (5) it is also a system of economic exclusion of the popular sector...preexisting inequalities are thus increased... (6) it corresponds to, and promotes, an increasing transnationalization of the productive structure... (7) it endeavors to “depoliticize” the handling of social issues, which are entrusted to those who deal with them according to the supposedly neutral and objective

²⁶ It should be noted that O'Donnell presents this definition in the context of a discussion of the first stage of a bureaucratic-authoritarian regime. Elsewhere he has emphasized two additional characteristics of such State: economic deepening and the expansiveness of the State.

criteria of technical rationality... (8) its regime involves closing the democratic channels of access to the government, for the representation of popular and working-class interests.”

The defining characteristics of bureaucratic-authoritarian regimes now include several features that were first seen as causes of changes in the political system, such as class interests, as well as others that are subsequent to the emergence of bureaucratic-authoritarianism, such as changes in the economic structure (Remmer & Merks, 1982).

2.3.1. The importance of perceived threat

An important variable identified by O'Donnell as capable of conditioning the development of bureaucratic-authoritarianism is the level of perceived threat to the existing socio-economic situation generated by the pre-coup crisis. The level of prior threat not only represents differences in originating circumstances, but it also shapes subsequent features of the bureaucratic-authoritarian state and accounts for differences among the cases (Remmer & Merks, 1982). According to O'Donnell (1978), the economic and political crises that precede the bureaucratic-authoritarian state admit variations from one case to another, which in turn have repercussions on the specific characteristics of the regime that results. A greater threat level tends to produce a stronger cohesion among the dominant sectors of society, to prompt a stronger submission of the middle sectors to them, and to provoke a more drastic defeat of the popular sector and its allies. A higher threat level lends more weight, within the armed forces to the “hard line” groups (1978, p. 7) and, closely connected, it leads to a more systematic repression for the attainment of the political deactivation of the popular sector.

In his analysis of the evolution of bureaucratic-authoritarianism, O'Donnell argues that the bureaucratic-authoritarian state passes through three stages (O'Donnell, 1979). The first one is characterized by the implementation of orthodox policies aiming at attracting long-term foreign capital and at the expansion of state controls to eradicate the threat from the popular sector. The resolution of the political and economic crisis associated with the emergence of the new regime, accompanied by substantial entries of foreign capital, allows for the transition to the second stage. It is during this stage that to the role of the state and of international capital is added the incorporation of the national bourgeoisie into the ruling coalition. The formation of this tripartite base leads to the reduction of political isolation of the regime and contributes to its viability by decreasing the possibilities of the emergence of an opposition coalition between the bourgeoisie and the popular sector. Nevertheless, “underlying political-institutional irrationalities” (1979, p. 312) remain unsolved and push the bureaucratic-authoritarian regime to a third stage characterized by the search for some formula that could provide the legitimating mediations necessary for a stable hegemony.

One of the most important hypothesized consequences of perceived threat is repression. The latter term is used by O'Donnell (1978) to refer to the various forms of coercion implemented by authoritarian regimes for the attainment of the political deactivation of the popular sectors and for the subordination of its class

organizations, especially unions. Despite the fact that repression does not distinguish bureaucratic-authoritarian regimes from other forms of authoritarian rules, the use of coercion against previously activated lower middle- and working-class sectors has been a common feature of Latin American authoritarian regimes, such as the ones in Argentina, Chile, Uruguay and Brazil. However, marked differences in the use of repression have characterized the bureaucratic-authoritarian rule in the four countries. O'Donnell suggests that higher threat levels lead to a more widespread and systematic use of repression and the willingness to continue to employ it, including a stricter control of communication media and more coercion applied against trade unions (*ibid.*). A second hypothesized consequence of prior threat is the political exclusion or deactivation of the popular sector. O'Donnell argues that higher levels of threat lead to a more successful political deactivation by the authoritarian leadership, because of the impact of threat on repression. Political deactivation, in turn, plays a fundamental role in the analysis of the evolution of bureaucratic authoritarian rule, since more deactivation during the initial stage of authoritarianism might make the transition to the second stage easier. Hence, according to O'Donnell, political deactivation partially explains variations in policy performance, political alignment and degrees of consolidation of the regime over time (O'Donnell, 1973). Assessing the impact of threat upon the subsequent deactivation of popular sector groups presents difficulties given the clandestine nature of most political organizations and activities under an authoritarian rule. Higher threat countries, such as Argentina and Brazil post-1966, offer mixed support of the hypothesis that more threat leads to more deactivation. The success of deactivation has varied considerably in the two cases. Despite high levels of repression, the Argentine military encountered severe problems in curbing labor protest between 1976 and 1980²⁷. On the other hand, the military enjoyed considerable short-term success in deactivating organized labor in the case of Brazil post-1966.

Finally, in his analysis of postcoup dynamics, O'Donnell suggests that prior threat levels influence dominant class cohesion, the alignment of political forces and the internal unity of the military during the initial stage of the bureaucratic-authoritarian rule (Remmer & Merks, 1982). Thus, threat plays a critical role in determining the prospects of the regime, in terms of collapse or survival. O'Donnell employs three interrelated lines of argument to link threat with variations in dominant class cohesion and political alignments during the first period of rule of the regime (1979). First, because of their possible impact on repression and political deactivation, threat levels influence the chances for the emergence of a strong opposition. Second, prior threat affects the willingness of previously active supporters of bureaucratic authoritarianism to establish an alliance with the popular sector, which could challenge the authoritarian rule. The third line of argument is an economic one, according to which more threat gives rise to mutually reinforcing trends towards orthodoxy, which in turn enhances internal cohesion of the regime.

2.4. The state as a terrorist

²⁷ In the province of Buenos Aires alone more than thirteen hundred labor conflicts were reported in September and October 1978.

2.4.1. State repression and state terrorism

As highlighted by Goldstein (1978), repression involves the actual or threatened use of physical sanctions against an individual or group of individuals or organization, within the territorial jurisdiction of the state, “for the purpose of imposing a cost on the target as well as deterring specific activities and/or beliefs perceived to be challenging to government leaders, practices or institutions” (Goldstein, 1978, p. xxvii). Like other forms of coercive action, repressive behavior relies on intimidation and threat to compel targets, but it does not concern itself with all coercive applications. Rather, it deals with the application of state power that violates, using Goldstein’s words, “First Amendment-type rights”. Such rights include (1978, pp. xxx-xxxi):

- i. Freedom of speech, assembly and travel. Freedom of the press up to a very narrowly defined clear and present danger point, regardless of the views communicated.
- ii. Freedom of association and belief without governmental reprisal, obloquy or investigation unless clearly connected with possible violations of the law.
- iii. The general freedom to boycott, peacefully picket or strike without suffering criminal or civil penalties.

Such rights can also be labeled “personal integrity rights”, which are those concerned with individual survival and security, such as freedom from torture, forced disappearance, imprisonment, extrajudicial execution and mass killing (Davenport, 2007).

Davenport, in his essay *Regimes, Repertoires and State Repression*, goes through Tilly’s work concerning the existing link between political repression and dissent. Tilly’s conception of repression was usually looked at from the perspective of one primarily interested in social movements and contentious politics, meaning those challenging the state. As such, he tended to view this phenomenon as one of the more important aspects of the political opportunity structure/context, which raised the costs of collective action (Tilly, 1978). This includes events such as banning political parties, censoring mass media, arresting dissidents and using informants and agents. In latter works, he added to these: torture, disappearances and mass killing (Tilly, 2003). Nevertheless, there were other strategies employed by governments against those who challenged them. Accordingly, for Tilly, repression was just one among several different strategies which could be used by the regimes of various kinds to control and influence those within their territorial domain. He highlighted other two possible strategies: “facilitation”, meaning those actions that reduced the costs of collective action such as incorporating dissident leaders into government or legalizing membership of an organization; and “tolerance”, which represented moments of inactivity of and acceptance by the government (Tilly, 1978).

In *From Mobilization to Revolution*, Tilly’s main argument was that repression and dissent were intrinsically connected with one another, since the former represented the efforts to signal, maintain and stabilize the status quo, and the latter represented the efforts to signal, disturb and transform it. For the purpose of this dissertation, I am going to concentrate on what kind of influence dissent has on repression. The government’s response to

behavioral challenges was determined mainly by two factors: the acceptability of the action taken, meaning the number of challenges, their duration, geographic range and magnitude of violence; and the acceptability of the group involved, especially its beliefs, objectives and members. These two dimensions determined how authorities would treat them. In most cases, dissidents that employed unacceptable tactics and were not accepted, institutionally, by authorities would be the ones most likely repressed, those that utilized reasonable tactics and were accepted by government authorities would be the ones most likely facilitated, and those in between the two would be the ones most likely tolerated. Furthermore, Tilly did not believe that all governments responded in the same ways to the same challenges, rather, he claimed that different types of regimes responded in different ways. He identified four kinds of regimes: repressive, totalitarian, tolerant and weak. Repressive governments consider the largest number of groups and actions as unacceptable across both dimensions, consequently, they repress the largest number, tolerate a decent amount and facilitate few. Totalitarian governments also repress a large number of challengers, but fewer than repressive governments, they tolerate a small number and facilitate more. Tolerant governments tolerate the largest range of challengers, they repress a smaller number of challengers and facilitate a larger number of challengers. Finally, weak governments focus their repression on the weakest groups of society, facilitate the smallest number of challengers and tolerate the most. What Tilly leaves us with, in conclusion, is a complex model where one's understanding of repression is deeply connected with who is challenging the authority; who the specific authorities are, i.e. the type of government; and how the two are or are not connected.

Despite all the progress humankind has made in the last millennium, the problem of state-sponsored mass murder and of state terrorism has remained and, with them, their definitional issues. The main difference between the two is one of intentionality. The purpose behind policies of state-sponsored mass murder, such as genocide or politicide, is to eliminate an entire group of people (Gurr, 1986, p. 67). While, the purpose behind policies of state terrorism is to “induce sharp fear and through that agency to effect a desired outcome in a conflict situation” (*ibid*, p. 46). They diverge also on the kind and extent of the actions employed. The former requires mass killings to accomplish its goal. The latter's success depends on the persuasiveness of the fear tactics used. In most cases these two phenomena do not coexist, nevertheless, sometimes actions may serve the dual purpose of state-sponsored mass murder and State terrorism. We shall focus here on the subset of human rights categorized as dealing with the “physical integrity of the person”, the violation of such rights accounts as state terrorism, which, consistently with Gurr (1986), is the category of coercive activities by the government designed to induce compliance in others.

Political scientists, in the study of state-sponsored mass murder and of state terrorism, have examined the nature of the State as a terrorist, the effect of regime type on democide²⁸ propensity, and how internal and external upheaval leads to genocides and politicides (Krain, 1997). Nevertheless, the majority of these studies

²⁸ As defined by Rummel (1994), is an overarching term describing all kinds of state-sponsored murder, including genocide, politicide, massacres, mass murder, killing by quota and terror.

agree on that factors both internal and external that can change the domestic power structure play a role in the perpetuation of state-sponsored mass murder. The leader of an authoritarian regime does his best to keep opportunities for challenging the status quo at a minimum, however, openings in the political opportunity structure could lead to challenges to the elites because they remark the vulnerability of the state (Tarrow, 1994). When openings in the structure of political opportunities change the structure of power, this in turn can affect the strategy used by the elites against their potential challengers (Kriesi, 1995). When faced with such situation, the state may act in two ways. In many cases, the elites will choose to accommodate the opposition in order to placate the upheavals or close off the openings in the structure (Tarrow, 1994). At the other extreme, the elites may choose to engage in the employment of stronger means of state terrorism, or engage in the severest form of repression, namely state-sponsored mass murder. The leaders remove the threat posed by an opening in the political opportunity structure by physically eliminating all those who might take advantage of that opening.

2.4.2. The transnational dimension of repression

The logic of using repression to undermine and eliminate dissent has been explained from both a strategic and a cost-benefit perspective. The former argues that repression is used with the aim of setting the limits within which citizens can act, to control or eliminate challenges – both real or imagined – to the regime’s stability and facilitate the regime’s movement towards a certain direction (Davenport, 2007). From a cost-benefit perspective, leaders weigh the costs and benefits of repression, its alternatives and the likelihood of actually destroying the opposition. Easily put, if the benefits exceed the costs, alternatives are not available and there is a high probability of success, then stronger repression is expected. Conversely, if the costs exceed the benefits, there are alternatives and the probability of success is low, then very little or no repression is expected (Shellman, 2006).

These explanations about the implementation of repression are based on the assumption that it is mainly driven by domestic factors and processes, however, they do not take into account the possible transnational dimension of repression, meaning the idea that repression in one autocracy is influenced by and influences levels of repression in other autocracies (Olar, 2019). It should be noted how domestic factors create transnational linkages between authoritarian regimes and how they increase diffusion of violent repression between autocracies with similar structural characteristics and challenges. Considering that repression can be socially and politically costly, there is an important source that could help and inform autocrats to adjust their repressive tactics, namely the information obtained from institutionally similar autocracies (*ibid.*). The diffusion of repression has been conceptualized as interdependence among regimes, or countries, where the adoption of a practice by one affects the probability that another will adopt the same practice (Elkins & Simmons, 2005). In our case, levels of repression in one authoritarian regime influence domestic levels of repression in another, or others. In other words, autocrats observe other autocracies in order to obtain

additional information about repressive tactics and adjust their domestic levels according to the information they have gathered. The main issue with selecting who to observe and cooperate with is bounded by the regimes' own capacity. Similarities in structural characteristics, such as institutions, and challenges, such as dissent, serve as a way to identify the reference group and to make sense of complicated policy choices in an uncertain environment. Similarities in institutions and dissent serve as heuristics²⁹ that provide autocracies immediate and proximate models of repression (Neumayer, et al., 2014). Structural characteristics refer to the use of political institutions to co-opt the opposition (Gandhi, 2008). The logic behind the reason why autocracies adjust repression levels based on information gathered from institutionally similar regimes is that institutionalization as a co-optation mechanism arises in an autocratic regime as the best answer to potential conflict and violence between the regime and the opposition (*ibid.*). Autocracies experiencing dissent share similar policy objectives, such as the defeat of insurgents and their survival in office, which, in turn, increases the sharing of information, skills and resources on how to deal with dissent. The main challenge authoritarian regimes face is to figure out what levels of repression can destroy dissent, while still ensuring regime survival (Olar, 2019). Two are the practical examples that could help us understand better the interdependence existing among different authoritarian regimes implementing repressive actions. The first one concerns the intense collaboration in dissent disappearances between the military dictatorships of Latin America in the implementation of the Operation Condor. During the Operation, the intelligence services of the participating countries would organize cross-border disappearances of dissidents and leftists or would share intelligence information about them (*ibid.*). The second one concerns the similarity in repressive actions during the Arab Spring. For instance, the regime of Bashar al-Assad formed a special committee during the Arab spring, whose aim was to "examine the possibility of protests spreading to Syria and how to avert or respond to them" (Abbas, 2011, p. 1). The Syrian president hinted at learning by blaming the failures of other regimes on their inability to upgrade and adapt, both as a state and institutions (Olar, 2019).

²⁹ Heuristics are a problem-solving method that uses shortcuts to produce good-enough solutions given a limited time frame or deadline. Heuristics are a flexibility technique for quick decisions, particularly when working with complex data.

3. THE CASE OF THE *DESAPARECIDOS*

3.1. The criminal plan

“– If we exterminate everyone, there would be fear for several generations.

– What does everyone mean?

– All of them. About 20 thousand. And their relatives. We must erase them and those who can remember their names.

– And why do you believe that the Pope will not protest against the repression? Many governments, political leaders and scientists are already doing so.

– There will be no vestige nor testimony left.

– This is what Hitler tried to do. To send to death, to turn into ashes and smoke those whom he had already private of all human traces, all identity. And yet their names, images and ideas remained somewhere, in some memory. Germany paid and is still paying for every each of them.

– Hitler lost the war. We will win it.”

From the book *El caso Camps, punto inicial*, by Jacobo Timerman, 1981.

The dialogue is from 1976, shortly after the military coup that overthrew Isabel Perón, between journalist Jacobo Timerman and the Navy Officer Camps. At the time, Timerman did not know that a few months later he would be kidnapped and released only after having suffered the most outrageous types of torture. Like him, there were tens of thousands who went through prisons or clandestine detention centers and as many were forced to flee the country. Moreover, it is estimated that 30 thousand people disappeared, that is, were captured, subjected to torment and buried in NN graves or thrown into the sea from Navy planes in the so called “flights of death” (*vuelos de la muerte*). In the clandestine detention centers, detainees were tortured with electric prods, beaten and intimidated. They did not know if they would die the next day or if they would survive. They remained *encapuchados* (blindfolded) and received insufficient food. About 500 children were appropriated, some were kidnapped with their parents, others were born during their mother’s captivity. The extermination plan drawn by the military dictatorship did not aim only at killing. The objective was, as Camps explained to Timerman, to erase the victims’ history, their bodies, their names, their memory, their political projects.

How was all of this possible? This is the question that many scholars and intellectuals have been asking for a long time. There seems to be no simple answer, it is a temptation to think that it was caused by the madness of a group of inhuman individuals, but as we shall see, the argument is too simple. The explanation is complex and probably there is not just one.

During the 1970s, Argentina was convulsed by terror that came from both the extreme right and the extreme left, a common phenomenon to many other countries, as Tilly’s *Regimes, Repertoires and State Repression* highlighted. However, what makes Argentina a peculiar case is the way in which the state responded to those acts of terror. To the terrorists’ crimes, the Armed Forces responded with a terrorism infinitely worse than the

one they were combating, and since the 24th of March 1976 they benefitted of the power and impunity of an authoritarian state, which they misused to kidnap, torture and murder thousands of human beings. From the enormous amount of documentation gathered by the CONADEP, it can be inferred that human rights were violated in an organic and state-owned way during the repression carried out by the Argentinian Armed Forces. And they were not violated sporadically, but systematically, according to a similar pattern, with identical means of kidnappings and torture taking place throughout the country, and sometimes even abroad. The kidnapping operations demonstrated the meticulous organization employed, sometimes occurring at the victim's workplace, sometimes in the middle of the street in broad daylight, others at nighttime in the victim's house. Thus, in the name of national security, thousands upon thousands of human beings, usually young adults and even adolescents, became part of a dark, ghostly category: the *desaparecidos*, a word – sad Argentinian privilege – that ever since has been written in Spanish throughout the world's press (CONADEP, 1984). Snatched by force against their will, they no longer existed as citizens. Who exactly was the responsible for their kidnapping? Why? Where were they? There was never a precise answer to these questions: the authorities had not heard of them, they were not to be found neither in prisons nor in hospitals, the courts were unaware of them and the habeas corpus' only answer was silence. Around this new category grew an ominous silence. No kidnapper was ever arrested, not a clandestine center of detention was ever found, never a name was displayed on the country's newspapers. As for the society, a feeling of complete vulnerability spread out, the fear that anyone, no matter how innocent, could fall into that never-ending witch hunt. Furthermore, others tended, consciously or unconsciously, to justify the horror: "There must be a reason for that". Yet such feelings could never be wholehearted, as so many cases were known of people who had been swallowed up into that bottomless pit, who were not guilty of anything (Sabato, 1984). The "anti-subversion" struggle had become an insanely widespread and generalized repression, and the word "subversive" itself came to be used with a vast and unpredictable range of meaning. All sectors of society fell into the net of the fight against subversion: trade union leaders; student unions; journalist who did not support the regime; "suspicious professionals" such as psychologists and sociologists; pacifists, nuns and priests working in the *villas miseria*³⁰; friends and families of these people. Most of them were innocent not only of any acts of terrorism, but even of belonging to the guerrilla organizations: the latter chose to fight, and either died in shootings or committed suicide before they could be captured (CONADEP, 1984). When speaking about society, we must take into consideration also the attitudes of some members of the Church, as already introduced in Chapter 1. The bishops of the Argentinian Church repeatedly condemned the repression. After barely two months from the coup, the Episcopal conference described the methods used by the Armed Forces as "sinful" (*ibid.* p. 258). Nonetheless, regrettably, some individual members of the clergy by their silence, their presence or even by their direct involvement, supported the very actions that had been condemned by the Church as a whole.

³⁰ A type of shanty town or slum found in Argentina, mostly around the largest urban settlements of the country.

The path towards justice would be long and far from easy. Recalling the historical excursus made in the first chapter, on the 2nd of April of 1982, thousands of people filled the Plaza de Mayo to celebrate the military occupation of the Falkland Islands. The mass jubilation, encouraged by all kinds of mass communication means, and shared by most political sectors, was quickly extinguished. A couple of months after the seizure of the islands, it became clear that the euphoric optimism had been false and the news that had been hidden up until that moment were exposed. Through this military expedition, which costed hundreds of young men their lives, the military wanted to restore the sympathy of the civilian population, increasingly dissatisfied with the economic policies and increasingly open to hear the complaints about human rights violations. The defeat against the British army produced a military crisis: firstly, within the Argentinian Army itself, which ousted the President, General Leopoldo Galtieri, and later within the other two Armed Forces, the Navy and the Air Force, which withdrew from the *Junta*. General Reynoldo Bignone, the last President of the National Reorganization Process, had to face loss of credibility and image in front of the entire citizenry and in the smear and discredit, for the first time, the popular demand for a democratic transition gained ground. The return to democracy had not been a massive demand until that moment. The denunciations made by relatives of the *desaparecidos*, by exiled and survivors both inside and outside the country had no immediate internal effect. However, they managed to attract the eyes of other governments all around the world. During the 1978 Football World Cup, hosted by Argentina, a campaign arose, led by a huge number of international human rights organizations, asking whether such event could be held in a country where human rights were not respected. The media and the military government called this an “anti-Argentina campaign” and responded with the famous slogan “*Los argentinos somos derechos y humanos*” (“Argentines are human and rights”) (Pereyra, et al., 2016). However, in 1979, the Inter-American Commission of Human rights of the Organization of American States organized an inspection in the country to analyze the situation and to gather first-hand accounts of *Madres* and *Abuelas de Plaza de Mayo* and survivors. It was the first time that the relatives of the *desaparecidos* had a voice.

3.1.1. In the name of the state

When they seized power in March 1976, the Armed Forces had a background similar to the one which encouraged other authoritarian experiences in the Southern Cone between the Sixties and the end of the Eighties. In this context must be placed the official doctrine of the Argentine military State between 1976 and 1983, that is, the one of National Security, understood as the theoretical corpus of the Armed Forces to preserve itself as “saviors of the homeland in the face of subversive cancer” (Manríquez, 1989). This doctrine places the Armed Forces at the apex of the State apparatus, under two central assumptions:

1. The negative conceptualization of military actions. In other words, the need to be present in the political and economic life of the country would be dictated not by the military plans themselves, but by the existence of an actor external to the institution, which becomes the mortal enemy of the State.

2. The idea that subversion, although of external origin, takes shape in the internal sphere in a not necessarily conventional way, so that the fight against the enemy takes place within national borders.

As Osiris Villegas wrote (Villegas, 1979, p. 316):

“Communist subversion with one foot in America, supported by considerable economic resources, can take advantage of low living standards to increase its sphere of action in new countries. Propaganda, infiltration in the most diverse institutions (political, cultural, trade union, university, neighborhood) and revolution... are some of the stages that characterize this subversion. In this sense, because it affects the way of life and therefore is part of the national interest, national security, it is implicit that communism can act with impunity in our territory”.

In the face of such a challenge, the military would be obliged, in accordance with the guidelines outlined by its intellectual cadres, to organize and maintain a massive reaction in each of these areas, which would inevitably lead to the militarization of daily life. In other words, starting from the above-mentioned assumptions, a powerful repressive system would have to be articulated that extended to all corners of the social body. Followingly, the Argentine Armed Forces not only failed to recognize, between 1976 and 1983, the limits of their coercive capacity and their continued existence in power, but it is insisted that they tried to carry forward from the government an intensive militarization of public life and civil activity. Repression became universal and, as a result, took on very broad dimensions. “It is both psychological, physical, cultural, ideological, social and political. It is exerted on all aspects and problems of collective and individual existence, against bodies and consciences, practices and social institutions”, recalls Marcos Kaplan (1976, p. 142) in a characterization that, validated for all bureaucratic regimes-authoritarian, is also the case for this study. Under such coercive measures, effective mediation between the individual and the State was seriously undermined. Notions like people, citizenship and representativeness were ignored in the name of the Doctrine of National Security, while the regime made fear and resignation the reduced pillars of its uncertain consensus. The success of the project depended on the forced evasion of public responsibility and the extreme privatization of daily life.

3.2. Collaborationism: a pact of silence and some sort of resistance

According to Novaro (2010), the weakness and docility of a society up until recently effervescent and ungovernable could be explained by the combination of the frenzy of social violence and inflation that took place between 1974 and 1976 and its logical consequence: a long and widespread renunciation by the social actors to the exercise of their sovereignty, and even to critically judge what the rulers considered necessary to do in order to ‘correct’ them. The civil cooperation with the repressive method is an eloquent proof: the political, entrepreneurial and religious leadership, and even the judiciary, the media and much of the trade unionism, were at least sympathetic to the cruelties of the war. Providing continuity to the attitude that some had taken in 1975, the society in general accepted that for a long time it was not appropriate to politicize and

kept silent; according to the different cases, it was not clear whether it was partially or completely in line with the official arguments expressed by the repressors: it was an all-out war initiated by ‘subversion’, in which the very existence of the nation was at stake, and therefore no moral or legal considerations were involved. A pact of silence was thus established between the de facto regime and the society.

Maintaining the appearance of a street war was also helpful in this regard. For this reason, throughout 1976, one of the most common resources used by the military to eliminate the body of a *desaparecido* was to simulate physical confrontations and more than a thousand hostages were listed as “killed in combat”. It was only starting from mid-1977 that the victims’ bodies began to be systematically hidden by being thrown into the Rio de la Plata or into the sea, or by being buried into NN graves. The military wanted to prove that they had “won the war” and that it was time to “win the peace” (Novaro, 2010). This new initiative was enthusiastically embraced by the media and the spokespersons of different social actors, projecting into the future the belief that the military would achieve its objectives this time, that there would be no turning back and that it was, therefore, appropriate to collaborate with them and to adapt to the parameters imposed. Arguing that critics of the Armed Forces played into the hands of the country’s enemies was part of this increasingly solid and programmatic consensus. It made possible to mobilize nationalist sentiments, wounded by previous frustrations, but not at all weakened: supporting the regime was considered the right thing to do and those who did not understand it revealed themselves to be carriers of the “virus” that was intended to wreck the country in its most dramatic hour. This reasoning became an articulate discourse when the regime responded to external criticism by denouncing an “anti-Argentina” campaign orchestrated by the media, solidarity organizations and even some Western governments, which proved that communism had already penetrated them. This “counter-campaign” would have a great success and echo in the press and local public opinion, at least until 1980. The recovery of a ‘daily peace’ as the machinery of terror continued to operate in the shadows, more or less out of public view, had a double impact on society and gave rise to very varied but convergently oriented attitudes to accommodate the scenario created by the ‘achievements’ of the Process. After the initial silence, expressions such as ‘there must be a reason’ or ‘they must have done something to cause this’ were popularized to justify disappearances and murders. The border line between the ‘subversives’ and the rest of the Argentines also divided the political activists – years before called ‘militants’ – and the biggest portion of the society, who enthusiastically depoliticized itself to access the benefits provided by the regime.

In the Argentinian case, there had been several individuals and organizations who actively collaborated with the military government, even without committing crimes against humanity themselves. The Church had an important role during the repression, but also mourned its victims, something denied for a long time by the religious authorities themselves. The armed forces targeted progressive sectors of the Catholic Church as subversive. In the middle of 1976, when several priests and seminarians were murdered in an accident, the ecclesiastical hierarchy remained silent. Only when between the end of that year and the beginning of 1977 a dozen of priests and nuns disappeared, driven from the outside – in this case from the Vatican – did the

Episcopal Conference ask for moderation. Nevertheless, the request provoked a tough official response. The military knew that the rift they had operated with blood and fire between the nation and its enemies reversed the situation that they had suffered at the beginning of the decade, and that very few would dare to challenge them at the risk of being isolated or, even worse, of sharing the same fate that awaited the ‘subversives’ (Novaro, 2010).

Something similar happened with the business sector, which had an extensive and protagonist role in the National Reorganization Process, to the point of co-organizing the coup and the government itself. In some cases, they were directly involved in the violation of human rights, in other cases, many employers simply took advantage of the absence of the rule of law to ignore labor rights. Many businessmen and companies collaborated actively with the dictatorship, justifying, giving technical support, and ignoring human rights violations, even knowing and witnessing their existence. At first, the collaboration with the coup was organized through the Permanent Assembly of Business Associations (*Asamblea Permanente de Entidades Gremiales Empresarias*, APEGE). The APEGE was founded in August 1975, a few months before the coup, by the main business associations, with a clear aim of destabilizing the democratic government and creating a single forum of dialogue with the Armed Forces. The Assembly was integrated by the Argentine Business Council (*Consejo Empresario Argentino*, CEA). Business organizations openly and explicitly supported the military government. José Alfredo Martínez de Hoz, president of the CEA, was Minister of Economy for almost the whole duration of the regime, from 1976 to 1981. The military handed over the Central Bank to the Association of Argentine Private Banks (*Asociación de Bancos Privados de Capital Argentino*, ADEBA). The President of ADEBA, Narciso Ocampo, told the Inter-American Development Bank’s 1976 Board of Governors: “The intervention of the Armed Forces on 24 March 1976 marks the end of an historical period and opens up a stage of promising prospects, since, whatever its evolution and final results, the mere fact that it aims at the social and economic order and restores the principle of authority is an unquestionably positive change” (Mason, 2008). In general terms, it can be said that, to a greater or lesser extent, the print media suffered censorship, but also self-censored itself and collaborated with the military regime, covering up their crimes and justifying their actions (Gassmann, 2009).

Despite the extreme conditions of repression, several political, trade unionist and human rights groups maintained an activity of resistance and opposition to the military dictatorship. Several trade unions of the General Confederation of Labor (*Confederación General del Trabajo*, CGT) maintained an active antagonist position, declaring a series of strikes. In 1979, the “Commission of 25” declared the first general strike, however the action achieved a very partial adhesion and the government reacted harshly. The fact that dissent was tolerated only when it came from voices within or close to the regime, or from those who respected its political order, became clear when a sector of trade unions, called the “Commission of 25”, called a general strike in April 1979. The action achieved a very partial adhesion and the government reacted harshly. Although there were no more signs of national resistance during the following two years, they persisted in the business

and entrepreneurial sphere, led by internal commission that in many cases clashed with fierce repression, in other cases, they failed to mobilize workers and only occasionally managed to preserve acquired rights. In 1981, the CGT would call the first open demonstration against the regime.

The student movement also maintained a precarious clandestine organization, mainly through the Argentine University Federation. In the case of both high schools and universities, coordination with the political youth was decisive, and even more when the decision was made to win back the streets, with mobilizations by the groups, which were violently repressed. In the Catholic Church, despite the general passivity of its authorities, several groups and individuals took an active position in defense of human rights.

3.2.1. The search for justice: *Madres de Plaza de Mayo*

The real significant exception to the weakening of society's capacity to support itself, although limited in its public impact until 1980, were human rights organizations. The *Madres de Plaza de Mayo* (Mothers of the Plaza de Mayo) is a long-established and internationally famous group of human rights activists, formed by mothers of children and young adults disappeared during the military dictatorship. The group's origins can be traced back to a gathering in Buenos Aires on the 30th of April 1977 of a small group of mothers demanding the return of their disappeared sons and daughters through an innovative public display of civil disobedience, by standing in front of the entrance of the Casa Rosada (Bosco, 2006)³¹. Ever since the military coup, the government had imposed a state of siege, so they were immediately approached by the police and informed that groups of three or more people were prohibited and that it was forbidden to stand still on public roads, they had to leave the square. Instead, the Mothers began to walk in slow-paced circles around the *Piramide de Mayo*, the central monument of the square, and to prevent groups of three from being formed, they walked by twos. The following Friday more mothers appeared, their presence in the square was known by word of mouth, since, as for the press complicit in the dictatorship, there were no *desaparecidos*, hence there were no mothers. The marches around the pyramid became immediately a symbol of freedom. To recognize themselves as a group, the mothers began to use white scarves on their heads, to symbolize the diapers of their lost children, embroidered with the names and dates of birth of their offspring, at that time young adults. They were the first major group to organize against the regime's human rights violations.

As growing numbers started to join the weekly marches on Thursdays, the Mothers also began an international campaign to defy the propaganda proposed by the regime. The campaign brought the attention of the world on Argentina. The military government considered these women to be politically subversive. On the 10th of December 1977, International Human Rights Day, the Mothers published the names of their missing children on a newspaper advertisement. On that same night, Azucena Villaflor, one of the original founders of the group, was kidnapped by a task force. The woman is reported to have been taken to the ESMA (*Escuela de*

³¹ The decision to reunite in Plaza de Mayo was due to the fact that it is located in front of the Casa Rosada, the Presidential Palace, and that it was, and still is nowadays, the place where political demonstrations have traditionally taken place.

Mecánica de la Armada, ESMA) in Buenos Aires³², and from there on a “death flight” over the ocean, her body was found two weeks later on the shore of a beach in the Province of Buenos Aires along with other cadavers. Despite this tragic event, the Mothers continued fighting, until they finally became recognizable during the 1978 World Cup, when international journalists began to interview them and publicized their movement. Between 1978 and 1979, they began to travel abroad to make known the drama of the *desaparecidos* and to ask the military dictatorship to be isolated, first to Europe and then to the United States. Amnesty International sponsored a trip that covered nine countries to expose the real situation in Argentina to the leaders of the European and American countries.

With the *Abuelas de Plaza de Mayo*, another group set up in 1977, the Mothers have identified more than two hundred missing children who were adopted soon after being born to mothers in prison or camps who later “disappeared”. Seven of the identified children were reported dead. At the beginning of 2018, 137 of those children, by that time grown adults, were identified and were offered to meet their biological families.

3.3. The *Nunca Más*

As anticipated in the first chapter, on the 10th of December of 1983 Raúl Alfonsín took over the presidency of Argentina, after seven long years of democratic interruption and of systemic human rights violations perpetrated during the period of state terrorism carried out by the leaders of the so-called National Reorganization Process, democracy was restored. In order to investigate these crimes, only five days after his election, Alfonsín ordered the trial of the military *Juntas* and of the guerrilla organizations. To complement this investigation, he instituted the National Commission on the Disappearance of Persons (*Comisión Nacional sobre la Desaparición de Personas*, CONADEP) through the Decree 187/83³³, whose purpose was not to judge, rather to investigate and organize the evidences to be presented by the state during the trial to the *Juntas*. According to Article 2 of the Decree, the Commission had the following specific functions:

- i. To receive complaints and evidence on those facts and forward them to the judicial system if they were found to be related to the alleged commission of crimes;
- ii. To find out the places where the *desaparecidos* were detained, as well as any other circumstance related to their possible location.
- iii. To determine the location of children who have been abducted from their parents with excuses such as repression of terrorism, and to involve, where appropriate, organizations and courts for the protection of minors;
- iv. To denounce to the judicial system any attempt of hiding, subtraction or destruction of evidentiary elements related to the actions intended to investigate;

³² There operated the biggest clandestine detention, torture and extermination center of the Argentine military dictatorship.

³³ Full original text available at: <http://www.derechos.org/ddhh/arg/ley/conadep.txt>

- v. To issue a final report, with a detailed explanation of the cases investigated, at a hundred and eighty (180)³⁴ days after its constitution.

The Commission looked throughout the whole country in search of testimonies from survivors, relatives of the victims, repressors and buildings used as detention centers, or their ruins. They carried out an inventory of all the reported disappearances and all the clandestine centers, comparing the testimonies with the architecture of the buildings, a task often performed in presence of the survivors themselves. With this information, they drew maps, classified the narratives collected and realized a detailed analysis in order to reconstruct the *modus operandi* of state terrorism. The procedures used to gather information were implemented as follows (CONADEP, 1984, p. 449):

- i. *In situ* identification of clandestine detention centers in presence of those released from those camps;
- ii. Visiting the morgues to gather information about irregular incomings;
- iii. Making inquiries in neighborhoods and workplaces in order to determine the location of clandestine detention centers and the modalities used to abduct people;
- iv. Collecting testimonial statements from both active and retired personnel of the Armed and Security Forces;
- v. Checking both prison and police registers;
- vi. Investigating crimes committed on the belongings and properties of the *desaparecidos*.

The Commission delivered its conclusions on the 20th of September 1984 through a Report which, for the first time, demonstrated the systematic and massive nature of the military repression. The CONADEP, headed by writer Ernesto Sabato, put down a 50 thousand-page report documenting the data that the military leadership had tried to erase, these include: the location of 340 clandestine detention centers throughout the country, the existence of dozens of thousands of names of kidnapped people, of which 8.960 remain missing. In the last days of September 1984, Alfonsín received a copy of the final report. Two months later, the publisher of the Universidad de Buenos Aires (EudeBA) published a synthesis of 500 pages in book form, titled *Nunca Más* (Never Again).

3.3.1. Modus operandi: abduction – disappearance – torture

The events described in the *Nunca Más* are mostly hard to believe. The Report represents a fundamental information tool to understand and study the nature of the Argentinian regime and its repressive practices. The comprehension of this phenomenon results even easier if we keep in mind the two dimensions that determine government's response to behavioral challenges, namely the acceptability of the action taken and the acceptability of the group involved, analyzed by Tilly (1978) and dealt with in the previous chapter.

³⁴ It was later on decided to expand the investigation time and the deadline for the drafting of the Report by three more months.

After 280 days spent listening to accusations, testimonies and confessions, examining documents, inspecting places and doing all in its power to shed light on such shocking events, the CONADEP was able to affirm that that system of repression was deliberately implemented to produce exactly the detailed circumstances contained in the report. The typical *modus operandi* employed by the Armed Forces was abduction – disappearance – torture (CONADEP, 1984).

There are around 600 instances of kidnapping recorded in the CONADEP files which are said to have happened before the military coup of March 1976. Since that day, tens of thousands of people throughout Argentina have been unlawfully deprived of their liberty, 8.960 of whom, as anticipated above, were still missing the day the report was published. The repressive methodology used was tested in 1975 during the Operation Independence in Tucumán, before the military government took power. It differs from the methods used in other countries by its total secrecy; with regard to the detention of people followed by their disappearance; and persistent official refusal to recognize the responsibility of the actors involved. The implementation period of repression in these cases was long, nation-wide and not limited to large urban centers. The statistics compiled by the Commission, on the basis of the testimonies received showed the following percentages (CONADEP, 1984, p. 17):

Table 2 People who have still not reappeared and were arrested in front of witnesses

Detained in their own homes	62%
Detained in the street	24,6%
Detained at work	7,0%
Detained in their place of study	6,0%
People who disappeared while legally detained in military, penal or police establishments	0,4%

The first act in the drama of the disappearance, which involved both direct victims and their families, began with the bursting into their houses by the task force (*patota*) responsible for the abduction. The operations, as shown in the report, were carried out late at night or early in the morning (respectively 62% and 38% of the cases) (*ibid.*: p. 25). The *patota* was usually composed by five or six individuals, who broke into the house equipped with a voluminous arsenal, absolutely disproportionate to the alleged dangerousness of the victim. The intimidation and terror which was employed was not merely aimed at stopping any possibility of response by the victims, rather it was also aimed at achieving a similar effect on the whole neighborhood. When the family which was to be *chupada*³⁵ had children, the methods employed varied: sometimes the children might be abducted and eventually adopted by a member of the Armed Forces; in other cases, they might be taken directly to the victim's relatives; some other times, they might be left abandoned in the places where the abduction had happened; tragically, often they would be taken to the detention center with their family, where

³⁵ A slang term, literally meaning 'swallowed', 'sucked up'.

they would witness the tortures inflicted on their parents – many of these children are now among the lists of *desaparecidos*. The first stage of this infernal journey ended with the transfer of the victims to the clandestine detention centers.

The implementation of the disappearance of persons could not have been carried out without the *centros clandestinos de detención* (what until now has been referred to as clandestine detention centers). The CONADEP discovered the existence of approximately 340 of them, as anticipated, throughout Argentina. Thousands of men and women, unlawfully deprived of their liberty, spent weeks, months, years there or never returned. Those were the places where they lived their “disappearance”; there was where they were when the authorities responded negatively to the requests for reports in *habeas corpus* petitions; there they spent their days at the mercy of other men, while the military authorities responded to national and international public opinion by claiming that the *desaparecidos* were abroad, or that they had been the victims of feuding among them³⁶, or that they simply did not exist. An example of this kind of claims is manifested by a speech delivered by Videla on the 14th of December of 1979. In that occasion, faced with the timid but bold question by journalist José Ignacio López about what was called “the problem of the *desaparecidos*”, Videla, among other considerations, stated: “The disappeared person is unknown, he is missing, he has no identity nor entity, he is neither dead nor alive, he is simply missing”³⁷. As described thoroughly in the report, the architectural characteristics of these centers, and the daily life led there, reveal that they had been conceived for the subjection of victims to a meticulous and planned stripping of all human attributes in order to gather information about possible subversive actions, rather than the simple physical elimination. We can claim, and it should not seem extraordinary by now, that these centers were secret, or clandestine, only as far as the public opinion and the relatives of the victims were concerned, since the authorities systematically refused to give any information on the fate of the *desaparecidos* to the requests of national and international human rights bodies and to judicial appeals. It goes without saying that the existence of the centers and their functioning were only possible with the use of financial and human resources of the state, and that, from the highest military authorities down to each member of the Security Forces who took part to the repressive scheme, they made these centers their fundamental base of operations. Reality was continuously denied, facilitated by the abuse and control that the military government exercised over the media, placed at the service of the confusion and disinformation of public opinion. The *Nunca Más* proposes the declaration released by Jorge Rafael Viola to the *Gente* magazine on the 22nd of December 1977 as an explicative example:

“I categorically deny that there exist in Argentina any concentration camps or prisoners being held in military establishments beyond the time absolutely necessary for the investigation of a person captured in an operation before they are transferred to a penal establishment.”

³⁶ Statements of this nature are included in the answers given by the de facto government to the Inter-American Commission on Human Rights of the OAS - see ‘Report on the Situation of Human Rights in Argentina’, 1980.

³⁷ Original video and full speech available at: <https://www.youtube.com/watch?v=3AIUCjKOjuc>

As much as the location of the clandestine detention centers is concerned, in some cases they were premises that already worked as detention centers, in others, they were civilian buildings, police offices and even the establishments of the Armed Forces, adapted to the required functions. Those most frequently used as concentration camps were police stations and posts. An example of military premise is the already mentioned Navy Mechanics School (*Escuela de Mecánica de la Armada*, ESMA) in Buenos Aires.

The ‘disappearance’ began with the admission to these centers and the suppression of all links with the outside world, hence the name of *pozos* (pits) used to designate many of the centers in the jargon employed by the repressive forces (CONADEP, 1984). The victim would arrive *encapuchado* (hooded) and would remain so throughout his whole stay. This was aimed at making the victims lose spatial awareness, not only depriving them from the world outside the *pozo*, but also of all immediate surroundings beyond their own body. The reconstruction of the clandestine detention centers, one of the main tasks of the Commission was based on hundreds of testimonies given by survivors who had spent different lengths of time as *desaparecidos*. In many of the inspections, survivors would put on their eyes a bandage, in order to remember the ordeal in detail. From the victims’ testimonies presented to the Commission it is possible to distinguish between two main categories of clandestine centers of detention: Prisoner Assessment Centers, where prisoners were held, for a considerable period of time, until their ultimate fate had been decided; and Transit Camps, where the prisoners would arrive immediately after their abduction or just before being released, and stayed there for a short period of time. In their joint action, the different forces constituted the so-called task forces, the core structures of the clandestine repression. According to Testimony, File No. 7170, an ex-member of one of these groups: “The task forces were made up of personnel from the different Armed and Security Forces. Although they were located in military buildings belonging to the Security Forces, which provided them with the infrastructure and in some cases were responsible for the headquarters, task forces did not depend directly on those places but on the force where they had their headquarters” (CONADEP, 1984, p. 256). According to the Testimonies received by the Commission, there are evidences that several task forces were involved in the clandestine detention centers, their members could interrogate detainees who were arrested by their own task force or had been kidnapped by the operation group of the task force.

Acts of torture are mentioned in almost all the cases brought to the attention of the Commission. It was not accidental; torture was a relevant element in the methodology employed by the Armed Forces. The clandestine detention centers were designed, *inter alia*, so that tortures could be carried out undisturbed. As described in detail by the Report, the first session of torture had the purpose to “soften up” the victim (CONADEP, 1984, p. 63). Once established that the prisoner had some information of interest to offer, sessions were run by special interrogators. In other words, there was not a prior assessment made as to whether the person they were going to kidnap really had some sort of information of any interest to his captors. According to the information

supplied by a member of a task force³⁸, after 1977 there was no longer any need to carry out intelligence activities, since it simply became a matter of arresting those people named by the prisoners themselves during the torture sessions. It was enough to appear in somebody's address book to instantly become a target. The existence and generalization of the use of different forms of torture is particularly frightening because of the perversion demonstrated and the character of the people who carried them out, as well as of those who supported it and employed it as a means to an end. In addition to the physical torture that was inflicted on the victim from the very beginning, there was the psychological one, which continued throughout the whole period of imprisonment, even after the interrogations and physical torment had ended. To this were added unlimited humiliations and degradations (CONADEP, 1984).

3.3.2. The motives behind repression

The *Nunca Más* dedicates an important number of pages to the subject of death as a political weapon, looking at the different modalities employed such as death *en masse*³⁹, collective or individual. As seen in the previous chapter, there is a shared tendency in looking at state-sponsored murder and state terrorism as two different phenomena, with different features and different means and aims. However, the Argentine case shows how the two are not mutually exclusive. The CONADEP, in its report, stresses not only the impact that death as a political weapon has had because of its very nature and for the huge numbers involved, but also the circumstances surrounding these deaths, which affect the ethical and legal foundations of every civilized society. Death penalty has long been repudiated and banned from the Argentinian legal system⁴⁰, under the military government it was incorporated into penal legislation, because it was claimed that it was necessary to prevent the worst subversive crimes from happening. However, unsurprisingly, there were thousands of deaths, none of which came about through a trial, and none was the result of a sentence. Hence, the regime which considered necessary to change the legal tradition of the country by introducing capital punishment, never used it as such. Instead, it set up a collective crime, a mass extermination, on which the evidence is written all over the hundreds of nameless corpses and the testimonies of the survivors. Deaths in "armed confrontations" were one of the most used methods to cover up the illegal deaths of prisoners, since those already being held, before the military coup, as official prisoners could not be killed without some reasons being claimed. The same happened to those who disappeared and, if it had been decided that they should die, they were shot down in an "attempt to escape" or appeared as the casualties of an "armed shooting". This process included also the irregular manner in which burials were carried out, the clear aim behind these actions was to avoid the bodies

³⁸ See File N. 7170 of the CONADEP Report.

³⁹ Mass death, or mass murder. It is the act of murdering a number of people, typically simultaneously or over a relatively short period of time and in close geographic proximity.

⁴⁰ Death penalty was abolished in 1813 but was reintroduced and applied during Aramburu's dictatorship in 1956. Nevertheless, the disappearances between 1976 and 1983 are considered unlawfully executed. On August 2008, the National Congress abolished the Code of Military Justice, which was the last remaining possible application of death penalty in Argentina.

being identified and to prevent the murder of these people, who had been arrested or abducted in front of witnesses, from being officially recognized.

The CONADEP not only has been presented with testimonies from victims or relatives of the *desaparecidos*, but also from people who acknowledged their involvement in task forces and other forms operation belonging to the repressive apparatus. Such depositions were linked to the knowledge they had of the methods used for repressive purposes, as well as containing details on kidnapping, torture and physical elimination. In most of the cases, this spontaneous collaboration came from agents who had themselves been punished by the Armed Forces for illicit action which was considered useless for the anti-subversive struggle and motivated by individual interests. In several instances⁴¹, those who gave testimony were not motivated by the search for moral support or military honor, rather by the conviction that they had been “abandoned by their own superiors”, after having contributed to the anti-subversive war, while witnessing the defeat of the aims which had initially been given as motivation for the struggle (CONADEP, 1984, p. 252). Only exceptionally did any of them show signs of guilt or moral responsibility for their actions. Most of them were resentful towards their superiors for “having used us”⁴², involving them in a project which finally betrayed the nationalist ideals for which they had joined the Army, the Police or para-military groups (*ibid.* p. 253). Some confessed of being sickened by the madness of it all; others expressed a desire to denounce the atrocities they had witnessed or had been responsible for, to prevent them from happening again⁴³. Any sign of disagreement within the Armed and Security Forces about the methods implemented for detention or elimination was punished, any attempt to escape from the repressive structure could mean their own persecution or elimination. The testimonies received by the Commission illustrate the procedures employed by the task forces and their total disregard for the ethical norms which regulate the use of coercion by the state. The methodologies employed by the task forces were similar to those employed by the guerrilla groups, and their aims were no different. However, unlike *guerrillas*, they were not restricted by a possible repression by the forces of order, since they actually were the “forces of order” (*ibid.* p. 255).

3.4. The role of the judiciary

3.4.1. The implications of impunity

Every society, invariably, has always been concerned with the possibility that some crimes could go unpunished. However, concern turns into alarm when impunity becomes an element envisaged for the execution of the crime itself, incorporated as a shield around events, and part of the *modus operandi* of a systematic criminal conduct. That is the case of state terrorism. Hobbes, in the *Leviathan*, argued that there is no greater crime than the one perpetrated in full awareness of its impunity (Hobbes, 1651). Hence, the

⁴¹ See testimonies N. 3675 – 683 – 1901 of the CONADEP Report.

⁴² See testimonies N. 3675 – 3157 of the CONADEP Report.

⁴³ See testimony N. 3675 of the CONADEP Report.

institutional subversion inherent in such a situation seriously damages the ethical basis usually intrinsic to governmental acts, and for a hardly measurable period of time. Such is the case with the government of the Process of National Reorganization in Argentina. Taking advantage of the helpless state of the victims says absolutely everything about the personality of the perpetrators. However, this phenomenon takes on another dimension when those who exercise power from the very beginning of their administration award themselves with special authority to plan and enact a complete system of illicit acts. The views of the constitutional President of Argentina, Raúl Alfonsín, are clear in this regard, in his justification of Decree 158/83 for the prosecution of those responsible for ordering and executing such illegal acts: “The Military *Junta* which usurped power conceived and instrumentalized a plan of operations...based on manifestly illegal methods” (CONADEP, 1984, p. 246). In considering this presidential statement, the criminal acts committed are far from being considered “excesses” or unwanted random results. On the contrary, in line with the above definition, they were from the very beginning created as a plexus of crimes with no historical precedents in the country. A network based on the assumption that the responsibility for planning, ordering and performing these illegal acts lays only with the consciences of those who carried them out, and whose actions would not be checked by no judicial or legal constraint or consideration. The context of impunity, that served as a basis within which those responsible acted, acquires greater clarity in the case of arbitrary detainment, disappearance and/or assassination of prominent personalities in Argentine society, who were known both nationally and internationally. We refer here to men and women who held distinguished positions in the life of the country, for their roles or special scientific, diplomatic, religious, political or literary qualities, whose fate symbolized the conviction of those responsible of state terrorism that they would never be called to account for their acts. The representatives of this particular segment of society, who had always had access to sources of power and decision-making processes, to which they once again tried to appeal, in this case found no remedy for the clandestine kidnapping and underground accusation of which they were victims. Their relatives resorted to any source of power, particularly within the Armed Forces, to which they had access, and yet they failed to reverse the injustices. In addition to these peculiar cases, who were special because of their outstanding position in the community, is worth adding others who, although not members of these social groups, became well known to the public. The experiences they suffered were extensively publicized by eminent individuals or institutions, who became actively concerned for their protection and attempted to save them. Yet, sadly, they too failed.

Among the aims of state terrorism was to seek to instill in the population as a whole a sense of utter defenselessness in the face of a power exercised with an all-round appearance, through carrying out selective attacks with any proper sanction and were impossible to redress, and through demonstrating that the traditional methods of personal protection, both social or legal, were totally ineffective. Because it is often highly profitable, for the purposes of carrying out a repressive terrorist policy, to that the people is generally convinced that nothing and no one could change the course of predetermined events (CONADEP, 1984). We shall make a brief reference to cases of disappearance and torture and, sadly often, death of people whose

detention mobilized the intervention of highly respected institutions, which were in fact unable to break the absolute impunity within which repression operated, one of them concerns Jacobo Timmerman, introduced at the beginning of the chapter. He was the director and founder of the newspaper *La Opinión*. He was kidnapped on the 15th of April 1977 and, according to his own declaration he was taken to two different clandestine centers of detention, where he received frequent electric shocks and was interrogated for a whole month. He was later officially recognized and after a period of detention was kept under house arrest and finally expelled from the country and deprived of his nationality. His was the only habeas corpus writ submitted and accepted during the military regime. Without doubt, the greatest evidence for this impunity are the thousands of ordinary people who disappeared and whose cases have not been clarified.

3.4.2. The judiciary during the repression

Once it has been clearly demonstrated and proved that an outrageous number of people disappeared and thousands of abductions were carried out, that well-organized detention and torture centers located in populated areas housed thousands of prisoners and that the families of the *desaparecidos* exhausted all viable legal procedures, the following question easily comes to mind: how could so many crimes, with the same *modus operandi* and numerous witnesses be carried out with such impunity? What prevented the judges from investigating at least one case, even after the experiences and testimonies of those lucky enough to have been liberated? After the military coup of March 1976, a drastic institutional subversion was introduced into Argentina's institutional structure. A kind of "executive-legislative-constituent power" (CONADEP, 1984, p. 391) was created and assumed extraordinary governmental powers and, with them, the whole sum of public authority. On the very first day of the coup, the composition of the highest levels of the judiciary – namely the Supreme court, the Attorney-General and the Provincial High Courts – changed and all other members of the judiciary were suspended from duty. All the judges, in order to be appointed or confirmed, had first to swear allegiance to the acts and objectives of the Process. From that moment on, the activities of the judiciary assumed very distinctive traits. Although intended by the Supreme Law of the Nation to protect citizens from excesses of power, it now condoned the usurpation of authority and allowed an accumulation of legal aberrations to acquire signs of legality, in perfect line with one of the four main dimensions characterizing authoritarian regimes according to Linz (1964), namely the undefined limits within which the leaders rule.

The judiciary, which was to be a brake on the prevailing authoritarian rule, became in fact a sham jurisdictional structure, a cover for its external image. Legal representation in court was seriously affected by the imprisonment, removal or death of defense lawyers. The reluctance and even the complacency concerning human rights shown by many judges complete the picture of total absence of protection for the Argentine population. Nevertheless, there were judges who, within the tremendous pressures of the prevailing circumstances, fulfilled their role with dignity and decorum expected of them. However, it is also true that there were those who, having the legal duty to protect individuals and their property, failed to do so. Many

who could have been able to limit the abuse of arbitrary detentions, endorsed the application of real penalties without trial. And others, with their indifference, exhibited behaviors complicit with kidnappings and disappearances. The population had come to perceive the futility of recourse to judicial protection to preserve their essential, fundamental human rights. This situation gained an enormous international notoriety, as shows the case of a Swiss court that once refused to extradite five Argentines even though all requirements were met, on the grounds that the lives of the criminals, once back in Argentina, could not be guaranteed (*ibid.* p. 392). In conclusion, it can be asserted that during the period of state terrorism, the judicial process became almost inoperative as a means of appeal. Furthermore, under the military regime, the right to life, security and individual freedom was of little concern to the decision of the judges, the sole arbiters of these decision were the same members of the state's repressive structure⁴⁴.

Nevertheless, as we saw in the first chapter, after long years of struggle, the Argentine judiciary could win back the trust it had lost. The trial of the *Juntas* was a milestone in the history of all the countries of the region, allowing the various transition processes to have an important precedent in legally combating the impunity of those responsible for dictatorial governments. With this, President Raul Alfonsín was in the vanguard of his time on the issue of human rights and had to bear the consequences of having carried out these trials, suffering from major military uprisings. This trial, which was unique in history, had a high impact both politically and psychologically at the national level and an incredible international significance.

⁴⁴ Proofs of such situation: file N. 107 (Disappearance of Laura Noemi Creatore) and file N. 3795 (Disappearance of Carlos Hugo Capitman) of the CONADEP Report.

CONCLUSIONS

This work has been conducted with the general purpose of exploring the main features at the basis of state terrorism employed during the latest Argentine dictatorship (1976-1983) in the view of investigating the specific phenomenon of the *desaparecidos*, in the light of the scientific literature on authoritarian regimes, in particular on the concept of bureaucratic-military regimes, and on the repressive means employed in such regimes. Indeed, the present work has been proposed as an overall study on the use of repression by the leaders of authoritarian regimes for the achievement of political deactivation of the popular sectors and the subordination of its class organizations.

Holding into consideration all of the elements and forms of repression I have dealt with in the pages of my dissertation, it is believed relevant to characterize the Argentine situation between 1976 and 1983 as state terrorism promoted and implemented at all levels of the governmental apparatus and of the Armed Forces. The statements made by General Santiago Omar Riveros during a meeting of the Inter-American Defense Board in 1980, seem relevant here and might serve as a straightforward summary (Manríquez, 1989, p. 574):

“We [the Argentine military] made war with the doctrine in hand, with written orders by the higher commands. We never needed, as we are accused of, paramilitary organizations. For us it is sufficient our ability and our legal organization to combat irregular forces in an unconventional way. We win and we are not forgiven; we are told that we have violated human rights. [The anti-subversive action] was led by Generals, senior officers and brigadiers in each force. The war was led by my country’s Junta and all of its staff.”

My reasoning started highlighting the relevant phases of the historical period through which Argentina underwent, which results as a contextualization for the main topic of the dissertation. For instance, it was important to remark the fact that the military dictatorship of the National Reorganization Process was not a geographically isolated phenomenon nor was it an historical novelty in the country. The coup of March 1976 inserted itself in a series of interruptions of the Argentine democratic order that began in 1930 with the expulsion of President Yrigoyen from the *Casa Rosada*. Neither can the latest military coup be understood without the political and cultural changes that took place in Argentina and all around the world during the 1960s. Among others, the Cuban Revolution led by Fidel Castro and Ernesto Che Guevara in 1959, was a motive for young Latin-Americans who were looking for “national liberation” projects. In a world trained by the Cold War, the Armed Forces were educated under the Doctrine of National Security: the enemies were the Marxists, the communist, the so-called “subversives”, and they had to be looked for inside and outside national borders.

Hence, we departed from defining the concept of dirty war, since the National Reorganization Process chose its Spanish correspondence, *Guerra Sucia*, to express the necessity of keeping an apparent state of war in order to restore and maintain social order and eradicate political subversive actions. As we asserted in the first

chapter, the regime attempted to justify its clandestine actions by arguing that they were necessary in order to suppress terrorism and subversions as means of preserving national security, in the name of the Doctrine of National Security.

Through the study of the historical literature, such as the one conducted by Novaro (2010), and of the scientific literature, specifically the contributions by Linz and O'Donnell, it was possible to analyze, in particular, the practical ways in which the repressive apparatus operates, and how this phenomenon can be understood only in the light of the very nature of the regime itself. For instance, the role of the judiciary had an impressive impact on the well-functioning of the dictatorship, but also in its exposure. After the trials of 1985, for the first time in world history, a group of dictators had to appear before the courts of their own people, who tried them for their crimes. Unlike the Nuremberg Trials, which were carried out by the winners of the Second World War, or those of the former Yugoslavia, where they were also tried by International Courts or by courts benefitting of a special statute; this trial was conducted in the same country of those accused, with the laws of the same country and with fellow prosecutors, lawyers and judges. Moreover, because of its characteristics, the condemnation of the *Juntas* by a democratic government was unprecedented in the region, as it contrasted sharply with the negotiated transitions that took place in those years in Uruguay, Chile and Brazil. For the first time, Latin American military who planned and carried out a coup d'état against a constitutional government were tried and convicted by a civil court.

Having laid out, in the second chapter, not only the definition of authoritarian regimes, but also of the specific type of bureaucratic-military authoritarian regimes, it was possible to undergo an analysis of the scientific literature on the matter of political state repression, its means of employment and its victims. Thanks to O'Donnell's scientific contribution, which changed the point of view from which modernization theory, up until that moment, described the relationship between politics and social change, we were able to see that social and economic modernization in circumstances of delayed development is likely to lead to authoritarianism, rather than to democracy. This was, in turn, developed with a particular regard to the role of the military in such societies and, in his analysis, this was the case of Argentina during the 1970s and 80s. Here, the novelty was found in the fact that authoritarian leadership lied on modern technocrats and professionalized military organizations, hence, on the Armed Forces as an institution.

Finally, the case of the *desaparecidos* during the National Reorganization Process was dealt with in the light of the previously mentioned scientific literature, as a perfect example of political repression in a bureaucratic-military authoritarian regime and of political deactivation of previously activated lower middle- and working-class sectors. The employment of the systematic *modus operandi* and the existence of more than 340 clandestine detention centers described by the CONADEP in the *Nunca Más* Report serve as a testimony and as a remainder of the bloodiest dictatorship, not only in the history of Argentina, but in the history of the whole region. In the last chapter, we have gone through the ways of implementation of state terrorism, already dealt

with in a theoretical way in the previous chapter, and we have applied them to the specific case of Argentina during the seven years of dictatorship. A relevant part is here dedicated to the implications of impunity and the role of the judiciary during the National Reorganization Process and to how, without one of the two, the repressive machinery would have not worked as it did.

On the basis of the development of my dissertation, it is possible to deduce the following conclusions about the National Reorganization Process and its negative impact on respect for human rights. First, it is clear that the central objective of the massive and indiscriminate repression, described extensively in the *Nunca Más*, was to create a climate of fear among civil society and the citizenry as a whole in order to establish hegemony through the use of force and coercion. Secondly, it is possible to observe that authoritarianism was not only reflected in the dichotomy state-political movements of opposition, common feature of authoritarian regimes, but was infiltrated in an alarming manner at all levels and functions of society, thus creating an environment in which the simple claim to basic human rights was judged as a “subversive” action, peculiarity of the Argentine case. Furthermore, it seems relevant to underline the fact that, although it did not invent violence as a form of political and social coexistence in the country, it is believed that the Argentine military dictatorship of the National Reorganization Process did bring back authoritarian tendencies that had previously been present in the history of Argentina. Finally, it should be noted that the study of the Argentine case as an example of bureaucratic authoritarianism in the Southern Cone is useful not only for the purpose of investigating the validity of human rights during the exercise of state political repression, but also to try to establish broader lines of investigation. For instance, in the precise case of this dissertation, I have described, although within the limits established by the topic discussed, also the question of the state and institutional instability, of the ideological element in the formation of the Armed Forces and, in a multifaceted way, the concept of state terrorism, from its origins – both practical and theoretical, both general and precise to the Argentine case – and its various methods of implementation. All of this was done in an attempt to guide whoever will read my dissertation in the intricate phenomenon that the political repression of dissent is, not limited by any regional boarder or historical time.

Each and every aspect related to the phenomenon of the *desaparecidos*, described in this dissertation, could have been dealt with in a much broad and deeper way, from multiple points of view – such as the economic or the legal ones. Given the structural limits established for the length of this dissertation, I would like to conclude by recommending the continuation of studies concerning the question of political repression and the consequent violation of human rights since it continues being one of the main challenges of our times. Moreover, deeply understanding the dynamics of such phenomena and the influence institutions, such as the Armed Forces, can exercise on politics could be useful to enhance a positive path towards the respect of democratic minimum guarantees such as the freedom of speech and the right to demonstrate and express one’s opinions.

ITALIAN ABSTRACT

Secondo i dati del Political Terror Scale Scores (PTS_S), basati sui rapporti dell'U.S. State Department, nel 2018 le persone che vivevano in paesi con un alto tasso di violazione dei diritti umani perpetrate dallo Stato erano in numero superiore a quelle che vivevano in paesi con alti livelli di protezione e rispetto di tali diritti. Sebbene fossero solamente 38 su 197 (il 19,3%) i paesi o territori che commettevano flagranti violazioni dei diritti umani, quasi il 70% della popolazione mondiale abitava in questi paesi o territori⁴⁵. La violenza coercitiva è spesso analizzata dagli scienziati politici come un segnale del costo del dissenso, ma è spesso perpetrata in un modo che sembra progettato per massimizzare la paura inflitta nella popolazione attraverso l'uso esplicito della violenza, la violazione delle norme e, il tutto, facendone uno spettacolo pubblico. Data l'importanza di questi numeri, non è difficile capire il notevole interesse degli intellettuali, dagli scienziati politici, ai sociologi, agli psicologi, e la quantità di ricerche scientifiche che è già stata dedicata a tale fenomeno, interesse che non è comunque maturato solo di recente.

Gli anni '70 sono stati un periodo caratterizzato dalla presenza di regimi militari in quasi tutti i paesi dell'America Latina. Infatti, mentre la mappa politica regionale mostrava l'esistenza di una sola dittatura militare nel 1961, nel 1979 la situazione era quasi diametralmente opposta, poiché erano presente solo quattro governi civili nella regione. In un arco di tempo di 20 anni, il rapporto regimi militari/regimi civili aveva quindi subito notevoli trasformazioni. Dal punto di vista del potere, questo nuovo tipo di autoritarismo differiva da quelli che lo avevano preceduto, vale a dire le dittature che avevano sconvolto l'Europa e il Medio Oriente durante la Seconda Guerra Mondiale e gli anni a seguire, dal momento che in questo caso si trattava di un potere detenuto dalle forze armate come un'Istituzione e non da fazioni appartenenti ad esse. La repressione politica è stata la caratteristica principale di tali regimi, e nella maggior parte dei casi, è stata impiegata, com'è successo in Cile dal 1973 al 1990, in Uruguay dal 1973 al 1974 e in Argentina dopo il 24 marzo 1976 al 1983, a livelli mai conosciuti nella storia di queste nazioni.

Questa tesi non ha come scopo quello di discutere in maniera approfondita le basi, l'evoluzione e le conseguenze dei modelli politici adottati dai regimi militari in America Latina, ancor meno è assunta come una teoria conclusa sul concetto dei diritti umani. Piuttosto, tenta di stabilire in modo dettagliato come le garanzie minime, che ogni Stato di diritto dovrebbe rispettare, siano state violate nel caso del cosiddetto "Processo di Riorganizzazione Nazionale" in Argentina. Giustificati dalla presa del potere in nome della sovrastruttura ideologica della dottrina della sicurezza nazionale, i militari perseguirono un duplice obiettivo: ristabilire l'ordine e introdurre cambiamenti sociali, politici ed economici fondamentali. Fin dall'inizio, la repressione è stata messa al servizio di un modello che mirava all'esclusione del settore popolare, sia in campo politico che economico. I metodi repressivi utilizzati dai leader delle forze armate si basavano sulla

⁴⁵ La valutazione della repressione di stato si basa sul fatto di vivere in un paese con un punteggio superiore al tre sulla scala del Political Terror Scale basata sui rapporti del U.S. State Department. I dati sulla popolazione provengono dalla United Nations Population Division. I dati disponibili più recenti risalgono al 2018.

dissoluzione del quadro giuridico costituzionale, sui metodi coercitivi diffusi e, soprattutto, sul terrorismo di stato. Il presente lavoro si propone, quindi, come uno studio generale sull'uso delle misure repressive da parte dei leader dei regimi autoritari per il raggiungimento della disattivazione politica (*political deactivation*) dei settori popolari della società e la loro susseguente subordinazione.

La dittatura militare argentina ha inaugurato una nuova era nell'esercizio della violenza come arma contro la dissidenza politica. A differenza della precedente repressione statale in Argentina contro militanti politici e sindacati, dal momento del colpo militare venne istituita sistematicamente una forma di crimine politico senza precedenti: la sparizione forzata di persone, che sostanzialmente era una decisione statale di sterminio di massa clandestino. Il carattere sistematico e l'enorme numero delle sparizioni distinguevano la dittatura argentina dalle altre stabilitesi durante gli anni Settanta nel Cono Sud. Le sparizioni forzate implicavano una frattura nella storia della violenza politica in Argentina e proponevano una sfida senza precedenti all'esercizio della memoria storica, sostituendo la pubblicità e la responsabilità della morte politica con il suo esercizio occulto e anonimo. Prima del colpo di stato del 1976, gli assassini politici venivano ammessi dai loro istigatori, i corpi apparivano nelle strade e le notizie venivano diffuse dalla stampa. Dopo il marzo 1976, il terrore non era più basato sulla spettacolare presenza della morte, ma sul suo corso occulto e nell'indeterminazione della sua autorità. In breve, il nuovo fenomeno delle sparizioni forzate ha creato un'opacità senza precedenti riguardo alle informazioni sui suoi autori e sulle sue vittime. Ha dato origine – triste privilegio argentino – all'uso diffuso della parola *desaparecidos* da parte della stampa mondiale.

Il punto di partenza di questa tesi è una panoramica delle principali fasi storiche che l'Argentina ha attraversato prima, durante e dopo il *Proceso de Reorganización Nacional*, che ha governato il paese dal marzo 1976 fino alle elezioni democratiche del 1983. Sembra necessario sottolineare il fatto che la dittatura militare argentina non è stato un fenomeno geograficamente isolato né tanto meno una novità storica per il paese. Il colpo di stato del 1976 si inserì in una serie di interruzioni dell'ordine democratico argentino che cominciarono nel 1930 con l'espulsione del Presidente Yrigoyen dalla Casa Rosada. Inoltre, il caso argentino deve essere inglobato nel contesto mondiale di quel periodo con i suoi cambiamenti politici e culturali. Fra essi, è importante ricordare la rivoluzione cubana guidata da Fidel Castro e Ernesto Che Guevara, che spinse i giovani latino-americani verso la ricerca di progetti di liberazione nazionale. In un mondo caratterizzato dalle dinamiche della Guerra Fredda, le forze armate venivano educate seguendo la dottrina della sicurezza nazionale: i nemici dello stato erano i marxisti, i comunisti, i cosiddetti "sovversivi". Tale dottrina è un concetto utilizzato per definire alcune azioni di politica estera attuate dagli Stati Uniti, che miravano ad influenzare l'azione delle forze armate dei paesi latinoamericani, il loro così detto "cortile", e di modificare la loro missione al fine di dedicarsi esclusivamente a garantire l'ordine interno; combattere ideologie considerate pericolose; legittimare la presa del potere da parte delle forze armate e giustificare la violazione sistematica dei diritti umani (Feierstein, 2010). Una prima fase va dal 1976 al 1979, periodo caratterizzato dalla più forte implementazione delle misure repressive sotto la guida del Generale Videla come Presidente della nazione.

Una seconda fase riguarda il periodo che giunge fino al ritorno della democrazia con la nomina di Alfonsín come Presidente. I punti salienti di questa fase storica furono il breve mandato del Generale Viola, la visita della Corte Interamericana dei Diritti Umani nel paese per indagare sulla sorte dei *desaparecidos* e sulla violazione dei diritti umani, la guerra delle Falkland contro la Gran Bretagna sotto la guida del Generale Galtieri come Presidente e infine, la transizione verso la democrazia nelle mani di Bignone e le elezioni generali del 1983 con la successiva redazione del rapporto *Nunca Más* ed il processo alle Giunte militari.

Quindi, siamo partiti dal definire il concetto di “guerra sporca”, dal momento che i leader del Processo di Riorganizzazione Nazionale scelsero la sua corrispondenza spagnola, *Guerra Sucia*, per esprimere la necessità di mantenere un apparente stato di guerra al fine di ripristinare e mantenere l’ordine sociale e sradicare le azioni sovversive politiche. Come affermato nel primo capitolo, il regime tentò di giustificare le sue azioni clandestine sostenendo che erano necessarie per sopprimere il terrorismo e le sovversioni al fine di preservare la sicurezza nazionale. I *desaparecidos*, vittime rapite, torturate e assassinate, i cui corpi venivano fatti sparire, erano persone ritenute, anche vagamente, politicamente o ideologicamente minacciose per la giunta militare, o contrarie alle politiche del regime.

La parte finale del primo capitolo viene interamente dedicata al declino del potere e della reputazione del regime autoritario argentino, partendo dalla guerra delle Falkland fino alle elezioni generali del 1983 ed ai processi alle giunte militari. La guerra delle Falkland fu il più importante conflitto della storia contemporanea dell’Argentina. Si trattò di una guerra non dichiarata di 10 settimane per il dominio su tre territori dipendenti dal Regno Unito nell’Oceano Atlantico meridionale: le Isole Falkland, la Georgia del Sud e le Isole Sandwich Australi. La guerra pose il paese in un confronto militare anche, sebbene in misura minore, con l’Europa stessa. Il conflitto ebbe inizio il 2 maggio 1982 con l’affondamento della nave General Belgrano, un atto brutale con cui gli inglesi chiusero le porte a qualsiasi trattativa. La giunta militare, in parte a causa della mancanza di esperienza per affrontare un tale conflitto, e in parte perché non lo aveva preso davvero sul serio, non aveva organizzato una difesa efficace. La superiorità dell’avversario risultò evidente fin dall’inizio e la guerra concluse ufficialmente la decomposizione del potere militare argentino. In politica interna, la prima conseguenza furono le dimissioni e il pensionamento volontario del Presidente Galtieri, mentre la seconda fu il ritiro della Marina e dell’Aeronautica Militare dalla giunta militare, con l’Esercito che si assumeva quindi la piena responsabilità della leadership del governo. L’ex Generale Bignone dovette gestire una transizione rapida e traumatica verso la democrazia. Infine, la terza conseguenza fu l’eclissi del regime militare in quanto tale (Floria & Garcia Belsunce, 1988). Le elezioni furono indette per il 30 ottobre 1983, libere e aperte, in modo che il governo di Bignone fosse in grado di concludere con i leader delle forze politiche un accordo istituzionale sufficiente per realizzare l’atteso cambiamento politico. Raul Alfonsín vinse con il 51,7% dei voti contro il 40,1% del rappresentante peronista Lúder e questo risultato segnò la prima sconfitta del peronismo in un’elezione democratica. Il 10 dicembre Alfonsín assunse la presidenza, ed esattamente tre giorni dopo, emise il decreto N. 158/83, che ordinava di sottoporre a processo nove membri delle tre forze armate che

avevano composto le giunte che portarono il paese dal colpo di stato del 1976 alla guerra delle Falkland nel 1982, tra cui tre ex presidenti: Videla, Viola e Galtieri.

Il secondo capitolo della tesi ripercorre la letteratura scientifica riguardante la repressione della dissidenza politica nei regimi autoritari. In primo luogo, seguendo la definizione di regimi autoritari di Linz (1964), vengono descritte quattro dimensioni principali che caratterizzano tale forma di governo: pluralismo politico limitato e non responsabile; l'uso di mentalità piuttosto che di ideologie; limitata o assente mobilitazione politica; i limiti indefiniti attraverso i quali il leader governa. In seguito, viene tracciata una tipologia di regimi autoritari basata, a sua volta, sulle caratteristiche appena elencate, dunque, su: quali istituzioni e gruppi vengono autorizzati a partecipare politicamente e in quale misura, e, di conseguenza, quali vengono esclusi; le ragioni e la natura della limitata mobilitazione politica e le mentalità su cui si fonda il regime. Ai fini di questa tesi e dell'importanza del ruolo dei militari in un regime autoritario, ci siamo concentrati su un tipo specifico di regime autoritario: il regime autoritario burocratico-militare. Qui, gran parte della letteratura scientifica sul tema è fornita dal contributo di Guillermo O'Donnell, che con la pubblicazione nel 1973 del *Modernization and Bureaucratic-Authoritarianism: Studies in South American Politics*, diede inizio ad una nuova fase nel dibattito sulla relazione fra politica e cambiamenti sociali in America Latina. In contrasto con la teoria della modernizzazione avanzata in particolare da Seymour Martin Lipset (1959), secondo cui l'industrializzazione genera democrazia, O'Donnell ha sostenuto che la modernizzazione sociale ed economica in circostanze di ritardato sviluppo è più probabile che porti all'autoritarismo, piuttosto che alla democrazia. Secondo O'Donnell, la novità della forma di autoritarismo vissuta dal Sud America si basava sulla presenza di tecnocrati moderni e sull'organizzazione professionalizzata dei militari, piuttosto che su politici populistici o su forze militari tradizionali. Ha dunque sottolineato l'affinità esistente tra i più alti livelli di modernizzazione e l'avvento di regimi autoritari burocratico-militari, anticipando i colpi di stato degli anni '70 in Cile, Uruguay e Argentina. In breve, O'Donnell ha invertito la teoria della modernizzazione sostenendo che i processi messi in moto da alti livelli di modernizzazione tendono a generare autoritarismo.

Significativo per lo scopo di questa tesi è il concetto di terrorismo di stato attraverso l'implementazione della repressione politica, che a sua volta si avvale dell'uso effettivo o minacciato di sanzioni fisiche contro un individuo o gruppo di individui o organizzazioni, all'interno della giurisdizione territoriale dello stato, con lo scopo di scoraggiare attività e/o attitudini specifiche percepite dai leader del governo come un attentato al regime. Come altre forme di azione coercitiva, il comportamento repressivo si basa sull'intimidazione e sulla minaccia e, in modo specifico, si occupa dell'applicazione del potere statale che viola, usando le parole di Davenport (2007), i diritti etichettati come "diritti di integrità personale", come la sicurezza individuale e la libertà dalla tortura, dalla sparizione forzata, dall'esecuzione extragiudiziale e dalle uccisioni di massa.

Attraverso lo studio della letteratura storica, come quella condotta da Novaro (2010), e della letteratura scientifica, in particolare quella di Linz e O'Donnell, è stato possibile analizzare, in particolare, le modalità

pratiche di funzionamento dell'apparato repressivo e come questo fenomeno possa essere compreso solo alla luce della natura stessa del regime. Ad esempio, l'istituzione giudiziaria ha giocato un importante ruolo sul buon funzionamento della dittatura e soprattutto durante la transizione verso la democrazia. Dopo i processi del 1985, per la prima volta nella storia del mondo, un gruppo di dittatori ha dovuto comparire davanti ai tribunali del proprio paese, che li ha processati per i loro crimini. A differenza dei processi di Norimberga, che sono stati svolti dai vincitori della Seconda Guerra Mondiale, o quelli della ex Jugoslavia, dove i processati sono stati giudicati da tribunali internazionali o da tribunali che beneficiavano di uno statuto speciale, in Argentina questo processo è stato condotto nello stesso paese di appartenenza degli imputati, con le leggi di quel paese e con giudici, avvocati e procuratori connazionali. Inoltre, la condanna delle giunte da parte di un governo democratico risultava senza precedenti nella regione, in quanto contrastava nettamente con le transizioni negoziate che hanno avuto luogo in quegli anni in Uruguay, Cile e Brasile. Per la prima volta, i militari latinoamericani che avevano pianificato e portato a termine un colpo di stato contro un governo costituzionale furono processati e condannati da un tribunale civile.

Nel terzo e ultimo capitolo l'attenzione torna sul caso argentino, a questo punto trattato dal punto di vista della repressione della dissidenza politica e, più specificamente, del fenomeno dei *desaparecidos*. Grazie all'enorme quantità di informazioni raccolte dalla Commissione Nazionale sulla Sparizione di Persone (*Comisión Nacional sobre la Desaparición de Personas*, CONADEP) nel rapporto *Nunca Más*, è facile capire come le forze armate abbiano potuto implementare un terrorismo di stato nella nazione, attraverso quali mezzi è stato possibile implementarlo e le ragioni alla base di quella che è considerata la più sanguinosa dittatura militare della storia dell'America Latina. Dopo aver ampiamente discusso, nei primi due capitoli, sia il contesto storico del paese che il contesto teorico sul terrorismo di stato, l'ultima sezione della tesi è quindi dedicata all'applicazione concreta della teoria, ed alla descrizione approfondita di quanto accaduto in Argentina durante il *Proceso e Reorganización Nacional* a coloro che venivano considerati "sovversivi" e nemici del paese.

Dopo 280 giorni passati ad ascoltare accuse, testimonianze e confessioni, ad esaminare documenti, ad ispezionare luoghi e fare tutto il possibile per far luce su eventi così sconvolgenti, la CONADEP ha potuto affermare che tale sistema di repressione è stato deliberatamente attuato per produrre esattamente le circostanze descritte dettagliatamente nel *Nunca Más*. Il modus operandi impiegato dalle forze armate seguiva questa sequenza: rapimento, scomparsa e tortura. Il primo atto del dramma della scomparsa forzata, che coinvolgeva sia le vittime dirette che le loro famiglie, implicava l'irruzione da parte della task force (*patota*) responsabile del rapimento nella casa della vittima, nel suo luogo di lavoro o di studio, o direttamente in strada. Questa prima fase si concludeva con il trasferimento delle vittime nei centri di detenzione clandestini. Ci sono circa 600 casi di rapimento registrati negli archivi della CONADEP che si dice siano avvenuti prima del colpo di stato militare del marzo 1976. Da quel giorno, decine di migliaia di persone in tutta l'Argentina sono state illegittimamente private dalla loro libertà, 8.960 delle quali continuavano a mancare il giorno della pubblicazione del rapporto. Senza questi centri, l'attuazione della sparizione di persone non si sarebbe potuta

implementare con tale efficacia. La CONADEP ha scoperto l'esistenza di circa 340 centri di detenzione clandestini in tutta l'Argentina. Come descritto estensivamente nel *Nunca Más*, le caratteristiche architettoniche di questi centri e la vita quotidiana che vi si viveva, rivelano di essere stati concepiti per sottomettere le vittime ad un meticoloso e pianificato spogliamento di tutti gli attributi di umanità, al fine di raccogliere informazioni su possibili azioni sovversive, piuttosto che mirare solamente all'eliminazione fisica dei rapiti. I centri di detenzione clandestini erano stati, tra l'altro, progettati in modo che le torture potessero essere effettuate indisturbatamente; la tortura risulta infatti essere stato un elemento rilevante nella metodologia utilizzata dalle forze armate, ed atti di tortura sono stati menzionati in quasi tutti i casi portati all'attenzione della Commissione. Abbiamo potuto affermare, e non dovrebbe stupire a questo punto, che questi centri erano segreti solamente per quanto riguarda l'opinione pubblica e le famiglie delle vittime, dal momento che le autorità si erano sistematicamente rifiutate di fornire qualsiasi informazione sulla sorte dei *desaparecidos* alle richieste degli organismi nazionali ed internazionali per i diritti umani e ai ricorsi giudiziari.

Sulla base dello sviluppo di questa tesi, è possibile pervenire alle seguenti conclusioni sul Processo di Riorganizzazione Nazionale e sull'impatto negativo che ha avuto sul rispetto dei diritti umani in Argentina. In primo luogo, risulta chiaro che l'obiettivo centrale della repressione massiccia e indiscriminata, ampiamente descritta nel *Nunca Más*, era quello di creare un clima di paura nella società civile e, in generale, nella cittadinanza, al fine di stabilire l'egemonia attraverso l'uso della forza e della coercizione. In secondo luogo, è possibile osservare che l'autoritarismo non si è riflesso solamente nella dicotomia tra movimenti di opposizione politico-statali, caratteristica comune dei regimi autoritari, ma è stato infiltrato in modo allarmante in tutti i livelli e funzioni della società, creando così un ambiente in cui la semplice rivendicazione dei diritti umani fondamentali venisse giudicata come un'azione "sovversiva", peculiarità del caso argentino. Inoltre, sembra importante sottolineare il fatto che, sebbene l'idea di violenza come forma di coesistenza politica e sociale nel paese non sia nata in quel momento, si ritiene che la dittatura militare argentina del Processo di Riorganizzazione Nazionale abbia riportato in voga tendenze autoritarie che erano state precedentemente presenti nella storia dell'Argentina. Infine, va notato che lo studio del caso argentino come esempio di autoritarismo burocratico nel Cono Sud è utile non solo per indagare sulla violazione dei diritti umani durante l'esercizio della repressione politica di Stato, ma anche per cercare di stabilire linee di indagine più ampie. Per esempio, nel caso preciso di questa tesi, ho descritto, dentro i limiti stabiliti dal tema discusso, anche la questione dell'instabilità statale e istituzionale; dell'elemento ideologico nella formazione delle Forze Armate e, in modo sfaccettato, il concetto di terrorismo di Stato, dalle sue origini - sia pratico che teorico, sia generale che specifico nel caso argentino - e i suoi vari metodi di implementazione. Tutto questo è stato fatto nel tentativo di guidare chi leggerà la mia tesi nell'intricato fenomeno della repressione politica del dissenso, in termini generali ed a prescindere dai confini regionali o dalle contingenze storiche.

Ogni aspetto relativo al fenomeno dei *desaparecidos*, descritto in questo lavoro, potrebbe essere stato trattato in modo molto più ampio, da molteplici punti di vista - come quelli economici o legali. Dati i limiti strutturali

stabiliti per la lunghezza della tesi, vorrei concludere raccomandando la prosecuzione degli studi sulla questione della repressione politica e della conseguente violazione dei diritti umani, poiché continua ad essere una delle principali sfide del nostro tempo. Inoltre, comprendere le dinamiche di tali fenomeni e l'influenza che istituzioni come le forze armate possono esercitare sulla politica, potrebbe essere utile per migliorare il percorso verso il rispetto delle garanzie democratiche essenziali come la libertà di parola ed il diritto di manifestare e di esprimere le proprie opinioni.

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