

Occasions of Sin
The Creation and Violation of Subversive Gender Identity in
Argentina's National Reorganization Process

Simone Gonzalez-Nagy

A thesis submitted in partial fulfillment of
the requirements for the degree of

BACHELOR OF ARTS WITH HONORS

DEPARTMENT OF HISTORY

UNIVERSITY OF MICHIGAN

April 1, 2015

Advised by Professor Jesse Hoffnung-Garskof

TABLE OF CONTENTS

Acknowledgements	<i>iii</i>
Introduction	1
Chapter One Peronism, the “Dirty War,” and the Cult of Silence Surrounding Sexual Violence	7
Chapter Two Memory, Art, and Justice in the Age of Impunity and Onwards	35
Conclusion	52
Bibliography	54

ACKNOWLEDGEMENTS

This thesis would not have been possible without the efforts of the countless artists, scholars, and human rights advocates whose work has critically supplemented the process of building collective memory and mobilizing human rights in Argentina both during and after the National Reorganization Process. Their work has enriched my perspective on the intricacies of human rights advocacy in a way that humbles and inspires me.

This project has provided me with the deeply rewarding opportunity to collaborate with a number of scholars throughout the University of Michigan, to whom I owe my most sincere gratitude. I am indebted to Professor Sueann Caulfield, who first brought the events surrounding the National Reorganization Process to my attention and who pushed me to think critically about gender and sexuality in the context of International Human Rights law. I would also like to thank Professor Brian Porter-Szűcs for the dedication and support he provided for the entire 2015 thesis cohort.

I am deeply thankful to my advisor, Professor Jesse Hoffnung-Garskof, for his mentorship throughout this two-year process of research and writing. His unfailing support, insight, and generosity with his time and advice never fail to strengthen both my writing and resolve, and helped to make this process the most rewarding experience of my academic career.

My friends and family, as always, have been a constant source of encouragement throughout this process, and have never hesitated to offer their help whenever it is asked of them. Finally, I want to thank my parents for their boundless love, guidance, and moral

support. It is to them that I owe my eagerness for learning and my desire to promote positive and effective change in the world.

INTRODUCTION

In times of armed conflict, the identity of a targeted population is often defined as subversive in order to validate the violent actions that are enacted against it. This subversive status is often irrevocably linked with gender and sexuality, as the target is often characterized as a weaker, marginalized feminine entity in conjunction with its dominant, masculine opposing coalition. As a result of this gendered dynamic, sexual violence has historically been manipulated into an intrinsic weapon of armed conflict. Although sexual violence is rarely, if ever, prescribed as an official military strategy, it is nonetheless recognized as an inescapable reality of military conflict. Acts of devastating sexual violation are often committed on a systematic scale by members of all levels of an attacking force as a specific means of expressing domination and inflicting terror upon a targeted community.

This thesis considers accounts of sexual violence committed by the military government against factions of the Argentine populace during Argentina's "Dirty War." The "Dirty War," (which the government referred to as the Process of National Reorganization) references the period between 1976 and 1983, when right-wing military dictators Jorge Videla, Emilio Massera, and Orlando Agosti waged a campaign to eradicate "subversion" in Argentina through the systematic kidnapping, torture, and killing of some thirty thousand civilians throughout the country.¹ Most of those who were abducted, known collectively as the "disappeared," were interned at clandestine detention centers- unofficial prisons that hid under the guise of official government buildings. While detained, prisoners were subjected to beatings, electric shocks, and starvation. Guards also routinely denied prisoners access to

¹ Speck, Paula K. "The Trial of the Argentine Junta: Responsibilities and Realities." *University of Miami Inter-American Law Review* 18.3 (1987): 492-534.

clothing, applied shocks to prisoners' genitals, and raped or sexually assaulted prisoners. These acts, perpetrated primarily against female prisoners, fit the definition, in contemporary human rights law, of sexual violence.² As such, these acts need to be considered as something distinct from, although related to, broader practices of torture and imprisonment.

As Catharine Mackinnon has noted, "sexual violence destroys the target group's definition as one of dignity, security, and self-determination and replaces it with one of fear, self-revulsion, and degraded identity."³ Such an act of intrinsic violation can, and often does, result in both a sense of shame and self-hatred by both victims and their communities.

Scholars and activists working in the aftermath of conflicts such as the Bosnian War and Rwandan Genocide have noted that stigmatization against victims on both a personal and societal scale forces survivors to keep silent about their experiences, rather than face the consequences of acknowledgement. In response to these challenges, human rights activists have more recently proposed a range of specialized techniques for collecting evidence of sexual violence, providing support to its victims, and prosecuting its perpetrators.

The Dirty War in Argentina ended in 1983, more than a decade before the emergence of such specialization in areas involving the investigation, documentation, and intervention of sexual violence crimes. The first attempts to document the crimes committed in Argentina

² The issue of gendered sexual violence as a human rights violation has had a short history of recognition in intergovernmental organizations. It was not until 1974, when the United Nation's General Assembly adopted the Declaration of the Protection of Women and Children in Emergency and Armed Conflict that war crimes pertaining specifically to women (the most frequent target of sexual atrocities) were given any consequential consideration on an international level, albeit without referring to crimes of sexual violence. In more recent years, steps have been taken within the framework of intergovernmental organizations to address conflict-related sexual violence; as a result, the definition of the crime has evolved and expanded to most recently include acts of rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, trafficking, inappropriate medical examinations, and strip searches. For purposes of consistency and clarity, this thesis predicates this definition of conflict-related sexual violence as a explication with which to define the sexual atrocities which I will be examining. While this definition does not necessarily encompass the full extent to which sexual violence can be realized, it provides a consistent terminology for the atrocities I will be discussing.

³ Mackinnon, Catharine A. "Genocide's Sexuality" in *Political Exclusion and Domination*, ed. by Melissa Williams and Stephen Macedo. New York University Press, 2005. 209.

throughout the National Reorganization Process following the fall of the dictatorship scarcely acknowledged sexual violence crimes and consistently failed to identify it as a distinct method of torture. The nation's transition to democracy, however, did produce a major project to collect testimonies from survivors of the clandestine detention centers- the National Commission on the Disappearance of Persons (or CONADEP).⁴

For this project, I compiled and reviewed almost one hundred oral testimonies originally collected by CONADEP and currently preserved in the archives of human rights organization Memoria Abierta. Of the one hundred, sixty testimonials describe an incidence of sexual violence that conforms to this thesis's interpretation of the term. As this material represents only a fraction of the thousands of testimonials collected from survivors over the past thirty years by the vast network of truth organizations throughout Argentina, and are disproportionately the stories of women (which is estimated to have been about 30% of the total population but 80% of the testimonies I reviewed), it does not necessarily predict the actual rate of sexual violence throughout the Proceso. That these testimonials were also made available to me by an organization dedicated to uncovering sexual violence also indicate that they are not representative of the wider population's experiences.

Despite the fact that these testimonies are not a representative sample, they do demonstrate that the Proceso used sexual violence against women who were abducted and held in clandestine centers, and suggest that sexual violence was implemented as a form of torture on a systematic scale by the military. Most importantly, they make it possible to interpret what association this particular kind of violence had towards the Junta's objective of

⁴ CONADEP was organized by the Alfonsín administration in 1983, and conducted its investigations between December, 1983 and April, 1984. Memoria Abierta is an alliance of Argentine human rights organizations that includes Servicio Paz y Justicia, Asamblea Permanente por los Derechos Humanos, and Asociación Madres de Plaza de Mayo. It was officially organized in 1999 and continues to operate.

eradicating leftist subversion. While Argentina had experienced dictatorship before, the violence of the National Reorganization Process was unique in that it specifically targeted a broad range of the nation's younger population, including leftist activists, intellectuals, students, and trade unionists, whose gender dynamics and popular culture were drastically different than those of preceding generations (and, most importantly, the values to which the junta members subscribed). The Junta viewed the shifting gender roles practiced by the “blue jeans generation” of the 1960s and 1970s, such as women’s expanding participation in the political arena, increasingly coeducational university enrollment, and increasingly liberal shifts in values related to sexuality, to be perilous forces of subversion.⁵ In this thesis, I interpret the military’s use of sexual violence as a systematic weapon of torture against mostly young leftist women in the context of right wing military anxieties about these changes in traditional gender expression and dynamics.

Using the testimonies collected during the democratic transition by CONADEP and published materials from the first trials of military officers for human rights abuses in the mid 1980s, the first part of this thesis will explore how the national conversation regarding subversive gender identities and sexual violence developed during the period of democratic transition following the fall of the Junta in 1983. I will seek to understand why crimes of sexual violence, although frequently reported and cited in CONADEP’s publication, *Nunca Más*, were minimized or overlooked in legal materials and popular consciousness. This analysis follows the scholarship of Kathryn Sikkink, Silvia Tandeciarz, Michelle Bonner, and

⁵ Historians Diana Taylor and Valeria Manzano have chronicled Argentine’s youth culture of the 1960s and 1970s, as well as the implication of such transitions in the violence enacted throughout the Proceso. Consult Taylor’s *Disappearing Acts* for more scholarship regarding the political spectacles surrounding gender and state-violence in late 20th-century Argentina. Consult Manzano’s “The Blue Jean Generation: Youth, Gender, and Sexual in Buenos Aires, 1958-1975,” for more scholarship regarding the radical changes within Argentina’s youth culture throughout the 1960s and 1970s.

David Pion-Berlin, whose work concerns the developing framework for legally addressing human rights abuses throughout the era of Argentine transition to democracy.

The second part of this thesis will evaluate the shifting national dialogue concerning women and sexual violence in Argentina after a series of amnesty laws, passed after the initial 1985 indictments, enforced a suspension of further legal action against human rights violators that lasted several years. Throughout this time, popular authors and playwrights captured public attention with work that not only recognized, but gave priority to, sexual violence, while the work of human rights groups, such as the Madres de Plaza de Mayo, expedited the process of bringing sexual violence crimes to light and prosecuting those responsible. I maintain that these developments, coupled by growing intergovernmental recognition and prosecution of sexual violence crimes following international catastrophes such as the Rwandan Genocide, resulted in the gradual recognition of sexual violence crimes as a form of torture in the trials against former Proceso leaders in trials from 2006 onward.

Though my analysis of the state-sponsored sexual violence as torture in the context of Argentina's National Reorganization Process, as well as the broader cultural perspectives of sexual violence crimes and subversive gender identity in Argentina from the 1960s to the present day, this thesis will explore how the same cultural anxieties that engender state-driven sexual violence are reflected in the biases of the legal and activist field, as well as the extent to which Argentina's present-day activist and legal frameworks allows for the recognition of sexual violence in contrast to those during the 1980s. Through this work, I hope to contribute to the ongoing process of documenting, remembering, and interpreting the abuses of the National Reorganization Process, while also recognizing the profound steps

that have been taken within the past thirty years by human right activists to both recognize and humanize this issue.

CHAPTER ONE

Peronism, the “Dirty War,” and the Cult of Silence Surrounding Sexual Violence

“It wasn’t people who disappeared, but subversives.”

GENERAL RAMON CAMPS

This chapter seeks to formulate the motivations behind the Junta’s weaponization of sexual violence, as well as how popular consciousness of sexual violence manifested in the publications of human rights organizations and the justice trials following the end of the military dictatorship. It begins with an examination of the political transitions that lead to the manifestation of the Junta’s assumption of power and the implementation of sexual violence in their objective to wipe out subversion in Argentina. I will necessarily begin with a historical narrative and analysis of the Peronist movement (beginning in 1946), as much of the ideological doctrine of the Proceso lends itself to the splintering of Peronism following Juan Perón’s exile in 1955. I will additionally provide an interpretation of right-wing anxiety regarding expressions of gender within the “blue jeans” generation of the 1960s and 1970s, as well as how those anxieties became the backdrop to certain gender ideologies and torture methods of the Proceso. Using testimonials collected by CONADEP following the fall of the dictatorship, I will postulate the experiences of the broader population of clandestine prisoners of the state (or desaparecidos), as well as apply an analysis of the procedures with which human rights and justice groups collected and chronicle testimony from sexual violence survivors. This chapter will then seek to examine how CONADEP’s inclination towards minimizing instances of sexual violence was similarly reflected in the trials against former Junta members in 1985.

The violence that would define the years between 1976 and 1983 directly emerges from the legacy of Argentina's prolific, mass nationalist Peronist movement. Beginning with the election of the movement's eponymous General Juan Domingo Perón into the Presidential office in February, 1946, Peronism gained popularity with the working classes by espousing a corporatist model and defending the power of labor unions.⁶ While supposedly egalitarian in nature, Peronism's espousal of corporatist ideologies was eclipsed by its leader's unparalleled and expanding executive powers. Perón maintained a highly paternalistic position of control over labor unions, stipulating that "the only revolutionary and dangerous working class was the unorganized and dissatisfied one."⁷ Voices of dissent were silenced by a litany of bills that were passed in order to criminalize those who spoke out against government officials, while oppositional parties and anti-Peronist candidates were forbidden to organize or campaign. Under the new single-party government, health, housing, retirement benefits, and equal opportunity for women were kept closely under the command of state control.⁸

Perón's dominant regime dissolved in September, 1955, when he was removed from office by a military coup and exiled. Without the presence of its eponymous leader, tensions began to rise between right-wing and left-wing factions within the movement, exploding into violence throughout the 1960s and 1970s.⁹ Although outwardly sympathetic to both sects, Peron's ultimate allegiance to ultra-conservative, paramilitary groups such as Argentine

⁶ Andreassi, Celina. "The History of Peronism." *The Argentina Independent*, October 11, 2011.

⁷ Ranis, Peter. "Early Peronism and the Post-Liberal Argentine State." *Journal of Interamerican Studies and World Affairs* 21, no. 3 (1979): 313–38.

⁸ Lewis, Paul H. "Was Peron a Fascist? An Inquiry into the Nature of Fascism." *The Journal of Politics* 42, no. 1 (1980): 242–56.

⁹ Andreassi, "The History of Peronism."

Anticommunist Alliance (organized with the intent of repressing leftist guerrilla groups) situated rightist factions in a dominant position over leftist groups.

Perón's return to Argentina and subsequent reinstatement into the Presidential office in 1973 only heightened tensions between opposing party factions. Members of militant, conservative groups assumed positions of increasing responsibility and power within his administration, while members of left-wing groups were ostracized and persecuted.¹⁰ Conservative factions demonized leftist groups such as the Montoneros and Peronist Youth for embracing socialist and communist ideologies and rejecting traditional social hierarchies that military infrastructure depended on. On a different level, the left represented a liberal reform movement that Valeria Manzano asserts, "evoked challenges to the prevalent political, cultural, and sexual order."¹¹ The demographics of Argentina's political left trended towards mostly young, university-educated men and women who embraced liberal values including progressively equal gender relations and more liberated forms of sexual identity and expression. While traditional gender dynamics limited female roles to the domestic positions of wife and mother, the permissive ideologies of the leftist "blue jeans generation" encouraged women to assume more equal, modernized roles in political and social arenas. As Manzano states, Argentine youth, "became carriers and targets of modernization,"¹² a trait which the conservative right identified as subversive.

Perón's sudden death in July, 1974 left the Argentine state's disintegrating political predicament entirely up to the capabilities of his inexperienced Vice-President and widow, María Estela (better known as Isabel) Perón. A woman with no political background and

¹⁰ Munck, "The 'Modern' Military Dictatorship."

¹¹ Manzano, Valeria. *The Age of Youth in Argentina: Culture, Politics, and Sexuality from Perón to Videla*. University of North Carolina Press, 2014; 2.

¹² Manzano, Valeria. *The Age of Youth in Argentina*; 4.

limited public support upon her ascent into office, Isabel's response to the nation's increasingly violent political atmosphere was to rely heavily on her cabinet and military members for support, appointing Head of the Joint Chiefs of Staff and Argentine Anticommunist Alliance (AAA) affiliate Jorge Rafael Videla as General Commander of the Army in order to continue the fight against subversive forces.¹³

By the time of his appointment to the most powerful military post in the country, Videla had already established himself as an enemy of leftist Peronist forces. While rising through the ranks of Perón's military, Videla cultivated an association with Argentine Minister of Social Welfare and AAA founder José López Rega to respond to increasing radicalism within the labor movement and left-wing student groups, forging the climate of state terror that would be well established by the establishment of his dictatorship.¹⁴ The military's launch of Operativo Independencia (Operation Independence) in 1975 authorized military forces to "carry out any military actions that may be necessary to neutralize and/or annihilate all subversive element activities in the province of Tucuman."¹⁵ In its aim to quash the province's militant branch of the communist Workers' Revolutionary Party, the heads of Operation Independence authorized the kidnapping, torture, and assassination of anyone suspected of collaborating with subversive groups. The military established the country's first clandestine detention centers, or "operation theaters," undertaking the first wave of enforced disappearances that would become common practice throughout the next decade.¹⁶ In an ominous statement given to journalists later that year, Videla answered a question concerning the state's fight against subversion (which he described as "anything opposing the

¹³ Andreassi, "The History of Peronism."

¹⁴ Larraquy, Marcelo. *Lopez Rega: La Biografía*. Sudamericana, 2003.

¹⁵ Operativo Justicia por el Operativo Independencia. Decreto no. 265/75. 1975

¹⁶ Funari, Pedro. *Memories from Darkness: Archaeology of Repression and Resistance in Latin America*. Springer Science & Business Media, 2009.

Argentine way of life”) by asserting that, “In order to guarantee the security of the state, all the necessary people will die.”¹⁷

By 1976, the discredit surrounding Isabel’s administration had reached a breaking point. Her brief term in office had done nothing to alleviate the economic and social woes that had been building for decades, and her administration’s counterinsurgency efforts had given the military the green light to act with complete authority in its determination to eliminate the subversive left. The political coup led by Videla and carried out by several of March 23, 1976, was, therefore, not an unexpected event.¹⁸ Within a day, a junta of military leaders had placed Perón under house arrest; within a week, Videla was sworn in as President (other military members, such as Emilio Massera and Orlando Ramon Agosti, were also allocated powerful positions within the new order, creating a ruling military Junta over Argentina).¹⁹ Many Argentines welcomed the coup with relief, with the right especially welcoming the incoming, mostly male military government as a return to effective government following the term of a woman who had been branded throughout her term in office as crazy, incompetent sexual deviant.²⁰ According to conservatives, men had taken back their rightful place in power.

This was not the first time that the military had demobilized democratic politics in Argentina. The coup against Isabel Perón by the major military players of her former government, however, allowed the new leaders to uninterruptedly continue their previous military action against leftist movements. The Junta’s project to “restore morality and efficiency” through the systematic eradication of subversive “factors of

¹⁷ Simpson, John and Jana Bennett. “The Disappeared and the Mothers of the Plaza,” *St. Martin’s Press*, 1985.

¹⁸ Munck, Ronaldo. “The ‘Modern’ Military Dictatorship in Latin America.”

¹⁹ Philip, George. “The Fall of the Argentine Military.” *Third World Quarterly* 6, no. 3 (1984): 624-637.

²⁰ Chirot, Daniel. *Modern Tyrants: The Power and Prevalence of Evil in Our Age*. Princeton University Press, 1994; 282.

instability,” was inaugurated through the ratification of the *Documentos Básicos de las Fuerzas Armadas para el Proceso de Reorganización Nacional*, or the National Reorganization Process (NRP). More popularly known as *El Proceso*, the NRP eradicated the entire Argentine democratic infrastructure, dissolving the powers of the National Congress, the Supreme Court, and labor unions, while also granting the powers of maintaining and auditing the “development and permanent maintenance of the necessary aptitude to fight against subversion in all of its forms” to the armed forces.²¹

What military leaders meant when they promised to eliminate subversion is unclear. While the NRP document maintains that “only those guilty of corruption and subversion will be punished,” its authors offered no precise definition of who that enemy was within the eighty pages of the document. The interpretation of those who posed a threat to the state was left entirely up to the Junta and the armed forces, whose roles in determining and dispersing “necessary punishment” were inexorably linked.²² The profile of an insurgent was therefore as ambiguous as the punishment outlined for them by the NRP. Between 1976 and 1983, the population tracked down by the Proceso included all citizens who had, by word or deed, revealed sympathy for or had actively demonstrated support for social change of any sort.²³ While this “subversive” profile did include members of guerilla groups, the majority of those who were targeted did not perform militant roles. In actuality, most of those who were targeted by the military belonged to segments of the population that aligned towards the liberal youth generation. This group included, but was not limited to, union leaders, university professors, student organization members, or anyone else who conformed to leftist

²¹ República Argentina, “Documentos básicos y bases políticas de las Fuerzas Armadas para el Proceso de Reorganización Nacional” Buenos Aires: Imprenta del Congreso de la Nación, 1980.

²² República Argentina, “Proceso de Reorganización Nacional”.

²³ Osiel, Mark, “The Making of Human Rights Policy in Argentina: The Impact of Ideas and Interests on a Legal Conflict.” *Journal of Latin American Studies* 18, no. 1 (1986): 135-180.

ideologies either by personal action or mere association. Women and men who displayed any form of social and gender expression existing outside traditional expectations, whether through their participation in a progressive labor union or their having a child out of wedlock, were characterized as subversive and a potential threat. Over the following eight years, the Junta and Argentine military forces subjected many belonging to this large and diverse populace of subversive “enemies of the state” to a horrific, systematic practice of abduction, disappearance, and torture as part of its relentless mission to “restore” Argentina to more conservative moral standards.

The process by which victims were kidnapped by the state assumed a horrifying regularity, usually beginning with the invasion of their homes by armed military gangs. In the earliest years of the dictatorship, kidnappings mostly took place at night or in the early hours of the morning and were often carried out at the end of the week in order to suspend any notice of the victim’s disappearance for as long as possible. As the frequency of disappearances and public knowledge of the situation began to mount over time, the act of public kidnapping became an increasingly common method (in a performance often carried out in broad daylight, victims were dragged from the street into unmarked vehicles- achieving not only the capture of the prisoner herself, but also the intimidation and terror of those witnessing the act).²⁴ Following their abduction, kidnapped persons were then taken to one of the 365 clandestine detention centers that were currently scattered throughout the country.²⁵ While the first clandestine centers had been established during Isabel Perón’s presidency, they had attained the prevalence and efficiency of a fully functioning mechanism

²⁴ Conadep. *Nunca Más: Informe de la Comisión Nacional sobre la desaparición de personas*. Universitaria De Buenos Aires, 1984.

²⁵ Arditti, Rita, “The Grandmothers of the Plaza De Mayo and the Struggle Against Impunity in Argentina.” *Meridians* 3, no. 1 (2002): 19-41.

of state terror by the time of the Junta's assumption of power in 1976. As historian Pedro Funari notes in *Memories of Darkness: Archaeology of Repression and Resistance in Latin America*, the clandestine centers of Videla's military dictatorship resembled concentration camps in their similar function as "centers used to gather, isolate, and hold enemies captive."²⁶ Unlike the Nazi or Stalinist concentration camps of preceding regimes, however, the clandestine centers of the Proceso were unique in that they did not 'officially' exist, but were rather disguised by operating within pre-existing buildings such as the Escuela de Mecánica de la Armada (a naval academy) or the Superintendencia de Seguridad Federal (a federal police office). The friends and families of those who were abducted had no access to information concerning their location, what they had been charged with, or even whether their loved ones were alive or dead. The total lack of information regarding the whereabouts or fate of the clandestine prisoners of the National Reorganization Process is why this population is commonly referred to today as the disappeared, or desaparecidos.

Once within the detention center, prisoners underwent a series of dehumanizing processes and tortures at the hands of state military officers. Names were dismissed for both victim and persecutor alike, with numbers being given to prisoners for identification and nicknames such as "Guarani," "The German," and "The Spaniard," being given to presiding guards. Prisoners were stripped, blindfolded, and handcuffed before being placed in individual *cuchas*, or "dog kennels." If couples were captured together, they were often bound together and imprisoned within the same cell. Men and women alike were subjected to torturous acts such as beatings, starvation and electrocution throughout their imprisonment.

In this midst of all of this horror, acts of sexual violence were particularly prevalent as methods of torture used against female victims, including rape and genital electrocution. If

²⁶ Funari, Pedro. *Memories from Darkness*.

a woman was pregnant during her internment, she would often be starved and physically abused to the point of miscarriage. If, however, the mother was able to carry the pregnancy to full term, the child was often delivered through an enforced cesarean section and taken by the guards to be raised by a military family or a friend of the regime. Many new mothers, like most every other man and woman detained within the camps, were executed after undergoing a period of internment, their bodies disposed of secretly in unmarked graves throughout the country and into the sea.²⁷

As much of the activity surrounding the operation of the NRP's clandestine centers is undocumented, it is impossible to know how many desaparecidos were processed and executed during the Junta's military regime. Much of what known now has only come to light in the years following the end of the military rule, a process of recovery that I will further explore in the pages ahead. It is estimated, however, that, after having endured countless acts of terrifying psychological and physical tortures, over thirty thousand victims were executed as the final step in the state's systematic system of annihilation.²⁸

In addition to the covert war waging within the country, Argentina additionally became involved in the Falklands War while under the Junta regime. This disastrous effort, begun in 1982 in an effort to recover the tiny, coastal Falklands Islands from British control, resulted in the spectacular defeat of Argentina's armed forces. By this time, the Junta had already overseen a devastating economic decline that had permeated the nation for several years. The military defeat suffered in the name of a small group of coastal islands in April, 1982, only added to the Junta's unpopularity (and evident executive incompetency). Internal disputes within the regime further acted to weaken the regime, which from the

²⁷ Conadep. *Nunca más.*

²⁸ Conadep. *Nunca más.*

beginning had struggled to balance its economic and military goals with the tenets of the Proceso.²⁹

With international denunciation rendering the regime administratively paralyzed, the defeated Junta surrendered control over to the state apparatus in April, 1983; initiating a “democratic exit” for the NRP and hastily organizing a Presidential election for later that same year.³⁰ Before leaving office, however, the Junta exercised its dwindling authority in order to set in place amnesty laws that would immunize military members from any future prosecution for crimes committed during the National Reorganization Process. It’s “Law of National Pacification” (No. 22.924) pardoned the actions of all soldiers and Junta administrators who served between May, 1973 and June, 1982.³¹

On December 10, 1983, after over seven years of military rule, Unión Cívica Radical candidate Raul Alfonsín was elected President of Argentina in the nation’s first democratic elections since 1958. A thirty year member of the liberal socialist party and founder of its Renovation and Change faction, new civilian President Alfonsín had been an overt critic of the Proceso administration and its human rights abuses, helping to create the Permanent Assembly for Human Rights in 1975 in an attempt provide legal defense for the victims of State terrorism. In his Presidential campaign, Alfonsín adopted a platform championing democratic institutions, social justice, and military reduction, separating himself from the authoritarian patterns of the newly dismantled military regime and typifying his administration as one dedicated towards accountability and transitional justice. Alfonsín

²⁹ Pion-Berlin, David. “The Fall of Military Rule in Argentina: 1976-1983.” *Journal of Interamerican Studies and World Affairs* 27, no. 2 (July 1, 1985): 55–76.

³⁰ Pion-Berlin, David. “The Fall of Military Rule in Argentina.”

³¹ Conadep. *Nunca más*. Page xv.

placed particular emphasis on recognizing the trauma experienced by the populace both during and after the Proceso military dictatorship, elucidating during his inaugural address that his administration would, “seek freedom and democracy for Argentines, with the resoluteness that provides for the traumatic experience of living under authoritarianism and repression.”³²

As a President coming into power at a time in which few mechanisms existed for the domestic or international acknowledgement of human rights violations, Alfonsín’s administration faced implicit obstacles in its efforts to seek justice for the crimes committed throughout the National Reorganization Process. The Junta’s complete lack of transparency regarding its conduct between 1976 and 1983 obscured and impaired Alfonsín’s efforts to recognize the trauma of those years- most of the deceased victims’ bodies had been intentionally disposed of secretly, while most survivors had been forced into silence upon their release.³³ The newly enacted amnesty laws additionally impaired Alfonsín’s capacity to authorize any punitive legal measures against the former regime, having established immunity for all current and former military members.

The underlying problem of seeking truth and justice for victims of regime violence was the lack of models existing at the time in intergovernmental fields. As Kathryn Sikkink has noted, “contemporary concepts such as transnational human rights or truth commissions were not part of the common lexicon” in the mid-1980s.³⁴ Groups such as the Inter-American Commission on Human Rights had called for trials against the Junta and investigations addressing the state of the desaparecidos as early as 1980, but the true nature

³² Fournier, Dominique. “The Alfonsín Administration and the Promotion of Democratic Values in the Southern Cone and the Andes.” *Journal of Latin American Studies* 31, no. 1 (February 1, 1999): 39–74.

³³ Conadep. *Nunca más*.

³⁴ Sikkink, Kathryn. “From Pariah State to Global Protagonist: Argentina and the Struggle for International Human Rights.” *Latin American Politics and Society* 50, no. 1 (April 1, 2008): 1–29.

and scope of the crimes committed during the Proceso, as well as the means with which to enact justice and punishment, remained unclear. The first attempts by the transitioning Argentine government and human rights organizations to address the fate of the desaparecidos were therefore largely improvised.³⁵

In the first week of his Presidency, Alfonsín initiated the process of transitional justice with his enactment of Decree No. 187, creating the Comisión Nacional sobre la Desaparición de Personas (National Commission on the Disappearance of Persons, CONADEP)³⁶ with the intent of constructing a case for the legal indictment against the nation's previous regime. The initiation of CONADEP brought together a theoretically objective group of individuals, assigned with the task of collecting and cataloging testimonies of former prisoners, in an effort to both document the violations of the NRP and uncover the fate of the then-unknown number of desaparecidos. CONADEP was not only the first truth and reconciliation association of its kind in Latin America, but was also, as Sikkink maintains, the first of its kind on an international scale, as neither of the earlier truth commission incarnations in Uganda and Bolivia produced a comparable impact to the CONADEP publication).³⁷

Between December, 1983 and April, 1984, the commission collected over fourteen hundred depositions from Argentines living within the state and abroad and performed examinations of prison, police, and morgue registers throughout the state. As one of the first truth commissions of its kind, the task was a pilgrimage down a road previously untraveled, uncovering tales of unimaginable horror and revealing a casualty count that had never before

³⁵ Inter-American Commission on Human Rights "Argentina 1980 - Conclusions and Recommendations." Accessed November 12, 2014.

³⁶ Sikkink, Kathryn. "From Pariah State to Global Protagonist."

³⁷ Sikkink, Kathryn. "From Pariah State to Global Protagonist."

been realized. The interviews released in the commission's final report, *Nunca Más*, revealed acts of terror and torture which were later used as evidence in trials against the former members of the military regime.³⁸

The testimonies reveal many systematic and common forms of torture that were exacted upon a wide range of detainees. In accordance to the 'abduction, disappearance, and torture' sequence practiced and perfected by military personnel, many survivors began their testimonies by first describing the means in which they were taken, usually by armed groups in various degrees of disguise. The deposition of Elena Alfaro, who in 1977 was a twenty-five-year-old pregnant mother and wife of the editor of the liberal *Respuesta* newspaper (who had already been taken by the time of his wife's abduction), described the horrifying events of her kidnapping as follows:

At midnight, a heavily armed group broke into my home. They pulled me out of bed and took me downstairs while insulting, beating, and shoving me. One man stayed with me while the rest destroyed the house. I was thrown violently onto the floor of a vehicle and blindfolded.³⁹

Maria Bretal, a Professor of Sociology at the Universidad Católica de La Plata at the time of her abduction, was similarly taken from her home at night by a group of armed federal police. Bretal was pregnant and caring for her three-year-old daughter at the time she was taken in May, 1978, a vulnerability that was exploited by her captors:

³⁸ Conadep. *Nunca más*.

³⁹ Elena Alfaro (file No. 3048). Testimony (1984). Available at Archivo Nacional de la Memoria, Buenos Aires, Argentina.

They kidnapped me together with my daughter. Despite the advanced state of my pregnancy, I was brutally beaten and forced into the back seat of one of their cars, between two hooded, armed men who kept their guns pointed at me. My daughter was put in the front seat, carried by one of the sinister figures. Within five minutes, she was transferred to another vehicle, to my despair.⁴⁰

Bretal's separation from her daughter was not an uncommon example of psychological torture exacted upon detainees. It was common for parents to be separated from children and for spouses to be separated from their partners.

Reports of sexual violence are also prevalent in testimonies collected by CONADEP. In addition to the various physical and psychological tortures inflicted by military personnel within clandestine centers, torturers subjected prisoners to a multitude of horrors including rape, genital electrocution, forced nudity and fondling, and submission to forms of sexual slavery. Of my sample of nearly one hundred testimonies, I have identified at least sixty prisoners who were tortured through an act of sexual violence. Given the fact that this small sample of testimonies was made available to me by a contemporary women's rights organization, it is impossible to identify its contents as representative of the experiences of all clandestine prisoners.⁴¹ My collection of testimonies also does not necessarily predict the actual rate of sexual violence throughout the Proceso, even among women. As many survivors within this sample attest, however, to violations that required organization and planning from on the part of military perpetrators, I maintain that sexual violence was

⁴⁰Maria Bretal (file number unlisted). Testimony (1984). Available at Archivo Nacional de la Memoria, Buenos Aires, Argentina.

⁴¹Memoria Abierta was established 1999 and largely focuses on issues concerning women and state terrorism in Argentina.

utilized as a particular instrument of torture against detainees throughout the years that clandestine centers were in operation.

In many of the testimonies, victims recalled being sexually violated by an organized assemblage of military personnel during their imprisonment. A symbolic report of this kind (notably recounted in the third person perspective by CONADEP) comes from the testimony of A.G., a female prisoner who was kidnapped at the age of seventeen for the alleged radical activities of her schoolmates, and reads as follows:

She was taken to another room where she was tied to a bed with wooden slats. She was surrounded by ‘The Basque,’ three or four other men subordinate to him, and a woman nicknamed ‘La Negra’. She was stripped of her clothes, tied to the bed, and interrogated with the application of the electric prod and blows to her body.⁴²

Many instances of sexual violence additionally materialized psychologically through what seemed to be carefully coordinated systems that coerced female sexual submission to guards, as in the case of C.G.F:

Five men proceeded to question me for about an hour. They said they had taken my two-year-old son prisoner so that I would cooperate. They proceeded to insert what I afterwards knew to be a police truncheon into my vagina. Then they took me to another room where they tried to force me to eat handcuffed to a table...After these sessions they would make me dress, and politely, with words of consolidation, they would take me to the sleeping quarters and tell other women prisoners to come and comfort me...At midnight

⁴² A.G. (file No. 6532). Testimony (1984). Available at Archivo Nacional de la Memoria, Buenos Aires, Argentina.

on 14 June they announced that they would let me go and put me in a care in which there was only the driver (a guard at the prison)...After driving over a rough, potholed terrain, he stopped the engine. He told me he had orders to kill me. He offered to save my life if in exchange I would agree to have sexual relations with him. I agreed to this proposal, in the hope of saving my life.⁴³

Although women were more frequently the victims of the actions of male perpetrators, there are some exceptions. An example taken from the testimony of Juan Matias Bianchi (also recounted in the third person) is extraordinary in that it includes a male victim and female torturer, describing his tortures as follows:

At one point he was lifted up, taken along a corridor, and ordered to undress. He was thrown on a bunk and told: 'Listen, I'm "The German".' He was also questioned by a woman. 'The German' tried to stick a length of pipe in his anus. 'The Spaniard' then applied a prod to his armpits, then said to the woman, 'Since you like the privates, you carry on.' Then he felt the woman grab his penis and pour in a sort of caustic liquid, as a result of which he has since had problems with micturition.⁴⁴

Torturers additionally used sexual violence against women, or implied sexual violence against women, as a means of psychological abuse against other prisoners. This can be seen, for instance, in the testimony of Norberto Liwsky, a married father of two small daughters. Liwsky's testimony exemplifies the manner in which that military personnel would use violence against prisoners' family members (or the appearance of violence) as

⁴³ C.G. F. (file No. 7372). Testimony (1984). Available at Archivo Nacional de la Memoria, Buenos Aires, Argentina.

⁴⁴ Juan Matias Bianchi (file No. 2669). Testimony (1984). Available at Archivo Nacional de la Memoria, Buenos Aires, Argentina.

methods of torture, as well as the damage that their tactics inflicted on the minds of their prisoners:

I was told by the person who apparently was in command that my wife and two daughters had been captured...At one point when I was face-down on the torture table, they removed my blindfold to show me a blood-stained rag. They told me it was my wife's knickers. No other explanation was given, so that I would suffer all the more. Ten days later they brought my wife to my cell. They only left us together for two or three minutes, with one of the torturers present. When they took her away again, I thought that this would be the last time we saw each other...On another occasion, they showed me more bloodstained rags, said these were my daughters' knickers, and asked me whether I wanted them to be tortured with me or separately. I began to feel that I was living alongside death. I wished with all my heart that they would kill me as soon as possible.⁴⁵

While this is not a direct account of sexual violence, the actual (or potential) sexual violence inflicted upon Liswky's wife and daughters points to the special status that sexual violence, particularly against women and girls, had in the military's grander torture scheme against clandestine prisoners. By appropriating women's bodies into vessels with which the attackers could manifest their objective of subversive annihilation, sexual violence functioned as a means to implement lasting violations on both the mind and body of the attacked group.

The CONADEP commission's full report on the events of the National Reorganization Process, *Nunca Más* was issued to the Alfonsín administration for review on

⁴⁵ Norberto Liwsky (file No. 7397). Testimony (1984). Available at Archivo Nacional de la Memoria, Buenos Aires, Argentina.

September 20, 1984. In a display of transparency that had been unknown to the populace in almost a decade, the report was released for commercial publication immediately afterwards. The report not only became an immediate bestseller in Argentina, but also, as Priscilla Hayner recognizes in “A Comparative Study on Truth Commissions,” “launched a global trend in truth commissions.”⁴⁶ After years of only fearfully speculating at the magnitude of the military’s devastation, *Nunca Más* provided a haunting answer to many questions that had gone unanswered during the years of the Junta’s impenetrable enterprise. The 50,000 pages of gathered testimony, coupled with the fieldwork done by CONADEP regarding exhumations, inspection of detention centers, etc., resulted in both a comprehensive interpretation of the horrors of the National Reorganization Process as well as a series of conclusions and recommendations for the consideration of future judicial proceeding against the responsible parties.⁴⁷

Although it is evident that a certain amount testimonials collected by CONADEP give reference to an instance of sexual violence, most material regarding sexual torture is absent in the organization’s *Nunca Más* report, which was published and made available to the public in 1984. The testimonials chronicling instances of sexual torture that were included in the final report were not as emphasized as other types of violations- as an example, both food deprivation and illegal detention are emphasized in the publication’s Table of Contents, while instances relating to crimes such as rape or genital mutilation go unmentioned.⁴⁸ Testimonials of sexual violence that were included in the final report were either retold in the third-person perspective (as in the case of Juan Matias Bianchi), or were edited to exclude or

⁴⁶ Hayner, Priscilla. “Fifteen Truth Commissions- 1974 to 1994: A Comparative Study.” *Human Rights Quarterly* 16. (November, 1994): 597-655.

⁴⁷ Conadep. “Nunca más: Informe de la Comisión Nacional sobre la desaparición de personas.” (1984).

⁴⁸ Conadep. *Nunca más*. Page xvii

abbreviate the name from the individual giving testimony (as in the case of A.G.). In the process of imposing order on its overwhelming assemblage of testimonials and making it accessible to the public, CONADEP was either not able to fully recognize or chose not to highlight crimes of sexual violence.

CONADEP's efforts to minimize and deemphasize instances of sexual violence are perhaps not surprising, considering that the investigators were forced to improvise a procedure with little precedent and could rely on few existing models for recognizing, discussing, and prosecuting sexual violence as a special form of human rights abuse- sexual violence had been essentially neglected within the larger framework of international courts and intergovernmental organizations since their founding.⁴⁹ Despite the prevalence of sexual violence crimes in armed conflicts as recent as the Second World War, each of the four treaties of the monumental 1949 Geneva Conventions (which helped create the initial framework for defining human rights violations in wartime) failed to identify acts of gendered sexual violence as "grave breaches" of human rights. Preceding military atrocities such as the sexual enslavement of Korean, Chinese, and Filipino women in Japanese "military comfort houses," throughout World War II, for example, were not considered to be "breaches" of the law of armed conflict and human rights.⁵⁰ It was not until 1974, when the United Nation's General Assembly adopted the Declaration of the Protection of Women and Children in Emergency and Armed Conflict that war crimes pertaining specifically to women (the most frequent target of sexual atrocities) were given any consequential consideration on an international level. This field was still underdeveloped by 1985 at the time when CONADEP was attempting to create systems, and even a language, concerning the collection

⁴⁹ Jarvis, Michelle. *Women 2000*. Thesis. Beijing, China. Fourth World Conference on Women, 1998.

⁵⁰ Convention (IV) Relative to the Protection of Civilian Persons in Time of War, Geneva Convention § IV (1949).

and documentation of testimonials that included sexual violence crimes. Its decision to remove either the perspective or name from the individuals included in the *Nunca Más* report gives evidence to the lack of protocol that was currently set in place. These testimonies provide evidence not only to the systematic use of sexual violence in detention centers, but also to the limits of the investigation conducted by CONADEP at a time when human rights law provided few resources for putting a name to or prosecuting sexual violence.

Sexual violence was more explicitly and comprehensively explored in *Nunca Más* through testimonies depicting the abuse of pregnant women (who made up 3% of the total population of the disappeared). This specific type of sexual violence, which is allocated an entire chapter of the publication, is the only manifestation administered specifically to the prison network's female population, who were subjected to, among the common rituals of beatings and electrocutions, enforced cesarean births, compulsory doses of medication which prevented lactation, and complete separation from their children.⁵¹ One testimony, given by Adriana Calvo de Laborde, provides witness to another prisoner's terrible ordeal:

Ines Ortega de Fossati began to have labour pains. We shouted to the 'corporal of the guard.' Hours passed without any reply. As I was the only woman present with any experience, I helped her as best I could. It was her first-born, and she was seventeen or eighteen years old. Finally, after twelve hours, she was taken to the prison kitchen and put on a dirty table, blindfolded, and in front of all the guards, she had her child, assisted by a so-called doctor who did nothing except shout at her while the others laughed. She had a son called Leonardo. She was left with him for four or five days in a

⁵¹ Memoria Abierta. *Y Nadie Quería Saber*. Asamblea Permanente por los Derechos Humanos, 2012.

cell, and after that they took her baby away, saying that the Colonel wished to look at him. Apparently someone filled up a form with details of the child...⁵²

As documented many times within *Nunca Más*, if a mother was able to carry her pregnancy to term, the child was taken shortly after birth and the parent was executed. Once taken, many children were adopted into families of military, police couples, and other families favored by the Junta regime.

In the context of the Proceso, sexual violence was not only weaponized as a means of impressing appalling physical and psychological pain on prisoners, but also as a means of perverting the bodies of subversive women into vessels with which the Proceso could manifest its objective of subversive annihilation. Sexual violence functioned as a means to implement lasting violations on the physical “body” of the attacked group. Leftist women were already demonized by the conservative military government for their displays of progressive political activity and sexuality; their status as expectant (sometimes unwedded) mothers distinguished them in the eyes of the military as the bearers of a similarly radical and degenerate population. The appropriation of these children was therefore considered a preventative act for the Junta’s future Argentina. As Marguerite Feitlowitz states in “A Lexicon of Terror,” “The children of subversives were seen as ‘seeds of the tree of evil’ - through adoption, those seed could be replanted and transformed into ‘authentic Argentines.’”⁵³

That CONADEP’s final report was only able to comprehensively disclose abuses enacted against women in the context of their roles as mothers insinuates that the

⁵² Adriana Calvo de Laborde (file No. 2531). Testimony (1984). Available at Archivo Nacional de la Memoria, Buenos Aires, Argentina.

⁵³ Feitlowitz, Marguerite. *A Lexicon of Terror: Argentina and the Legacies of Torture*. Oxford University Press, 1998.

organization, as well as the broader audience to which *Nunca Más* was distributed, still held women to a certain traditional standard of gender identity. While my collection of testimonials does not allude to the personal biases of those who interviewed former female prisoners of the state, I maintain that the members of CONADEP found it more commercially acceptable to divulge information regarding the abuses against the era's sexually divergent women if, by doing so, it reinstated them into more acceptable roles as mothers. In the next chapter, I will supplement this claim by analyzing the effectiveness that the succeeding human rights movement in Argentina found in emphasizing "political motherhood" as a means to justify women's involvement in the political arena.

Shortly after initiating the CONADEP operation, the Alfonsín administration continued its pursuit of holding Junta members responsible for human rights violations by repealing the amnesty laws passed at the end of the Junta's dictatorship. The removal of all pardons granted to the former Junta administrators by Bignone's "Law of National Pacification" (23.049). Law 23.049 allowed for the federal prosecutions of military members for all alleged crimes committed during their de facto war against subversives, crimes for which *Nunca Más* would largely be used to provide evidence.⁵⁴

On April 22, 1985, hearings for the Juicio a las Juntas Militares began at the National Criminal Court of Appeals in Buenos Aires, indicting nine military officers who formed the first three military juntas, Generals Jorge Videla, Roberto Viola, and Leopoldo Galtieri; Brigadiers Orlando R. Agosti, Ornar Rubens Graffigna, and Basilio Lami Dozo; and Admirals Emilio Massera, Armando Lambruschini, and Jorge Anayas (no legal reasons were given for not ordering the prosecution of the fourth and final military junta under General

⁵⁴ Conadep. *Nunca más*. Page xvii

Bignone).⁵⁵ Of the nine, five were placed under “vigorous preventive detention,” while four were ordered to remain at the court’s disposal.⁵⁶ As crimes such as “genocide” or “crimes against humanity” were not specifically defined by Argentine criminal law, the defendants were charged for criminal offenses such as unlawful deprivation of freedom, torture, and “any other crimes”⁵⁷ which the former commanders in chief of the armed forces may have committed as “direct or indirect authors, instigators, or accessories.”⁵⁸ In all, 709 counts of individual criminal acts were brought against the litigants, 280 of which would be selected by the six-member panel and analyzed throughout the eight-month trial.⁵⁹ None of these counts, however, included a crime that conforms to this thesis’s description of sexual violence.

In the subsequent months, the trial would completely absorb the attention of the Argentine populace. While *Nunca Más* continued to sell at a phenomenal rate, reports and analysis regarding the events of the proceeding trial were regularly distributed to a fervent nation-wide audience. Testimonies from the trial were reproduced in the thirty-two weekly publications of *El Diario del Juicio*, while the hearings themselves were open to the public and televised (albeit subtitled and without sound).⁶⁰ The trials became an immersive national project for the traumatized nation, creating a complex dynamic between nightmare and event. As Antonius Robben notes in *How Traumatized Societies Remember*, “The silent image of the dictators sitting in the accused stand and the soundless sobs of the witnesses gave the trial an unreal quality that mirrored the ambiguous status of the disappeared and the contradictory

⁵⁵ Juicio a las Juntas Militares (Case no. 13/84), National Criminal Court of Appeals, Argentina. 1985.

⁵⁶ JA-1985-I-615 to 618; JA, No. 5415, June 12, 1985.

⁵⁷ Juicio a las Juntas Militares (Case no. 13/84), National Criminal Court of Appeals, Argentina. 1985

⁵⁸ The Argentine Penal Code, Decree 158, Art. 2

⁵⁹ Juicio a las Juntas Militares (Case no. 13/84), National Criminal Court of Appeals, Argentina. 1985

⁶⁰ Robben, Antonius C.G.M. “How Traumatized Societies Remember: The Aftermath of Argentina’s Dirty War.” *Cultural Critique*, no. 59 (2005): 120-164.

conclusion of the truth commission (that all disappeared were dead but without physical proof).”⁶¹

Given the clandestine nature of the operations of the Proceso and the deliberate attempts made to conceal the bodies of prisoners, there was little to no physical evidence regarding the current state of the desaparecidos. Much of the prosecution’s evidence was, therefore, dependent on witness testimony, of which more than 496 hours were given by more than 700 individuals (it must be noted that, although CONADEP was an entity of public law used by the court, the statements made by victims to CONADEP which were later published in the *Nunca Más* report did not meet the requirements established by military law for the declaration of witnesses, and could therefore not amount to testimonial evidence- as a result, all testimony for the trial was collected separately). Though the number of cases chosen by the court represented only a fraction of the thousands of those victimized by the mechanisms of the NRP, the broad range of cases elected by the prosecution were chosen in the hopes of emphasizing the systematic and methodological approaches of the Proceso’s effort to wipe out subversion.⁶²

If we assume that the experiences of the 700 men and women chosen for the trial were similar to those of the individuals interviewed by CONADEP, we may justly conclude that the women offered a considerable amount of evidence that corroborated the use of sexual violence was a form of torture within the Proceso’s detention centers.⁶³ While the prosecutors may have presented this evidence in court, none of the 700 legal summaries written for each case specifies torture in any manner beyond the broadest sense of the term-

⁶¹ Robben, Antonius C.G.M. “How Traumatized Societies Remember.”

⁶² Dahl, Enrique and Alejandro M. Garro. “Argentina National Appeals Court Judgment on Human Rights Violations.” *International Legal Materials* 26, no. 2 (March, 1987): 317-372.

⁶³ Article 2(a) of Decree No. 187.

the most common expression used in the summaries for each case concerning torture describes the victim as having experienced, “some mechanism of torture.”⁶⁴ If the transformation of the CONADEP investigation into a published report made sexual violence less visible, the published documents created during the criminal prosecutions seems to have almost completely erased it from the record.

The reasons for the prosecution’s utilization of ambiguous terminology regarding torture in their legal summaries are not made clear on the printed legal documents. Because the legal provisions for sexual violence as a specific form of torture had not been established by 1985, the prosecuting legal team may have minimized sexual violence because its mention was of no legal value at this time. This rationale seems legitimate, given the revisions made to other attested crimes in the prosecution’s attempts to focus primarily on crimes with which they could have more easily attain a guilty sentence. Lawyers emphasized many criminal acts that took place over the course of the Proceso, including the abduction of minors, extortion, kidnapping for ransom, and plagiarism- crimes that were legally recognized by the Argentine Penal Code.⁶⁵ While torture was included as a crime to be considered by the court (stipulated by Article 144 of the Penal Code), the law defined torture as sufferings inflicted in order to reach a specific goal (to obtain information from the victim).⁶⁶ At this time, the Argentine Penal code did not interpret torture as a means to dehumanize and psychologically and physically victimize a targeted population, as it does now. The nature of the law seems to explain why instances of sexual violence experienced by political prisoners at the discretion of military personnel and submitted to the prosecuting team by CONADEP were minimized in these legal trails, as their nature did not fit the state definition of torture in 1985. Because

⁶⁴ Juicio a las Juntas Militares (Case no. 13/84), National Criminal Court of Appeals, Argentina. 1985

⁶⁵ Argentine Penal Code

⁶⁶ Argentine Penal Code

this type of crime could be of little legal use at this time, it is also likely that the prosecuting team would have minimized these crimes in court, as there was little reason to expose their clients to the stigma that victims of sexual violence often face.

The judgment and convictions that were passed down to the defense on December 9, 1985, were varied and carried different degrees of severity and punishment. Although the prosecution asked the court to find each member of the defense collectively responsible for all acts committed by military forces committed during the Junta administration, but the court refused, accepting the defense's argument that the commanders of separate services were autonomous and not subject to the actions of the Junta as a whole.⁶⁷ Of the nine defendants, four (Graffigna, Galtieri, and Lami Dozo) were acquitted of all charges. The remaining five, including former Presidents Videla and Viola, were convicted of several hundreds of counts of aggravated homicide, unlawful deprivation of freedom, torture, and robbery. Of the many counts of torture brought against the litigants, several specified whether a torturous act had resulted in the victim's death (when such an event could be proven). Not a single case, however, specified the nature of the torture administered to the victim; all instances of sexual violence were therefore glossed over as they had been in the legal summaries of witness testimonials, subsumed under the greater, generalized legal umbrella of torturous acts.⁶⁸

As the Junta's first commander-in-chief and chief instigator of the NRP, Videla was sentenced to life imprisonment by the court, having been made responsible for "all criminal activities which followed the pattern that he devised and were committed directly by his subordinates during his tenure as commander of the army" (Videla was also made

⁶⁷ Juicio a las Juntas Militares (Case no. 13/84).

⁶⁸ Juicio a las Juntas Militares (Case no. 13/84).

responsible for crimes that he had not necessarily ordered, but that had been committed as a result of the pattern that he had set in motion).⁶⁹ Former Junta member Massera was also sentenced to life in prison, while Viola received a seventeen-year prison sentence, Lambruschini eight years, and Agosti four and one-half years. The five convicted men were additionally stripped of their military rank and their rights to military pension, property ownership, and to vote or hold public office. The court notably also included, in Item 30, the judgment that lower level military personnel also shared responsibility for the atrocities of the Proceso.⁷⁰

The successful prosecution and conviction of the former Junta members by the Argentine Federal Appeals court did not spark a movement of further addressing human rights abuses through criminal justice; rather, the following four years saw a decline in recognizing the crimes committed during the Proceso due to rising defiance from the Argentine military to put lower-ranking officers on trial. On December 29, 1986, just one year following the sentencing and conclusion of the Trial of the Juntas, the Alfonsín administration passed the Ley de Punto Final, setting a sixty day deadline for anyone who wished to issue a formal charge or summons for crimes “relating to the establishment of violent methods of political action taking place before December 10, 1983.”⁷¹ The Endpoint Law, which became law only three weeks after being introduced by the President as an effort to “help Argentina break free from its bitter past,” made it extremely difficult for any new charges to be brought against military members and was strongly opposed by Argentine human rights groups, who claimed the law had been passed due to escalating military threats

⁶⁹ Juicio a las Juntas Militares (Case no. 13/84).

⁷⁰ Juicio a las Juntas Militares (Case no. 13/84).

⁷¹ Law No. 23.492, Art. 4

against the President's administration.⁷² Controversy surrounding Alfonsin's placating efforts heightened when the additional Ley de Obediencia Debida, which stipulated that all officers and subordinate military personnel could not be held criminally accountable for carrying out the orders of their superiors, was passed the following June.⁷³

President Alfonsin transferred executive powers to Justicialist party candidate Carlos Menem on July 8, 1989, after having spent six years in office. A candidate who had received a significant share of the military vote in the election, Menem focused his efforts in restoring an amicable relationship between his government and the military. By December, 1989, Presidential pardons had been issued for 277 indicted military members, including the former Junta members who had been convicted and had just begun to serve their prison sentences. With Menem's pardons, as well as the halting consequences of the previous amnesty laws, the likelihood of future trials and further justice seemed slight. Just seven years following the dissolution of Argentina's horrifying military dictatorship, it seemed the nation's governing body had buckled to military pressures and resigned itself to allowing the crimes of the Proceso to go unpunished.

⁷² Roehrig, Terence. "Executive Leadership and the Continuing Quest for Justice in Argentina." *Human Rights Quarterly* 31, no. 3 (2009): 721-747.

⁷³ Law No. 23.521

CHAPTER TWO

Memory, Art, and Justice in the Age of Impunity and Onwards

“Since that moment they have called me Death.
Maybe that is why every day, when I wake up, I say to myself that I..am still alive.”
ALICIA PARTNOY

This chapter, which concerns the years following the 1985 Trial against the former Junta members up to the present day, attempts to apply and respond to the prior chapter’s analysis of how sexual violence manifested in the publications of human rights organizations and the justice trials following the end of the military dictatorship. I will discuss how the political work of contemporary artists and human rights advocates functioning within the “Age of Impunity” bolstered Argentine conversations about subversive gender identity and sexual violence. I will delve into the rise of the Madres de Plaza de Mayo organization in the 1980s and 1990s, as well as how the organization’s identity as one of “political motherhood” allowed the group to gain prominence in the political arena during the transitional period. I will conclude with an analysis of the advances in the human rights field resulting from the atrocities of the Bosnian War and Rwandan Genocide, and how the combined efforts of international and internal human rights work lead to the increasing recognition of sexual violence crimes in recent legal cases. This chapter plays a significant role in responding to the hypothesis as it attempts to demonstrate how dramatic changes in popular consciousness regarding the capacity of sexual violence as a form of torture manifested in the legal cases against former Junta members between 2006 and 2013.

The collective memory of the recovering Argentine populace would not be so easily suppressed in the years following the Trail of the Juntas. Massive traumatic experiences cannot be silenced indefinitely, and the effort to revive a national dialogue surrounding the violence of the past regime continued within Argentina's expanding network of artists, NGO's, and survivors. Despite the challenges that the amnesty laws inevitably posed against potential incriminations against military personnel and former Junta members, institutions seeking means to prosecute continued their campaign to bring justice to those who had committed past atrocities. Contemporary artists of various associations and artistic platforms additionally utilized creative expression from the stage to the printed page as a means with which to represent and understand the trauma of the previous years.

In the wake of the amnesty laws, the arts became a crucial platform both during and after the dictatorship with which to share and explore more personal stories of the *desaparecidos*. Diana Taylor notes, "As terror systems transformed human bodies into surfaces for political inscription, so too were the nuances of the human body manipulated artistically for the expression."⁷⁴ The representation of the female form in work produced during this period and pertaining to the NRP provided a conceptualization of how Argentine society (albeit the portion of the populace producing these works) regarded subversive gender identity and sexual violence crimes. Unlike *Nunca Más*, which had deemphasized instances of sexual violence, literary representations throughout the 'Age of Impunity' put female prisoners and sexual violence crimes in the foreground. Eduardo Pavlovsky's 1990 theatrical drama, *Paso de Dos*, utilized live performance as a means to not only explore the violence of the National Reorganization Process (particularly that which pertained to

⁷⁴ Taylor, Diana. *Disappearing Acts: Spectacles of Gender and Nationalism in Argentina's "Dirty War"*. Duke University Press, 1997.

women), but also as a means to fan the flame of remembrance around Argentine's previous abuse by representing it in work that was particularly sensational and controversial.⁷⁵

Pavlovsky, an internationally renowned psychiatrist and prominent Marxist who had fled the country during the Junta's regime and who had only just returned to Argentina, was ideologically a pacifist- his work, however, was anything but peaceable, with the plot consisting of various forms of violence being enacted upon the naked body of the play's unnamed female victim by her similarly unnamed, military male counterpart until she is eventually "killed" and "disappeared," her body buried in a mud pit.⁷⁶ The fact that the piece utilized a singular female character to represent the broader female desaparecido experience throughout the Proceso begs the question of whether or not the playwright, and subsequently his audience, viewed gendered sexual violence as one that was utilized against subversive womanhood on a systematic level. However, by using the female body for symbolic purposes, Pavlovsky's play nonetheless had the secondary effect of making the sufferings of women prisoners visible, and even central, in his representation of the regime.

The work of contemporary female playwrights and novelists such as Griselda Gambaro and Alicia Partnoy portrayed the Proceso's use of sexual violence more directly. Their work deliberately portrays sexual violence as a specific weapon used by the military against subversive women. Gambaro's 1987 play, *Information for Foreigners*, not only called attention to the gendered sexual violence of Argentina's "Dirty War," but also to the fact that the women upon whom this violence was inflicted were explicitly identified as subversive. Set explicitly in Argentina, the play transforms the theater into a house through which the audience is lead on a guided tour by a member of the cast. Each room of

⁷⁵ Pavlovsky, Eduardo A. *Paso de Dos*. Busqueda de Ayllu, 1989.

⁷⁶ Feitlowitz, Marguerite. "Dance of Death: Eduardo Pavlovsky's "Paso de Dos." TDR (1988-) 35, no. 2 (1991); 60-73.

the house is its own specific scene and displays a different form of violence being inflicted on a wide range of characters. Throughout the play, the gendered brutality of the NRP is represented through the recurring violation of a single female character (“Girl”) who, as the Guide character maintains, represents “a minority not considered Argentine.”⁷⁷ If the Guide is to be understood as a personification of the military apparatus, its character is one of misogyny and brutality; as one who enacts sexual violence as a means of dehumanizing “subversive” femininity.

The work of Alicia Partnoy additionally makes the distinction between “acceptable” and “unacceptable” femininity in Proceso-era Argentina, as well as the capacity to which sexual violence was used in response to subversive gender expression. While female desaparecidos in Alicia Partnoy’s 1986 novel, *The Little School*, experience instances of sexual violence including forced stripping, fondling, and shaving, Partnoy’s novel is unique to the previous two works in that it emphasizes the fears and trauma that her female characters experience as mothers or expecting mothers.⁷⁸ A mother herself to an infant daughter at the time of her abduction, Partnoy identified her active role in the Peronist Youth Movement as “work towards a better society for the sake of my child’s future.”⁷⁹ Partnoy describes her struggle and the struggle of the other mothers she encounters as the “practice of motherhood as a community experience.” By emphasizing motherhood as the catalyst for her political activity, Partnoy creates a connection between womanhood and political participation that is unlike the portrayals of women seen in many other contemporaneous works. The women of *The Little School* are made to be seen as mothers first- a characterization that confounded the completely “subversive,” anti-maternal identity that

⁷⁷ Gambaro, Griselda. *Information for Foreigners*. Northwestern University Press, 1992; 5

⁷⁸ Partnoy, Alicia. *The Little School: Tales of Disappearance and Survival in Argentina*. Cleis Press, 1986.

⁷⁹ Partnoy, Alicia. *The Little School*; 13.

politically active, leftist women had been assigned by the dogma of the National Reorganization Process.

Partnoy's representation of the identity of subversive womanhood as one that concerned a "politicized motherhood"⁸⁰ additionally became an extremely effective approach for human rights organizations seeking to pursue further legal justice for human rights violations in the years following the 1985 trials. Justice groups not only utilized "revolutionary motherhood"⁸¹ as a means with which to make women activists and their presence in Argentine human rights advocacy spheres more acceptable, but also to help shift the public's image of the female *desaparecido* from one of defeminized political deviancy to that of a more maternal figure whose actions were carried out on her children's behalf. Prominent women activist groups who characterized their own political participation as an intrinsic connections to their roles as mothers gained sympathy and notoriety that helped to push their agenda to the political forefront.

Argentine human rights groups such as the Madres de Plaza de Mayo were even more instrumental in bringing women and sexual violence to the attention of Argentina's human rights field. The Madres, an association of Argentine women who began protesting the disappearances of their children during the National Reorganization Process as early as 1977 and to this day remain one of the country's most recognizable human rights groups. The Madres were especially adept at capitalizing on this idealized image of political motherhood. The organization first began with a small gathering of mothers of the disappeared requesting and being denied an audience with General Videla- from there, the movement began publicly

⁸⁰ Perkins, Jewel. "Motherhood and Political Action During Argentina's Dirty War" An Analysis of Argentinean Feminine Literature." *Chrestomathy: Annual Review Of Undergraduate Research, School of Humanities, Social Sciences, College of Charleston* 4 (2005) 178-194.

⁸¹ Taylor, Diana. *Disappearing Acts*.

protesting the disappearance of their sons and daughters in front of the Casa Rosada in the Plaza de Mayo, their numbers growing and their protests becoming a weekly phenomenon in the political and economic center of a city that was becoming increasingly silent with fear. The ritualistic conglomeration of mothers, adorned with handkerchiefs and wielding the photographs of their missing children, inspired a powerful, lingering image of the human rights movement in Argentina as one led by Mothers. Unlike the daughters for whom they protested, who had represented a divergent manifestation of the female gender by acting outside the traditional domestic roles, the Madres represented a more ideal version of femininity. Their status as mothers allowed the Madres to act outside of the prescribed gender script by *conforming* to certain key elements of that script.⁸² As a group that based the incentive for their outspoken political activity around traditional feminine roles, the Madres were able to find the space to publicly protest the violence of the regime, even during the most repressive years of the dictatorship.⁸³

The Madres continued to hold weekly demonstrations at the Plaza de Mayo throughout the military dictatorship and up to the present day, becoming an intrinsic part of the cultural fabric of the city's capital. The continuing work of the Madres in the human rights movement emphasized the destruction that the National Reorganization Process had inflicted on the Argentine nuclear family; the military junta had deprived mothers of their children and grandmothers of the grandchildren that their daughters had been carrying when abducted. The kidnapping of some 500 babies who had been born to pregnant *desaparecidos* in clandestine centers and the subsequent distribution of these newborns amongst military members and sympathizers was considered to be such an abomination by the state that the

⁸² Peron, Eva. *La razon de mi vida*. 13th ed. Buenos Aires: Ediciones Peuser, 1952; 185.

⁸³ Feminia, Nora A. and Carlos A. Gil. "Argentina's Mothers of Plaza de Mayo: The Mourning Process from Junta to Democracy." *Feminist Studies* 13, no. 1 (1987); 9-18.

amnesty laws did not provide impunity for any participant of child appropriation.⁸⁴

Regardless of the extent to which their parents had participated in radical activity, Michelle Bonner States in “Defining Rights in Democratization,” children were “innocent victims of their parents’ subversive behavior.”⁸⁵ The strength of the Madres and Abuelas’ presentation was such that several other leading human rights organizations rallied behind them, including the Center for Legal and Social Studies, the Permanent Human Rights Assembly, and the Ecumenical Human Rights Movement. The establishment of a National Genetic Data Bank in 1987 additionally allowed for the testing of babies thought to be children of former captives in the hopes of restoring their identities and pinpointing the perpetrators of human rights violations.⁸⁶ It was that need to protect the family that helped widen the doors for further judicial calls for accountability- by framing their demands in a manner that emphasized children in the place of “subversive” disappeared themselves, human rights organizations were able to push through some degree of gendered human rights enforcement in the late 1980s and throughout the 1990s in their search for stolen babies.

The recognition and persecution of systematic sexual violence as a human rights violation was a mostly uncharted and developing field within intergovernmental organizations in the years surrounding the National Reorganization Process. While the United Nations’ 1974 Declaration on the Protection of Women and Children in Emergency and Armed Conflict had been a triggering resolution that encouraged gradual international acknowledgement of the inhumanity of gendered sexual violence, empirical advancement

⁸⁴ Arditti, Rita. “Grandmothers of the Plaza de Mayo and the Struggle Against Impunity in Argentina.” *Meridians* 3, no. 1 (2002); 19-41.

⁸⁵ Bonner, Michelle D. “Defining Rights in Democratization: The Argentine Government and Human Rights Organizations.” *Latin American Politics and Society* 47, no. 4 (2005); 55-76.

⁸⁶ Arditti, Rita. “Grandmothers of the Plaza de Mayo.”

concerning the recognition and prosecution of crimes pertaining to sexual crimes only began to gain substantial traction throughout the 1990s when the UN took steps to recognize crimes of sexual violence that had taken place during international atrocities such as the Bosnian War and Rwandan Genocide. As one of the Original Member States of the United Nations, Argentina's internal legal culture was irrevocably susceptible to such major intergovernmental changes.

In January 1999, The United Nation's Criminal Tribunal for the Former Yugoslavia underwent an analysis of over 1,100 reported cases of sexual violence carried out by Bosnian Serbs towards the area's population of Muslim women during the 1992-1996 Bosnian War. Throughout the four years of conflict, thousands of Muslim women experienced sexual violence (including rape, forced pregnancies, and sexual enslavement at one of several established "rape camps") at the hands of a Serbian military whose intent was to ethnically cleanse the state of non-Serbian groups. At the time of the investigations, sexual violence was not included in the list of actions that constituted as a crime against humanity; by 2001, however, the ICTY endorsed the conclusion that "rape had been used as an instrument of torture and ethnic cleansing" against targeted women.⁸⁷ Specific cases that resulted in guilty verdicts for the defendants, such as *Prosecutor v. Anto Furundzija* (1998) and *Prosecutor v. Kunarac et al* (2001), (which related to incidents of systemic gendered sexual violence carried out on both an individual and widespread scale), not only specified sexual violence as comparable to torture and other inhumane treatment, but also included it as a distinct crime against humanity. The UN's release of the Yugoslav Commission's Interim Report- and the subsequent prosecution of persons suspected of having committed sexual violence- provided,

⁸⁷ United Nations, "Report on the Situation of Human Rights in the former Yugoslavia," Submitted by Mr Tadeusz Mazowiecki, Special Rapporteur of the Commission of Human Rights, pursuant to Commission resolution 1992/S-1/1 of 14 August 1992, 10 Feb 1993, para. 84.

according to United Nations consultant Michelle Jarvis, “the first substantial evidence that the mindset of the international community had changed regarding sexual violence.”⁸⁸

The United Nations’ made additional progress towards the recognition and interpretation of sexual violence as a crime against humanity in the years succeeding the Rwandan Genocide. Following the systematic mass murder and sexual brutality of over 800,000 ethnic Tutsi and Hutu sympathizers by Hutu extremists, the UN’s International Criminal Tribunal for Rwanda was established, in part, to seek out and prosecute perpetrators of the sexual violence that had taken place on a massive scale throughout the country.⁸⁹ The International Criminal Tribunal of Rwanda (established in November, 1994 immediately following the genocide) additionally compared rape to torture in its judgment of cases such as *Prosecutor v. Akayesu* (1998), in which defendant Jean-Paul Akayesu was found concurrently guilty of both rape and genocide.⁹⁰ The recognition of the sexual atrocities carried out by Hutu extremists during the Rwandan Genocide provided additional complexity to the international interpretation of the inhumane nature of gendered sexual violence by constituting genocide and rape as distinct inhumane acts. The UN’s recognition of the inhumane nature of acts of sexual violence committed by both the Bosnian-Serb Army and Hutu extremists constituted a long overdue acknowledgment in the international community that sexual violence could be, and had been, weaponized as a tool of terror.⁹¹

The high profile nature of both the Bosnian War and Rwandan Genocide created lasting effects on international attitudes regarding sexual violence. When they began their work, both International Criminal Tribunals encountered a lack of definition of sexual

⁸⁸ Jarvis, *Women 2000*

⁸⁹ "About ICTR." *International Criminal Tribunal for Rwanda*. United Nations, n.d. Web. 3 Dec. 2013

⁹⁰ *Prosecutor v. Akayesu*. International Criminal Tribunal for Rwanda. 2 Oct. 1998. Print.

⁹¹ Hagan, John. 2003. *Justice in the Balkans*. Chicago: University of Chicago Press. Ch. 6, pp. 176-203.

violence under the umbrella of international laws. Their subsequent efforts to shape a definition resulted in the emergence of a definition that covered a great range of sexual atrocities, one that helped incite increased recognition of similar crimes in prominent international courts spanning from the European Court of Human Rights to the Inter-American Court of Human Rights (established in 1979 in Costa Rica). As one of the Original Member States of the United Nations and one under the jurisdiction of the IACHR, Argentina was no doubt influenced by the progressions of the international courts in its own considerations of former human rights violations. I contend that the high profile and influential nature of these intergovernmental tribunals were catalysts that, coupled with the work of Argentine human rights activists, brought sexual violence into the discussion in Argentina in the upon the repeal of former amnesty laws in 2001. However, as I will elucidate in these forthcoming pages, Argentina's erratic utilization of the Tribunals' qualifications in its decisive legal proceedings in the late 1990s and 2000s gives evidence to the limited compatibility between the Argentine judicial system and groundbreaking international legal developments. The following section traces that uneven path leading up to the Argentine legal system's earliest recognition of sexual violence as a form of torture in 2011.

The case of Claudia Poblete, an appropriated child of two murdered desaparecidos, was ultimately the triggering factor leading to the delegitimation of Argentina's amnesty laws and a new era of prosecution against former military members. Poblete had been eight months old at the time of her and her parents' abduction in 1978. After her parents were killed in captivity, the infant was adopted by a military family in Buenos Aires and renamed

Mercedes. In 2000, after the Madres de Plaza de Mayo had spent time scouting the family, the now twenty-one year old adult was compelled to take the genetic test that would confirm her identity as the child of military prisoners.⁹² With help from the Center for Legal and Social Studies, a firm which had sought to prosecute the human rights abuses committed during the Proceso since 1979, a legal case was made against the two officers who had carried out Claudia's appropriation.⁹³

The Center additionally recommended that the officers be charged with crimes concerning the abduction and murder of Claudia's birth parents, crimes that the defendants were currently protected against under the laws of Full Stop and Due Obedience. Despite the country's current laws of impunity granting protection to the two officers against any crime other than child theft, the Center for Legal and Social studies markedly asked the judge in this case, Gabriel Cavallo, to charge both men with the murder of Poblete's parents, and, therefore, to consider both pieces of amnesty legislation unconstitutional under the superiority of certain intergovernmental treaties such as the United Nation's International Human Rights Pact and Convention Against Torture.⁹⁴ On March 6, 2001, Judge Cavallo declared both the Law of Due Obedience and Full Stop to be unconstitutional within the hierarchy of international laws, stating that what had occurred to Poblete's parents were "acts of genocide."⁹⁵ When Cavallo's verdict made it's way to the Argentine Supreme Court, the

⁹² Bonner, Michelle D. "Defining Rights in Democratization."

⁹³ Bonner, Michelle D. "Defining Rights in Democratization."

⁹⁴ Bonner, Michelle D. "Defining Rights in Democratization."

⁹⁵ Página/12 (Buenos Aires) 2001d. La nulidad de Punto Final y La Obediencia Debida: desarmando la impunidad. March 6: 19.

Court likewise submitted to the prerogative of the UN international articles and declared Argentina's laws of impunity to be illegitimate.⁹⁶

Despite current President Fernando de la Rúa's dismissal of the Supreme Court's 2001 ruling as a "regression" against what he claimed to be the nation's current period of "relative calm,"⁹⁷ the Supreme Court's decision to annul the amnesty laws was largely met with support from Argentine legislators, including Senator Nestor Kirchner, a former member of the Peronist Youth who had been briefly detained as a political prisoner during the military regime. When elected president of Argentina in 2003, Kirchner began his term in office by voicing his support for holding the military responsible for crimes committed during the Proceso. Kirchner recognized the two-year-old Supreme Court ruling immediately following his assumption of the Presidency, prompting Congress to vote in favor of nullifying both the laws in August, 2003.⁹⁸ The two officers who had been charged with the kidnapping of Claudia Poblete were subsequently charged with the crime of having disappeared her parents.⁹⁹ Their indictment, the first of its kind since 1987, would clear the way for hundreds to be tried in the following years, including the former leading members of the military junta.

New cases were brought to trial almost immediately following the Court's decision, beginning in June, 2006 with the prosecution of former police commissioner general Miguel Etchecolatz. Etchecolatz had been convicted of illegal detention and forced detention in 1986, but had been pardoned and freed under the laws of impunity. Over the next several years, the former Proceso officer took part in an extremely vocal revisionist campaign to

⁹⁶ Página/12 (Buenos Aires) 2001f. La Corte Suprema pidió el fallo de la Corte Interamericana: notificada. March 28: 13.

⁹⁷ Página/12 (Buenos Aires) 2001d.

⁹⁸ Clarín (Buenos Aires). 2003b. El Senado anuló las leyes de Punto Final y Obediencia Debida. August 21.

⁹⁹ Julio Simon and Juan Antonio Del Corro, Case 1056/06, La Plata.

rationalize his involvement in the NRP, publishing a book (*La Otra Campaña del Nunca Más*) and making several national television appearances in an effort to justify his actions as necessary measures taken to “combat the Marxist subversion, the diabolical enemy.”¹⁰⁰ Etchecolatz’s attempts to defend, rather than deny, the events of the Proceso (without disclosing exactly what that constituted) typified the attitude that many military members would maintain in subsequent years and, moreover, the attitudes that they had maintained since the fall of the junta in 1983- that the actions of the NRP had been justified as a means to wipe out a sea of harmful, “enemy” forces. By the time of his trial in 2006 for the kidnapping, torture, and eventual murder several detainees at the Pozo de Arana center in La Plata, Etchecolatz had reached such an infamous distinction that over one hundred witnesses were called in to testify for the prosecution, while hundreds more gathered outside the courtroom for his conviction.

The case against Etchecolatz was the first in which the prosecution sought to convince the court to specifically recognize a crime of sexual violence against deceased prisoner Patricia Graciela Dell’Orto, who was murdered while in detention in 1976. The court relied heavily on the testimonials of former detainees to verify Dell’Orto’s attack, particularly that of former detainee J.J.L., who claimed to have seen Dell’Orto being raped by several soldiers through a peephole in his own cell.¹⁰¹ J.J.L also claimed to have seen Etchecolatz fraternizing with the same group that had committed the abuses, which implied that the former police commissioner could have participated in any number of the criminal

¹⁰⁰ Etchecolatz, Miguel O. *La Otra Campana del Nunca Más*. William F. Somers, 1988

¹⁰¹ “(...)hasta la habían violado los milicos(...)” Testimony of L.L.J. Juicio por la Verdad de fs. 537/551, 7 July 1999.

actions himself.¹⁰² Although there was no evidence in J.J.L.'s testimony that directly linked Etchecolatz to crimes of sexual violence against Dell'Orto, it was very likely that Etchecolatz was guilty at the very least as an accomplice, based on his role as a superior officer who supervised an environment that not only permitted, but encouraged, acts of sexual violence within its circuit. The court, however, did not find him guilty on these grounds.

On September 19, 2006, the Court sentenced Etchecolatz to life imprisonment for crimes of illegal detention, torture, and murder as crimes against humanity committed during a genocide, the first time that the Proceso had been qualified as such a systematic incident.¹⁰³ The Court found Etchecolatz guilty of violating Dell'Orto under Article 144 of the Argentine Penal Code, penalizing the former commissioner for "basic types of torture," (namely, "the application on the body electric shocks, beatings, mock executions, death threats, and inhuman conditions of detention")¹⁰⁴ but not specifically for acts of sexual violence. In its Conclusions, The Court discussed whether the acts of rape described by J.J.L. could be considered an "equivalent" to the violations listed in Article 144, or even legitimate based on their second-hand nature. "Without direct evidence of a violation, such as a medical examination of the body to determine whether there was penetration"¹⁰⁵ the crime of sexual violence, while acknowledged by the Court throughout its proceedings to be a systematic occurrence within Pozo de Arana center, could not be constituted forms of torture.

The recognition of acts of sexual violence became more frequent in Argentina's legal arena as trials against former military members became more frequent. The Tribunal Oral

¹⁰² "(...)Etchecolatz venía todos los días a eso de las cuatro de a la tarde y a la noche Camps para torturar(...)" Testimony of L.L.J.

¹⁰³ "Los delitos por los que se condenó a Etchecolatz eran de lesa humanidad y cometidos en el marco del genocidio" Sentencia contra Etchecolatz por crímenes contra la humanidad, 19 September 2006. Equipo Nizkor.

¹⁰⁴ Código Penal De La Nación Argentina. Delitos Contra la Libertad, Título V, Artículo 144.

¹⁰⁵ Federal Criminal Tribunal No. 1 of La Plata, 3 May 2006, Registro N. 13/06.

Federal N. 2 Buenos Aires' monumental 2011 judgment against a group of policemen and military personnel who had worked within the Club Atletico, Banco, and Olimpo detention centers marked the first recognition of sexual violence as a systematic application of torture by an Argentine court. Judge Daniel Rafecas's final resolution against the sixteen litigants also emphasized the influence of international legislation on Argentine policy, qualifying the many instances of sexual abuse experienced by clandestine detainees based on the "development of international law" in cases pertaining to intergovernmental courts such as the Inter-American Court of Human Rights and European Court of Human Rights. The case also employed a detailed analysis of acts sexual violence enacted against the majority of prisoners cited in its proceedings (compared to the case against Etchecolatz, which could only attest to a singular case of sexual abuse).

In October 2011, The Tribunal Oral Federal No. 5 began its oral hearings for the "Megacausa," trial against sixty-eight former military personnel and eighteen former junta officials accused of crimes associated with the operation of the ESMA detention center, including Videla, Massera, and Agosti. In response to the high-profile nature of the case, the European Center for Constitutional and Human Rights submission of an Amicus Brief urging the Argentine court to recognize sexual violence as an act of torture. The brief, titled, "Sexual Violence as Torture" pressed the court to "call attention to the universal acceptance of sexual violence and rape- as a special form of it- as torture when committed by state agents in the context of military repression, when those actions are perpetrated as a part of an orchestrated plan of repression."¹⁰⁶ At its conclusion, the trial, Argentina's largest ever human rights trial to date, ordered an investigation specifically concerning crimes of sexual violence in former clandestine centers throughout the country, acknowledging that crimes of sexual violence

¹⁰⁶ ECCCHR Amicus Brief, submitted to Tribunal Oral Federal No. 5, 2011.

were not exclusive to any one detention center, and revealing a greater judiciary interest to broaden the inquiry into systematic sexual violence.¹⁰⁷

By 2011, sexual violence was no longer considered to be an exceptional occurrence during times of conflict in Argentina, but rather a weaponized, systematic crime against humanity.¹⁰⁸ The conclusions of the Argentine courts throughout the early 2000s, which have repeatedly recognized the systematic use of sexual violence within the clandestine centers, shows a striking association with the content of interviews taken in 1984 and 1985. While the data utilized for this thesis was only able to present a fragment of the overall nature of state-sponsored sexual violence during this time, the testimonials which I was able to examine nonetheless suggest that sexual violence was used within the network of clandestine centers as a means of dehumanizing the subversive population that was targeted by the military regime. My assertion that sexual violence was specifically sanctioned as a means of combatting subversive gender identity and expression cannot be proven by the capacities of the judicial field, as the mechanisms of justice do not specifically pinpoint these factors as motives for state-sponsored sexual violence. By recognizing the range of social attitudes and constructs of subversive gender identity and the degree to which that characterization encompassed the *desaparecido* population, I maintain that the 1960s and 1970s' youth generation's liberal expressions of gender were seen as a threat to the Junta leaders and authors of the Proceso, who saw fit to penalize their offenses with acts of sexual dehumanization. I attempted to further substantiate this claim by showing ways in which more acceptable forms of female gender identity, such as those presented by the Madres de Plaza de Mayo, were able to garner sympathy and acceptance by the political community,

¹⁰⁷ Memoria Abierta. *Y Nadie Quería Saber*. Asamblea Permanente por los Derechos Humanos, 2012.

¹⁰⁸ Tribunal Oral Federal No. 2 Buenos Aires. Case no.1668. Judgment of 22 March, 2011.

and how cases relating to the destruction of traditional families (such as the appropriation of children born to desaparecidos) were the claims that brought about the initial recognition of sexual violence in the legal arena.

CONCLUSION

Since the 1983 democratic transition, Argentina has continued to develop its social and legal dialogue regarding the Proceso's weaponization of sexual violence. Although the events of the "Dirty War" grow more and more distant from the present day, the memories and trauma that dominated the infamous period between 1976 and 1983 are very much alive. This is not a case that has passed; rather, it is a case that continues as a conversation regarding the connection between societal biases against women, gender dynamics, and state-sponsored sexual violence.

In concluding this thesis, I return to my original objective of finding and interpreting the Junta's motivations for weaponizing sexual violence against Argentina's leftist youth generation of the 1960s and 1970s. It necessarily traced Argentina's political history back to the Peronist movement and paternalistic Presidency of Juan Perón, a period that set the stage for the procedures of the Junta's dictatorship. My analysis of the violent factionalism that materialized within the Peronist movement following Perón's exile, as well as the rising stigmatization against largely youth-lead political movements by rising military powers, demonstrates a striking association between the subsequent dictatorship's use of sexual violence against clandestine prisoners of the state and the military anxieties regarding Argentina's increasingly radical youth movement.

This thesis additionally applied an evaluation of almost one hundred testimonies, collected after the fall of the military Junta by the human rights organization CONADEP from survivors of the Proceso's clandestine camps, with the objective of discovering commonalities between testimonials which refer to instances of sexual violence to the point

of being able to prove that the such actions were a systematic practice of the Proceso state. I was unable to prove that sexual violence was weaponized on a systematic level within clandestine centers due to my small and unrepresentative sample size. However, reoccurring abuses such as genital mutilation and group molestation of a victim suggest that sexual violence was practiced within the network of clandestine centers to a substantial degree of organization and regularity.

I completed my argument with an analysis of both Argentine and intergovernmental human rights literature that emerged in years following the fall of the dictatorship and with the objective of charting the transformation in the legal recognition and persecution of sexual violence crimes between 1985 and the present day. I have found that the combined efforts of foreign and domestic dialogues surrounding sexual violence helped to slowly and erratically bring the issue to prominence in Argentina's legal field, culminating in the recognition of sexual violence as a form of torture in the 2011 "Megacausa" trial.

Despite its erratic history following the fall of the military junta, Argentina's human rights field has much to show for its efforts throughout the past thirty years. Issues concerning gendered sexual violence had been essentially neglected within the larger framework of international courts in the 1980s- today, however, a large network of human rights groups now exist with the primary intent of identifying acts of sexual violence during the Proceso. While stigmas against survivors of sexual violence are still prevalent on both a personal and societal level, the burgeoning language and mechanisms with which to describe, address, and emphasize these crimes has gradually abated the shame surrounding one of history's most reoccurring tragedies. It is my sincerest hope that this thesis will contribute to the diminishment of that stigma. May we always remember.

BIBLIOGRAPHY

Government Documents

Argentina Código Penal De La Nación Argentina. Delitos Contra la Libertad, Titulo V, Articulo 144. 1984.

Argentina, “Operativo Justicia por el Operativo Independencia,” Decreto no. 265/75. 1975

European Center for Constitutional and Human Rights, “Amicus Brief; Sexual Violence as Torture,” submitted to Tribunal Oral Federal No. 5, Argentina. 2011.

Geneva Convention (IV), “Relative to the Protection of Civilian Persons in Time of War.” 1949.

Inter-American Commission on Human Rights, “Argentina Conclusions and Recommendations.” 1980.

United Nations, “Declaration on the Protection of Women and Children in Emergency and Armed Conflict,” G.A.res. 3318 (XXIX), 29 U.N. GAOR Supp. (No. 31) at 146, Doc. A/9631. 1974.

United Nations, “Report on the Situation of Human Rights in the former Yugoslavia.” 1992.

United Nations, “Rome Statute of the International Criminal Court,” Treaty Series, vol. 2187, No. 38544. 2002.

Court Cases

Federal Criminal Tribunal No. 1 of La Plata, Case no. 13/06. 2006.

Julio Simon and Juan Antonio Del Corro, Case no. 1056/06, Federal Criminal Oral Court of La Plata, Argentina. 2006.

Juicio a las Juntas Militares, Case no. 13/84, National Criminal Court of Appeals, Argentina. 1985.

Prosecutor v. Akayesu, International Criminal Tribunal for Rwanda. 1998.

Tribunal Oral Federal No. 2 Buenos Aires, Case no. 1668. 2011.

Tribunal Oral No. 1 de Cordoba, Case no. 22/12. 2010.

Tribunal Federal No. 6 de Buenos Aires, Case no. 22. 2012.

Newspapers and Periodicals

Andreassi, Celina. "The History of Peronism." *The Argentina Independent*, October 11, 2011.

Barrionuevo, Alexei. "Emilio Massera Dies at 85." *New York Times*. 9 November 2010.

Clarín (Buenos Aires). 2003b. "El Senado anuló las leyes de Punto Final y Obediencia Debida." August 21.

Lopez, Elias E. "Jorge Rafael Videla Dies at 87." *New York Times*. 17 May 2013.

Página 12 (Buenos Aires) 2001d. "La nulidad de Punto Final y La Obediencia Debida: desarmando la impunidad." March 6: 19.

Página 12 (Buenos Aires) 2001f. "La Corte Suprema pidió el fallo de la Corte Interamericana: notificada." March 28: 13.

Simpson, John and Jana Bennett. "The Disappeared and the Mothers of the Plaza," *St. Martin's Press*, 1985.

Interviews

Adriana Calvo de Laborde (file No. 2531), interview by Comisión Nacional sobre la Desaparición de Personas, Buenos Aires, Argentina, 1984.

A.G. (file No. 6532), interview by Comisión Nacional sobre la Desaparición de Personas, Buenos Aires, Argentina, 1984.

C.G.F. (file No. 7372), interview by Comisión Nacional sobre la Desaparición de Personas, Argentina, 1984.

Elena Alfaro (file No. 3048), interview by Comisión Nacional sobre la Desaparición de Personas, Buenos Aires, Argentina, 1984.

Juan Matias Bianchi (file No. 2669), interview by Comisión Nacional sobre la Desaparición de Personas, Buenos Aires, Argentina, 1984.

Maria Bretal (file number unlisted), interview by Comisión Nacional sobre la Desaparición de Personas, Buenos Aires, Argentina, 1984.

Norberto Liwsky (file No. 7397), interview by Comisión Nacional sobre la Desaparición de Personas, Buenos Aires, Argentina, 1984.

L.L.J. (file number unlisted), interview by Archivo Nacional de la Memoria, 1999.

Primary Sources

Conadep. *Nunca más: Informe de la Comisión Nacional sobre la desaparición de personas.*

Universitaria De Buenos Aires, 1984.

Gambaro, Griselda. *Information for Foreigners.* Northwestern University Press, 1992.

Pavlovsky, Eduardo A. *Paso de Dos.* Búsqueda de Ayllu, 1989.

Peron, Eva. *La razón de mi vida.* 13th ed. Buenos Aires: Ediciones Peuser, 1952.

Portnoy, Alicia. *The Little School: Tales of Disappearance and Survival in Argentina.* Cleis Press, 1986.

Secondary Sources

Andreassi, Celina. "The History of Peronism." *The Argentina Independent*, October 11, 2011.

Arditti, Rita, "The Grandmothers of the Plaza De Mayo and the Struggle Against Impunity in Argentina." *Meridians* 3, no. 1 (2002): 19-41.

Argibay, Carmen M. "Sexual Slavery and the Comfort Women of World War II." *Berkeley Journal of International Law* 21.2 (2003): 375-76.

Chirot, Daniel. *Modern Tyrants: The Power and Prevalence of Evil in Our Age.* Princeton University Press, 1994.

Dahl, Enrique and Alejandro M. Garro. "Argentina National Appeals Court Judgment on Human Rights Violations." *International Legal Materials* 26, no. 2 (March, 1987): 317-372.

Etchecolatz, Miguel O. *La Otra Campana del Nunca Más.* William F. Somers, 1988

Feitlowitz, Marguerite. *A Lexicon of Terror: Argentina and the Legacies of Torture.* Oxford University Press, 1998.

-----, "Dance of Death: Eduardo Pavlovsky's "Paso de Dos." *TDR* (1988-) 35, no. 2 (1991); 60-73.

Fournier, Dominique. "The Alfonsín Administration and the Promotion of Democratic Values in the Southern Cone and the Andes." *Journal of Latin American Studies* 31,

- no. 1 (February 1, 1999): 39–74.
- Funari, Pedro. *Memories from Darkness: Archaeology of Repression and Resistance in Latin America*. Springer Science & Business Media, 2009.
- Hagan, John. 2003. *Justice in the Balkans*. Chicago: University of Chicago Press.
- Hayner, Priscilla. “Fifteen Truth Commissions- 1974 to 1994: A Comparative Study.” *Human Rights Quarterly* 16. (November, 1994): 597-655.
- Jarvis, Michelle. *Women 2000*. Thesis. Beijing, China. Fourth World Conference on Women, 1998.
- Larraquy, Marcelo. *Lopez Rega: La Biografía*. Sudamericana, 2003.
- Lentz, Harris M. *Heads of States and Governments Since 1945*. Routledge, 2014.
- Lewis, Paul H. “Was Peron a Fascist? An Inquiry into the Nature of Fascism.” *The Journal of Politics* 42, no. 1 (1980): 242–56.
- Manzano, Valeria. *The Age of Youth in Argentina: Culture, Politics, and Sexuality from Perón to Videla*. University of North Carolina Press, 2014
- Memoria Abierta. *Y Nadie Quería Saber*. Asamblea Permanente por los Derechos Humanos, 2012.
- Munck, Ronaldo. “The ‘Modern’ Military Dictatorship in Latin America: The Case of Argentina (1976-1982).” *The Journal of Latin American Perspectives* 12, no. 4 (1985): 41-74.
- O’Donnell, Guillermo A. *Modernization and Bureaucratic-Authoritarianism: Studies in South American Politics*. University of California, 1973.
- Osiel, Mark, “The Making of Human Rights Policy in Argentina: The Impact of Ideas and Interests on a Legal Conflict.” *Journal of Latin American Studies* 18, no. 1 (1986): 135-180.
- Perkins, Jewel. “Motherhood and Political Action During Argentina’s ‘Dirty War’ An Analysis of Argentinean Feminine Literature.” *Annual Review Of Undergraduate Research, School of Humanities, Social Sciences, College of Charleston* 4 (2005).
- Philip, George. “The Fall of the Argentine Military.” *Third World Quarterly* 6, no. 3 (1984): 624-637.
- Pion-Berlin, David. “The Fall of Military Rule in Argentina: 1976-1983.” *Journal of Interamerican Studies and World Affairs* 27, no. 2 (July 1, 1985): 55–76.

- , *Through Corridors of Power: Institutions and Civil-Military Relations in Argentina*. Penn State University Press, 1997.
- Sikkink, Kathryn. "From Pariah State to Global Protagonist: Argentina and the Struggle for International Human Rights." *Latin American Politics and Society* 50, no. 1 (2008): 1–29.
- Speck, Paula K. "The Trial of the Argentine Junta: Responsibilities and Realities." *University of Miami Inter-American Law Review* 18.3 (1987): 492-534.
- Ranis, Peter. "Early Peronism and the Post-Liberal Argentine State." *Journal of Interamerican Studies and World Affairs* 21, no. 3 (1979): 313–38.
- Robben, Antonius C.G.M. "How Traumatized Societies Remember: The Aftermath of Argentina's Dirty War." *Cultural Critique*, no. 59 (2005): 120-164
- Roehrig, Terence. "Executive Leadership and the Continuing Quest for Justice in Argentina." *Human Rights Quarterly* 31, no. 3. (August, 2009): 721-747.
- Taylor, Diana. *Disappearing Acts: Spectacles of Gender and Nationalism in Argentina's "Dirty War."* Duke University Press, 1997.