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Argentina's Trials

New Ways of Writing Memory

by

Susana Kaiser

The last Argentine dictatorship (1976–1983) left a legacy of an estimated 30,000 *desaparecidos* (disappeared people). Three decades later, the wall of impunity is now being torn down. Trials are spreading across Argentina and hundreds of repressors are being judged. These trials are public spaces for collective memory making, political arenas for competing memory battles, and forums in which new information and perspectives about what happened under state terrorism continually emerge. Through the testimonies of survivors and the claims of the defense teams we gain new knowledge about the level and scope of the human rights abuses, how the repressive apparatus worked, the everyday “normality” of state terrorism, and society’s complicity.

Keywords: Argentina, State terrorism, Human rights, Trials, Justice

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You have arrived at a form of absolute, metaphysical torture that is unbounded by time: the original goal of obtaining information has been lost in the disturbed minds of those inflicting the torture. Instead, they have ceded to the impulse to pommel human substance to the point of breaking it and making it lose its dignity, which the executioner has lost, and which you yourselves have lost.

Rodolfo Walsh, 1977

During her testimony at one of the hearings examining the case against those accused of the crimes committed at Escuela Superior de Mecánica de la Armada (Navy Mechanics School—ESMA), one of the most notorious clandestine centers for torture and extermination, Lila Ferreyra, the compañera of the renowned writer, journalist, and political activist Rodolfo Walsh, quoted him on torture as indicated above. Walsh wrote these words in an open letter to the military junta on the first anniversary of the 1976 military coup, accusing the dictatorship of mass human rights violations.¹ He mailed as many copies of the letter as he could. Ambushed the same day the letter was sent out, he resisted capture, defending himself with the weapon he carried. Apparently, he was already dead when he arrived at ESMA. Thirty-three years later, Ferreyra repeated his words in response to a defense lawyer's asking her why Walsh didn't want to be taken alive. She stated that he knew what torture was and knew about the specific tortures being employed; she recited the fragment of Walsh's letter while looking firmly at the accused, their lawyers, and the public in the courtroom. It was an extremely powerful moment, comparable to a gripping theatrical performance that leaves the audience ecstatic and speechless. The woman sitting next to me grabbed my arm and whispered, "We'll have to read the letter again"—one example of the tone of these trials and the multiple levels on which they connected with the public.

On August 1, 2011, I was attending a hearing on the Plan Sistemático de Apropiación de Menores (Systematic Plan for the Appropriation of Children), the case against those responsible for seizing an estimated 500 children as spoils of war. Some were toddlers kidnapped with their parents; most were born in captivity to prisoners who were later disappeared. As of October 2014, Abuelas de Plaza de Mayo, the organization of activist women searching for their grandchildren, had recovered 115 children. At the request of a defense lawyer, the judge asked the witness, Miguel D'Agostino, to be more precise. He replied: "The only way for you to enter into a concentration camp is through our memories. It's a big effort to narrate this in a way that can be helpful for judging and sentencing. [Memories] are the only way to travel to those times. And they are imprecise." This was another powerful and emotional statement, admitting the limitations and imprecision of survivors' memories while recognizing that, in the absence of confessions from torturers and assassins, the hazy memories of survivors are our only window into what happened in the torture centers three decades ago. The impact of this testimony was obvious in the courtroom.

The last Argentine dictatorship (1976–1983) significantly restructured the economy and imposed a program of state terrorism aimed at eliminating political dissent. It left a legacy of an estimated 30,000 *desaparecidos* (disappeared people). Human rights violations included kidnappings, vicious torture, assassinations, disappearances, "death flights" in which living prisoners were thrown into the ocean, and the stealing of babies. The return to civilian rule set precedents with a truth commission (1983–1984) and trials for the military juntas (1985), which were followed by legalized impunity (1986–1987) and presidential pardons (1989–1990) for many perpetrators.² Unyielding campaigns for justice continued; in 2005 the Supreme Court

nullified the impunity laws. Three decades after the terror, the wall of impunity is now being torn down. Trials are spreading across Argentina, and hundreds of *repressores* and *genocidas* (torturers, assassins, “disappearers” [of people], and their accomplices) are being judged. These historic trials are a leading example of what Sikkink (2011) calls a “justice cascade.” Prosecutor Gabriela Sosti (quoted in Dandan, 2012: 16) argues that they are “exceptional because they are trials of history, of the State, not of a common criminal.” Noting that the repressors on trial are part of a larger context in which the criminal is the state, she adds that the trials are judging not military officers “but a state policy that became genocidal.”

This essay discusses what is unfolding in these trials. I seek to answer a simple question: What memories of the dictatorship are being written at the trials? I argue that these trials are public spaces for collective memory-making, political arenas for competing memory battles, and forums in which new information and perspectives about what happened under state terrorism continually emerge. Through the testimonies of survivors and the claims of the defense teams we gain new knowledge about what happened in the time of the terror, the level and scope of the human rights abuses, how the repressive apparatus worked, the everyday “normality” of state terrorism, and society’s complicity, including the collaboration of the Catholic hierarchy, corporations, and members of the establishment—the political economy of the repression. In addition to the legal aspects, I am interested in what happens in the courtroom—the performance of the main actors and the public attending the hearings. I look at plaintiffs, the accused, lawyers, witnesses, the perceived impact of the testimonies, and the layers of interaction within publics.

I base my analysis on ethnographic observation of hearings in 2010 and 2011 that were part of two trials that took place in Buenos Aires. The first was the Megacausa ESMA 1 trial, which began in December 2009; the 18 accused were sentenced in October 2011. The second

was the Plan Sistemático trial, which began in February 2011; the 8 defendants were sentenced in July 2012. I gathered all the data analyzed here myself, including survivor testimonies, defense allegations, observations about the performance of different actors and the exchanges within publics. Unless I quote directly, I don't indicate the specific trial or date of hearing where the statements were made, as many were present in several testimonies. First, I introduce the concepts that frame my analysis. Next, I give some background about the trials, and then focus on the hearings, the witnesses, and the testimonies. I conclude with reflections about society's participation in the trials and the potential impact of these legal proceedings on the reconstruction of the nation's collective memories.

CONCEPTUALIZING THE DISCUSSION

These trials took place within a specific historical, mnemonic, cultural, and political environment, and at the specific locations where the crimes were committed. These “spatial and temporal coordinates” (Douglas, 2006: 518) shape the writing of history and memory in the courtroom. Location and time characterize emblematic trials for mass political violence. Nuremberg, the first trial for crimes against humanity, took place immediately after WWII, in close proximity to the events being investigated and the locations where the crimes were committed. Fifteen years after the Holocaust, Adolph Eichman was judged in Israel, far from where the crimes took place, but a place where many Holocaust survivors resided; Milosovic's trial in The Hague was far from both the crimes committed in the Balkans and the victims. The Argentine trials are taking place at the specific locations where the crimes were committed and where many survivors and those who endured the dictatorship live. All Argentines can witness

these proceedings firsthand. Criminals are being judged for atrocities that happened three decades ago—at a great temporal remove but in a milieu in which memories of state terrorism have been under construction for many years.

In his seminal study of collective memory, Halbwachs (1980: 157) argued that individuals remember as group members and that each social group's memory has its own spatial and temporal frameworks. Groups battle for the acceptance of their versions of the past, and a society's memories are constantly evolving, subject to manipulation and challenges as well as negotiation and definition in the context of debate (see Fentress and Wickham, 1992; Popular Memory Group, 1982). In Argentina, different memories of the dictatorship compete for hegemony. The hearings become a battlefield for two major memory frameworks: the memories of the victims and those of the perpetrators. Each framework can be explored with Burke's (1989: 107) queries: "Who wants whom to remember what and why? Who wants whom to forget what and why?" If the "whom" is Argentine society, the "what" and "why" are the many versions of this traumatic past and the political motives behind their promotion. As George Orwell (2003: 255) said, "He who controls the past controls the future. He who controls the present controls the past."

As forums for memory writing, the trials make public a combination of known information and new facts. Nothing completely new is discovered about *what* happened, but there is new information about *how* it happened, and many details about the repressive apparatus are revealed. Through these new insights, the hearings provide some answers about *why* it happened. Thus they fulfill a didactic function: memory and history filter into the courtroom, particularly through survivors' voices, turning the hearings into a lesson in history (Douglas, 2006: 515–516). Moreover, survivors' statements about their political affiliations provide

essential background information. Previous research had revealed little about the disappeared's political activism, suggesting that, in the transmission of memory, the "ideological, political, or economic causes of the terror had been largely ignored" (Kaiser, 2005: 41). These trials are veritable "memory knots," events that "force charged issues of memory and forgetfulness into a public domain" (Stern, 2006: 120). In bringing the dictatorship back into the public sphere, the hearings unveil competing versions of the past and grant survivors a space to share their ordeals. The public rendering of victims' private memories, as Thomas (2009: 98) notes, "plays a significant role in the communicative construction of a collective memory," adding another layer to Villalón's (2012) analysis of the truth commission's testimonies and their role in collective memory-making. They are a key source for understanding what happened under the reign of terror and the aftereffects of those events.

The brutality of state terrorism is well known. At the beginning of civilian rule, there was wide sensationalist coverage of the dictatorship's crimes. Horror became a profitable business for the same media corporations that had previously praised the dictatorship (Kaiser, 2005: 149), but still, society learned about unspeakable crimes. The Nuremberg trials, mostly based on documents, had a shocking moment when the prosecution presented a human head with the skull bone removed, shrunken and stuffed; "icons of atrocity" such as this and proofs of barbarism revealed that "civilized" Europeans were shrinking heads like the "primitive" Jivaros in Ecuador (Douglas, 1998: 39, 42–44). Reflecting on 9/11 and our unexamined everyday violence, Scheper-Hughes (2004: 225) observes that "we have faced the terrorist . . . and she is also ourselves." Human beings like us committed those savageries; knowing this magnifies their horror.

At the ESMA 1 and Plan Sistemático trials, icons of atrocity were presented via survivors' accounts and prosecutors' allegations. These fell into two categories, one referring to

the brutalities endured by victims (comparable to the above-mentioned shrunken head) and the other may appear less blatantly vicious but reveals the coexistence of horror with apparent “normality,” such as ESMA’s torturers toasting with their victims to celebrate Christmas. In his analysis of Primo Levi’s description of the soccer games between prisoners and SS guards in the Nazi concentration camps, Agamben (2004: 441) says, “This match might strike someone as a brief pause of humanity in the middle of an infinite horror” but “this match, this moment of normality, [was] the true horror of the camp,” further arguing that, even if we think “that the massacres are over [...] the match is never over; it continues as if uninterrupted.” The trials challenge society to address this facet of the horror. The impact of the atrocities camouflaged by humanity persists in recurrent afterthoughts: Did that really happen? Did torturers really take their victims to a weekend house for a barbecue?

THE TRIALS

I wonder if it is possible to determine exactly who is guilty and responsible for the crimes. Pilar Calveiro (1998) convincingly demonstrates that the camps of torture and extermination cannot be seen as aberrations, isolated from society. Habermas (1997: 7) further articulates this idea, claiming that “there is such a thing as collective responsibility for the mental and cultural context in which mass crimes become possible.” The trials focus on a few repressors. Is no one else responsible? Are these men the only ones to blame for 30,000 disappeared? Witnesses’ testimonies and the allegations of the defense lawyers provide some answers to these questions. We may also wonder which members of society feel guilty and responsible. Krog (2000: 123) identifies categories of guilt formulated by German theologians

after World War II that apply to the Argentine context: the criminally guilty, who committed the crimes, including the torturers and those who orchestrated the repression; the politically guilty, including politicians and the political class that supported and benefited from state terrorism; the morally guilty, including those who were passive or paralyzed by fear and allowed the atrocities to happen; and, finally, the metaphysically guilty, who feel guilty for having survived while others did not. If the trials trigger these thoughts in participants, including the accused, the survivors, lawyers, judges, the public in the courtroom, and society in general, how do these reflections shape collective memory-making?

THE COURTROOM

The trials are public. Anyone with an ID can get a pass to attend. You only need to answer one question: “Are you here for victims/prosecution or accused/defense?” Your answer determines where you sit. While this separation helps to prevent incidents between two extremely polarized sectors, the requirement to publicly state your affiliation may surprise some people. The hearings for the two trials were held in the main hall of the Comodoro Py courthouse. A glass panel divides the courtroom’s ground floor: on one side of the panel are the judges, facing the audience and the legal teams: the victims’ team is on the left, where the prosecutor and the plaintiffs’ lawyers sit; the right side is for the accused and their lawyers. (With few exceptions, the accused are not present. They can choose to attend, but they are required to be present only for the reading of charges, the verdict, and the sentencing.) The public attending in support of the victims, including survivors and relatives, sits on the other side of the glass. They face the judges, the witness stand, the big screen for teleconference testimonies, the lawyers’ backs, and the screens showing what is unfolding in the courtroom.

Perpetrators' supporters sit in the balcony with the press. The number of victims' supporters varies from a full house for key testimonies to just a dozen people at other times. I couldn't assess the public supporting repressors but I understand that there is always a loyal group.

Scheffer's (2002: 4–5) description of the English Crown Court points to comparable seating patterns circumscribing conditions of witnessing, as a restriction that keeps everybody in place. This arrangement determines the layers of possible links and interactions. Sitting with the victims' supporters, I observed the impact of the testimonies on those close to me. This perspective was not available to the judges, separated from the public by the lawyers, prosecutors, and accused and the glass panel. Nor was it available to the journalists upstairs, who could only observe the reactions of those supporting the accused. At the hearings I attended, journalists did not approach the victims' supporters. Thus contact between publics, judges, victims, the accused, prosecutors, lawyers, and journalists is limited. Although I have concerns about dividing publics, I am aware of the potential disruptions that this separation deters. How would someone feel sitting next to the wife of the person accused of causing the disappearance of her father?

Supporters of victims and accused do not interact in the courtroom. Encounters take place while standing in line to process admission passes, in elevators, in the corridors, and in the cafeteria. Everyone seems to know which side everyone else supports. This is reflected in the way we look at each other and feel observed and scrutinized, the way we silently judge and condemn, for example, when sharing an elevator with intimidating supporters of the repressors. These grandfatherly-looking men, most of them retired military officers, appear to me to be capable of committing (and maybe responsible for) the same atrocities for which defendants are facing trial. I have been told about repressors' supporters making loud, threatening comments

meant to be heard by victims' supporters, including claims that the trials will be forgotten when the current administration leaves office and the accused and/or condemned will be freed.

Another important level of interaction occurs among the victims' supporters. There are "hearings groupies," quickly integrated by the others, who do not need much time to determine how people attending the trials think, the reasons they are there, and their level of commitment to human rights. Regularly sitting in the victims' section becomes a political act. As the H.I.J.O.S.³ slogan has it, the accused are "judged by the court, condemned by all of us." This understanding prompts the development of networks, generates trust, and encourages people to open up and share stories and memories, many of which are very personal, illustrating another sphere for collective memory-making. There is a palpable feeling of "We're all in this together," "We speak the same language," "I know that you will listen and understand what I need to say." I have heard about disappeared uncles and sisters, accounts of boarding a flight and leaving the country on the point of being abducted, and reports of witnesses' returning to find their homes turned upside down as a warning.

The courtroom turns into a *lieu de mémoire*, a site for the performance of memory. The court hearing, as Scheffer (2002, 5) notes, "is as visible as a play in theatre: one can sit in the higher ranks to gain an overview of the scene or in the first ranks to set eyes on the main characters sweating and stumbling." My experience observing the hearings was like watching a performance with several acts. I observed the whole environment, the performance of the main actors and the public (metaphorically "from the higher ranks"), and focused on witnesses' testimonies (metaphorically "from the first ranks"). Being a researcher aligned with the victims limited what I observed.

THE WITNESSES

Most of the witnesses are survivors; there are also relatives, fellow activists, and people who may have useful information, such as nurses from the hospitals where babies were born and stolen. Survivors have to go back three decades, enter the torture center once again, and face their torturers, in most cases for the first time since the days they were disappeared. It is hard, and there is fear. As Augusto Boal (1998: 162) reminds us, “in crimes of violence, the victim is silenced by death and the witness by fear; . . . even in nonfatal cases, frequently a victim who is also the principal witness stays silent out of fear, becoming doubly a victim.” Julio López, who survived his first disappearance during the dictatorship, was disappeared again in 2006 after providing key testimony leading to the sentencing of a major genocide in one of the first trials after the nullification of the impunity laws. It was a clear warning to those daring to testify. Witnesses display amazing courage. They feel the responsibility to testify to seek justice and convict the repressors. Peters (2001: 713) refers to the power of those who survived atrocities and their responsibility to bear witness, arguing that “the militancy in the survivor’s voice owes to the battle against oblivion and indifference.” Being the voice of the disappeared can be a burden; as Wardi (1992) argues of the children of Holocaust survivors, those who survived the terror have become memorial candles.

Witnesses must remember, and they are afraid of forgetting. Memory is fragile and unreliable. The recollections of survivors who have been testifying since the beginning of civilian rule about events that happened 30 years ago may have changed since they originally spoke to the truth commission or in the trials of the military juntas. Memory comes and goes, and survivors say “I think” or “I don’t remember.” Relying on memories to judge historical actions is always problematic, but, in spite of imprecisions, testimonies are always about what people

remember having experienced or seen. Moreover, memories may be the only way to achieve access to information.

THE DEFENDANTS

The defense lawyers invoke theories of memory and its unreliability. They refer to survivors' shifting statements, noting that they remember more details with the passage of time, and allude to witnesses' work in reconstructing the events. In doing so, they illustrate the dynamics of the memory construction process and the collective memory of survivors, integrating a mnemonic community. What individuals learn from each other affects the memories they share (Halbwachs, 1980). Defense lawyers often corroborate the atrocities committed. They note that victims were blindfolded to support their claims that survivors' testimonies are unreliable because their situation did not allow them to see anything—a major challenge that survivors face, as portrayed in Ariel Dorfman's play *Death and the Maiden*, in which the protagonist recognizes her torturer and rapist by his voice and smell. To prove their clients' innocence, defense lawyers confirm that decisions about who would disappear in the “death flights” were made on Tuesdays but insist that their clients were not at ESMA during those years. Erasing the phrase “but my client wasn't there” from the record might reveal detailed confessions stated by the perpetrators' own lawyers.

Defense lawyers' aggressive questioning aims to discredit victims' testimonies, often arguing that they are confusing. I have observed witnesses noting the difficulty of understanding what happened without being familiar with the places where the crimes were committed. One survivor responded, “Do you know ESMA? What a pity, my explanation could be much clearer for you” (Plan Sistemático hearing, August 15, 2011).

Many repressors have died or are very old and sick, similar to the Nazi criminals captured and tried decades after their crimes—another instance in which the “efficacy of trying ailing octogenarians” was questioned (Douglas, 2006: 518). But hundreds of them were very young at the time and, now in their sixties, are facing the rest of their lives in jail. Some may be unable to stand trial or claim disability, but there were no instances of the accused’s being transferred back and forth from a hospital in the hearings I attended. The repressors present in the courtroom show no remorse or shame. They are indifferent to what is being said, focus their attention on the books they are reading or on their computers, and smile and wave at their supporters, confirming their disregard for the trials. Defense lawyers, most of them court-appointed, often match their clients’ apathy, reading the newspaper and checking their Facebook pages during hearings. This attitude can be seen as an insult to the victims’ supporters sitting behind them and observing their actions but also as a lack of empathy for the clients they must defend.

THE TESTIMONIES

Witnesses’ accounts help us to grasp the particulars of society’s interaction with state terrorism. Schwarzböck (2007: 66), analyzing films about the dictatorship, notes that we usually judge what happened in the 1970s in terms of what was going on inside the torture centers rather than outside them. This outside is what we must learn more about, and this is one of the historical lessons offered by the trial. The support that certain media gave to the dictatorship is well known; these organizations often acted as de facto propaganda agencies. Several witnesses commented on this collaboration and named journalists who regularly visited ESMA. Testimonies told of the systematic theft of victims’ possessions, ranging from condominiums to refrigerators, including things that belonged to the national patrimony such as Walsh’s

manuscripts. Some of his unpublished works were read at ESMA by personnel gloating about what they now owned. The dictatorship's disregard for requests from foreign governments was exposed by the French lawyer François Cheron, who was sent to Argentina in 1979 by France's president to inquire about the French nuns Alice Domon and Léonie Duquet, both brutally tortured and disappeared. Cheron testified that two repressors now facing trial welcomed him at the airport and, during dinner, laughed and talked about the "flying nuns"—an obvious reference to the nuns being thrown into the sea on one of the death flights.

Some testimonies are veritable tales of insanity, in the pathological sense of the word. Augusto Boal (1998: 150), describing his experience being tortured by the Brazilian dictatorship, argues that "a scene of torture is a scene of inhuman tragedy" and that "as happens in the great Shakespearian tragedies, the most painful scenes are juxtaposed sometimes with scenes of ridiculous farce." For instance, when he asked why he was being tortured, his torturer replied that it was because he had defamed the nation by denouncing torture in Brazil—a real oxymoron, a torturer telling his victim, "I'm torturing you because you say that we torture." Many of the accounts I heard illustrate this juxtaposition of pain with farce, among them the case of a woman who, while being kidnapped, was forced to sing the popular tango *Caminito*—the torturers and their victim, driving towards ESMA and singing tangos.

ESMA's Casino de Oficiales (Officers' Building), headquarters of the repression, had a glass "office" called La Pecera (the Fish Tank) that allowed officers to monitor what was going on inside. There captives were forced into slave labor, performing a variety of tasks such as falsifying IDs, translating "anti-Argentine" articles published in *Le Monde Diplomatique* or the *New York Times*, and analyzing political documents for the navy officers. According to a survivor, it was "a kind of madness offices in the middle of nowhere" (ESMA 1 hearing, June

17, 2010). ESMA had “branches,” one of which was at a house where its leaders hid documents; another was at Admiral Massera’s (head of the navy) offices, which he had stolen at gunpoint from prisoners who were later disappeared. Lawyer Cheron testified that Massera offered to have an employee go shopping for his family. Surprised that this young woman wore a necklace with the Star of David in that environment, he asked her why she was working for the navy. Her expression was enough to make him understand the situation. As confirmed later, she had been disappeared at ESMA.

Many torture centers housed maternity wards. Consistent with its strategy of “leaving no trace,” Argentina’s dictatorship implemented a campaign of systematically seizing babies; it created a “baby factory” in which pregnant prisoners were kept alive until they gave birth. One of the most compelling testimonies I heard was about stolen babies: “Thirty years later, I wonder how we didn’t realize that they would keep the babies. They took everything, our goods, our bodies, everything. I couldn’t imagine something so atrocious. How can a human being punish another one to the extent of taking away her baby?” (Miriam Lewin, Plan Sistemático hearing, August 2, 2011). These few words summarize the inhumanity of this act as a method for destroying individuals, “their human substance,” as Walsh said, and taking everything away from them. ESMA had a sector for pregnant women; physicians collaborating with the navy helped with the deliveries. Cruelty had no limits: the same men who tortured and killed the biological parents of the babies then appropriated some of the babies for themselves. Those given to military families received fancy outfits from Les Bebés, an exclusive store in Buenos Aires. Neighbors of navy personnel have said of the distribution of the babies, “They were given as if they were just little kitties” (Kaiser, 2005: 114).

A state of “normality” can exist under a state of fear. There was a feeling of everyday life as usual, with tourists visiting the country and Argentines traveling around the world. Testimonies attest to the two sides of state terrorism: terror and “life goes on.” Examples of this apparent dichotomy constantly emerge. A terrified and paralyzed society chose not to see; everyone knew that something atrocious was happening (Kaiser, 2005). The trials may force many to remove their blinders.

Witnesses remind us that torture centers were located in highly populated areas in the midst of the urban landscape. ESMA is a compound of 35 buildings surrounded by gardens, located in a residential neighborhood facing a wide, high-traffic avenue lined with upscale apartment buildings with terraces overlooking the compound. Survivors mention the “sounds of normal life” surrounding them, like the noises during recesses at the trade school next door. Some people lived right next to a torture chamber where activities were constant and loud. The Casino de Oficiales, where prisoners were housed and tortured, was also the place where officers lived, socialized, and invited their women. The ESMA director had a house there in which his daughter celebrated her fifteenth birthday with a party. This juxtaposition of horror and “normality” also took place outside ESMA. Prisoners were sometimes taken to a weekend house to spend the day and attend a barbecue with the torturers’ wives and children. When Argentina won the 1978 World Cup, some prisoners were taken out into the streets, where everyone was celebrating the triumph. What were they supposed to do? Yell out “I’m disappeared at ESMA”? Who would have believed them? Referring to these “field trips,” a witness mentioned that there was a lot of going in and out of the torture centers and it was worse being outside than inside: “When you were outside, you knew you were going back” (ESMA 1 hearing, June 14, 2010). Repressors made sure that prisoners were always aware of their vulnerability, telling them what

they had done before and would do again. Contact with the outside world included repressors' taking victims to visit their families or going on their own to the captives' homes. One Father's Day, a torturer visited a prisoner's father and took him a tie on behalf of his daughter. Meeting torturers and learning about their relatives' ordeals turned families into hostages, another means of instilling fear.

A survivor testified that, when she arrived at ESMA, she was surprised to see some prisoners wearing makeup, jewelry, and embroidered tunics. She was told that the navy officers liked seeing prisoners well-dressed because it was a sign of their "recovery"—meaning abandoning their political ideas and adopting the repressors' ideology. The navy had a plan to reeducate activists, and many prisoners pretended to go along with it. On occasion the torturers would wake the chained prisoners in the middle of the night and order them to clean up and get dressed, asking them to choose outfits from a storage room filled with goods stolen from the disappeared. Treated as escorts, they were taken to La Costanera, a popular area along the river, for late dinners; they had to pretend to enjoy dinner with their torturers. While listening to this testimony, I couldn't stop thinking about the many Argentines, myself included, having dinner there during those times and the possibility that disappeared women and their torturers might have been sitting at the next table.

The Catholic hierarchy had close ties with the dictatorship and the ESMA torturers. When the Inter-American Commission of Human Rights visited Argentina at the peak of the repression, ESMA's prisoners were hidden on an island owned by the Church appropriately named El Silencio (The Silence). A survivor reported that, while exiled in Europe, her torturer took her on a pilgrimage to the sanctuary of the Virgin of Lourdes. When a prisoner's husband was killed, her ten-year-old daughter was brought to ESMA, where another woman had just

delivered a baby. The repressors decided to baptize the girls and took both women and their daughters to an upper-class neighborhood church where the priest, a cousin of one of the torturers, baptized them. The torturers acted as “godfathers” to the girls, making comments like “We hope that these girls won’t be as bad as their mothers” (ESMA 1 hearing, June 9, 2010).

The few prisoners who were released were not totally free and lived under constant supervision. If allowed to leave the country, they had to send letters to the repressors letting them know how they were doing—as if they had had a wonderful time together. One survivor testified that after she had settled in Spain she had reported once a month to José Lataliste, the Argentine businessman who owned Mau Mau, the best-known disco in Buenos Aires during the 1970s. Lataliste acted as the navy’s overseas parole officer—a link between the business elite and the military, an example of the collaborations that made the horror possible. Similarly, an executive from the Ford Motor Corporation visited ESMA on weekends and participated in torture sessions.

FOOD FOR THOUGHT

In these Argentine trials, a memory-making process is taking place in which different versions of the past compete for hegemony. Survivors’ stories allow us to develop a comprehensive account of what went on inside the torture chambers and, most important, its many links with the outside. New knowledge about victims’ political activism helps us to understand the reasons for the brutal repression. In spite of silences and denials, confessions are implied in defense lawyers’ statements acknowledging the crimes while arguing that their clients “were not there.” In the political battles for control of the past, justifying the dictatorship as a

holy crusade to defend Christian and Western values is losing ground. What is emerging at the trials confirms that this era was one of the darkest periods in Argentina's history.

The key questions are Who is watching? How does society participate in this historical process? What are the effects of attending the hearings? How are the media covering the trials? How will the memory work taking place at the trials shape Argentines' collective memories?

The courtroom may be packed or almost empty depending on the day and the relevance of the witnesses. Low attendance may be due to the fact that the trials last many months, the fact that people have to work, lack of interest, fear of facing the truth, or acceptance of an environment of impunity fostered during the years in which laws prevented trials. Human rights organizations encourage society's participation, as do pro-human rights media and university professors who require students to attend the hearings. With few exceptions, the mainstream media have ignored the trials analyzed here.⁴

We should be concerned about lack of public attendance at the hearings and the limited media coverage. The hearings offer the opportunity to witness the performance of memory in the courtroom, vicariously witnessing, through the testimonies, what went on during the dictatorship. The hearings let the public experience secondhand the suffering of those who were held, tortured, assassinated, or disappeared. And witnessing has effects; becoming aware has political consequences. The responsibility to act is at the core of witnessing (Peters, 2001; Rentschler, 2004).

We can only speculate about the consequences of the hearings for those who attend them or learn about them via the media, and what actions this may prompt if witnesses begin to assume responsibility. Judging from what I observed, participating in the hearings seems to be a transformative experience for everyone. I have seen the impact that testimonies have on

people—their faces transformed when they leave the courtroom after a long day of hearings. Witnessing these historic trials may prompt support for the process of accountability and an insistence on more information about what happened and why.

The potential long-term effects of the trials and their role in the writing of memories are still open questions. An ongoing process of accountability is taking place across Argentina. As a case study, the analysis of these trials contributes to the development of empirically grounded theory about memory transmission and reconstruction following traumatic political events that happened long ago. Further research should explore what collective memories are being written at the trials, how society gains access to what unfolds there, how society is processing this information, how it affects people's memories of terror, and how these memories shape political action.

The trials are uncovering new information about the links between state terrorism and society. Broadening the discussion to include more than just the genocides on trial might force society to reflect on its role in and responsibility for the terror, and on the political and moral guilt that some may feel. Memory is a dynamic process, and the collective memories of state terrorism will continue to evolve. What is remembered about those years may be changed forever, including how those who lived under terror will answer this simple question from younger generations: what did you do during the dictatorship?.

NOTES

1. The ESMA compound now houses a “space for memory,” a museum, and several human rights and cultural organizations. The text of Walsh's open letter is inscribed on large glass panels in the compound's park.

2. Law No. 23493, “Full Stop” (December 23, 1986) and Law No. 23521, “Due Obedience” (June 4, 1987); Decrees of pardon Nos. 1002-05 (October 7, 1989) and 2741-43 (December 30, 1990).

3. Hijos por la Identidad y la Justicia Contra el Olvido y el Silencio (Daughters and Sons for Identity and Justice against Forgetting and Silence) is an organization founded by the adult daughters and sons of the disappeared, murdered political activists, and activists forced into exile. It now includes members without biological ties to direct victims.

4. There was no television broadcast of these trials. A Supreme Court resolution guarantees broadcasts of the beginning and the end of a trial but allows the judge to decide how public the rest of the trial should be. My study of the coverage of these trials in five Buenos Aires newspapers revealed major differences in the number of articles; an analysis of ESMA 1 coverage from the beginning of the trial to the sentencing (November 2009–October 2011) revealed 162 articles in *Página/12*—a pro-human rights publication—and 31 in *Clarín*—the newspaper with the largest circulation in the country (Kaiser, 2014).

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