

# Violence Expressed

An Anthropological Approach

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## Chapter 9

# Silence, Denial and Confession about State Terror by the Argentine Military

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### Introduction<sup>1</sup>

'We still had hopes for some sort of confession; that he would say what they had done with the children' declared Rodolfo Yanzón the day after Héctor Febres was found dead in his cell, only days before being sentenced for the abduction and torture of four civilians during the 1976–1983 Argentine dictatorship (Moores 2007a). The sixty-six year old retired intelligence officer Febres, also known as Fat Orlando, Selva and Daniel, had been in prison since December 1998 on an indictment for baby theft. Febres had pertained to the coast guard and had been stationed at the Navy Mechanics School (ESMA, *Escuela de Suboficiales de Mecánica de la Armada*, previously *Escuela Superior de Mecánica de la Armada*) in Buenos Aires. It had housed one of Argentina's most infamous secret detention centres. Looked down upon by the naval officers and humiliated in the presence of the captives, Héctor Febres had mostly been in charge of the pregnant inmates and made name as a ferocious torturer. Febres was found dead on the morning of 10 December 2007. It was known that he suffered from diabetes, had a history of heart problems and had become deeply depressed during his eight years in prison. At first a heart attack was suspected, but the autopsy established cyanide poisoning between midnight and 2:00 am of Monday 10 December as the cause of his death. The question was now whether it had been suicide or murder. Rodolfo Yanzón, the lawyer of the torture victims, suspected an assassination: 'This is a message so that nobody is going to talk [about the illegal repression]; of the existence of a pact of silence and that nobody is going to be convicted' (Moores 2007b).

Within days, Febres's wife, son and daughter and the two guards on duty at the Coast Guard prison in Tigre were arrested. Speculations abounded in the press, most assuming that Febres had been assassinated. Febres had been held in a comfortable one-bedroom prison-apartment with all means of communication at his disposal, free to receive visitors. A naval intelligence officer had visited Febres a few days before his death, allegedly telling him to keep his mouth shut because otherwise he

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would be eliminated (Meyer 2009). His wife and two children had seen Febres on the eve of his death, and his daughter had apparently tampered with the computer in his cell; supposedly regarding a secret bank account or confidential information. One month after the death, the two prison guards Angel Volpi and Rubén Iglesias were indicted for murder. Volpi had had dinner with Febres on the eve of his death. Forensic experts determined that the cyanide had been orally ingested after dinner. Judge Sandra Arroyo Salgado believed that Febres was assassinated to prevent him from talking about the baby thefts at the Navy Mechanics School, because a manuscript had been found in his cell, entitled 'Marti- (children) tell everything' (Abiad 2008). The title referred to a captive who had been allowed to go into exile with her two children. Febres had told his physician and his relatives that he was not going to be the Navy's fall guy. He said: 'This folder contains what I'm going to say at the trial. It'll serve to release me. It's going to be a bombshell' (Meyer 2009). At the moment of writing, the case is still pending in court and the prison guards Volpi and Iglesias have been released from detention.

The mysterious death of Héctor Febres reveals the intertwinement of multi-level expressions of violence and strategies of silence, denial and confession. It is suspected that the naval and coast guard officers are involved in Febres's death to preserve their institutions' integrity and protect comrades with tainted pasts. The premature death, whether through suicide or assassination, also suggests a pact of silence among perpetrators which Febres threatened to break. From the perspective of the victims, Febres's death prolonged their suffering by preventing him from telling the truth and allowing indicted officers to continue to deny that babies had been kidnapped and their mothers had disappeared or were assassinated. Damage was thus not only done to the victims' but also to society's sense of justice. Febres escaped his sentencing due to a stay of proceedings, and his death added to the impunity of almost two hundred other indicted perpetrators who died before being convicted (CELS 2009: 71).

The distinct meanings of the multi-level connections emanating from Febres's premature death can be discerned in many other situations of human rights violations in Argentina because of the similarities in the silence, denial and confession strategies of perpetrators and their apologists. This chapter focuses on the ways in which Argentine perpetrators have tried to erase the traces of their violence, silence their victims, reject any wrongdoing, deny and finally admit to their responsibility for the state terror inflicted on Argentine society. Their strategies have unfolded at different levels of social complexity, have taken place in different areas with diverse interlocutors and audiences. They have yielded distinct expressions of violence and have even resulted in continued manifestations of violence after Argentina's turn to democracy. Witnesses and repentant perpetrators have been intimidated, disappeared or were assassinated in order to prevent the prosecution of the repressors. This intertwinement of repression and justice calls for a rethinking of the tension between the reproduction and inexpression of violence in the aftermath of state terrorism. It demands due attention to the permeable boundary

between representations and manifestations of violence, and requires a theoretical elaboration of the strategies of silence, denial and confession.

### **Rhetoric and Logics of Denial**

Theories differ in the conceptual ways in which scholars interpret the denial of perpetratorhood. The sociologist Cohen (2001) focuses for instance on the rhetoric of deniers, whereas the historian Lipstadt (1993) concentrates on the logics of Holocaust denial. I will draw on both approaches to create a conceptual framework with which to analyze the logics and rhetoric of denial of Argentine perpetrators of violence. The logics of denial relate to the reasoning for inflicting violence and involve the interpretation of the violence unleashed. The rhetoric of denial applies to the art of challenging the credibility of accusations about inflicting such violence.

Lipstadt's analysis of the logics of Holocaust denial can be generalized to the denial of other forms of massive violence because they refer to political rationalities and not to personal conducts and responsibilities (Lipstadt 1993). The Argentine denial logics contain five elements: moral relativism, fate, self-defence and denial of victimhood, economic survival, and media manipulation. Firstly, the Argentine military argued that their repression of the guerrilla insurgency was not less or worse for the individual victims than in other wars throughout world history. They drew a moral equivalence between the Dirty War in Argentina (1976–1983) and all other types of violence to relativize the human suffering they inflicted on the Argentine people. Secondly, the disappearances in Argentina were not caused by a deliberate military strategy, but were the sad and inevitable fate of people in all wars. Thirdly, Argentina had the sovereign right to protect herself against revolutionary insurgents who wanted to overthrow the authorities. The military acted in self-defence, which is why the dead enemies should not be regarded as victims but as legitimate targets. Fourthly, the Argentine revolutionaries wanted to do away with private property and replace the country's capitalist system with a state economy. They would pass control over Argentina's natural resources to the Soviet Union and thus turn the country into a satellite within the expanding communist empire. Finally, the military argued that human rights activists had fabricated their testimonies about the torture and disappearances at the hands of the Argentine armed forces and police. They were successful in planting these lies in Argentine society because whoever controls the media has the truth on his or her side.

These logics of denial have been used in conjunction with the rhetoric of denial by employing the following techniques: One, the human rights violations did simply not occur. Two, the incriminating testimonies, whether by survivors or perpetrators, are false because all witnesses have subjective viewpoints and personal interests. Three, all incriminating documents, blueprints and written sources are forgeries. Four, deniers take 'a small and dubious particle of knowledge

and then use it to dismiss far more substantial evidence' (Lipstadt 1993: 161). If discrepancies in certain documents or testimonies are found, then all documents and testimonies are treated as unreliable. Five, some wrongful actions are admitted but any responsibility is denied (Cohen 2001: 103–13). These logics and rhetoric of denial are found in the discourse of Argentine perpetrators about the Dirty War of the 1970s and early 1980s, as will be substantiated below.

### The Politics of Secrecy, Silence and Denial

Secrecy, silence and denial were deliberate strategies to demoralize and inflict suffering on enemies and adversaries believed by the Argentine military to threaten the existence of their Christian, democratic and capitalist society. These strategies constructed a discursive façade that concealed violent practices specifically designed to avoid future accountability. Abducted citizens were taken to secret detention centres and the right of *habeas corpus* was denied to searching relatives. Final verdicts about the captives were given as oral commands. The bodies were cremated, buried in mass graves or thrown into the ocean. Many torture centres were dismantled after the fall of the military regime. Furthermore, practices of silence were continued after military rule to obstruct incriminating testimonies and confessions during democratic times. Witnesses and repentant perpetrators have been intimidated, disappeared or were assassinated to prevent the prosecution of repressors under indictment, as in the case of Héctor Febres. This intertwining demonstrates how secrecy, silence and denial among perpetrators are dynamic expressions of violence that change with shifts in the political context, and may even reproduce the very violence that is silenced and denied.

Silence and denial come natural to the military because they have been trained to shroud strategies and tactics in secrecy when faced with enemy forces. 'At the root of the rationale for military secrecy, is the imperative of self-preservation.' (Bok 1989: 192) The Argentine military believed that they were engaged in a war with guerrilla insurgents during the 1970s and early 1980s. This belief resulted in state terror against enemies, opponents, and bystanders. The public denial of this systematic repression gave rise to a culture of fear that silenced all and fed the presumption of impunity among perpetrators. 'Silence demands that the enemies disappear suddenly and without a trace. Silence prefers that no voice—of complaint or protest or indignation—disturb its calm. And where such a voice is heard, silence strikes with all its might to restore the *status quo ante*—the state of silence' (Kapuściński 1992: 190). The military made many victims of state terror disappear in a conscious effort to confound guerrilla combatants about the fate of missing comrades, discourage political protest, traumatize surviving relatives, and erase incriminating evidence (Robben 2005a: 278–81).

Secrecy continued into Argentina's transitional democracy after the fall of the repressive military regime. Accusations of human rights violations were perceived as a threat to military institutions and perpetrators from high to low through calls

for military reform and individual accountability. Silence to such charges implied the rejection of the interlocutors' legitimacy, while denial confronted politicians, prosecutors, journalists, survivors and searching relatives openly in an arrogant display of omnipotence. Payne (2008: 9–10) considers such accounts of silence and denial as a distinct performative response to accusations.

The silence of perpetrators in Argentina had the obvious goal to obstruct prosecution and prevent incriminatory truths from undermining the armed forces as one of the traditional pillars of state power. According to Payne (2008: 183), 'Silence is healthier for the military than denial or remorse' because denial makes the past visible and can produce disaccord within the ranks. Silence perpetuates the strategy of uncertainty employed during dictatorial rule and reasserts the military's power in defiance of the law. Still, silence also raises the suspicion of guilt and allows political and ideological opponents to influence society's perception of the past.

Governments, perpetrators and even victims often believe that silence is beneficial to the social reconstruction of a post-conflict society. There is a persistent belief in Western societies that the confrontation of past suffering must be postponed to facilitate the healing of a torn society. Argentina has been an exception with its ongoing debates about the past and the public denial of human rights violations by high-ranking veterans of the Dirty War (Robben 2005b).

### **Silence and Denial about Disappearances during the Military Rule**

The state violence perpetrated by the Argentine armed and security forces between 1976 and 1983 had been premeditated. The disappearance of political opponents had occurred regularly since the 1971–1973 military rule of General Lanusse. It became a means of systematic repression in February 1975 during the counterinsurgency campaign in Tucumán province against Marxist insurgents and was instituted nationwide after the March 1976 *coup d'état*. Captives disappeared, were assassinated and their bodies were secretly cremated, buried or thrown in the Atlantic Ocean. Authorities kept their repressive methods secret and denied any knowledge of disappearances to the searching relatives during the first year of military rule. But they could not ignore the persistent talk about people being abducted from their house, work or on the street (Robben 2005a: 264–9). What began as silence turned into denial in face-to-face encounters with anguished relatives and later developed into public disclaimers in the media by members of the junta.

The official response to accusations of state terrorism by Amnesty International and exiled Argentines expanded the official denials beyond national borders. The junta contracted in 1977 the American public relations company Burson Marsteller to improve its image abroad. Foreign journalists were invited to Argentina in 1978 to gain a favourable impression of the country, advertisements were placed in major newspapers, and a seminar was organized in 1979 at Georgetown University

in Washington, D.C. to create sympathy for the dictatorship (Guest 1990: 69–70). President Videla also addressed the issue:

Argentina has nothing to hide, and nothing about which we have to be ashamed. Certain things have happened here, certainly, we have lived through a war. A war which we didn't call for and didn't want ... In that war, as in every war, there were dead persons, there were prisoners, and there were disappeared persons.<sup>2</sup> The Argentine junta distributed a black book about terrorism to foreign governments containing gruesome pictures of mutilated corpses and facsimiles of newspaper articles to substantiate their claim that Argentina had been suffering from political violence during the years preceding the military coup and was fighting a war against a large guerrilla force (PEN 1979).

This multi-level contest between power holders and political opponents about the interpretation of massive violence can be observed in many other countries in 'a competition to avoid being counted among the perpetrators and to secure one's place among the victims' (Bartov, Grossmann and Nolan 2002: xxiii). The dispute about who has the right to claim victimhood and point an accusing finger has remained with Argentina till today, albeit in various guises and at different social levels according to the political and judicial circumstances.

The defeat of the Argentine armed forces by British troops in the Falklands (Malvinas) War in June 1982 meant the end to the dictatorship. A transitional military government took over and announced national elections for October 1983. The transitional military authorities prepared themselves for the uncertain times ahead by ordering the armed forces in April 1983 to destroy all documents related to the counterinsurgency war (Ejército Argentino 1984: 673).

### **Facing the CONADEP Truth Commission and the Federal Court**

The discovery of a large number of mass graves throughout Argentina obliged the military to come up with a plausible explanation and persuade the Argentine people of their account of the armed confrontation between the armed forces and the guerrilla insurgency. They addressed Argentina as a nation, trying to emphasize the military's organic relation with the Argentine people as one undivided social collectivity in need of a master narrative to make sense of the country's recent history.

This logics of denial consisted of five points. Firstly, the Argentine military had waged a just war which saved the country from ruin and revolution. They should be praised for their heroic victory instead of questioned about their strategy. Even just wars are dirty because clean wars do not exist. Secondly, the counterinsurgency war was fought with the law in hand, while torture and disappearances were the inevitable excesses of war. Thirdly, the Argentine military acted in self-defence by fighting an antirevolutionary war against a guerrilla insurgency supported by Cuba and the Soviet Union. Not the guerrillas killed in combat were the victims,

2 *La Nación* newspaper, Argentina, 31 August 1979.



but the hundreds of troops and policemen who sacrificed their lives for Argentina. Four, the military government rescued Argentina from political disintegration and economic downfall. Five, the unfounded accusations launched against the military were part of an international media campaign organized since 1977 by guerrilla commanders living in exile in Europe. The accusations about forced disappearances and the rumours about torture centres were false. The military presented their response to the insurgency as legitimate self-defence, a reparative use of force to save Argentine society from declining into anarchy, and a redemptive sacrifice of patriotic lives to rescue Argentina's Western, Christian civilization which could now enjoy free democratic elections (Agüero and Hershberg 2005, Marchesi 2005, Robben 2005b).

The electoral campaigns of the two main contestants, the Peronist party (*Partido Justicialista*) run by Italo Luder and the Radical party (*Unión Cívica Radical*) led by Raúl Alfonsín, were influenced by the tension between the military denial and the human rights violations denounced in the media. The Peronists were rumoured to have cut a deal with the military not to prosecute them and thus keep a lid on the past, while the Radicals emphasized the need for truth and justice. Alfonsín won the elections by an absolute majority and in December 1983 he instituted the National Commission on Disappeared Persons or CONADEP (*Comisión Nacional sobre la Desaparición de Personas*) to address Argentina's most pressing concern.

The CONADEP truth commission gathered thousands of oral and written testimonies, made site visits to suspected secret detention centres and conducted exhumations of mass graves. The military discredited the forensic methodology and the quality of the evidence, maintaining that these dead had been killed in internal disputes of the guerrilla organizations. The weight of the truth commission's findings rested therefore principally on the survivor testimonies. Thus, the Argentine military succeeded in confining all expressions of violence to the domain of speech by achieving a discursive equity among perpetrators and victim-survivors, and by creating the ideal circumstances for a rhetoric of denial.

The rhetoric of denial becomes most apparent regarding the issue of the disappeared. An analysis of three decades of public perpetrator discourse demonstrates that the rhetoric of the military interacted dynamically with the growing material evidence produced by courts and human rights organizations in the ways delineated by Cohen (2001: 103): 'Each variant of denial appears in the official discourse: *literal* (nothing happened); *interpretive* (what happened is really something else) and *implicatory* (what happened is justified). Sometimes, these appear in a visible sequence: if one strategy does not work, the next is tried.'

The 1984 truth commission report and the 1985 trial against nine junta commanders yielded so much incriminating evidence that the Argentine people became convinced that the military had exercised a reign of terror. The military reacted in three ways. They reiterated that Argentina had been in a state of war and the armed forces had the constitutional right and obligation to defend its sovereignty. This line of reasoning repeated the logics of denial used since 1983.



The second reaction was to reinforce the discourse with public performances that emphasized that the military were the victims of political persecution. Masses were celebrated for fallen comrades. Plans were made to erect a memorial for the victims of the war against the Marxist subversion and the mothers of fallen officers and soldiers were mobilized as a moral counterforce to the mothers of the disappeared. The military had simply denied their involvement in the disappearances during the dictatorship. This denial, however, was no longer tenable after the sentencing of the junta leaders. They switched their approach to dismissing the testimonies as politically motivated, doubting the forensic evidence, and explaining away the disappearances. The last argument deserves a closer look because it reveals the convolution of the denial rhetoric.

### **A Military Lawyer's Defence Statement**

General Osiris Villegas provided the most elaborate denial in his defence of General Ramón Camps who was being investigated by the Armed Forces Supreme Council for his role in the disappearances in Buenos Aires Province. He began by describing the context in which the allegations had taken place, following closely the abovementioned logics of denial, and concluded that the incidents had been ordinary acts of war:

There are no excesses in war. Violence is used to the maximum possible with the objective to cause the greatest physical, moral and material destruction of the enemy to accelerate the outcome, in order to minimize one's own losses. This is asserted by the one hundred and fifty thousand dead, wounded and disappeared of the detonation of the atomic bombs in Hiroshima and Nagasaki (Villegas 1990: 67).

This reasoning is in obvious defiance of international war conventions and appeals therefore to the just war argument that extreme means are allowed when a state's existence is at stake (Walzer 1977: 252).

Villegas's rhetorical strategy consisted of sowing doubt about the charge by human rights organizations that the state had made thirty thousand people disappear, and was aimed at raising reasonable doubts in the court. A judicial truth and not a historical or political truth was at stake and the denial rhetoric was therefore formulated in legal terms. Villegas made a distinction between disappeared persons who were alive and persons who were genuinely missing. Many people reported as disappeared were still alive, so Villegas (1990: 182) argued, because they were 1. living in exile; 2. fighting as mercenaries in Algeria, Yemen, Lebanon, Nicaragua, or El Salvador; 3. living as political agitators under false names in Brazil, Chile and Peru; 4. had returned to Argentina illegally; or 5. were known to be alive but had been reported missing nevertheless. However, it was emotionally hard to imagine and even harder to prove that these people were

alive unbeknown to their relatives. So, Villegas resorted to the rhetorical technique of generalizing a specific piece of knowledge to all reported disappearances and thus dismiss them as a whole. On the list of Argentines who had survived a major earthquake in Mexico in September 1985, there were sixteen persons whose names coincided exactly with the names of disappeared listed in the CONADEP truth commission report. Furthermore, around one hundred names showed some resemblance (Areas 1985). Villegas concluded that many other disappeared must be alive. He implied that the truth commission report and its figure of nearly nine thousand disappeared were unreliable. He further tried to discredit this number by citing fourteen different estimates made in the press ranging from less than one thousand to thirty thousand disappeared (Villegas 1990: 185–9).

Villegas could of course not ignore that some people were really missing in Argentina, especially since his defendant General Camps had declared in the press that: 'About five thousand people disappeared when I was Chief of the Buenos Aires Provincial Police. I had some of them buried in anonymous graves' (Areas 1984: 7). Villegas argued that if there are disappeared persons in peace time, then all the more so in times of war. 'For the act of war as such, there are no disappeared but unidentified combat dead' (Villegas 1990: 182). Most of these unidentified guerrilla casualties had died in combat with the Argentine forces, so Villegas argued, during raids on police stations and military bases, bank robberies, attacks against military or police personnel and attempts to detain them. Others had fallen victim to infighting among the guerrilla forces, committed suicide upon capture or were assassinated by right-wing death squads. Many of the dead carried false documents, had removed their finger prints with pumice stone or were foreign combatants. Therefore, their death did not imply human rights violations. They were buried in unmarked graves by the military or by their own comrades. These were not clandestine graves but war graves. Villegas invoked the symbol of the Unknown Soldier to make his point (Villegas 1990: 182–5).

Villegas treated all disappeared as combatants and could thus argue that no human rights violations were committed by his client, General Camps, but that he had attacked only legitimate targets. Much depends of course on who is considered an enemy combatant. The enemy definition of the military expanded from guerrilla insurgents in 1975 to ideologues in 1976 because the latter were believed to generate the former (Robben 2005a: 186). Finally, eyewitness testimonies about torture and the sighting of disappeared persons in secret detention centres were dismissed as false and unfounded. In the end, Villegas never had his day in military court because the Armed Forces Supreme Council was taken from the case and General Camps was tried by a federal court.

The 1985 conviction of five of the nine junta commanders promised to lead to hundreds of court cases against the Argentine military, police, and their civilian collaborators. Pressure from a disgruntled military led to amnesty legislation in 1986 and 1987 that closed most cases with the exception of those involving theft, rape and the abduction of babies. The 1989 and 1990 presidential pardons of indicted officers and guerrillas and the incarcerated junta members seemed to

bring the confrontation with past violence to an end. President Menem tried to achieve national reconciliation 'to heal without more ado the bleeding wound of the Argentine body' (Pisani 1990). The Argentine government attempted to turn the page on the past and bring economic prosperity by installing a neoliberal economic model. What remained was a discursive contest between human rights organizations, critical politicians and lawyers who continued to gather material evidence about the crimes of state terrorism and a group of retired military who declared such proof to be invalid while emphasizing that they had saved Argentine society from its fall into chaos and revolution by defeating the guerrilla insurgency.

### **Confession of a Perpetrator: Captain Scilingo's Death Flights**

What seemed to have become an entrenched discursive contest between two antagonistic opponents about the meaning of past violence, took a radical turn when in March 1995 the journalist Horacio Verbitsky aired his recordings of a series of chilling interviews with retired Navy Captain Adolfo Francisco Scilingo which incorporated Argentine society as a whole into the debate. Scilingo confessed to his participation in two death flights in mid-1977. He described how captives held at the Navy Mechanics School (ESMA) were told that they were going to be taken to southern Argentina and needed a vaccination before the departure. Instead, they were given a tranquilizer. Drowsy, they were helped into a truck, driven to an airport and boarded onto a small cargo plane. Once on the plane, they were given a second sedative, undressed and thrown one by one down an open hatch into the Atlantic Ocean (Verbitsky 1995: 30, 57-8).

The reasons for Scilingo's confession are complex, involving his discharge from the Navy because of psychological problems due to the death flights; frustration about a failed business venture; humiliation by his superiors for not responding to his letters explaining his emotional distress and soul-searching; feelings of injustice by a Congressional refusal to promote two navy-men because of their involvement in the Dirty War; and anger at General Videla for denying that thousands of Argentines had disappeared. Videla's denial was particularly hurtful because it made Scilingo into a war criminal for hurling captives from a plane even though he had simply carried out orders given by his superiors. He was saddled with the blame and guilt for violent acts committed in the line of duty.

Scilingo understood the need of secrecy in war and had accepted the justification of disappearing enemy combatants to leave their comrades guessing about their fate; but he also believed that there was no more need to remain silent in times of democracy. In a letter from February 1991 to the pardoned General Videla, he wrote:

In response to the issue of the disappeared you said: There are subversives living under false names, others died in combat and were buried as NN [anonymously],

and finally you did not rule out some excesses by your subordinates. Where do I appear? Do you believe that these weekly transfers [death flights] were the result of unauthorized excesses? (...) Let us end this cynicism. Let us tell the truth. Make the death lists public, even though at the time you failed to take responsibility by not signing their execution order (Verbitsky 1995: 180).

Scilingo's 1991 letter effectively undermined the rhetoric of denial employed by General Villegas and others. The silence by some and the denial of others did not cease but were now juxtaposed to a perpetrator's confession whose credibility increased because of its self-incriminatory admission of guilt and visible signs of traumatic suffering.

Scilingo's confession was of course problematic. The existence of the death flights had been known for more than a decade and parts of his account could be corroborated by testimonies from ex-disappeared. What made the interview so revealing was that he filled in the silent unknowns of the survivor accounts. Only Scilingo had been present at the final moment of dropping the captives from the cargo plane. Be this as it may, his interviews were structured along a rhetoric of confession that transferred the responsibility on others, downplayed the suffering of his victims, elaborated with telling detail about his troubled conscience, but was deliberately vague about the death drops themselves.

Scilingo admitted to sharing the ideological justification for the military coup and understanding the tactical need of disappearing enemy combatants, but he diluted the responsibility for his acts into a military culture of not questioning orders and obeying superior officers. As if to nullify the violence committed and soothe the surviving relatives, Scilingo asserted that the captives were happy when they heard about their transfer south, did not know they were going to be killed, and died untroubled because they were: 'Completely asleep. Nobody suffered absolutely anything.' (Verbitsky 1995: 60). He emphasized that no one ever woke up or resisted the fall to death. The image of a serene sleep exudes a peacefulness that conceals the forced sedation. The rhetorical contrast between a description of airdropped captives who were unaware about their real fate and the dramatic account of his torn and haunting emotions was a discursive device to raise the audience's empathy for him in a self-serving way. He emphasized that all navy-men found it emotionally difficult to assassinate the captives: 'Nobody liked to do it, it wasn't something pleasant' (Verbitsky 1995: 32). Furthermore, he had suffered from psychological and somatic problems resembling post-traumatic stress disorder and had almost died accidentally while throwing out the unconscious captives before being saved by a fellow crew member: 'As I was quite nervous about the situation, I almost fell and tumbled into the abyss.... I stumbled and they grabbed me' (Verbitsky 1995: 58). He turned himself into a victim of the violence ordered by his superiors. The attorney-general Luis Moreno Ocampo, however, recalled that Scilingo had told him that one captive had awoken during the flight, resisted and almost dragged Scilingo with him out of the aircraft (Verbitsky 1995: 149).

Scilingo's deliberate silence, denials, half-truths and lies about the course of events served to manipulate the representations of state violence revealed to the Argentine people and gave a sanitized rendition of the violence done to the disappeared with the excuse that he had forgotten much or that a detailed description would be 'very morbid' (Verbitsky 1995: 57), as if he was concerned about the sensibilities of his interviewer and audience. In this sense, his confession differs from the accounts by Israeli conscripts about their conduct in the Occupied Palestinian Territories. Grassiani (see this volume) shows how soldiers bracket their emotions through a discourse of professionalism that instrumentalizes their actions, while showing an empathetic awareness of the suffering of their victims. Scilingo reverses this discursive strategy through a rhetorical confession that highlights the perpetrator's moral dilemmas, desensitizes the victims and represents the violence as an expedient procedure.

Scilingo's confession cost him dearly. At first, he was offered money to remain silent, then his family was threatened and finally he was warned of putting his Navy benefits at risk (Verbitsky 1995: 148). President Menem also tried to silence him, fearing that Scilingo might endanger his political goal of closing the book on the past. He discredited him by suggesting that Scilingo was looking for money and wanting to sell his fabrication to Hollywood. Later, Scilingo received death threats, one allegedly from his former comrades at the Navy Mechanics School who warned him against his plan to put his experiences on paper: 'We know about the book. Your days are numbered. Stop soon or we'll take you on a flight. We have people watching your steps. You know how we work' (Payne 2008: 52). He was considered a traitor and his wife was ostracized from the navy's social circles. The Argentine armed forces could not but react on Scilingo's revelations and army commander General Martín Balza declared in April 1995 that the military had used unjustifiable means to restore the social order in the mid 1970s. The commanders of the other forces also came forward with their veiled admissions of guilt, while a group of retired generals persisted in their denial of the human rights violations.

Within a year of his confession, Scilingo was given a two-year prison sentence for financial fraud; a charge which turned out to be unfounded (Feitlowitz 1998: 205, Payne 2008: 49-50). The intimidation did not cease when he was released from prison. On 11 September 1997, he was abducted and warned to stop talking to the press. As a visual reminder of their threat, his captors carved the initials of the three journalists who had interviewed Scilingo into his face (Sims 1997). Scilingo fled to Spain in October 1997 to testify in an investigation into the disappearance of Spanish citizens during the Argentine dictatorship but, to his dismay, was arrested. He recounted his confession in court and said he had made up the death flights out of hatred and revenge against Admiral Massera who had ordered the arrest of Scilingo's sister for being a terrorist. Scilingo was convicted to 640 years in prison in April 2005; a sentence which was commuted to thirty years (Algañara 2005).

### **The Intimidation of Witnesses for the Prosecution during Democracy**

With Scilingo in prison, the *mea culpa* of the armed forces made in public and the amnesty legislation still in place, the public attention to the Dirty War abated quickly. It was another confession, but this one boastful and defiant instead of remorseful, by Navy Captain Alfredo Astiz that incited the public debate again. Astiz had been convicted *in absentia* in France for the 1977 murder of two French nuns working together with the Mothers of the Plaza de Mayo but was a beneficiary of Argentina's amnesty laws. In a January 1998 interview he spoke about his aptitude for destruction and his heroism in the Dirty War (Cerruti 1998: 3). Other officers also came forward, and army commander General Balza declared in June 1998 that the armed forces had a standard operating procedure of separating captives from their children. The material evidence collected by human rights organizations all of a sudden became of judicial value. The reaction came within days. On 9 June 1998, former dictator Jorge Videla was taken in preventive custody on baby theft charges. Admiral Massera, like Videla pardoned in 1990 while serving a life sentence, was detained six months later.

In March 2001 a federal judge declared that the 1986 and 1987 amnesty laws were unconstitutional and Congress followed suit in 2003. The Supreme Court overturned the amnesty legislation in June 2005 and the 1989 and 1990 presidential pardons were ruled unconstitutional in April 2007. By December 2008, there were 385 suspects in protective custody and forty-six fugitives from justice. Many of the forty-four convicts received sentences from twenty-five years to life (CELS 2009: 71). By April 2009, there were 556 persons under indictment for human rights violations made during the dictatorship.<sup>3</sup> Clearly, the revelations about baby theft resonated with the popular sentiment about the dictatorship and rallied Congress, the government, the Supreme Court and public opinion behind the call of accountability.

The first court case since the amnesty legislation of the 1980s was held against retired Police Commissioner-General Miguel Osvaldo Etchecolatz. He had already been detained in May 1986, was given a twenty-five year sentence but was amnestied in 1987 under the Due Obedience Law. In 1997 Etchecolatz (n.d.) published a book avoiding to address the Dirty War practices of abduction, disappearance, torture and assassination but, instead, providing typical denial logics. He put the armed and security forces in the victim role by reproducing long lists of their dead and itemizing the terrorist acts between 1973 and 1978.

The seventy-seven year old Etchecolatz was indicted again in June 2006 for the abduction, torture, and assassination of six disappeared persons and the abduction and torture of two ex-detained-disappeared persons, one of them being the bricklayer Jorge Julio López. On 18 September 2006, the day when prosecution and defence were pleading their cases, López vanished. When two

<sup>3</sup> See for a complete list of names: [www.mpf.gov.ar/Institucional/UnidadesFE/DDHH\\_Procesados\\_Abril\\_2009.pdf](http://www.mpf.gov.ar/Institucional/UnidadesFE/DDHH_Procesados_Abril_2009.pdf). [accessed: 13 August 2009].

days later Etchecolatz was given a life sentence and the key witness Jorge Julio López was still missing, his relatives began to worry about the seventy-seven year old man suffering from Parkinson's disease. A street protest of five thousand people demanded the 'appearance alive' of Julio López, a common phrase used by the Mothers of the Plaza de Mayo. The ex-disappeared Adriana Calvo commented: 'It's a clear message about the life sentence of Etchecolatz and a threat against the witnesses in the trials against genocidaires' (Lara 2006). The second key witness Nilda Eloy declared that she had received an intimidating phone call with sounds of a mock torture session (Meyer 2006). The judge who had presided over the trial received a death threat with the caption 'true Justice will arrive' and other judges and several reporters were equally intimidated. Fear set in that López had been abducted by retired policemen close to Etchecolatz who intended to take revenge, threaten other witnesses, and prevent López from testifying in future trials against the Buenos Aires Provincial Police.

In fact, there arose new cases of intimidation. The fifty years old ex-disappeared Juan Evaristo Puthod, active in the human rights movement as president of the House of Memory (Casa de la Memoria) in Zárate, was abducted on 29 April 2008 around 7 P.M. as he was walking to a local radio station to host a human rights program. A massive search party was organized by the police. Puthod's captors released him the next day at 11 P.M. after interrogating him about his involvement in the memorial tribute to the revolutionaries Eduardo Pereyra Rossi and Osvaldo Cambiasso, whose disappearance and assassination in 1983 were attributed to police commissioner Luis Abelardo Patti (CELS 2009: 28–9, Fioriti 2008). Puthod had been receiving threats for the last three years. His captors told him that apparently he had not understood those messages and added that his life still belonged to them, even after thirty-two years. Blindfolded and with his hands tied, Puthod was asked about the homage to Pereyra Rossi and Cambiasso: 'Why, if society has forgotten about the case, do you have to go out and refresh the death of these two terrorists?' (Martínez 2008). For memory's sake, answered Juan Puthod. The intimidation continued after Puthod's release with threatening phone calls. Puthod and his family were also shadowed by two cars wherever they went but the police investigation into the abduction continues in the dark.

Unlike Puthod, Julio López did not reappear. Years went by without a trace until in January 2009, a dumped Volkswagen was located, in which, according to one witness, López had been moved only hours after his abduction. The car was found next to the residence of a retired physician and close friend of Etchecolatz who visited him frequently in prison. The investigation failed however to yield new leads.

The abductions of López and Puthod were violent attempts to silence a remembrance of the past by reproducing the violence they had denounced, just as the presumed assassination of the torturer Héctor Febres and the physical assault on Adolfo Scilingo. The silencing of eyewitnesses and perpetrators blocks out meanings and expressions of violence that can then be more easily denied.



The logics and rhetoric of denial persist to this day. Groups of retired officers and civilian sympathizers try to counter, what they call, the Gramscian indoctrination of Argentina's youth with a distorted version of Argentina's history. They produce books and documentaries denying the testimonies about disappearance and torture, and praise the Argentine Armed Forces for destroying the guerrilla insurgency (e.g. AUNAR 1999, Foro de Generales Retirados 2004, Márquez 2004). For example, the youth organization Argentines for a Complete Memory (*Argentinos por la Memoria Completa*) dedicated itself 'to the men and women who wore a uniform during the 1970s to defend the Fatherland. Because we have collected the blood of our martyrs to raise the Argentine flag and because we are committed to our prisoners of war.'<sup>4</sup> The prisoners of war are the Argentine officers currently detained for human rights violations. The pro-dictatorship interest groups condemn the trials for being carried out by a partisan judiciary. They contest the testimonies submitted to the courts and dismiss forensic evidence as manipulated, forged and misinterpreted.

### **Conclusion: The Perpetrator Triangulation of Violence**

An analysis of three decades of silence, denial and confession strategies employed by the Argentine military against accusations of human rights violations committed during the 1976–1983 dictatorship demonstrates that their responses varied with the political circumstances of Argentina's transitional democracy, the political, public and legal arenas, their respective audiences and the increasing knowledge about past violent events. The persistent truth finding of the Argentine human rights movement and the equally persistent denial by the Argentine military placed the issue of the disappeared on the public, political and legal agendas when prompted by shocking revelations. Efforts by several Argentine presidents to leave the past behind or, as critics would say, to silence the past by sweeping amnesty and pardon legislations, failed and were eventually overturned by Congress and the Supreme Court.

The confessional testimonies of perpetrators are no less disturbing than their denials and silences. All three are forms of agency, as Das (2007: 54) has argued about the speech acts of female victims of India's Partition: 'I found a zone of silence around the event. This silence was achieved either by the use of language that was general and metaphoric but that evaded description of any events with specificity so as to capture the particularity of their experience, or by describing the surrounding events but leaving the actual experience of abduction and rape unstated.' This chapter has given examples of a similar use of general statements, metaphors and silences to describe Argentina's state terror. What is so troubling here are the rhetorical devices employed by perpetrators to give voice to their

<sup>4</sup> [www.memoriacompleta.com.ar](http://www.memoriacompleta.com.ar). [accessed: 24 July 2007]. Hard copy of the website text in the author's possession.

victims and control the expression of violence and suffering which only they have witnessed.

In a parallel way, there have been forces at work in Argentina during democracy that tried to silence the witnesses of atrocity with acts of violence similar to the ones for which the perpetrators deny any responsibility, thus undermining the right of the state to hold its citizens accountable for their actions. Intimidation and assassination are means to extend impunity from the authoritarian to the democratic state and to erase knowledge about past crimes permanently.

What do these three different strategies reveal about the expressions of violence by perpetrators? This analysis of the perpetrator triangulation of violence suggests that silence, denial and confession are not mutually exclusive but rather complementary strategies that carry their own ideological, political, moral and psychological weight, but are united by an irresolvable complicity in horrendous acts. These discursive strategies are violent in themselves by depriving the relatives of the victims of a knowledge which only they possess, and by the words they use to verbalize their denials, confessions and even their silences. Thus, perpetrators manipulate people's imagination and feed their nightmares by condemning them to fill in the voids deliberately left vacant by offering only distorted expressions of a violence they created.

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