

MEMORY, TRUTH AND JUSTICE

COMMUNICATION
TOOLS FROM
A HUMAN RIGHTS
PERSPECTIVE



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ISBN 9789879792179

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This publication was made possible thanks to the valuable support given by the World Association of Christian Communication (WACC) to the Permanent Assembly for Human Rights (APDH) for the realisation of the project “The Right to Communication Concerning the Process of Memory, Truth, and Justice”

Memoria, Verdad y Justicia : herramientas para la comunicación desde los derechos humanos / Gisela Cardozo ... [et al.] ; editado por Luciana Consiglio ; ilustrado por Sergio Leira. - 1a edición especial - Ciudad Autónoma de Buenos Aires : APDH- Asamblea Permanente por los Derechos Humanos, 2019.
118 p. : il. ; 21 x 15 cm.

ISBN 978-987-97921-7-9

1. Comunicación. 2. Derechos Humanos. I. Cardozo, Gisela II. Consiglio, Luciana, ed. III. Leira, Sergio, illus. IV. Título CDD 341.4802

MEMORY, TRUTH, AND JUSTICE

COMMUNICATION TOOLS
FROM A HUMAN RIGHTS
PERSPECTIVE

PROJECT

“THE RIGHT TO COMMUNICATION CONCERNING THE PROCESS OF MEMORY, TRUTH,
AND JUSTICE”

PERMANENT ASSEMBLY FOR HUMAN RIGHTS (APDH)
WORLD ASSOCIATION OF CHRISTIAN COMMUNICATION (WACC)

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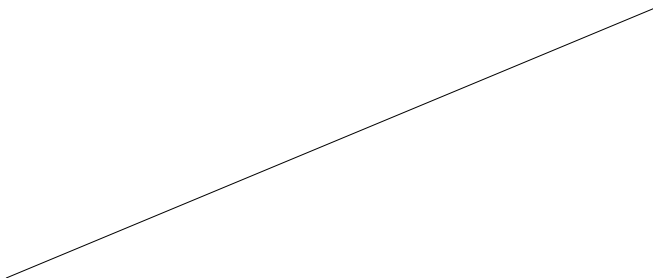
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／ ACKNOWLEDGEMENTS

We give special thanks to the World Association of Christian Communication (WACC) for its support and confidence for the realization of this material

Our special thanks also to the Permanent Assembly for Human Rights' Executive Board for its backing and accompaniment.

This work was possible thanks to many people's contributions in thinking together about the instruments needed for this guide. We thank especially Mariana Baranchuk, Luciana Bertoia, Miriam Bobadilla, Sergio Caballero, Vanesa Carabajal, María Cruz Ciarnello, Gabriela Cruz, Gretel Galeano, Marta Rondoletto, María Rosa Gómez, Leandro Lora Fariña, María Elena Naddeo, Noelia Nieto, Romina Perea Herrera, Daniel Satur, Giuliana Sordo, Fernando Tebele, Nora Vieter, Tomás Viu, Carina Jofré, Mauricio Rojas Garrido, and Guillermo Torremare. We also thank those who enriched our research on related topics with their very helpful interviews: Fabiana Rousseaux, Norma Ríos, Carlos Pérez, Juan Dyzenchuaz, Fernando Aguinaga, and Cinthia Herrera. We thank all those who communicate to keep our memory alive, who defend the truth, and who fight for justice.

PRELIMINARY REMARKS

Considerations about language

We understand that in our language the relations of power, asymmetries, inequalities, and gaps are manifest, since it includes a group of abstract constructions influenced by judgments, values, and prejudices that are learned and taught.

The use of inclusive language is today a topic of public debate. For this reason, in the development of this guide we have attempted to incorporate all the linguistic instruments and alternatives that, in contrast to what the Royal Spanish Academy (RAE) suggests, allow us not to exclude anyone in our writings. Some of these alternatives are the use of common substantives, paraphrasing to avoid the generic masculine form as universal, using non-gender-related synonyms, and the conscious use of pronouns. (Translator's note: these remarks refer to the way in Spanish the masculine gender is commonly used to refer to the whole and other linguistic characteristics.)

However these resources don't encompass all the possible situations, so that, at some points in the (Spanish) text the e will replace the vowels that serve as gender indicators. We intend to use this resource sparingly so as not to interfere with its easy readability, while at the same time it be sufficiently strong to denote that it's today disputed territory.

Considerations about the reading

We envision this guide as material that needn't necessarily be read straight through from beginning to end. Rather, the reader can advance going forward or back, according to his or her needs or interests, in order to incorporate its contents. The chapters' order is conceived from a general human rights and communicational perspective as progressing towards specific recommendations than can provide orientation for

journalistic coverage of the process of memory, truth, and justice.

This guide doesn't intend to relate historical events. Rather it's an approach to different useful aspects of journalistic coverage. Its diverse facets may seem unmanageable. That's why this guide can't cover everything. It hopes to touch upon some fundamental issues that, from our perspective, should be remembered while working in journalism. Furthermore, to delve deeper and more thoroughly into each topic, we recommend bibliography in each chapter.

For more agile reading, we suggest reviewing those events in recent Argentine history that will situate the reader in the topics treated here.

• 1974

1974: FUNDACIÓN DE SERPAJ

1975: FUNDACIÓN DE LA APDH



1982

GUERRA DE
MALVINAS



1976-1983

DICTADURA CÍVICO MILITAR

1976: FUNDACIÓN MEDH

1977: FUNDACIÓN DE MADRES

DE PLAZA DE MAYO

1977: FUNDACIÓN ABUELAS

DE PLAZA DE MAYO

1977: INFORME DE AMNISTÍA INTERNACIONAL.

1979: VISITA DE LA COMISIÓN IDH

1979: FUNDACIÓN CELS



1987

LEY DE OBEDIENCIA DEBIDA.

LEY NACIONAL 23.521

1989: DECRETOS DE INDULTO. DECRETO
1002/89, 1003/89, 1004/89 Y 1005/89

1990: DECRETOS DE INDULTO. DECRETO
2741/90, 2742/90, 2743/90

1991 - 1994: REPARACIONES ECONÓMICAS A
VÍCTIMAS DEL ESTADO. DECRETO 70/91 Y LEY
NACIONAL 24.043.

1992: INFORME DE COMISIÓN IDH 28/92
ARGENTINA

1994: FUNDACIÓN HIJOS

1995: DEMANDA POR EL DERECHO A LA
VERDAD.

1997: PRIMER ESCRACHE DE HIJOS AL
GENOCIDA JORGE MAGNACCO.



1998

PRIMER JUICIO POR EL DERECHO A LA VERDAD
RESOLUCIÓN 18/98 DE LA CÁMARA FEDERAL DE
APELACIONES DE LA PLATA

1998: DEROGACIÓN PARLAMENTARIA LEYES DE
IMPUNIDAD.

2001: PRIMERA DECLARACIÓN INCONSTITUCIONAL-
IDAD DE LEYES, EN "INCIDENTE DE APELACIÓN DE
SIMÓN, JULIO"

2001: FALLO BARRIO ALTOS VS. PERÚ- CORTE IDH

1983

ELECCIONES

1984: CREACIÓN DE CONADEP.
DECRETO 187/83

1985: JUICIO A LAS JUNTAS
MILITARES. CAUSA 13/84

1986: LEY DE PUNTO FINAL.
LEY NACIONAL 23.492



2002

24 DE MARZO FERIADO NACIONAL: DÍA DE
LA MEMORIA, POR LA VERDAD Y LA
JUSTICIA. LEY 25.633

2003: NULIDAD DE LAS LEYES DE OBEDIEN-
CIA DEBIDA Y PUNTO FINAL. LEY 25.779.

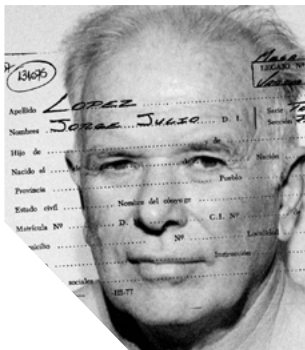
2004: FALLO CORTE SUPREMA IMPRESCRIP-
TIBILIDAD DE CRÍMENES DE LESA HUMANI-
DAD, EN "ARANCIBIA CLAVEL, ENRIQUE
LAUTARO"

2006: 1° CONDENA DESDE LA REAPERTURA DE
LOS JUICIOS DE LESA HUMANIDAD, EN "ETCHECO-
LATZ, MIGUEL OSVALDO"

2011: LEY DE SITIOS DE MEMORIA. LEY
NACIONAL 26.691

2017: FALLO DE LA CORTE SUPREMA SOBRE
APLICACIÓN BENEFICIO DE 2X1 A LUIS MUIÑA EN
"BIGNONE, BENITO A. Y OTRO S/RECURSO
EXTRAORDINARIO"

2017: MODIFICACIÓN DE LEY NACIONAL 24.390
BENEFICIO DE 2X1 NO APLICABLE EN CAUSAS DE
LESA HUMANIDAD, GENOCIDIO O CRÍMENES DE
GUERRA. LEY NACIONAL 27.362



2006

2° DESAPARICIÓN
FORZADA DE
JORGE JULIO LÓPEZ

2017



／ WHY DOES APDH PREPARE THIS GUIDE?

We've been through difficult times in Argentina and in Latin America. The history of the construction of memory, truth, and justice isn't different in that sense. In recent years we've witnessed the negationism of State terrorism by members of different branches of the government. (Trans. note: "Negationism" as a concept goes beyond the act of negation by any particular official to become a repeated practice tending dangerously towards creating political policy, in the impetus to install this version of history with all the State's power applied to it. Public declarations were produced and reproduced in which the number of people that were detained and disappeared during the last civilian-military dictatorship was questioned as false; attempts have been made to undermine the public recognition and legitimacy of the organizations devoted to the defense of human rights; the mass media have provided visibility for declarations that attempt to minimize the violence exercised by the State during said dictatorship, among other alarming aspects of negationism.

We recognized in these episodes a lack of resources and arguments on the part of much of the press who are committed to our values. On the other hand the time elapsed since the last civilian-military dictatorship gives younger generations the task of communicating what concerns the process of memory, truth, and justice today, since we are still constructing that history, which is also part of the

present.

We also know that we must think of these processes in the frame of reference of the international, national, and local contexts, for which we seek to speak from a federal perspective.

The struggle for memory, truth, and justice is essential for the strengthening of democracy in Argentina. From APDH we have always been actively supportive of the right to communication and information, being the plurality of voices necessary in strengthening democracy.

We know the situation in which journalists find themselves today, due to jobs being threatened, working conditions more precarious, dismissals and unemployment more prevalent amongst people who work in the mass media. We also know that this creates more difficulties for those who try to do a more thorough quality job.

Within this context the current proposition emerges. We consider that a guide to approaching the topics may contribute to broadening arguments, improving reporting, and providing material, information that is currently scattered, hoping to facilitate and energize journalistic and communicational labors.

This can't be the most complete material possible. Rather we intend to analyze some relevant aspects of journalistic coverage.

The topics included in this guide result from APDH's and the work team's experiences, and from a special workshop held with experts to gather pertinent input.

APDH accompanies victims of human rights violations and cooperates with the State's lawful methodology in the pursuit of truth and justice. Fighting against past and present impunity, with memory, truth, and justice, we build a better present and future.

CHAPTER 01.

**WHAT DOES A HUMAN
RIGHTS PERSPECTIVE
IN COMMUNICATION
IMPLY?**

WHAT DOES A HUMAN RIGHTS PERSPECTIVE IN COMMUNICATION IMPLY?

We begin with the understanding that the right to communication is relevant as a human right, as we note that this right is not reflected in current treaties and agreements. They recognize in this category two rights: to freedom of expression and to information. The practice and the guarantee of these rights are indispensable in order to promote participation and assure multiplicity of voices in the democratic system. Simultaneously, protecting access to public information is important as a way to defend rights and prevent abuses by the State (as indicated in Article 19 of the Universal Declaration of Human Rights, Principles of Freedom of Expression of the Inter-American Commission on Human Rights, Article 13 of the American Convention or Pact of San José, Article 19 of the International Covenant on Economic, Social and Cultural Rights, among others).

In this sense, when we refer to a human rights perspective in the media, it is essential to emphasize the State's function as guarantor of these rights that sustain people's dignity. Just as the State can violate human rights through its actions (perpetrating actions that violate rights) or by omission (by not sustaining its functions as a

State to protect them), it also must respect and guarantee them, which requires that it refrain from interfering in the enjoyment of rights and also carry out public policies that promote them. Therefore, we say that the State must prevent the violation of rights by other people; it must facilitate access tending to guarantee their full effectiveness; and has the obligation to promote and make effective every human right.

In turn, the State must provide freedom so that people dedicated to communication may act as a channel between information and society, making exercising the right to communication possible.

On the other hand, the perspective of human rights in communication intends to promote the right to information, taking into account the sources' veracity and promoting the plurality of voices, thus allowing the visibility of all the discourses and perspectives circulating in society.

ABRAMOVICH, V.; BOVINO, A.; COURTIS, C. (2007). LA APLICACIÓN DE LOS TRATADOS SOBRE DERECHOS HUMANOS EN EL ÁMBITO LOCAL. LA EXPERIENCIA DE UNA DÉCADA. BUENOS AIRES, ARGENTINA, EDITORES DEL PUERTO.

AGUILAR, M.; ASTUDILLO, S.; CALZÓN FERNÁNDEZ, Y. (2012). ¿QUÉ ES ESTO DE LOS DERECHOS HUMANOS?: APUNTES PARA UNA REFLEXIÓN CRÍTICA: HISTORIAS, DOCUMENTOS, CONCEPTOS Y ACTIVIDADES. BUENOS AIRES, ARGENTINA, ED. INSTITUTO ESPACIO PARA LA MEMORIA.

A human rights perspective in communication must also include a gender perspective in the use of language, in order not to make anyone invisible or reproduce discourses that violate rights, that would facilitate discriminatory stereotypes and prejudices.

CHAPTER 01.1

THE HUMAN RIGHTS PERSPECTIVE IN COMMUNICATION ON THE PROCESS OF MEMORY, TRUTH AND JUSTICE

THE HUMAN RIGHTS PERSPECTIVE IN COMMUNICATION ON THE PROCESS OF MEMORY, TRUTH AND JUSTICE

IN ORDER TO COMMUNICATE ON THESE TOPICS WHILE MAINTAINING A HUMAN RIGHTS PERSPECTIVE, WE CONSIDER IT ESSENTIAL TO EMPHASIZE THE STATE'S RESPONSIBILITY DURING THE PERIOD IN QUESTION. IT IS THE STATE THAT, WITH THE NECESSARY COLLABORATION OF PART OF THE BUSINESS, MEDIA, JUDICIAL AND ECCLESIASTICAL SECTORS, SYSTEMATICALLY VIOLATED HUMAN RIGHTS. THAT'S WHY WE QUALIFY IT AS STATE TERRORISM.

RECOMMENDED READING: BAYER, O, Y OTROS (2010), EL
TERRORISMO DE ESTADO EN LA ARGENTINA: APUNTES SOBRE SU
HISTORIA Y SUS CONSECUENCIAS, BUENOS AIRES, ARGENTINA,
ED. INSTITUTO ESPACIO PARA LA MEMORIA

In order to communicate on these topics while maintaining a human rights perspective, we consider it essential to emphasize the State's responsibility during the period in question. It is the State that, with the necessary collaboration of part of the business, media, judicial and ecclesiastical sectors, systematically violated human rights. That's why we qualify it as state terrorism.

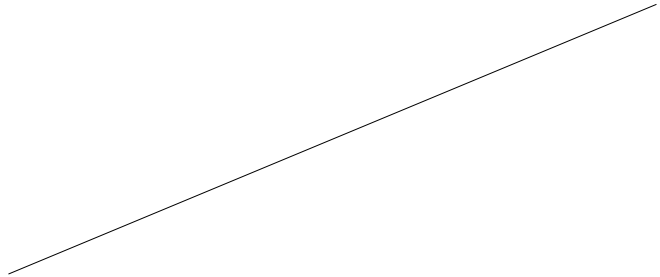
Regarding the present as the result of a process of historical continuity, we believe it necessary to insist on the need to guarantee the right to the truth, which is an autonomous right related to the right to justice. It is important to focus on the State's obligation to reconstruct past events, through legal means, in order to respond to the victims of State terrorism and society as a whole. The construction of memory and the interpretation of historical facts through journalistic narratives are part of the guarantee of non-repetition and the fight against impunity.

This commitment to the construction of memory also implies promoting the right to justice, preserving the course of legal cases, that is, taking care to transmit information that does not constitute an obstacle to the judicial proceedings under way and to consider the right to reparation, observing that Reparation must be not only economic, but also symbolic.

RECOMMENDED READING: ORGANIZACIÓN DE LAS NACIONES
UNIDAS (2005) PRINCIPIOS Y DIRECTRICES BÁSICOS SOBRE
EL DERECHO DE LAS VÍCTIMAS DE VIOLACIONES MANIFIESTAS
DE LAS NORMAS INTERNACIONALES DE DERECHOS HUMANOS
Y DE VIOLACIONES GRAVES DEL DERECHO INTERNACIONAL
HUMANITARIO A INTERPONER RECURSOS Y OBTENER
REPARACIONES, 64ª SESIÓN PLENARIA

In addition, attention must be given to the treatment of sensitive information, to sustaining ethical and empathetic conduct in relation to the victims and their pain.

We also recommend that the approach be carried out treating people in a dignified way and exercising the principle of non-discrimination. In the same way, when referring to victims of state terrorism it is essential to bear their privacy in mind, noting that the experiences of the story we are telling can still affect and penetrate their present. We must take care of the way they prefer be named, since the way in which these people think and present themselves to other people are in relation to their own constructions as individuals, with their subjectivities and with their political identities, which deserve to be recognized and sustained just as they prefer. Chapter 4 deals with media treatment of victims of state violence. We also suggest taking into account various testimonies to give a more complete and comprehensive account of events, including a gender perspective.



CHAPTER 02

THE RIGHT TO COMMUNICATION AND THE JOB OF COMMUNICATING

THE RIGHT TO COMMUNICATION AND THE JOB OF COMMUNICATING

IN A DEMOCRATIC SOCIETY, THE RIGHT TO COMMUNICATION IS FUNDAMENTAL. THE PLURALITY OF VOICES AND ACCESS TO TRUTHFUL INFORMATION FROM DIFFERENT SOURCES ARE KEY ASPECTS FOR STRENGTHENING THE MECHANISMS THAT SUSTAIN DEMOCRACY, SUCH AS THE POSSIBILITY OF FREELY CHOOSING SOURCES OF INFORMATION. WITHOUT INFORMATIVE PLURALISM IT IS NOT POSSIBLE TO TALK ABOUT DEMOCRACY.

The States, in their capacity as guarantors of the right to communication, must provide the necessary mechanisms to guarantee this pluralism of - and access to - information. These aspects are reflected in various legal instruments of the international and inter-American human rights systems, as in the declarations of the UN's Rapporteur on Freedom of Expression. The particularities mentioned make the legal regulations that pertain to the right to communication to be of imprecise and often controversial limits. Freedom of expression needs ethical and responsible limits. On the other hand, the access to information is traversed by the regulations relating to media ownership, an aspect that generates strong disputes and that requires precise regulations on the part of the States.

In the Latin American Federation of Journalists' (FELAP) Code of Journalistic Ethics, freedom of the press is considered to be intimately related to people's right to be informed in a timely and truthful manner, and includes the press' right to freedom of expression. In this framework, the FELAP maintains that journalism should be understood as a public service of collective interest, since it fulfills a fundamentally social function. At the same time, it establishes the duties of journalism to fight for the democratization of information, understanding the task of journalism as a tool of professional mediation and agent of social change, its work being important in order that the community have access to information that represents public interest.

For its part, in 1983 UNESCO developed the International Code of Journalistic Ethics, together with numerous professional journalistic entities. In this document it establishes as fundamental functions of the profession, to respond to peoples' rights to true information, access to information, and participation in different media.

This code, states in its 2nd article that:

"(...) The primary task of the journalist is to provide truthful and authentic information with honest adherence to objective reality, conscientiously placing facts in their proper context, manifesting their essential relationships - without including distortions -, and employing all the professional's creative capacity in order that the public receive appropriate material that allows for forming a precise and coherent image of the world, where the origin, nature, and essence of the events, processes and situations are understood in the most objective way possible "(UNESCO, 1983).

Whoever communicates must also respect the right to privacy and human dignity and defend universal values such as peace, democracy and people's freedom.

Journalistic work has, in this sense, a role that does not replace the State's responsibility, but that is necessary and essential for the right to information to be guaranteed. It is through this labor,

exercised in an objective and professional manner, respectful of diversity, assumed with the social responsibility it entails and acting in the public interest, that people are able to access various kinds of information, thus ensuring the right to be informed and to seek information. We understand that those who exercise the role of communicating are part of the social reality, and that the quality of their objectivity will not be assured by their neutrality towards the facts and social processes, but rather derives from their adherence to the veracity of the information.

LORETI, D. (1995). EL DERECHO A LA INFORMACIÓN. RELACIÓN ENTRE MEDIOS, PÚBLICO Y PERIODISTAS. BUENOS AIRES, ARGENTINA, EDITORIAL PAIDÓS.
DUHALDE, E. (1999) TEORÍA JURÍDICO-POLÍTICA DE LA COMUNICACIÓN. BUENOS AIRES, ARGENTINA, EUDEBA.

The process of memory, truth and justice requires journalistic work in order to be made visible, enabling the population's greater participation in this process, making pluralizing voices possible, democratizing the debate and the collective construction of memory. It is necessary to encourage, promote and ensure the right to information. By democratizing information, the process of memory, truth and justice becomes accessible and plural. In this way, society can participate more actively in it, making it possible in turn to discover and elaborate the relationships between the recent past and its consequences and continuities that traverse and shape the present. In this aspect, the role of communication is transformed also into a pedagogical function.

However, publication of the information does not guarantee access to it. It is necessary that the circuits in which it circulates are accessible to the public and that the texts in which it is embodied are understandable to the majority, so that language is a bridge and not a barrier to building collective memory. From this perspective,

the choice of terms, the discursive strategy, and the use of concepts cannot be considered neutral in the construction of meanings. The language used in the descriptions concerning the process of memory, truth and justice, and the chosen discursive strategies, are in themselves constructions and constructors of meanings, making possible the population's access to information or, on the contrary, hindering its understanding. The use of technical language, for example, may be necessary but also difficult for the general public to understand.

On the other hand, the task of informing must encounter limits, such as the preservation of the privacy and security of State terrorism's victims. No matter how relevant the information that could be offered may be, it is necessary that its publication be respectful of the pain and intimacy of the people involved since, if not respected, there's a risk of exposing intimate aspects that belong private, that could be excessively gruesome for the public and re-traumatizing for those who testify. This topic is treated further in chapter 4: "Media treatment of state violence victims".

CHAPTER 02.1

COMMUNICATION'S RESPONSIBILITY IN THE HISTORICAL PROCESS OF MEMORY, TRUTH AND JUSTICE

COMMUNICATION'S RESPONSIBILITY IN THE HISTORICAL PROCESS OF MEMORY, TRUTH AND JUSTICE

JOURNALISTIC WORK PARTICIPATES IN THE PROCESS OF MEMORY, TRUTH AND JUSTICE, IN EVERY INSTANCE THAT IT PUBLICIZES EVENTS THAT ARE LINKED TO THE RECENT PAST OF OUR COUNTRY, PROVIDING NEW INFORMATION THAT IS PRODUCED IN JUDICIAL PROCEEDINGS, ACTIVITIES OF ORGANIZATIONS LINKED TO HISTORICAL MEMORY OR HUMAN RIGHTS, AMONG OTHERS. THIS ROLE IS FUNDAMENTAL, AS IT CONTRIBUTES TO THE PROCESS OF THE COLLECTIVE CONSTRUCTION OF MEMORY, ENRICHING IT AND MAKING POSSIBLE SOCIETY'S PARTICIPATION IN IT. JOURNALISTIC ACTIVITY THUS FULFILLS A FUNCTION WHICH TRANSCENDS THAT OF INFORMING, ACQUIRING PEDAGOGICAL CHARACTERISTICS.

A su vez, la tarea de informar es fundamental para hacer posible el At the same time, the task of informing is essential in making possible the recognition of the consequences of the military-civilian dictatorship and its existing continuities in the present social, economic, political and cultural spheres of our society. The more the information that is currently produced on these aspects is disseminated, the greater the possibility for reflection on our present.

The trials for crimes against humanity that continue today demonstrate that the consequences of State terrorism remain in force. These judicial processes currently constitute producers of truth, which makes them fundamental contributors to the social construction of memory. The information produced during the trials transmits its relationship with the present. It's significant to society's relationship with its past, but also essential for the State's victims, in order to find a response from the State and a possible framework for reparation.

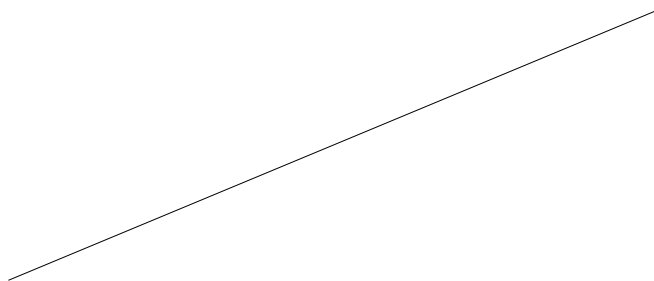
In this context, listening to the testimonies and presence in the audience room are very important when communicating the information that is produced in this way. Communicating not only the technical aspects of the advances in the trials, but this experiential character, constitutes a contribution that enriches memory, making it possible for the public to be in contact with the human dimension of what took place. However, journalistic work requires to develop this with responsibility, since it's necessary to safeguard judicial evidence and respect for the privacy of the persons who testify in the trials.

More information about trials and judicial processes in chapter 3 "What are crimes against humanity?"

The appropriation of minors is a crime that clearly shows the permanence of the actions of State terrorism in the present. Nearly five hundred minors were appropriated during the last military-civilian dictatorship. Currently it is considered that about three hundred and fifty people have not yet recovered their identity, remain without knowing their history, and their families have not been able to return them to their environment. In this way, crime perpetuates itself in time, without being judged and without being able to be known by the appropriated persons and by society, which means it continues to go unpunished. The work of the media is essential in this aspect, not only to collaborate with the search, but also to motivate those people who doubt their identity to approach the agencies dedicated to this task and thus be able to reconstruct

their stories. At the same time, publicizing their stories, their families' and the organizations' searches, confronts society with the fact that the recovery of identity transcends particular family ties, and involves the identity of society as a whole. The identity recovery process must be treated responsibly when disclosing sensitive data that may affect the judicial process and the privacy of people who are going through the restitution of their identity and relationships. It is necessary to wait, in these cases, for the organizations involved to make public their press releases before publicizing these events.

For the treatment of people who were victims of state violence, consult chapter 4.



CHAPTER 03.

WHAT ARE THE CRIMES AGAINST HUMANITY?

WHAT ARE THE CRIMES AGAINST HUMANITY?

CRIMES AGAINST HUMANITY ARE ACTS THAT, BY THEIR NATURE, OFFEND, INJURE, AND HARM HUMANITY AS A WHOLE. THIS DEFINITION EMERGES FROM THE STATUTE OF ROME (1998), AN INSTRUMENT THAT GOVERNS INTERNATIONAL HUMANITARIAN LAW.

WHAT BEHAVIORS ARE CLASSIFIED AS CRIMES AGAINST HUMANITY?

The conducts typified as crimes against humanity are: murder, extermination, deportation or forced displacement, incarceration, torture, rape, forced prostitution, forced sterilization, persecution for political, religious, ideological, racial, or ethnic motives, forced disappearance, kidnapping or any other inhumane act that causes serious suffering or harms the mental or physical health of the person who suffers.

WHAT ARE THE MAIN ELEMENTS FOR A CRIME TO BE CONSIDERED A CRIME AGAINST HUMANITY?

That they be perpetrated by state agents in the execution of a

governmental action, or by a group with the capacity to exercise domain and execution analogous to the state over a determined territory with the acquiescence of the State.

That they be committed against a civilian population.

That they be committed as part of a generalized or systematic attack.

／ WHAT IS THE PARTICULARITY OF THIS TYPE OF CRIME?

These crimes are imprescriptible, that is, the action of the crime is not extinguished; therefore, there is no time limit for their judgment.

／ WHY IS THIS CRIMINAL TYPE APPLIED IN ARGENTINA?

The State terrorism that occurred in Argentina from years prior to the military-civilian coup, by the action of groups with state acquiescence and the Armed Forces, and until the end of the dictatorship in 1983, utilized all the elements of this type of crime, so that it is considered that crimes against humanity were committed by the State.

Understanding the crimes committed by the State as crimes against humanity implies highlighting the active role of the State in committing and / or covering up such crimes.

RECOMMENDED READING: FALLO CORTE SUPREMA DE
ARGENTINA "ARANCIBIA CLAVEL, ENRIQUE LAUTARO S/
HOMICIDIO CALIFICADO Y ASOCIACIÓN ILÍCITA Y OTROS —CAUSA
N° 259—" IMPRESCRIPTIBILIDAD DE LOS DELITOS DE LESA
HUMANIDAD.

／ WHAT IS NEGATIONISM?

Negationism is the ignorance, questioning and / or systematic denial of facts/events of our history for political purposes. The most direct form of denial in Argentina, for example, calls into question the enforced disappearance of persons or the appropriation of minors by the terrorist State.

The most widespread negationist interpretation in the 1980s was the so-called Two Demons Theory, which stated that Argentine society during the seventies was devastated by the horror that produced the violent confrontation between a sector of the extreme left, that is to say, the guerrilla, and another one of the extreme right represented by the repression of the military State. This theory positions the actions of the repressive state in a false symmetry with the activity of the particular groups and positions the rest of society in a passive place, obscuring the underlying social conflict.

In this regard, as mentioned above, only those crimes that have been committed by the State and against the civilian population can be considered crimes against humanity. Therefore, actions committed by members of the State or groups with the State's acquiescence are crimes against humanity whereas the actions of individuals are governed by society's body of laws.

Currently, the updated version of the Two Demons Theory is "The Complete Story", which proposes a heroization of those who participated in State terrorism violating human rights and seeks the release of those who are detained and / or sentenced for crimes against humanity.

Another way to engage in political negationist discourses is to relativize the number of people who were disappeared by

the terrorist State. The 30,000 cases affirmed by human rights organizations have no empirical evidence precisely because the illegal repression was clandestine. It is necessary to reject the logic of verification, understanding that there is a sub-reporting of cases for fear of reprisals, for the lack of survivors to testify in the case, or simply due to the difficulty involved in recounting such traumatic and horrific events. This reinforces the State's responsibility to guarantee the right to the truth, taking into consideration that the lack of evidence on the number of missing persons is intimately linked to maintaining the dictatorship's archives closed to the public.

ARE THERE OTHER TYPES OF INTERNATIONAL LAW APPLICABLE TO THE ARGENTINE CASE?

In the academic and human rights activists' fields there are two positions on the classification of state violence during the last civilian-military dictatorship in relation to the international criminal category that should be applied to the Argentine case. In addition to the classification as crimes against humanity, some authorities consider that the penal figure of Genocide should be applied.

ESTATUTO DE ROMA DE LA CORTE INTERNACIONAL (1998).
ARTÍCULO 6. GENOCIDIO.

“For the purposes of this Statute, “genocide” designates any of the acts mentioned below, perpetrated with the intention of totally or partially destroying a national, ethnic, racial or religious group as such: a) Killing of members of the group; b) Serious

injury to the physical or mental integrity of the members of the group; c) Intentional submission of the group to conditions of existence that will lead to its total or partial physical destruction; d) Measures designed to prevent births within the group; e) Forcibly transferring children from the group to another group “(Statute of Rome, 1998: 4)

Although Argentina joined the Convention for the Prevention and Punishment of the Crime of Genocide in 1954 and the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity in 1995, most cases were not tried under the title of Genocide. Since political groups were not among the groups typified in the definition, the figure of crimes against humanity was considered legally more appropriate. In legal terms the debate is not closed, since other categories omitted in the definition, such as political groups, could be used to configure the criminal type of genocide, although it's necessary to clarify that the crime of genocide is not criminalized in the Argentine Penal Code.

Some Argentine courts have pronounced sentences for “crimes against humanity in the context of a genocide.” The first time it was used was in the sentences handed down against the repressors Etchecolatz and von Wernich by the Federal Oral Court No. 1 of La Plata, presided over by Carlos Rozanski in 2006.

In addition, in 2013 in the Guerrieri II case, the Federal Oral Court No. 1 of Rosario ruled against the defendants in the framework of the “second Argentine genocide”, recognizing the first one as the foundational genocide against the indigenous peoples, upon which the Argentine State was consolidated.

RECOMMENDED READINGV: FEIERSTEIN, D (2007) EL GENOCIDIO
COMO PRÁCTICA SOCIAL, BUENOS AIRES, ARGENTINA ED. FONDO
DE CULTURA ECONÓMICA

CHAPTER 03.1

THE PROCESS OF TRYING CRIMES COMMITTED BY THE STATE DURING THE DICTATORSHIP

THE PROCESS OF TRYING CRIMES COMMITTED BY THE STATE DURING THE DICTATORSHIP

THE EXPERIENCE OF PROSECUTING CRIMES AGAINST HUMANITY IN ARGENTINA CONSTITUTED AN EXCEPTIONALITY, AS THEY ARE TRIED IN LOCAL COURTS, WITH THE LEGAL NORMS OF ORDINARY JUSTICE. THESE TRIALS BECAME A HISTORIC LANDMARK WORLDWIDE. FOR THE FIRST TIME IN THE HISTORY OF HUMANITY, CIVIL JUSTICE JUDGED THE RESPONSIBILITIES OF THE MILITARY AND CIVILIANS IN STATE TERRORISM, WHICH MEANT A REMARKABLE STRENGTHENING OF ARGENTINE CIVIL AND DEMOCRATIC INSTITUTIONS.

Unlike, for example, the Nuremberg Tribunal for the prosecution of crimes committed during Nazism, or the International Criminal Tribunals for the former Yugoslavia, Rwanda and Sierra Leone, the Trials of the military Juntas (1985) was conducted following the regulations of the local Penal Code, judging the crimes of the military-civilian dictatorship as ordinary crimes.

When the trial process was resumed in 2006, after the declaration of unconstitutionality of the laws of Due Obedience and Finalization Point, having as its main foundation the standards of

international law, the crimes committed by state and civil agents associated with illegal acts of state repression were considered crimes against humanity, therefore, imprescriptible. Through this decision, the local courts resumed the cases opened in the previous trials and undertook the trial process that is currently under way.

FOR A MORE EXHAUSTIVE TOUR OF THE PERIOD OF IMPUNITY AND
THE PATH TOWARDS THE REOPENING OF TRIALS WE RECOMMEND
TO READ: INSTITUTO ESPACIO PARA LA MEMORIA (IEM) Y
ASAMBLEA PERMANENTE POR LOS DERECHOS HUMANOS (APDH)
(2013) . MEMORIA Y DICTADURA. UN ESPACIO PARA LA REFLEXIÓN
DESDE LOS DERECHOS HUMANOS . BUENOS AIRES, ARGENTINA, ED.
INSTITUTO ESPACIO PARA LA MEMORIA

INSTITUTO PARA LA MEMORIA (2007) LEYES: PRINCIPALES
INSTRUMENTOS LEGALES SOBRE DERECHOS HUMANOS Y MEMORIA,
BUENOS AIRES, ARGENTINA ED. INSTITUTO ESPACIO PARA LA
MEMORIA.

CHAPTER 03.2

TRIALS OF CRIMES AGAINST HUMANITY

TRIALS OF CRIMES AGAINST HUMANITY

THE ARGENTINE CRIMINAL PROCESS CAN BE DIVIDED INTO THREE STAGES: INDICTMENT, ORAL PUBLIC TRIAL, AND THE SENTENCING STAGE.

The stage of oral and public trial represents a humanization of the Justice system, since it aims to end a myriad of documents and signatures that ordinarily slow down the judicial process. The oral hearing entails that the parties have greater contact with the Court and that instances of dialogue are opened. That's why attending a trial not only involves seeing an important part of the judicial system in operation, but also means hearing recent history firsthand, being able to understand through their stories the different parties that construct the social memory of our past.

／ THE PROOF

In an oral trial, the proof that was collected at the indictment stage is examined and reproduced. New statements are also taken,

documents are presented, new testimonies are included and the accused persons can testify again.

In the oral public trial, what organizes the debate is the strategy to corroborate that the crime existed for which the defendant is accused - in the case of the prosecution and plaintiff - or to dismiss the accusation - in the case of the defenses. In the criminal procedure code of our country, it's always guaranteed that the accused person has all the necessary information to carry out his defense. Therefore, to guarantee due process, each new element introduced to accuse must be duly notified in a timely manner as established in the Criminal Procedure Code.

It is important to bear in mind that the trials currently being held have as precedents the contributions of evidence and jurisprudence previously presented in the Trials of the Juntas, in the CONADEP, and in the Trials for the Truth, among others. Thus, it's necessary to keep this historical sequence in mind, since it's possible that during the public hearings, reference is made to these stages of evidence collection prior to the case currently being tried.

There are also documentary evidence from institutions that provide information for the trial, expert evidence submitted by court order or by the prosecution from its own investigations, line-ups to establish identifications, etc., carried out in the indictment stage.



THE VALUE OF TESTIMONIAL EVIDENCE IN CRIMINAL PROCEEDINGS FOR CRIMES AGAINST HUMANITY

Testimonial evidence in the context of criminal proceedings for crimes against humanity in Argentina is one of the central aspects in the conformation of judicial evidence since, in many cases, it is

the only available evidence, given the destruction or concealment of the documentary material due to the clandestine nature of the grave human rights violations committed during the last military-civilian dictatorship in Argentina.

In all the stages of the judicial process, the function of the testimony provided by the victims, or by those who testify, and by the plaintiff has the same objective: to provide information to be evaluated when the defendant's situation is resolved. In the case of the indictment, testimony is very important because the indications made with respect to the facts and the authorship or responsibility over them will allow the prosecution and the court to accumulate evidence to formulate accusations. At the stage of the oral trial, testimony will be essential to reach a conviction.

Regarding the testimonies of deceased people or those unable to attend to testify, their testimonies provided during the indictment stage or in the framework of other trials are included by reading, upon presentation of the corresponding certificates. In the case where that person is able to testify, his testimony cannot be incorporated into the case by reading. However, this situation is currently a serious problem. Many of the victims and their relatives have already testified repeatedly from 1983 to the present, either for themselves or on behalf of others. This can constitute for many people who have suffered human rights violations a situation of re-victimization.

Another instance, when it comes to people of advanced age who wish to leave their testimony recorded even though the trial has not yet begun, the courts have allowed them to declare in advance. For witnesses residing outside the country or living away from the jurisdiction where the trial takes place, the courts have implemented videoconferences to be able to include their testimonies.

It is important to note that the intervention of a person as a plaintiff does not impede him from testifying as a witness in the trial and, as such, will be subject to the same obligations as any witness.

／ PARTICULARITIES OF THE APPLICATION OF SENTENCES IN TRIALS OF CRIMES AGAINST HUMANITY

The Argentine State, in this case, represented by the judiciary system, must ensure that the sentences of persons convicted of crimes against humanity are carried out in an ordinary prison, since as guarantor of human rights, the State has the responsibility and the obligation to investigate and punish the people responsible for these crimes. Therefore, the effective fulfillment of the sanctions imposed within the framework of this obligation implies that people convicted of crimes against humanity should not receive the benefit of house arrest.

In certain cases, the defense's appeals for people convicted of crimes against humanity, in an attempt to reduce the sentences established by the courts, requested that the sentence be reviewed by the Supreme Court of Justice. In this context, there were cases that requested the application of Law 24.390 - popularly known as the benefit of 2x1 - that benefited people detained with preventive detention for terms of more than 2 years, calculating for each day of preventive detention two of prison or one of detainment. Although this law was in force only between the years 1994 and 2001 (the year in which it was repealed), the defense's argument was for the application of the principle of the most benign law.

As with house arrest, effective compliance with the sanctions imposed by the courts is an important part of the State's responsibility regarding the right to justice. Therefore, sanctions or criminal proceedings on crimes against humanity cannot be

subject to amnesty, pardon or commutation of sentence as stated in Law 27.156 (2015) ratified by Law 27.362 (2017).

On the other hand, in trials for crimes against humanity, because of the magnitude of the crimes and because of past difficulties in carrying out the trials, preventive detention for accused persons is usually requested. Preventive detention is applied when a person is charged with a crime and the investigating court considers that this person may present some risk to the development of the case, such as the danger of flight. But it is an exceptional measure that should not be abused in cases that do not correspond to very serious crimes such as crimes against humanity, since it violates the principle of presumption of innocence, freedom of movement, and constitute a threat to due process guarantees.

／ SPECIAL TREATMENT IN CASES OF SEXUAL CRIMES

The treatment of crimes of sexual violence in the sinuous experience of the prosecution of crimes against humanity in Argentina was invisible for many years. Although the sexual violence suffered in clandestine detention torture and extermination (CCDTyE) centers was reported in the earliest testimonies of repression, these crimes were not considered crimes against humanity until the “Trials for Truth” started at the end of the 1990s. They were punished as autonomous crimes only in the reopening of trials during the first decade of the new millennium. Previously, they were considered as another form of torture, ignoring their specificity. The first time for a conviction for crimes of sexual violence as autonomous crime was in the year 2010, Case No. 2086 and its follow-up, No. 2277, “Molina, Gregorio Rafael s / illegal deprivation of liberty, etc.”.

In this context, it's necessary to realize that, due to the private nature assigned to sexuality, these cases are surrounded by even greater difficulties, both for the people who testify for the courts and for the public prosecutor's office to hear and take action. However, the evolution of the legal, social and individual perspectives towards these crimes has generated a context that favors the appearance of these accusations, which was practically unthinkable a short time ago.

TO LEARN MORE ABOUT THE JUDICIALIZATION OF SEXUAL
VIOLENCE COMMITTED DURING STATE TERRORISM WE
RECOMMEND READING:

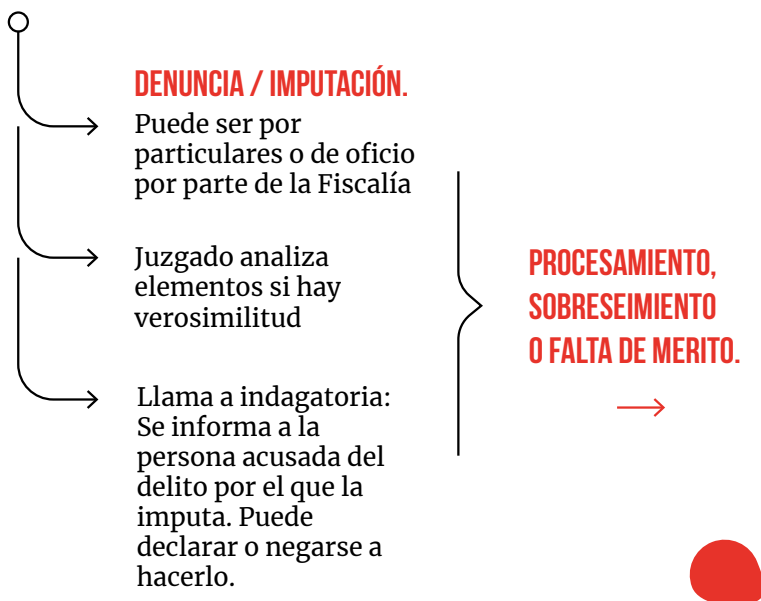
BALARDINI, L; OBERLIN A; SOBREDÓ L (2011) VIOLENCIA DE
GÉNERO Y ABUSOS SEXUALES EN LOS CENTROS CLANDESTINOS
DE DETENCIÓN.» EN HACER JUSTICIA: NUEVOS DEBATES SOBRE EL
JUZGAMIENTO DE CRÍMENES, DE CENTRO DE ESTUDIOS LEGALES Y
SOCIALES (CELS) BUENOS AIRES, ARGENTINA, ED. SIGLO XXI.
ALLIEVI, C. (2015). LAS COSAS POR SU NOMBRE DELITOS
SEXUALES EN EL MARCO DE LA ÚLTIMA DICTADURA CÍVICO-
MILITAR EN ARGENTINA. UN ANÁLISIS DESDE LA COMUNICACIÓN
Y LA CULTURA. (TESINA DE GRADO). FACULTAD DE CIENCIAS
SOCIALES, UNIVERSIDAD DE BUENOS AIRES. BUENOS AIRES,
ARGENTINA

ETAPAS DE UN JUICIO FEDERAL



1^{RA} INSTANCIA

ETAPA DE INSTRUCCIÓN >>



La persona acusada y la parte denunciante (particular o fiscalía) pueden **apelar**.



Juzgado sigue adelante con la investigación (siempre que haya elementos suficientes)



Rechaza o confirma

JUZGADO CIERRA INSTRUCCIÓN



AUTO DE ELEVACIÓN A JUICIO:

Se establece qué se imputó, tipo penal y qué pruebas se van a presentar en el juicio.



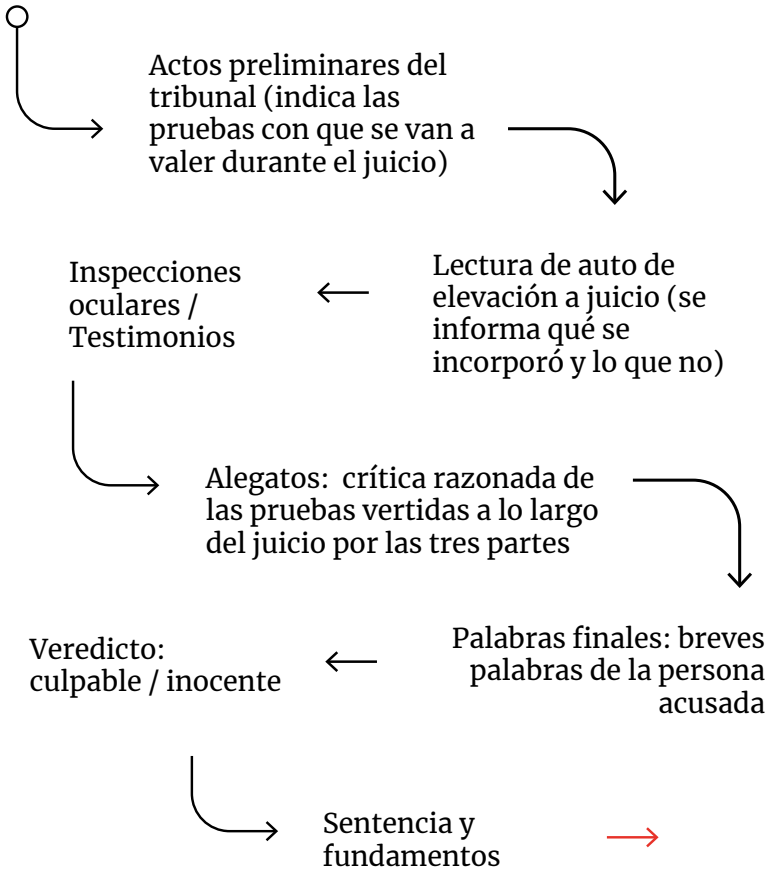
Pueden presentarse oposiciones y excepciones de la parte acusada al juzgado que van a ser resueltas en la audiencia preliminar de debate. El Auto de elevación a juicio no es apelable por la defensa.



Sorteo del tribunal que va a juzgar.



ETAPA JUICIO ORAL Y PÚBLICO >>



2^{DA} INSTANCIA

En el plazo de diez días tanto la querella y la fiscalía como la persona imputada y su defensa pueden presentar un recurso de Casación ante el mismo tribunal que dictó sentencia.

La persona que haya sido sentenciada, la fiscalía o la querella si están disconformes con el fallo puede recurrir a



confirma o modifica el veredicto.



3^{RA} INSTANCIA

La persona que haya sido sentenciada o la fiscalía o la querella si están disconformes con el fallo puede recurrir por vía de un Recurso Extraordinario a la Corte Suprema de Justicia quien confirma o modifica (solo analiza si fue bien aplicado el derecho constitucional).

CHAPTER 04.

VICTIMS OF STATE- COMMITTED VIOLENCE AND MEDIA TREATMENT

VICTIMS OF STATE-COMMITTED VIOLENCE AND MEDIA TREATMENT

INTERVIEWS AND LIFE HISTORY: RESERVE AND OVEREXPOSURE

The mission of treating through the media cases of people whose Human Rights have been violated includes taking into account certain circumstances. When working on interviews, or on a life history, it's advisable to ask the person how they want to be named, without using the category "victim" or their own name a priori. When interviewing a person whose human rights have been violated or when exposing part of his or her story, it's important to bear in mind his or her reserve, which means consulting the person and obtaining his or her consent, clearly expressing what's going to be published. It's not necessary to expose the horror. This idea can overcome the barriers of reticence and pain, which are important to respect.

Elaborating journalistic coverage that avoids overexposure of the victims of crimes against humanity also implies thinking about how to convey their pain to people who receive the information, which doesn't always mean presenting the "raw" narrative. Respecting intimacy and understanding that we're dealing with the sensitive

history of another person will help us to deal with the horror in a conscientious and responsible way. Communicating about these issues means working on the horror so that it can be transmitted. About the use of life histories, it's important that they're narrated in a historical, social and political context. In the Argentine case, we believe it's necessary to place the stories in the context of a genocide, which includes considering replacing the category of "victim" for another that represents that person (for which it's advisable to consult him or her). Genocide and crimes against humanity are described in chapter three, "What are the crimes "against humanity"?"

Overexposure should also be avoided in the cases of people who have already died, either when we re-open deceased persons' testimonies or in cases where human remains are found, which obliges us to be especially careful with the information that reflects forensic reports. In these cases, it's important to be aware of how family members' expectations are raised when graves or human remains are found. What is communicated must come from reliable sources and not overexpose or anticipate the process of inquiry involved in generating experts' reports, avoiding publishing unconfirmed information and respecting the families' reserve. Regarding judicial processes' coverage, it's desirable for media treatment not to get ahead of the judicial schedule, as that could hinder the process.

When dealing with cases of sexual violence, it should be remembered that, in the judicial transcripts, testimonies are reserved or only published with the victim's initials. It's also advisable to confirm information before proceeding to its publication.

／ THE STATE'S RESPONSIBILITY

Accuracy in the use of categories is essential when emphasizing that a State exercised terror, was a victimizer. For this reason, it's preferable to use the category "victim of State terrorism" whenever the subject is treated. Considering the relevant role of those who communicate the process of memory, truth and justice, we confirm the importance of the media's participation in making the State's responsibilities explicit. These considerations intend not to permit the figure of the victimizing State as explicitly responsible for crimes against humanity to become blurred.

／ THE CONDITION OF VICTIM

Being a victim of State terrorism, or any crime, isn't the affected person's choice, but rather that of who acts as victimizer, which in the case of human rights violations is the State. However, people who've been victims of violations of their rights may choose to identify themselves as such or not. This must be taken into account when communicating.

When giving testimony, people may have different feelings, depending on their experiences and how their subjectivity is affected with regard to them. In every case, developing an approach that doesn't re-victimize implies avoiding the stereotype of the "victim-object," that impedes and annuls the condition of person.

El rol de quienes comunican se vincula fuertemente al objetivo de humanizar a través de su tarea periodística. El discurso jurídico, en contraste, muchas veces tiende a anular el sufrimiento humano y la dimensión subjetiva, siendo interesante pensar estas dimensiones como potencialidad específica para la tarea de comunicar.

RECOMMENDED READING: DUHALDE L; ROUSSEAU F (2015) EL
DETENIDO DESAPARECIDO COMO TESTIGO EN LOS JUICIOS DE
CRÍMENES DE LESA HUMANIDAD, BUENOS AIRES, ARGENTINA ED.
FUNDACIÓN EDUARDO LUIS DUHALDE.
MINISTERIO DE JUSTICIA Y DERECHOS HUMANOS DE LA NACIÓN.
SECRETARÍA DE DERECHOS HUMANOS (2015) EXPERIENCIAS EN
SALUD MENTAL Y DERECHOS HUMANOS : APORTES DESDE LA
POLÍTICA PÚBLICA, BUENOS AIRES : MINISTERIO DE JUSTICIA Y
DERECHOS HUMANOS DE LA NACIÓN.

／ THE UNDERTAKING OF HUMANIZING

Faced with crimes of this nature, the task of humanizing the people who have been victims and victimizers becomes fundamental to be able to recognize each person in their rightful place. To deconstruct the “Two Demons Theory”, whose reinstatement is attempted currently in several areas, it’s fundamental not to represent a victimizer’s figure in a dehumanized or “monstrous” way, as if he or she belonged to another species. In order to expose State terrorism’s premeditated and planned nature, it’s essential to remember that the repressors were not monsters, but people who rationally planned and carried out a genocidal plan.

The role of those who communicate is strongly linked to the goal of humanizing through their journalistic labor. Legal discourse, in contrast, often tends to annul human suffering and the subjective dimension. It is interesting to think of the specific potential for these dimensions in the task of communicating.

CHAPTER 05.

THE JOB OF EXPOSING RESPONSIBILITY FOR CRIMES AGAINST HUMANITY

THE JOB OF EXPOSING RESPONSIBILITY FOR CRIMES AGAINST HUMANITY

CERTAIN SOCIAL CONSENSUS, AS WELL AS IMPORTANT INSTITUTIONAL SUPPORT, WAS NEEDED FOR THE SYSTEMATIC PLAN OF CLANDESTINE REPRESSION TO BE CARRIED OUT WITH THE MAGNITUDE AND SCOPE THAT IT HAD. THE CONNECTING AND COMBINING OF DIFFERENT INSTITUTIONAL AND NON-INSTITUTIONAL POWERS ENABLED THE EXECUTION OF GENOCIDE IN OUR COUNTRY. WHEN COMMUNICATING ON ANY TOPIC ASSOCIATED WITH THE PROCESS OF MEMORY, TRUTH AND JUSTICE, IT'S IMPORTANT NOT TO DESCRIBE THE DICTATORSHIP ONLY AS "MILITARY." IT'S MORE ACCURATE TO ADD THE CIVILIAN / BUSINESS / JUDICIAL / MEDIA / ECCLESIASTICAL ADJECTIVES, ACCORDING TO THE SPECIFIC CASE REFERRED TO IN THE REPORTING.

We consider it necessary to name the actions of this whole range of social participants not as mere complicity, but as indisputably responsible in crimes against humanity, in the context of the State's perpetrating a systematic plan. This terminology allows us to emphasize their roles as primary actors, not in secondary positions. Indicating a collective responsibility doesn't at all imply exonerating or justifying the genocidal armed forces.

- It is very important to highlight the participation of economic power groups, as well as their support of State terrorism in the application of a neoliberal economic plan.

RECOMMENDED READING: SECRETARÍA DE DERECHOS HUMANOS;
PROGRAMA VERDAD Y JUSTICIA -MINISTERIO DE JUSTICIA Y
DERECHOS HUMANOS DE LA NACIÓN; FLACSO; CELS (2015)
RESPONSABILIDAD EMPRESARIAL EN DELITOS DE LESA
HUMANIDAD. REPRESIÓN A TRABAJADORES DURANTE EL
TERRORISMO DE ESTADO, BUENOS AIRES, ARGENTINA, EDITORIAL
MINISTERIO DE JUSTICIA Y DERECHOS HUMANOS DE LA NACIÓN

- Often the media's responsibility isn't explicit. However, the media played a fundamental historic role in covering up, facilitating, and operating alongside genocidal governments in different countries.

RECOMMENDED READING TO SEE MEDIA RESPONSIBILITY: ZUBIETA
M, BLAUSTEIN (1998) DECÍAMOS AYER. LA PRENSA ARGENTINA
BAJO EL PROCESO, BUENOS AIRES, ARGENTINA, ED. COLIHUE
REVISTA REHIME (2014), DOSSIER 7: LA PRENSA PERIÓDICA
PROVINCIAL DURANTE LA ÚLTIMA DICTADURA MILITAR
ARGENTINA (1976-1983).

- Indicating the judicial power's participation includes recognizing actions and complicity that continue into the present.

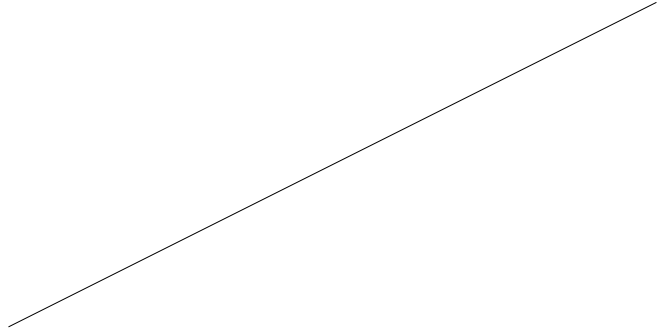
RECOMMENDED READING: SALINAS, P. (2017) LA JUSTICIA
FEDERAL EN EL BANQUILLO DE LOS ACUSADOS, MENDOZA,
ARGENTINA, ED. UNCUIYO.

When dealing with emblematic cases of institutional actions - such as Papel Prensa, Ford, Techint, or Ledesma-, we emphasize the need to define their responsibilities unequivocally. If we direct focus, when communicating, towards the civilian and economic aspects, we facilitate understanding of a large part of the interests that promoted persecution, torture and extermination systematically. When the participation of these driving forces is communicated, their economic aims are explicitly acknowledged, combatting the versions that describe certain "irrationality" on the part of the people who carried out the crimes during the dictatorship.

Nowadays, these companies are participants with strong veto power. These economic groups hinder the investigations and the search for information related to their active participation in crimes against humanity. As a result, regarding legal actions, little has been achieved to date: several acquittals and only a few firm convictions.

RECOMMENDED READING: PEREIRA, G. LEIGH A P. (2017)
"RENDICIÓN DE CUENTAS POR COMPLICIDAD EMPRESARIAL EN
VIOLACIONES DE DERECHOS HUMANOS: ¿INNOVACIÓN EN LA
JUSTICIA TRANSICIONAL DE ARGENTINA?" EN LOS DERECHOS
HUMANOS Y LAS EMPRESAS: REFLEXIONES DESDE AMÉRICA
LATINA, SAN JOSÉ, COSTA RICA, ED. INSTITUTO INTERAMERICANO
DE DERECHOS HUMANOS

Transmitting the past through reliable communication that manages to make visible the responsibilities still silenced today is part of strengthening the process of memory, truth and justice.



CHAPTER 06.

RECOMMENDATIONS

RECOMMENDATIONS

／ MEDIA CREDENTIALS

We suggest obtaining the National Registration of Journalists credential: the procedure is free and is done at the Secretary of Labor, Employment and Social Security's offices. The required documentation may be consulted at <https://www.argentina.gob.ar>

We also recommend that you wear a credential with name, photo and the media represented, to expedite access to events.

／ SUGGESTED SOURCES OF INFORMATION

It is important to realize that there are varied information sources covering the causes and consequences of the civilian-military dictatorship period, both official (government-based) as well as unofficial (non-governmental organizations).

We suggest some of them below:

Memoria Abierta (Open Memory): is an alliance of Argentine human rights organizations that promotes the memory of human rights violations in the recent past. Memoria Abierta catalogs and affords access to various institutional and personal archives;

produces audiovisual interviews that make up an Oral Archive; has a catalog containing thousands of records with information about the documentary funds, collections, and bibliographic material that are conserved, produced, and recovered by Memoria Abierta and as well as the Human Rights Organizations that comprise it. Their online catalog can be consulted at <http://catalogo.memoriaabierta.org.ar/> or by email at consultas@memoriaabierta.org.ar

Provincial Commissions of Memory and provincial archives or records: in recent years, some provinces created Commissions of Memory (their names vary according to each location).

In the province of Buenos Aires, the CPM (Provincial Memory Commission) produces resources, tools and institutional material concerning its different lines of work: Education, Youth, Security, Institutional Violence, Torture, Confinement, Mental Health, Childhood, Native Peoples, among others. Their website is <http://www.comisionporlamemoria.org/>.

In some provinces, archives or registers of memory were also created that can be consulted, with archives that originated from the repressive forces or other sources.

These may be different institutions or just one, depending on each province, with more or less participation of civilian organizations.

Archivo Nacional de la Memoria (National Archive of Memory): is a decentralized agency of the Human Rights Secretariat of the Ministry of Justice and Human Rights, responsible for obtaining, analyzing and preserving testimonies and documents on human rights violations.

The documentation can be requested through the website <https://www.argentina.gob.ar/archivonacionaldelamemoria>, or by phone at (5411) 4701-1345

Unified Registry of Victims of State Terrorism (RUVTE): is a unified register of the list of victims of the Argentine State's illegal repressive actions between 1966 and 1983 (victims of forced disappearance and murder) and the list of cases investigated included in the CONADEP's list, that lack formal testimony in the government's Secretary of Human Rights and Cultural Pluralism register, considered in the category "presumption of forced disappearance." It's found in the Ministry of Justice and Human Rights' data base and can be downloaded from their website: <http://datos.jus.gob.ar/dataset/registro-unificado-de-victimas-del-terrorismo-de-estado-ruvte>

In order to obtain an up-to-date statistical record on the open investigations in the courts on the trials for crimes against humanity, the Public Prosecutor's Office's website can be consulted: <https://www.fiscales.gob.ar/lesa-humanidad/?tipo-entrada=estadisticas>

／ TREATMENT

As suggested in chapter 4, when interacting with victims of state violence the treatment should be careful, respectful and patient. In addition, we suggest a story that avoids their re-traumatization. It's also important to be prudent about the information that is circulated, since the premature publication of sensitive material could interfere with the trials.

／ APPROACH

For the coverage and treatment of these topics, the use of non-technical language is suggested, to facilitate recipients' approach

and understanding of the information.

Also, we believe it's important to be aware and to avoid representations of the Two Demons Theory and of denial, as indicated in chapter 3.

We emphasize the need to contextualize the Malvinas war in the framework of state terrorism and the continuity of the State's violent and genocidal behavior towards its own soldiers who fought in the war.

RECOMMENDED READING: COMISIÓN PROVINCIAL POR LA MEMORIA
DOSSIER DIGITAL. DIRECCIÓN DE PROMOCIÓN Y TRANSMISIÓN
DE LA MEMORIA. MEMORIA EN LAS AULAS #2. GUERRA DE
MALVINAS: LAS VIOLACIONES A LOS DERECHOS HUMANOS EN LAS
ISLAS. COMISIÓN PROVINCIAL DE LA MEMORIA.
MINISTERIO DE EDUCACIÓN DE LA NACIÓN (2010) PENSAR
MALVINAS: UNA SELECCIÓN DE FUENTES DOCUMENTALES,
TESTIMONIALES, FICCIONALES Y FOTOGRÁFICAS PARA TRABAJAR
EN EL AULA, BUENOS AIRES, ARGENTINA, ED. MINISTERIO DE
EDUCACIÓN DE LA NACIÓN

NECESSARY AWARENESS IN THE JOURNALISTIC COVERAGE OF MEMORY, TRUTH AND JUSTICE

Testimonies in trials for crimes against humanity, as well as interviews with survivors of state terrorism, can affect the emotions and sensitivities of the people who give their testimony, along with whoever does the coverage. Knowing about and listening to the stories of human rights violations often requires accompaniment. At times, journalists may be subject to some type of threat. In those cases, we recommend approaching the office of the prosecutor-on-duty in the oral proceedings. This can be found on the Public

Prosecutor's Office website at
<https://www.mpf.gob.ar/mapa-fiscalias/>.

Also, it's advisable to request a human rights organization's accompaniment.

Some of these organizations' contact information can be found in chapter 7: "Human Rights Organizations".

RECOMMENDED READING: UNESCO, REPORTEROS SIN FRONTERAS
 (2015) MANUAL DE SEGURIDAD PARA PERIODISTAS. GUÍA
 PRÁCTICA PARA REPORTEROS EN ZONA DE RIESGO, ED. UNESCO.

／ PHOTOJOURNALISM

When including a photo taken by someone else, the source should be quoted, as well as the name of the photographer, and it's important to assure permission to reproduce the image.

When using images that weren't taken first hand, and utilizing an online search engine, it is important to consider that some images are licensed for free use, when specified by their titleholder. This is the case of Creative Commons licenses, among others. The Google Search Engine allows you to apply filters for your search. For this we recommend to search your keyword within the "search for images" tool; then press "Tools", where you can select "rights of use." There a list with different options for the use of images will be displayed.

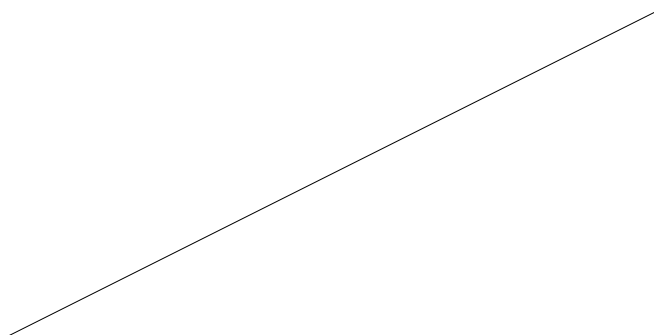
There are different websites that have free-use image banks. The images' terms of use are defined by their creators, and you may need to contact them.

On the other hand, we advise not to over-edit an image (cutting it or other alterations).

When covering a case on human rights, it could be interesting

to include images that don't repeat the best-known characters. The selection of a picture is an opportunity to visualize different subjects and reflect different perspectives on the same process. It's interesting to try to vary and show different images that reflect the complexity of the process, without focusing on a specific figure. For example, when a certain moment of a trial is being covered, it would be different to choose an image taken inside the courtroom, or a photo that focuses on the social support outside.

At times, people who testify in the trial don't want to be photographed or mentioned for security reasons, which is important to observe.



CHAPTER 06.1

POSSIBLE STRATEGIES FOR APPROACHING EVENTS ASSOCIATED WITH MEMORY, TRUTH, AND JUSTICE

POSSIBLE STRATEGIES FOR APPROACHING EVENTS ASSOCIATED WITH MEMORY, TRUTH, AND JUSTICE.

THESE APPROACHES ARE SUGGESTIONS FOR ONGOING COVERAGE OF THE MEMORY, TRUTH AND JUSTICE PROCESS, THAT FACILITATE THE VISIBILITY OF SOCIAL SECTORS WHO REQUEST MEMORY.

WE RECOMMEND TAKING INTO ACCOUNT THESE POSSIBLE STRATEGIES TO ADDRESS THE SUBJECTS OF MEMORY, TRUTH AND JUSTICE:

Continuity: establish the connections between the past and the present. Review or structure the pervasiveness of the subject, up to the present. It is important to remark on impunity continuing into the present, as well as the need for justice.

Life histories: tell what happened during the civilian-military dictatorship through a life history.

BIBLIOGRAFÍA RECOMENDADA: ASOCIACIÓN CIVIL NODO TAU
(2017) CRÓNICAS DESDE ADENTRO. SELECCIÓN 2016/2017,
ROSARIO, ARGENTINA, ED. KOLEKTIVO ÚLTIMO RECURSO.

Anniversaries: some specific dates can offer a reason to relate what occurred.

Chronicles of the trials: follow up on where a case is in the judicial process to comprehend the complexity of each trial.

Memory Sites: take into account that only some of the locations in which clandestine centers of detention, torture and extermination have operated are now declared as memory sites. Some other locations where State terrorism was executed, but not as clandestine detention centers, have also been declared memory sites. The denomination of memory site can be used in a broader sense than that defined by different national, provincial or municipal regulations.

Memory sites' agendas: many public activities are held nowadays in the memory sites. The sites' schedules are found in each site's social network or website. Each province's memory sites of are often linked to current trials.

The names of schools, theaters, etc. commemorating these issues can be motives to discuss the issue: take into account inaugurations, name changes, anniversaries, of schools whose names reflect the theme, for example: Superior Institute for Teacher Training "Abuelas of Plaza de Mayo."

Group identity characteristics: the history of what happened to specific groups can be an opportunity to start a story. For example, the history regarding the LGBTIQ community, or different religious communities, have their own stories to tell.

Contextualization: we recommend, if possible, to frame the subject in the international context in which the Condor Plan was perpetrated and the connections with the dictatorships that occurred at the time in the Southern Cone, positioning what occurred here in the perspective of genocide, and / or State Terrorism. More in chapter 3: “What are the crimes against humanity?”

Likewise, it's recommended to highlight that one of the main objectives pursued by the civilian-military dictatorship was implementation of a neoliberal economic plan. This required the oppression, elimination and control of the working class, both as a social and a political group. The plan for torture and disappearance was conceived to fulfill the purpose of imposing this economic doctrine.

CALLONI, STELLA (2006). OPERACIÓN CÓNDOR: PACTO CRIMINAL.
LA HABANA, CUBA, ED. CIENCIAS SOCIALES.

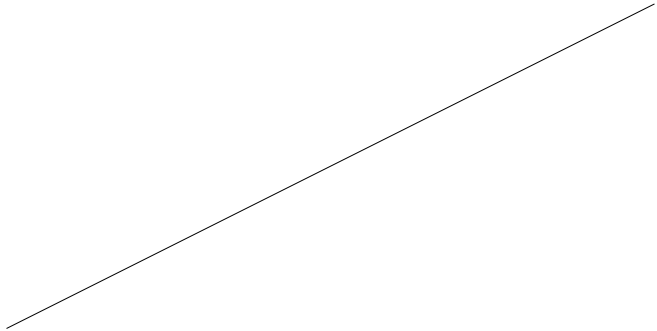
CALLONI STELLA (1999) LOS AÑOS DEL LOBO. EL PLAN CÓNDOR,
BUENOS AIRES, ARGENTINA ED. PEÑA LILLO.

BASUALDO, EDUARDO (2011) SISTEMA POLÍTICO Y MODELO DE
ACUMULACIÓN. TRES ENSAYOS SOBRE LA ARGENTINA ACTUAL,
BUENOS AIRES, ARGENTINA, ED. CARA O CEGA.

NAPOLI B, PEROSINO M C, BOSISIO W (2015) LA DICTADURA DEL
CAPITAL FINANCIERO. EL GOLPE MILITAR CORPORATIVO Y LA
TRAMA BURSÁTIL, BUENOS AIRES, ARGENTINA, ED. PEÑA LILLO.

Memorial opportunities: we suggest noting occasions that induce memory, such as the placement of memorial tiles on the street, or the inauguration of a mural that evokes the memory of genocidal procedures.

INSTITUTO ESPACIO PARA LA MEMORIA (2007) CENTROS
CLANDESTINOS DE LA CIUDAD DE BUENOS AIRES, BUENOS AIRES,
ARGENTINA, ED. INSTITUTO ESPACIO PARA LA MEMORIA



CHAPTER 06.2

RECOMMENDATIONS FOR ATTENDING A PUBLIC ORAL TRIAL

RECOMMENDATIONS FOR ATTENDING A PUBLIC ORAL TRIAL

INFORMATION SUGGESTED TO CHECK BEFORE THE HEARING

／ WHEN AND WHERE IS THE HEARING HELD?

To know the place, date and time of the hearings, you can check:

- Judicial Information Center: <https://www.cij.gov.ar/inicio.html>.
- News from the Public Prosecutor's Office, in the crimes against humanity section: <https://www.fiscales.gob.ar/>
- In many cases, plaintiff human rights organizations usually have more up-to-date information, given that from one hearing to another the schedules and days may vary, often specified at the end of the hearing. For questions, we recommend communicating with the organizations (look for their contact information in chapter 7: "Human Rights Organizations").

／ BEFORE PARTICIPATING IN A HEARING, WHAT CONTEXTUAL INFORMATION IS USEFUL TO LEARN?

The cases are usually identified by the name of a victim, of the accused organizations, of a clandestine detention center (or circuit of detention centers), or some well-known historical fact. These names are not always the same as the name of the case file, but they can help us clarify the context.

- Who is accused and for what crimes?
- For each of the accused persons: Have they been tried before? Are they currently detained (in a prison or with house arrest) or free?
- Who are the defense attorneys?
- Who are the plaintiffs?
- Who and how many are the victims? Have the victims testified previously or is it their first time? What crimes are being investigated? Is there anything specific in the crime against humanity? The people who are being tried, are they military agents, police, etc, or civilians: from the church, media, judges, etc?

It will also be important to know the name of those who comprise the court as well as who represents the Public Prosecutor's Office. If the sentencing is being covered, it's necessary to note the penalties requested by the prosecution and the plaintiffs. The courts often coincide with these, but sometimes they don't.

WHAT DOCUMENTATION IS NEEDED TO ENTER AN ORAL PUBLIC HEARING?

Trials in Argentina are oral and public. Any person over eighteen years old has the right to witness the proceedings. To enter the courtroom, the Argentine ID or the passport is needed.

WHAT TO ANSWER IF ASKED FOR WHICH PARTY YOU'VE COME?

For the plaintiff.

WHAT DOCUMENTATION IS NEEDED TO ENTER THE HEARING AS PRESS?

Credential or badge that certifies name and media agency being represented. It's important to consider that there may be specifics in the press accreditation, according to the court and the hearing. It's always advisable to check this with the corresponding court or with the intervening human rights organizations.

CAN COMMEMORATIVE SYMBOLS OR ORGANIZATIONAL IDENTIFICATION BE WORN?

On the first day of an oral public trial, each Court decides whether to allow banners, symbols, allusive clothing, pins, scarves, etc.

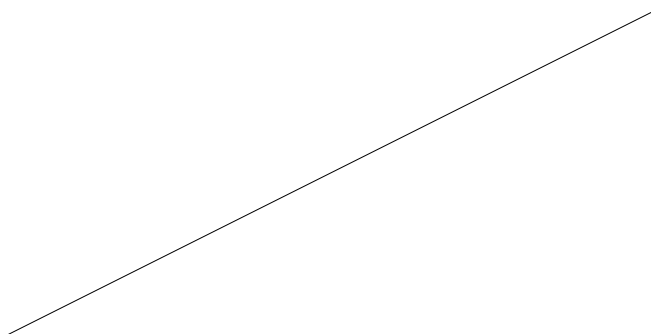
WHAT DOCUMENTATION IS NEEDED TO GAIN AUTHORIZATION FOR THE PHOTOGRAPHIC COVERAGE OF THE TRIAL?

Each Court can define the moments when photographs are permitted at a hearing. Sometimes a time is allotted at the beginning of the hearing; at others it's allowed throughout the whole day, but only from a sector of the courtroom. To be able to accomplish

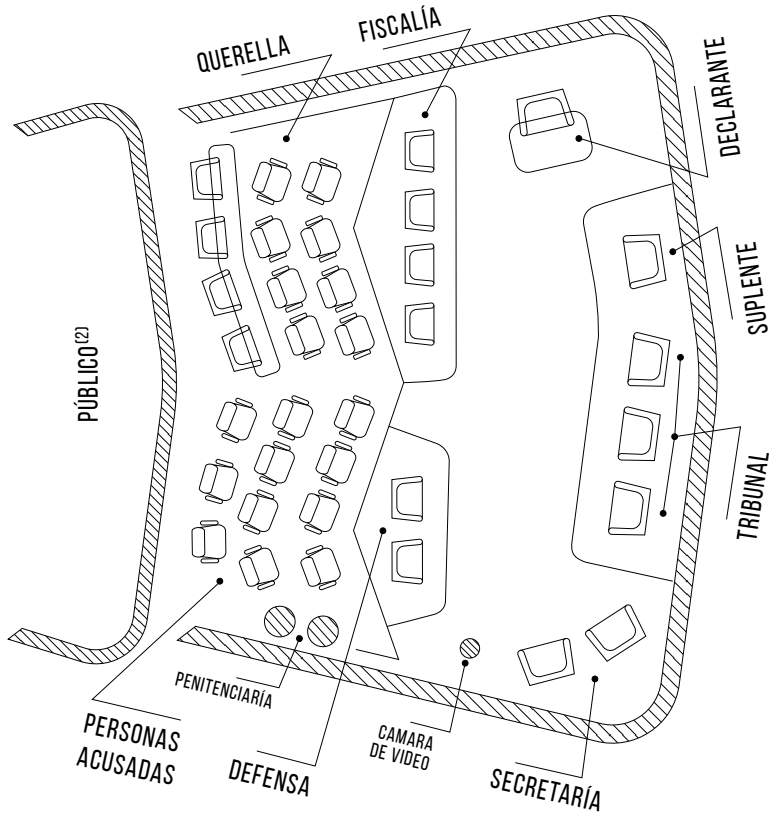
this type of coverage, a press agent must be accredited before the hearing. We recommend having an ARGRA (Association of Graphic Reporters of the Argentine Republic) credential or a credential that certifies belonging to a media agency.

Regarding covering judicial processes, it's advisable for the media treatment not to get ahead of the judicial schedule, as it could hinder the process and complicate the investigation. It's advisable to interview members of the court, the prosecutor's office and plaintiffs to cover each aspect of the judicial process.

Concerning media treatment of State terrorism's victims, see chapter 4.



ESCENARIO ORIENTATIVO DE UN JUICIO DE LESA HUMANIDAD⁽¹⁾



1. Este esquema fue realizado en una audiencia del juicio de Megacausa ESMA IV, llevado a cabo el día 27 de agosto de 2018 en los tribunales de Comodoro Py 2002, sala AMIA.

2. Según el tribunal, el público puede estar dividido en acompañantes de la querrella o de la parte acusada.

CHAPTER 07.

HUMAN RIGHTS ORGANIZATIONS

IN THIS SECTION, WE PRESENT
A LIST OF THE HUMAN RIGHTS
ORGANIZATIONS THAT FIGHT FOR
MEMORY, TRUTH AND JUSTICE.

APDH - PERMANENT ASSEMBLY FOR HUMAN RIGHTS



THE PERMANENT ASSEMBLY FOR HUMAN RIGHTS (APDH) WAS CREATED IN 1975 BY PEOPLE WHO GATHERED TOGETHER, COMING FROM DIFFERENT SOCIAL, POLITICAL, INTELLECTUAL, UNION AND RELIGIOUS GROUPS IN ARGENTINA, IN RESPONSE TO THE GROWING SITUATION OF VIOLENCE AND VIOLATION OF THE MOST BASIC HUMAN RIGHTS THAT WAS ESCALATING IN THE COUNTRY. THE APDH HAD THE DIFFICULT AND RISKY TASK OF DEFENDING LIFE AND RIGHTS DURING THE TRAGIC YEARS OF THE CIVILIAN-MILITARY DICTATORSHIP. IN ITS MORE THAN 40 YEARS OF EXISTENCE, THE APDH HAS BEEN NOTEWORTHY FOR THE FOLLOWING CHARACTERISTICS:

- 1) Its multi-party and multi-social-segment composition enabled a space for meeting and collaboration at a time when political activity was restricted in Argentina.
- 2) It was an organism that sustained “political” resistance to the dictatorship through public denouncement, within the nation and in international forums, and through judicial initiatives, as well as others of diverse types, in order to defend the victims of State terrorism, occupying

a social prosecutor's role against the regime of terror.

3) It has the capacity for broad popular appeal; diverse religious, political and social sectors found a chance to participate in demonstrations, publications, or acts of resistance without impinging on their own convictions.

AAPDH is an organization with national identity, currently with thirty headquarters throughout the country

It sustains continuous and permanent representation relating to the government, in its various branches (executive, legislative, judicial, police, etc.), both to anticipate and denounce as well as to propose and support initiatives in relation to the full implementation of human rights.

It participates in the fields of education, culture, mental health, economic and social rights, peace, and the prison system, through a series of commissions that carry out both study and research, publications, elucidation of public opinion, and education, while supporting or promoting specific projects to these effects.

CONTACT INFORMATION:

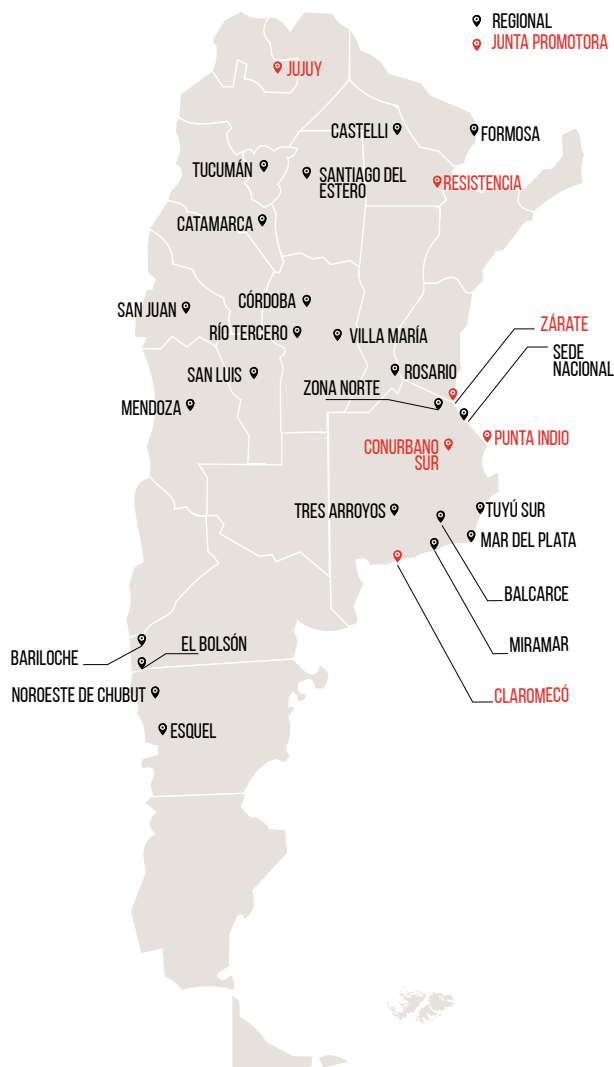
AV. CALLAO 569, 3º CUERPO, 1º PISO

(+54 011) 4373-0397 / 4372-8594

[HTTP://WWW.APDH.ORG.AR](http://WWW.APDH.ORG.AR)

APDH@APDH.ORG.AR

MAPA DE REGIONALES DE LA ASAMBLEA PERMANENTE POR LOS DERECHOS HUMANOS



Mapa de Regionales y juntas promotoras de la asamblea permanente por los Derechos Humanos vigente al mes de enero de 2019

MADRES DE PLAZA DE MAYO

Since April 30, 1977, a group of women seeking their children, who had been “disappeared” by the civilian-military dictatorship, got together headed by Azucena Villaflor. Determined in their heartfelt quest, and taking advantage of the 1978 World Soccer Tournament held in Argentina that attracted the international press, they managed to defy the military in order to show the world the human rights violations that were being committed in Jorge Rafael Videla’s Argentina. They forged famous slogans such as “that they return alive!” They denounced the Two Demons Theory and the impunity laws sanctioned during Raúl Alfonsín’s government, and fought against the Carlos Menem’s pardons. Intra-group differences led them to split into two organizations: Asociación Madres de Plaza de Mayo y Madres de Plaza de Mayo Línea Fundadora.

MADRES DE PLAZA DE MAYO LÍNEA FUNDADORA
CONTACT INFORMATION:
PIEDRAS 153, 1° A
(+54-11) 4343-1926
[HTTP://WWW.MADRESFUNDADORAS.ORG.AR/](http://www.madresfundadoras.org.ar/)
MADRESLF@MADRESLF.ORG.AR // RECEPCION@
MADRESLF.ORG.AR

ASOCIACIÓN MADRES DE PLAZA DE MAYO

Asociación Madres de Plaza de Mayo, chaired by Hebe de Bonafini, has manifested itself as a political organization. Among its main themes we find:

Socialization of motherhood

Our children are alive

The lack of jobs is a crime

The struggle of the world's people is our own struggle

CONTACT INFORMATION:
HIPÓLITO YRIGOYEN 1584
(54-011) 4383-0377
[HTTP://WWW.MADRES.ORG](http://www.madres.org)
MADRES@MADRES.ORG

ABUELAS DE PLAZA DE MAYO

Abuelas surge en 1977 con el objetivo de localizar y restituir a sus legítimas familias todas las criaturas que fueron apropiadas por la última dictadura argentina, en la cual se llevó a cabo la apropiación de 500 menores como “botín de guerra” por las fuerzas de represión, seguida de su entrega a los familiares de militares, el abandono en institutos como NN y la venta. En todos los casos, les anularon su identidad y les privaron de vivir con sus legítimas familias, como de gozar de sus derechos y su libertad.

In the mid-80s, Abuelas promoted the creation of a genetic bank, to store their genetic profiles and ensure the future identification of their grandchildren. In 1987, the National Congress created by law the National Bank of Genetic Data (BNDG), which since then has taken over the resolution of children's filiation who suffered appropriation during the last dictatorship. In this Bank, all the genetic samples of the relatives who are searching for children who were appropriated/disappeared by state terrorism are stored, as well as of all the people who suspect they're offspring of a missing person and have already left their samples in the Bank.

CONTACT INFORMATION:
VIRREY CEVALLOS 592 PB
(54-11) 4381-0642 / 0800-666-8631
[HTTP://WWW.ABUELAS.ORG.AR](http://www.abuelas.org.ar)
ABUELAS@ABUELAS.ORG.AR

H.I.J.O.S - HIJOS E HIJAS POR LA IDENTIDAD Y LA JUSTICIA CONTRA EL OLVIDO Y EL SILENCIO

Since its origin, on November 3, 1995, this organization has among its objectives the fight against impunity, the correct reconstruction of history, the restitution of the identities of their relatives who suffered kidnapping and appropriation, as well as the vindication of their mothers' and fathers' struggles, and those of the people with whom they activated.

H.I.J.O.S is an organization that exists in several points of Argentina and also has regional offices in several cities abroad. The national network meets and discusses policies in periodic meetings and annual conferences that work horizontally, as does each regional office.

CONTACT INFORMATION:

RIOBAMBA 34

(+54 11) 4953-5646.

HIJOSCAPITAL@GMAIL.COM

[HTTP://WWW.HIJOS-CAPITAL.ORG.AR](http://www.hijos-capital.org.ar)

MEDH - MOVIMIENTO ECUMÉNICO POR LOS DERECHOS HUMANOS

The Ecumenical Human Rights Movement was formed institutionally by ecumenical Christian churches that share the concern for the full exercise of rights and the commitment in defense of human dignity, collaborating in this way in the construction of a more fraternal society, based on truth, justice, solidarity, freedom and an integral authentic peace.

The M.E.D.H. was created in February, 1976, on the eve of the civilian-military dictatorship (1976-1983). It held its first public liturgy of solidarity with the detained-disappeared persons and their relatives in the Cathedral of Quilmes on December 22, 1976, and is the only entity of churches in Argentina dedicated specifically to Human Rights.

CONTACT INFORMATION:
MORENO 1785, 1ER PISO
(54-11) 4382-5957
COMUNICACION@MEDH.ORG.AR
[HTTP://WWW.MEDH.ORG.AR/](http://WWW.MEDH.ORG.AR/)

LADH - LIGA ARGENTINA POR LOS DERECHOS HUMANOS

Created on December 20, 1937, the Argentine League for Human Rights is an institution dedicated to the defense, promotion and education for Human Rights. It aspires to work rooted in workers,' students,' and neighborhood movements, among others.

The League's objectives are to fight for the dignity of human beings, for their right to be protagonists in the construction of a society where freedom and the full development of democracy and pluralism become reality.

CONTACT INFORMATION:

CORRIENTES 1785 2° C

(+54-11) 4371-3939

[HTTP://WWW.LIGA.ORG.AR](http://WWW.LIGA.ORG.AR)

INFORMES@LIGA.ORG.AR

CELS - CENTRO DE ESTUDIOS LEGALES Y SOCIALES

The Center for Legal and Social Studies is an Argentine human rights organization, created in 1979 during the last civilian-military dictatorship, which promotes the protection and effective exercise of rights, justice, and social inclusion, both locally and internationally.

In its early years, CELS carried out the struggle for truth and justice relating to the crimes committed by State terrorism. At the end of the 1980s, it expanded its agenda to include human rights violations occurring during democratic governments, their structural causes, and their correlation with social inequality. CELS' actions are aimed at consolidating the democratic State, influencing public policies, expanding the effective exercise of rights, accompanying victims, and seeking justice.

Since its beginning, CELS has articulated national and international work, in particular regarding universal and regional protection mechanisms.

CONTACT INFORMATION:

PIEDRAS 547 1º PISO

(+54011) 4334-4200

[HTTP://WWW.CELS.ORG.AR](http://www.cels.org.ar)

CELS@CELS.ORG.AR

SERPAJ - SERVICIO DE PAZ Y JUSTICIA

The Peace and Justice Service is a Christian-ecumenical social organization whose purpose is to promote the values of Solidarity and Non-violence and to promote the construction of a society based on the full recognition of the Rights of the Person and of the Peoples.

Although its origins go back to the end of the 1960s, SERPAJ, as such, is founded in 1974 as a confluence of diverse groups committed to creating an entity that promotes Christian values and the methodology of non-violent action, stemming from the Latin American liberation processes, characterized by situations of injustice and institutionalized violence, expressed in misery and oppression.

Adolfo Pérez Esquivel, Nobel Peace Prize winner in 1980 and current president of SERPAJ Argentina, was one of the founders of the organization and acted as General Latin American Coordinator between 1974 and 1986.

CONTACT INFORMATION:

PIEDRAS 730

[+54 11]4361-5745

[HTTP://WWW.SERPAJ.ORG/](http://www.serpaj.org/)

SERPAJ@SERPAJ.ORG.AR

FAMILIARES DE DESAPARECIDOS Y DETENIDOS POR RAZONES POLÍTICAS

In January 1976, the first group of relatives emerged as a response to the simultaneous disappearance of 24 people in Córdoba. Since March 1976, in Buenos Aires, family members who knew each other through negotiations with the official organizations, began to meet at the Argentine League for Human Rights' office (LADH). There, they received the first delegation of Amnesty International, to whom they denounced the situation of thousands of detainees disappeared in our country. Finally, in September 1976, it was established as a Family organization in Buenos Aires.

This organism defends the following ideas:

The people who were “disappeared” were closely linked to the popular cause, so they decided to reaffirm it through the organization's name, and that the struggle for memory, truth, and justice should be in conjunction with other political organizations, unions, professionals groups, among others.

The first major activity of this organization was the publication on March 8, 1977, of a request in the newspapers “La Nación” and “La Opinión”, which recalled, in a small ad, the anniversary of the military coup and demanded of the Commander of the Military Junta the appearance of the missing persons and the freeing of persons detained for political reasons.

Then, in the month of September, they published a new request with the full names of 136 missing relatives, who were being claimed in that signed petition.

CONTACT INFORMATION:
RIOBAMBA 34
(+54 11) 4953-5646 TEL.: 4951-0960
FADERAP@FIBERTEL.COM.AR
[HTTP://WWW.DESAPARECIDOS.ORG](http://www.desaparecidos.org)

LIST OF ARGENTINIAN HUMAN RIGHTS ORGANIZATIONS

BUENOS AIRES

AZUL

[Red por el derecho a la identidad](#)

BAHÍA BLANCA

Asamblea Permanente por los Derechos Humanos - autónoma

[Red por el derecho a la identidad](#)

BALCARCE

[Asamblea Permanente por los Derechos Humanos – Regional Balcarce](#)

balcarce@apdh.org.ar

BARADERO

[Red por el derecho a la identidad](#)

BOLÍVAR

[Red por el derecho a la identidad](#)

CLAROMECÓ:

[Asamblea Permanente por los Derechos Humanos – Regional Claromecó](#)

claromeco@apdh.org.ar

GENERAL ALVARADO

[Asamblea Permanente por los derechos humanos – Regional
Gral. Alvarado](#)

generalalvarado@apdh.org.ar

GRAND BOURG

[Asamblea Permanente por los Derechos Humanos - Regional
Zona Norte](#)

zonanorte@apdh.org.ar

LA MATANZA

[Asamblea Permanente por los Derechos Humanos - autónoma](#)

LA PLATA

[Abuelas de Plaza de Mayo](#)

[Asamblea Permanente por los Derechos Humanos. - autónoma](#)

[Centro de Profesionales por los Derechos Humanos - CeProDH](#)

[Comisión provincial por la Memoria](#)

[Coordinadora por la defensa de los derechos humanos. La Plata](#)

Familiares de detenedxs desaparecidxs y presxs por razones políticas y gremiales.

[H.I.J.O.S La Plata](#)

[Mesa por los derechos humanos - La Plata](#)

[MEDH – Movimiento ecuménico por los derechos humanos](#)

MAR DEL PLATA

[Abuelas de Plaza de Mayo](#)

[Asamblea Permanente por los Derechos Humanos – Regional](#)

[Mar del Plata](#)

mardelplata@apdh.org.ar

[CEPRODH](#)

[CORREPI - Coordinadora contra la represión policial e institucional](#)

[Madres de Plaza de Mayo](#)

Mesa multisectorial por los derechos humanos

OLAVARRÍA

Comisión de la memoria de Olavarría

Red por el derecho a la identidad

MEDH – Movimiento Ecuménico por los Derechos Humanos -
Quilmes

PUNTA INDIO

Asamblea Permanente por los Derechos Humanos – Regional
Punta Indio

puntaindio@apdh.org.ar

QUILMES

Asamblea Permanente por los Derechos Humanos – Regional
Conurbano Sur

conurbanosur@apdh.org.ar

VILLA GESELL

Asamblea Permanente por los Derechos Humanos – Regional
Tuyú Sur

tuyusur@apdh.org.ar

TRES ARROYOS

Asamblea Permanente por los Derechos Humanos – Regional
Tres Arroyos

tresarroyos@apdh.org.ar

Red por el derecho a la identidad

ZARATE

Asamblea Permanente por los Derechos Humanos – Regional

zarate@apdh.org.ar

CABA

[Abuelas de Plaza de Mayo](#)

[Asamblea Permanente por los Derechos Humanos – APDH](#)

apdh@apdh.org.ar

[Asociación Madres de Plaza de Mayo](#)

[Asociación de Ex Detenidos Desaparecidos](#)

[Comité Argentino de Seguimiento y Aplicación de la Convención Internacional sobre los Derechos del Niño \(CASACIDN\)](#)

[Centro de Estudios Legales y Sociales - CELS](#)

[Comisión Nacional por el Derecho a la Identidad - CONADI](#)

[Coordinadora Contra la Represión Policial e Institucional – CORRREPI](#)

[Familiares de Detenidos-Desaparecidos por Razones Políticas H.I.J.O.S.](#)

[HERMAN@S de Desaparecidos por la Verdad y la Justicia](#)

[Liga Argentina por los derechos humanos](#)

[Madres de Plaza de Mayo Línea Fundadora](#)

[Memoria Abierta](#)

[Movimiento Ecueménico por los Derechos Humanos \(MEDH\)](#)

[Servicio Paz y Justicia - SERPAJ](#)

[Amnistía Internacional Argentina](#)

CATAMARCA

[Asamblea Permanente por los Derechos Humanos – Regional](#)

[Catamarca](#)

catamarca@apdh.org.ar

[Asociación Civil “La Obra”](#)

[Casa de la Memoria](#)

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CHAPTER 08.

USEFUL TERMS AND CONCEPTS

USEFUL TERMS AND CONCEPTS

ALEGATOS: son los informes finales que deben presentar cada una de las partes (las partes querellantes, al Ministerio Público Fiscal y los defensores de los imputados) en la etapa de la discusión final del juicio oral y público.

CÁMARA DE CASACIÓN PENAL: es aquella que se ocupa de revisar tanto cuestiones de derecho —que los juzgados hayan “aplicado correctamente” la ley— como cuestiones de hecho y prueba, es decir, establecer qué fue lo que sucedió y cómo, en caso de que alguna de las partes que participan en el juicio oral y público no estén de acuerdo con la sentencia del tribunal y presenten un recurso de apelación.

CORTE SUPREMA DE JUSTICIA: en caso de que la instancia de casación sea apelada, la Corte Suprema de Justicia, revisa el caso y toma decisiones en casos donde haya discusiones constitucionales o que involucren la interpretación de una ley federal. La Corte no está obligada a revisar todos los casos que llegan al máximo tribunal.

CCD/CCDTyE: centro clandestino de detención o centro clandestino de detención, tortura y exterminio. La segunda opción enfatiza los objetivos del dispositivo concentracionario. Existieron

más de setecientos en todo el territorio argentino. En estos centros, las Fuerzas Armadas genocidas detenían ilegalmente, torturaban, secuestraban y asesinaban a las personas víctimas del terrorismo de Estado.

CONADEP: Comisión Nacional sobre la Desaparición de Personas, creada en 1983 a partir del Decreto presidencial de Raúl Alfonsín N°187/83. Estuvo encabezada por Ernesto Sábató y compuesta por 13 miembros y 5 secretarios, con el objetivo de recibir las denuncias y las pruebas acerca de los delitos cometidos durante la dictadura cívico-militar y remitirlas a la Justicia, averiguar el paradero de las personas desaparecidas y de menores apropiados, y denunciar cualquier intento de ocultamiento o destrucción de pruebas. Luego de nueve meses de trabajo, se presentó al Poder Ejecutivo, en septiembre de 1984, el informe final denominado Nunca Más.

DECLARACIÓN: explicación de una persona a otra u otras sobre hechos que le afectan o que le son conocidos y sobre los cuales es interrogada. Esta puede ser Testimonial, cuando testigos y/o víctimas dan cuenta de circunstancias por las cuales han resultado afectadas, o Indagatoria, cuando la persona que presta declaración está sospechada o acusada de cometer un delito.

DEFENSA: quien representa a la persona acusada durante el juicio. Pueden aportar y pedir pruebas y apelar las decisiones del juzgado, entre otras cosas. Toda persona tiene derecho a una defensa y, en caso de no poder pagarla, el Estado debe proveerla. En caso de necesitar defensa pública, existe una defensa diferente para cada una de las instancias del juicio (Instrucción, Juicio Oral, Cámara de Apelaciones, Cámara de Casación y Corte Suprema de Justicia de la Nación).

FISCALÍA: son quienes representan al Estado frente a la Justicia

y deben velar por los intereses de la sociedad. Están a cargo de perseguir a la persona acusada cuando la justicia así lo decide (dado que el sistema hoy es mixto y hay veces que el juzgado lleva adelante la investigación), reunir pruebas en su contra y pedir la condena. Del proceso participan distintos fiscales según el momento de la causa. Hay fiscales que trabajan durante la instrucción, es decir, en la investigación previa al juicio, en la Cámara de Apelaciones durante el juicio, y luego en la Cámara de Casación y la Corte Suprema de Justicia de la Nación (aunque en este último caso con el nombre de procurador general o procurador fiscal ante la Corte).

GRUPO DE TAREAS: eran grupos civiles y militares encargados de los allanamientos ilegales, secuestro y traslado de las personas desaparecidas. En los centros clandestinos de detención, podían estar encargados de la gestión del espacio y de la tortura.

HABEAS CORPUS: (del latín “cuerpo libre”) es una institución jurídica por la cual se busca evitar arrestos y detenciones arbitrarias, basada en la obligación oficial de presentar a la persona detenida en un plazo perentorio ante el juez, quien podría ordenar su libertad inmediata si no encontrara motivo suficiente de arresto. No sólo se trata de una garantía que cautela la libertad individual, sino que también fue utilizada durante la dictadura cívico-militar como herramienta de acción social.

INSPECCIÓN OCULAR: es un medio de prueba que consiste en conocer, inspeccionar con el tribunal el lugar donde sucedió un hecho junto con los elementos y circunstancias que lo rodean, a los fines de poder reconstituir el delito investigado.

JUICIOS POR LA VERDAD: se iniciaron a fines de la década del 90 gracias a la iniciativa de distintos organismos de Derechos Humanos. Fueron una estrategia extrapenal para la realización

de la justicia que sirvió para recaudar información acerca de los delitos cometidos durante la última dictadura cívico-militar, que si bien no posibilitó el castigo a los culpables, estableció ciertos parámetros de verdad sobre lo sucedido. De esta manera, se buscó contrarrestar la impunidad establecida a partir de la sanción de las leyes de Obediencia Debida y Punto Final y de los indultos. Estos juicios tuvieron lugar en La Plata, Bahía Blanca, Mar del Plata y Mendoza.

JUICIOS A LAS JUNTAS: se trató del juzgamiento penal de los delitos cometidos por los integrantes de las tres juntas de la dictadura cívico militar, quienes recibieron condena el 9 de diciembre de 1985. Fue un proceso de 8 meses durante los cuales se buscó, a través de denuncias, declaraciones de testigo y el informe Nunca Más, dar cuenta de un plan sistemático de Terrorismo de Estado basado en la violación de los Derechos Humanos.

JUZGADO: son quienes deciden, de acuerdo con la ley, sobre las distintas cuestiones del proceso. En la primera etapa existe un juzgado de instrucción que, en algunos casos, puede llevar adelante la investigación o delegarla en la fiscalía, dado que en la actualidad el sistema procesal es mixto. En esta instancia la persona designada para juzgar decide si hay suficientes pruebas para llevar una causa a juicio o no. Las personas miembros del tribunal de Instrucción pueden autorizar los procedimientos llevados a cabo por la fiscalía para la recolección de las pruebas, tomar las declaraciones indagatorias tanto a las personas que son testigos como a quienes son acusadas, juzgar si las pruebas presentadas son suficientes para imputar a quienes tienen acusaciones, y dictaminar la elevación a juicio de los procesos.

LEYES DE IMPUNIDAD: se refiere a la Ley 23.492 de Punto Final, sancionada en 1986, a Ley 23.521 de Obediencia Debida, del año 1987, y a una serie de decretos a través de los cuales se

indultaban a militares y civiles, entre 1989 y 1990, que impedían la investigación y juzgamiento de los delitos y violaciones de derechos humanos perpetrados durante la dictadura cívico-militar.

PLAN CÓNDOR: fue una operación ideada durante la década del '70 por los servicios de inteligencia de varios países latinoamericanos como Brasil, Chile, Uruguay, Paraguay y Bolivia, impulsada por Estados Unidos y con el objetivo de desaparecer a las personas que representaban oposiciones políticas a los regímenes dictatoriales y la finalidad de instalar un plan económico neoliberal. Más allá de las fronteras, se trató de un sistema represivo coordinado entre las dictaduras del Cono Sur, del cual participaron fuerzas militares y paramilitares.

QUERELLA: Representan a la víctima del delito o delitos que se investigan, o a alguien a quien el delito haya hecho daño. Puede acceder a la información que está en el expediente, apelar las decisiones del juzgado y aportar pruebas en la causa, entre otras cosas. Sólo en la etapa de Instrucción, las víctimas, sus familiares o instituciones pueden constituirse en querellante. Querellar significa pasar a ser parte acusatoria en la causa y poder aportar pruebas.

REQUERIMIENTO DE ELEVACIÓN A JUICIO: es la acusación que pesa sobre las personas procesadas realizada por la fiscalía y las querellas en la etapa de instrucción de un juicio. Si la causa es elevada por el juzgado de instrucción a juicio oral y público, la lectura de este documento es la que da apertura al juicio.

RESTITUCIÓN DE LA IDENTIDAD: a partir de la búsqueda llevada a cabo por la Asociación Abuelas de Plaza de Mayo de menores que fueron apropiados durante la dictadura cívico-militar, más de 150 jóvenes han recuperado la identidad de la

que habían sido privadas. Con el derecho a la identidad como eje, se creó el Banco Nacional de Datos Genéticos, en el cual cualquier persona que tiene dudas sobre su identidad puede hacer las pericias genéticas sin la necesidad de la intervención de la justicia. Además, se puso en marcha el proyecto Reconstrucción de la Identidad de los Desaparecidos, que recopila la información biográfica de las víctimas y familiares para que quienes recuperan su identidad conozca su historia familiar. También se creó la Comisión Nacional de Derecho a la Identidad (CONADI) que es un órgano del Estado Nacional abocado a garantizar el derecho a la identidad.

RUEDA DE RECONOCIMIENTO: procedimiento por el cual se reúnen personas sospechadas de cometer un delito o falta, con el objetivo de que la víctima o testigos puedan reconocer visualmente a la persona autora o partícipe del delito denunciado.

SITIOS DE MEMORIA: A partir de la Ley 26. 691 se define que los Sitios de memoria son aquellos lugares que funcionaron como centros clandestinos de detención o donde sucedieron hechos emblemáticos vinculados al accionar terrorista por parte del Estado. Esta ley estableció 34 sitios en todo el país.

TOF: Tribunal a cargo del proceso judicial donde se imputan delitos federales. Juzgan causas a nivel nacional en diecisiete jurisdicciones. Su integración es por sorteo.

CHAPTER 09.

BIBLIOGRAPHY

BIBLIOGRAPHY

Abramovich, V.; Bovino, A.; Courtis, C. (2007). La aplicación de los tratados sobre derechos humanos en el ámbito local. La experiencia de una década. Buenos Aires: Editores del Puerto.

Adamoldi, MC.; Flachslan, C (Ed.). (2010) Pensar la dictadura. Terrorismo de Estado en Argentina. Buenos Aires: Ministerio de Educación de la Nación.

Aguilar, M.; Astudillo, S.; Calzón Fernández, Y. (2012). ¿Qué es esto de los Derechos Humanos?: apuntes para una reflexión crítica: historias, documentos, conceptos y actividades. Buenos Aires: Instituto Espacio para la Memoria.

Allievi, C. (2015). Las cosas por su nombre Delitos sexuales en el marco de la última dictadura cívico-militar en Argentina. Un análisis desde la comunicación y la cultura (Tesina de Grado). Facultad de Ciencias Sociales, Universidad de Buenos Aires. Buenos Aires.

Andriotti, E. (2013). Decir la verdad, hacer justicia: Los Juicios por la Verdad en Argentina. En Revista Europea de Estudios Latinoamericanos y del Caribe No. 94 (2013)

April, pp. 5-23, disponible en: www.erlacs.org

Asamblea Permanente por los Derechos Humanos (APDH). (2015). Memoria 2015. Sobre la evolución del acuerdo de cooperación entre el Ministerio de Justicia y Derechos Humanos y la ADPH. Buenos Aires.

Asamblea Permanente por los Derechos Humanos (APDH). (2014). Memoria 2014. Sobre la evolución del acuerdo de cooperación entre el Ministerio de Justicia y Derechos Humanos y la ADPH. Buenos Aires.

Asamblea Permanente por los Derechos Humanos (APDH). (2013). Memoria 2013. Sobre la evolución del acuerdo de cooperación entre el Ministerio de Justicia y Derechos Humanos y la ADPH. Buenos Aires.

Asamblea Permanente por los Derechos Humanos (APDH). (2012). Memoria 2012. Sobre la evolución del acuerdo de cooperación entre el Ministerio de Justicia y Derechos Humanos y la ADPH. Buenos Aires.

Asociación civil Nodo Tau (2017) Crónicas desde adentro. Selección 2016/2017, Rosario, Argentina, Ed. Kolectivo Último recurso.

Balardini, L; Oberlin A; Sobredo L (2011). “Violencia de género y abusos sexuales en los centros clandestinos de detención.” en Hacer justicia: nuevos debates sobre el juzgamiento de crímenes, de Centro de Estudios Legales y Sociales (CELS). Buenos Aires, Argentina, Ed. Siglo XXI.

Basualdo, Eduardo (2011) Sistema político y modelo de acumulación. Tres ensayos sobre la Argentina actual,

Buenos Aires, Argentina, Ed. Cara o Ceca

Bayer, O, y otros (2010), El Terrorismo de Estado en la Argentina: Apuntes sobre su historia y sus consecuencias, Buenos Aires, Argentina, Ed. Instituto Espacio para la Memoria

Calloni, Stella (2006). Operación Cóndor: pacto criminal. La Habana, Cuba, Ed. Ciencias Sociales

Calloni Stella (1999) Los años del lobo. El plan Cóndor, Buenos Aires, Argentina Ed. Peña Lillo.

CIDH. (2009). Informe anual de la Comisión Interamericana de DDHH 2009 - Informa de la relatoría especial para la libertad la libertad de expresión. Recuperado de: <http://www.oas.org/>

CIDH. (2011). El derecho de acceso a la información pública en las Américas. Estándares Interamericanos y comparación de marcos legales. Relatoría Especial para la Libertad de Expresión Comisión Interamericana de Derechos Humanos. Recuperado de: <http://www.oas.org/>

CIDH. (2011). Resolución N° 1/03 sobre juzgamiento de crímenes internacionales Recuperado de: <http://www.cidh.oas.org/>

Centro de Estudios Legales y Sociales (CELS) (2015). Derechos Humanos en Argentina, informe 2015. Buenos Aires.

Chillier, G. (2009). Los procesos de justicia por violaciones de derechos humanos en Argentina. Buenos Aires. Centro

de Estudios Legales y Sociales (CELS).

Centro de Estudios Legales y Sociales (CELS) (2012). Guía de trabajo para la toma de testimonios a víctimas sobrevivientes de tortura. Buenos Aires.

Centro de Estudios Legales y Sociales (CELS) (2011). Centro de Estudios Legales y Sociales (CELS). (2012). Guía de trabajo para la toma de testimonios a víctimas sobrevivientes de tortura. Buenos Aires, Ed. Siglo Veintiuno.

CLEPSIDRA (2014) Dossier. “Testimonios: Debates y desafíos desde América Latina” en Revista del Núcleo de Estudios sobre Memoria (IDES).

CLEPSIDRA (2014) Dossier “Espacios de Memoria: Controversias en torno a los usos y las estrategias de representación” en Revista del Núcleo de Estudios sobre Memoria (IDES).

Clepsidra. (2014). El trabajo del EAAF. Datos concretos frente a la incerteza de la desaparición. Revista Interdisciplinaria de Estudios sobre Memoria.

Comisión Provincial por la Memoria. Los recorridos de la Justicia: Del juicio a las Juntas a los nuevos juicios. Recuperado de: <http://www.comisionporlamemoria.org>

Comisión provincial por la Memoria Dossier Digital. Dirección de Promoción y Transmisión de la Memoria. Memoria en las aulas #2. Guerra de Malvinas: Las violaciones a los Derechos Humanos en las islas. Comisión provincial de la memoria. Recuperado en: <http://>

www.comisionporlamemoria.org/archivos/educacion/memoria-en-las-aulas/dossiermalvinas.pdf

Corte Suprema de Justicia de la Nación (2009). Delitos de lesa humanidad: secretaría de jurisprudencia. Buenos Aires, Corte Suprema de Justicia de la Nación.

Crocco, N. (2012). La realización simbólica del genocidio: el Juicio a las Juntas y una mirada del pasado desde el “pasado”. Recuperado de: <http://www.pensamientopenal.com.ar>

Crossetto, S.; Depetris, M.; Gallegos, M. (2014). Ausencias presentes. Historias de vida de los desaparecidos y asesinados de San Francisco (Córdoba) y la región. Córdoba.

Defensoría del Pueblo. (2015). Recomendaciones para el tratamiento de información sobre derechos humanos en los medios audiovisuales. Buenos Aires. Recuperado de: <http://defensadelpublico.gob.ar>

Dirección Nacional del Sistema Argentino de Información Jurídica. (2015). Responsabilidad empresarial en delitos de lesa humanidad. Represión a trabajadores durante el terrorismo de Estado. Tomo I y II. Buenos Aires.

Duhalde, E. (1999) Teoría jurídico-política de la comunicación. Buenos Aires: Eudeba.

Duhalde, E. (2009). Acompañamiento a testigos en los juicios contra el terrorismo de Estado. Primeras experiencias. Buenos Aires : Ministerio de Justicia, Seguridad y Derechos Humanos de la Nación. Secretaría de Derechos Humanos.

Duhalde L; Rousseaux F (2015) El detenido desaparecido como testigo en los juicios de crímenes de lesa humanidad, Buenos Aires, Argentina Ed. Fundación Eduardo Luis Duhalde.

Federación Latinoamericana de Periodistas (FELAP) (1979). Código latinoamericano de ética periodística. Caracas.

Fernández Fiks, T. (2015). Los juicios de lesa humanidad en la Argentina: verdad, justicia y el establecimiento de la memoria colectiva. Recuperado de: <http://www.pensamientopenal.com.ar>

Feierstein, D. (2013). “Algunos interrogantes sobre las modalidades de juzgamiento” en Revista Crítica Penal y Poder 2013, n° 5, Número especial: Redefiniendo la cuestión criminal: Crímenes de Estado, atrocidades masivas y daño social. Septiembre (pp. 46 -62). Observatorio del Sistema Penal y los Derechos Humanos. Universidad de Barcelona.

Feierstein, D (2007) El genocidio como práctica social, Buenos Aires, Argentina. Editorial Fondo de Cultura Económica

Espacio Memoria. (2016). Guía para comprender la evolución de los Juicios por Crímenes de Lesa Humanidad, en La escuela va a los juicios. Buenos Aires.

Giosa, L. (23 de marzo de 2016). Derecho Internacional y crímenes de Lesa Humanidad. Recuperado de: <https://www.unicen.edu.ar>

Instituto Espacio para la Memoria. Manual para víctimas y testigos en Causas Vinculadas al Terrorismo de Estado, Buenos Aires, Ed. Instituto Espacio para la Memoria.

Recuperado en: <http://goldatu.eus/es/querella-argentina/un-manual-para-testigos>

Instituto Espacio para la memoria (2007) Centros clandestinos de la Ciudad de Buenos Aires, Buenos Aires, Argentina, Ed. Instituto Espacio para la Memoria

Instituto Espacio para la Memoria, Asamblea Permanente por los Derechos Humanos. (2011). Memoria y Dictadura: Un espacio para la reflexión desde los Derechos Humanos, Buenos Aires, Ed. Instituto Espacio para la Memoria

Instituto Espacio para la Memoria (2007) Leyes: principales instrumentos legales sobre derechos humanos y memoria, Buenos Aires, Argentina Ed. Instituto Espacio para la Memoria

Instituto de Políticas Públicas en Derechos Humanos del MERCOSUR (IPPDH). (2012). Principios fundamentales para las políticas públicas sobre sitios de memoria. Buenos Aires, Editorial IPPDH. Recuperado de : <http://www.ippdh.mercosur.int>

Loreti, D. (1995). El Derecho a la Información. Relación entre medios, público y periodistas. Buenos Aires, Editorial Paidós.

Loreti, D.; Lozano, L. (2015). El rol del Estado como garante del derecho humano a la comunicación. Buenos Aires. Recuperado de: saij.gob.ar

Manguía, S. (2016). Un informe de los juicios sobre delitos de lesa humanidad. Recuperado de: www.sociales.uba.ar

Memoria Abierta (2011). Guía de archivos útiles para la investigación judicial de delitos de lesa humanidad. Buenos Aires.

Memoria Abierta (2011). Testimonios y Archivo. Metodología de Memoria Abierta. Buenos Aires.

Mira, Julieta (2013). Los estudios de la “memoria y el testimonio. El caso de la reconstrucción de experiencias de violencia extrema del pasado reciente. VII Jornadas de Jóvenes Investigadores. Instituto de Investigaciones Gino Germani, Facultad de Ciencias Sociales, Universidad de Buenos Aires, Buenos Aires.

Ministerio de Educación de la Nación (2010) Pensar Malvinas: una selección de fuentes documentales, testimoniales, ficcionales y fotográficas para trabajar en el aula, Buenos Aires, Argentina, Ed. Ministerio de Educación de la Nación.

Ministerio de Justicia, Seguridad y Derechos Humanos de la Nación. (2008). Acompañamiento a testigos y querellantes en el marco de los juicios contra el terrorismo de Estado. Estrategias de intervención. Recuperado de: https://www.fiscales.gob.ar/wp-content/uploads/2016/03/ebook_Lesa.pdf

Ministerio de Justicia, Seguridad y Derechos Humanos de la Nación (2008). Acompañamiento a testigos en los juicios contra el terrorismo de Estado. Primera Experiencias. Recuperado de: <http://www.jus.gob.ar/>

Ministerio de Justicia y Derechos Humanos de la Nación. Secretaría de Derechos Humanos (2015). Experiencias en

salud mental y derechos humanos: aportes desde la política pública, Buenos Aires : Ministerio de Justicia y Derechos Humanos de la Nación.

Mora, N. (2005). Juicios por la verdad histórica, rituales de la memoria. La reaparición de una trama en Mar del Plata. Tesis de Licenciatura. Facultad de Filosofía y Letras, universidad de Buenos Aires. Buenos Aires.

Napoli B, Perosino M C, Bosisio W (2015) La dictadura del capital financiero. El golpe militar corporativo y la trama bursátil, Buenos Aires, Argentina, Ed. Peña Lillo

Núcleo de Estudios sobre Memoria. (2011). Los crímenes de lesa humanidad en la Argentina: Estado de situación, preguntas y desafíos. Recuperado de: memoria.ides.org.ar

Organización de las Naciones Unidas (2005) Principios y directrices básicos sobre el derecho de las víctimas de violaciones manifiestas de las normas internacionales de derechos humanos y de violaciones graves del derecho internacional humanitario a interponer recursos y obtener reparaciones, 64ª sesión plenaria.

Pereira, G., Leigh A. P. (2017). “Rendición de cuentas por complicidad empresarial en violaciones de derechos humanos: ¿Innovación en la justicia transicional de Argentina?” en Los derechos humanos y las empresas: Reflexiones desde América Latina, San José, Costa Rica, Ed. Instituto Interamericano de Derechos Humano

Portela, M. (2005). Los juicios por la verdad : Ejercer la memoria. En: Encrucijadas, no. 30. Universidad de Buenos Aires. Disponible en el Repositorio Digital institucional

de la Universidad de Buenos Aires: <http://repositorioubasisbi.uba.ar>

Procuración General de la Nación (2017). Crímenes de Lesa Humanidad en Argentina. Compendio de resoluciones de CFCP sobre sentencias definitivas y algunos fallos de CSJN relevantes. Buenos Aires.

Rafecas, D. (2016). Juicios de Lesa Humanidad en la Argentina. Presente y futuro. Recuperado de: <http://www.pensamientopenal.com.ar/>

Revista ReHime (2014), Dossier 7: La prensa periódica provincial durante la última dictadura militar argentina (1976-1983).

Rogers, T. (2015). Justicia transicional en Argentina. el juicio por la verdad en Mar del Plata: memoria, justicia y verdad. Políticas de justicia transicional, Vol. 27, Cartapacio de Derecho, Facultad de Derecho, UNICEN.

Salinas P, (2017). La justicia federal en el banquillo de los acusados. Mendoza, Argentina, Ed. UNCUIYO.

Schapiro, H. (2002). El surgimiento de los juicios por la verdad en la Argentina de los años 90'. Revista El vuelo de Ícaro. Revista de derechos humanos, crítica política y análisis de la economía. Buenos Aires: LAPDH, N° 2-3.

Schoenle, L. (2013). Juicios, memorias y políticas: posicionamientos y disputas por el sentido. Caso megacausa ESMA. Instituto de Ciencias Antropológicas. Facultad de Filosofía y Letras, UBA, Buenos Aires.

Secretaría de Derechos Humanos del Ministerio de Justicia y Derechos Humanos. (2011). Protocolo de Intervención para el Tratamiento de Víctimas-Testigos en el marco de Procesos Judiciales.

Secretaría de Derechos Humanos; Programa Verdad y Justicia; Ministerio de Justicia y Derechos Humanos de la Nación; FLACSO; CELS (2015). Responsabilidad empresarial en delitos de lesa humanidad. Represión a trabajadores durante el terrorismo de Estado, Buenos Aires, Argentina, Editorial Ministerio de Justicia y Derechos Humanos de la Nación.

UNESCO. (2010). Declaración de Brisbane - Libertad de información: el derecho a saber. Recuperado de: <http://www.unesco.org>

Unesco, Reporteros sin fronteras (2015) MANUAL DE SEGURIDAD PARA PERIODISTAS. Guía práctica para reporteros en zona de riesgo, Ed. Unesco. Recuperado en: https://rsf.org/sites/default/files/guide_secu_2017.pdf

Universidad Nacional de Cuyo. (2014). El libro de los juicios. Experiencias, debates y testimonios sobre el terrorismo de Estado en Mendoza. Recuperado de: <http://www.ediunc.uncu.edu.ar>

Wlasic J. C. (2013). Memoria, Verdad y Justicia en democracia de la impunidad política a la impunidad técnica, Mar del Plata, Argentina Ed. Eudem.

Zubieta M., Blaustein (1998). Decíamos ayer. La prensa argentina bajo el Proceso, Buenos Aires, Argentina, Ed. Colihue.

MEMORY, TRUTH AND JUSTICE

Los juicios de Lesa humanidad, logrando condenas a más de 42 años, pese al actual negacionismo estatal, son la mejor expresión de la lucha inclaudicable de las organizaciones de derechos humanos. Entre ellas, APDH.

Norma Ríos

Luchar contra la impunidad, lograr que los genocidas y victimarios de todo tipo sean juzgados y condenados es el camino complejo y apasionante que han recorrido los organismos de derechos humanos en Argentina. Ejemplo de Memoria, Verdad y Justicia. Han dejado una huella profunda en la Historia de la Humanidad. Para la APDH y el conjunto de organismos constituye el mejor legado generacional.

María Elena Naddeo

La lucha por la memoria, la verdad y la justicia es fundante en la profundización de la democracia en Argentina. Desde la APDH hemos jugado siempre un rol activo a favor del derecho a la comunicación y a la información, porque la pluralidad de voces es necesaria para fortalecer la democracia. Consideramos que una guía para abordar la temática puede contribuir a ampliar los argumentos, a mejorar las coberturas y a acercar materiales que están diseminados, con el objetivo de facilitar y dinamizar la tarea periodística y comunicacional.

La APDH acompaña a las víctimas de violaciones a los derechos humanos y colabora con el Estado de derecho en la búsqueda de la verdad y la justicia. Luchando contra la impunidad de ayer y hoy, construimos un presente y un futuro mejor con memoria, verdad y justicia.

Gisela Cardozo



ISBN 978-987-97921-7-9

