

# Argentinian Transitional Justice Process: Women Behind

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## Abstract

*In the Argentinian transitional justice process, women's issues were neglected by all the different mechanisms that attempted to redress the gross human rights violations perpetrated during the last military dictatorship. In other words, democracy failed women and relegated them to their traditional roles as keepers of the family at the time that they started to demand justice for their identities and bodily and sexual integrity. This essay analyses the significance of the sexual violence carried out against women in clandestine detention centres during the last military dictatorship. Furthermore, it explores the position of gender justice within the Argentinian transitional justice process, and the gender discrimination that has made sexual violence committed against women a taboo into the transitional justice mechanisms in Argentina.*

**Keywords:** Argentina, transitional justice, women, sexual violence, human rights.

## Introduction

Transitional justice has traditionally been the dominion of men, where crimes against women were only investigated and prosecuted when they were also perpetrated against men. Women's issues have not found a place in the mechanisms established to address past atrocities; namely, trials, truth commissions, reparations and institutional reforms. Accordingly, it was argued that, consciously or unconsciously, the needs of women were neglected.<sup>1</sup>

Political and legal decisions ignored the fact that, "women are violated in many ways in which men are violated. But women are also violated in ways men are not, or that are exceptional for men."<sup>2</sup> This statement does not deny the sexual violence perpetrated against men and the specific gender-based violence which they are exposed to in armed conflicts, for example, sex-selective massacres,

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<sup>1</sup> Garzón, Baltasar, in Seminar Derecho Penal Internacional y Género, November 2010, Buenos Aires, Argentina.

<sup>2</sup> MacKinnon, Catherine A. (1994). Rape, Genocide, and Women's Human Rights. In: Stiglmeier (ed.) (1994). *Mass rape: The War against Women in Bosnia Herzegovina*. Lincoln, London: University of Nebraska Press.

recruitment and genital mutilations.<sup>3</sup> These gross human rights violations must also be addressed in transitional justice.

However, the cases of sexual violence used as a weapon of war for genocidal purposes in the former Yugoslavia and Rwanda in the 1990s show that women and children are more vulnerable and constitute the primary targets of that form of violence in armed conflicts.<sup>4</sup> Accordingly, the United Nations International Criminal Tribunals for the former Yugoslavia and Rwanda were the first courts to condemn at the international level sexual crimes against women as crimes against humanity, genocide and war crimes committed during armed conflicts.<sup>5</sup>

Nevertheless, sexual violence was always a *continuum* in women's lives during armed conflicts.<sup>6</sup> It is not a new phenomenon that threatens them only in the present day. For instance, during the Second World War, women were sexually abused by conquering armies during the different occupations. Furthermore, the documented orgies of violence perpetrated against women during the post-conflict months in Berlin in 1945 as well as in Nanking in 1937, are considered expressions of victory towards the enemy.<sup>7</sup>

Therefore, the precedents of the Criminal Tribunals for the former Yugoslavia and Rwanda are a turning point in gender justice. Furthermore, they represent a review of the previous post-conflict justice processes, namely, the Nuremberg and Tokyo trials, where sexual violence was not condemned. In addition, they are at the forefront of the domestic, hybrid and international courts responsible for prosecuting gender crimes worldwide. Accordingly, other tribunals, such as the International Criminal Court, the Special Court for Sierra Leone and national courts have started to open investigations and prosecutions for sexual crimes committed against women.

This essay analyses the place of gender justice in the transitional justice process in Argentina. Firstly, it explores the last military dictatorship under which the human rights violations against women in clandestine detention centres occurred. It then demonstrates the gender discrimination that existed during the Argentinian transitional justice process, both at the Truth Commission and different trials. Thus, the essay addresses the particular significance of the sexual violence committed against women in the clandestine detention centres in order to highlight the importance of public acknowledgement in the aftermath. Finally, it explains why sexual violence against women may be considered a taboo in the Argentinian transitional justice system.

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<sup>3</sup> Carpenter, R. Charli (2006). Recognizing Gender-Based Violence against civilian Men and Boys in Conflict Situations. *Security Dialogue*. Vol. 37, No.1, pp. 83-103. Sivakumaran, Sandesh (2007). Sexual Violence against Men in Armed Conflict. *The European Journal of International Law*. Vol.18, No.2, pp. 253-276.

<sup>4</sup> Weitsman, Patricia A. (2008). The Politics of Identity and Sexual Violence: A Review of Bosnia and Rwanda. *Human Rights Quarterly*. Vol.30, pp. 561-578.

<sup>5</sup> Bastick, Megan; Grimm, Karen & Kunz, Rahel (2007). *Sexual Violence in armed conflict: global overview and implications for the security sector*. Geneva: Geneva Centre for the Democratic Control of Armed Forces.

<sup>6</sup> Gender analysis asserts that violence is a *continuum* in women's lives, explaining that violence against women persists among peace, war and post war, *ad infinitum*. Cockburn, Cinthya (2004). The Continuum of violence: A Gender Perspective on War and Peace. In: Giles, Hyndman (eds.) *Sites of violence: Gender and conflict zones*. Berkeley, California, London: University of California Press.

<sup>7</sup> Seifert, Ruth (1994). War and Rape: A Preliminary Analysis. In: Stiglmeier (ed.) *The War against Women in Bosnia-Herzegovina*. Lincoln: University of Nebraska Press. Cited in: Cockburn, Cinthya (2004) The Continuum of violence: A Gender Perspective on War and Peace. In: Giles, Hyndman (eds.) *Sites of violence: Gender and conflict zones*. Berkeley, California, London: University of California Press.

## Understanding the last Military Junta in Argentina

The last military dictatorship in Argentina (1976-83), as with other authoritarian regimes which ruled South America during the 1970s and 1980s, was a result of the Cold War. Accordingly, the *guerras sucias* (dirty wars) were implemented by these regimes to repress any social, economic or political dynamic opposed to the United States of America's hegemony in its Latin American backyard.<sup>8</sup> In this sense, the authoritarian regimes in Argentina, Brazil, Paraguay and Uruguay formed the *Plan Condor* (Condor Plan), as a contra-revolutionary campaign where forced disappearances and torture were the main strategies used to implement terror in order to achieve neoliberal states in the region in the long-term.

The military dictatorship in Argentina, in particular, proceeded to exterminate certain people where their ideology and position in the social and economic structure were perceived as contrary to the capitalist and Roman Catholic paradigm.<sup>9</sup> The extermination started against the members of the guerrilla movements. Then, the Military Junta moved towards any individual who was identified as capable of subverting that order, such as teachers, lawyers, catechists, workers, artists and journalists. The kidnapping of people who had no connection with the social movements sparked the fear that everyone was a potential victim. No one was safe from imprisonment, torture and disappearance.<sup>10</sup> Consequently, 30,000 people are still missing in Argentina today.<sup>11</sup>

## Gender Discrimination in the Argentinian Transitional Justice Process

As stated before, the Military Junta attempted to destroy a group identified as an internal enemy in order to reconfigure Argentinian society as a whole under the capitalist and Roman Catholic paradigm.<sup>12</sup> To this end, they employed various illegal methods including torture, rape, forced disappearances, killings and the forcible transfer of children from one group to another.

During the last 29 years, the burden of the dirty war has been subject to the process of accountability, mainly promoted by civil society, and especially by grassroots women's organisations such as the *Madres de Plaza de Mayo* (Mothers of the May Square) and the *Abuelas de Plaza de Mayo* (Grandmothers of the May Square).

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<sup>8</sup> Calveiro, Pilar (2006a). Los usos políticos de la memoria. In: Consejo Latinoamericano de Ciencias Sociales (ed.) *Sujetos Sociales y nuevas formas de protesta en la historia reciente de América Latina*. Available at: <http://biblioteca.clacso.edu.ar/ar/libros/grupos/caeta/PlICcinco.pdf> [accessed 11 Aug.12].

<sup>9</sup> Levy, Guillermo (2006). Considerations on the connections between race, politics, economics and genocide. *Journal of Genocide Research*. Vol.8, No.2, pp. 137-148.

<sup>10</sup> Calveiro, Pilar (2006b). *Poder y desaparición: Los campos de concentración en Argentina*. Buenos Aires: Colihue.

<sup>11</sup> Ibid. McSherry, J. Patrice (2010) "Industrial repression" and Operation Condor in Latin America. In: Esparza, Huttenbach, Feierstein (eds.) *State Violence and Genocide in Latin America: The Cold War Years*. London, New York: Routledge.

<sup>12</sup> Feierstein, Daniel (2011) *El genocidio como práctica social. Entre el nazismo y la experiencia argentina. Hacia un análisis del aniquilamiento como reorganizador de las relaciones sociales*. Segunda edición. Buenos Aires, México DF: Fondo de Cultura Económica.

The Argentinian expression, *Ni olvido, ni perdón* (Neither forgetfulness, nor forgiveness) exemplifies how ensuring the, *Nunca Más* (Never again), over mass atrocities may be only possible after perpetrators and accomplices are brought to justice, locally and/or internationally.<sup>13</sup> Therefore, when analysing the pillars of the transitional justice process in Argentina, the cry for justice is omnipresent. Nevertheless, regarding gender justice, the absolute blindness is most conspicuous.

Accordingly, in the 1984 *Informe Nunca Más de la Comisión Nacional sobre Desaparición Forzada de Personas* (Report of the National Committee on Disappeared Persons), sexual violence was not explicitly included in the description of torture used in the clandestine prisons.<sup>14</sup> Furthermore, in the 1986 *Juicio a las Juntas* (Trial against the Military Junta), the leaders of the Military Junta were found criminally responsible for killings, torture, illegal detentions and thefts carried out during the dictatorship. Although sexual violence was emphasized in the testimonies of the victims during the trial, rape and other sexual abuses were combined with the crime of torture in the judgement.<sup>15</sup> After that, the *Ley de Punto Final* (Law of Final Point) and *Ley de Obediencia debida* (Law of Due Obedience) blocked the prosecution of lower-level military and security forces officers for the execution of torture and forced disappearances.<sup>16</sup> However, rape, economic crimes and the abduction of children were not included in the laws of impunity, allowing criminal investigations of these crimes to continue. Although justice for the abductions of children was pursued, cases of sexual violence were not under criminal investigation during the period in which these laws were in force.

In 1990, the leaders of the Military Junta were released by presidential pardon. Due to the impossibility of achieving justice at the domestic level, seeking truth and justice abroad for the gross human rights violations perpetrated during the dictatorship became the alternative for victims struggling against impunity. Thus, from 1995 to the present day, the *Juicios por la Verdad* (Trials for the Truth) have attempted to determine the identity of the perpetrators and when and where each human rights violation committed during the dictatorship occurred, albeit without any kind of criminal consequences for them. While they are important in terms of collecting evidence, victims are not interviewed regarding the sexual crimes they suffered. In addition, in 1997, a criminal investigation to prosecute the military for crimes committed during the dictatorship was opened at the National Court of Madrid under the doctrine of universal jurisdiction. Despite the fact that sexual violence was highlighted by the victims, it was neither specifically investigated nor condemned.

Thus, in 2003 and 2005, the National Congress and the Supreme Court declared the Law of Final Point and Law of Due Obedience null and void, respectively. Trials against perpetrators recommenced.

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<sup>13</sup> Bilbija, Ksenija & Payne, Leigh A. (eds.) (2011). *Accounting for violence: Marketing Memory in Latin America*. Durham, London: Duke University Press.

<sup>14</sup> Comisión Nacional sobre la Desaparición de Personas (2011). *Informe de la Comisión Nacional sobre Personas Desaparecidas: Nunca Más*. 8va. Edición. Buenos Aires: Eudeba.

<sup>15</sup> Argentina. Corte Suprema de Justicia de la Nación (1986). *Sentencia del juicio a los comandantes (Causa 13/84)*. Available at: <http://www.mpf.gov.ar/Institucional/UnidadesFE/Tomo309-005-completo.pdf> [accessed 15 Apr. 12].

<sup>16</sup> The Law of Final Point (24 December 1986) proceeded to stop the criminal investigations for the crimes against humanity committed during the dictatorship in order to grant impunity to those military members, who were not indicted during a term stipulated under the law. The Law of Due Obedience (08 June 1987) aimed to end the prosecution of those military who perpetrated the crimes under a command order. Centro de Estudios Legales y Sociales (n.d.). *Las leyes de Punto Final y Obediencia Debida son inconstitucionales: Síntesis del fallo de la Corte Suprema de Justicia de la Nación que resuelve la inconstitucionalidad de las leyes de perdón*. Available at: [http://www.cels.org.ar/common/documentos/sintesis\\_fallo\\_csjn\\_caso\\_poblete.pdf](http://www.cels.org.ar/common/documentos/sintesis_fallo_csjn_caso_poblete.pdf) [accessed 10 Aug.12].

To date, 281 perpetrators have been convicted for the commission of crimes against humanity, such as forced disappearances, torture and killings.<sup>17</sup> One perpetrator, Gregorio Rafael Molina, Charly, was condemned for the rape of Marta Haydée García de Candeloro and Carmen Ledda Barreiro de Muñoz in the clandestine detention centre, *La Cueva* (The Cave), which was under the Air Force's jurisdiction.<sup>18</sup>

In *La Cueva*, women prisoners were sexually abused systematically by the officers in charge of their custody, especially at night. Thus, rape and forced nudity, among other acts, were part of the daily life of women in the clandestine detention centre. Furthermore, women who acted as the leader's sexual slaves, in exchange for the lives of their children and partners, have never been found.<sup>19</sup>

Gregorio Rafael Molina was described by survivors as the symbol of the masculinity of the Armed Forces. For instance, he used to wear military uniform with knives and grenades within the camp to intimidate prisoners.<sup>20</sup>

The victims stated that he sexually abused them after the torture sessions while they were defenceless. He inserted his gun in their mouths and raped them. He then spread his semen over their wounds. In addition, he told women that he was going to make them experience pleasure after the painful experience of torture.<sup>21</sup>

Women stated that sexual violence constituted an exercise of power and discipline over them. Furthermore, sexual violence was perceived by them as less serious than the suffering experienced by others in the concentration camp, for instance, disappearance and death. Thus, sexual violence was a fact that women could never discuss with their partners, even though they were all in captivity together and everybody knew about the abuses committed against women in *La Cueva*.<sup>22</sup>

## Exploring the Significance of the Sexual Violence against Women in the Clandestine Detention Centres

It was argued that torture was an "initiation ceremony" serving as a welcome for prisoners to the 340 clandestine detention centres.<sup>23</sup> Clandestine prisons were places where people disappeared in the silence and darkness of the night, usually forever. In other words, spaces where the power to decide between life and death of abductees was exclusively in the hands of the perpetrators.<sup>24</sup> Torture was used to extract useful information from women and men for the military regime's purposes, whilst destroying them physically and psychologically. Thus, sexual violence was also used against prisoners to

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<sup>17</sup> Argentina. Procuración General de la Nación. Unidad Fiscal de Coordinación y Seguimiento de las causas por violaciones a los derechos humanos cometidas durante el terrorismo de estado (2012). *Informe sobre el estado de las causas por violaciones a los derechos humanos cometidas durante el terrorismo de Estado*. Available at: [http://www.mpf.gov.ar/Accesos/DDHH/Docs/Estado\\_Causas\\_mar\\_2012.pdf](http://www.mpf.gov.ar/Accesos/DDHH/Docs/Estado_Causas_mar_2012.pdf) [accessed 10 May 12].

<sup>18</sup> Argentina. Tribunal Oral Federal de Mar del Plata (2010) *Molina, Gregorio Rafael s/ privación ilegal de la libertad, etc. (Causa 2086 y su acumulada 2277)*.

<sup>19</sup> *Ibid.*, pp. 108-111.

<sup>20</sup> *Ibid.*, p. 126.

<sup>21</sup> *Ibid.*, pp. 105-107.

<sup>22</sup> *Ibid.*, pp. 104, 105 and 108.

<sup>23</sup> Calveiro (2006b), p. 60.

<sup>24</sup> *Ibid.*

make them confess or to force them to provide information about themselves or potential future victims, thus, as a means to increase the effectiveness of exterminating the group presented as 'the enemy' of the Argentinian nation. To this end, rape, penetration of the vagina and anus with electrified objects, sexual mutilations and forced nudity formed part of military strategies to obtain this 'truth' sought by the perpetrators. Accordingly, sexual violence had the same meaning for men and women in captivity when used in this way. In addition, when men prisoners were victims of sexual violence, it was in order to feminise their bodies. In this sense, it was asserted that, "the worst humiliation for a man consists of being transformed into a woman."<sup>25</sup> On other occasions, they were threatened with the rape of their children, partners and wives, and these rapes were used as a psychological torture against men, ingraining the idea that they failed in their role to protect them.<sup>26</sup>

Regarding women prisoners, sexual violence had different significances under different circumstances and according to the logic of the perpetrators. Two of these significances are herewith explored: The military regime established 'family' as the basis of the Catholic Argentinian society. Thus, women were keepers of the family in the exercise of their feminine role as housewives and mothers. In this sense, women were identified as the 'enemy' when they transgressed these gender stereotypes, for example, by being part of the leftist armed organisations, such as the *Montoneros* and *Fuerzas Armadas Revolucionarias*, going to university or teaching in the slums.<sup>27</sup> The Military Junta argued that women involved in guerrilla movements were extremely dangerous, even more so than men, because as well as being devils, they were sexually promiscuous and prostitutes. Furthermore, they were bad mothers and wives. They also allegedly dated young men to manipulate them. In addition, they were not religious and did not have any morals because they were raised in dysfunctional families and their parents were responsible for that.<sup>28</sup> Accordingly, women survivors stated that the military officers blamed them for destroying their marriages and families. Thus, they told them that they were more comfortable with them in the clandestine prisons than with their own wives at home, because they were able to discuss politics and social issues. Besides, they were fascinated with the idea of educated women participating in combat like they did.<sup>29</sup>

Nevertheless, according to the logic of the perpetrators, those women must be re-educated by the military regime, an education that implied a system of rewards and punishments based on gender.

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<sup>25</sup> Our translation. Bourdieu, Pierre (1998). *La domination masculine*. Paris: Seuil, p. 28.

<sup>26</sup> Seifert explains that, "...the rape of women carries an additional message: it communicates from man to man, so to speak, that the men around women in question are not able to protect "their women." Seifert, Ruth (1994). *War and Rape: A Preliminary Analysis*. In: Stiglmayer (ed.) *The War against Women in Bosnia-Herzegovina*. Lincoln: University of Nebraska Press.

<sup>27</sup> Feijóo, María del Carmen & Nari, M. M. A. (1994). Women and democracy in Argentina. In: Jaquette (ed.) *The Women's movement in Latin- America: feminism and the transition to democracy*. Westview. The *Montoneros* and *Fuerzas Armadas Revolucionarias* were part of the Peronist armed movement in the 1970s. Calveiro, Pilar (2008). *Política y/o violencia: Una aproximación a la guerrilla de los años 70'*. Buenos Aires: Norma.

<sup>28</sup> Aucía, Analía; Barrera, Florencia; Berterame, María Celina & Chiarotti Boero, Susana (n.d.). *Amicus Curiae en la Causa N° 4012 caratulada "Riveros, Santiago Omar y otros por privación ilegal de la libertad, tormentos, homicidios, etc."* Available at:

[http://www.cladem.org/index.php?option=com\\_rokdownloads&view=file&Itemid=115&id=1179:cladem-argentina-amicus-curiae-causa-riveros](http://www.cladem.org/index.php?option=com_rokdownloads&view=file&Itemid=115&id=1179:cladem-argentina-amicus-curiae-causa-riveros) [accessed 15 Sep.12]. Calveiro (2006b).

<sup>29</sup> Testimony of Miriam Lewin. In: Garzón, Baltasar & Romero, Vicente (2000). *El alma de los verdugos*. Barcelona: RBA Libros.

This is demonstrated by the testimonies of women who explained that sexual violence, such as rape, was used as a way to break their bodies and their spirits and justify the actions of the perpetrators.

The perpetrators transformed women prisoners into passive objects of their domination and their power, taking away their identities. Women in captivity were the 'property' of their perpetrators; property that they could destroy, for instance, by raping and torturing women to death. In the concentration camps, treated as war booty, women were divided among the perpetrators, in some cases, based on whether the officer in charge had participated in their abduction. A woman who survived explained that when she arrived at the concentration camp, she was the only woman in the centre. She was only seventeen years old, and she was allocated the last cell. There, she was sexually used by all the men in the police department, as an object for masturbation, as well as being raped at any time during the day. Notably, the perpetrators introduced an electrical object in her vagina to ensure that she could not conceive 'subversive' children in the future. After recognizing that they made a mistake in kidnapping her because she was not linked to any armed organization, she was set free. However, she could barely walk and her body was badly burnt due to the torture.<sup>30</sup>

Sometimes, nude women were used to adorn the barbecues of the officers in the concentration camps on Sundays. After the torture sessions, they were invited to play cards, go to the cinema or the theatre and forced to wear jewels, make up and dress like 'proper' women. In some cases, perpetrators established relationships with women in prison under the same perverse logic. For instance, a woman survivor stated that her officer in charge facilitated privileged treats for her, such as escorting her to visit her family in another province on several occasions. Furthermore, she explained that some relationships among victims and perpetrators lasted beyond the clandestine detention centres during democracy. For her, her limits were the doors of the camp. In order to survive, she said that she exchanged her smile for her life.<sup>31</sup>

## Sexual Violence against Women as Taboo in the Argentinian Transitional Justice Process

In Argentina, women played a transcendental role in the struggle against the Military Junta. The *Madres de Plaza de Mayo* and the *Abuelas de Plaza de Mayo*, looking for their missing sons, daughters and grandchildren, became a symbol of resistance against horror. Newborn democracy embraced the search for the missing generation of women and men and their children who were kidnapped, mainly while their mothers were in captivity. However, this newborn democracy was not easily receptive to the acknowledgement of the sexual violence against women committed in those centres. Therefore, sexual violence was considered taboo within the mechanisms of transitional justice that aimed to address the gross human rights violations perpetrated by the Military Junta. Even when it was understood that women in captivity were violated in different ways, they were only protected in their demand for justice for their missing children and grandchildren in the exercise of their role as mothers and grandmothers.

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<sup>30</sup> Testimony of Nilda Emma Eloy. Ibid.

<sup>31</sup> Testimony of Ana Testa. Ibid.

However, they were left behind and silenced when the defence of their bodies, which were sexually targeted in the clandestine prisons, was presented as a just cause for survivors.<sup>32</sup>

It is important to highlight that the perception of sexual violence as a just cause, even for women, appeared relatively late. Mainly, it was because they could not consider themselves a priority when their children, friends, husbands and partners were murdered or had disappeared. This phenomenon was also reflected in their testimonies given at both the Truth Commission and trials because women focused primarily on the circumstances of the disappearance or murder of their beloved ones.<sup>33</sup> Violations perpetrated against them, especially sexual violence, took second place and sometimes, they were completely silent on this issue in their narratives. Thus, silence must not be associated with forgetfulness or denial. It may be explained through the difficulty of trying to understand painful memories that seemed unreal even for the victims themselves, particularly in the absence of counselling and gender-sensitivity training in the judiciary.<sup>34</sup>

Furthermore, women expressed concerns about the painful consequences among their families and close friends in knowing the sexual abuses committed against them in their captivity. Especially perturbing was when they were witnesses of sexual violence perpetrated against missing women, who were not alive to consent to the disclosure of those crimes. In addition, women who adopted strategies of survival involving sexual favours during their captivity in the clandestine detention centres were often condemned by their inmates as traitors. Shame and guilt were common burdens on the shoulders of women survivors.

## Conclusion: Women behind

It is often stated that a picture is worth a thousand words. In this sense, the final picture of the trial of the Military Junta, the icon of the Argentinian Transitional Justice Process, was paradigmatically a portrait of men. Thus, justice was meted out by men judges and men prosecutors over men perpetrators while, behind the scenes, women held the images of the missing people, peripheral to the masculine setting. More than 26 years after the taking of that picture, women are still left behind in the search for justice. Transitional justice seeks to restore the human dignity of victims, strengthen democracy and promote and protect human rights in the future after the occurrence of gross human rights violations.<sup>35</sup> Nevertheless, putting the Argentinian transitional justice process in balance, those goals were not egalitarian achievements for society as a whole. In this sense, transition in Argentina through the different mechanisms to address the painful past, unconsciously or consciously, silenced the voices of

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<sup>32</sup> Feijóo & Nari (1994)

<sup>33</sup> Balardini, Lorena; Oberlin, Ana & Sobredo, Laura (n.d.). *Violencia de género y abusos sexuales en centros clandestinos de detención: Un aporte a la comprensión de la experiencia argentina*. Available at: <http://www.cels.org.ar/common/documentos/Balardini-Oberlin-Sobredo.pdf> [accessed 10 May 12]. This phenomenon was registered in the South African Truth Commission: "We established statistically that when women came to testify to the Commission they almost always told the story of what had happen to somebody else; whereas when men testified, almost equally invariably, they told about what had happened themselves". Tutu, Desmond (2000). *No future without forgiveness*. London: Rider, p. 182.

<sup>34</sup> Cohen, Stanley (2001). *States of denial. Knowing about atrocities and suffering*. Cambridge, Malden: Polity press.

Jelin, Elizabeth (2003). *State repression and struggles for memory*. London: Latin America Bureau.

<sup>35</sup> Olsen, Tricia D; Payne, Leigh A. & Reiter, Andrew G. (2010). *Transitional Justice in Balance: Comparing Processes, weighing efficacy*. Washington DC: United States Institute of Peace Press.

women survivors, who faced their own ghosts and broke the silence by giving their testimonies about the sexual violence perpetrated against them in the clandestine prisons. Therefore, women survivors were outsiders when they pursued the defence of their identities and bodily integrity, beyond their traditional roles as mothers and grandmothers. Not even legally accurate, sexual violence was included as torture in reports and judgements. Thus, sexual violence was rendered invisible as a specific practice, with its significance and its damages among women, by political and legal actors in the aftermath. Accordingly, it was suggested that the fraternity of men may explain the domination of women.<sup>36</sup> This assertion may explain why women's issues were not taken into account in the new social contract in democracy, even when they actively struggled against the dictatorship. Finally, it was argued that the absence of empathy in the transitional justice process, in order to receive the testimonies of victims, may lead to a situation in which there is no relief but more trauma for them instead.<sup>37</sup> In other words, women survivors continue to be victims of the masculine power in place in the current Argentinian judiciary. Nevertheless, perhaps the most pernicious consequence of ignoring the narratives of women survivors of sexual violence may be the perpetuation of the idea that the violation of women's human rights are above the law, waiting in vain for justice in the land of impunity.

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<sup>36</sup> Pateman, Carole (2002). The fraternal social contract. In: Adams, Savran (eds.) *The masculinity studies reader*. Malden, Mass, Oxford: Blackwell.

<sup>37</sup> Jelin (2003).