

6-1-2018

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Recommended Citation

McFarland, Sam (2018) "Azucena Villaflor, the Mothers of the Plaza de Mayo, and Struggle to End Disappearances," *International Journal of Leadership and Change*: Vol. 6 : Iss. 1 , Article 7.

Available at: <https://digitalcommons.wku.edu/ijlc/vol6/iss1/7>

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Keywords

enforced disappearances, Mother of the Plaza, CPED, Azucena Villaflor, Argentina

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On November 30, 1976, Néstor de De Vincente and his fiancée, Raquel Mangin, simply vanished. Néstor was a student and a member of Argentina’s Justicialist Party that followed the policies of Juan Perón, which emphasized support for Argentina’s trade unions and for the country’s poor.

Azucena Villaflor, Néstor’s mother, immediately started searching for them, and this search filled her next six months. Azucena (whose full Spanish name is Azucena de Villaflor de De Vincente) couldn’t find them in either hospitals or prisons, so her search soon took her to the Ministry of Interior and the office of the Chaplain of the Military. Both offered sympathetic words, but she found no help in her efforts to locate Néstor and Raquel. Neither was ever found, and what happened to them was never explained.

Argentina’s Disappearances and “Dirty War”

In fact, Nestor and Raquel had been “disappeared” by the Argentine military government (or junta). Nestor and Raquel were just two of thousands who were disappeared during the seven years of the junta’s rule. Led by General Jorge Rafael Videla, the junta had seized power on March 24 of that year. The junta’s public justification was to restore peace to Argentina, as Argentina had experienced many killings by leftist revolutionary groups in the years leading up to

1976. These groups, such as the People’s Revolutionary Army, had killed public officials, attacked police stations, planted bombs at army barracks, and kidnaped foreign businessmen. In response, the Argentine Anticommunist Alliance, founded in 1973, formed death squads and began killing suspected communists and members of other leftist groups. Many citizens, both terrified and angered by this ongoing violence, were ready for the junta to take control and to do almost anything to restore peace. Also, Argentina’s military seizing government control was not new. It had done so several times across earlier decades.

The junta, with Videla now serving as President, quickly dismissed the national congress, banned political parties, placed unions and universities under government control, repressed dissent and criticism in newspapers, and started the process of getting rid of “subversives.” “Subversives” included anyone who might oppose the government, and these were commonly found among labor activists, university students, the poor, and journalists. Many may have been communist revolutionaries, but many others were not. They started disappearing.

Troops in civilian attire would enter homes, businesses, and public places without warrants and take away “suspects” . . . who were never charged, tried, or allowed to prove their innocence. Prisoners were detained in an organized network of more than two hundred highly clandestine prisons. Brutally tortured, they were almost always

executed. Some were tortured to death; others were thrown – alive, but drugged – from military aircraft into the Atlantic Ocean. Government officials denied any knowledge of the victims' whereabouts.¹

The torture was used both to extract information from those tortured and to create fear in others.

The junta's campaign to rid Argentina of "subversives" became known as Argentina's "Dirty War." It lasted from 1976 until the junta ended and democracy was restored in 1983.

The Catholic Church was a strong influence in Argentine society. Unfortunately, very few bishops or priests spoke against the junta's cruelties. One who did, Father Luis Angel Farinello, later reported,

The role of the Catholic Church during the difficult years of the repression that we lived through was a fairly lamentable role, except for the very few of us bishops and priests that defended human rights. The majority didn't. It's a topic that didn't interest them very much. And more, I can tell you that certain sectors of the Church, the military chaplains for example, they approved of the torture and disappearances of the people a bit.²

What was happening in Argentina was also happening in many other Latin-American countries. From the 1960s through the 1990s, many thousands were disappeared under the military dictatorship led by Augusto Pinochet in Chile (1973 - 1990), under the military government of Guatemala during its long civil war (1960 - 1996), during the civil war in El Salvador (1980 - 1992), and by paramilitary forces in Colombia, beginning in the 1960s.

Although "disappear" had been used occasionally as a transitive verb earlier, as in Joseph Heller's 1961 *Catch-22* ("I wish we could disappear him!" Colonel Cathcart blurted out"), "disappear" came into common use as a transitive verb in the 1970s, largely in response to the disappearances in Argentina and elsewhere in Latin America. A person is "disappeared" when he or she vanishes at the hands of a government or its agents, or at the hands of a terrorist group, and those responsible do not admit knowing what happened to the victim. During civil conflicts, and in efforts to suppress dissent from government policies, many thousands have been disappeared.

The problem of disappearances is worldwide, not restricted to Latin America. During the same period as the

disappearances in Latin America, disappearances were being reported in Ethiopia, Indonesia, Cyprus, South Africa, Namibia, and the Philippines.³ Amnesty International reported that "hundreds" of enforced disappearances occurred in Haiti during the rule of Jean-Claude ("Baby Doc") Duvalier (1971 - 1986).⁴

Of course, the victims are not just those disappeared. Their families are victims, as well. Marguerite Bouvard interviewed many Argentine mothers of the disappeared and described their suffering in this way:

Many of the Mothers describe the first weeks and months after the *disappearances* of their children as times of hopelessness. Often they lay curled up in their beds, stricken with anguish and unable to grasp their situations. They assumed that a mistake had been made and that their children would be returned as soon as it was rectified. Many of them were immobilized not only because of their grief but also because of fear of reprisals and fears for their other children. One mother recalls that "there were mornings when I woke up and told myself, he must be someplace, he must be alive. But the next day, I imagined the contrary. I thus lived tortured, driven mad, thinking of him the entire day, seeing him in every young man I passed on the streets, jumping every time I heard the telephone or the doorbell believing I had heard his voice."⁵

The Mothers Unite

When the disappearances in Argentina started, each mother thought of her missing son or daughter as a single case, as the media had not made them aware that other mothers were also losing their children. And she believed that the mystery of what happened to her lost child could be solved fairly quickly. But as each mother visited prisons, hospitals, and police stations searching for her children, she began to see other mothers waiting to see officials, and she began to notice the worried faces of other mothers on the trains and busses and in shops. Most were from working-class families with limited education. When they went to the authorities, sometimes the mothers were accused of raising a subversive. Or sometimes they were told that their son or daughter had been a member of the underground and had fled the country. Few believed that.

³Report of the Working Group on Enforced or Involuntary Disappearances, E.CN.4/1435. 26 January 1981. Online at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G81/151/33/PDF/G8115133.pdf?OpenElement>.

⁴Amnesty International, 'You Cannot Kill the Truth: The Case Against Jean-Claude Duvalier.' September 2011. Online at <https://www.amnesty.org/en/documents/AMR36/007/2011/en/>

⁵Bouvard, Marguerite Guzman. *Revolutionizing Motherhood: The Mothers of the Plaza de Mayo* (Wilmington, Delaware, 1994), p. 67.

¹Kristina E. Thalhammer, Paula L. O'Loughlin, Myron P. Glazer, Penina M. Glazer, Sam McFarland, Sharon T. Shepela, & Nathan Stoltzfus.. *Courageous Resistance: The Power of Ordinary People* (New York: Palgrave MacMillan), p. 101-102.

²Carlson, Eric Stener. *I Remember Julia: Voices of the Disappeared*. Philadelphia: Temple University Press, 1996). P. 27.

The indiscriminate nature of the kidnapping campaign and the impunity with which it was carried out spread terror – as intended. Relationships among friends and relatives were shattered by unprecedented fear. Perfectly decent individuals suddenly became afraid even to visit the parents of a kidnap victim, for any gesture of compassion might condemn the visitor to a terrible fate.⁶

Soon the mothers began talking with each other, and by doing so they slowly realized that the disappearances of their children were systematic, clearly planned and organized by someone. While they had initially gone to the Ministry of the Interior and other government offices seeking help, they began to distrust the government officials, particularly when they realized that these officials were pressing them for other information about their families.

Small groups of mothers started meeting in their homes and in small, out-of-the-way churches, and they began thinking about how they could work together. One mother, Hebe de Bonafini, wrote:

When Jorge disappeared, my first reaction was to rush out desperately to look for him. . . . Nothing mattered more than that I should find him, that I should go everywhere, at any time, day or night. I didn't want to read anything about what was happening, just search, search. Then I realized we had to look for all of them and that we had to be together because together we were stronger. We had no previous political experience. We had no contacts. We knew no one. We made mistakes at first, but we learnt quickly. Every door slammed in our faces made us stop and think, made us stronger.⁷

Initially, the mothers began to write letters to government officials, the military and church leaders. They did so almost secretly, afraid of how the government and military would react. As the security police and military began to notice the small groups of the women were gathering, they dispersed them, sometimes at gunpoint. The women also wrote to international organizations such as the Inter-American Commission on Human Rights and Amnesty International. They began to seek the names of important foreign visitors to Argentina to whom they might hand petitions explaining their plight.

The mothers, of course, varied in their personalities. Many were traditionally subservient, slow to approach

officials and afraid of drawing attention to themselves in public. But a few were dynamic, and their initiative in time gave strength to others. The plight of their missing children compelled even the shyest and most fearful to follow those who were more energetic and brave.

Azucena Villaflor and the Mothers of the Plaza de Mayo



Azucena Villaflor

Azucena Villaflor was from a working class family and only had an elementary education. She had gone to work as a telephone operator at age 16, and later married Pedro De Vicenti, a trade union worker. Together they had four children, one of whom was Néstor, and Azucena became a very traditional housewife.

Nothing in her background seemed to prepare her to become the leader of a vital movement for human rights.

Nevertheless, Azucena quickly emerged as the Mothers' most energetic leader. In the spring of 1977, Cyrus Vance, the U.S. Secretary of State visited Argentina, and the Mothers wanted to give him petitions on their missing children. However, the woman selected to give him the petition froze and could not do so.

A woman came next to me and said: "What? You did not give him your petition?" She took the piece of paper from my hands, went back through the barrier of soldiers protecting Vance, and gave him the message. It was Azucena Villaflor de De Vicenti. That day, Azucena showed me that we were capable of doing things that we could never have imagined. We all knew that we were risking our lives. But there was no other way.⁸

With this same bravery, it was Azucena who first proposed that the mothers go to the Plaza de Mayo with a petition for the government to ask it to report what had happened to their children. And so on Saturday, April 30, 1977, fourteen mothers timidly assembled on the Plaza. They came separately, prepared to scatter quickly if they felt threatened by the police or military. One said, "We wore flat shoes so we could make a run for it if they came for us."⁹ But because all the stores were closed on that Saturday, they had no audience. They decided to meet there again the next Friday, but then changed to Thursday.

⁶Nathan Laks, as quoted in Nora Amelia Feminia, *Argentina's Mothers of Plaza de Mayo: The mourning process from Junta to democracy*. *Feminist Studies* 13 no. 1, [Spring 1987], p. 10.

⁷Cited in Fisher, Jo. *Mothers of the Disappeared* (Boston: South End Press, 1989), p. 52.

⁸Rita Arditti, *Searching for Life: The Grandmothers of the Plaza de Mayo and the Disappeared Children of Argentina*. (Berkeley, CA, University of California Press, 1999), p. 53.

⁹Cited in Fisher, p. 28.

They chose the Plaza de Mayo because it is “not only the heart of Buenos Aires, it is the heart of the country.”¹⁰ Both the presidential palace and city hall are there, along with other government buildings and several old churches. There are beautiful fountains and an obelisk in the center of the Plaza that celebrates the city’s 400th anniversary.

Before the next Thursday, the fourteen mothers contacted as many others as possible to join them. Many were afraid, but some had the courage to join. They all signed a letter to General Videla and were able to deliver it to the Government office, and said they would come back the next Thursday for a reply. When no reply was received, they kept coming each Thursday until, about two months later, General Harguindeguy, the Minister of the Interior, agreed to meet with three of the mothers. Azucena and two others attended, while about 60 other mothers waited outside. General Harguindeguy claimed ignorance, saying that perhaps their sons had run away, perhaps their daughters were working as prostitutes. The mothers did not believe him, and said they would be in the Plaza every Thursday. General Harguindeguy told them that their public meetings were illegal.

Azucena proposed that they wear white head scarves. The purpose at first was for the mothers to be able to quickly identify each other in large crowds. However, Azucena quickly recognized the symbolic power of the mothers together wearing white scarves, and she suggested that they wear a child’s nap blanket as the scarf, one that had belonged to their own child if they had kept one. When they began wearing them, and as their numbers grew, people began approaching them to ask who they were. They started embroidering the names of their children on the scarves, as well as the phrase “Aparición con Vida” (Reappearance with Life), as they were now looking for all the disappeared children, not just their own. The white scarves soon became the symbol that identified them as the Mothers of the Plaza de Mayo.

Later, the Mothers also began carrying enlarged pictures of their missing children to make their disappearances more emotional to witnesses. After all, the missing were not just names, but human beings, and their own children.

Some of the mothers soon brought pictures of their pregnant daughters, and these mothers noticed one another. They realized that, if their daughters survived, they likely now had grandchildren they had never seen. In truth, their daughters were often kept alive in prison until they gave birth and then killed. When these births occurred, the birth certificates were often registered as NN, which meant that the parents were disappeared and that other

family members were not to be notified.¹¹ Also, sometimes small children were kidnapped from a remaining parent, as the junta had a policy to separate small children from their “subversive” parents. The babies, either new born or kidnapped, were then adopted by privileged families who wanted children and who supported the junta. An estimated 500 babies were adopted in this way. In at least one case, a woman was reared by a Colonel in the military, the very man who had killed her parents.¹²

The grandmothers started meeting together, realizing that they had a common need to find their missing grandchildren as well as their missing daughters. Twelve grandmothers gathered for the first meeting, but others soon joined as they learned the grandmothers were meeting. Because of their common concern for locating their grandchildren, a parallel group to the Mothers of the Plaza de Mayo was formed. They first adopted the name of Argentine Grandmothers of Disappeared Small Grandchildren, but later changed their name to Grandmothers of the Plaza de Mayo. They still marched with the Mothers, but also began to approach hospitals in search of birth records and juvenile court judges to seek records of the adoption of their grandchildren. The authorities often claimed ignorance and were sometimes hostile toward the grandmothers. The story of one such adoption and search is told in the fine Argentine film, *The Official Story* (1985).

When the Mothers (and Grandmothers) first started their public protests, public reaction was belittling. Renée Epelbaum, who had lost three children, recalled, “In the beginning, when we would first meet in the Plaza, we were a powerless group. People laughed at us. When it rained, we were like a bunch of heads smothered by enormous, white kerchiefs.”¹³ They were labeled *Las Locas de Plaza de Mayo* (The Crazyies of the Plaza de Mayo). As the movement grew, the public became more supportive, but the junta treated the women as traitors. “You must remember that, during the Falklands War, we were viciously attacked. In the newspapers there were caricatures of us horrible old women with huge knives in our backs, showing that we were traitors against the great Argentine nation.”¹⁴

Still, as 1977 wore on, the Mothers of the Plaza de Mayo started receiving greater international attention

¹¹The NN designation originated from the December 1941 Nazi *Nacht und Nebel* (“Night and Fog”) decree, under which thousands of opponents to the Nazi regime were abducted, tortured and killed, buried secretly, with their fates deliberately hidden from their families. See Tullio Scovazzi and Cabrilla Citroni. *The Struggle against Enforced Disappearance and the 2007 United Nations Convention*. (Boston: Martinus Nijhoff Publishers, 2007), pp. 4-7.

¹²Alexi Barrionuevo, *Daughter of ‘Dirty War,’ Raised by Man who Killed Her Parents*. (New York Times, October 8, 2011) Online at <http://www.nytimes.com/2011/10/09/world/americas/argentinas-daughter-of-dirty-war-raised-by-man-who-killed-her-parents.html>.

¹³Agosin, op cit, p. 34.

¹⁴Ibid.

¹⁰Agosin, Marjorie. *The Mothers of the Plaza de Mayo*, (Trenton, NJ, The Red See Press, 1990). p. 18.

and support. President Jimmy Carter (1977-1981) had proclaimed advancing human rights to be a major concern of his administration's foreign policy. He created the position of Assistant Secretary of State for Human Rights. In August, he sent Patricia Derian, the Assistant Secretary, to Argentina to investigate human rights abuses there. The junta repeated its denials of knowledge of those who had disappeared. In September, President Carter met with Videla at the White House and reported that he discussed the missing at length with him. A year later, in September 1978, the Carter administration suspended military aid to Argentina because of its human rights abuses. In the Netherlands, Lizbeth Den Uyl, the wife of the Prime Minister, established a support group to publicize the Mothers work and to raise money to support them.

In November of 1977, Amnesty International sent a team to Buenos Aires to investigate the disappearances. The Argentine press labeled the Amnesty team as Marxists and staged demonstrations against them. Still, Amnesty was able to release a report that included names, dates, and places of a number of disappearances. The International Commission of Jurists also voiced concern about the disappearances. International awareness of the disappearances was growing, as was an international understanding of the junta's cruel nature.

The junta now turned its cruelties toward the Mothers, themselves. Some brave men had started visibly supporting the Mothers, so the junta infiltrated the group with a young lieutenant who posed as a sympathizer. He swayed many of the women, including Azucena. The women warned him not to join them in their demonstrations, as he might be disappeared as their children had been. They later discovered that he was gathering information to betray them.

Between December 8 and 10, Azucena and thirteen other Mothers were kidnaped and disappeared. Azucena was taken from her home by armed force on the morning of December 10. She is believed to have been taken to a concentration camp run by the navy and tortured and killed there.

One mother remembered Azucena in this way. Azucena was a fantastic woman. She would call you, organize you in churches, in the public squares, anywhere and everywhere. One day we would go to the botanical garden, the next day to the zoo. We would spread out on the benches, and we would sign petitions. And every single Thursday we went to the Plaza.¹⁵

Another, emphasizing Azucena's enduring influence, said Azucena was a truly admirable person. She had a kind of inner strength which you couldn't help but be affected by. She was always full of ideas. She was a great woman, a great fighter. We owe her a lot, to her determination and courage. They thought that by kidnaping her, by kidnaping the fourteen Mothers, they would destroy our movement. They didn't realize this would only strengthen our determination. We said no, they're not going to destroy us, we will continue, stronger than ever. They thought we would be too afraid to go back to the square. It was difficult to go back, the kidnaping of Azucena was a terrible blow, but we went back.¹⁶

The junta seemed to believe that disappearing Azucena and the other leaders would end the Mothers' public protests. But another mother said, "It was a hard time for us, but we weren't broken. They thought there was only one Azucena, but there wasn't just one. There were hundreds of us."¹⁷

International attention to the Mothers continued to grow. In 1978, Argentina hosted soccer's World Cup. The Mothers wanted to be sure that the members of the international press who flooded Argentina for the Cup would also cover their demonstrations in the Plaza de Mayo. They were helped when several members of European teams came to the Plaza to show solidarity with the Mothers. Dutch television managed to send video of the Mothers' demonstration. Later that year, the International Conference on Cancer Research met in Buenos Aires, and the Mothers spoke to all the visiting doctors they could meet. A few doctors, wearing their conference badges, came to the Plaza to march with the Mothers. The Mothers began to repeatedly shout, "They took them away alive; we want them returned alive." International media soon labeled this sentence as the Mothers' new slogan.

Toward the end of 1978, the Mothers decided it was time to take their cause abroad. Hebe de Bonafini had emerged as the new unofficial leader after the disappearance of Azucena Villafior, so she and several other mothers headed to the United States. In Washington DC, they were able to meet with several U.S. senators, congressmen and State Department officials, and to present their situation to the Organization of American States. They then moved on to New York to meet with human rights groups and journalists. In December, the United Nations General Assembly passed a resolution that it was "deeply concerned by reports from various parts of the

¹⁵Arditti, op cit., p. 53.

¹⁶Fisher, op cit, pp. 69-70.
¹⁷ibid, p. 89.

world relating to enforced or involuntary disappearances and asks the Commission on Human Rights to consider the issue of enforced disappearances with a view to making appropriate recommendations.”¹⁸ Still, this resolution did not name Argentina or any other specific country.

In February 1979, the Mothers met with the Director the United Nations Division of Human Rights (now the Office of the High Commissioner for Human Rights) Theo van Boven. Van Boven became a most important ally. Despite the opposition of Argentina and other Latin-American dictatorships, Van Boven led the Commission on Human Rights to create the U.N.’s Working Group on Enforced and Involuntary Disappearances, which was established in February 1980. The Working Group’s initial mission was to assist families in determining the fate of their disappeared family members and to communicate with governments about disappeared persons. Although the Working Group was given a mandate for just one year, the mandate has been renewed every year. Since it began, the Working Group has prepared annual reports on its investigations for the Commission on Human Rights and to the Human Rights Council, which replaced the Commission in 2006.¹⁹ This Working Group was the start of the U.N.’s active efforts to protect persons from enforced disappearances.

The Mothers tried unsuccessfully that year to get an audience with Pope John Paul II. However, a bishop placed them in front of a receiving line, where Hebe de Bonafini was able to ask, “Please help the disappeared.” Although John Paul II spoke often regarding human rights, he did not respond specifically to Hebe nor condemn the disappearances in Argentina.

Despite their efforts starting in 1977, the Mothers of the Plaza only became a formal organization in August 1979, when they were registered as the Association of the Mothers of the Plaza de Mayo. Their founding document emphasized their desire for a democracy that respected human rights, and their objection to kidnapping, torture, arrests without due process, and political persecution. Hebe de Bonafini was elected president. By this time, there were groups of Mothers meeting in other Argentine cities, beginning with the city of La Plata, a university city where many students were being disappeared. There were eventually fourteen chapters across the country. Registering as a formal organization required courage, but also gave the Mothers a sense of strength.

The Carter Administration had been pressing for the Organization of American States’ Inter-American Commission on Human Rights to visit Argentina, but the

Argentine junta only agreed to allow the visit in exchange for a loan from the American Export-Import Bank to finance turbines for a dam. In preparation for the visit, the junta tried to cover its worst abuses by closing some detention centers and by raiding the offices of human-rights groups. Nevertheless, the Mothers waited in long lines to testify, and they told their stories to the Commission.

After the visit, the Commission issued a 374-page report that documented illegal detentions, disappearances, and torture. The junta refused to release it in Argentina. However, Emilio Mignone, a lawyer and the founder of the Center for Legal and Social Studies, an Argentine human rights organization, and whose daughter had been disappeared, managed to smuggle 500 copies into Argentina. Angelica Mignone, Emilio’s wife, was a founding member of the Mothers of the Plaza de Mayo.

The Commission’s report proved to be “the turning point in the number of disappearances in Argentina.”²⁰ The numbers who were disappeared dropped substantially. The junta now realized that international scrutiny and condemnation of its repressions were intense. Nevertheless, the junta increased its pressure on the Mothers, and because they faced violence on the Plaza, for a short time they abandoned their regular Thursday protests. Instead, they staged “lightning marches,” quick protests on the Plaza that were not on the same day and hour each week. During these, when the police showed up to disperse them, they were already gone.

The Mothers returned to the Plaza to stay on the first Thursday of February 1980. Large numbers of Mothers converged from various entrances to the Plaza. They circled the Plaza for more than half an hour. The security police were surprised and unprepared, but the following Thursday they attacked the Mothers with dogs and clubs and arrested several.

Nevertheless, the international scrutiny meant that the tide now favored the Mothers. The Mothers of the Plaza de Mayo were nominated that year for the Nobel Peace Prize, and they received the Norwegian Peace Prize of the People.

Similarly, the tide was now against the junta. In January 1981, the Working Group on Enforced and Involuntary Disappearances released its first annual report, describing what it had found regarding disappearances in many countries.²¹ Regarding Argentina, the report stated that the Working Group had received reports on 7,000 to 9,000 cases, but in its short time had been able to study just 500 of these in detail. The report identified sixteen specific secret detention centers, and described the torture

¹⁸General Assembly Resolution 33/173. Online at <http://www.un.org/documents/ga/res/33/ares33r173.pdf>.

¹⁹All reports are available at the Working Group’s website, <http://www.ohchr.org/EN/Issues/Disappearances/Pages/DisappearancesIndex.aspx>.

²⁰Thalhammer, et al., op cit, p. 106.

²¹Report of the Working Group on Enforced or Involuntary Disappearances, op cit.

and deaths that occurred in them. The report contained a statement by the Mothers of the Plaza de Mayo estimating that between 25,000 and 30,000 persons were missing,

The junta's popularity was waning. In April, the Argentine Council of Bishops, which had earlier ignored the Mothers plea for help and avoided commenting on the disappeared, issued a statement that "To deny human rights is a compromise with God and men. Once more we ask for a clear statement, definite and substantial, that will bring a solution to the anguishing and terrible problem of the disappeared."²²

Perhaps as a last effort to retain popular support and to divert attention from both its human rights violations and a faltering economy, in April 1982 the junta invaded the Falkland Islands off the coast of Argentina, reclaiming them from British control. The British quickly re-invaded and forced an Argentine surrender in June. Any lingering support for the junta was greatly eroded. The day after Argentina surrendered, 7,000 demonstrated and chanted, "It's over, it's over, the military dictatorship is over." General Leopoldo Galtieri, who was then serving as President, was removed from power, and General Reynaldo Bignone succeeded him. It appeared clear that political parties must be restored and elections held. The ban on political parties was lifted in July. The political parties called for elections, and it was agreed that they be held in October 1983. On October 30, Raúl Alfonsín, with his campaign emphasizing human rights, was elected President. The seven-year rule of the junta was ended.

The Dirty War's Long Aftermath

How many were disappeared during the junta's rule? Following the restoration of democracy, a National Commission on the Disappearance of Persons was created to investigate the fates of the disappeared. However, because it lacked the powers to issue subpoenas and compel testimony, much to the Mothers' disappointment, the Commission's powers to investigate were limited. Its report, entitled *Nucia Más (Never Again)*, issued in September 1984, documented 8,960 who were disappeared. The Mothers of the Plaza de Mayo estimated the number as closer to 30,000, as the military maintained its secrecy, and no one can count how many were buried in disguised graves or thrown into the ocean. The exact number cannot be known.

In the transfer to democracy, General Bignone's government passed the Law of National Pacification, granting amnesty to the military leaders accused of crimes

and human rights violations during the Dirty War. However, President Alfonsín, on the day of his inauguration, December 10, sent a bill to the newly elected Council of Deputies to abolish this Law, and the Council quickly did so.

During the post-election period, the Mothers of the Plaza were divided on several issues, including how much to support the new government versus how much to press the government to punish all those who participate in the junta's human rights abuses. President Alfonsín's government was caught between those who wanted full justice for the disappearances and a still-powerful military, which it was trying not to offend too much. Some mothers left the organization, but the majority remained, and pressed the government with banners such as PUT THOSE WHO COMMITTED GENOCIDE BEHIND BARS. Over 1,300 military officers were implicated. To quiet the Mothers, the government offered financial compensation for their sons' and daughters' presumed deaths. Most of the mothers objected for two reasons. First; there was no proof of their deaths, so the mothers carried a large banner reading BRING THEM BACK ALIVE! But second, if they were dead, the compensation seemed a substitute for bringing the junta's perpetrators to justice. Hebe de Bonafini asked, "Would you be able to bring a morsel to your mouth, knowing that you bought it with the money they gave you because they killed your child?"²³ When the government started opening mass graves and wanted to return remains to the mothers, most saw this as a diversionary tactic, a substitute for trials. Hebe insisted, "Why are you ordering the exhumation of remains to find out to whom they belonged instead of finding out who ordered their burial?"²⁴

In April 1985, about 300 top junta officers were brought to trial on charges that included kidnapping, torture, forced disappearance, and murder. When sentences were announced in December, General Videla was found guilty of homicides, false arrests, and torture unto death. He was sentenced to life imprisonment, as was Admiral Emilio Massera, whom many considered the mastermind of the Dirty War. Other officers received lesser sentences. The light sentences, plus the government's reluctance to prosecute officers of lower rank, profoundly disappointed the Mothers. They demanded with another banner, TRIAL AND PUNISHMENT FOR ALL THE GUILTY. However, the military remained powerful, vigorously protested further trials, and by now many in Argentina simply wanted to put the Dirty War behind them. President Alfonsín, caught between all these pressures, had the Argentine Congress pass the Final Line Law in December 1986 to end future

²³Bouvard, op. cit., p. 142.

²⁴ibid, pp. 145-150.

²²Cited in Bouvard, p. 119.

prosecutions of military officers, with the law to go into effect sixty days after it was passed. As this law was passed, the Mothers of the Plaza de Mayo shouted their opposition from the balcony. A year later, the Due Obedience Law was passed granting immunity to military officers below the rank of colonel who had engaged in enforced disappearance by just following orders of higher officers.

Carlos Menem replaced Alfonsín as President in 1989, and he soon pardoned General Videla and the other officers who had been convicted of human rights abuses during the Dirty war.²⁵ However, in 1998, General Videla was again tried, this time for the abduction of eleven children, falsifying their identities, and giving them to the families of military officers, all during his presidency. He was sentenced to house arrest, but transferred to a prison 2008, where he died in 2013.

In 2003, under the Presidency of Néstor Kirchner, the Argentine Congress revoked the Final Line and Due Obedience Laws, and two years later, the Argentine Supreme Court held that these laws were unconstitutional. The government soon reopened prosecutions, and these were continued after Cristina Kirchner, Néstor Kirchner's wife, succeeded him as President in 2007. More than 250 persons were convicted for crimes against humanity between 2005 and 2011.

Enforced Disappearances and International Law

The protests of the Mothers of the Plaza de Mayo were the most visible source of the growing international awareness of enforced disappearances the late 1970s. A gap in international human rights law became evident. The need to address enforced disappearances in international law was clear to both the Organization of American States (OAS) and the United Nations. Human rights NGOs, such as Amnesty International, began pressing these international bodies to condemn enforced disappearances. Both the OAS's *American Convention on Human Rights* (1969) and U.N.'s *Universal Declaration of Human Rights* (1948) and *International Covenant on Civil and Political Rights* (1966) define human rights in ways that cover all aspects of enforced disappearances, such as the right to life, liberty and security of person, freedom from arbitrary arrest and to humane treatment, torture, and to be recognized as a person before the law, including the right to a fair and public trial.²⁶ However,

²⁵He also pardoned leftist guerrilla leaders who had been convicted of terrorism during the junta's rule.

²⁶ María Fernanda Pérez Solla, *Enforced Disappearances in International Human Rights*. London, McFarland & Company, 2006.

The *Covenant* does not establish specific obligations with regard to prevention, investigation, repression and international cooperation in cases of enforced disappearances. Nor does the *Covenant* stipulate any obligation to codify enforced disappearance as an autonomous offence under domestic criminal law. . . . or to prevent and suppress the abduction of children. . . .²⁷

With the enforced disappearances both in Latin America and around the world, the need to do so was now clear.

So in 1987, the OAS General Assembly asked its Inter-American Commission on Human Rights to prepare a convention on enforced disappearances. Then, in January 1988, the OAS's Inter-American Court on Human Rights issued a ruling against Honduras and in favor of Manfredo Velásquez Rodríguez, who had been disappeared by the government of Honduras in 1981. The Court held that Honduras had violated the victim's rights to liberty, humane treatment, and protection of right to life under the *American Convention*. It ordered that compensation be paid to the victim's next-of-kin. The Court made similar rulings in several subsequent cases.

In 1994, the *Inter-American Convention on Forced Disappearance of Persons* was ready and adopted.²⁸ The *Convention*, "CONSIDERING that the forced disappearance of persons in an affront to the conscience of the Hemisphere and a grave and abominable offense against the inherent dignity of the human being" (Preamble), required that State parties pledge to refrain from, not allow nor tolerate forced disappearances, and to punish all perpetrators, accomplices, and accessories to this crime. Obedience to the orders of a superior was not allowed as a justification. Alleged perpetrators may be extradited for trial, or if extradition is not feasible, tried in the country where they are held... No "exceptional circumstances such as a state of war, the threat of war, internal political instability, or any other public emergency may be invoked to justify the forced disappearance of persons" (Art. X). This *Convention* was the first international convention on this crime, and it served as a model for the United Nations.

Argentina, Chili, Guatemala, and Honduras, all nations where large numbers of enforced disappearances had occurred, signed the *Convention* immediately and their legislatures soon ratified it. However, as of 2018, the *Convention* has been ratified by just 16 OAS members. Eighteen, including the United States had not.

²⁷ Tullio Scovazzi and Cabrilla Citroni. *The Struggle against Enforced Disappearance and the 2007 United Nations Convention*. (Boston: Martinus Nijhoff Publishers, 2007) p. 259.

²⁸The text of the *Inter-American Convention on the Forced Disappearance of Persons* is available online at <http://www.oas.org/juridico/english/treaties/a-60.html>.

The United Nations also felt an intense need to address enforced disappearances. And so, in 1992, as recommended by the Working Group on Enforced and Involuntary Disappearances and as urged by the human rights NGOs, the U.N. adopted the *Declaration on the Protection of all Persons from Enforced Disappearances*.²⁹ In its preamble, the *Declaration* declared “that enforced disappearance undermines the deepest values of any society committed to respect for the rule of law, human rights and fundamental freedoms, and that the systematic practice of such acts is of the nature of a crime against humanity.” The United Nations General Assembly was now on record condemning disappearances.

However, a declaration is a statement of principles, whereas a convention is binding international law, and binding international law regarding enforced disappearances was clearly needed. For that reason, the Sub-Commission on the Promotion and Protection of Human Rights prepared a *Draft International Convention on the Protection of all Persons from Enforced Disappearance* in 1998. This draft was seen as inadequate and not adopted.

That same year, the *Rome Statute of the International Criminal Court* listed “enforced disappearance of persons” in its category of crimes against humanity (Art. 7.1.i) and offered a short definition of the crime (Art 7.2.i.). This was the first time that enforced disappearance had been categorized as a specific crime against humanity. However, the *Rome Statute* did not fully define the conditions that made one guilty of the crime, so the need for a specific convention on enforced disappearances was still needed.

On the recommendation of the Working Group on Enforced and Involuntary Disappearances, in 2001 the U.N.’s Commission on Human Rights established an “open-ended working group to elaborate a draft legally binding normative instrument for the protection of all persons from enforced disappearance.”³⁰ Because this group was “open-ended,” more than 70 States, many NGOs, human right legal experts, and associations of the families of those disappeared took part in its sessions. The drafting process lasted for three years.

Finally, the *International Convention for the Protection of all Persons from Enforced Disappearances* (officially abbreviated CPED) was approved by the new Human Rights Council at its first session in June 2006 and was then adopted by the U.N. General Assembly in December 2006.

CPED offers a legal definition of enforced disappearance as the arrest, detention, abduction or any other form of deprivation of liberty by

agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law” (Art. 2).

In its main provisions, CPED states that,

- “no exceptional circumstances whatsoever,” including war, political instability, or any public emergency may be used to justify enforced disappearance (Art. 1).
- Each state is to make enforced disappearance a domestic criminal offence (Art 4) for “any person who commits, orders, solicits or induces the commission of, attempts to commit, is an accomplice to or participates in enforced disappearance,” and for supervisors who “knew or consciously disregarded information” indicating that subordinates were engaging in enforced disappearance, or who “failed to take all necessary and reasonable measures” to prevent it.
- No order from any authority may be invoked to justify engaging in enforced disappearance (Art 6).
- Widespread disappearances constitute a crime against humanity under international law (Art. 5).
- Enforced disappearance is an extraditable offence for disappearances committed in other states, but when an accused person cannot be extradited, he or she may be tried by competent authorities in the country where arrested or surrendered to an international criminal tribunal (Art. 11).
- A person accused of enforced disappearance cannot claim it is a “political offence” to prevent extradition (Art. 13).
- Any person has a right to allege that an enforced disappearance has occurred, and each allegation must be fully investigated by government authorities (Art. 12).
- States are to fully cooperate with other states to see that offenders are prosecuted or extradited, and in locating and assisting the victims of enforced disappearance, including returning the remains of those disappeared who are dead (Art. 15).
- However, no state may extradite a person who might be disappeared if extradited (Art. 16).
- No one may be detained secretly, and each state must maintain an up-to-date registry of those detained (Art. 17).
- Relatives and others with legitimate interests about the one detained must be informed of the detention and all circumstances surrounding it (Art. 18).

²⁹The text of the *Declaration on the Protection of all Persons from Enforced Disappearances*. is available online at <http://www.un.org/documents/ga/res/47/a47r133.htm>.

³⁰UNCHR Res 46 (2001) UN Doc E/CN.4/2001/46, para 12.

- Both the individual victim (if surviving) and the families of those disappeared, have a right to reparation, including “fair and adequate compensation,” rehabilitation, and the restoration of dignity and reputation (Art. 24).
- The “wrongful removal” of children is forbidden, as is the concealment or falsification of their true identities. When these have occurred, a state is required to search for and return the children to their families of origin (Art 25).

Most of these were also stated as principles in earlier *Declaration*. However, because the *Convention* is international law, it also established a Committee on Enforced Disappearances, consisting of ten persons “high moral standing and recognized competence in the field of human rights” to oversee compliance (Art. 26), but States can (or not) recognize the competence of the Committee to hear complaints from other states (Art. 32) or from individuals (Art. 31).

When CPED was opened for signature on January 6, 2007, Argentina, Chile, Honduras, and many other Latin-American countries signed immediately, and all ratified it quickly. The nations where the largest numbers of disappearances had been recorded were now full participants in both the OAS and U.N. conventions on enforced disappearance. However, as of April 2018, just 97 U.N. nations have signed CPED and just 58 have ratified it. The United States has not.

Despite the progress since the Mothers of the Plaza de Mayo help make enforced disappearances a global concern in the 1970s, and the creation of both the OAS and UN conventions against enforced disappearance, disappearances still occur, and many more are unresolved. In August 2014, the U.N.’s Working Group on Enforced or Involuntary Disappearances said that since it began its work it had reported 54,405 unresolved cases of disappearances to 104 Governments. The number of cases still “under active consideration” was 43,250 in 88 different countries.³¹ The international efforts inspired by Azucena Villaflor and the Mothers of the Plaza de Mayo are unfinished.

Azucena’s Remains and Legacy

Azucena’s remains, along with those of two other Mothers, were identified in 2005 by an Argentine forensic team. Their bodies showed fractures consistent with having been thrown from an airplane. Azucena was cremated and her ashes were buried at the base of a monument in the Plaza de Mayo. Despite her impoverished background and limited education, and despite her own disappearance, by leading in the creation of the Mothers of the Plaza de Mayo, she helped end enforced disappearances in Argentina and placed the crime of enforced disappearances on the world’s agenda leading to two international conventions against this crime. The crime is now condemned virtually universally.

³¹ Report of the Working Group on Enforced or Involuntary Disappearances to the Human Rights Council, A/HRC/27/49, August, 2014. Online at <http://www.ohchr.org/EN/Issues/Disappearances/Pages/Annual.aspx>.