

## **“Winning small battles, losing the war”**

Police violence, the *Movimiento del Dolor* and democracy in post-authoritarian Argentina

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**“Winning small battles, losing the war”**

Police violence, the *Movimiento del Dolor* and democracy in post-authoritarian  
Argentina

**“We winnen kleine slagen, maar de oorlog niet”**

Politiegeweld, de *Movimiento del Dolor* en democratie in post-autoritair Argentinië  
(met een samenvatting in het Nederlands)

**Proefschrift**

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Promotoren: Prof. dr. D. Kruijt  
Prof. dr. A.C.G.M. Robben  
Co-promotor: Dr. K. Koonings

To my parents,  
Jan Denissen and Diny Denissen – van de Schoot



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# 1 Introduction

## 1.1 Introduction to the research topic and relevance of the study

Fifteen-year old Natalia Melmann spent the night of February 4, 2001, with friends at a local bar in Miramar, a small beach town in the province of Buenos Aires. When she had not returned home by the following morning, her parents began searching for her, and they reported her missing at the local police station. After someone reported that he had seen Natalia in a police car, the Melmann family began to suspect that some police officers might have played a role in her disappearance. Four days later, on February 8<sup>th</sup>, her body was found. When three police officers were sentenced to life imprisonment for raping and murdering Natalia about a year and a half later, this was only a legal confirmation of what the family already knew and had lived with ever since her death. During their search for their daughter's killers the Melmann family was constantly threatened. The family members of the suspected police officers publicly slandered Natalia's father, calling him a drug trafficker. They tried to criminalize Natalia and her father in order to justify her death.

The case of Natalia reveals several aspects of the police violence that have occurred in twenty-first century Argentina. She was abducted and taken to a far-off place, raped by several police officers and then strangled with her own shoelaces. Why was Natalia Melmann, 18 years after the end of the military dictatorship, so brutally raped and murdered by police officers of the *Bonaerense*, the police force of the province of Buenos Aires? Was she simply at the wrong place at the wrong time? Did the police officers "just want to have some fun?" Was she the "perfect victim" (that is, from a poor local family)? Why did the Melmann family investigate their daughter's death *themselves* rather than waiting for the responsible institutions to investigate and deal with the case? And in what ways did the family's actions lead to the conviction of some of the responsible police officers? These are just a few of the questions that this book will address.

The murder of Natalia occurred during a time of socio-economic and political turbulence. Once one of the richest nations in the world, in 2001, Argentina's poor counted for almost half of its population. More than 20% of Argentina's population was unemployed, and income disparity had significantly increased. During the same period, Gran Buenos Aires (GBA) was convulsed by an alarming increase in the number of violent car thefts and kidnappings.<sup>1</sup> Police violence also became increasingly visible because media

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<sup>1</sup> For this study, I have conducted research in Greater Buenos Aires (*Gran Buenos Aires*, GBA), an area that includes the Autonomous Federal Capital of Buenos Aires and 24 surrounding *partidos* (districts), also referred to as the *Conurbano*. The Federal Capital has its own government and the *Conurbano* is administered by the government of the province of Buenos Aires. The northern part of the *Conurbano* (e.g. San Isidro, Pilar) is a wealthy area. In contrast, it is mostly poor people who live in the western (e.g. La Matanza, Morón) and

and human rights organizations like the Center for Legal and Social Studies (CELS) and Coordination Against Police and Institutional Repression (CORREPI) began to report more and more suspected police killings and torture, as well as police involvement in organized crime. In this manner, police violence was placed on the social and political agenda, and the police were labeled as having a *gatillo fácil* (i.e., as being “trigger happy”). The growing suspicion of law enforcement authorities severely exacerbated the feelings of insecurity among Argentines. After all, most of the nation’s adult population had memories of the military dictatorship that ruled the country from 1976 to 1983. During this period, the state often turned its guns on its own people, and cases of murder, torture and “disappearances” numbered in the thousands. Cases of police violence, such as the killing of journalist José Luis Cabezas in 1997, and the Massacre of Ramallo in 1999, had caused widespread public outrage because they reminded people of state violence that had occurred during the dictatorship.<sup>2</sup>

The anger of many Argentines about all this has, since the mid-1990s, erupted into frequent protests against the steady increase of exclusion, violence and state abuse. Meanwhile, relations between civil society and the state which had been severely damaged because of the widespread state repression during the last dictatorship became increasingly tense; the people were fed up with the corruption scandals and unaccountable leaders, and with their citizenship being under constant attack. Eventually, in December 2001, thousands of Argentines took to the streets to demand the resignation of President de la Rúa. He resigned, but only after police repression over the course of two days of protest left more than 20 people dead.

For this study, I first arrived in Argentina for an introductory research trip in August 2003, in the aftermath of what is usually referred to as “the crisis” or “the socioeconomic collapse”. Some months before, the country had elected a new President, the leftist Peronist Néstor Kirchner (2003-2007).<sup>3</sup> Kirchner publicly announced that his

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southern (e.g. Avellaneda, Lanús, Lomas de Zamora) metropolitan areas. The total population of Gran Buenos Aires is about 13 million.

<sup>2</sup> As a journalist, José Luis Cabezas had reported on a series of robberies in which members of the *Bonaerense*, the police of the province of Buenos Aires, appeared to have been involved. One January morning in 1997 Cabezas was found burned in his car after having been handcuffed and shot in the head. The journalists’ union assured that there was heavy media coverage of the murder and it was this coverage that resulted in massive outrage throughout the entire country. In what has become known as the Massacre of Ramallo, three armed persons attempted to rob a bank and, during their getaway, they took some hostages whom they used as human shields. The *Bonaerense* police started shooting and killed one of the suspects and two of the hostages. Another suspect was later found hanged in his cell. It is believed that the police started shooting purposely because this particular bank housed potentially incriminating documents related to the strange circumstances surrounding the death in 1995 of the son of President Carlos Menem (1989-1999). The whole event was broadcast live on television. Thus, many Argentines witnessed police deliberately shooting at the bank robbers and the hostages.

<sup>3</sup> In October 2007, Cristina Fernández de Kirchner was elected to succeed Néstor Kirchner (2003-2007) as president of Argentina. Because the research for this book was concluded at the end of 2006, her time in office is not addressed here. However, it is widely anticipated that she will govern along the same lines as her husband.

administration was not one of repression “with this trigger happy police”.<sup>4</sup> Since Kirchner’s rise to power, the atrocities of the last military dictatorship (1976-1983) have once again been on the political agenda. Amnesty laws and presidential pardons were declared unconstitutional, and attempts to work toward truth and justice – i.e., to punish those who had been responsible for the human rights violations, and to bring closure to that dark era of the nation’s history – were once again being discussed. The first sentence for disappearance and torture during the last military dictatorship was imposed in August 2006. Another promising development occurred when the National Chamber of Deputies in 2006 decided not to allow Luis Patti (who had just been elected), to assume the office of deputy for the province of Buenos Aires. The reason for this decision is that, as a police officer during the military dictatorship, Patti had participated in torture sessions, disappearances and murders (CELS 2007:19-21). Furthermore, during the past three years, Argentina has experienced annual growth rates of 8%. Poverty and unemployment rates have diminished significantly, which is one of the reasons why Kirchner enjoyed high popularity among the majority of Argentines. Kirchner sought new ways to channel social discontent and to repair the severely damaged relationship between the civil society and the state. Throughout the present study, I have called this effort on the part of the Kirchner administration the “politics of rapprochement”. As part of this effort, the government reached out to many different groups of aggrieved citizens, including the movement organized by family members of victims of police violence. It is this movement – the *Movimiento del Dolor* (“Movement of those who grieve”) that is under study in this book.<sup>5</sup>

I first met with people belonging to this movement about a week after my arrival in 2003. I went to a meeting held in memory of Miguel Bru, a journalist student who “disappeared” in 1993, having been tortured and murdered by *Bonaerense* police officers. Ever since his disappearance, Miguel’s family, friends, fellow students and neighbors have gathered in front of the police station where he was held in La Plata, the province’s capital, on August 17<sup>th</sup>, the anniversary of his disappearance. Miguel’s parents expressed their gratitude for the support of those present by offering a barbecue. I found this to be very moving: all the people eating, drinking, chatting and sometimes singing in front of the police station. They were not only keeping Miguel’s memory alive, but were also holding accountable the 18 policemen whom they held responsible for Miguel’s death (i.e., in addition to the two policemen who had already been convicted for the murder). It was there that I also met with the relatives of other victims of police violence, including the father of Natalia Melmann, and I realized that these people, who seemed to maintain close

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<sup>4</sup> Clarín 27 June, 2004: “Kirchner: No vamos a reprimir con esta policía de gatillo fácil”.

<sup>5</sup> *Movimiento del Dolor* literally means “Movement of those who grieve” and is also translatable as “Movement of Pain”. I use *Movimiento del Dolor* for family members of victims of police violence who started a collective public struggle, because this was the term some of the participants used to define their collective effort. However this was not a term that was widely used in the Argentine media – or in the country as a whole.

relations with each other on the basis of their shared “victimhood” are important social actors in the struggle against police violence in Argentina.

Many family members of victims of police violence had decided to “go public” with their personal experiences. They felt that this was the only way to find out about the precise circumstances surrounding the death of their loved one, to find the perpetrators and to bring those responsible for the crime to justice. The images on television and in the newspapers of persons coming together to hold a demonstration against the police violence that had been perpetrated against their relatives, and the calling to account of both the nation’s judiciary system for being unwilling to investigate the act of violence and the government for not taking proper action to protect the victims’ interests together helped spur people who had experienced similar victimization to tell their stories in public. The family members of victims of police violence began to get in touch with one another, and to coordinate demonstrations and other activities. In this way, the *Movimiento del Dolor* was born. Specifically, the *Movimiento del Dolor* is an “anti-violence movement” that, as I will show in this book, makes claims on the basis of citizenship.

For some of the family members of victims of police violence, the reasons behind the politics of rapprochement are not always clear: Is the point of this initiative to promote citizen participation in government decisions and to work together, or to co-opt and pacify them in order to remove a potential threat to the legitimacy of the sitting government? Whatever the case may be, the politics of rapprochement aggravated the tensions between the “ethical civil society” (Linz & Stepan 1996:270-1) and the “immoral state”, and also created a split within the *Movimiento del Dolor* between family members who favored cooperation and those who did not. As I will argue in this study, despite advances in some areas, Kirchner’s rule is an example of “democratic governance with fault lines” (Agüero and Stark 1998) and “delegative features” (O’Donnell 1992, 1994, 1996), characterized by ongoing state abuse, symbolic politics and the co-opting of social movements.

The aim of this book is to study police violence, and the social protest against police violence, in democratic Argentina. Studying both phenomena will make possible a critical discussion of the relationship among democracy, police violence, social movements and citizenship since the 1990s. It enables us to see the dynamics resulting from a democratizing society that is characterized, on the one hand, by a lively civil society, generally fair elections and reduced military power and, on the other hand, the continuation of police violence, impunity, lack of political legitimacy and accountability, and the co-opting of social movements. Furthermore, this approach affords insight into not only why human rights violations by the police continue to occur in contemporary Argentina but also into how these abuses affect the quality of democracy, how relations between the state and civil society work, and what changes social movements possibly bring about within a democracy that has fault lines.

Studying police violence, and the protest to which it gives rise, is relevant both socially and academically for a number of different reasons. Since the return to democracy

in 1983, scholarly attention has focused on the democratic prospects for Argentina primarily by exploring the military's diminished influence in society (Pion-Berlin 1991) and the persistent demands for truth and justice of the Argentine human rights movement (Jelin 1994; Robben 2000). Beginning in the early 1990s, academic studies began to deal with the "delegativeness" of Argentine democracy under the rule of President Carlos Saúl Menem (O'Donnell 1992, 1994, 1996). Since the mid-1990s, academic research has focused on the rise of social movements of poor people who have protested the decline in job and survival opportunities within a context of increasingly visible poverty and unemployment (Schuster 2002, 2006; Svampa & Pereyra 2003). Furthermore, with the socioeconomic and political crisis of the late 1990s and early 2000s, a central research topic became the lack of political legitimacy and accountability and a citizenry that rejected the corrupt and clientelistic practices of its rulers (Peruzzotti & Smulovitz 2002; Auyero 1999, 2000). Finally, because state abuse and the attack on civil liberties continued under democratic governments, scholars began to focus on the illiberal aspects of democracy (Diamond 1999).

In this context, police violence has not received adequate scholarly attention. Only recently, several studies have started to address police violence in Argentina but they generally concentrate on the *Policía Federal Argentina* (Argentine Federal Police, PFA) that operates mainly in Buenos Aires City, and that also carries out specific operations in the rest of the country (Stanley 2005; Hinton 2006). Very few academic studies (Chevigny 1995; Saín 2002) deal with the police in the province of Buenos Aires, the *Bonaerense*. The studies that do exist have not carried out a systematic, in-depth analysis of the mutually reinforcing feedback loop that exists between violence as an expression of the flawed Argentine democracy and police violence that functions in such a way as to undermine democratic governance. Furthermore, although civil society initiatives in Argentina have received quite a lot of academic attention, so far the responses of civil society to police violence have attracted minimal interest (see Fuentes 2004, 2004a, 2005, 2006, 2006a; Pita 2000, 2004, 2005). The *Movimiento del Dolor* is a relatively new phenomenon, and its emergence is the product of the changing social, economic and political environment in Argentina since the 1990s. Studying the *Movimiento del Dolor* is therefore relevant because, as a product of this new environment, it tells us something about how relations between the state and civil society are being reshaped in present-day Argentina. In this respect, the present study also contributes to the debate on the possible role of anti-violence movements as vehicles for democratizing Latin America and advancing claims for citizenship on the part of excluded sectors.

## **1.2 Research questions**

This book presents a qualitative study of the relationship among the Argentine democracy, police violence, and the social protest against police violence in Gran Buenos Aires since

the 1990s. I explore the causes and forms of police violence, police reform, and the methods of police governance. I analyse the emergence of the *Movimiento del Dolor*, its claims for citizenship, and its repertoire of collective action. As will become clear, I have decided to study both the “victims” (the victims of police violence and their relatives) and the “perpetrators” (i.e., the *Bonaerense* police).<sup>6</sup> In addition, I examine the relationship between the *Movimiento del Dolor* and the Argentine state, as well as the significance of this movement in Argentine society and politics. Thus, this study combines local perspectives on particular episodes and societal problems with political developments at the macro (i.e., provincial and national) level within Argentine society. The three main questions that have guided this study are:

1. How is one to understand police violence in the context of the Argentine democracy and what forms does police violence take?
2. What led to the emergence of a social movement protesting police violence (i.e., the *Movimiento del Dolor*) in post-authoritarian Argentina and what constitutes its repertoire of collective action?
3. What is the broader impact of police violence and the *Movimiento del Dolor* in society and politics, and what does this impact reveal about citizenship and democracy in Argentina?

In order to answer these questions, I will focus on five specific areas. First I will discuss dictatorships, democracies, and social protest in Argentina from a historical perspective. A number of critical questions will be addressed in this regard, including the following: How to understand politics, violence and social protest between 1930 and 1989? In what ways did democracy and citizenship decline during the Menem years (1989-1999)? How did the Kirchner administration (2003-2007) deal with the socio-economic and political crisis, and with the demands of (civil) society? Secondly, I will address the forms that police violence takes in Argentina in general and in Gran Buenos Aires specifically, the explanations for the continuation of police violence after the transition to democracy in 1983, and the police reforms that have been enacted. Thirdly, I will examine the emergence, characteristics and demands of the *Movimiento del Dolor*. I will look at the origins of this social movement, identify and analyze the bonds that unite and the schisms that divide the movement, and describe its repertoire of collective action. Fourthly, I will focus on the relationship

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<sup>6</sup> Yet, even though I use this categorization, I remain mindful that the boundaries between victims and perpetrators are often fuzzy. As this study will show, some police officers are also victims themselves. Furthermore, the term “perpetrator” implies some degree of deliberate choice to commit violence, while the truth of the matter is that some cases of police violence may, in whole or in part, be the result of incompetence.

between the *Movimiento del Dolor* and the Argentine state. A question that I will address has to do with how the *Movimiento del Dolor* and the Argentine state interact, and what the effects of this interaction have been for both parties? Finally, I will discuss the impact and relevance of the *Movimiento del Dolor* within the context of the present-day Argentine democracy. What is the relationship between the public struggle of the *Movimiento del Dolor* and the government's ceding to their demands, and which factors influence the effectiveness of the public struggle?

### 1.3 Methodology and research design

The methods used in this study employ standard anthropological research techniques. During fifteen months of fieldwork in Gran Buenos Aires (spread over three years, from 2003 to 2006) I have collected qualitative research data through both open and semi-structured in-depth interviews, participant observation and document analysis (see Appendix I for a detailed description of the fieldwork and the methods used). Considering the research topic, I believe that qualitative research methods yield the most interesting and valuable data, and that the scope of these methods afford the opportunity to collect the greatest amount of data possible. After all, the personal stories of family members of victims of police violence, their mobilization, suffering and conflicting ideas and feelings about whether or not to cooperate with the state are best captured in open and in-depth interviews and participant observation (rather than, for example, through the use of long questionnaires) because of the close personal contact with the informants. During the course of the research, however, much depended on whether I would be able to study two groups in conflict (i.e., the *Movimiento del Dolor* and the police) at the same time, without allying myself too much with one or the other and without being “seduced” (Robben 1996). Most ethnographic studies are written from the perspective of *either* the victims or the perpetrators. I wanted to study both the victims *and* the perpetrators at the same time, because I believed that, in order to understand all of the social dynamics and complexities of the situation in a manner that strove for the maximum degree of objectivity, I had to look at the matter from both perspectives.

I have conducted a total of approximately 105 interviews with family members of victims of police violence, police officers, human rights activists, representatives of the government as well as of the judiciary, members of political parties, and journalists.<sup>7</sup>

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<sup>7</sup> In the study I only use the real given names and surnames of my informants when I believe this will not harm the informant in question. Thus, I sometimes use real names, while at other times I refrain from using the real names of those very same persons. For instance, when they talk about the way their relative was killed and how they began their public struggle, I use their real names. However, when they talk about the factionalism within the *Movimiento del Dolor* and the relations of that movement with the state, I only refer to them as “family members of victims of police violence”. This might seem arbitrary but it is in fact a well-reasoned decision that is the product of weighing the pros and cons about when a statement might somehow engender undue difficulties for the informant, whether in their work within the movement or simply in their daily social relations. In contrast, I do not use the real names of the police officers that collaborated with this research, but instead refer to them by their rank, and I indicate whether they serve in the *Bonaerense* police or

Participant observation included observations and informal conversations during dozens of demonstrations, court cases, press conferences, the course of routine police work, at the dedication of monuments, as well as in other settings (see Appendix I for more details). I followed about ten classes with the first conscription of students of the new police force in the *Conurbano*, the *Policía Buenos Aires 2* (PBA2). I also accompanied activists of the human rights organization Permanent Assembly for Human Rights La Matanza (APDH La Matanza) on several occasions during their visits to police stations. *Observing* or *participating* in police violence is not possible for obvious ethical and security reasons. Therefore the research data on this topic have been compiled on the basis of conversations and interviews with the above-mentioned informants, as well as through the analysis of documents of human rights organizations and journalists. It goes without saying that the methodology that I have employed has in part determined the research data that I have obtained. However, the only way for me to obtain relevant data for this particular project was by talking to many different parties and verifying the stories that I heard.

Because Gran Buenos Aires encompasses such a vast swathe of territory, I spent many hours in the subway, in buses and on trains, travelling to all areas of the city: attending protests, conducting interviews, and visiting police stations. Within the boundaries of the *Conurbano*, I deliberately chose not to limit my research in geographical terms – that is, to neighborhoods or districts that fit a particular demographic profile. Even though the poor are more often victims of police violence, police violence and police criminality occur in both poor and rich districts. Furthermore, I did not want to conduct detailed studies of a limited number of cases of police violence, something that I thought would be a consequence of making such a geographic choice. Instead, I wanted to cover a larger number of cases of police violence with many different characteristics, to understand better the different types and causes of police violence as well as the different public struggles of family members of victims. For some additional data, I also travelled to provinces outside of Gran Buenos Aires (Santa Fe, La Pampa, La Rioja and Santiago del Estero), where I also spoke to family members of victims of police violence, lawyers, and human rights activists.

Although my research activity and contacts with the research groups generally went rather smoothly, I did encounter a number of difficulties and ethical questions during my fieldwork. For example, I was faced with the question as to how I, as a researcher, would be able to separate my personal involvement and political activism from my objective role as a social scientist? I also found myself wondering if I had been honest enough to the police about my research objectives and my intentions? Furthermore, doing research on two groups in conflict requires a constant adaptation of the researcher in terms of adjusting

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on the Federal Police force. The same goes for the current and former representatives of the government and the judiciary; I have chosen to never make their identity public.

to the internal coded language and mores of the group. These are questions that I will address in Appendix I.

Overall, the anthropological approach has yielded insight into the social relationships and perceptions of my informants as well as into the realities I aimed to study in present-day Argentina. I came to know about the forms that police violence takes, why the *Movimiento del Dolor* emerged, and how to interpret the relations between the movement and the authorities. This approach did not yield hard evidence of a cause-effect relationship between the effectiveness of the public struggle of the *Movimiento del Dolor* and higher probability of judicial sentences. For instance, in my analysis of the movement's impact and relevance, I rely on the perceptions of informants (including representatives of the judiciary) and on the scholarly literature on the outcomes of social movements.

#### **1.4 Outline of the book**

Chapter 2 elaborates on the theoretical concepts that are used throughout the book. The focal point of this chapter is the relationship among democracy, police violence and social movements. It focuses on the notion of democracies with fault lines and on three fields in which these fault lines are revealed: in the political system, in the phenomena of exclusion and limited citizenship, and in the perpetration of violence. Because violence is one of the key problems of contemporary Latin American democracies, the chapter looks at its categories and patterns as well as at how violence affects both the exercise of citizenship and the quality of democracy. It also sheds light upon three causes of police violence in Latin America: widespread impunity for perpetrators, an authoritarian legacy, and the relations between the government in power and the police. Although the main focus is on the tensions between police violence and democracy, the chapter also briefly examines police reform and democratic policing. Despite the violence, exclusion, and state abuse, social movements in general and anti-violence movements in particular started doing politics of the reconstruction of citizenship. The chapter thus focuses on how social movements and flawed democracies interact.

Chapter 3 focuses on social, economic and political developments in Argentina since 1930, mostly by highlighting the alternation of dictatorships and democracies and the forms of social resistance. There is an examination of the historical processes that have put a stamp on the functioning of the post-authoritarian democracy since 1983. The main focus, however, is on the fault lines of the Argentine democracy since the 1990s. The chapter will show that delegative rule, increasing poverty, exclusion, and violence have historically stood in the way of true democratic governance and the effective exercise of citizenship. This is also true for the Kirchner administration (2003-2007). Even though the worst of the socio-economic and political crisis is over by now, his rule has, throughout his term of office, been characterized by delegativeness and symbolic politics. Nevertheless, since 1983 Argentina and democracy have become a “possible game”. Despite the fault

lines, Argentine democracy is not threatened by a military takeover. Elections are free and open, civil society is strong, and people are free to express their opinions.

Chapter 4 discusses police violence “a la *Bonaerense*”. The chapter provides a brief overview of policing, police organization and police reform in the province of Buenos Aires. Despite the several attempts to reform the *Bonaerense* since the 1990s, police violence has continued to increase. As will be shown, the latest police reform that started in 2004 is fairly extensive, and the number of victims caused by police violence has dropped to the level of the mid-1990s. The structural patterns and forms of police violence will be discussed in three parts: the *gatillo fácil* police and torture, the invention of crime, and the police “business”. Thus, the chapter sheds light upon a number of factors that influence ongoing police violence in democratic Argentina, and in particular in Gran Buenos Aires. The most important of these factors are: the legacy of the nation’s long years of authoritarian rule, when the police functioned as an appendage of the military, and participated in the abduction and torture of Argentines; the rising poverty, exclusion and insecurity that since the 1990s have made the work of the police more complicated and have led to popular calls for a tough and repressive approach to fighting crime; the interdependent relations between the government in power and the police, in which the government needs the support of the police in order to be able to govern, and the police need the backing of the government in power in order to be able to operate more or less autonomously; the forms of complicity between the police and the judiciary that ensures impunity for police violence; and, finally, the ways that police culture protects the police from “attacks from the outside”.

Chapter 5 analyses the *Movimiento del Dolor* as a social movement that comprises family members of victims of police violence who advocate for the restoration of their violated citizenship rights. The emergence of the movement will be explained in three ways. First, earlier human rights groups such as the Mothers of Plaza de Mayo set an example of political mobilization on the basis of shared victimhood. Secondly, the family members of victims of police violence came to understand that, without their active involvement and public advocacy, the investigation involving the death of their relative would go nowhere. In other words, they were forced into the public arena in order to call attention to police violence. Finally, the public struggle of family members arises from both the personal need to know every detail of their case and from the encouragement of others in similar circumstances who have chosen the path of advocacy. Afterward, the chapter will show that the persons involved in the *Movimiento del Dolor* share a number of common assumptions related to the nature of the public struggle and discourse of rights, but that the movement is far from homogenous. For instance, the movement is divided over a number of critical issues: categorization into “important” and “unimportant” victims, the merits of “individual struggle” versus “collective struggle,” and “doing politics” versus “ethical struggle”.

Chapter 6 looks at the movement's repertoire of collective action, and at the cultural and instrumental aspects of these actions. It discusses how the repertoire has been constructed by showing that the patterns of social protest are culturally learned and transmitted. Following this discussion, two forms of the denunciation approach are identified: the "juridical approach" and "taking to the streets". The juridical approach entails a number of strategies, from gathering evidence to looking for the perpetrator, through which the family members of victims of police violence partly take over what is in reality the job of the judiciary and the police. Taking to the streets occurs through a number of different public activities, including demonstrations, meetings, and the creation of memory sites. In this section, the main focus is on the identification of the different forms of social protest, and on an evaluation by the family members of victims of police violence of the appropriateness and effectiveness of each of them.

Chapter 7 focuses on the politics of rapprochement of the Kirchner administration which involves an attempt to establish alliances with the family members of victims of police violence. Because part of the *Movimiento del Dolor* has been offered spaces of participation or subsidies to create a non-governmental organization, it now confronts dilemmas related to the merits of retaining their organizational independence versus cooperating with the state. The clearest expression of Kirchner's policy of rapprochement was the creation of the National Program Against Impunity (PNAI), an initiative in which some family members of victims actively participate. PNAI represents the government's attempt to show it is on the side of the victims. Yet this effort has been criticized by many of the victims' families as an empty public relations tactic that ignores the necessary large-scale transformations needed in the police and the judiciary in order to put a stop to police impunity in Argentina.

Chapter 8 analyses the actual effects of the denunciation approach of the movement within the context of the Argentine democracy. It focuses on the denunciation approach as an effective instrument of learning the truth of what actually happened, attaining some measure of justice, and holding criminals responsible. The chapter looks at how the *Movimiento del Dolor* has made police violence and impunity a societal and political concern in Argentina. The chapter will also show that, when it comes to policy and institutional change, the effects of the denunciation approach are limited, both because of characteristics of the movement itself as well as the inherent restrictions that a democracy with fault lines imposes. The role of the *Movimiento del Dolor* in Argentine (civil) society is then discussed in a broader context, in order to understand its effects. We will see that some family members have been more successful than others and four factors that influence the effectiveness of the denunciation approach are identified.

In the concluding chapter, I will argue that taking into consideration the dissimilar viewpoints regarding the meaning of citizenship among the different social classes in Argentina will contribute to our understanding of the ambiguous relationship between democracy and police violence. Additionally, I will argue that the emergence of the

*Movimiento del Dolor* has been facilitated by the existence of a rights-conscious civil society combined with weak accountability mechanisms, as well as by the fact that, in Argentina, victimhood became a powerful basis for political mobilization and making claims. Lastly, I will come back to the debates on citizenship and democracy and discuss whether the *Movimiento del Dolor* is able to address limited citizenship and the fault lines of democracy in Argentina.

## 2 Democracy, police violence, social movements and the reconstruction of citizenship

### 2.1 Introduction

After the democratic transitions in Latin America in the 1980s, the many social protests against exclusion, poverty, violence and impunity showed the dissatisfaction of Latin American citizens with their new democracies. The challenges of what O'Donnell (1996:95) has termed the “second transition” – the movement from a democratically elected *government* to an institutionalized, consolidated democratic *regime* – appeared much larger than had initially been anticipated. In this context, for social movements such as those of women, blacks and groups organized around urban issues like unemployment and violence, the notion of citizenship has become a common point of reference (Dagnino 2003:3). Using a language of rights, the movements began to claim not only equality, inclusion and protection from state abuse, but also accountable leaders and good democratic governance.

Today, 15 to 25 years after the transitions, many scholars agree that a number of factors and processes, from clientelism to state violence, have thwarted the consolidation of democracy in Latin America. The “fault lines of democracy” (Agüero and Stark 1998) raise questions about the quality of democratic governance and citizenship. Therefore, this chapter explores the relationship among democracy, police violence and social movements’ claims for citizenship in Latin America from a theoretical point of view. The chapter will show the problems inherent in the uneasy co-existence of democracy and violence (particularly police violence), and will discuss the issues of impunity, exclusion, and co-opting. The chapter will also show that, even though it takes as its point of departure the assumption that social mobilization enhances the quality of democracy because of the demands for justice, social inclusion and political participation, in flawed democracies this relationship is much more complex because of unaccountable government and mechanisms of co-opting. Questions that will be addressed are: what exactly do the fault lines of democracies in Latin America look like? What is the role of exclusion and violence in the process of democratic consolidation? How can police violence be explained and how does it affect the quality of democracy? In what ways do the authorities respond when their legitimacy is questioned? How do social movements respond to police violence and interact with the state?<sup>8</sup> What can social movements achieve and how can they reconstruct citizenship? And are they able to address the fault lines?

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<sup>8</sup> The aim of this dissertation is not to discuss in-depth what’s understood by the “state”. However, in order to prevent misunderstandings, in this dissertation I understand the state as defined by Charles Tilly (1975,

In what follows, I will first present an outline of the theoretical debate on the characteristics of democracy in general and democracy with fault lines in particular. Then I will elaborate on the paradox of violence in democracies, the features of the role of the police in democratic societies and the explanations for police violence in Latin America. I will argue that police violence in Latin America, despite having different characteristics in each individual country, shares a number of causes and expressions in common. Following that, I will present an overview of the debate on social movements in general, and of the anti-violence movements in particular, as well as the politics of the reconstruction of citizenship. Finally, I will show the different forms that the interaction between social movements and states may take, and I will argue that, in present-day Latin America, the rise to power of many leftist governments has obscured the dichotomy between the “ethical civil society” and the “immoral state”.

## 2.2 Democracy with fault lines

The academic debate on what democracy is and is not is rich but at the same time controversial, precisely because of the widely divergent viewpoints that are expressed on the subject.<sup>9</sup> Clearly, there is not just one good universal style of democracy because the character of a democracy will always depend on the institutions, political culture, and socio-economic conditions within each society. Yet, within the academic debate, some general approaches of democratic governance can be distinguished. First of all, some scholars (Schumpeter 1950; Huntington 1991; Przeworski et.al. 1996) use minimalist and procedural definitions of democracy in which free, fair and multiparty elections are sufficient to label a system as democratic. For others (e.g., Dahl 1971) such definitions are somewhat incomplete and they instead use an “intermediary” definition of democracy – for example the polyarchy. A polyarchy is a regime with free elections, in which people have the freedom to form organizations as well as freedom of expression, where there are alternative sources of information, and where political leaders have the right to compete for support (Dahl 1971:3). Still other scholars argue that the rights of citizens must have a much more prominent place in order to qualify a regime as being truly democratic as in, for example, a liberal democracy (Diamond 1999). A liberal democracy requires the same right to vote, and the same freedoms, as the polyarchy while, in addition, guaranteeing citizens the right to seek redress of grievances from the state (Diamond 1999:42).

In Latin America, after the transitions to democracy in most countries were completed successfully in the 1980s and 1990s, the academic debate shifted to addressing

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cited in Linz & Stepan 1996:17) as an organization which controls the population occupying a definite territory that is 1) differentiated from other organizations operating in the same territory; 2) autonomous; 3) and whose divisions are formally coordinated with one another.

<sup>9</sup> This section is about the fault lines of Latin American democracies. Clearly, every country has gone through different democratization processes and developed into different flawed democracies. It is beyond the scope of this section to go into all the differences among Latin American democracies. Instead, the aim is to theoretically explore the idea of democracies with fault lines.

the questions of how to consolidate the new democracies in order to enable them to become qualitatively good democracies, and of how best to hold leaders accountable. Ideally, democratic transitions eventually result in what in Latin America is called a *Democracia de Ciudadanas y Ciudadanos* – a “citizens’ democracy” (UNDP 2004). In citizens’ democracies, broad and relatively equal citizenship is guaranteed, there is binding consultation of citizens with respect to state policies and personnel, and citizens are protected from arbitrary state action (Tilly 2000:4). The basis of a citizens’ democracy is twofold: the accountability of leaders to the people and a respect for citizenship rights. The first aspect, accountability, means that public officials are answerable for their decisions and conduct, and that they may be sanctioned for illegal actions (Peruzzotti & Smulovitz 2002:210). According to O’Donnell (1999) accountability has two dimensions: horizontal and vertical. Horizontal accountability involves the effective operation of the system of checks and balances. Vertical accountability is concerned with elections and other mechanisms that citizens have at their disposal to control their government. The second aspect, respect for citizenship, is important because it refers to people’s rights. According to Marshall’s classical work, “full citizenship” comprises civil, political, and social rights (Marshall 1950, 1965). Civil rights include freedom of speech, political rights the right to vote and social rights the right to welfare and security. By incorporating the concept of citizenship, the democracy debate goes beyond minimalist and procedural definitions and instead is expressed within the frame of reference of universal rights for all people.

Clearly, a democratically elected government does not automatically pave the way for a citizens’ democracy. Latin American democracies have encountered difficulties in overcoming specific authoritarian patterns. But present-day processes also stand in the way of the consolidation of democratic governance. After the return to civilian rule, the most egregious forms of human rights violations were in fact eliminated (Pinheiro 1996).<sup>10</sup> Still numerous problems stand in the way of a more profound democratization. The continuation of police violence, impunity for crimes that have been committed, lack of accountability, governance problems, social inequality, and urban violence are the factors that represent the greatest obstacles.

Distinct terms have been invented to describe democracies with supposedly “undemocratic” problems: “fragile democracy” (Peeler 2004:178-80), “delegative democracy” (O’Donnell 1992, 1994, 1996) and “uncivil/illiberal democracy” (Holston & Caldeira 1998; Diamond 1999). According to Peeler (2004:178) fragile democracies are not

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<sup>10</sup> It’s not my intention to conduct an in-depth study of the meaning of human rights. Yet, for the sake of clarity, in this dissertation human rights are understood as internationally agreed values, standards, or norms that regulate the conduct of states towards their populace on a variety of issues ranging from security to political representation to well-being (Baehr 1999). Internationally, human rights are laid down in the International Bill of Human Rights and consist of, among others, the Universal Declaration of Human Rights, signed on 10 December 1948 by the General Assembly of the United Nations. The Universal Declaration was conceived as a state of objectives to be followed by governments, therefore it is not legally binding. The declaration does not form part of international law, but is a powerful tool in applying diplomatic and moral pressure on governments that violate any of its articles (Husain 2007:18-9).

only of poor quality (e.g. they have high levels of social and economic inequality) but are also easily destabilized and vulnerable when challenged by, for example, popular mobilization and military uprisings. The idea behind delegative democracies is that “whoever wins election to the presidency is thereby entitled to govern as he or she sees fit, constrained only by the hard facts of existing power relations and by a constitutionally limited term of office” (O’Donnell 1996:98). In uncivil democracies, as Holston and Caldeira (1998:263) argue, the quality of political institutions may be democratic to a considerable extent, and yet the exercise of citizenship is curtailed because citizens’ rights are systematically violated. Generally, what characterizes most post-authoritarian Latin American regimes is that they combine competitive elections and formally democratic political systems with inequality before the law (Agüero & Stark 1998:372-3).

Table 2.1 provides an overview of a number of (semi-)democratic systems and their characteristics that can be found worldwide, categorized into transitional, flawed, minimalist/intermediary-consolidated, and consolidated types. The transitional types are the most easily destabilized. The flawed types are not easily destabilized (e.g. threatened by a military coup) but show all kinds of flaws that stand in the way of consolidation. The minimalist/intermediary-consolidated types guarantee, at a minimum, free elections and some also effectively protect freedom of speech and association. The consolidated democracies constitute the most robust expressions of democratic government, because they not only guarantee the rights of the intermediary-consolidated form, but also respect citizenship rights and protect citizens from state abuse. As will become clear from the table, there is significant overlap among the different types. Thus, the boundaries between the categories are sometimes blurred.

**Table 2.1: Democratic types around the world**

Types of Democracy	Characteristics
<b>1. Transitional types</b>	
Dictablanda	A liberalized undemocratic regime, also called a soft dictatorship (O’Donnell & Schmitter 1986).
Democradura	A regime that drastically limits the possibilities for effective mass participation in politics, but at the same time allows competition for power at the elite level (Schmitter and Karl 1994, cited in Melville 1999:177).
Fragile democracy	A regime that is not only of poor quality (e.g. has high levels of social and economic inequality) but that is also easily destabilized and subject to challenges by popular mobilization, military

uprisings, and elite subversion (Peeler 2004:178).

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## 2. Flawed types

Delegative democracy	A regime that is not consolidated (i.e. institutionalized) but enduring (O'Donnell 1996:95), and is characterized by the lack of horizontal accountability. After the election, voters/delegators are expected to become a passive but cheering audience of whatever the president does (O'Donnell 1996:99-100).
Democracy without citizenship	A regime with high levels of poverty and social and economic exclusion (Pinheiro 1996).
Illiberal / Uncivil democracy	A regime characterized by the erosion of civil liberties, violations (e.g., illegal arrest, torture, murder) by agents of the state, and a general erosion of the rule of law (Diamond 1999:42-3).

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## 3. Minimalist/ Intermediary-consolidated types

Electoral democracy	A regime in which governmental offices are filled as a consequence of contested elections (but only if the opposition is allowed to compete, win, and assume office) (Przeworski et.al. 1996:50).
Polyarchy	A regime with free and fair elections, in which people have the freedom to form and join organizations, the freedom of expression, and where there are alternative sources of information, people have the right to vote, and political leaders have the right to compete for support (Dahl 1971:3).

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## 4. Consolidated types

Liberal democracy	A regime that requires protection for freedoms of conscience, expression, organization, and information, as well as the ability of all individuals and groups – irrespective of their wealth and status – to pursue their interests and to seek redress of grievances from the state (Diamond 1999:42; Diamond 2002).
Citizens' democracy	A regime that assures the universality of rights (UNDP 2004) and in which broad and relatively equal citizenship is guaranteed, where there is binding consultation of citizens regarding state policies and personnel, and where citizens are protected from arbitrary state action (Tilly 2000:4).

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With the studies I just mentioned, the academic debate shifted from a focus on the transition and consolidation of democracies to what Agüero and Stark (1998) call the “fault lines” that stand in the way of a citizens’ democracy. I will use the term of these authors because this offers the most comprehensive approach to the problems as they exist in the democratic system of contemporary Argentina. That is, the continuation of the Argentine democratic system is not, as in earlier times, threatened by the return of a military regime. But, the quality of this democratic system is unquestionably poor. This book will show that, with Argentine presidents using a populist and co-opting style of governance to address people’s demands, and with its ongoing violence and violations of citizenship rights, Argentina serves as a good example of a democracy with fault lines.

Agüero and Stark (1998:9-10) explain the fault lines of democratic governance as follows:

“...the fault lines metaphor proposes a focus on the uneven development of democracy in post-authoritarian regimes. The metaphor utilizes the idea of geological fractures to suggest friction between ‘tectonic plates’ that causes pressure to be applied in different directions, along and across democratic arrangements at different levels of depth. These ‘plates’ of levels confront, for instance, legal formality with actual shallowness in the rule of law, leaving a rift through which corrupt and clientelistic practices sift in and through which overtly unconstitutional behavior by state officials is tolerated. These fissures also reflect the opposition of well-assembled judicial structures at the top that, although occasionally effective in basic constitutional functions, are only feebly deployed throughout society, denying access to justice to large segments of the population. Through these cracks, violations of human and individual rights find their way in”.

Obviously, not all Latin American countries are affected by these fault lines in the same way. Nor do their configurations of fault lines follow the same patterns (Borón 1998:47). Nevertheless, generally speaking, there are three general arenas in which the fault lines are expressed: in the political system, in the phenomena of exclusion and limited citizenship, and in the perpetration of violence.

First of all, in a democracy with fault lines, there are a number of deficiencies in the political system. It is not capable of designing effective long-term public policies to tackle the growing social and economic disparity. Instead, clientelistic and co-opting measures are used in order to satisfy peoples’ needs. The delegativeness of a flawed democracy comes to the fore in, among other features, the concentration of power in the country’s president, who sees no need to rule in an accountable manner; a congress and judiciary that function mainly as an instrument of the executive branch, and institutional weakness. The president, who has come to power through generally fair elections, presents himself as the only possible savior of the country and is a populist, with populism referring to the “top-down political mobilization of mass constituencies by personalistic leaders who challenge elite

groups on behalf of an ill-defined pueblo, or the people” (Roberts 2007:5).<sup>11</sup> In Latin America, Argentina’s president Carlos Menem (1989-1999) and Peru’s Alberto Fujimori (1990-2000) are often mentioned as examples of the delegative approach, because both regimes were increasingly free from existing mechanisms of scrutiny and accountability, and power in both cases became increasingly concentrated in the office of president (Varas 1998:156).

Secondly, Latin America has the dubious reputation of being the most unequal continent in terms of income distribution, and the exclusion of poor and indigenous populations is endemic. In such societies, the equality and autonomy of all citizens – that is, their citizenship – is under siege. In this respect, another characteristic of a flawed democracy is what Holston and Caldeira (1998:280) call “disjunctive democracy”; at any one moment, citizenship may expand in one area of rights as it contracts in another. Table 2.2 shows that most countries in South America between roughly 1990 and 2005 had high numbers of poor people and social inequality. Nevertheless, even though the numbers are sobering, it is also true that, overall, during the years 2002-2005, there has been some progress. In 2002, 44% of the Latin American population was considered poor. In 2005 this number had decreased by 4.2% to 39.8% of the total population (CEPAL 2006:58). Also, in terms of income distribution, several countries have witnessed some improvements during this same three-year period.

**Table 2.2: Poverty and inequality in selected South American countries<sup>12</sup>**

Country	Poor population	Inequality (Gini Index) <sup>13</sup>
Argentina <sup>14</sup>	21.2% (1990)	0.539 (1998-1999)
	45.4% (2002)	0.578 (2000-2002)
	26.0% (2005)	0.526 (2003-2005)
Bolivia	52.6% (1989)	0.586 (1998-1999)
	62.4% (2002)	0.614 (2000-2002)
	63.9% (2004)	0.614 (2003-2005)
Brazil	48.0% (1990)	0.640 (1998-1999)
	37.5% (1999)	0.639 (2000-2002)

<sup>11</sup> The scholarly debate on populism is far from unambiguous. Roberts (2007:5) says that “the term has been used to characterize an extraordinarily broad range of empirical phenomena, from political regimes to parties, leadership styles, economic policies, and mobilization patterns”. Nevertheless, as he argues “the concept would not be so deeply embedded in both scholarly and popular discourse if it did not convey meaning and provide analytical leverage”.

<sup>12</sup> In the specific case of Argentina, data of the Argentine National Institute of Statistics (INDEC) show a higher number of poor people; in 2002 57.5% and 31.4% in the 2<sup>nd</sup> half of 2006. <http://www.indec.mecon.ar/default.htm>, consulted at August 8, 2007.

<sup>13</sup> Level of inequality: very high 0,580-1; high 0,520-0,579; middle 0,470-0,519; low 0-0,468.

<sup>14</sup> Numbers are for urban areas.

	36.3% (2005)	0.613 (2003-2005)
Chile	38.6% (1990)	0.560 (1998-1999)
	21.7% (1998)	0.559 (2000-2002)
	18.7% (2003)	0.550 (2003-2005)
Colombia	52.5% (1994)	0.572 (1998-1999)
	51.1% (2002)	0.569 (2000-2002)
	46.8% (2005)	0.584 (2003-2005)
Ecuador	62.1% (1990) <sup>15</sup>	0.521 (1998-1999)
	63.5% (1999) <sup>16</sup>	0.513 (2000-2002)
	48.3% (2005)	0.513 (2003-2005)
Paraguay	43.2% (1990) <sup>17</sup>	0.565 (1998-1999)
	60.6% (1999)	0.570 (2000-2002)
	60.5% (2005)	0.536 (2003-2005)
Peru	47.6% (1997)	0.545 (1998-1999)
	54.8% (2001)	0.525 (2000-2002)
	51.1% (2004)	0.505 (2003-2005)
Uruguay <sup>18</sup>	17.9% (1990)	0.440 (1998-1999)
	9.4% (1999)	0.455 (2000-2002)
	18.8% (2005)	0.451 (2003-2005)
Venezuela	39.8% (1990)	0.498 (1998-1999)
	49.4% (1999)	0.500 (2000-2002)
	37.1% (2005)	0.490 (2003-2005)

Source: CEPAL (2006:64, 90)

Thirdly, violence is an endemic component of the dysfunction of Latin American democracies. It is a cruel expression of a flawed democracy because, first of all, violence constitutes the most egregious violation of citizens’ rights and, secondly, because, in many cases nobody is held accountable for this violation. Instead, there is a significant gap between the letter of the bill of rights, present in many constitutions, and the actual application of law enforcement – something that Méndez and his colleagues called the “unrule of law” (Méndez et. al. 1999). Pervasive impunity and limited citizenship are the

<sup>15</sup> Numbers are for urban areas.

<sup>16</sup> Numbers are for urban areas.

<sup>17</sup> Numbers are for Asunción, the capital of Paraguay.

<sup>18</sup> Numbers are for urban areas.

consequences of this unrule of law. Because the present study focuses on democracy and violence, the next section deals exclusively with their interrelationship.

Although a flawed democracy is obviously far from an ideal form of government, it is possible for a dynamic civil society to exist under such a system. Even though the government in most such cases will not want to be held accountable, and may try to silence resistance from within by means of clientelistic networks, co-opting actions, or demagogy, civil society initiatives have produced both minor and major changes, such as placing topics on the political agenda that had previously been excluded, as well as shifts in power relations. It was precisely for this reason that Argentine political scientist Peruzzotti (2001) decided to revisit the delegative democracy argument which, he contended, tended to overlook the dramatic changes that have operated within society at large, and which make the most recent democratizing wave distinctive from those that had occurred previously. The real novelty of the Latin American scenario is not the delegative behavior of its political elites, but civil society's consciousness about it (*ibid.*:139-140). However, as will become clear below, in a democracy with fault lines, civil society groups may eventually become trapped in a vicious circle of co-opting actions on the part of the state.

### **2.3 Violence in democracies**

Paradoxically, the democratization of the Latin American continent went hand in hand with an increase in crime and violence, specifically in urban areas. Taking crime rates into account, several Latin American cities are among the most dangerous in the world (Inter-American Development Bank 1999; Rotker 2002). Not surprisingly, opinion polls and surveys show that crime and violence are among the main concerns of Latin American citizens. In this section, I first look at some categories and patterns of violence and how these have changed after the transition to democratic rule. Following that, I examine possible explanations for the increase of violence in the region. The final objective of this section is to take a longer look at the implications of this reality for democracy and citizenship in Latin America.

Violence can be categorized according to different aspects of the phenomenon: the individuals who suffer the violence (e.g., women, children, young males, the elderly, the disabled), the agents of violence (e.g., gangs, drug lords, youth, crowds), the nature of the aggression (e.g., psychological, physical or sexual), the motive (e.g., political, racial, economic, instrumental, emotional, etc), and the relationship between the person who suffers violence and the person who commits it (e.g., relatives, friends, acquaintances, or strangers) (Inter-American Development Bank 1999:7-8). A comparable categorization is that of Moser (2004), who distinguishes among political, institutional, economic, economic/social and social violence with different manifestations (respectively, political assassinations, police violence, kidnappings, communal riots and domestic violence). A typology that is useful for understanding the “new” violence (see below) in Latin America

is that of Koonings (2007). He distinguishes among guerrillas and counterinsurgency in democratic states (Peru and especially Colombia), state and para-state violence in illiberal democracies, and urban and criminal violence.

In post-authoritarian Latin America, the violence of the civil wars and dictatorships has been replaced by “new” forms of crime and violence such as complex organized crime gangs or kidnappings that occur because of economic motives (i.e., rather than the politically motivated kidnappings that take place during military regimes). Such “new violence” is new in its increasing variety, both in form and in the nature of its perpetrators (Kurtenbach 2003, cited in Koonings & Kruijt 2004:8). Not only state actors but “common” citizens increasingly started to use violence against other citizens in search of some social or economic gain. Koonings and Kruijt (1999:11) speak of the “democratisation of violence”. “Now violence increasingly appears as an option for a multitude of actors in pursuit of all kinds of goals”. This also includes state agents, for instance police officers, who have become involved in diverse forms of crime and violence, ranging from the theft and dismantling of cars to kidnappings, and who have in many cases collaborated with common criminals.

Different types of violence obviously have different causes but there are a number of explanations of the phenomenon of violence in general. First of all, the violence in Latin American societies is often believed to be a leftover from the authoritarian regimes. As Pinheiro (1996:241) argues, the high levels of violence represent the continuation of authoritarian practices by elites against the poor – “practices that are often reproduced in social relations among poor people themselves”. Secondly, exclusion and violence are interrelated; cities where inequality and exclusion exist, like the cities of Rio de Janeiro, São Paulo, Medellín, Mexico City, Guatemala City and Gran Buenos Aires, have proven to be breeding grounds of crime and violence. Thirdly, the higher the level of impunity, the more the cycle of crime repeats itself, because those who commit crimes and are not punished feel further emboldened to act outside of the law (Concha-Eastman 2002:47). In many Latin American countries, the judiciary does not have the capacity to deal with a lot of crime cases, and is generally overburdened. At the same time, discrimination hinders the access to the judiciary of the underprivileged in Latin America (Méndez et.al. 1999) and nepotism between the executive and judicial branches protects certain agents of violence. Fourthly, in a considerable number of urban areas, the state is either absent or is itself a perpetrator of crime and violence (Koonings 2007). Logically, in such an environment the state is not the protector, but the violator, of rights. Finally, the globalization of crime and violence and the expansion of international drug trafficking networks are also factors that need to be taken into account.

There are a number of reasons that violence affects the exercise of citizenship and the quality of democracy. First, many citizens of Latin American countries live in constant fear of being victimized. Fear leads to distrust in a state that is supposed to offer security, and fear also erodes social capital. Secondly, citizens have begun to demand a *mano dura*

(“iron fist” or zero tolerance) crime fighting approach to protect “decent” people – mainly at the expense of the poor. Repressive policing thus becomes more likely in a violent environment where people demand a *mano dura* crime fighting approach. This demand for a *mano dura* is eagerly responded to by right-wing populist politicians. Such “penal populism” (Roberts et. al. 2003) – that is, demanding more draconian punishment of criminals in order to attract voters – clearly violates the basic principles of citizenship. The abominable prison conditions in Latin American countries mainly constitute a violation of the rights of poor people in the region. Thirdly, crime and violence are also health problems because they affect citizens’ stress levels and, therefore, their general sense of wellbeing. Fourthly, the direct or indirect involvement of corrupt state institutions and/or officials in the perpetration of crime and violence results in an erosion of the legitimacy of the state. Crime and violence can also undermine respect for the law on the part of both the state and its citizens (Diamond 1999:91). In fact, as Koonings and Kruijt (2004:9) argue, “the new violence in Latin America represents a hidden form of state failure: on the surface, the institutions and practices of democratic politics, civil society and the rule of law hold sway; at the core, these very notions are undermined by violence”.

What’s more, the relationship between police violence and exclusion is one of mutual reinforcement (Stanley 2004). As will be shown in Chapters 3 and 4, in the case of Argentina, increasing urban violence and social disparity went hand in hand with an increase of police violence. In a context in which people feel increasingly unsafe and start to demand tougher police action from a police force whose legitimacy and effectiveness is severely questioned, the police will try to convey the impression of efficiency through carrying out what they know will be perceived by the public as “tough” actions: detentions, aggressive treatment of suspects, and even murder. In addition, in a violent environment the police themselves obviously face violence, or the threat of violence against them, a fact of life that translates into a higher number of injuries and casualties among police officers. Clearly the death of a colleague is an enormous loss that may intensify the “us (the police) versus them (the suspects)” way of thinking and evoke both feelings of revenge and more severe police action. In the next section, I will discuss the function of the police in democratic societies. The theoretical argument is that this function represents a duality: on the one hand, the police has to protect citizens’ security and rights, on the other hand, the police implements the coercive function of the state towards its own subjects. I then will show that in Latin America the police - democracy relationship is on a knife-edge because police violence, insufficiently checked for a variety of reasons, often undermines the overall performance of democratic governance and the rule of law.

## 2.4 The police in democratic societies

“In democratic countries all over the world [...] there is a sense of crisis about public security. And at the center of this crisis are the police, who promise to protect us but do not appear to be able to do so” (Bayley 1994:11).

In general, the police are the most visible institution of the criminal justice system and citizens’ most frequent point of contact with the state is with the police (Neild 2003:277). The police bear the main responsibility for ensuring public safety because law enforcement is viewed as the primary solution to crime (Bayley 1994:143). In every democratic society, “the police have a unique relationship with the institutions of democracy and their legitimacy. They are there to protect the fundamental freedoms of citizens” (Jones et.al 1996:187). Without doubt, police’s respect (or lack of respect) for human rights influences the character of the relationship between citizens and the government (Husain 2007:27). Therefore, as Diamond (1999:94) argues, if the police are abusive or unaccountable, this fact will certainly affect the way the population values the authority and legitimacy of the state in general. Starting from these assumptions about the obviously important role of police in democratic societies, in this section I will explore a number of features of policing, the function of the police in a democratic society, and the principles of “democratic policing”.

The very first feature that distinguishes the police from all other institutions and organizations is their coercive power; the police have the authority to use force in the exercise of their duties (Marais 1992). This use of violence that constitutes one of the means by which police exercise power has been delegated to them through the monopoly of the legitimate means of violence possessed by the state (Westley 1953:35). However, the ability of the police to use force is at odds with the principles of democracy. Because, as Chevigny (1995:11) puts it, “The police are the chief players in a political drama that is always a tense one for us in liberal democracies: the balance between violence and order”. Or, as Hinton (2006) puts it “[...] the coercive capabilities of the police highlight the tensions between the power of the state to compel through force, and the representative, consensual, and liberal character of the democratic state.” For these reasons, it can be argued that the police suffer from the “democracy-police conflict” (Ross 2000); while democracy stands for freedom and rights, the police exist to restrict these privileges. Yet, these arguments mainly apply when the police curb rights for political reasons, or when they display excessive and unchecked use of force.

Another feature of policing is that, even though the police are expected to act according to the law, there are often no clear regulations that determine how the police should carry out their work (Marais 1992). This means that police officers have a great deal of discretion as to how they carry out their tasks. The fact that police officers are often not

subject to direct supervision when they are patrolling the streets is among the reasons why police agencies are difficult to administer (Goldstein 1990:6). Yet precisely this discretion is also, as Chevigny (1995:252) contends, “a great relief for city governments. They can leave it to street officers and middle-level managers to emphasize direct action for social control if the police think such action is needed, and the city administration can to some extent avoid public awareness and even responsibility for the choice”.

Furthermore, even in developed countries, the police are hierarchically organized and have a secretive *esprit de corps* (Hinton 2006:3). Westley (1970) was one of the first scholars who advanced the concept of “police culture”. “Since they see the public as hostile to the police and feel that their work tends to aggravate this hostility, they separate themselves from the public, develop strong in-group attitudes, and control one another’s conduct, making it conform to the interests of the group”(Westley 1970:110). One central element of police culture is secrecy. It functions as a shield against attacks from the public. Furthermore, it stands for loyalty and solidarity among police colleagues (Westley 1970:111). Police culture can be useful because it increases the sense of security of police officers. However, it is mostly the negative influence and consequences of police culture that are discussed in the literature (Chan 1997:46) because the strong social ties and solidarity among officers may lead to the covering-up of acts of police violence and extralegal practices (Glebbeck 2003:62).

These features of policing and the function of the police in a democratic society reveal that they are surrounded with contradictions, secrecy and unwritten rules. This has to do, among other things, with the fact that the nature of the police job is contested; there’s no agreement on what it is that the police ought to do (Chevigny 1995:10). During authoritarian periods, the police relied on repression and violence to enforce the law. Under democratic governments, they should rely on other, democratic policing strategies (Glebbeck 2003:45). Is, for instance, the repression of demonstrations in order to enable the other road-users to travel a democratic policing strategy? After all, in doing so, the police serve part of the public. And when do the police protect the fundamental rights of citizens? Is this also the case when the police deploy a zero tolerance crime-fighting approach with regard to petty crime to such a degree that the principles of justified suspicion or due process are jeopardized? Therefore, one question to consider is what a “democratic” police force looks like (Bayley 2001:13).

Several studies (Bayley 2001; Neild 2001; Glebbeck 2003; Bruce & Neild 2005) have emphasized the importance of “democratic policing” for police effectiveness and the overall quality of democracy. According to Bayley (2001:13-15) four normative prescriptions characterize democratic policing. First, police must give top operational priority to servicing the needs of citizens. This means that, unlike during authoritarian periods, the police serve the public instead of the government. Secondly, police must be accountable to the law rather than to the government. Arbitrarily given directions of incumbent governments thus should not prevail over what is laid down in the law. Thirdly,

police must protect human rights. This means that the police are not only constrained by law but must also safeguard essentially democratic principles, such as the freedom of speech and freedom from arbitrary arrest. Fourthly, police should be transparent in their activities. Information about the functioning of the police must be available, and there must exist the possibility of exercising control over the police. Overall, this approach to democratic policing identifies some general standards that serve as guidelines that, apart from the specific social and cultural needs of each society, must be taken into account when police forces are being reformed (more on police reform in Section 2.6, below).

When the police are responsive to citizens' instead of governments' needs, this greatly enhances democracy; it establishes respect for citizenship rights and accountability. However, in a democracy with fault lines – with high levels of social inequality, crime and violence – the police more often follow political directions and are the executors of rough justice in the streets. Taking as a point of departure the argument of Skolnick and Fyfe (1993:239), it is no accident that such a context is characterized by what these authors call “police overreaction”. After all, the existing social order in post-authoritarian or post-war societies is undergoing great social change, which poses big challenges for law enforcement agencies. As we will see in the next section for the Latin American region, these are among the explanations for abusive police conduct.

## **2.5 Police violence in Latin America**

The use of force is obviously an inherent function of police authority. However, the excessive use of force is incompatible with the standards of democratic governance, and police brutality constitutes a particularly cruel form of violence. A number of studies (Huggins 1991; Huggins et. al. 2002; Chevigny 1995; Neild 2001; Caldeira 2002; Saín 2002, 2004; Pereira & Ungar 2004; Tiscornia 2004) have brought to light the systematic illegitimate use of police force in several Latin American countries where such conduct has taken the form of extrajudicial executions, torture and discriminatory detentions. In addition, Latin American police forces are known for high levels of corruption, ranging from acceptance of bribes for overlooking traffic violations to the offering of police protection to those involved in illegal activities in exchange for part of the gains. Police violence is of course not an exclusively Latin American phenomenon. In the overwhelming majority of societies around the world, cases of police violence have been reported. However, the forms and levels of police violence differ significantly. In this respect Sherman (1978:4) distinguished between deviance committed *by* organizations – the so-called “deviant organizations” – which helps achieve organizational goals, from deviance committed by individuals or groups of individuals *in* organizations (that does not help to achieve organizational goals, and that may even be harmful to those goals). Several societies – for example some Northern European countries – show relatively low levels of police violence and relatively high levels of police self-discipline. In other countries such as

Russia, the United States, and Brazil, to name just a few, police violence is systematic<sup>19</sup>, and here police departments may be labeled “deviant organizations”.

Within the Latin American context, police violence does not have the same characteristics in each individual country. Still, it is possible to distinguish a general pattern of causes and expressions that, to a greater or lesser degree, are visible throughout the region as a whole. In the first place, police violence is part of a larger syndrome of authoritarian legacies, the unrule of law, lack of horizontal accountability and meaningless citizenship, at least for part of the population. As Mani (2000:16) argues, “the police work in close junction with and are dependent on the other institutions of the rule of law, notably courts and prison. If any leg in this triad is weak or inefficient, the work of the other two institutions will be undermined or negated”. In other words, in a society where the judiciary is effective and impartial, there exists extensive internal and external oversight mechanisms that control police work, and where there is a general respect for citizenship rights, police violence does not have the chance to be a widespread and structural problem. Thus, police violence is by no means an isolated problem, but instead forms part of a pernicious and proliferating system that can be dealt with effectively only as a single aspect of a much more complex syndrome. Additionally, throughout the region, a *mano dura* crime-fighting approach is generally viewed as the most effective method of law enforcement. There is talk of a “war on crime” and often a corresponding conception of the police as the combatants (Chevigny 1995:9). Most Latin American societies tolerate police excesses in exchange for effective control of crime (Pereira & Ungar 2004:264). At the heart of this approach lies the conviction that every end justifies the means, even if this increases the likelihood of arbitrary detainments, torture, and murder. Furthermore, victims of police violence are for the most part poor and the marginalized (Chevigny 1995; Méndez et.al. 1999). Because these classes of persons are the most vulnerable to exclusion and discrimination, their access to the judiciary and their chances of being treated fairly are limited. In contrast, when police violence accidentally affects the middle and higher classes – the so-called “untorturable classes” – this will probably cause a public outcry, and politicians will have to take responsibility and enact effective measures.

There are numerous reasons for ongoing police violence in Latin America, and addressing each and every one of them is beyond the scope of this chapter. In what follows, three factors that specifically apply to the Argentine case will be discussed: impunity, authoritarian legacies and the relations between political power holders and the police.

First, in many cases of police violence, there is no punishment because the judiciary works slowly and ineffectively, or even shields the responsible police officers by

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<sup>19</sup> See for instance the website of Amnesty International (Summary AI report 2006 Russian Federation, <http://web.amnesty.org/report2006/rus-summary-eng> accessed at January 2, 2007; Summary AI report 2006 USA <http://web.amnesty.org/report2006/usa-summary-eng> accessed at January 2, 2007; Summary AI report 2006 Brazil <http://web.amnesty.org/report2006/bra-summary-eng> accessed at January 2, 2007.

intentionally obstructing the criminal investigation (Méndez et.al. 1999). The two pillars upon which impunity rests are denial of truth (i.e., the obfuscation of what actually happened, and the protection of those responsible) and the total or partial absence of justice for the victims, their families, and for the society (Baeza 2000:29). Impunity marks a situation of inequality in which the law is only for some and of informality because the law is not what it presents itself as being. When impunity persists in times of democracy, this is an indicator of the flawed functioning of democratic institutions. The trias politica, equality before law of all citizens and protection from arbitrary state action; all these democratic norms and values are violated when impunity reigns.

Secondly, the authoritarian practices of previous dictatorships have survived within police institutions. In several Latin American countries, “authoritarian legacies” (Hite & Cessarini 2004) are a feature of daily life: in police practice, in society’s demand for a *mano dura* crime fighting approach, in the idea that the enemy within society (in democratic times this is often “the criminal”) needs to be repelled, and in the way the national intelligence services function. In daily police practice, for instance, the authoritarian legacies are translated into illegal detention, extrajudicial executions, and torture. Such practices are exacerbated by society’s demand for a *mano dura* crime fighting approach, which, in turn, is related to the increasingly insecure environment in which many Latin American citizens live. In line with this, for the police the moral boundaries between “good” and “bad” are continuously at stake. This starts with infiltration in criminal groups to get information and ends with police involvement in crimes because the ethical borders between participation in crime, and prevention and repression of crime, have become too vague. Authoritarian legacies do not always automatically fade away in the course of time. They may have become part of a society’s culture and, in this specific case, of police culture. Even though it is true that cultures are not static but dynamic, earlier experiences have shown that changing an authoritarian (police) culture is often a very slow and laborious process. What’s more, police reforms mostly aim at changing norms and procedures instead of police culture, because they often encounter a lot of internal resistance from within the police institution (more on police reform below).

Thirdly, the continuation of police violence is also explained by the interdependent relations between those who hold political power and the police. The relationship between the police and the government has in many Latin American countries been complex and, for extended periods, undemocratic. Latin American police forces have tended to be used as political tools by the government in power (Frühling 2006:16). Referring specifically to the Argentine Federal Police, Hinton (2006:68) argues that “politicians often have turned a blind eye to illegal activities because they benefit from *pactos mafiosos* – unholy alliances with rogue police elements – or because they consider tolerance for some level of police corruption as a reasonable trade-off for keeping control of the streets”. In addition, politicians believe that the police can manipulate crime to destabilize the political situation, as Hinton (ibid.) asserts. Thus, politicians prefer not to make attempts to put a stop to the

illegal police earnings. In line with this argument, several police officers interviewed for this study emphasized that the problem of police violence and corruption is “political” in nature. Thus, if the police are corrupt, that is because the government has made them corrupt. These officers blamed “politics” for not having a clear security policy, for using the police for their own interests, or for not investing sufficient resources in the police.

An important question to raise has to do with the implication of ongoing police violence for the quality and legitimacy of post-authoritarian Latin American democracies. After all, in what generally is understood as a consolidated democracy, there is no place for high levels of violence employed by state actors. In the case of the excessive use of force and police brutality, the tensions between the power of the state and citizens’ rights are severely exacerbated. Furthermore, police institutions in Latin America are generally not very democratic institutions. They are to the outside world often closed institutions that feature a strong hierarchy, discrimination against lower-ranking police officers and a permissive attitude toward authoritarian and abusive practices. Overall, the implications of police abuse for democracy are definitely a matter of concern. In most cases, such abuse goes unpunished, resulting in a general loss of trust in democratic institutions, and an undermining of the legitimacy of the state. What’s more, as will be shown in Section 2.7, police abuse has led both direct and indirect victims to organize social movements to protest such violence, and to claim citizenship.

## **2.6 Police reform**

With the democratic transitions in Latin America and elsewhere, the need to transform the police forces into democratic institutions became a matter of increasing urgency. In most societies, police reform is a laborious and time-consuming process, not least because it is not always clear what type of police force is most desirable and best fits the needs of a particular society. Bailey and Dammert (2006:2) define police reform as the process of “improving police forces’ operational efficiency and effectiveness in preventing and repressing crime, as well as strengthening their democratic ethos and accountability”. Usually, police reforms are initiated either as part of a more comprehensive effort at security sector reform during post-authoritarian or post-conflict transitions (Tanke Holm & Barth Eide 2000; Cawthra & Luckham 2003), or because of a political decision to institute reform following incidents of police violence that result in a widespread public outcry. In the first set of cases (politically induced reform), police reform is mostly focused on improving police training, increasing oversight bodies and addressing violent police behavior whereas, in the second case (police induced reform), police reform primarily has to do with obtaining better equipment and gaining access to increased resources (Husain 2007; Glebbeek 2003). However, even when police reform is initiated “from outside” or “from below”, because of public outcries on behalf of victims of police violence, for instance, such reform cannot occur, as Glebbeek (2003:70) states, without the commitment

of the police themselves. Commitment of the police leadership and the support of the middle- and lower-ranking personnel are essential for enabling any substantial reform to materialize, as Glebbeek (*ibid.*) argues.

There is no “one size fits all” blueprint of police reform that prescribes how to design and implement effective police reform policies. Still, there are a number of ingredients that seem to be general applicable to the initiation of any police reform process. Glebbeek (2003:72) writes that a change of structure, doctrine, accountability, composition, training and resources are among the key ingredients of successful police reform. A change in structure is about, among other things, changes in culture and internal organization. Decentralization of the command is also important in order to adapt the policies to the specific local situation. The new doctrine must be focused on serving the public instead of the state. Police culture must not focus on discipline, obedience and subordination but should instead stress values such as respect, dignity and honesty. Furthermore, oversight mechanisms must be created in order to make the police more transparent and accountable. Yet, those who have very high expectations of the outcomes of police reform may be disappointed: reformed organizations often revert to their past deviant behavior (Sherman 1978:261). Therefore, “To be reformed at all implies a change in character of some permanence, at least for several years” (Sherman 1978:261).

Pereira & Ungar (2004:268-9) have compared policing and post-transition reforms in Argentina, Brazil, Chile and Uruguay. Their findings show that police reform has gone furthest in Argentina. Personnel purges, changes in police training, restrictions of police detention authority: these are some of the measures that were taken to reform the Argentine police forces. In the other countries, only some of these measures were undertaken. However, this by no means implies that police violence in Argentina has decreased, or that it is less of a problem there than it is in Chile or Uruguay. On the contrary, the number of victims of police violence in Argentina is much higher than in either of the other two countries and, despite the police reforms instituted during the 1990s, police violence has continued to increase. As Chapter 4 will show, the limited impact of police reform in Argentina during the 1990s can be ascribed to, among other things, police resistance, a so-called “counter reform” that reversed many of the achievements, a judiciary that has continued to delegate the investigation of crimes to the police, and the fact that measures that were formally approved (for instance, the suggestion to increase oversight mechanisms and to strengthen Internal Affairs) simply were not implemented in daily practice. Furthermore, as Pereira and Ungar (2004:285) argue, the limited effects were also due to the economic crisis, the collapse of the de la Rúa administration in December 2001, and also to levels of civil violence unprecedented in the democratic era.

## 2.7 Anti-violence movements and the politics of reconstruction of citizenship

“...It is the researcher who proposes the reading of a set of practices as a social movement... Social movements are objects constructed by the researcher, which do not necessarily coincide with the empirical form of collective action. Seen from the outside, they may present a certain degree of unity, but internally they are always heterogeneous, diverse” (Jelin 1986, cited in Escobar & Alvarez 1992:6).

In Latin America, there are many examples of social movements protesting state violence, exclusion, and unaccountable governance. To name just a few, the indigenous movements in the Andean countries, the peace movement in Colombia, the movements of Landless Farmers (MST) and *favela* residents in Brazil, and the *piqueteros* and the *Movimiento del Dolor* in Argentina are all examples of social movements making claims on the basis of citizenship. In fact, as I will argue in this section, in the Latin America of today these movements are crystallizing, and are expanding into what can be dubbed “anti-violence movements” claiming the “reconstruction of citizenship”. Even though, as Jelin (1986) has accurately pointed out, social movements are objects constructed by the researcher, and therefore some caution with respect to social movement definitions and theories is certainly in order, I will first briefly set forth part of the academic debate on social movements. Following that, I will explain what I mean by social movements “doing politics of reconstruction of citizenship”. Lastly, I will discuss the characteristics and some examples of anti-violence movements in Latin America.

Within social movement theory, there are three theoretical approaches that dominate the debate about why people join movements: political opportunity, resource mobilization, and new social movement theory. Since the 1970s, the political opportunity theorists have argued that social movements emerge when the political environment is propitious to their emergence, and when there is a possibility for movements to exercise influence on politics and policies. The resource mobilization theorists, a research current also first articulated in the 1970s, see resource availability and preference structures as the basis for action. Thus, according to this view, movements emerge when there are the human, material, cognitive, technical and organizational resources that allow their emergence (Edelman 2001:289). New social movement theory, dominant in the 1980s, is identity-centered. The students of this approach argue that emerging social movements address new issues that have nothing to do with class-based concerns or workers’ issues. Furthermore, the autonomy of the movements with respect to the political system is regarded as a distinctive feature, justifying their characterization as new social movements (Assies 1990:70). As this book will show for the movement under study here, it is the particular combination of historical learning, grief, victimhood, political opportunities, and the availability of resources that contributed to the emergence of the *Movimiento del Dolor*.

In contrast to the myth that imagines social movements as cohesive groups with a high level of consensus and a clear set of ideals and demands, in reality they are generally rather loosely organized groups that, aside from being based on certain shared beliefs and a sense of solidarity, display a great deal of internal disagreement about the proper course of action that the movement should take. Social movements can be seen as informal networks, based on shared beliefs and solidarity, which mobilize over conflictual issues through the frequent use of various forms of protests (Della Porta & Diani 1999:16). The means through which social movements express their demands and attempt to achieve their goals is something that Tilly (1977, 1983, 2005) labels a “repertoire of collective action” A repertoire of collective action comprises the totality of shared, learned and transmitted habits that have come to form part of a movement’s mobilization culture.

In the 1990s, social movements in Latin America began to make claims based on the principle of citizenship and the reconstruction of citizenship rights. Social movements “doing politics of reconstruction of citizenship” are to be understood in three ways. First, they strive to recover citizenship rights that have been lost or that never fully developed during former populist and authoritarian regimes, and that continue to affect the exercise of citizenship in present-day democracies. With citizenship severely undermined during the dictatorships and civil wars, democracy was thought of as the political system best able to re-enact citizenship for all people. However, as we have seen in this chapter, Latin American democracies co-exist with assaults on people’s rights due to police violence, exclusion and unaccountable rule. Therefore, social movements began to articulate their demands within the framework of citizenship; they wanted to enhance their rights to equality and protection from state violence in daily life, as such rights are laid out in the constitution. Secondly, the reconstruction of citizenship is very much intertwined with the notion of victimhood and what scholars (Humphrey & Valverde 2007; MacDonald & Bernardo 2007) have termed “the politics of victimhood”. The politics of victimhood describes the political mobilization of victims (e.g., of violence or exclusion); by using their shared status as victims, they aim to increase the legitimacy of their political actions and demands. Furthermore, through the politics of victimhood, social movements draw on their shared victimhood in order to pressure those holding power to repair their violated rights. Thirdly, it stands for reformulating the meaning of citizenship in order to make it something of use in contemporary daily life. The socio-economic and political situation changes over time, and so do people’s experiences, worries, rights and needs. Logically, in a changing environment, people experience citizenship, and the possible assaults on their citizenship, in different ways. Claims for citizenship rights are therefore reformulated and adapted in order to address the issues that are important in a particular place and at a particular time.

The anti-violence movements are, like human rights, women’s, indigenous and Afro-Latin movements (Taylor 2004:221), clear expressions of political claims for the reconstruction of citizenship. They challenge arbitrary state abuse of vulnerable groups in

society (i.e., the poor, excluded, women, children) and demand protection of life, justice and equality. One of the first anti-violence movements was the anti-war movement of the 1960s that emerged in the United States in opposition to the US involvement in Vietnam. Another well-known movement, which is active worldwide, is the Global Movement against Gender Violence that arose in the 1970s. This movement is credited for placing violence against women, previously thought of as a private issue, on the agendas of governments and international organizations (Weldon 2006). One of the best-known anti-violence initiatives in Latin America is the Viva Rio coalition, which began in 1993 to unite the divided city of Rio de Janeiro in the wake of extremely high levels of violence (Ventura 1994, cited in Hochstetler 2000:169). Viva Rio is a non-governmental organization that wants to promote a culture of peace and social development among the young poor population in the *favelas*.<sup>20</sup> Next to the work of Viva Rio, the violence resulting from clashes between the drug traffickers and the police also led *favela* residents in Brazil to organize movements to protest such violence (Arias 2004). In Colombia, the fifty year-long civil war has led millions of Colombians to take to the streets to express their indignation about the many human rights violations, kidnappings and internal displacements that have occurred. It gave rise to a variety of social movements, including the Black Peasant Movement against Armed Groups' Pressure in the Chocó (Wouters 2001), the Association of Paths of Hope of Mothers of La Candelaria, and the Children's Movement for Peace (Cameron 2000). The *Movimiento del Dolor*, the anti-violence movement that is the focus of this book, protests police violence and impunity in Argentina, and advocates for cultural, social and policy changes and respect for citizenship rights.

Anti-violence movements have objectives that are very different from acts of mob justice. When, in response to state violence, people in a group take justice into their own hands, this is an example of how violence is met with collective violence in the absence of a concomittant aim to reconstruct citizenship. In Mexico, for instance, in late November 2004, an angry mob of residents in a neighborhood of Mexico City lynched two police officers, beating and burning them alive while hundreds of other officers surrounded the area, unable to subdue the rioters. Residents in this neighborhood claimed that the murdered victims had been responsible for kidnapping two children leaving a local school (Davis 2006:56). Contrary to such expressions of mob justice, anti-violence movements *generally* protest against violence without violent means, even though the protests may sometimes result in clashes with the police or in the destruction of police property. The main difference, however, is that anti-violence movements “do politics of reconstruction of citizenship” while mob justice further undermines citizenship. But what is the merit of anti-violence movements doing such politics in a democracy with fault lines? Are they able to bridge the fault lines? These are among the questions that will be addressed in the next section.

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<sup>20</sup> See the website of Viva Rio. <http://www.vivario.org.br/publicue/cgi/cgilua.exe/sys/start.htm?tpl=home>, consulted at August 1, 2007.

## 2.8 Social movement – state interaction in a democracy with fault lines

Democracies, it is generally assumed, provide the best opportunities for social movements to achieve their goals, because they are the kinds of governments that are the most open and responsive to citizens’ demands. In democracies, as Cavallaro and Ould Mohamedou (2005:153) argue, human rights organizations must choose between either remaining critics or helping the state to do something about ongoing state violence. Often, as these authors also state, “the challenge is not whether to collaborate in the state’s reform processes, but how to collaborate without losing the ability to condemn abuses when officials commit them – in other words, how not to be co-opted”. The interaction between social movements – in this case, an anti-violence movement – and the state in a democracy with fault lines raises at least two questions. First, how do such movements interact with the democratic regime in order to assure that their claims are heard? Secondly, to what extent are they able to address the fault lines of the democratic regime? In other words, what do they achieve in such a context?

Social movement – state interaction can take several forms, among them opposition, cooperation and efforts to co-opt. Social movements’ opposition is probably the most effective means of exposing the illegitimacy and unaccountability of the state, and is a strategy that is expressed in activities such as demonstrations, filing petitions and violent protests. However, even though social movements may oppose the state, they cannot be wholly separated from it, since it is still necessarily the focus of many of their demands (Hochstetler 2000:165). Linz & Stepan (1996:270-71) use the notion of “ethical civil society” to refer to the Polish opposition against the party-state. The opposition used a moral discourse of “truth” and in this manner was able to contribute to the democratic transition. Table 2.3 shows the differences in values and attitudes between the ethical civil society in opposition and the political society<sup>21</sup> within a consolidated democracy.

As becomes clear from Table 2.3, compared to the political society in a consolidated democracy, the ethical civil society opposes the state and its institutions and prefers to do the “politics of anti-politics”: that is, it prefers to act independently of the state (Linz & Stephan 1996:271). In this manner, the ethical civil society is the moral and honest opponent of the oppressive and immoral state. However, two problems arise with this us-versus-them dichotomy. First of all, the state is not a homogeneous arena of identical ideas, norms and values, and therefore the dichotomy is difficult to maintain. Secondly, in present-day Latin America the emergence of leftist governments obscures the moral – immoral distinction because such governments also refer to themselves as “moral” and as “defenders of the rights of the underprivileged”. The tension between the ethical

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<sup>21</sup> According to Linz & Stepan (1996:8) political society is “the arena in which the polity specifically arranges itself to contest the legitimate right to exercise control over public power and the state apparatus”. The core institutions of a democratic political society are political parties, elections, electoral rules, political leadership, interparty alliances and legislatures.

and non-ethical public struggle of social movements is a theme that will often recur in this book. Here, the ethical struggle stands for a non-political struggle and the non-ethical public struggle for a political struggle (see Chapter 5 for a more precise description of these categories). However, this distinction does not hold perfectly true for the civil society versus the political society / state. Civil society too, and as this book will show, (part of) the *Movimiento del Dolor* itself, may come to fall into the “unethical” category.

**Table 2.3: The contrasting language of “ethical civil society in opposition” and “political society in a consolidated democracy”**

Value or attitude	Ethical civil society in opposition	Political society in a consolidated democracy
Basis of action	Ethics of truth	Interests
Attitude toward routinized institutions	Negative	Positive
Attitude toward “antipolitics”	Positive	Negative
Attitude toward “state”	Operate outside it	Strive to direct it

Source: Linz & Stepan (1996:272), shortened version by the author

Peruzzotti and Smulovitz (2002:211) refer to social initiatives such as demonstrations and media reporting – actions that attempt to make authorities legally accountable by denouncing corruption or violations of the law – as “social accountability”.<sup>22</sup> According to these authors, (2002:211) social accountability “rests on the actions of a multiple array of civil actors that monitor the behavior of public officials and agencies to make sure they abide by the law; expose cases of governmental wrong-doing; and activate, in many instances, the operation of horizontal agencies, such as the judiciary or legislative investigative commissions, that otherwise would not be activated”. Thus, because the horizontal and vertical mechanisms of accountability do not function properly on their own, Latin American civil society looks for informal and alternative ways of opposition to put the state apparatus into operation. Even though in this manner civil society enhances citizenship and has a number of successes to its credit (for instance the dismissal of corrupt public officials), the need to resort to social initiatives for social accountability is itself an indication that a democracy is flawed. Yet the notion of social accountability is of additional value to the accountability debate because, as Peruzzotti and Smulovitz (2006:4)

<sup>22</sup> Legal accountability refers to a set of institutional mechanisms aimed at ensuring that the actions of public officials are legally and constitutionally framed (Peruzzotti & Smulovitz 2002:210).

argue, it incorporates into the analysis “the growth of alternative forms of political control that rely on citizens’ actions and media organizations”.

Social movements may also decide to cooperate with the state. There are, according to Giugni and Passy (1998:86), three broad types of cooperation that vary in their degree of cooperation: consultation, integration and delegation. However, there is seldom full cooperation between social movements and the state, because the distribution of power between the two parties is uneven (Giugni & Passy 1998:84). Social movements that cooperate with the state can count on disapproval or opposition from other movements that reject any form of cooperation with the state; they believe this is unethical. For these movements, civil society and the state are two contradicting spheres, and social movements cannot move in both at the same time. What’s more, they fear that what at first sight seems to be cooperation between the authorities and social movements may in fact be a somewhat hidden form of co-opting. Nevertheless, social movements can also choose to move within both spheres. Cohen and Arato (1992) use the notion of “dualistic strategy” to refer to movements that target and operate in civil society as well as the state.

Especially in recent years, with the rise of leftist governments in, among other nations, Brazil, Venezuela, Argentina, Uruguay and Bolivia, the social movement – state interaction took on another character. Movements began to face the dilemma of how to oppose a government that shares, at least partially, their ideas and that attempts to consolidate relations with them. How must they interpret these overtures? As sincere attempts to incorporate the movement’s ideologies, or as a cheap way to co-opt them? (Zibechi 2004).

The co-opting of social movements is an attempt by those holding political power to neutralize a movement’s increasing influence by incorporating parts of it into its own power structure. Co-opting is, according to Selznick’s (1966:13) seminal work, “the process of absorbing new elements into the leadership or policy-determining structure of an organization as a means of averting threats to its stability or existence”. It shares with the practice of clientelism the feature of unequal power relations, as well as the attempt to bind a nation’s citizens to its rulers. Furthermore, co-opting and clientelism sometimes also share, as Auyero (2000) describes in the case of people in poor Argentine communities where clientelistic networks abound, a survival component. Both co-opting and clientelism are alternative response mechanisms to citizens’ demands, and at times satisfy people’s basic needs. Nowadays in Latin America co-opting and clientelistic networks are still very much alive because they fill the void of the public service functions that the state has gradually abandoned. When the judiciary fails to take proper action, for instance, we will see, for the Argentine case, that the executive power has responded to citizens’ demands for justice in co-optative and clientelistic ways.

There is not one clear-cut answer to the question of whether social movements are able to address the fault lines of democracy. Opposition, as I just argued, is possibly the most effective way to question the legitimacy and accountability of the state. Furthermore,

it contributes to placing issues such as police violence and impunity on the public agenda which, in turn, may contribute to the political decision to initiate police and judicial reforms. Cooperation and even co-opting can enable social movements to bring about policy changes or transformations in power relations due to the close relations with power holders that these strategies bring about but both of these strategies can also obstruct greater ideals or goals. Yet true cooperation between anti-violence movements and the state is not very likely to occur because the demands of the former for peace, truth and justice threaten the legitimacy of the authorities. Therefore, according to the line of reasoning of Giugni and Passy (1998:91), cooperative interactions between such movements and the state are unlikely. However, the issues perfectly lend themselves to attempts at co-opting (i.e., since they threaten the legitimacy of the authorities). After all, one of the characteristics of a democracy with fault lines is precisely that of trying to cover up flaws with symbolic politics.

In terms of advancing the democratic process, “there may be some democratic gain in leaving the oppositional sphere to enter the state, but there is also democratic loss in terms of a less vital civil society, the erosion of some existing democratic accomplishments, and a reduced likelihood of further democratization” (Dryzek 1996:476). On the one hand, as Dagnino (2003:4) argues, “the struggle organized around the recognition and extension of rights has helped to make the argument for the expansion and deepening of democracy much more concrete. On the other hand, the reference to citizenship has provided common ground and an articulatory principle for an immense diversity of social movements that have adopted the language of rights as a way of expressing their demands that helped them escape fragmentation and isolation”.

Furthermore, even though the emergence of leftist regimes in recent years has created confusion and division, and movements have been co-opted, it also brought these movements what Gamson (1975:29) calls “new advantages”: relatively intangible value changes, shifts in the scope of authority, a change in procedures, or certain material benefits. In addition, social movements are likely to put excluded issues on the societal and political agendas as well as to create awareness in society about issues related to marginality, insecurity and human rights violations. Furthermore, precisely as Peruzzotti (2001) argued when revisiting the delegative democracy argument, the democratic years have enabled Latin American civil society organizations to develop and learn about the nature of their democracy and the behavior of their leaders. They are agents able to choose among the alternatives of being “with the government”, “against the government”, and “ethical politics”, – or to opt for a form of cooperation that possibly combines cooperation and co-opting.

Taken as a whole, the achievements of social movements are inherently limited by the fault lines of democracy. The activities of social movements are obstructed by low levels of accountability and institutionalism, police violence and co-opting. Despite these impediments, Latin American democracies generally do allow for social movements to

express their demands and to mobilize. The many organizations and demonstrations in a number of different countries are just one visible example of this. It is not so much the freedom of speech and organization that is at stake, but rather the ways in which the governments protect – or fail to protect – citizenship, and respond to citizens’ demands. Whether social movements in general, and anti-violence movements in particular, bridge the fault lines of democracy depends on many factors, among which are the type of issue under contention, the character of the organization itself, the form of the movement’s interaction with the state, and the particular political context within which the movement’s activity occurs. Claim-making based on citizenship shows that people are aware of their rights to be protected against state abuse and to receive equal treatment. This awareness that translates into public demands for citizenship cannot easily be ignored by the authorities. The latest reform of the police of the province of Buenos Aires, the *Bonaerense*, which began in 2004, is a good case in point. As I will show in this book, the many social protests against police violence of the *Movimiento del Dolor* in Argentina contributed to the political decision to initiate reform. The long-term effects of the police reform remain to be seen – especially since Carlos Stornelli was appointed to the post of minister of security in December 2007 – but they may lead to a structural increase of accountability and a decrease in police violence. If this occurs, then a social movement will have contributed to bridging and partially erasing one of the fault lines of Argentine democracy.

## 2.9 Conclusions

This chapter discussed, from a theoretical point of view, the relationship among democracy, police violence and social movements, and the implications of this relationship for the quality of democracy, citizenship, social movement – state interaction, and other factors. As became clear in this chapter, police violence, exclusion, unaccountable and delegative rule, and co-opting are inherent features of a democracy with fault lines, but at the same time they are phenomena that erode democracy. This is not a matter of what came first, but rather a matter of a mutual feedback loop. Social movements are generally assumed to enhance citizenship and democracy. But in a flawed democracy, they come to face low levels of accountability and symbolic politics.

The body of scholarship on democracy presents diverse interpretations as to what type of regime deserves to be called democratic. In this dissertation, I argue that minimalist and procedural definitions of democracy fail to address the manifold social and economic problems that Latin American democracies face today. Maximalist definitions, such as that of the citizen’s democracy, are ideal types of democratic governance with citizenship identified as an important ingredient, but clearly do not correspond to the Latin American democratic reality. Regular elections, democratic constitutions and freedom of organization and speech co-exist with human rights violations, inequality before the law and exclusion. I

have showed that such democracies are flawed because the basis of each democracy, citizenship, is itself under attack.

At the same time, social movements in general and anti-violence movements in particular attempt to reconstruct citizenship. Whether they protest gender-based violence worldwide, guerrilla and paramilitary warfare in Colombia, police violence in Argentina or the violence between drug traffickers and the police in the Brazilian *favelas*, their aim is to establish, through a discourse of rights, the parameters for justice and security of all people in society. In doing so, the anti-violence movements bring violence – one of the fault lines of their democracy – to the attention of the wider public. Past experiences with social movements in Latin America and elsewhere have shown that, in this manner, movements may contribute to deepening democracy and reconstructing citizenship as well as to achieving both a change of policy and material benefits. All the same, flawed democracies raise institutional, political, social and symbolic barriers that prevent social movements from accomplishing their goals.

The material presented in this chapter has attempted to lay the groundwork for an understanding of the interactions and tensions among democracy, police violence and social protest that the next chapters will discuss in the case of Argentina. Throughout much of the twentieth century, Argentine society was characterized by high levels of mainly political violence *and* social mobilization. The democratic transition in 1983, and the following years of social reconstruction, did not bring about an end to police violence either. On the contrary, during the 1990s, police violence steadily increased. In Argentina, ongoing police violence engendered social protests by the family members of victims of police violence. Therefore, as the forthcoming chapters will show, Argentina provides an exceptional case in point for the analysis of the uneasy co-existence of democracy, police violence and social movements.



## 3 Argentina and democracy: a possible game?

### 3.1 Introduction

As we have seen in the previous chapter, the fault lines of post-authoritarian Latin American democracies have urged social movements to begin making claims on the basis of citizenship. This chapter deals exclusively with the Argentine case and examines the fault lines of the post-1983 democracy and increasing social discontent. Therefore, there will be an examination here of the historical events and processes that have been important for the development of society and politics in today's Argentina. The historical review begins in 1930 with the first military coup of the twentieth century against the democratically elected President Yrigoyen, and will proceed to a discussion of alternating dictatorships and democracies, and of social movement mobilization within the nation. The violence of the dictatorships in the 1930s, the struggle of the Peronist workers in the 1940s and 1950s, the anti-Peronist era that followed, the emergence of new forms of social organization to challenge the military regimes of the 1960s, and the extremely brutal military dictatorship of 1976-1983: each of these historical phases have contributed to the character of the post-authoritarian Argentine democracy.

Particularly heavy emphasis will be placed on the period since the 1990s, for it was during this time that the fault lines of Argentine democracy became increasingly visible. The state backtracked from its role as partial guarantor of the public welfare, and amid the resulting social unrest, there was increased poverty and violence—including police violence. What had been one of the world's richest nations at the beginning of the 20<sup>th</sup> century was on the brink of economic crisis at the century's end. In Argentina, this drastic decline in quality of life led to massive popular protest. These mobilizations led to the resignations of three presidents in rapid succession. With the election of the Peronist Néstor Kirchner as the nation's president in May 2003, many Argentines cautiously hoped that the country could begin her socio-economic and political recovery. Argentina did indeed experience substantial economic recovery during Kirchner's term in office, and he was very popular among a significant proportion of the nation's population. Yet, as will be shown in this and other chapters, his years in power were marked by increasingly delegative and populist characteristics.

There are four questions that are at the heart of this chapter. What kind of legacy have the long years of dictatorship, increasing poverty, inequality and violence bequeathed to contemporary Argentine democracy? How is one to properly understand the interaction between Argentine democracy on the one hand, and social movements and protests on the other? What socio-economic and political developments characterize the ten years of Menemism (1989-1999)? And how did the Kirchner administration (2003-2007) deal with

the aftermath of the socio-economic and political crisis and the demands of citizens? The answers to these questions will provide a solid foundation for understanding the police violence, and the social protest against police violence, that are addressed in the remainder of this book .

The present chapter is organized along chronological lines, starting with a description of politics, violence and social protest from 1930 until 1989. During this time, there was a succession of democratic and authoritarian governments, and the levels of social protest also waxed and waned in inverse proportion to the deployment of state repression and terror to quell popular dissent. This discussion is followed by an examination of Argentine delegative democracy, poverty, exclusion and violence during the ten years of Menemism and its immediate aftermath, until the socio-economic and political crisis of 2001. The chapter concludes with an analysis of the characteristics of Argentine society and politics in the twenty-first century, in particular during the presidency of Néstor Kirchner.

### **3.2 Politics, violence and social protest in historical perspective (1930-1989)**

Notwithstanding political violence and revolts, from the 1850s through the 1920s, Argentina was ruled by relatively representative governments that essentially respected the constitution. Economic prosperity made Argentina one of the richest nations in the world, and economic opportunity acted as a magnet that attracted many Europeans, inducing them across the ocean to Buenos Aires. However, Argentina was adversely affected by the Great Depression and President Yrigoyen of the *Unión Cívica Radical* (Radical Civic Union, UCR) was not able to deal with the economic crisis that the stock market crash of 1929 brought in its wake.<sup>23</sup> In 1930, a military coup led by the conservative General Uriburu led to the installation of a military regime, thus bringing democracy to an abrupt end. The military government of Uriburu was the first in a long line of Argentine military regimes in the twentieth century. The change of regime from democracy to military dictatorship marked a qualitative change in the use of the coercive power of the state against opposition movements (Kalmanowiecki 2000:37). “Political policing” (Huggins 1998; Kalmanowiecki 2000), meaning repression and extralegal action against enemies of the regime, became a means of maintaining control over the population. The use of torture became increasingly common and new forms of torture were invented. “The 1930-1932 military dictatorship stepped up the physical repression considerably. Students, workers, and even dissident military officers were tortured by submersion in water, and the use of pincers, sandpaper, boiling water, and turpentine. The invention of the electric prod around 1934 added a whole new dimension to repression. Electric shocks to the genitals and the use of wet

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<sup>23</sup> At the end of the 19<sup>th</sup> century the UCR was founded. The rise of the UCR can be seen as a demand for wider political participation, against elitist power and violations of the rules, and for a constitutional government.

towels to enhance their intensity, so familiar in the 1970s, were already standard practices in the mid-1930s” (Robben 2005:215).

In the 1930s and 1940s, with violence against political opponents steadily increasing, there was a succession of military regimes in Argentina. In 1943 a military coup led by a group of young anti-communist military men installed a new military government in which Secretary of Labor Juan Domingo Perón established himself as the dominant figure. He had begun to address some long-standing grievances of Argentine workers (James 1988:441) and this advocacy made him extremely popular among many working class Argentines. However, Perón’s arrest on October 13, 1945 marked his falling out of favor with his military colleagues. As James (1988:441) points out, his detention came about because he had come to be seen as a threat by these colleagues as a result of his ever-increasing popularity among the working classes. On October 17<sup>th</sup>, four days after he was removed from his cabinet post, large columns of demonstrators marched into the center of Buenos Aires demanding Perón’s release and return to the government. It was this demonstration that laid the foundations of Peronism, a movement that even today, more than sixty years later, continues to hold the country in its grasp.

In the elections of 1946, General Juan Domingo Perón was elected President of Argentina. Perón’s public policy is best characterized as comprising two main elements: social justice and economic independence. He promoted wider political integration, higher salaries, and access to health care, education and housing, especially for those in the working class (Page 1983:168). In this manner, Perón redefined the notion of citizenship within a broader, social context (James 1988a:14-16). Through his discourse he empowered the poor and the lower middle class to become political actors with rights to economic and social inclusion. Perón became the incarnation of the true populist leader – under his rule Argentina justified the label of an authoritarian populist democracy (Peruzzotti 2004:87). He mobilized the working class and ensured that “crowds became a constant in Argentine political culture” (Robben 2005:5). Sabato’s “culture of mobilization” (1992:160) unquestionably applies to the Peronist years.<sup>24</sup> The dark side of Peronism was its repression of opposition groups. In fact, as Kalmanowiecki (2000:49) argues, the Peronist police became a mainstay of the government and were used against the political opposition, as well as for the purpose of crushing any attempt at pursuing labor autonomy. Even though Peronist ideology was based on social justice, the mistreatment of both those accused of common crimes and political suspects continued unabated (Robben 2005:215). What’s more, the phenomenon of “disappearances”, which would later become a feature of the Argentine Dirty War (see below), was first employed by the police during the early years of Perón’s rule (*ibid.*).

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<sup>24</sup> Hilda Sabato, when describing voting and mobilization between 1862 and 1880, argues that in these days “Buenos Aires experienced a true explosion of associative life” (2004:54). Sabato launched the idea of a “culture of mobilization” referring to a set of common practices of organization among the citizens of the city for the purpose of expressing their ideas, defending a particular cause, and making claims to political power. See also the concluding chapter for more details on the culture of mobilization in Argentina.

During Perón’s second term, the Peronist government began to face increasing resistance from the Catholic Church and the military. This opposition arose in part because of the passage of a new divorce law and economic problems, and eventually the government was overthrown in a military coup in 1955, with Perón fleeing the country and remaining in exile until 1973.<sup>25</sup> Perón’s departure marked the beginning of a period of political instability. Between 1955 and 1966, Argentina was governed by five different presidents, two generals and three civilians, none of whom served his full term of office (Moyano 1995:15-6). The Peronist Party was declared illegal after the 1955 military coup and was not permitted to organize or demonstrate. However, the political and economic oppression that the Peronist popular sectors suffered during the military interventions during those 11 years seemed to only strengthen the bonds between student groups and the working class. People in slums and working-class neighborhoods, along with established institutions like unions and schools, began challenging the existing authority structures and suggesting alternatives (Moyano 1995:63-4). O’Donnell (1973) argues that, between the years 1955 and 1966, party democracy was an “impossible game”: the governments in power did not allow Peronists to compete in elections for fear that they would almost certainly win, while the main opposition party, the UCR, was not strong enough to triumph in the elections and govern the country. Therefore, “the bourgeoisie accepted the military as the umpire of the electoral game” (Linz & Stepan 1996:196).

The second half of the 1960s witnessed the formation of urban guerrilla groups that challenged the military rule of General Onganía (1966-1970), demanding Perón’s return and calling for social revolution. The largest and most influential opposition groups were the *Montoneros* and the *Ejército Revolucionario del Pueblo* (People’s Revolutionary Army, ERP). The armed struggle was supported by a number of different social sectors, among them workers and students.<sup>26</sup> The military regime responded by dissolving political parties, banning political activity and by carrying out other repressive measures (Moyano 1995). In a climate of increasing political instability and urban guerrilla warfare, the military government entered into secret negotiations with the exiled Perón that were aimed at handing power over to a civilian government. It was believed that Perón might be able to restore order in Argentina and control the guerrilla groups.

On June 20, 1973, Perón came home after almost twenty years in exile and the presidency was handed over to him. The *Montoneros* promised to support the new Peronist government. The ERP, however, continued its armed struggle and levels of guerrilla violence markedly increased in 1973. To eliminate the guerrilla groups and their sympathizers from Argentine society, José López Rega, the minister of social welfare during the third Peronist government organized a death squad, the *Alianza Anticomunista*

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<sup>25</sup> For valuable accounts of the Peronist government and the years that followed: Corradi, J.E. (1973); James, D. (1988a); Luna, F. (1993).

<sup>26</sup> For valuable accounts of the armed struggle of the 1960 and 1970s: Gillespie, R. (1982); Hilb, C. & D. Lutzky (1984); Lewis, P.H. (2002).

*Argentina* (Argentine Anti-Communist Alliance, Triple A). The Triple A was staffed by both policemen on active service as well as former police officers that had been dishonorably discharged. This death squad was charged with three different tasks. First, it published death lists of prominent figures in the arts and sciences, and of politicians suspected of left-wing sympathies (with all of these “undesirable” persons being “strongly encouraged” to leave the country). Secondly, it attempted to control labor organizing and agitation through the use of repression. Thirdly, the Triple A aimed at the physical elimination of the regime’s opponents (Moyano 1995:83). In the midst of the unrest, on July 1, 1974, President Perón died. He was succeeded by his widow, María Estela Martínez de Perón (known popularly as “Isabelita”), who was widely believed to be incapable of ruling the country. The country was characterized by disorder, a fact seized upon by the military as a justification for a military takeover.

On March 24, 1976, a military junta led by General Jorge Rafael Videla toppled the government of Mrs. Perón and proclaimed itself the new rulers of the country. It was the seventh time the military had seized power in the past 46 years. This time, however, tens of thousands of Argentines would be hauled off to hundreds of clandestine detention centers in the country, where many of them were also tortured and murdered. This military regime was qualitatively different from those that had preceded it because its aims were very ambitious; it wanted to completely transform the Argentine state, economy, and society. The use of extermination and terror by the state became systematic (McSherry 1997:86-7). The military regime christened their strategy the *Proceso de Reorganización Nacional* (National Process of Reorganization, or *el Proceso* for short). With the takeover, Argentina became one of the wealthiest nations ever ruled by such a brutal dictatorship.<sup>27</sup> Yet, initially, several influential sectors in society – particularly the wealthiest socioeconomic stratum – supported the coup, since they wanted to expel Peronism from the country altogether. There were other Argentines who approved of the coup in the hope that it would end the chaos that had prevailed in the country since the fall of Perón.

By taking control over internal security the military entered the terrain of the police, an action that was by no means unanimously approved by the nation’s police officers. Many of these officers complained that the military did not know how to fight subversives, that they had to be taught everything, and that they behaved as if they were “movie heroes” (interview with a Federal Police officer, cited in Andersen 2002:259). However, this was hardly the first time that police were obliged to follow military orders. Since the 1930 military coup, the police began to be increasingly employed in the service of those in power (e.g. the military) rather than as officials charged with serving and protecting the citizens of the communities where they worked (Andersen 2002:93). During the military dictatorship of 1976-1983, the police were not in the dark regarding the atrocities that were being committed by the government and its agents. Nor were police officers exclusively relegated

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<sup>27</sup> For valuable accounts of the Dirty War and Dirty War techniques: Lewis, P.H. (2002); Marchak, P. (1999); Feitlowitz, M. (1998); R. Munck (1985).

to the role of passive bystanders. It was not only commissioners of police departments, but their subordinates as well, who were aware of the abduction, torture, and murders. To a large extent, in fact, the police participated side by side with the military in these atrocities, profited from the booty of persons who became classified as “disappeared” and, in some cases, even illegally adopted the children of their victims and raised them as their own.

Mobilization in the streets, a common phenomenon in the recent past, became extremely dangerous. All street demonstrations were prohibited by the military junta (Robben 2005:85). After the 1976 coup, the military had banned all political activity, purged the universities of leftist academics, and introduced measures to reduce the number of students. However, despite the climate of fear that the kidnappings, murders, tortures and disappearances created among the general population during the 1976-1983 military dictatorship, attempts at resistance and claims for citizenship were always present, in particular on the part of trade union workers and what has become known as the “historical human rights movement”.<sup>28</sup>

The historical human rights movement came into being in response to the massive and systematic violations of human rights during the 1970s.<sup>29</sup> Although disputed among the movement’s members themselves, the historical human rights movement is generally understood as having two kinds of organizations: 1) those comprising persons directly affected by repression 2) those involving concerned citizens who are not viewed as having been directly affected.<sup>30</sup> Within this heterogeneity of participants and of organizations, as Jelin (1994:41) asserts, the fundamental lines of action of these groups during the dictatorship were the public denunciation of the human rights violations committed, the creation of a network of support for victims and their relatives, and campaigns to garner international support.<sup>31</sup>

After several years of severe repression, various factors made it increasingly difficult for the military to justify the National Process of Reorganization. First of all, by 1981, the military were facing demands, from within as well as outside Argentina, regarding the whereabouts of the “disappeared”. Consequently, the government faced greater opposition from increasingly restless trade unions and political parties, and numerous strikes and mass demonstrations were organized to press for a return to the rule of law (Amnesty International 1987). Secondly, economic liberalization policies, which initially seemed promising, ultimately turned out to be a failure. The economic mismanagement evoked

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<sup>28</sup> By “historical human rights movement” I refer to all organizations created before, during or after the last military dictatorship that address the issue of the “disappeared”, as well as the widespread human rights violations during that period, and that demand that the truth be told about these violations, that justice be meted out to those who perpetrated abuses, and that these tragic events be commemorated by the nation.

<sup>29</sup> It is important to point out that, unlike the cases of Chile, Brazil and El Salvador, the human rights movement did not receive the support of the Catholic Church hierarchy, or of the nation’s major political parties, with some individual exceptions (Saba 2000:13).

<sup>30</sup> This categorization is disputed, with critics arguing that all Argentines – not only detainees and “the disappeared” – are affected adversely by the existence of military dictatorship in their nation.

<sup>31</sup> For the struggle of the human rights movement for truth and justice during and after the military dictatorship: Guzman Bouvard, M. (1994); Brysk, A. (1994); Jelin (1994).

many negative responses among Argentines and was one of the signs of trouble for military rule. The last straw was the Falklands War, which lasted for three months in 1982 and ended in Argentina's humiliating defeat. Argentina's surrender and the loss of over 600 Argentine lives in effect sounded the death knell for the military junta, which was forced to step down and hand over power to an interim government.

When the military dictatorship had come to an end, many Argentines left their homes to gather in public spaces in an expression of support for the return of democracy. The years of the military dictatorship, during which fear, confusion and delusion reigned, now gave way to renewed euphoria and hope. Raúl Alfonsín, the candidate for the UCR, won the 1983 election easily, campaigning on the slogan "Democracy or Anti-Democracy". He promised during the campaign to investigate the human rights violations of the military junta, and it was this promise that set the stage for human rights becoming a prominent issue in Argentina's post-authoritarian democracy. Almost immediately after his inauguration, Alfonsín took some steps in this direction. He politically demobilized the armed forces, annulled the amnesty law pronounced by the last ruling junta and created a national truth commission, the *Comisión Nacional sobre la Desaparición de Personas* (National Commission on the Disappearance of Persons, CONADEP) to investigate the fate of the disappeared and to work with the nation's judiciary system in this endeavor. The trial of the nine members of the three military juntas began in April 1985. Eventually, five junta members were sentenced to terms ranging from four and a half years to life imprisonment, and four members were found innocent. Human rights organizations did not find these results satisfactory and aspersions were cast on the credibility of the Alfonsín government when it yielded to military pressure to enact the laws *Punto Final* ("End Point Law") in 1986 and *Obediencia Debida* ("Law of Due Obedience") in 1987. Both of these measures resulted in the exoneration of many officials who had been implicated in criminal actions during the years of military rule.<sup>32</sup>

The 1980s were years of reconstruction and consolidation of democracy but also of heavy inflation and continuing social unrest. In terms of social protest, the 1980s saw the continued advancing of claims by established groups, and the emergence of new groups that began to protest against certain weaknesses in Argentine democracy, such as the corruption and inefficiency of the nation's courts. Many citizens felt that the promise to restore and rebuild democratic institutions was not being fulfilled (Saba 2000). It was for these reasons that, a few short years after the rebirth of democracy, many Argentines had already grown disillusioned over the dysfunction of many of the nation's democratic institutions.

Alfonsín did not complete his term; he resigned in June 1989, five months prior to the end of his term, at a time when soaring inflation was wreaking havoc on the nation's

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<sup>32</sup> The End Point Law set a sixty-day deadline for initiating new prosecutions, in an effort to pacify the military. This deadline ensured that only a limited number of prosecutions would be initiated. The Law of Due Obedience established that charges against lower-ranking officers would be dropped.

economy. The stage was now set for the decade-long rule of Carlos Menem (1989-1999). As we will see in the next section, the fault lines of Argentine democracy and the assaults on citizenship became increasingly visible during these years.

### 3.3 Delegative democracy and growing social discontent (1989-2001)

“Argentina has been praised for the alternation of Radicals and Peronists, the shift to a new development course, and the reemergence of a sense of optimism that puts behind the years of military contestation and hyperinflation. However, at the same time, Argentina’s democracy is deemed to have suffered under Carlos Menem’s administrations, viewed as reenactments of personalistic, authoritarian features typical of old-style Peronism, visible in the maneuvers around constitutional reform and the proliferation of corrupt practices. Thus, while Argentina’s democracy is evaluated positively as having attained substantial, progress, it is assessed negatively for receding back to authoritarian features” (Agüero 1998:2).

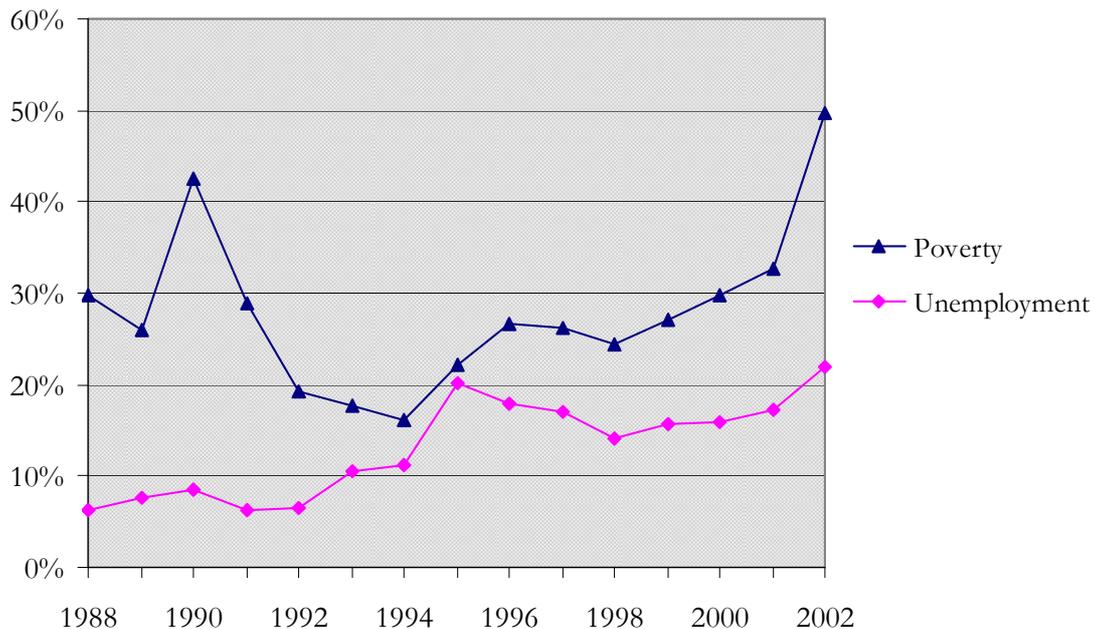
President Carlos Menem’s administration (1989-1999) is best characterized as having instituted policies resulting in short-term prosperity for a minority and long-term pauperization for the majority of Argentines. Within weeks of his inauguration, and to the displeasure of many Argentines, President Menem released most of the military figures who had been condemned under Alfonsín. This action set the tone for the years that followed, with Menem consistently maintaining that settling the accounts of the past stood in the way of the nation’s future socioeconomic development. The process of democratization that began with a strong demand for the rule of law and ended with the pardons, engendered the sense among many people that nothing had fundamentally changed in terms of which citizens were actually benefitting from the law (Saba 2000:24).

O’Donnell (1992, 1994, 1996) describes Argentina under Menem’s rule as a “delegative democracy” (a concept described in the previous chapter). According to O’Donnell (1992), “a deep social and economic crisis is the ideal terrain for unleashing the delegative propensities that may be present in a given country, because it generates a strong sense of urgency”. In the late 1980s Argentina suffered from just such a crisis, and this presented Menem with the opportunity to present himself as the only possible savior of the country. *Decretismo* (in which decisions are made by executive order, and are not enacted by law; O’Donnell 1992), presidentialism, and a lack of horizontal accountability characterize his ten years of rule. To illustrate the process that was involved, three years into his first term Menem had issued 244 decrees of necessity and urgency, eight times more than all former constitutional presidents combined since 1853 (Larkins 1998:425). Furthermore, he packed the Supreme Court with loyal judges and in this way exercised control over the nation’s judiciary system. In this manner Menem eroded the quality of the resurrected Argentine democracy that had been so warmly welcomed at the end of military rule in

1983. As the years passed, Menem's administration lost much of its initial legitimacy and its actions gave rise to more and more protests.

To understand the growing social discontent and the many protests during the 1990s, a number of processes need to be examined. First of all, Menem's neoliberal economic project aimed at increasing foreign investment, privatizing public services and utilities, lowering public investments in education, housing and health and the introduction of the Convertibility Plan to tie the peso to parity with the dollar (Grugel & Riggirozzi 2007:90-1). Even though the neoliberal policies initially seemed successful in terms of macroeconomic stability, they resulted in unprecedented levels of unemployment and poverty that led many "newly poor" to begin protesting their impoverishment. Figure 3.1 shows a dramatic increase in unemployment rates in Gran Buenos Aires, mainly as a consequence of the de-industrialization that took place in Argentina.<sup>33</sup> The figure also shows a steady increase in poverty, which resulted in half of the population in Gran Buenos Aires being classified as poor by 2002.<sup>34</sup>

**Figure 3.1: Poverty and unemployment rates in Gran Buenos Aires, 1988-2002**



Source: INDEC (2002) & INDEC (2003)

Income disparity also has dramatically increased. In 1974, the richest 10% of the population possessed 28.2% of the national wealth; by the end of the century, this figure

<sup>33</sup> All percentages were recorded in the month of May of each year indicated.

<sup>34</sup> In Argentina, regional differences in poverty are high; the northern provinces of Corrientes, Santiago del Estero, Catamarca, Tucumán, Jujuy and Salta have a much larger poorer population than the provinces of Santa Cruz and Córdoba and the autonomous Federal District of Buenos Aires. Here I have provided figures for Gran Buenos Aires, because this is the area where I carried out my research.

had increased to 37.3%. In contrast, the figures for the poorest 30% during this same time period dropped from 11.3% to 8.1% (Auyero 2000a:101). As became clear from Table 2.2 in the previous chapter, on the basis of the Gini Index, the level of inequality in Argentina increased steadily between 1990 and 2002. Since 2005, the level of inequality has decreased somewhat, although it still remains high in absolute terms. The social costs of this income disparity that became more and more visible during the 1990s (e.g. poverty, unemployment) were partially mitigated by populist redistribution policies and patronage (Grugel & Riggirozzi 2007:92). However, such measures could not avert the socio-economic collapse of 2001.

Secondly, government corruption was commonly viewed as one of the main reasons for the country's crisis. As Levitsky & Murillo (2003:153) argue, “a lack of transparency in key policy areas, a series of high-profile corruption scandals involving Menem government officials, and political shenanigans such as the packing of the Supreme Court, created the perception of widespread and unchecked abuse of power”. Furthermore, together with the legislature, the Argentine judiciary has long ranked among the most discredited of national institutions. Between 1990 and 1998, for example, there were 176 impeachment procedures against judges, 18% of which targeted Supreme Court members (Burzaco 2001:77, cited in Hinton 2005:92). This led to the paradoxical situation of judges frequently being investigated for the very same crimes that they were supposed to be prosecuting (Hinton 2005:92).

Thirdly, during a large part of the 20<sup>th</sup> century, Argentina was a state with full employment, workers were organized in trade unions and received substantial benefits, and conflicts were mainly political in nature. Through the years this situation had served to guarantee the citizens of Argentina a number of social and economic rights. However, during the 1990s, the state gradually backtracked from its role as partial guarantor of the public welfare and state spending decreased. A clear example of state retrenchment is the privatization of many state businesses, a situation that had an enormous impact on the rising number of unemployed workers (Auyero 2002:27-31), and that led to the emergence of a social movement of jobless workers that came to be called the *piqueteros*. Labor no longer formed the basis for organization of workers: unemployment became the main incentive for unemployed workers to protest. The *piqueteros* began using forms of protest such as the *piquete* (road block) and the occupation of factories. The first blockade was of Route 22 in the province of Neuquén, between June 20-26, in response to the privatization of the oil-business *Yacimientos Petrolíferos Fiscales* (YPF) (Lobato & Suriano 2003:144). This was the beginning of the emergence of *piquetero* movements all over the country and, for the next decade, *piqueteros* were a frequent sight in the streets of the nation. By way of illustration, in 1997 there were 104 roadblocks in the whole country. Newspaper headlines read: “The country is blocked” (CELS 2003:23). In 1998, at least one road was blocked every week; in 1999, 21 roads were blocked a month; and in 2000 there was an average of one roadblock every day (CELS 2003:24). In this way, the *piqueteros*, who had previously

been marginalized persons within Argentine society, emerged over the course of a few short years as important political actors.<sup>35</sup> Yet, as will be shown below, the politics of rapprochement during the Kirchner administration led to internal division within the *piquetero* movement.

Fourthly, the 1990s saw a rise in urban crime and violence and the emergence of new forms of criminality. Even though crime and violence rates in Gran Buenos Aires are still far below those of São Paulo, Rio de Janeiro and Mexico City, these rates have, according to Saín (2006:63) nearly doubled between 1990 and 2003. For example, in 2001 there were 3182 reported acts of crime per 100,000 inhabitants, whereas in 1990 there had been 1722. This rise in crime has been accompanied by a significant increase in levels of violence and a growing complexity in the nature of the crimes committed (Saín 2004:130-2).

Since the second half of the 1990s, opinion polls showed that crime and violence, next to unemployment and corruption, had become one of the main concerns of the Argentine people. This concern has been taken up by some politicians, who have made citizen security a priority issue. One of the reasons that security has emerged as such an important concern is that the country has suffered from several kidnapping waves since the late 1990s. These kidnappings suddenly and violently disrupted the relatively tranquil lives of the nation's more affluent citizens, and people across the socioeconomic spectrum began to feel increasingly unsafe. According to a study carried out by the *Centro de Estudios Unión para la Nueva Mayoría* (1998, cited in Smulovitz 2003) three out of ten individuals stated that they had been victims of crimes during the preceding year (27%), and seven out of ten feared becoming victims of crime in the coming months (71.6%). What exacerbated the high feelings of insecurity were the many media reports on the police shielding or even cooperating with criminal gangs, and a government unresponsive to people's demands for more security (see the next chapter for more details).

Because middle and upper class citizens felt that the state had failed to protect them, gated communities policed by private security companies grew in popularity. However, in Gran Buenos Aires, the increasing number of such communities co-existed with the expansion of the slums – the *villas miserias*. With these two very different communities often found in close juxtaposition to one another, Gran Buenos Aires' territory now appears to meet the necessary conditions for being a “dual city” – a term used by scholars to describe the changes in urban geography resulting from increasing economic polarization (Auyero 2000a:94). The close juxtaposition of gated communities and *villas miserias* exacerbated fears of crime among the middle and upper classes. After all, in today's fragmented and polarized Argentina, shantytowns are no-go areas to be feared and avoided (Auyero 2000a:103). Indeed, the growing absence of the state in the *villas miserias* gave local power holders the opportunity to seize control and permitted the

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<sup>35</sup> For useful interpretations of the *piqueteros*: CELS (2003); Svampa, M. & P. Pereyra (2003)

formation of perverse forms of authority through organized criminality (Saín 2004:130-131; Koonings & Kruijt 2007).

Surprisingly, the once highly influential historical human rights movement seemed to have been defeated by the early 1990s. President Menem pardoned and freed figures who had served in the military dictatorship and then been convicted during the presidency of Alfonsín. With these events, the movement became increasingly demoralized (Abregú 2000:13). However, when it became apparent that state abuse (e.g. police violence), continued even under democratically elected governments, and that there was still a need for the human rights movement to take action for the sake of society at large, the movement re-emerged in the mid-1990s (see Chapter 8 for more details on the involvement of the human rights organizations in the fight against police violence). This was however, as Abregú (2000:14) argues, “not solely linked to its efforts to obtain justice for the crimes of the past”. It was, as he writes, “gradually becoming clear that many current problems facing Argentine democracy called for solutions with a rights-based perspective”.

The study by Schuster et.al. (2006:33) of the transformations of social protest in Argentina from 1989 through May 2003 provides a valuable overview of the protests that occurred and the demands of the protesters. Schuster and his colleagues found that, during this period, it was the trade unions that protested most frequently; they were involved in almost half of the total number of protests that were organized. Civil organizations, such as neighborhood, student, and human rights organizations, and groups of family members of victims, were together responsible for conducting some 35% of the protests during this period. *Piqueteros* groups organized 6% of the demonstrations. The main demands of the protesters during this period are presented in Table 3.1.

With the growing number of social protests, the authorities attempted to criminalize such demonstrations, employing two primary means. First of all, the actions and message of the protesters were deemed illegal and therefore many criminal charges were brought against them. Secondly, the protests were suppressed by police action. Such action sometimes led to the use of deadly force: more than 50 protesters died as a result of police violence between 1995 and 2005 (CORREPI 2006), and many more were injured. Protests of the *Movimiento del Dolor*, the social movement that is the focus of the present study, were met with high police presence and sometimes with repression. However, there are no cases known of family members of victims of police violence being killed when protesting their relatives' deaths. With the rise to power of President Kirchner, and after several brutal police repressions of protests like the Massacre of Puente Pueyrredón and the events of December 19-20 (see below), overt police aggression began to be abandoned because of the negative publicity that it had engendered.<sup>36</sup> Instead, as will become clear in

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<sup>36</sup> Most commonly, the term “massacre” refers to mass killings in war. In Argentina the term has also been used to refer to police actions against Argentine citizens that took place at Puente Pueyrredón, Ramallo, Wilde and Floresta. The term has a political connotation and results in a heightened dramatization of the

this and the following chapters, the Kirchner administration sought to channel social discontent by establishing alliances with social movements and co-opting them.

**Table 3.1: The demands of protesters in Argentina, 1989-2003**

<b>Demands related to:</b>	<b>Percentage</b>
Salaries	26%
Economic issues	18%
Social Security	15%
Human rights and the judiciary	14%
Labor	11%
Politics	9%
Social work / assistance	5%
Housing	4%
Security	2%
Environmental issues	2%
Consumer Rights	2%
Others	4%
Unknown	2%

Source: Schuster et.al (2006:34)

When Carlos Menem left office in 1999, he bequeathed a very precarious situation to the incoming president, Fernando de la Rúa, and his *Alianza por el Trabajo, la Justicia y la Educación* (Alliance for Jobs, Justice and Education), a coalition government comprising the centrist Radical Party and the center-left *Frente País Solidario* (Front for a Country in Solidarity, FREPASO). The Alliance won the elections by pledging a clear break with the corruption practices typical of the 1990s and a higher level of concern with social issues. However, no such break occurred, unemployment and poverty rates continued to rise, and the signs of popular discontent became increasingly visible. The Senate scandal, which involved government payment of bribes to opposition senators to help pass a labor reform law, was for many Argentines the last straw. By the time of the legislative elections of October 2001, the lack of credibility of the Alliance government had reached such high levels that more than 40% of the Argentine electorate either abstained from voting or cast blank votes. Only two months later, masses of Argentines took to the streets to demand *que se vayan todos* (“that the whole bunch be thrown out”).

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event in question. Use of the term “massacre” is for the most part restricted to human rights organizations and leftist political groups.

### 3.4 From the Crisis of 2001 to *Kirchnerismo*

“How do we make sense of ‘left-wing populist’ Néstor Kirchner of Argentina, a president elected by the same Peronist party that had earlier catapulted ‘right-wing populist’ Carlos Menem to power?” (Schamis 2006).

While the first part of the twentieth century saw many European migrants settling in Argentina<sup>37</sup>, the beginning of the twenty-first century witnessed the spectacle of many Argentines seeking to leave their country in search of a better life abroad. The socio-economic and political crisis led to thousands of people taking to the streets in December 2001, organizing *mega-cacerolazos* (hitting on pots and pans), and looting supermarkets and shops. These protests were an expression of loss of faith in the government, anger at corruption scandals and, in the most general terms, the poverty and desperate situation people were living in. During these days, police repression and looting resulted in at least 29 deaths. There were also many persons injured and more than 4500 people arrested on December 19-20. These two days of rioting were accompanied by a political upheaval that saw three different presidents within the space of two weeks, a foreign debt that had soared to over 140 billion dollars, a 75% devaluation of the peso, and an unemployment rate that skyrocketed above the 20% mark. All told, these events marked what can be called the most devastating socioeconomic and political crisis in Argentine history.

Former governor of the province of Buenos Aires Eduardo Duhalde of the Peronist Party was allowed to preside over an interim government under the condition that new elections would be held. In the following months, civic anger erupted into even more protests and *escraches* (see Chapter 6 for the meaning of “*escraches*”). The masses were angry about their rulers’ mismanagement, and they demanded a means of survival, a return of their savings, and justice for the victims of police repression. More and more *cartoneros* (“cardboard seekers”) appeared in the streets to search trash receptacles for cardboard or other useful objects to sell, a stark manifestation of the impoverishment the country was experiencing at that moment. Images of undernourished children in the northern provinces captured the nation’s attention. After the police killed two *piqueteros*, Maximiliano Kosteky and Dario Santillán, during a protest in June 2002 (the so-called Massacre of Puente Pueyrredón), President Duhalde decided to move up the elections by six months. His presidency lacked legitimacy because he had attained the post as a result of back room negotiations. Hopes for the recovery of Argentina were placed in the newly elected president of the country, the Peronist Néstor Carlos Kirchner.

Kirchner became President of Argentina after elections in April 2003 that witnessed the lowest voter turnout in the nation’s history. Carlos Menem won the first round of

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<sup>37</sup> In 1914 around one-third of Argentina’s population of almost eight million was foreign-born; at least another quarter was composed of descendants of immigrants from the past two generations (Rock 1993:113).

elections, with 22.2% of the votes against Kirchner's 21.9%. However Menem, fearing that he would lose, opted not to compete in the second round. Before assuming office as president, Néstor Kirchner had been the governor of the remote province of Santa Cruz for more than eleven years. According to Sanchez (2005:462) Kirchner was generally considered to have done a good job of administering the province, maintaining fiscal balance and relatively low levels of poverty. However, he was also a classic Peronist caudillo who used patronage to consolidate his hold on power, subjugating the courts, controlling the media, and amending the constitution to allow himself to be re-elected indefinitely (ibid.). Many critics wondered whether a former governor of a remote Argentine province could govern the whole republic. With the new president facing high levels of social and political conflict, many commentators asked what he would do to address these problems. There were two additional factors that worked to the disadvantage of the incoming president: Kirchner politically depended on Duhalde, and Menem's withdrawal after the first round had deprived him of the opportunity to claim a broad second-round mandate. Thus, many observers, both in Argentina and abroad, expected Kirchner to be a politically weak president.

To show his political power and independence, Kirchner sought to immediately break with *la vieja política* ("old politics"), including neoliberal policies. This was, after all, what many Argentines wanted. Opinion polls showed that within weeks after his assuming office, more than 70% of the Argentines supported the Kirchner administration, and numbers have remained high throughout his term in office. This was due to a number of measures. Among other things, Kirchner decided to tackle corruption in PAMI, the country's largest public social services agency and a national symbol of political corruption. He also supported the impeachment of Supreme Court justices, and advocated the establishment of a more public and transparent process for the appointment of future court nominees. In addition, he sought to lift the legal obstacles that were preventing the prosecution of cases of past human rights violations by the military (Peruzzotti 2004:90). Kirchner made a concern for human rights one of the priorities of his administration. He was the first president since the end of military rule to meet with human rights groups in the *Casa Rosada* (the Presidential Palace), and he enacted measures to transform the former clandestine center *Escuela de Mecánica de la Armada* (the Navy School of Mechanics, ESMA) into a museum, an action widely applauded by human rights groups. Furthermore, as noted in the introductory chapter, the first sentence for crimes during the last military dictatorship was, after the revocation of the amnesty laws and pardons of the late 1980s and early 1990s, actually imposed in August 2006. Kirchner also served notice to the nation that he would not repress demonstrations of citizens "with this trigger happy police".<sup>38</sup>

Another factor that contributed to Kirchner's popularity was his implementation of an approach that Grugel and Riggiozzi (2007) have defined as *neodesarrollismo*. This

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<sup>38</sup> Clarín 27 June, 2004: "Kirchner: No vamos a reprimir con esta policía de gatillo fácil".  
<http://www.clarin.com/diario/2004/06/27/elpais/p-01001.htm>

orientation consists of nationalist economic politics along with a more dynamic role for the state in promoting growth and social stability. Since 2003, Argentina has shown a spectacular economic growth of more than 8% annually. Poverty decreased from 45.4% in 2002 to 26% in 2005 (CEPAL 2006).<sup>39</sup> According to data gathered by INDEC (2003a, 2007), unemployment rates steadily decreased: from 21.5% in 2002<sup>40</sup>, to 11.4% in 2006<sup>41</sup>, to 9.8% in 2007<sup>42</sup>, and this trend has decreased social demands for institutional reforms. Furthermore, crimes such as kidnappings and car theft that caused high levels of public alarm have decreased. For instance, in 2003 there were 307 kidnappings in the province of Buenos Aires. In 2006, this number had decreased to 75 kidnappings (Ministry of Security 2007:79).<sup>43</sup> Nevertheless, security was still the main topic in the election campaigns for mayor of Buenos Aires in 2007, which brought right-wing hard liner Mauricio Macri to power.

There were some critics who contended that Kirchner was simply engaging in clientelistic and symbolic politics in order to achieve broad support in society and consolidate his power, instead of pursuing long-term effective policy at higher political costs. In fact, many of the persons occupying high positions in government are the same today as they were under Menem and de la Rúa, and clientelist networks are widespread; in other words, there appears to be no break with *la vieja política*.<sup>44</sup> Especially after the 2005 legislative elections, when the Peronists won the majority in both chambers, President Kirchner is said to have become much less responsive to social demands. “He has since sacked all independent-minded members of his cabinet (most notably Roberto Lavagna, the architect of the economic recovery), exploited his weakened opposition by co-opting leaders from other parties, played on regional and factional divisions, and blatantly employed fiscal resources to grease the wheels of Peronist party politics” (Schamis 2006:28). His strategy of establishing broad bases of support among the diverse social groups that had contributed to the fall of President de la Rúa is also clearly expressed in the way that *piquetero* groups are approached. In general, the *piqueteros* movement has suffered serious fragmentation due to its relationship with the Kirchner government (Zibechi 2004).

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<sup>39</sup> But, as was also revealed in the previous chapter, it depends on the institution doing the measuring. Data of INDEC for instance show higher poverty rates.

<sup>40</sup> Figure for May 2002.

<sup>41</sup> Figure for the first semester of 2006.

<sup>42</sup> Figure for the first semester of 2007.

<sup>43</sup> These numbers include the *secuestro extorsivo* (“extortion kidnappings”) as well as the *secuestro express* (“fast kidnappings”).

<sup>44</sup> A study by the *Centro de Estudios Unión para la Nueva Mayoría* of clientelistic practices in Argentina, published on August 24, 2007, showed for instance that ultimately there is a worsening of such practices. One example of this is that in 2005, 52% of those who received the state subsidy *Jefes y Jefas de Hogar* (Household Female/Male Chief Plan for the unemployed) were affiliated with a political party, in comparison with 14% of the population as a whole. According to this study, incumbent officeholders – at the national, provincial or municipal level – are more likely than they were before to win elections, because clientelism is now more widespread than before.

<http://www.nuevamayoria.com/ES/ANALISIS/?id=fraga/arg&file=070824.html>, consulted at September 6, 2007.

Some groups of *piqueteros* (i.e., the so-called *oficialistas*) chose to cooperate with the government, whereas others (i.e., the *no oficialistas*) distanced themselves from the official agenda. The Kirchner administration perceived the threat posed by the *piqueteros* to the established socio-political order as serious enough to start applying a number of strategies to integrate, co-opt and/or isolate the *piqueteros* movement (Wolff 2007). Kirchner did not employ repression but instead chose a strategy of protection and co-opting that appeared aimed at leading to the internal division and weakening of the *piqueteros*. As we will see later on in this book, similar strategies, referred to as the politics of rapprochement, have been applied to the *Movimiento del Dolor*.

Hence, the delegative character of the Menem administration became increasingly visible in the governing style of President Kirchner. This was exacerbated by the nomination of Kirchner's wife, Senator Cristina Fernández Kirchner, or "Señora K.," as a candidate in the 2007 presidential elections. On October 28, 2007, Cristina Kirchner handily won the election, and she will rule the country for the next four years as the nation's first elected female president. The Kirchners thus stand poised to pursue another four years of *kirchnerismo*. Another criticism relates to the Argentine media that has experienced increasing pressure to provide the president with favorable press. Furthermore, fault lines that have characterized the Argentine democracy in the 1990s, such as police violence, clientelism and societal distrust of state institutions, remain, as the forthcoming chapters will show, a central focus of concern.

### 3.5 Conclusions

As I have shown in this chapter, throughout most of the 20<sup>th</sup> century, democracy in Argentina has seemed to be "an impossible game".<sup>45</sup> Democratic governments came to an end as a result of military interventions that usually introduced periods of brutal and repressive military rule. The 1976-1983 military dictatorship, during which many Argentines were detained, tortured and murdered, left especially deep wounds and social divisions in Argentine society and politics. But what about the post-1983 Argentine democracy? Have Argentina and democracy become a possible match? An argument can indeed be made to support this assertion. For the past 25 years, the military has not staged a coup, not even during periods of extreme social unrest, and the electoral system has proven to be robust. Compared to former decades, this is quite an achievement. Furthermore, there are free and open elections in Argentina, and people generally have access to independent sources of information and are free to express themselves and form organizations. Argentina thus fulfills the conditions of Dahl's (1971) "polyarchy". All the same, although democratic governance has become possible, the post-1983 Argentine democracy does still have fault

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<sup>45</sup> I have borrowed the term "impossible game" from Guillermo O'Donnell (1973), who argued that party democracy in Argentina between 1955 and 1966 was "an impossible game".

lines that stand in the way of “good” consolidated democratic governance and the effective exercise of citizenship.

Taking the Argentine history of institutional weakness into account, it is remarkable that democracy survived the severe socio-economic and political crisis of 2001. However, the brutal police repression that resulted in many injuries and casualties, and the fact that Eduardo Duhalde was appointed president as a result of back room negotiations have been a step backward in the process of consolidating of Argentine democracy. In addition, Argentines harbor deep distrust towards the authorities, something that has to do with, among other things, the lack of accountability, economic mismanagement and widespread impunity. Furthermore, President Néstor Kirchner’s highly personalistic and delegative way of governing has harmed the quality of democratic institutions.

Considering the above facts, as well as Argentina’s history of social mobilization and protest, it may not come as a surprise that, since 1983, people began showing discontent about the shortcomings of their democracy and claiming citizenship. However, consideration of these matters touches upon a certain ambivalence among Argentines with respect to their nation’s democracy. Specifically, although the nation’s democracy has a number of fault lines, including violence against its citizens, many of these same citizens use democracy as a channel through which to demand for their citizenship rights (rather than fight the system from the outside through subversive or guerrilla activity). This appears to be the case because of the fact that, even though only a minority of Argentines (34%) are satisfied with the way their democracy functions, a solid majority of the nation’s citizens (64%) express a preference for democracy over any other form of government (Latino Barometer 2004).<sup>46</sup>

The enduring strength of civil society in Argentina helps explain the preservation of the Argentine post-1983 electoral democracy. However, even though a vast majority of Argentines prefer democracy as a political system, Argentine democracy has thus far not been able to assure the effective exercise of citizenship. Furthermore, the nation’s citizens have lost confidence in their representatives due to socio-economic mismanagement and a large number of corruption scandals through which politicians, judges and police commissioners, among others, have grown rich. The high levels of public support for the Kirchner administration point to a crisis of representation that reached its height in December 2001, but that has subsided during the subsequent six years. Yet, for Argentine democracy to consolidate, symbolic gestures to particular sectors of civil society need to give way to long-term effective policy that will reduce the poverty, corruption, and impunity. The next chapter will consider in some detail one of the fault lines in Argentine democracy: the pattern of police violence since the 1990s in Gran Buenos Aires.

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<sup>46</sup> Survey data of Latino Barometer of 2004, published on the website of Latino Barometer. <http://www.latinobarometro.org/>, consulted at June 9, 2005.

## 4 Police violence “a la *Bonaerense*”

### 4.1 Introduction

“Look, the *Bonaerense*. Was there a crime that they did *not* commit?” Thinking over the question, the retired police commissioner of the *Bonaerense* said “well no, there is one crime and that is the rape of the Virgin of Luján. But give them some time. I would not say that this is something that could never happen, since the Virgin has this one particular quality: she moves. It is a stature of a saint and it is something very beautiful there. I don’t know if you’ve ever been to Luján?” [...] So the Virgin moves and everything that moves can be raped. Give them some time, they will some day. All the other crimes from the sale of corpses... I saw this for the first time in a police station. [...] When there is an accident, [for instance] a bus overturns and there are deaths, the first thing that they do is to try to steal the victims’ rings. [...] They stole the watch of Menem’s son after the helicopter accident.<sup>47</sup> Afterwards they had to return it but do you understand what the *Bonaerense* is like? They do not have limitations. Then, what do they do? They sell the corpse. How is that? They call some undertaker that they know, just like they have lawyers that they know. When an accident happens, they call a lawyer so that he will make a favorable account in the summary. So if the family has insurance, their claim will be paid without any problem. The corpse is also sold for the funeral wake and for the burial. So there are the family members, grieving, [...] and the undertaker tells them, “Don’t worry, sign here, you have social insurance? Yes, ok, everything is arranged”, and they get the best funeral, social insurance pays for it, and then a percentage [...] goes to this police officer who made the phone calls”.<sup>48</sup>

What the former commissioner<sup>49</sup> said about the Virgin of Luján was an attempt at humor, but when he talked about the robbing and selling of corpses, he was being very serious. According to this chief, this is common practice and represents just one of the forms of theft in the criminal repertoire of the police. Media reporting on the police also reveals many forms of police corruption, incompetence and violence. As an example, on April 4, 2006, a day I picked at random, the Argentine daily newspaper Clarín published four articles concerning the police. One of these articles reported that a police officer had been

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<sup>47</sup> Carlos Menem Jr., “Carlitos”, died in a helicopter accident in 1995. His mother has always maintained that Carlitos did not die in an accident but that his was assassinated. The case is currently being examined by the Inter-American Commission of Human Rights (ICHR) of the Organization of American States (OAS).

<sup>48</sup> Interview with a former police commissioner, Buenos Aires, March 7, 2005.

<sup>49</sup>At the time I began my field work, the *Bonaerense* had a structure that employed two hierarchies, each of which comprised 17 ranks: Commissioner-General, Commissioner-Major, Commissioner-Inspector, Commissioner, Sub-commissioner, Principal Officer, Inspector Officer, Sub-inspector Officer, Assistant Officer, Sub-officer-Major, Clerk Sub-Officer, First Sergeant, Sergeant, First Corporal, Corporal, Agent, Cadet. The police reform of 2004 introduced a new system (see below). Yet, in this chapter I will refer to the police officers that I interviewed by using the titles ‘commissioner’, ‘officer’ and ‘sub-officer’ because at that time the police officers still used their former ranks.

fired because he asked for money in exchange for making a police report. The second reported that an officer had been sentenced to 13 years in prison for murdering a 23-year old man. The third article reported a clash between soccer supporters and the Santiago del Estero police that resulted in one death and 26 serious injuries (including those suffered by 13 police officers). The fourth article described a shootout between an officer and an alleged criminal that resulted in two passersby being shot.<sup>50</sup>

These examples illustrate the need to take a closer look at policing, and more specifically at police violence in democratic Argentina because, as Chapter 2 discussed, police violence severely exacerbates the tensions between the power of the state and citizens' rights. Furthermore, as the following chapters will show, such forms of police criminality have provoked strong reactions among the nation's citizens. This chapter will primarily examine the types of violence that have occurred since the 1990s, the factors that have influenced that violence, and the attempts that have been made at police reform in response to that violence.<sup>51</sup> The primary focus will be on the police of the province of Buenos Aires, the *Bonaerense*, although some of the examples pertain to the Argentine Federal Police (PFA). Three central questions lay at the heart of the present chapter. What police practices have led to the Argentine police being referred to as *gatillo fácil* police (“trigger happy” police)? What historical, societal and political factors have influenced the continuation of police violence since the restoration of democracy in 1983? And what are the characteristics and effects of the several police reforms of the *Bonaerense* police since the mid-1990s, and of the reform that began in 2004 (insofar as these are known) in particular? Answering these questions is not an easy job because the many parties involved in the subject (e.g., the police, politicians, representatives of the legal system, journalists, academics, NGOs, family members of victims of police violence) all have their own ideas about the seriousness of the problem (and some of the parties do not even consider police violence to be a problem). Therefore, this chapter for the most part consists of a reconstruction and interpretation of cases of police violence based on the stories of the

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<sup>50</sup> Clarín April 4, 2006: “*Separan a un policía de la Bonaerense por pedir dinero para tomar una denuncia*”. <http://www.clarin.com/diario/2006/04/04/um/m-01171107.htm>; Clarín April 4, 2006: “*Condenan a un policía por asesinar a un joven en Ingeniero Budge*”. <http://www.clarin.com/diario/2006/04/04/um/m-01171064.htm>; Clarín April 4, 2006: “*Un muerto y numerosos heridos tras un partido en Santiago del Estero*”. <http://www.clarin.com/diario/2006/04/04/um/m-01171069.htm>; Clarín April 4, 2006: “*Dos personas heridas al quedar atrapadas en un tiroteo*”. <http://www.clarin.com/diario/2006/04/04/um/m-01171103.htm>

<sup>51</sup> This chapter concerns police violence in the province of Buenos Aires during the period from the 1990s until December 2006. Due to the increased crime and violence rates, the many kidnappings (in particular of Axel Blumberg, see Chapter 5), and many reports on police violence, a “security emergency” was proclaimed in the province in 2004. This led to a reform of the *Bonaerense* police that lasted three full years. At the time of this writing (August 2007) it was extremely difficult to know the exact results of the reform. The document that the Ministry of Security published on the results is of only limited use for my study. After all, the Ministry benefits from presenting the reform's successes. My last research trip was in October 2006. During this trip I attempted to get as much information on the reform's results as possible. These data are presented in this chapter. However, some of these data may already be out of date by the time this book reaches print. In addition, any attempt to assess the outcomes of the 2004-2007 reform is further complicated by the appointment of the new minister of security, Carlos Stornelli, in December 2007. See footnote 59 for further details.

parties just mentioned, and which have been reproduced in interviews, in the literature on the subject, and in media reports.

In this chapter, I will first briefly describe policing and the organization of the police forces in Argentina, and in particular in the province of Buenos Aires, as well as the main aspects of the reform of the *Bonaerense* in recent years. Next, I will discuss instances of police violence in Gran Buenos Aires. The section is divided into three parts: the evolution of police violence, *gatillo fácil* and the torture of suspects; invention of crime; and police “business”. I will then proceed to examine a number of factors that contribute to the continuation and increase of police violence: authoritarian legacies and the historical training of the police; the socio-economic context; the interdependent relationship between the police and political power holders and its deleterious effects on public security policy; the functioning of the legal system; and finally, internal police culture and self-protective behavior.

## **4.2 Policing and police organization in the province of Buenos Aires**

The first police force in Argentine history was created in Buenos Aires in 1580 (Hinton 2006:30) but it was not until 1880 that the first modern police department in the nation was established (Kalmanowiecki 2000; Hinton 2006). In the years that followed, the police acquired their definitive organization, and their duties were gradually specified and reduced in scope (Kalmanowiecki 2000:198). According to Saín (2004:136), “The Argentine police force was basically shaped as an institution at the service of state governments rather than of communities, within the framework of a conceptualization of security as rooted in the protection provided by the state and not in citizens’ rights and liberties, a strongly ‘statist’ view”. Nowadays, each of the 23 provinces has its own police, controlled by the provincial governor and the governor’s minister of security (Hinton 2006:29). Besides, a national police force, the Argentine Federal Police (*Policía Federal Argentina*, PFA), has officers deployed all over the country for the purpose of carrying out federal investigations and an exclusive presence in the Federal Capital.<sup>52</sup>

The *Bonaerense*, the police of the province of Buenos Aires, is the second largest police force in Argentina. With its more than 50,000 officers, it is often referred to as a complete army that is patrolling *la jungla* (“the jungle”), a term used to describe the multiple and complex problems the province faces. In fact, as one police commissioner noted in our interview, in the province of Buenos Aires there are four different types of police that each deal with different kinds of problems and that consequently have their own peculiar features: the police in La Plata, the capital of the province and a university city; the police of the Atlantic coast, who address law enforcement issues related to tourism and the activities of a major South American port; the police of the *campo* (countryside), who deal

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<sup>52</sup> For an extensive journalistic account of the development of the Argentine police forces: Andersen, M.E. (2002).

with rural crimes such as cattle theft; and the police of the *Conurbano*, who work in a complex social environment that has higher crime rates than any of the other three areas of the province.<sup>53</sup>

For the purposes of studying police violence and the social protest against police violence, the territory of Gran Buenos Aires affords the most interesting venue in the country of Argentina because it is both the capital and the largest metropolitan area of the country. In addition, as Table 4.1 shows, the security forces<sup>54</sup> in this area have the highest number of victims *per capita*. When looking at the number of deaths produced by the security forces per 1,000,000 inhabitants, the picture changes somewhat: the province of Santa Fe has the largest number of deaths, followed by the province of Catamarca, followed by the province of Buenos Aires.

**Table 4.1: Victims of violence by Argentine security forces, by province**

Province	Number of cases per province	Number of casualties per 1,000,000 inhabitants
Buenos Aires	48%	63% (3)
Santa Fe	13%	77% (1)
Córdoba	9%	52% (6)
Buenos Aires (Federal Capital)	8%	49% (8)
Mendoza	4%	49% (7)
Corrientes	3%	52% (5)
Entre Rios	2%	37% (10)
Tucuman	2%	28% (14)
Rio Negro	1%	36% (11)
Chubut	1%	48% (9)
Santiago del Estero	1%	28% (13)
Catamarca	1%	65% (2)
Neuquén	1%	31% (12)
La Pampa	1%	58% (4)

Source: Correpi (2005)

In 1996 the provincial government concluded that some changes in the *Bonaerense* police system were needed. Reducing corruption and incompetence were on the reform agenda (Saín 2002:86-87). After the first two reform attempts were aborted because, among other reasons, police resistance, Luis Lugones, a prominent Buenos Aires lawyer, was granted broad powers in December 1997 to institute large scale reforms of the *Bonaerense* over the course of 90 days. During this time, more than 300 commissioners were retired – that is,

<sup>53</sup> Interview with a *Bonaerense* police commissioner, Gran Buenos Aires, July 28, 2004.

<sup>54</sup> The security forces in Argentina are the Federal Police, the provincial police forces, Gendarmerie and the Naval Police.

almost the entire police command structure. This process culminated in the creation of the Ministry of Security under the leadership of Dr. Arslanián (Vallespir 2002:157) in August 1998. That Arslanián was selected was a fact of no small significance because as a judge he had been widely recognized for presiding over the tribunal that tried the military junta in 1985. Among the ministry’s duties were the tasks of organizing and providing oversight of the provincial police and private security firms, as well as serving as a liaison between the police and the citizens of the province (Vallespir 2002; Saín 2004).

The reforms of 1997-1998 produced two major achievements. The first of these was the creation of the Ministry of Security, a department created for the purpose of enabling civilians to have a say in policing. Secondly, the reforms increased politicians’ awareness of the depth of the corruption and chaos that existed within the *Bonaerense*, and the consequent need to properly manage the police, since they are considered fundamental actors within the conflictive public space.<sup>55</sup> However, apart from these positive results, the impact of the police reform on police organization and police action seems to have been limited. One former police officer said in an interview that “they changed the names and the colors of the patrol cars, but otherwise nothing really changed. [...] It continued with the same people, the same functions, and the same level of corruption”.<sup>56</sup> One clear example of this is that the oversight mechanisms that were created (e.g. a Bureau of Internal Affairs and the “security forums” to increase citizen participation in security matters) formally existed but in practice actually functioned in only a very few cases. Furthermore, the reform had included the stipulation that the police themselves would no longer be responsible conducting criminal investigations – including investigations of alleged police misconduct, with this function instead being carried out by the district’s prosecuting attorney. In practice, however, the prosecutor’s office continued to delegate the task of the investigation to the police. Later in this chapter, we will see the consequences of such a practice.

Furthermore, several *Bonaerense* police officers emphasized that, because of the 1997-1998 reform, the police no longer have their own internal and self-contained chain of command but that, instead, it was politicians that were giving the orders. In practice, this means that if the prevailing political winds dictate the shooting of criminals, as was the case during the term of office of Buenos Aires Provincial Governor Carlos Ruckauf (December 1999 - January 2002), then the police shoot criminals. If these winds shift and restraint becomes the order of the day, then the police exercise restraint. Many police officers that I spoke to bitterly resented the political control of their department that had occurred as a result of the reform. The reality of this police resistance to reform has contributed to the limited impact of the reform measures on actual policing practices. However, some also admitted that the era of the powerful police commissioners had some disadvantages as well

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<sup>55</sup> Interview with a lawyer of CELS, Buenos Aires, October 4, 2004.

<sup>56</sup> Interview with a former *Bonaerense* police officer, Buenos Aires, July 23, 2004.

because “they [the police hierarchy] ruled like bosses and did things the way they wanted”.<sup>57</sup>

The effect of the reforms has also been highly influenced by what might best be described as a “process of counter-reform” (1999-2002). This era started with the 1999 provincial elections that resulted in Carlos Ruckauf becoming provincial governor. Politicians changed and with these changes came different ideas regarding policing generally and the prevention of violence. During his campaign, Ruckauf had criticized Arslanián’s police reform and advocated a *mano dura* approach to fighting crime. The incumbent governor, Eduardo Duhalde (1991-1999), agreed to look at the reform project again, and this led to Arslanián’s resignation (Saín 2002:124-125). Thus, a reform process that had begun one year earlier was not only abruptly halted, but also largely reversed. This was done as a result of a sudden shift in thinking that now held that “the police are bad, but the criminals are worse”.<sup>58</sup> The discourse now became one in which the need for security became paramount, and the solution to fighting crime and violence was no longer to control the police but to adopt a *mano dura* approach to law enforcement.

For all of these reasons, police reform in the province of Buenos Aires could not effectively materialize and ongoing police violence remained a grave public concern. Another attempt at police reform came in 2004.

### 4.3 Reform of the *Bonaerense* 2004-2007

The most recent effort to reform the *Bonaerense* began in April 2004 after the kidnapping and murder of Axel Blumberg, the son of the wealthy businessman Juan Carlos Blumberg.<sup>59</sup> An *emergencia de seguridad* (“security emergency”) was declared in the province, the minister of security was dismissed and Dr. Arslanián was summoned again to occupy the post. Arslanián then initiated a three-year reform plan that introduced a number of important changes. One change involved the decentralization of the *Bonaerense* police which was reorganized into two operational units: Communal Police (who would operate in municipalities with less than 70,000 inhabitants) and District Police (who would operate in municipalities with more than 70,000 inhabitants). In terms of the chain of command, the *Bonaerense* still functions under the Ministry of Security of the province of Buenos Aires.

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<sup>57</sup> Interview with a *Bonaerense* police commissioner, Gran Buenos Aires, June 29, 2004.

<sup>58</sup> Interview with a lawyer of CELS, Buenos Aires, October 4, 2004.

<sup>59</sup> The objective of the police reform was to bring about fundamental changes in the organization and training of the police, as well as to increase citizen participation in security matters and accountability. However, in December 2007, after I had concluded this research, the new minister of security, Carlos Stornelli, took office and announced another, quite distinct, approach to dealing with security and police matters. In fact, a number of measures that were introduced in recent years will be reversed. The new minister promised “mas poder de fuego” (greater use of firearms) on the part of the *Bonaerense*. One of Stornelli’s ideas is to increase police faculties and powers through an increased police presence in the streets. Therefore rumors began to circulate that Stornelli’s policy will be one of *mano dura*. The minister of security also announced higher levels of compensation for the families of police officers killed in the line of duty. Furthermore, in one of his speeches, he said that organized crime represents “a cancer in our society” and that during his term of office this “constant threat” will be energetically combated.

This arrangement implies, among other things, that promotions, punishments and firings are coordinated centrally from La Plata, the province’s capital. In terms of departmental resources, the ministry invested in more than 2000 police cars, more than 2600 computers, and more than 8400 bulletproof vests (Ministry of Security 2007:115).

Since 2004, more than 2000 *Bonaerense* police officers have lost their jobs. Some are obligatory retirements for having fulfilled the required years of service but many of these officers have been accused of murder, rape, torture, extortion, kidnapping, robbery, and car theft. This large scale purge was able to take place because of increased departmental oversight, which has the aim of increasing accountability and transparency throughout the department. In the province of Buenos Aires, the number of community organizations that participated in the security forums increased from 1500 to 4500 between 2005 and 2007 (Ministry of Security 2007:209). Furthermore, between 2004 and 2006 the Bureau of Internal Affairs had dramatically increased the number of investigations and police station audits. In 2004, Internal Affairs investigated 78 cases and conducted audits in 52 police stations. By 2006, these numbers had increased to 984 investigations and 425 police station audits (Ministry of Security 2007:247). In addition, between 1999 and 2004 68% of the sanctions that had been imposed had been “corrective” in nature. In only 32% of the cases were the police officers in question been dismissed from the force. Between 2004 and 2006 these numbers were largely reversed, with corrective sanctions imposed in 30% and dismissal of officers in 70% of the cases (Ministry of Security 2007:248).<sup>60</sup>

By the end of 2006, a total of 7479 new police officers had been incorporated into the *Bonaerense* (Ministry of Security 2007:114). Candidates for the force must now meet more stringent standards, and they will also receive higher salaries. New candidates for entry to the force must now have high school diplomas, and all current officers who do not have a diploma (i.e., about 30,000 of the 48,000 police officers who were working at the time the reform started) must take classes in order to obtain their diplomas. By offering higher salaries, the provincial Ministry of Security hopes to attract more middle class employees since, as one security advisor explained in an interview, low salaries are one of the reasons that such people do not want to enter the police.<sup>61</sup> In line with this point, the division between officers and sub-officers (*oficiales* and *suboficiales*) has been abolished in Buenos Aires province (but continues within other police forces). Now there is only one hierarchy comprising nine ranks while before there were two hierarchies comprising a total of 17 different ranks.<sup>62</sup> It is hoped that this new departmental structure will contribute to more equal promotion opportunities for the different ranks. Previously, officers and sub-officers attended different police academies for two years and six months of training respectively. At present, all police officers take a six month course during which they all

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<sup>60</sup> For a journalistic account of how Internal Affairs functioned before the 2004 reform: Klipphan, A. (2004).

<sup>61</sup> Interview with an advisor of the Secretary of Security of the province of Buenos Aires, La Plata, March 29, 2005.

<sup>62</sup> The nine ranks are: Superintendent, Commissioner, Inspector, Captain, First Lieutenant, Lieutenant, Sub-lieutenant, Sergeant and Police Officer.

live together in barracks. They learn about Criminal Law, Human Rights, Culture & Society, Public Security, and Mediation & Negotiation. Following this training period, they have work orientations in police stations, where they learn their specific job duties and begin actual police work.<sup>63</sup>

Gran Buenos Aires also has a new police force: *Policía Buenos Aires 2* (Buenos Aires Police 2, PBA2). This force was created in order to improve the reputation of the police in the province. Law 13.202 establishes the PBA2 as a civil, armed and hierarchical institution with a professional character that is capable of carrying out joint operations with the other police forces.<sup>64</sup> Thus, although PBA2 is not under the jurisdiction of the already existing police forces (but instead reports directly to the Ministry of Security), they do need to cooperate with them. PBA2 is intended to be a *Policía de Aproximidad* (“a more accessible police department”), a branch of the police that is concerned first and foremost with carrying out preventive procedures, free from the administrative or investigative tasks, and that does not take persons into custody. When the PBA2 officers find themselves in situations in which suspects have to be detained, they hand them over to the *Bonaerense* police. The training of the PBA2 is broadly similar to the training of *Bonaerense* cadets.<sup>65</sup>

When the Ministry of Security published its results of the reform in 2007, the PBA2 consisted of 1420 police officers, a number far lower than the 4000 the Ministry of Security announced that it would hire when presenting the reform plans in 2004. Furthermore, the killing of Hugo Krince in March 2006 has raised serious questions about the legitimacy of the new PBA2. After all, this murder and its subsequent cover-up have all of the typical characteristics of the bad practices of the *Bonaerense* police (see Chapter 8 for more details on this case). Where did the PBA2 learn the practices of extortion, excessive use of force, and the fabrication of evidence aimed at absolving police from responsibility?

An interesting aspect of the police reform is the program “Leaders for change of the institutional culture” that was launched in August 2006. The Ministry of Security realized that decentralization and a reform of the hierarchies and curriculum will not automatically bring about the desired cultural changes within the police. After all, as will be shown in this chapter, illegal police practices such as *gatillo fácil* and the invention of crimes are in fact integral components of the *Bonaerense* police culture. The leadership program was created with a view to strengthening key persons who, because of their ethical conduct, social recognition and police professionalism, promote a change in police culture that will lead to a decrease of abusive practices and that will institute practices that meet universally

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<sup>63</sup> See the website of the Ministry of Security of the province of Buenos Aires.

<http://www.mseg.gba.gov.ar/ForyCap/ConvocatPolDistrital/distrital%20-20plan%20de%20estudios.htm>, consulted at July 16, 2007.

<sup>64</sup> See law 13.202 on the website of the Ministry of Security of the province of Buenos Aires.

<http://www.mseg.gba.gov.ar/Leyes%20y%20decretos/Pol%20Bs%20As%202/LEY%2013.202.htm>

<sup>65</sup> See the website of the Ministry of Security of the province of Buenos Aires.

<http://www.mseg.gba.gov.ar/ForyCap/ConvocatPolBsAs2/pol%20bs%20as%202%20-%20plan%20de%20estudios.htm>, consulted at July 16, 2007.

recognized ethical and legal guidelines.<sup>66</sup> By September 2007, a total of 4681 police officers had been enrolled in the program, a considerable number that perhaps is indicative of support for reform among some officers.<sup>67</sup>



Picture 4.1: *The PBA2 learns to shoot, October 25, 2004*

The long-term effects of police reform on police violence remain to be seen, especially since in December 2007 a new minister of security took office that announced “more firepower” for the *Bonaerense*. Former reforms of the *Bonaerense* police did not bring about the desired results and were even largely reversed by counter-reforms. This reform was more thorough in terms of the number of police officers removed from the force, decentralization of departmental structure, a strengthening of Internal Affairs, employment prerequisites, and a change in officers’ training curriculum. After several years of increased police violence that was due in part to the nation’s socio-economic and political crisis, at present the number of civilian deaths is at the same level as it was during the mid-1990s. However, as I will show in this chapter, the numbers continue to be high in absolute terms. Furthermore, as Marcelo Saín, one of the country’s best known security experts, said in an

<sup>66</sup> See Resolution 1350 (2006) on the website of the Ministry of Security for the province of Buenos Aires. <http://www.mseg.gba.gov.ar/ForyCap/Programaliderescambio/Resolucion1350.htm>, consulted at July 16, 2007.

<sup>67</sup> Of this number, about 1050 police officers will be selected to participate in the program. See the website of the Ministry of Security for the province of Buenos Aires. <http://www.mseg.gba.gov.ar/ForyCap/Programaliderescambio/programanumeros.html>, consulted at September 4, 2007.

interview with the newspaper *Página/12*: “To think that it is possible to inoculate a police officer with good practices during training without intervening in the daily functioning of the institution is a naive point of view, a strategic error”.<sup>68</sup>

## 4.4 Police violence in Gran Buenos Aires

### 4.4.1 Evolution of police violence and deaths, *gatillo fácil* and torture

Over the past two decades, the Argentine police in general, and the *Bonaerense* in particular, have been widely viewed as responsible for many illicit, violent and repressive acts, such as extra-judicial killings, disappearances, kidnappings, torture, and involvement in prostitution as well as trafficking in illegal drugs and firearms (Denissen, Van Dun & Koonings 2004).<sup>69</sup> In a class-based society such as Argentina, police violence mainly affects the poor. As the study of Brinks (2004:86-87) shows, two-thirds of the police victims were classified as belonging to either the “lower class” or to a slightly higher category that can be called the “lower working class”. In addition, police violence disproportionately affects young people: 64% of police victims are between 15 and 25 years old (CORREPI 2005). Furthermore, as the research findings of Brinks (2004:88) show, 37% of victims of police violence in Buenos Aires had some involvement in crime (i.e., they were shot during or immediately after the commission of a crime, or had a known criminal record).

Yet there are no official figures released regarding how many people die at the hands of the police. The human rights organizations Center for Legal and Social Studies (CELS) and Coordination against Police and Institutional Repression (CORREPI) keep a count of the number of deaths based on media reporting and relatives’ complaints.<sup>70</sup> Figure 4.1 shows the death rates at the hands of all security forces from 1982 through 2005 in the Federal Capital and the *Conurbano*.<sup>71</sup> Of the total number of 2051 civilian deaths resulting from actions of security forces from 1996 through 2005, the *Bonaerense* police and the Federal Police have been responsible for the vast majority of the cases (no numbers for the years 1982 through 1995).

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<sup>68</sup> *Página/12*, April 19, 2006: “*Hay que despolicializar la seguridad*”.

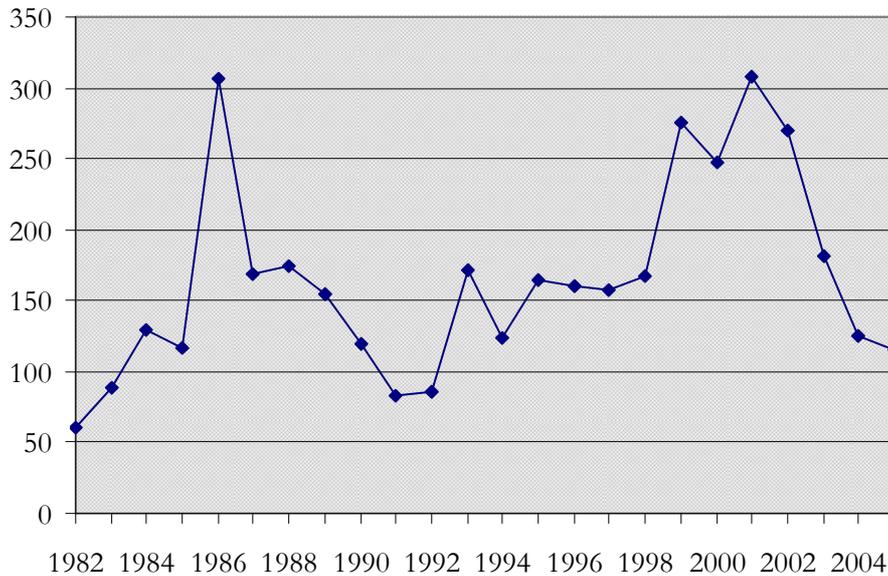
<http://www.pagina12.com.ar/diario/sociedad/3-65780-2006-04-19.html>

<sup>69</sup> For journalistic accounts of (cases of) police violence in Argentina: Andersen (2002); Ragendorfer, R. (2002); Cecchi, H. (2000); Dutil, C. & R. Ragendorfer (1997).

<sup>70</sup> The lists of both CELS and CORREPI are incomplete for a number of reasons. First, neither one includes killings that the police themselves do not acknowledge having been involved in, and in which their participation is not otherwise discovered. In addition, news reporting of crime and police violence is affected by variables that have nothing to do with the phenomenon itself (such as a soccer game or the death of a celebrity or any other major news event) that can easily result in a crime never being reported at all (Brinks 2004:53-4).

<sup>71</sup> The number of deaths between 1982 and 1984 are only at the hands of the Federal Police and the *Bonaerense* in Gran Buenos Aires.

**Figure 4.1:** Number of civilian deaths resulting from actions of the Argentine security forces in the Federal Capital and *Conurbano*, 1982-2005



Source: Clarín (cited in Oliveira & Tiscornia 1990:18) for the years 1982-1984; CELS (2000) for the years 1985-1995; CELS (2007) for the years 1996-2005.

The mid-1980s and the years 1999-2002 show a spike in civilian deaths. In 1982, when Argentina was still a dictatorship, there was no need to portray an image of order and urban security, which explains the lower number of deaths during this period (Oliveira & Tiscornia 1990:19). With the end of the dictatorship, the number of deaths increased, something that Oliveira & Tiscornia (1990:20) attribute to, among other things, the police discourse of that time, which held that there was a “crime wave”. The authors conclude that the deaths at the hands of the police are concealed with a false “war discourse” that contends that there is an internal enemy that must be fought. The slight decrease in casualties in 1997 as compared to the previous year appears to have a twofold explanation. First, the murder of the photographer José Luis Cabezas in January 1997 led to widespread public outrage and protest and the *Bonaerense* police could not allow oneself to make another slip. Secondly, the start of the police reform process under leadership of Minister of Security Arslanián also initially contributed to a lower number of deaths. Then, between 1999 and 2002, the number of deaths increased at an alarming rate. The discourse of *mano dura* advocated by the governor of the province of Buenos Aires, Carlos Ruckauf (1999-2002), legitimized police violence in order to protect “decent” citizens. Furthermore, the socioeconomic and institutional crisis suffered by Argentina at that time also contributed to the increase in civilian deaths (CELS 2002).

Since Néstor Kirchner became president in 2003, the number of victims of police violence has dropped to levels of the mid-1990s. A number of reasons seem to explain this. First of all, police violence was at that time placed on the social and political agenda by the

family members of victims, the media, and human rights organizations. The police were pointedly questioned and closely watched, and this made the police more cautious in the way they conducted themselves. Secondly, after the kidnapping and murder of Axel Blumberg, the government of the province of Buenos Aires decided to reform the *Bonaerense* police, which probably has had a positive influence, at least temporarily, on the number of deaths. Thirdly, there was a decrease in homicides in Argentina during this same time (CELS 2007), a fact that suggests that less criminal behavior leads to fewer episodes that might set the stage for police violence.

However, a comparison between the number of victims of police violence in Gran Buenos Aires and São Paulo during this same time frame is instructive. São Paulo is known as one of the most violent cities in the world, and also has high levels of police violence. In 2005, there were 329 deaths in São Paulo and 115 deaths in Gran Buenos Aires as a result of police violence. This means that, Gran Buenos Aires, a city that has several million fewer inhabitants than São Paulo, had more than one-third the number of victims of the Brazilian megalopolis. Furthermore, whereas a total of 31 on-duty members of the security forces died in Gran Buenos Aires in 2005, in São Paulo there were 28 deaths of officers during that same year (CELS 2007:190). Another tendency worth mentioning is that there was in 2006 an increase in the number of women killed by their male companions who were employees of the security forces, with a number of these men committing suicide afterward (CELS 2007:218-9).

In addition, despite the decrease in the number of deaths during the past three years, a study of recent cases of police violence shows that many abusive police practices are as persistent and brutal as ever (CELS 2007:185-6). Furthermore, although the number of deaths is generally a strong indicator of police abuse, a wide range of other forms of police violence is not covered by this number. These included torture and *apremios ilegales* (“illegal forms of pressure”, for example threats and beatings<sup>72</sup> in police stations); the organization by police of mixed gangs with common criminals or *pibes chorros* (a nickname for the criminal slum youth); the controlling of drug trafficking; kidnappings; extortion or the fabrication of evidence. None of these practices figure in the above statistics.

The expression *gatillo fácil* (literally “easy trigger”, the equivalent of the English “trigger happy”) dates from the late 1980s and is used to refer to extrajudicial killings and pseudo-confrontations between the police and supposed criminals or passersby. Two successive stages of this phenomenon can be distinguished: the murder itself and the subsequent cover-up. In numerous such cases, the police have planted a weapon (*perros* in police jargon: arms without a number taken from criminals<sup>73</sup>) at the scene of the shooting to create a self-defense justification for the shoot-out. Nowadays the term *gatillo fácil* is used in popular speech for all the killings the police are held responsible for. It is said to be the

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<sup>72</sup> Torture is a more severe crime than *apremios ilegales* and stiffer sanctions are imposed for the former than the latter.

<sup>73</sup> Interview with a *Bonaerense* sub-officer, Gran Buenos Aires, April 2, 2005.

*modus operandi* of the police, and human rights activists describe it as “the death penalty of the streets”. “The death penalty was officially abolished, but has continued to be carried out unofficially by the police”, said one mother of a victim of police violence.<sup>74</sup>

Yet while the whole police institution is generally referred to as the *gatillo fácil* police, within the police there is also a division of labor. One lawyer of CELS made the following comparison:

“Just like some people like computers and others don’t, among police there are some officers who like to kill and others who don’t. All officers tolerate such actions but do not personally want to get involved. There are officers who always arrive after the pursuing and the shooting. There are also officers who are always involved in the pursuit and the shooting”.<sup>75</sup>

The *gatillo fácil* police officers can be divided into two broad categories. The first category consists of “young and inexperienced police officers who after their training leave the police academy with a Rambo attitude and look for confrontations as if the streets were a battlefield”.<sup>76</sup> The second category consists of the officers who participated in the human rights violations of the 1976-1983 military dictatorship (although by now, many in this latter category have retired). Another division can be made between the type of crimes and the rank of the officers. Higher-ranking officers are accused of extortion and theft more often than lower-ranking officers, apparently because they have more power to make decisions. In contrast, violent crimes are more often attributed to lower-ranking officers. This may be due to the fact that they have more frequent contact with citizens when on patrol. However, as Saín (2002:60) has correctly pointed out, it is important to keep in mind the difference between intentionally extralegal and abusive policing, and police violence that is the result of police incompetence.

In cases of torture or *apremios ilegales* there is clear evidence of extralegal and abusive policing. Human rights organizations have reported that, in addition to beatings with fists and nightsticks, kicking, and burning with cigarettes, the police also use electric shocks (the so-called *picana*, “prod”) and hooding with plastic bags (almost to the point of suffocation; this is termed the *submarino seco*, or “dry submarine”); torture methods commonly used during the last period of military rule (CORREPI 1994, 2006a; CELS and Human Rights Watch 1998; Human Rights Watch 2002; *Comite contra la Tortura de la Comisión Provincial por la Memoria* 2004<sup>77</sup>; Commission against Torture 2004<sup>78</sup>).

<sup>74</sup> Interview with María Teresa Schnack, the mother of Sergio Schiavini, Gran Buenos Aires, April 26, 2004. The death penalty in Argentina has been abolished for common crimes. It remains on the books for the most serious crimes, but it is not currently applied.

<sup>75</sup> Interview with a lawyer of CELS, Buenos Aires, October 4, 2004.

<sup>76</sup> Interview with a former Bonaerense officer, Buenos Aires, July 23, 2004.

<sup>77</sup> In 2004, the *Comisión Provincial por la Memoria* published the document “The system of cruelty: a report about corruption, torture and other aberrant practices in the Penitentiary System of the Province of Buenos Aires”. In this report, the commission argues that the police use torture not only as a method of carrying out investigations, but also as a means of intimidation. Police torture is seldom prosecuted, either because of

In the interviews conducted for this study, family members of victims of police violence, human rights organizations, and police officers also revealed ongoing physical and psychological torture practices that had been carried out by the police. One *Bonaerense* sub-officer for instance said that, in the police station where he worked, executions on prisoners were simulated. The detainees were ordered to kneel, the officers put blanks in their weapons, told them they were going to die, cocked their weapons, and shot at the detainees. Such practices obviously terrified the persons subjected to them and are thus a clear example of psychological torture. On one such occasion, according to this same informant, officers who actively participated in or observed such behavior were laughing hysterically after the spectacle was over.<sup>79</sup> The case of Andrea Viera, tortured to death by several *Bonaerense* police officers in May 2002, is exceptional in a number of respects: she was a woman (most detainees are men), tortured to death (while most victims of torture survive) and in addition, she was a victim of police coercion that was employed in order to make her confess a robbery that she never committed. This is the story of her murder at the hands of the police:

On May 10, 2002 Andrea and her boyfriend Gustavo got off the bus in Florencia Varela (a district in Gran Buenos Aires) because Andrea was not feeling well. They went and sat on a small wall to rest a little bit. Just before, around 9.00 p.m., on the corner of the street, a burglary had taken place at a butcher shop during which one police officer was injured and one criminal was killed. The other criminals escaped and a large scale police operation to find them commenced. Andrea and her boyfriend had no idea what was going on when two patrol cars stopped in front of them and the police officers started screaming, “They are here, and she’s injured!”. They were handcuffed while Andrea kept on saying that they did not commit a crime. She had some difficulty getting up and walking because she did not feel well; so the police officers grabbed her by the hair and dragged her to the police car. Both Andrea and Gustavo had their personal identification cards with them. So if there was some suspicion that the two youths were wanted for having committed some previous criminal act, the police could have resolved the matter right there instead of taking them to Police Station 1° of Florencia Varela. Once they arrived at the station, the couple was separated. It soon became clear that the police officers wanted to blame someone for the hold-up and for the injured officer. Andrea and Gustavo were tortured to make them confess to the crime and

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carelessness or tacit acquiescence on the part of the public prosecutor or the magistrate with regard to these violations.

<sup>78</sup> The Commission against Torture (CAT, 2004) of the United Nations expresses a number of concerns in its fourth periodic report about torture in Argentina, among which are the following: 1) The many allegations of torture and ill-treatment committed in a widespread and habitual manner by the state’s security forces and agencies, both in the provinces and in the federal capital; 2) The lack of proportion between the high number of reports of torture and ill-treatment and the very small number of convictions for such offenses, as well as the unjustifiable delays in the investigation of cases of torture, all of which contributes to the prevailing impunity in this area; 3) The repeated practice of miscategorization of actions by judicial officials, who treat the crime of torture as a minor offense (such as unlawful coercion), which carries a lesser punishment, when in fact such actions should be categorized as torture; 4) Alleged reprisals, intimidation and threats received by persons reporting acts of torture and ill-treatment.

<sup>79</sup> Interview with a *Bonaerense* sub-officer, Gran Buenos Aires, March 9, 2005.

sign a document as proof of their confession. Gustavo heard Andrea screaming for several hours because of the beatings she received by approximately ten different officers, including women. Suddenly she stopped screaming. Gustavo was also tortured and beaten up by different officers, but he was later protected by one officer who told him that no one would beat him up while he was around. In the morning, Gustavo was released because there were no charges against him and he asked about Andrea. “She is in the hospital for some medical research”, the officers told him. Gustavo went to the hospital and found his girlfriend in coma. At 12.15 a.m., Andrea had been admitted to the hospital. She died ten days later. The autopsy later proved that the cause of death was manual asphyxiation. In June 2006, her case was tried. Of the five officers being tried, four were acquitted of charges and one, a female police officer, was sentenced to life imprisonment for torture but will serve the sentence at home due to heart problems.<sup>80</sup>

Past experiences have shown that when victims of police violence, their family members, journalists, human rights organizations or police officers themselves (publicly) denounce police violence they need to take into account the possibility of being provoked, threatened and even attacked, in an attempt to stop them from making the case public. In 2001 for instance, when the Supreme Court of the province of Buenos Aires opened its archives about the psychological and physical maltreatment of minors by the police in 2000 and 2001, it was revealed that at least 60 minors had died in supposed police confrontations and that some of them had complained about police abuse on the part of officers in police stations located in the districts where the shooting took place (Secretariat of Human Rights 2003).<sup>81</sup> The evidence of responsibility for these murders strongly points to the police officers.

In conclusion, young poor men are the most likely victims of police violence. Especially during times when a *mano dura* crime fighting approach is the norm, they are perceived as a criminal threat to the social order, and police violence against them is presented as a “necessity”. Not all police violence is intentional; it may also be the result of police incompetence. However, a *gatillo fácil* and the subsequent covering up of what really happened in order to make it look like the police had acted in legitimate self-defense, along with the torture and intimidation of detainees, are clear examples of intentional police violence. Furthermore, even though the number of civilian deaths at the hands of the police has decreased during the past three years, such brutal practices continue to occur.

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<sup>80</sup> Reconstruction of the events based on interviews with Andrea’s sister and her lawyer on April 14, 2004, July 18, 2004 and May 19, 2005 in Buenos Aires and Gran Buenos Aires.

<sup>81</sup> Unpublished document of the Secretariat of Human Rights of the government of Buenos Aires province in 2003: *Informe sobre la Muerte de Jóvenes en Enfrentamientos Policiales Ocurridas en el Ámbito de la Departamental Policial de Lomas de Zamora durante el Año 2001*.

#### 4.4.2 The invention of crime

“Cristian was 19 years old when he was arrested for armed robbery. He was walking with his nephew [...] when suddenly some persons in plain clothes with weapons got out of a car. They did not identify themselves as police officers. Cristian got frightened and started to run. That is when they shot him in the ankle”, recounted Gloria, Cristian’s mother.<sup>82</sup> [...] “He was taken to the first police station of Moreno [a district in Gran Buenos Aires]. I bought him antibiotics, food, but I found out that they [the police] never handed any of this over to Cristian. [...] After 15 days, he was released due to a lack of evidence”.<sup>83</sup>

This episode occurred in 1999. From the very beginning, Gloria had been convinced that her son had never been involved in an armed robbery. The fact that he was released 15 days later confirmed this. She thought that, although this had been an unpleasant episode, the matter was over and done with. However, when in 2001 Cristian was stopped by the police again, he was again arrested because of suspected involvement in the armed robbery that had occurred two years earlier: the case had never been closed. This time, he ended up spending four years and three months in prison until his case was tried in March 2006. Once again, he was acquitted of the charges against him. In the meantime, his mother did everything within her power to show that the armed robbery and the subsequent investigation were all a complete fabrication. That is, the police fabricate evidence of a crime – or, in some cases, the crime itself – and then conduct an investigation during which they accuse mainly people of lower socioeconomic status of having committed the crime. This is done to help enhance the image of the police in the eyes of the public as diligent public servants doing their very best to protect society from criminals (a procedure referred to in police circles as “doing statistics”). By portraying themselves in this way, the police are often able to deflect public criticism of police behavior. These fabrications also serve the purpose of justifying police requests for additional material and financial resources so that they can continue to do their jobs effectively. Such police behavior obviously constitutes an egregious violation of the civil rights of those who have been falsely accused of crimes that they did not commit.

The invention of criminal cases and the fabrication of evidence is common practice among the *Bonaerense*, the Federal Police, and other provincial police forces in the country. According to CELS (2005:120) there is a long-standing tradition of inventing criminal cases and charging innocent people with the commission of crimes. During the last military dictatorship, the invention of incriminating circumstances to justify extrajudicial executions and imprisonment was a systematic practice. In January 1983, for instance, there was a spike in deaths as a result of police action. This sudden rise corresponds to the formation of a clandestine group within the *Bonaerense*, the *Movimiento Policial* (“Police Movement”,

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<sup>82</sup> Reconstruction of the events based on an interview with the mother of Cristian, Buenos Aires, October 23, 2006.

<sup>83</sup> Ibid.

MOPOL) that, because they demanded higher salaries and supplies, needed to justify this greater expenditure of resources (Oliveira & Tiscornia 1990:19). Since the return to democracy, the planting of evidence in cases involving fatal shootings of suspects has been proven in many cases (CELS 2005:120).

On August 21, 2005 the daily newspaper Clarín reported on the number of prisoners in the province of Buenos Aires awaiting trial. Of the almost 31,000 prisoners in provincial penitentiaries 75% had been charged but had not been convicted. Of those cases brought to trial, 28% of those accused were acquitted: in other words, about three out of ten prisoners in the province of Buenos Aires appear to be innocent. The fact that this process typically lasts two or more years means that many innocent people spend several years in jail. Clarín explains the imprisonment of innocent people as being at least in part due to the fabrications and falsifications perpetrated by the police for the purpose of presenting themselves as dedicated crime fighters and, in many cases, to afford protection to those who had actually committed crimes.<sup>84</sup>

A number of practices ranging from the invention of a crime, obtaining a false confession through the use of torture and coercion (as in the case of Andrea Viera), the use of anonymous witnesses, and false police claims to have solved serious crimes all form part of a pattern of criminal conduct on the part of the police. Lucas Ariel Roldán, the young man behind the headline “One less: a dangerous drug trafficker shot dead in shootout” of an article in a Buenos Aires newspaper, was in fact the victim of a police set-up. To society, he was presented as a dangerous criminal that the police got rid of in order to protect decent non-criminal citizens. In this case, police can be seen to be appearing to respond to society’s demands for more security and a *mano dura* approach to law enforcement. In other cases, the police invent cases to conceal their own crimes, as happened in the case of the murder of Juan Carlos Canale in the province of La Pampa (and thus not perpetrated by the *Bonaerense*)

One of Juan’s brothers revealed in an interview that, a couple of days before October 31, 2002, one of his neighbors had gone to the city hall. She wanted to ask for a subsidy for constructing a wall dividing her property from that of her neighbors.<sup>85</sup> She talked to a city employee, who advised her to make a police report accusing a neighbor (picked at random) of a minor offense that would support her need to erect a partition. The neighbor decided to report that Juan Carlos Canale had urinated on her property – something that he in fact had not done. In response to this report, Juan Carlos was summoned to the local police station. He was charged with “indecent exposure”. It may have been the sexual nature of the alleged crime that led the sub-officers who were detaining him proceeded to treat him in an abusive way, as the family’s lawyer explained.

<sup>84</sup> Clarín August 21, 2005: “*En la provincia, tres de cada diez presos son inocentes*”.  
<http://www.clarin.com/suplementos/zona/2005/08/21/z-03215.htm>

<sup>85</sup> Reconstruction of the events based on interviews with one of the victims’ brother (March 22, 2005), three of the four detainees convicted for the murder of Juan Carlos Canale (March 23, 2005), and their lawyer (March 22, 2005), in General Acha and Santa Rosa, in the La Pampa province.

He was taken away to another room for a medical examination, where he was severely beaten. Afterwards, he was brought to the cells where he was held along with nine other detainees. Although still alive, he lost consciousness twice. Juan Carlos entered the police station at 10.30 a.m. At 3.15 p.m. one of the other detainees found his dead body. Five of the nine detainees were charged with the murder, while the other four were pressured under torture to testify against them. One of the charged persons later described to me what had happened:

“At first I thought that, as the police said, he [Juan Carlos Canale] had died because of a heart attack. [...] They made all of us leave [the police cells], they searched us [...] and the police said that he apparently had died due to a heart attack. Then at about 11.00 p.m., they started to take us out one by one again. They beat us up while telling us that we had killed him, that we needed to take responsibility, that we better tell the truth about everything as soon as possible so that they would not have to work too hard”.<sup>86</sup>

In 2004, four of the five accused detainees were convicted and sentenced to 12 years in prison for a murder that they never committed. In 2006, however, the Court of Appeals revoked the sentence and the four were released.

In 2000, suspicions about irregularities among Federal Police in the Federal Capital led to the creation of a Commission for the Investigation of Invented Crimes within the Office of the Attorney General. The objective of this commission was to identify instances in which the invention of crime and the fabricating of evidence had occurred. The commission revealed that, in the approximately 80 cases that it investigated, the *modus operandi* of the officers had been the same. First, one person (“the bait”) approached a chosen victim in a certain public area, gained his confidence and offered a job. Most of the victims of such fake police procedures were socially vulnerable groups such as prostitutes, unemployed workers looking for day-jobs, or supposed drug traffickers. The “bait” and the victim got in a vehicle (in many cases, these were stolen cars) to some public place (in the case of “drugs”), or close to the chosen “objective” (e.g. a shopping mall) in the case of “armed robberies”. After arriving at the destination, the “bait” slipped away. Then suddenly a group of police officers appeared out of nowhere, descended on the victim(s), and detain him for possessing arms, explosives or drugs (which had been planted by the police beforehand), driving in a stolen car and planning to commit a robbery. Simultaneously (and in some cases even beforehand) some media arrive to report the arrest and interview the police commissioners (Pereyra 2004; Stanley 2005). Pereyra (*ibid.*) explains these police actions as an attempt to convey a message of efficiency and, simultaneously, to justify a larger investment in material and personnel. As a matter of fact, such framing of suspects and fabrication of evidence would not make sense without the

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<sup>86</sup> Interview with one of the prisoners charged with the murder on Juan Carlos Canale in the prison of Santa Rosa, March 23, 2005.

media’s reporting, since the main purpose of such actions is to create a positive public image of the police.

Such framing of suspects can also not succeed without the voluntary or involuntary complicity of the judiciary (Pereyra 2004). Preventive detention was imposed on all of the detainees. Paradoxically, after a lapse of time, the victims recovered their liberty, most of the time when they were brought to trial and the police officers who had set up the arrest said they did not remember the exact details of the operation (ibid.). So far, there are hardly any officers in jail for having been involved in such behavior. CELS (2005:140-141) analyses a number of problems within the Buenos Aires provincial penal system in relation to such conduct. Among these problems are the following: the absence of a critical examination by the public prosecutor of the police hypothesis; a systematic delegation of the preliminary investigation to the police; the lack of control over the use of anonymous witnesses; the generalized and unjustified use of preventive detention; and the inability of the defense to discuss the accusation of the police and the public prosecutor. Below, in Section 4.5.4, I will elaborate on the relationship between the police and the legal system.

#### 4.4.3 Police “business”

“You have a repressive machine, cadres formed during the dictatorship. Cadres that learned how to commit crimes from the state, that learned how to kidnap from the state. [...] One example is the *Banda de los Comisarios* [“Gang of Police Commissioners”] [...], originally a task group of the Federal Police trained in the 1970s to kidnap members of trade unions, opponents of the regime, whatever. Then they realized that they could start a business for themselves. They had the machine, training, work methods and impunity. What do they do? They start to kidnap businessmen, during the dictatorship. [...] After the transition to democracy these people continued doing their business, kidnapping. They are an example of how the repressive machine gets involved in common crime”.<sup>87</sup>

“I tell you...In the United States there is a mafia, a mafia that is controlling drugs, prostitution, gambling, everything. Here it is the police...”

MD: “And you know that because...?”

Former Federal Police officer: “Because I was there...”<sup>88</sup>

According to one well-known Argentine police journalist, the Argentine police, and specifically the *Bonaerense*, has a mafia structure, but with one difference: it is a mafia that functions as part of the state.<sup>89</sup> The mafia structure perpetrates and controls many crimes, and this creates the necessity for common criminals to make arrangements with the mafia –

<sup>87</sup> Interview with a journalist of the newspaper Clarín, Buenos Aires, October 9, 2006.

<sup>88</sup> Interview with a former Federal Police officer in the Marcos Paz prison, Marcos Paz, May 26, 2005.

<sup>89</sup> Interview with a police journalist, Buenos Aires, October 23, 2006.

in this case, the police – in order to be able to continue to engage in their criminal activities. Drug trafficking, the control of prostitution and gambling, the provision of *zonas liberadas* (“free zones”) to criminals there they can commit crimes freely, the formation of mixed gangs with common criminals to carry out robberies and cattle-rustling: all of these activities are in the criminal repertoire of the *Bonaerense*. About the police controlling the drug trade, a former secretary of security explained:

“When you have a retail market of drugs, you have networks and highly structured businesses, because a market structures oneself with products, with quality, with clients, with a permanent network of supply, [...] and the preparation for commercialization [...] and finally of trafficking. [...] This is all highly regulated by the police because one cannot explain the consolidation of such a detailed network of drug trade without police complicity”.<sup>90</sup>

Furthermore, the *Bonaerense* has been accused of involvement in the dismantling and selling of stolen cars and kidnappings. Police involvement in the kidnapping business, as the quotation at the beginning of the paragraph shows, has its roots in the last military dictatorship. The notorious *Banda de los Comisarios* dissolved after the kidnapping of Mauricio Macri in 1991. Macri was a wealthy businessman who was elected mayor of Buenos Aires in 2007.<sup>91</sup> Yet, some years after the *Banda* ceased operations, Argentina began to experience several kidnappings waves. And once more, it was widely believed that the police were involved in these kidnappings. Yet, where kidnapping gangs such as the *Banda de los Comisarios* consisted merely of police officers, in this new wave of kidnappings police involvement consisted mainly of the setting up of “common” criminal groups, providing them with the necessary firearms and designating “free zones” where they could capture their victims. If such groups ended up being arrested, the police could more easily keep out of range.<sup>92</sup>

However, police involvement in the dismantling and selling of stolen cars and kidnappings decreased significantly after 2004, presumably because of their social visibility, societal questioning of such practices, and the high political costs. Several kidnappings in particular had provoked strong public outrage. Accordingly, as the same former secretary of security said:

“The police understood very well [...] that crimes with high public visibility such as kidnappings and deaths during car thefts were an obstacle to consolidation of the business of police corruption. So there has been a clear institutional decision to continue with activities

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<sup>90</sup> Interview with a former Secretary of Security of the province of Buenos Aires, Gran Buenos Aires, September 26, 2006.

<sup>91</sup> In 2001, several members of the *Banda de los Comisarios* were sentenced to life imprisonment for the kidnapping.

<sup>92</sup> Interview with a police journalist, Buenos Aires, October 23, 2006.

that do not provoke political or social commotion”.<sup>93</sup>

The drug trade has no such public visibility and drama, because the drug market is not yet saturated in the province of Buenos Aires. This means that, so far, the different drug gangs do not compete for territory and therefore the drug trade does not demand too many deaths. However, since the turn of the century a process of “cartelization”, named after the Colombian drugs cartels, has been taking place in the province of Buenos Aires.<sup>94</sup> Within a couple of years, this may lead to the saturation of the drug trade and to violently competing drug gangs.<sup>95</sup>

So-called “black boxes”, a term that points to the just mentioned illegal finances of the police, exist alongside the officially authorized state funding the police receive. The latter only covers part of the resources needed for the police department to function (such as for the maintenance of the police station, cars, firearms), so there is a clear political endorsement of illegal police self-financing.<sup>96</sup> Part of the illegal monies go directly into the commissioner’s own pockets and another part is invested in police department infrastructure. Sharpe (1995) calls this “police performance crime”: that is, offenses committed by police officers for the direct benefit of the police organization rather than themselves. In fact, the illegal self-financing has become a survival strategy for the police. By way of illustration, according to an investigative report of the Argentine magazine *Noticias* in August 1996, illegal gambling outfits could at that time be expected to pay US\$500 per week to the police; unlicensed taxi drivers US\$20 per car per week; owners of “saunas” (which double as brothels), US\$5,000 per month, and stolen car traffickers US\$50,000 per month (cited in Hinton 2006:41). Whereas before the 1970s, such graft was mainly obtained through “less serious” crimes such as the controlling of prostitution and gambling, since the last military dictatorship they started to do so through “more serious” crimes. This is how the police started to work as a successful business.

The mixed gangs of common criminals and police officers are allegedly responsible for a diverse array of crimes such as drug trafficking, cattle theft and robberies. The existence of mixed gangs is explained by the fact that police officers and criminals have permanent contact with each other, a fact that obscures the line between legal and illegal. Police officers may at one moment overstep that line and start working in what are called “mixed gangs”. Police officers have both the opportunity to commit crimes and the knowledge of how to do so. In addition, they know how to cover their tracks. In short, police officers make “perfect criminals”.<sup>97</sup> *Pibes chorros* are also used as an extra source of earnings

<sup>93</sup> Interview with the former Secretary of Security of the province of Buenos Aires, Gran Buenos Aires, September 26, 2006.

<sup>94</sup> Interview with a journalist of newspaper Clarín, Gran Buenos Aires, October 9, 2006.

<sup>95</sup> Interview with the former Secretary of Security of the province of Buenos Aires, Gran Buenos Aires, September 26, 2006.

<sup>96</sup> Interview with a former Security of Security of the province of Buenos Aires, Gran Buenos Aires, September 26, 2006.

<sup>97</sup> Interview with a former *Bonaerense* police officer, Buenos Aires, July 23, 2004.

for the police, for example by forcing these boys and girls to steal for them. In a conversation with a former slum dweller and *piquetero*, I asked why there is police control at every exit and entrance to a slum. He answered as follows:

“Such police surveillance serves two purposes. First, to watch over the place where you have your product [drugs]. Second, to watch so that no one else arrives to sell your product. [...] In general, the drug dealers are also involved in big criminal things, like bank robberies. This implies lots of money and police cooperation. In the poor neighborhoods, in the slums, everybody knows everybody and everything. It is like a small village. The people know who sell the drugs and which police officers give them a hand. Everybody knows... The police pass by and greet the drug dealers and vice versa.”<sup>98</sup>

Cooperation between the police and criminals also exists in the sharing of crime-related information. One *Bonaerense* officer explained that there are prisoners in the police cells who collaborate with the police, the so-called *buchones* (police informants). They hear what the other prisoners and the police officers who stand guard in the police cells talk about and subsequently inform the commissioner(s). “Obviously when the *buchón* is taken from the police cells he starts screaming, ‘They are going to beat me!’ but in reality he is going to have coffee with the commissioner in order to tell him about what is going on among the prisoners,” said the *Bonaerense* officer whom I interviewed.<sup>99</sup>

Several police officers became victims of police abuse themselves when they reported the kinds of crimes described above. One *Bonaerense* officer, for instance, found out about relations between his superior and some criminals. The story began in the year 2000 when he pursued someone who had just tried to rob a bank. They had an armed confrontation, but the bank robber escaped. However, during the whole event he had the feeling that he knew this person. After the episode he remembered: he was the superior’s *buchón* who had informed him about crimes in the area and for which he was paid. Besides, he found out that the superior’s fiancée worked at the bank, knew all the codes, knew when the bank balanced its books and so on. Thus, it dawned on the officer that crimes were being prepared, *with* the superior’s involvement. Two weeks afterwards, this police officer had reported everything to the police station’s commissioner and the first of many false complaints was lodged against him. He ended up detained in a police cell for a month and a half, got suspended for several years and, when he looked to bring his case to the attention of the media, several attempts on his life were made.<sup>100</sup> Below, in the section on police culture, I will clarify why police violence may also be directed against police officers themselves.

It is fascinating to look at the division made by some interviewed police officers

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<sup>98</sup> Interview with a former slum dweller and *piquetero* injured during the Pueyrredón Repression in June 2002, Buenos Aires, June 30, 2004.

<sup>99</sup> Interview with a *Bonaerense* sub-officer, Gran Buenos Aires, April 2, 2005.

<sup>100</sup> Interview with a *Bonaerense* officer, Gran Buenos Aires, March 9, 2005.

between legality and illegality. Some additional earnings out of prostitution, gambling or security fees from shopkeepers are, in the minds of some officers, “traditional” (the police have had these earnings from the start or at least since a long time), and therefore not seen by them as a criminal activity. They think of it as necessary for carrying out their job because the lack of resources (e.g., to buy gasoline, food) leaves them no other choice than to find some informal means of earning supplemental income. The “bad cops”, according to these officers, are the ones involved in more violent or organized crimes like drug trafficking or the dismantling of stolen cars and the illegal sale of car parts. According to one former secretary of security of the province of Buenos Aires, “The most hated police officer is the criminal officer robbing a kiosk, and not the officer who negotiated a murder for 1000 pesos. The latter is an intelligent cop while the first deserves no respect because obviously he is not capable of committing a more complicated crime”.<sup>101</sup>

Furthermore, differing levels of corruption are attributed to different units within the police. The administration units are generally free from high levels of corruption because they do not have access to many resources, and do not have favors to exchange. It is police stations that engage most frequently in corruption because of their daily interaction with the people. This kind of corruption involves smaller offenses or crimes but, nevertheless, it is what tends to trouble common citizens the most. One example is “Carolina”. At lunchtime, the patrol car may leave for “Carolina”, the code word for food (*comida*), and this implies the searching for free lunch in shops or restaurants.<sup>102</sup> Investigation brigades, however, are involved in larger corruption cases. These brigades deal with organized criminal gangs, homicides and kidnappings. Corruption then becomes defined as the negotiation of a robbery or murder. Finally there are the anti-drug brigades that directly deal with drug traffickers. These brigades appear to be those most susceptible to corruption.

However, not every police officer participates in the mafia structure. Many officers do not want to but need to comply with the code of silence and turn a blind eye to police crimes because otherwise they might get threatened and marginalized. Others are not yet “invited to this exclusive club”.<sup>103</sup> Therefore, an undisclosed percentage of police officers does not take part but waits for their turn. Or, they start their own business in crime but then run the risk of getting excluded because “they do not rob for the crown”.<sup>104</sup>

In summary, in this section three categories of police violence – *gatillo fácil* and torture; the invention of crime; and an elaborate system of obtaining graft – have been discussed. This reality has given the Argentine police an extremely bad reputation. The problem of police violence in Argentina is no secret at all; it is an almost daily topic in the media, scholars acknowledge the problem, and even President Kirchner can talk about the

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<sup>101</sup> Interview with a former Secretary of Security of the province of Buenos Aires, Buenos Aires, September 16, 2004.

<sup>102</sup> Interview with a former *Bonaerense* officer, Buenos Aires, July 23, 2004.

<sup>103</sup> Interview with a police journalist, Buenos Aires, October 23, 2006.

<sup>104</sup> Interview with a police journalist, Buenos Aires, October 23, 2006.

*gatillo fácil* police. In this context it is interesting to shed light on a number of factors influencing ongoing police violence in post-authoritarian Argentina. As will be shown in the next section, these are a combination of authoritarian legacies and the historical training of the police, the socioeconomic context, the interdependence among the police, judiciary and political power, and police culture.

## 4.5 What causes police violence?<sup>105</sup>

### 4.5.1 Authoritarian legacies and the historical training of the police

Jorge Julio López, a principal witness in the trial against Miguel Etchecolatz, did not show up on the day of sentencing in September 2006. During the last military dictatorship, Etchecolatz was the right hand man of General Ramón Camps, head of the *Bonaerense* police and responsible for kidnapping, torturing and murdering many Argentines. López himself also spent more than two years in different clandestine centers. For that reason, he was summoned to testify against Etchecolatz about the disappearance of two of his fellow-prisoners. At the time of this writing (August 2007) López had still not been found. The disappearance of López evokes the many disappearances that occurred during the dictatorship (CELS 2007:19). There is no proof that state agents are involved in the disappearance of López, but for different sectors in Argentine society, there is no doubt about the security and military forces being responsible. This suspicion gained strength as a result of the kidnapping of Luis Gerez some months after López’s disappearance. Gerez testified against Luis Patti, a former police officer who had also been tried for torture and disappearances during the dictatorship. After Gerez was released, he showed signs of having being tortured (CELS 2007:19).

Even though clear evidence is lacking, the cases of López and Gerez serve as reminders of earlier authoritarian times when Argentine state agents systematically tortured and murdered Argentine citizens. Because both Etchecolatz and Patti formed part of the *Bonaerense* police, most suspicions were directed toward the provincial police. Such practices have survived within the security forces and are referred to as “authoritarian legacies” (Hite and Cessarini 2004). In Argentina during the authoritarian regimes, as Sain (2004:136) argues, “The military governments assumed iron control over the police and positioned them as key actors in the control and repressive internal discipline directed by the armed forces”. The police adopted highly illegal and clandestine practices that survived the democratic transition and the following years of democratic governance (ibid.). As a result, such authoritarian legacies and practices have continued to plague the police even until the present time.

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<sup>105</sup> This section discusses *a number of* factors that I believe are the most important ones when studying the influence on ongoing police violence in post-authoritarian Argentina. By no means does it aim at providing a comprehensive analysis of *all* the factors influencing ongoing police violence.

Although police corruption and violence existed long before 1976, the last military dictatorship is generally seen as the period in which the Argentine police learned how to commit more serious crimes. When the police provided free zones for the military or paramilitary units looking for “subversives”, the police were paid by letting them take part of the booty, that is, the belongings of the captured persons. One journalist said, when talking about this period:

“This is when the police started to become more perverse. The military showed them kidnapping and disappearance techniques, all the dirty work. In 1980 and 1981, when the number of kidnappings and disappearances of subversives had significantly decreased, there was an increase in kidnappings of businessmen with a lot of money. The kidnap gangs were obviously formed by police officers. On the one hand because they had learned this tactic but on the other because there was no more booty to be divided”.<sup>106</sup>

Furthermore, throughout the twentieth century, it was the police who were mainly involved in carrying out the torture of political prisoners as well as of “common” criminal suspects. When the military staged the 1976 coup, “the police had cultivated torture practices for more than six decades, and knew how to reach the limits of physical endurance without provoking death” (Robben 2005:216). With the transition to democracy, the police use of torture did not disappear. On the contrary, the practice has become assimilated as an “authoritarian legacy” in the ways of policing in democratic Argentina.

Authoritarian solutions to internal security problems were generally regarded as a legitimate way to keep or regain control over the population. The 1976-1983 dictatorship, however, caused a significant change in the perception of most Argentines. The military had become totally discredited because of its incompetence, economic mismanagement, and cruelty. The military became politically demobilized and retreated, for the most part, back into their barracks. The Argentine police forces, however, were left relatively untouched during and after the transition to democracy in 1983. “Public security policies and police use of an ‘iron fist’ approach to law enforcement were not part of the transition negotiations, so the police did not face questions about their personnel, training, practices, orientation, loyalties, and responsibilities to other state agencies and the public – if they faced them at all – until later in the democratic era” (Pereira & Ungar 2004:263).

After the dictatorship, people who directly or indirectly participated in the crimes committed during the last dictatorship continued to hold influential posts in the police under the democratic governments. Antonio Musa Azar, who commanded the death squads of the Triple A until 1976, was until 1995 one of the leading officials in the security forces in Santiago del Estero. He used espionage and repression methods and covered up criminal activities that had been exposed by local human rights organizations. Furthermore, he is held responsible for the Double Crime of Dársena, in which the two women, Leyla

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<sup>106</sup> Interview with a journalist and university teacher at the UBA, Buenos Aires, April 6, 2004.

Nazar and Patricia Villalba, were murdered (see also Chapters 6 and 8). The commissioners of the police stations where Miguel Bru and Sebastian Bordón died in 1993 and 1997 were also notoriously repressive during the last dictatorship. Furthermore, after the disappearance of Jorge Julio López the governor of the province of Buenos Aires, Felipe Solá (2002-2007), declared that about 60 police officers who had worked in the clandestine centers during the military dictatorship were still members of the *Bonaerense* police force. This announcement shocked the family members of victims of police violence, human rights organizations and several media outlets, leading to the removal of these individuals from the force.

Yet, even the removal of police officers who worked during the military dictatorship and who had a record of human rights violations will not result in the automatic disappearance of authoritarian and illicit police practices. This is the case because, although the official police training at the police academy does not include instruction on how to invent or falsify evidence and how to plant weapons at a crime scene, the alternative training, from generation to generation in the police station and in the streets, does provide such training.<sup>107</sup> Vallespir (2002:13) talks about “a parallel instruction” of police officers. She argues that there is a parallel instruction manual that is not written down but that contains the historical information and training that the police force has gathered over the course of the years. In this manner, through the unofficial training in the streets, illicit police practices are transmitted from one police generation to the other. Additionally, authoritarian legacies “appear pertinent to the extent that, in Argentina, the function of punishment is not exclusively the province of the formal penal system, but is frequently assumed by the police themselves, reflecting the methods employed in previous periods of authoritarian rule” (Stanley 2004:101). Besides, the End Point Law, the Law of Due Obedience, and the Presidential Pardons during *Menemismo* were clear expressions of an ongoing climate of impunity, which gave members of the police forces an implicit license to violate more human rights.

The scope and usefulness of the concept of authoritarian legacies to explain ongoing police violence in post-authoritarian societies does have its limits. Pereira & Ungar (2004:266), for instance, have argued that, since the level of societal violence has risen in Latin America during the current democratic era, it is impossible to separate long-term historical patterns from contemporary pressures. Furthermore, it is difficult to draw a clear line between which practices are “authoritarian” and which are not, and which are “inherited” and which are not. The notion of authoritarian legacies thus needs to be approached with caution when attempting to explain ongoing police violence in democracy. Yet it still provides us with a tool that at least helps us understand its roots.

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<sup>107</sup> Interview with a *Bonaerense* officer, Gran Buenos Aires, August 21, 2004.

#### 4.5.2 Rising poverty, inequality and crime, and the demand for *mano dura*

Over the past three decades, Argentina has been characterized by growing poverty and inequality. Taking these socioeconomic developments into account enables us, as Stanley (2004:95) has pointed out, to understand the persistence of illegal state violence. In exclusive societies like Argentina “the police habitually act as the dispensers of rough justice, assuming the function of punishment that properly belongs to the criminal courts and the penal institutions” (Stanley 2004:98). This stands in contrast to inclusive societies where “the deviant other is not an external enemy but rather an individual who needs to be socialized, and the goal of punishment is to assimilate, to include” (Stanley 2004:97). Furthermore, in economically stratified cities such as Gran Buenos Aires, with gated communities and *villas miserias* that co-exist in close proximity to one another, the dominant group (i.e., the rich) needs to be protected against those who form a potential threat (i.e., the poor) to the social order.

Translating the above into the daily reality of Gran Buenos Aires, the level and forms of police corruption and violence depend on, among other factors, the demographic and socio-economic characteristics of the area. Police corruption and violence are manifested differently in economically powerful areas and in poorer areas. Rich inhabitants have greater means at their disposal to exert influence on the police, and they are more demanding. A police officer working in San Isidro, one of the richest areas of Gran Buenos Aires, said it is not uncommon that, when the inhabitants come to the police station to report a crime, they want to dictate what the officer in question has to write down – to their own advantage of course.<sup>108</sup> For police officers, it may be difficult to turn down the request of someone with a lot of power and connections in the area. The problems of working as a police officer in a poorer area are of a different sort. There, crime and violence are generally more widespread and there is an almost natural aversion to the police. One police officer who works in La Mantaza, a very poor district in Gran Buenos Aires, explained that when on patrol people call them names or throw stones at them.<sup>109</sup> Here the risk of police abuse and violation of people’s rights is higher.

In addition, in the course of the 1990s, crime and violence in Argentina, and especially in Gran Buenos Aires, rose to unprecedented heights. As I have shown in the former chapter, the number of criminal acts almost doubled between 1990 and 2001. In this context, the societal call for a *mano dura* approach to law enforcement became stronger and stronger, until it reached its peak when Carlos Ruckauf was elected governor of the province of Buenos Aires in 1999. Ruckauf won the elections with his slogan to *meter balas a los delinquentes* (“to shoot criminals”) and such a *mano dura* approach was supported by a considerable part of the province’s inhabitants. Other Latin American countries have shown similar patterns. In Mexico City for instance, as Pansters & Castillo (2007:49)

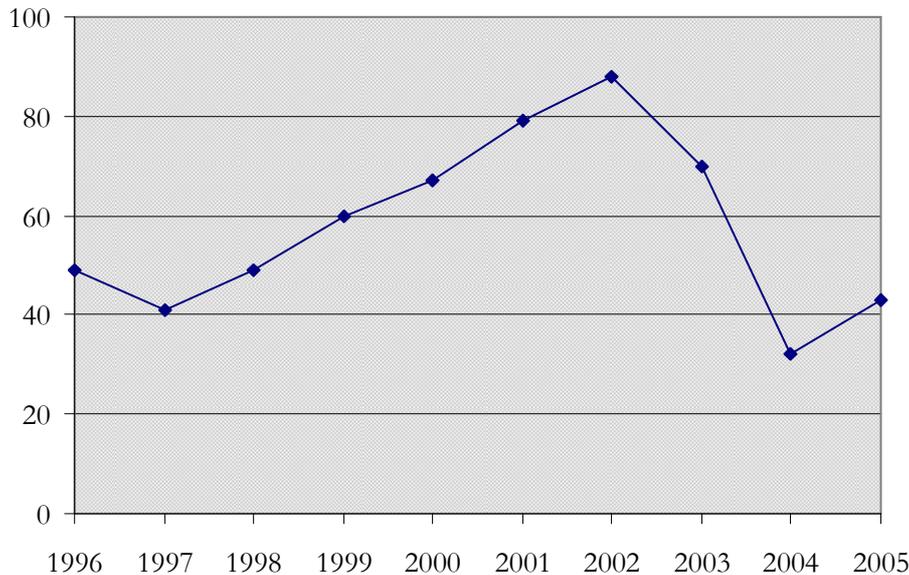
<sup>108</sup> Interview with a *Bonaerense* officer, Gran Buenos Aires, August 21, 2004.

<sup>109</sup> Interview with a *Bonaerense* sub-officer, Gran Buenos Aires, August 12, 2004.

describe, the authorities suffered from continuous political pressure to come up with more pronounced and visible measures, among them zero tolerance measures, to reduce crime. How such a tough law enforcement approach influences the level of police use of force in Argentina is shown in Figure 4.1. The Ruckauf years saw the highest number of victims of the police.

The marked increase in crime and violence imply that the context in which the police do their work has become more violent too. This reality means that, during their careers, many police officers are often involved in more than one shooting.<sup>110</sup> When I asked one police commissioner how many shootings he had been involved in, he answered “I have been involved in more than 30 shootings. More than 30! With about nine dead criminals and policemen. In three shootings I was hit”.<sup>111</sup> As was the case for civilian deaths, there was a spike in the number of police officers killed in the line of duty from the late 1990s to 2002 and a decrease in 2003 and 2004 (but a slight increase in 2005, see Figure 4.2).<sup>112</sup> The decrease in the number of police officers killed can also be explained by the socioeconomic crisis and subsequent stabilization during this interval of time.

**Figure 4.2: Number of deaths of members of the security forces in violent episodes in the Federal Capital and *Conurbano*, 1996-2005**



Source: CELS (2007)

<sup>110</sup> Of course the police officers working in the streets area run a higher risk of ending up in shootings.

<sup>111</sup> Interview with a *Bonaerense* police commissioner, Gran Buenos Aires, June 29, 2004.

<sup>112</sup> The family members of dead police officers are also engaged in a struggle for justice and against violence and impunity, although in most cases they denounce criminal violence but not police violence. However, some of them, mostly in cases in which the family blames the police itself, have approached the family members of victims of police violence (and vice versa) and bonds of solidarity have been forged. Yet, in spite of a high number of deceased policemen, their family members occupy less public space, even in cases in which the murderers of policemen go unpunished.

In all probability, the increasingly violent social context in which police carry out their work affects the level of the use of police force. That is, police probably become more violent in response to the violence around them. Police officers feel that many citizens disrespect them, and that some even want to kill them. According to one police commissioner, for instance, prisoners that have killed a police officer are much more respected in jail than the average criminal caught by the police during a robbery. “Killing a police officer could be described as a doctorate for a criminal”.<sup>113</sup> In an environment that is hostile to the police, police officers are more likely to use force – either legitimately or illegitimately.

Furthermore, being a police officer in present-day Argentina is an entirely discredited profession. It is said to mainly attract people who just want to have a job of any kind. Having a vocation for police work is often argued to be essential for police officers. However, because unemployment rates in Argentina rose to unprecedented heights during the 1990s, many young people have entered the police force in order to earn a living and have health insurance benefits. Such people often lack a vocation for police work. Besides, it is mostly lower class people that think of the police as a potential employer, especially within its lower ranks – and such positions constitute the majority of the jobs available within the *Bonaerense*. In this context, the police are not a representative reflection of Argentine society. Additionally, lower-ranking police officers commonly live in poorer working-class neighborhoods or even in *villas miserias*. Past experiences have shown that such areas provide comfortable space for criminals to hide; various kidnapping gangs held their victims in *villas miserias*. One can imagine that police officers and their families living in environments with high levels of crimes can give rise to difficult situations.

#### **4.5.3 Interdependency between the police and the political power and ineffective public security policy**

During the years of Antonio Cafiero as governor of the province of Buenos Aires (1987-1991), political favors were rewarded with entrance to the police academy. “You helped me during the election campaign, you painted and glued posters on the walls, now I’ll help you get a job with the police”. This is, according to one former secretary of security of the province of Buenos Aires, a typical description of exchanging favors.<sup>114</sup> Criminal records did not stand in the way of such an arranged police career, because these were removed easily. This example provides one small indication of the interdependent relations between the police and those in political power in the late 1980s and early 1990s. However, as we will see in this section, this is expressed at present as well in at least three ways: 1) In the political use of the police; 2) In the reality that the police guarantee the local power holders

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<sup>113</sup> Interview with a *Bonaerense* police commissioner, La Plata, August 24, 2004.

<sup>114</sup> Interview with the former Secretary of Security of the province of Buenos Aires, Buenos Aires, September 16, 2004.

to govern; and 3) In the fear that the police are able to manipulate crime in order to create destabilization.

First, a special role has been ascribed to the Buenos Aires provincial mayors because they are influential political leaders and thus have an important say in the careers of police officers, local security policy, and local politics in general. Although there is no supervisory relationship between the mayor and the police commissioners (because that kind of control takes place on the provincial level, at least in Buenos Aires) the police commissioners need to get along well with the mayor because, as just said, the mayor has widespread political influence. If the police commissioner and mayor cannot get along well, the mayor may say “I can assure you will not get your promotion” or “I’ll send you to the other end of the province”.<sup>115</sup>

Although nowadays it occurs on a smaller scale than during the 1990s, at least according to the former secretary of security who was just quoted, several stations still have their own price for certain positions.<sup>116</sup> This means that influential positions such as commissioner of a station need to be bought from local power holders. Discotheques, gambling facilities and commercial centers make the police station more expensive because the possibilities for illegal earnings from such places are larger. One former *Bonaerense* officer gave the following example:

“Let’s consider the police stations of Quilmes [a district in Gran Buenos Aires]. You might think that the first police station is the best, the most expensive, but in reality it is the fifth because of the pirates’ deposits [of the *piratas del asfalto*, “pirates of the asphalt”, criminals robbing merchandise on the road]. The mayors appropriate the illegal sources of income. It has always been like that. They use the police as stormtroopers [to suppress] demonstrations, [and] to gather intelligence against their political adversaries. The relationship is direct because the police guarantee that you [the mayor] will be able to govern”.<sup>117</sup>

Therefore, the political use of the police involves police officers being dependent on local political power holders in order to be able to pursue their careers, while those holding political power use the police to increase their hold on power.

However – and this is the second argument – in order to govern, the local power holders also depend on the police because some of them need their economic support in order to finance their political careers (during election times for instance). Therefore, as Saín (2006:60) described, the purge of more than 300 high-ranking police officers in June 1998 provoked the angry reaction of numerous Peronist mayors from Gran Buenos Aires who wanted these officers to keep their jobs. The reason for this is that “an extensive

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<sup>115</sup> Interview with the former Secretary of Security of the province of Buenos Aires, Buenos Aires, September 16, 2004.

<sup>116</sup> Interview with the former Secretary of Security of the province of Buenos Aires, Buenos Aires, September 16, 2004.

<sup>117</sup> Interview with a former *Bonaerense* officer, Buenos Aires, July 23, 2004.

system of payoffs had been created between those mayors and the police, in which the first guaranteed certain police protection to the second in return for contributions by the latter from funds coming from illegal gambling, prostitution, and even narcotics trafficking, car theft, and other serious crimes [...]” (ibid.). In this context, the police can count on political support, even when the police commit crimes and use illegal methods in the majority of the “legal” procedures, because the illegal police activity benefits those in political power. However, what has happened is that, over the course of the years, the police started to use these illegal methods to their own advantage (Vallespir 2002:37).

Because various local power holders depend on the police “business” there is no need for the police to meekly submit to those in political power. Some politicians can count on police support, but others can expect resistance. When, for example, Graciela Fernández Meijide ran for governor of the province of Buenos Aires in 1999, higher-ranking police officers started a kind of counter-campaign within the police against her because she was said to be *zurda* (“leftist”). At election time, police officers were threatened with lower salaries or confiscation of their weapons if they voted for Meijide. This shows that the police are not only used to collect money for those in political power, but also, as one police officer said, “as a private army” because the *Bonaerense*, with tens of thousands of officers, forms a significant voting bloc.<sup>118</sup>

Thirdly, the belief among politicians that the police can manipulate crime in order to destabilize the political situation remains widespread (Hinton 2006:68), and therefore politicians prefer not to interfere in the illegal police earnings. Every time the police institution is reformed, there are forces within the police that attempt to destabilize the social situation by instigating violent episodes.<sup>119</sup> Purges of the force in response to public outcries tend to be followed by relaxed attitudes to crime prevention, which may lead to an increase of crime and violence and a sense of insecurity in society. This explains why police only commit “excesses” when this is in the interest of those in power; when such is not the case, those in power instead promise “serious measures” and express a human rights discourse (Vallespir 2002:89).

Clearly, the interdependent relationship between the police and those in political power influences the formulation and implementation of public security policy. Talking about public security policies in Argentina, Saín (2002; 2004:135) argues that the authorities have maintained a lack of interest and an ignorance in matters of public security, as well as in the changing patterns of crime and the ways the police organization functions. What’s more, they have abandoned the task of the administration of all these issues by delegating them to the police. In approaching these tasks, the police operate according to their own norms and conceptions. In most cases, this delegation has been based on a pact – implicit or explicit – in which the governmental authorities agree to refrain from interfering in the institutional life of the police in exchange for a guarantee of certain politically acceptable

<sup>118</sup> Interview with a *Bonaerense* sub-officer, Gran Buenos Aires, April 2, 2005.

<sup>119</sup> Interview with a *Bonaerense* sub-officer, Buenos Aires, March 9, 2004.

levels of public security. Saín (2002:37-49) describes this as political *desgobierno* (mismanagement), through which the political power holders enabled police to govern themselves. This in turn enabled the police to implement a *mano dura* policy and to organize financial support outside official channels through an extensive network of illegal activities.

Changes in public security policy are generally announced with lots of media coverage, which creates the impression that the area of public security is under constant reform. The announcement of such changes serves to give society the idea that the responsible institutions are busy solving security problems, whereas in truth such modifications are not really radical or progressive. The creation of “capture groups” within the La Plata Office for the Prevention of Drug Trafficking was highlighted in the media. In reality, however, the capture groups consisted of just one police commissioner who was supposed to work without a team, computer or office.<sup>120</sup> When I asked one police commissioner what this meant, he said: “It is politics, [...] to show the people ‘Look: we are working [to improve] in security [matters], we are doing things.’ But in reality it is just a political discourse”.<sup>121</sup>

In conclusion, police violence and corruption in Argentina can only continue because of the mutual dependent relations between the police and those in political power. Yet, other influential actors, primarily representatives of the judiciary, also play an important role. How this network functions will be shown in the next section.

#### 4.5.4 The legal system and police-judiciary complicity

Once a police commissioner showed me around in San Isidro (a district in Gran Buenos Aires), the area where he works. When we passed by the public prosecutor’s office he enthusiastically said, “Look, this is the office of the public prosecutor, a very good friend of mine!” All of a sudden he realized that saying this in the presence of a researcher investigating the police had probably not been the smartest thing to do, because it might give rise to suspicion on my part. Having such a close relationship with the public prosecutor of the area could point to the independency of the judiciary being called into question. Therefore he hastened to add the additional words: “Well, good friend... I mean..., we have a good professional relationship”.<sup>122</sup> The cartoon below, used to demand justice for Ezequiel Giannini, shot in 2003 when he ended up in a police confrontation with criminals, cynically depicts the interdependent relationship between criminals, the police and judiciary.

Between 1997 and 1998 a new Code of Penal Procedures was enacted in the province of Buenos Aires. Before this judicial reform, the judge was responsible for ensuring due process and it was he or she who led any criminal investigation. In practice,

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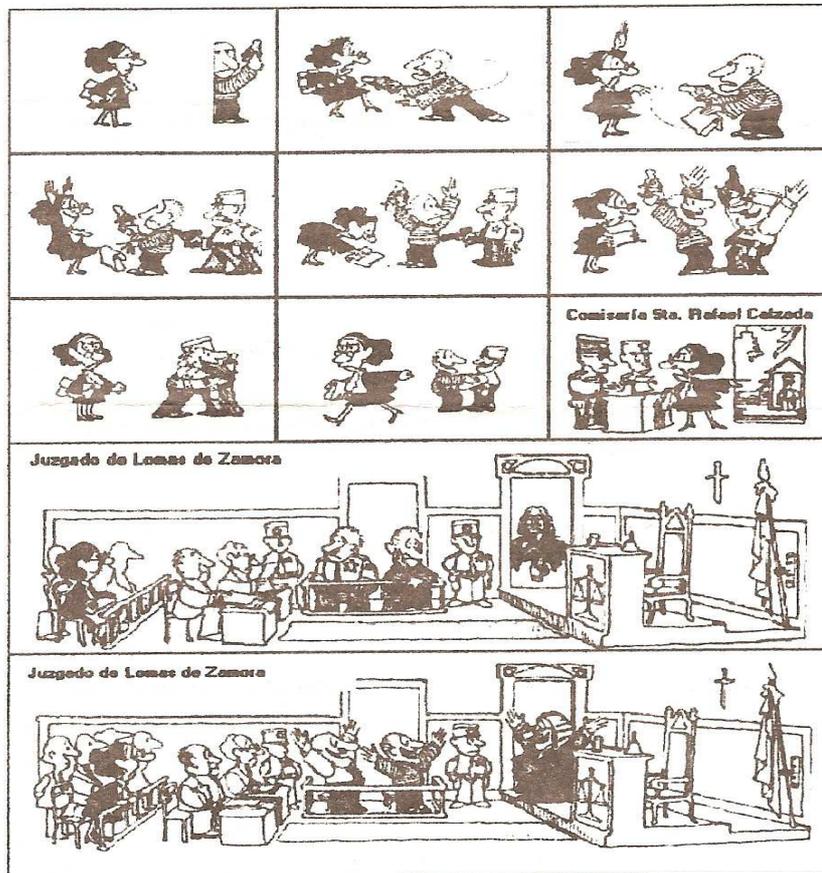
<sup>120</sup> Interview with a *Bonaerense* police commissioner, La Plata, August 24, 2004.

<sup>121</sup> Interview with a *Bonaerense* police commissioner, La Plata, August 24, 2004.

<sup>122</sup> Recorded in research diary: observation when a police commissioner showed the area where he works, Gran Buenos Aires, August 21, 2004.

this implied that the judge delegated the investigation to the police, after which the judge pronounced the sentence (CELS 2003a). Over the years, the prison population swelled because the number of arrests increased and the number of cases in which a sentence was pronounced decreased.<sup>123</sup> Therefore, a judicial reform was indispensable. In addition, the main reason for the judicial reform, which went hand in hand with the reform of the *Bonaerense*, was to end institutional and police violence. Important elements of the judicial reform were the following: the establishment of a legal system in which there is a clear difference between the prosecutorial and judicial functions; the penal investigation is led by the prosecutor, under control of a supervising judge; the procedure is oral and public in all of its phases; and the victim's rights are expanded (CELS 2003a).

## JUSTICIA PARA EZE SEGURIDAD PARA TODOS



BOLETIN N° 2 - AGOSTO 2003

Figura 4.1: "Justice for Eze. Security for all"

<sup>123</sup> In the province of Buenos Aires, the number of penal cases in 1997 was four times higher than in 1983. However, the number of pronounced sentences remained more or less the same. This shows that, over the course of the 14 years, far fewer of these cases were solved (CELS 2003a).

With the creation of the figure of the public prosecutor, it was expected that the police would be less able to cover up their own crimes by inventing and falsifying evidence, because the public prosecutor would be in charge of the investigation. However, despite the judicial reform, in both the Federal Capital and the province of Buenos Aires, the courts remain largely dependent on the police to carry out the judicial investigation. As a result, “The entity that carries out the investigation (the police) is, in practice, the same one that is charged with law enforcement activities, and thus has a strong interest in ensuring that the way it conducts these activities is not too closely scrutinized” (Brinks 2004:154-155). Public prosecutors often delegate the investigation to police officers with whom they have some kind of relationship. These might or might not be relationships of trust, but lots of public prosecutors prefer to work with police officers they know. Quite a few public prosecutors think that the police are uncontrollable and unhelpful; they therefore prefer to work with known police officers. In fact however, “Prosecutors are merely passive recipients of the information the police wish to produce, and judges at the trial level feel powerless to insist that the police take evidentiary actions that they do not wish to take” (Brinks 2005:21-22).<sup>124</sup> Furthermore, as Brinks (ibid.) describes, the police force carries out many administrative functions for judges and prosecutors. This situation results in the judiciary being indebted to the police and it is this fact that jeopardizes judicial independence.

Taking the relationship just described between the judiciary and the police as a starting point, what may we expect from the investigation of cases of police violence? Ward’s study (1998, cited in Hinton 2006:23) showed that, between 1994 and 1997, of 1,056 cases filed against the police for abuse of authority, including verbal or physical abuse, none had resulted in convictions as of 1998. Therefore, the question arises as to whether there are differences in how cases involving common crimes and police violence are dealt with? And how to further understand police-judiciary complicity? Cases of police violence are subject to standard legal procedures, but unquestionably have certain features that set them apart from other cases. First of all, the police do not typically consider themselves as having much interest in a thorough judicial investigation in cases that implicate their own colleagues. As a result, the police will try to hamper a criminal investigation by not collaborating too much or by falsifying evidence. However, it is important to also bear in mind that cases of common crimes are not investigated properly either.<sup>125</sup> Nevertheless, the legal proceedings in cases of police violence have the additional complexity of the police-judiciary interdependence and, for this reason, the judicial investigation is obviously biased.

Secondly, the judicial investigation may not actually proceed for a variety of reasons. Such reasons may include idleness on the part of the judiciary, delays to allow the

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<sup>124</sup> Daniel Brinks was kind enough to provide me with a draft of his study, dated November 15, 2005, titled “*Of Gulliver and the State: The Legal Complex and the Response to Police Violence in South America*”.

<sup>125</sup> Interview with a lawyer of CELS, Buenos Aires, October 10, 2006.

plaintiff to bring forth evidence, institutional commitments, and certain bonds with the police. In this respect, one judge of the Court of Appeals of the province of Buenos Aires made the following remarks:

“There are many cases in which the judiciary wrongly absolves those who have committed crimes. Because it is a request of Mr. So-and-So or because it is a man [i.e., a police officer] with many years of service and he might lose his career. And normally this occurs with the lower social groups in society. [...] The more lower class, when people do not have the means to access the media, then these kinds of situations occur”.<sup>126</sup>

This statement touches upon an issue to be explored in Chapter 8: the role and impact of family members of victims of police violence on the course of the investigation and on the sentence. The judge speaking here thus believes that access to the media can have an influence on verdicts. Lower class victims and their families have the additional difficulty of getting to the courts when traveling and spending time outside the home imply high expenses. In addition, public prosecutors and judges frequently believe that the victims and their relatives will not understand what is going on anyway and therefore consider it a waste of their time to try to accommodate them.<sup>127</sup>

Third, it is not always the case that the judiciary is on the side of the police; sometimes the public prosecutors or judges just don't want trouble and do not make great efforts to carry out a thorough investigation. Here too, social class plays a part. Public prosecutors and judges generally belong to the middle and higher classes. Police officers, on the other hand, are usually drawn from the lower strata in society. Because of the class differences there is not always mutual respect, as the research findings of anthropologist Josefina Martínez show.<sup>128</sup> This comes to the fore, for instance, in the nasty and disrespectful way that police officers being tried are questioned by the judges during the trial. Therefore it may come as a surprise that police officers are often not convicted, or that they only receive light punishments. This can be explained by the fact that public prosecutors and judges prefer to have a case without an in-depth investigation than to have no case at all.<sup>129</sup> In other words, a trial resulting in a minimal conviction is always better than no trial or conviction at all.

By way of conclusion, the president of the provincial Supreme Court publicly announced in 2006 that the penal system in the province had collapsed and was in a state of crisis. He referred to the precarious conditions (e.g., the poor conditions of the court buildings) in which they work, the extremely high number of reported crimes, and the very slow legal proceedings. The latter situation partially has its roots in poor judicial practices

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<sup>126</sup> Interview with a Judge of the Court of Appeals, Gran Buenos Aires, October 13, 2006.

<sup>127</sup> Interview with a lawyer of CELS, Buenos Aires, October 10, 2006; Conversation with Josefina Martínez, Buenos Aires, October 19, 2006.

<sup>128</sup> Conversation with Josefina Martínez, Buenos Aires, October 19, 2006.

<sup>129</sup> *Ibid.*

and organization, and an unscrupulous judiciary. In the end, as one CELS lawyer argued, “The legal system functions because of some heroes [...] who know how to carry out the job”.<sup>130</sup>

#### 4.5.5 Police culture and self protective behavior

Even though it is true that police culture can be very functional in allowing police officers to form bonds with each other in order to perform their jobs to the best of their abilities (Van Reenen 1997), it can also take perverse shapes that only result in more violence. In Argentina, as Saín (2002:62) asserts, the police subculture is articulated by a number of behaviors, meanings, and customs produced and reproduced by the institution, and that are characterized by impunity, violence, and legitimization of illegal conduct, until the valorization of “illegal pressures” is seen as an efficient form of policing. What’s important to keep in mind is that police culture does not stop when officers complete their shifts and take off their uniforms, since policemen also often spend a good portion of their free time together socializing. In addition, police officers, although no longer required to do so, continue to carry a gun when off duty. This is a matter of concern because the data of CELS (2005a) show that a considerable number of fatalities are caused by off-duty police officers. In effect, being a police officer has for many translated into an irrational obligation to fight crime by using lethal force in any circumstances.

One former police officer explained that he sees police culture as a protection net; if a police officer is attacked “from the outside” (by society or the judiciary for instance), the police institution hurries to give him protection.<sup>131</sup> This protection net was deployed on the morning after what has become known as the Massacre of Floresta. A Federal Police officer shot three young men in cold blood on the evening of December 29, 2001 in the Buenos Aires neighborhood of Floresta.<sup>132</sup> Only a few hours later, the family of the responsible officer was moved to another place. “Early in the morning, a moving van arrived and they left”, as two of the mothers of Floresta victims said.<sup>133</sup> This is an example of the police attempting to protect police families from threats of others, including victims’ families. Goldstein (1977:165-166) has described this phenomenon of what in police circles is known as the “blue curtain”: police officers will either support the actions of fellow

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<sup>130</sup> Interview with a lawyer of CELS, Buenos Aires, October 10, 2006.

<sup>131</sup> Interview with a former *Bonaerense* officer, Buenos Aires, July 23, 2004.

<sup>132</sup> The three men, Christian Gómez, Maximiliano Tasca, and Adrián Matassa, were watching a television report in a gasoline station close to where they were living of confrontations between police and protesters. When a protester attacked a police officer, one of them expressed his approval. The officer (who was officially retired but worked in the private security sector) responded by shooting the three men one after another. After this triple murder, the officer called the nearby police station and said he had shot three criminals. Then he went back to the place where the victims laid on the ground, placed the body of the one over the other, took a knife of him, and left it near the corpse, so that it would seem that they had died in a fight between them. This all happened in the presence of several witnesses. The case was brought to trial and the officer sentenced to life imprisonment.

<sup>133</sup> Interview with Elvira Torres, the mother Christian Gómez, and Silvia Irigaray, the mother of Maximiliano Tasca, Buenos Aires, August 5, 2004.

officers or deny knowledge of a specific incident, but will rarely incriminate a fellow officer. This is, however, not surprising because police officers are greatly dependent upon one another in the course of their work (*ibid.*).

Argentine security experts argue that the Federal Police is a relatively closed institution. The *Bonaerense* is understood to be much more fragmented and to consist of several criminal gangs, a situation that led several government officials to publicly argue that the *Bonaerense* is uncontrollable. This is one of the explanations for the Federal Police being more successful in not airing their dirty linen. Furthermore, the Federal Police seem much more intelligent in the way they deal with scandals. At times the protection net is deliberately switched off at the expense of some and for the benefit of the rest. After the drowning of Ezequiel Demonty in the river Riachuelo in 2002 (see also Chapter 6 for his case), a high-ranking Federal Police officer hurried to publicly condemn the officers and distance the police institution from the act of violence. He said that the officers had crossed the line, had dared to confront the community and the police institution, that they had become criminals, and that they had betrayed them. They were not offered legal assistance, as is usual in cases of officers being tried, and were presented to the outside world as enemies of society *and* of the police institution.

In addition, police culture engenders maltreatment of police colleagues for two reasons: 1) Until 2005, the strong police hierarchy clearly distinguished between those with power (the officers) and their subordinates (the sub-officers); 2) Police officers who have dissenting thoughts regarding policing are seen as a threat to the group’s interests.

Concerning the first argument, in the province of Buenos Aires the officer and sub-officer ranks were officially abolished as part of the three-year police reform headed by Dr. Arslanián. At the time of this research, former sub-officers said that the division in practice was still present but were reluctant to elaborate on the subject. When there were still two ranks, the abuse of power and discrimination toward the lower ranking police officers had already started during their training. One former sub-officer of the *Bonaerense*, talked about how his training had looked when he entered the force in 1994:

“My training consisted of cutting down trees for six months. I was not taught how to shoot or taught about laws. We were free labor to construct the hospital for [governor] Duhalde. We were with 1000 [police students] who, instead of doing police training, were mowing and cutting trees for free. We maintained the school for the police officers. We were waiters [and], gardeners. That is what we were. The police officers ate and were told, ‘You see those guys there? They are here to serve you because you are the masters of the police’. So this is how they [the police officers] created a form of brotherhood. [...] They have many opportunities. We, instead, have always been the *indios*”.<sup>134</sup>

<sup>134</sup> Interview with a *Bonaerense* sub-officer, Gran Buenos Aires, April 2, 2005.

Although at the time of the interview, 11 years had passed since his training, and there had been changes in the curriculum during those years, most of the sub-officers who were trained in this manner are still young (early thirties) and have many years of police service ahead of them.

Professional and social manners were very much affected by the officer and sub-officer distinction. Generally a sub-officer could not talk directly to the first or second commissioner of the police station. They only had contact through appointed middlemen with a higher rank (but lower than the commissioner's) or sub-officers that belong to the trusted inner circle of the commissioner. One cadet of the PBA2 had tried to enter the *Bonaerense* police academy for officers but he was not allowed because his father had been a sub-officer.<sup>135</sup> Within some professional teams where close cooperation is required, however, inter-rank relations can be less hierarchical. Besides, it also depends a lot on the commissioner's personality and leadership style.

About the second argument, several police officers made the point that being a “good” cop is not rewarding; “good” cops tend to be punished the most, while the “bad” cops are protected by the police institution. One officer said that every police commissioner has his own fiefdom. In the police station, you need to do what he says because, if you don't, you will be transferred: “The honest officer makes trouble, so it is better to replace him”.<sup>136</sup> Another officer said that to become a commissioner is almost impossible without engaging in corruption. The ones that do become commissioner in a “clean” way will get a marginal, not very interesting position such as commissioner of a police station in a backward village more than a hundred kilometers from the capital.<sup>137</sup> One Federal Police commissioner who had entered the police “to become a police officer, not to commit crimes” had to work twice as hard to become a commissioner. His former commissioner had charged him (at that time he was sub-commissioner) with extortion because he did not want to become involved in deals involving illegal merchandise that the commissioner had stored in several depots. He was detained for 25 days. “An officer with charges seldom achieves the status of commissioner,” he said.<sup>138</sup>

During our conversation, the person who was at that time serving as the provincial secretary of human rights illustrated the above statements regarding police officers with an episode that he himself had witnessed. When he attended a graduation ceremony of police cadets, the best student of the group was specially honored, as always occurs. About half a year later, this police officer was charged with an offense, something the secretary of human rights attributed to his probably refusing to get involved in some kind of corruption scheme. The secretary of human rights explained that these are common responses to

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<sup>135</sup> Conversation with PBA2 officer, Gran Buenos Aires, July 8, 2004.

<sup>136</sup> Interview with a former *Bonaerense* police officer, Buenos Aires, July 23, 2004.

<sup>137</sup> Interview with a *Bonaerense* officer, Gran Buenos Aires, August 21, 2004.

<sup>138</sup> Interview with a Federal Police commissioner, Buenos Aires, August 18, 2004.

“difficult” police officers: alternatively, such persons are sent to distant, unimportant posts.<sup>139</sup>

Below is the story of a *Bonaerense* sub-officer who experienced the deployment of the protection net when he denounced arbitrary police practices. At the time of the interview, in April 2005, this sub-officer was ordered to stand guard below a tree at a far-off place in order to, as he said himself, prevent his having contact with other police officers:

“From the moment I entered the police force, I started to spend time with a group of people who did not rob, but just lived from their salaries. [...] When Carlos Ruckauf became governor of the province of Buenos Aires, he said in a public meeting that he would support honest police officers who denounced corruption. We believed this. In fact, we thought ‘the problem will be solved, they will not rob us anymore, we will finally be able to do our jobs as police officers’. We were a group of 35 young idealistic people [all sub-officers except for one officer] believing that this was possible. However, when we reported everything [extortion of shopkeepers and bus companies, *zonas liberadas*, robberies] we realized that it was a farce, that it was just political propaganda on the part of the governor, and the system of protection of the structure started to function. The governor never called us back. On the contrary, it started to rain threats, physical attacks and reports of crime against us. [...] So we formed a small resistance group within the police against the corrupt structure, but we did not know what we were getting into. They started to threaten our families, first by telephone, and then the physical aggression started. We were shocked when they attacked one of our wives. They beat her, took her pair of trousers off and put a finger in her vagina. Meanwhile she was threatened with the words, ‘You are the first one. After this we will kill your children if your husband keeps on talking’. This happened in front of the officer’s home, at 7 a.m., while her husband was sleeping inside. [...] [After our declarations] we were sent to the most dangerous places. Once we were about to enter a slum. I was with three others and one of them was someone whom I had reported. One of the other two grasped my bulletproof vest and said, ‘They have a *perro* (a sequestered weapon without a number) and if you enter the slum they will shoot you in the back. They kill any fool, they place the weapon in his hand and charge him for your death. So stay here and do not enter the slum’. With this tension is how I and my other comrades lived constantly. [...] When I reported that one police officer had attempted to run me over with his care, I provided the witnesses’ names. One of them came to see me and said that the responsible police officer had threatened him not to talk anymore. I reported the crime anonymously, but within three days this officer already knew everything. So we were not even protected within the Tribunal. We were unprotected in the streets, we were completely alone. This is when we started to think about the media and making everything public. When our story was broadcast on television, the physical aggression stopped, but then an administrative persecution followed. They could not kill us because now our story was known, but they wanted to get rid of us. So they invented charges. One was that I was mentally ill; they wanted to attack my credibility. [...] I was examined psychiatrically and then a fake report was made up. [...] They wanted to put me in

<sup>139</sup> Interview with the Secretary of Human Rights of the Province of Buenos Aires, La Plata, August 27, 2004.

a psychiatric institution at any cost. [...] I was summoned to come to the court. There, one commissioner was talking to me while I saw all kinds of strange movements outside. This commissioner said ‘a police car is waiting for you because your mental situation is bad, so it will take you to some place’. I responded, ‘Well all right, but I will call the media’. So I took my cell phone, started to dial a phone number, and said, ‘I will call the media to come to see me taken away,’ upon which the commissioner said, ‘No no, don’t do that’. He then ordered the police car to move. [...] Afterwards they wanted to bribe me in exchange for modifying my declarations, which I refused of course. [...] They [the police hierarchy] called us *Los Talibanes* (‘the Taliban’) and tried to isolate us and pit others against us [...] They said that I was the one generating insurrection within the police, while all I was doing was telling them [other officers] what their rights are. [...] All the people we have reported have been detained for one month. [...] Police commissioners, mayors and others went to see them and they stayed in a rather comfortable room. [...] After this month they were released and they all gathered [at a place] in La Plata to talk about how to silence or kill us. One of us got so frightened that he left the country for the United States. The majority did not want to continue anymore. [...] [I stay because] the police is our sustenance, the food for my child and wife, and our social security. And I have hope, that some day things will be better. [...]”<sup>140</sup>

This account illustrates the possible repressive effects of police culture in several ways: it unveils the structural maltreatment of lower-ranking officers by higher-ranking officers, how several of the same violent methods are used for citizens and dissident police officers, how the accusations of police officers who break the code are delegitimized by portraying them as “crazy” (comparable to victims of police violence who are portrayed as “criminals”) and that a number of sub-officers who did not embrace the standards of police culture are sacrificed for the sake of the rest. In addition, the fact that internal police culture is itself so imbued with violence, helps explain excessive use of police force against citizens in the course of their work.

Stanley (2004:85) questions whether police culture can meaningfully contribute to explaining differing propensities towards abusive policing because, as she argues, cop culture is found everywhere to be largely similar. So with this fact in mind, how can police culture explain varying levels and patterns of abusive policing in distinct societies? However, this assumption passes over the idea of (police) culture as a social and cultural construction that actually differs from society to society, between police forces within one society, and between different ranks within a single police force. Some aspects of police culture, like the “blue curtain”, are probably found everywhere to a greater or lesser degree. The legitimization and valorization of illegalities, as in the case in Argentina, are not, I believe, universal features of police culture. Furthermore, differences in police culture also depend on the broader social and political context and on the system of checks and balances. Taking these considerations into account, I believe that police culture, in

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<sup>140</sup> Interview with a *Bonaerense* police officer, Gran Buenos Aires, April 2, 2005.

combination with the above-mentioned influencing factors, does significantly contribute to an understanding of police violence.

#### 4.6 Conclusions

One question that is often raised has to do with the magnitude of the problem of police violence in Argentina: in other words, is this an issue of a few rotten apples seeking personal gain within a mostly benevolent environment or is it rather about a few good men trying to uphold their personal and professional integrity within an environment permeated by corruption and violence? The answer one receives to this question depends on whom you ask. In the Argentine case, the police generally give the first answer, while family members of victims of police violence and human rights activists give the second answer. Politicians tend to answer on the basis of whichever way the political wind is blowing at the moment. Academics, for their part, including myself, conclude that police violence in Argentina is systematic and that it occurs as a result of a number of structural dynamics. I distinguished three broad categories of police violence: *gatillo fácil* and torture; the invention of crime, and the police “business”. The methodical use of these types of police violence shows that the police’s understanding of law enforcement is incompatible with the principles of citizenship.

Furthermore, I identified five factors influencing ongoing police violence: authoritarian legacies and the historical training of the police; the socioeconomic context since the 1990s; interdependency between the police and those holding political power and ineffective public security policy; the functioning of the legal system; and police culture. These factors reveal a number of structural problems. As I have described in this chapter, after their official training, new police officers receive an “alternative education” at the hands of older colleagues. In this manner, specific authoritarian practices are passed on to future generations of police officers. In addition, the valorization of abusive police practices among *Bonaerense* police officers is part of their culture and is not something that will easily be modified. Furthermore, there is a constant field of tension between police self-government and the governing of the police “from above”. The circumstances of the moment dictated that, at times, the police were presented as uncontrollable while, at other times, responsible civilian state institutions claimed to have assumed full control over the police. This has to a certain extent to do with society’s demands for a quick and visible solution to security problems. This makes symbolic messages instead of effective public security policies a much more likely response. *Muchas palabras, poca acción* (“Lots of words, little action”) is how many involved in the matter describe public security policy in Argentina.

There is no doubt that the three-year reform that began in 2004 has stirred strong emotions among the *Bonaerense* police. Police officers felt that they had again been falsely portrayed as the villains of the movie. The reform involved a number of thorough changes

in the police organization and its training program, at least on paper. The number of civilian deaths at the hands of the police has decreased in the past three years compared to late 1990s and early 2000s, with more than 2000 police officers having been dismissed and police involvement in highly visible crimes such as car theft and kidnappings having markedly declined. These are certainly important achievements. However, the ongoing reports of torture, extortion, fabricating evidence, and even rape casts doubt on the entire police reform program and its effectiveness. The reform seems to confirm the hypothesis that police reforms may be thorough on paper but that this is absolutely no guarantee that they will be properly implemented, or that they will bring about the promised changes. After all, earlier reforms in the 1990s were also relatively extensive in design, but not in implementation. Furthermore, the reform program that had been spearheaded by Minister of Security Arslanián will not be continued by his successor, Carlos Stornelli, who was appointed to the post in December, 2007. Instead, Stornelli has announced his intention to employ a policy of “more firepower” for the *Bonaerense*.

All told, the occurrence of police violence in Argentina is not exceptional; it takes place in many forms and in many parts of the world. What is less common is that the family members of victims of police violence have organized into a social movement and have become the main protagonists in denouncing police violence, trying to resolve their case through gathering evidence, following leads, finding witnesses, and calling on the judicial system to serve its proper function. Why and how this social movement came about will be the main focus of the next chapter.

## 5 The *Movimiento del Dolor*

### 5.1 Introduction

With police violence and impunity being a persistent problem in post-authoritarian Argentine society, the family members of victims of police violence began to denounce such human rights violations publicly. The core motive for the family members is that they fear that otherwise their relative's death will be nothing more than a vague memory. What they want instead is justice, the end to police violence and impunity and social and political changes in society at large. Therefore, since the 1990s, they started to mobilize, organize and denounce the Argentine state in general, and the police, the judiciary, the government and individual representatives in particular. All of this activity gradually led to the emergence of the *Movimiento del Dolor*, an anti-violence movement of family members of victims of police violence protesting against the human rights abuses of the police and demanding respect for citizenship rights in democratic Argentina.

Della Porta & Diani (1999:14-15) argue that social movements may be construed as informal interaction networks between a plurality of individuals, groups and/or organizations; but, to be considered a social movement, a group must also have a shared set of beliefs and a sense of belonging. In the case of the *Movimiento del Dolor* the participants identify with each other on the basis of shared victimhood. Being relatives of a victim of police violence gives the person admission to the *Movimiento del Dolor*. Relatives also feel that they have the right to have their voices heard on these matters, because they are the ones who have been directly affected by police violence. Furthermore, the *Movimiento del Dolor* is concerned about a shared issue, that is, contemporary human rights abuses committed by the Argentine police forces. The movement has corresponding demands for, among other things, the rehabilitation of their violated rights and it coordinates collective action. However, the *Movimiento del Dolor* is far from homogenous. There are a number of divisions within the movement that have to do with the identity of the victim, and with differential emphases on individual struggle or collective public struggle, and on doing politics or ethical struggle. This too fits into common social movement theory, which argues that social movements are complex sets of groups, organizations, and actions that may have different goals as well as different strategies for reaching their aims (Giugni 1999:xx).

By studying a movement with such characteristics, one unavoidably touches upon the dichotomy between the public and the private sphere. Whereas the public sphere includes the marketplace, citizenship and civil society, the private sphere involves the intimacy of family life. Although this chapter mainly addresses the public struggle of family members of victims of police violence (they themselves speak of *la lucha*, "the struggle"), it

will become clear that the boundaries between the public and private spheres are often blurred; family members bring their private lives to their public activities, and vice versa. That is to say, the members of the *Movimiento del Dolor* mourn in public and make preparations for their public activities within the intimate sphere of their homes and private lives. Furthermore, as will be shown, the public struggle has come to dominate many aspects of their lives.

The purpose of this chapter is to show how the *Movimiento del Dolor* has come into being. Its emergence raises a number of questions regarding the character, organization and demands of the movement. Who exactly are the members of this anti-violence movement? Who are the movement’s role models? How do they start organizing? What are the issues that unite or divide them? What do they want? Posing these questions allows us to get to know the “world of family members” (Pita 2005:214) in which both the representation of the victim and the family members themselves play a central role.<sup>141</sup> The public struggle will be presented as a kind of personal survival strategy of family members, as well as something that family members view as crucial to attaining truth and justice for their deceased relatives. The structure of the chapter is as follows. First, I will discuss the origins and overall composition of the *Movimiento del Dolor*. Subsequently I will describe what unites the members of this movement. Then, I will discuss the main issues that are a source of division within the movement. I will examine the specific demands of the movement within the framework of a discourse of rights. Finally, I will shed light upon how family life and the representation of the victim within the family has changed after the victim’s death.

## **5.2 The origins and the public struggle of the *Movimiento del Dolor***

The snail’s pace of the train to El Jaguel allows me to reflect on the case of Diego Peralta again before interviewing his mother on this rainy afternoon in May 2004. El Jaguel is a small town in Gran Buenos Aires that suddenly captured the attention of the nation after the 2002 kidnapping and murder there of 17 year-old Diego Peralta. After this tragic event, some of the citizens of El Jaguel set fire to the local police station. The case received international attention, and Diego’s mother was even interviewed on Dutch television. In the aftermath of the murder, the Peralta family channeled their grief and outrage into a public quest to determine the identity of Diego’s murderers and bring them to justice. The family searched every newspaper thoroughly because they believed they might be able to find possible clues there. They organized a series of protest marches and granted interviews to numerous media outlets in order to express their demand for an expeditious investigation of the murder. My interview with the Peralta family took place in Diego’s bedroom. His room was maintained as it had been when he was alive, with pictures of

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<sup>141</sup> Argentine anthropologist María Pita (2005:214) introduced the idea of the *mundo de familiares* (“world of family members”) to describe the generally close relationships between family members of victims of police violence, based upon the fact of their shared suffering.

soccer players adorning the wall and other typical teenage belongings wherever one turned, as if they had just been used and would soon be used again. Sometimes his mother still finds herself hoping that the body that was found is not Diego's. She never saw him again after the day of the kidnapping. Diego's father and sister, on the other hand, did see his body and embraced him one last time. However, during the interview, Diego's mother did promise me one thing: she will never concede defeat to her son's murderers and she will continue her pursuit of justice till they all are in prison – even if the price for accomplishing this is her own life.<sup>142</sup>

The public struggle of the Peralta family is not unique in Argentina. In a manner reminiscent of the last military dictatorship, when the Mothers and Grandmothers of Plaza de Mayo stepped outside their ordinary role to demand the right as traditional women to demonstrate and oppose the regime (Arditti 1999:80), the most visible faces in the struggle to end contemporary police violence and impunity are once again the family members of the victims.<sup>143</sup> “Political mourning” is the term Humphrey and Valverde (2007:181) use to refer to these movements that make private grief public in order to demand accountability from the state. The precise number of relatives publicly denouncing police abuse who form part of the *Movimiento del Dolor* is hard to determine, mainly because nobody appears to have attempted to do so. The fact is that such a determination would be very difficult in practice because there are people entering and leaving at any given time. Taking CELS' figure of 2051 victims of police violence between 1996 and 2005 in the Federal Capital and the *Conurbano*, along with my fieldwork observations during demonstrations, and interviews with participants in the movement, I have arrived at a very rough estimate of 400 families of victims of police violence who have publicly stepped forward in protest. Brinks (2004:148) concluded some years earlier that about 30% of the cases of police violence prompted demonstrations in working-class neighborhoods of Gran Buenos Aires, with the corresponding figure for the Federal Capital being 13%.

However, these numbers do not imply a constant public presence of such family members. Some may have attended no more than a couple of demonstrations, never to be heard from again. The majority of family members of victims who do not actively mobilize and denounce police violence likely have different reasons for not getting involved. It may frighten them to have the police as an adversary; they may have received threats to discourage them; they may have been offered some kind of arrangement (money for instance) or they may have no notion of their rights as citizens to speak out. Another explanation is that they may have protested or organized in some way, but their actions are so invisible (only local, in their own neighborhood, directed at the local police station, no media coverage, non-existent or limited relations with other family members of victims)

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<sup>142</sup> Interview with Emilse Peralta, the mother of Diego Peralta, Gran Buenos Aires, May 25, 2004.

<sup>143</sup> Arditti's book 'Searching for life' is about the Grandmothers of Plaza de Mayo searching for the disappeared children of Argentina. However, what she says about the Grandmothers and that they stepped outside their ordinary roles to oppose the regime also applies to the Mothers of Plaza de Mayo.

that we do not know about them. But why is it that an active and dedicated group of family members of victims of police violence continues to mobilize in public? Given the fact that police violence actually increased during the 1990s, we can distinguish three broad groups of explanations that explain the emergence and continued thriving of the *Movimiento del Dolor*.

First of all, as I have already mentioned in passing, Argentina has the example in its recent past of the Mothers and Grandmothers of Plaza de Mayo who during the dictatorship began to search for their children and grandchildren who had disappeared; many of these same women continue to do so today. Brysk (1994:8) contends that, during the period of the most recent military dictatorship, “The family emerged as a new kind of political actor in Argentina because state terror victimized the family as a unit, and because all other social institutions were repressed or acquiescent”. Family members of victims in Argentina thus became visible actors in the defense of the rights of citizens in cases of human rights violations, with shared victimhood being the stimulus for collective political action and resistance among affected families. However, Argentine anthropologist María Pita (2004:437) argues that, although the new demand for justice for victims of police violence at first formed part of the wide spectrum of protests against human rights violations, it did not become part of the historical human rights movement. Instead, it started to gain ground as an issue with its own unique identity. In a broader context, their rise can be seen in the light of the “culture of mobilization” (see Sabato 1992, 2004) in Argentina that provides the movement with the necessary repertoire to organize and carry out protests.

What’s more – and as was the case during the last dictatorship – in most cases it is mothers in the forefront of protesting their children’s violent deaths. Some of the reasons Robben (2005:304-6) adduces for what he calls “maternal power” during the dictatorship apply to the mothers of victims of police violence as well. Husbands usually work during the day, while women typically have more time to dedicate to the public struggle against police violence. Some mothers said that they were better able emotionally to deal with the child’s death. These women said that their husbands felt guilty about having failed to protect their child. Some mothers also referred to the special bond between women and children as something that acted as a greater motivating factor for them, rather than their husbands, to demand justice for their children. However, although the *Movimiento del Dolor* is largely composed of women, it is by no means exclusively a women’s movement. It is for this reason that I have used the gender-neutral term “family members of victims of police violence”, (at times shortened to “family members”) to refer to participants in the movement, rather than “mothers of victims of police violence”.

Secondly, since the beginning of the 1990s, more and more family members of victims of police violence felt they were “forced” to enter the public domain to call attention to the instances of *gatillo fácil* police behavior and the slow juridical process that followed – in cases where some legal action was in fact taken against the suspect(s). This

feeling has to do with their profound distrust in the fairness of Argentine state institutions. This widespread distrust on the part of victims' families became increasingly apparent during the 1990s. After the act of violence, many family members of victims of police violence personally experienced the corruption of politicians, judges, public prosecutors and the police institution – all apparently in the service of ensuring impunity for the accused police officer. As shown in the previous chapter, the network of complicity involving the police, the judiciary and those in political power typically results in an inadequate investigation of the episode, the delegation of decision-making to the police and, political decisions with regard to public security policy that are more symbolic than substantive. Family members increasingly came to feel that the courts were inherently biased in favor of the police. This led them to the conclusion that their only option was to publicly denounce the injustice that had occurred. They represented themselves as “embodying the effects of *impunidad*, the ineffectiveness of state institutions to provide protection and justice because of corruption and/or neglect. Their grief reveals what is missing – the law” (Humphrey & Valverde 2007:188). Family members often see the public struggle as a last attempt to pressure state institutions to initiate or expedite a criminal investigation. These justifications for their activism show that family members of victims of the police are aware of their rights to protection from state abuse, equality before the law, and due process. Such awareness appears to be one of the effects of the most recent military dictatorship, and of the process of democratization that began in 1983. Generally speaking, Argentines became increasingly conscious of their citizenship rights during the past 25 years.

At the same time, whereas state institutions, political parties and trade unions largely have lost their legitimacy in the eyes of many Argentines, family members of victims are among the few genuine actors that command widespread public support. They will not easily lose this legitimacy. It could be argued that victimhood and the figure of the relative of the victim in Argentina have become culturally accepted as framework and social actor respectively within the context of the public defense of people's rights. Therefore in this instance, victimhood can not be equated with passivity and a lack of agency. On the contrary: like other anti-violence movements, the *Movimiento del Dolor* uses victimhood as a framework for political action, as well as to enhance the legitimacy of its demands.

Thirdly, and in a related vein, most family members start moving within the public arena out of a personal need to obtain information, influence the decisions of those holding power, and bring about changes within society. This personal need can be understood as a survival strategy for dealing with what the relatives experience as an unjust and avoidable death. The search for truth and justice, then, is one of the few things that families have left to fight for. This personal need arises primarily as a result of what Jasper (1997:1006) calls a “moral shock”, which occurs “when an unexpected event or piece of information raises such a sense of outrage in a person that she becomes inclined toward political action”. Furthermore, it is this personal need that comes into play when the

*Movimiento del Dolor* attempts to recruit new members when they learn of instances of police violence that have resulted in deaths. Over a period of several years, a strong network of support for newcomers (who are welcomed to the group as “new family members”<sup>144</sup>) has been created. One mother of a victim of police violence explained how this works:

“We are very connected. It is like this: If someone knows something, she will inform the others. So this mother who needs [something or someone] after the death of her child has, within less than two hours, the support of 20 mothers, and we will carry her through it. She may say, ‘I am not going to stay and do nothing. I am not going to keep my mouth shut. How can I become part of you [your group]?’ And then we say, ‘Go carry a protest sign with your child’s picture. Leave. Go. If we need to accompany you to the court, we will accompany you to the court. If we need to find you a lawyer, we will do so’.”<sup>145</sup>

There is a strong expectation within the *Movimiento del Dolor* that its members actively protest police violence; those who fail to conform to this expectation are often confronted about their failure to do so. Those in the group believe that whether the murderers will be arrested and convicted is to some extent in the hands of the family. Thus, the general sentiment in the group is that families who choose not to mobilize and publicly protest the act of violence are making a big mistake, because their inaction may result in a missed opportunity to achieve justice. As I will show in Chapter 8, family mobilization is no guarantee, but it at least increases the probability of achieving justice. Furthermore, what is often found among the family members of victims of police violence, as well as in some other sectors in society, is what Abu-Lughod (1990) has termed a “valuation of resistance”.<sup>146</sup> That is, mobilization is very much valued because, next to the belief that it is the only way to justice, it is seen as paying homage to the victims, as well as a way of showing that they are not powerless but instead will fight back.

Nonetheless, family members often experience the public struggle as unfair. Every now and then, they wondered indignantly why they had to mobilize. What really angered them is that they had come to accept it as something normal while in fact, as they said, it is not normal at all. Family members of victims of police violence assume a role of promoting respect for life and rights that, as they believe, should really be the duty of the state. But because the state has failed in its duty, they feel that it is incumbent upon them to fill the void to try to assure that justice is done.

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<sup>144</sup> It seems rather strange to speak of “new” family members of victims. A family member told me once that another family member introduced a “new” family member to her. Remarking on the strangeness of such a term, she said, “A new family member? That is like saying you have a new television!” However, this is the term used to refer to newcomers to the group.

<sup>145</sup> Interview with Elsa Gómez, the mother of Daniel Sosa, Gran Buenos Aires, October 16, 2004.

<sup>146</sup> Abu-Lughod uses this term for the Bedouin women in relation to men. An important difference, however, is that these women resist power structures in their own way but have no intention of overthrowing the centuries-old power system of Bedouin culture. In the case of the *Movimiento del Dolor* this is obviously different; the family members do not want to overthrow the government but part of their program definitely includes radical transformation within their society.

### 5.3 Joining hands

After everybody has arrived, José, whose son's "disappearance" is attributed to the *Bonaerense* police, begins to explain the reasons for the meeting in his home. The National Assembly of Workers has offered to form a committee of family members of victims of police violence, and José wants to know what those in attendance (one gym professor, one father of a victim, one Mother of Plaza de Mayo and the host family itself) think. The proposal elicits a number of different reactions. Will there be lawyers and, if so, who are they? After all, as those present argue, most lawyers cooperate with the police. The professor assumes the role of leader and starts talking about how to create a committee. During the demonstration three days earlier to commemorate the 28<sup>th</sup> anniversary of the military coup of March 24, 1976, he realized that what is needed is more organization, something that he felt could be accomplished through open letters and mass e-mails. If they want to function as a committee, they need to act like one. A committee has specific characteristics. There are mutual agreements. If they want to be more than just a solidarity committee, then they need to know the members' individual cases in detail. Then one father brings up the subject of fear. The fear of starting a public struggle is very normal because you need to face your child's murderer(s). Besides, it is important to keep in mind that since January 2004 there have been dozens of kidnappings in Buenos Aires. But, as the professor emphasizes, they all need to work together. Not just by talking, but by acting. The mother of the house asks how they should protest. She proposes a hunger strike on the Plaza de Mayo. She wants President Kirchner to see them, and not just some secretary. The final idea is a "March for All", to counterbalance the numerous protests for specific victims, because, as the professor argues, if they do not attempt to resolve the cases collectively, they will not be solved at all. Finally they manage to establish some common goals that will serve as the basis of the committees functioning: due process, a sensible court ruling, and prison sentences for those responsible for murder. In addition to the collective demands of the group, each person in attendance has his or her personal demands. In the committee, however, it is the collective goals, which for the most part deal with the struggle against impunity, that are most important. Before the meeting ends, one father asks what to do about parents of criminals who have been shot by the police, or those who continue saying that there are good and bad police officers but who also want to be part of the committee. They decide that the families of criminal victims are welcome, while those who insist on making the distinction between good and bad officers are not.<sup>147</sup>

This account of a meeting on March 27, 2004, in which the creation of a committee of family members to fight police violence is discussed, shows how family members of victims of police violence, but also others such as a professor and a Mother of Plaza de

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<sup>147</sup> Recorded in research diary: observation during a meeting of family members of victims of police violence and supporters to discuss the creation of a committee, Gran Buenos Aires, March 27, 2004.

Mayo, attempt to establish a committee to combat police violence and impunity. It reveals some of the insecurities, questions, and points of discussion the family members of victims have in relation to the true public struggle. Whereas the *Movimiento del Dolor* is not a homogeneous group of relatives, different committees (which are also not homogenous) have been created. In addition, there is one segment of the *Movimiento del Dolor* that is more visible and consolidated. They are the main subject of this chapter. Within this part there are so-called role models (*referentes*) and informal leaders that largely set the tone for the rest. All of these issues are the focus of this section. First, I will discuss the characteristics of the *Movimiento del Dolor*'s “true struggle” on behalf of victims of police violence and describe the internal culture that is shared by all group members. After that, I will describe the overall structure of the *Movimiento del Dolor* and discuss its most important committees.

### 5.3.1 The “true public struggle”

In the introduction to this chapter, I identified four reasons that justify referring to the *Movimiento del Dolor* as a social movement, and in particular as an anti-violence movement. Once again, these are: 1.) a common identification among the movement's members on the basis of shared victimhood; 2.) a shared interest among movement members in addressing human rights abuses by the police; 3.) the collective expression of similar demands; and 4.) the coordination of collective action. These will be referred to and discussed throughout the remainder of this book. Yet, these features do not tell us a lot about what the movement calls its “true public struggle”. Thus it will be this “true public struggle” that will be the focus of this section.

Among the family members there is a lot of dispute about what “the true struggle” should consist of. In fact, there is no single discourse or set of behaviors that is shared by every member of the group. Even so, it is possible to identify three dominant visions shared by the most prominent individuals and committees within the movement, and which have grown out of the dynamics of the public struggle: 1.) family members of victims of police violence need to recognize that contemporary police violence and impunity have their roots in the former authoritarian regimes, and specifically in the last military dictatorship; 2.) family members need to accept that collective action involves the reciprocity of each individual in the movement and that the public struggle requires a personal long-term commitment; and 3.) family members of victims of police violence do not demand a *mano dura* crime fighting approach but protective and inclusive security and human rights policies. While there is no overarching platform which identifies the plan of action to follow, these informal and unwritten regulations have served as guidelines and have helped shape the way group members typically present themselves in public. In interviews with the media and state representatives, for instance, family members within the *Movimiento del Dolor* generally express themselves in accordance with these three guiding principles.

With regard to the first vision, the *Movimiento del Dolor* has adopted the line of reasoning of the historical human rights movement as the dominant one when explaining the origins of police violence and impunity. The historical human rights organizations almost unanimously believe that contemporary police violence has its roots in the impunity for the human rights violations during the last military regime. They also are of the opinion that without justice for past crimes there will never be justice for crimes committed now or in the foreseeable future. In adopting this viewpoint, the *Movimiento del Dolor* recognizes the important achievements and continued activity of the historical human rights movement.

As regards the second principle, the interaction within the *Movimiento del Dolor* is based on reciprocity among individual members of the movement; family members must go to the marches and meetings of other family members who have attended their own marches and meetings. In line with this principle, family members need to make a firm commitment to “the struggle”. Family members are expected to participate in most of the movement’s activities, in addition to closely following the course of their own legal case. In interviews, victims’ relatives said that family members do not share the same level of dedication to the public struggle. A family’s lack of involvement is especially problematic as regards cooperating with lawyers when a committee has made arrangements for the lawyer to work with that family. These lawyers generally work on a pro bono basis. Because the lawyers usually have very busy schedules, they need the family’s assistance in photocopying materials relevant to the case, attending meetings with representatives of the judiciary and even gathering evidence. In interviews, family members stated that if those in the movement do not have a whole-hearted commitment to following through on such matters, their cases will stagnate (see also Chapter 6).

With respect to the third principle, the overwhelming majority of family members do not consider *mano dura* policies to be the answer to crime and police violence. After all, a *mano dura* approach implies more repressive policing and more arbitrary police powers. What family members of victims of police violence want is just the opposite of such policies: respect for human rights and human life, limited police powers, and limited use of police force.

### **5.3.2 Committees of family members as small communities**

In recent years, the number of committees has grown rapidly as the issue of police violence came to occupy a prominent place on the societal and political agendas. This development encouraged more family members of victims to take action by joining the movement. In addition to working on the cases involving their own relatives, more and more family members began joining already existing committees or founding new ones. However, not all family members belong to a single committee. Some individuals “shop around” and attend the activities of two or more different committees. Such people prefer to avoid a commitment to one specific committee, and there are even cases of conflicts between

different committees. In addition, although the committees generally have the same formal structure (i.e., there is a president, a vice-president, a secretary, a treasurer and members), their formation and functioning is often very informal and there is no official registration. In fact, every group of family members of victims can define itself as a committee. Besides a name and a protest sign, all that is needed are a phone number and e-mail address in order to stay informed about movement activities, and a minimum of three or four family members. The number of family members in each committee is not very clear because it changes often and there are quite a few inactive members, but a rough estimate of the range would be between 3 and 25. An individual committee identifies itself to the outside world as such by jointly participating in marches and meetings and by sending press releases and internal communications via e-mail. This means that members are expected to inform other family members of victims and civil society organizations about their thoughts on certain subjects, statements of politicians, verdicts of judges, or planned activities.

The presidents of the committees generally serve as the role models for other members. These are individuals who have gained a great deal of experience in dealing with those in power and with the media, and they have learned about the workings of the judicial system. It is also the presidents of committees who are most often approached by the media to make statements regarding specific subjects or events. Other family members of victims consult these role models for assistance, and attempt to emulate their example. However, as will be shown in Chapter 7, with the creation of the Council of Family Members within the National Program Against Impunity (PNAI) it became apparent that their status as role models is not uncontested among family members of victims of police violence.

Most of the committees have contacts with lawyers, psychologists, journalists and various other experts that they can consult with when needed. The professionals normally offer their services voluntarily. The relations therefore remain very informal and the committees do not have unrestricted access to the services of these professionals. A journalist studying the emergence of groups of family members of victims observed the following:

“I believe they function as small communities. They have a lawyer [...] and a psychologist. These professionals offer free services to those who belong to the community. On the other hand, they function as support groups, groups of equals who suffer equally; they help each other because sometimes their own family members are not there to support them”.<sup>148</sup>

If a committee has professionals working for it on an ongoing basis, it habitually will use this fact to promote itself as serious and professional and not just some sort of discussion group of fellow sufferers. When competition between the committees became harsher

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<sup>148</sup> Interview with a journalist and university teacher at the UBA, Buenos Aires, April 6, 2004.

during the first years of the new millennium, the committees started looking for different things to offer (besides professionals, such things included well-equipped offices, a solid knowledge of national and international law, and influential contacts) as a way of distinguishing themselves and attracting more cases (and thus family members). Committees work on the cases that they obtain. This means that the committee will try to gather evidence and look for or share information about “difficult” judges and public prosecutors. In fact, having cases justifies the existence of any committee that defines itself in terms of political action rather than as a support group for grieving families. During my field work, not one committee wanted to be defined in this way, although its members admitted that emotional support was one of its functions. The committees of family members emphasized their contribution to identifying criminals and bringing them to justice rather than “doing nothing but protesting”.<sup>149</sup> Hence, what the committees attempt to do instead is organize protests and lectures, report on new cases they receive, gather evidence on their cases, and present law projects.

The members of the committees normally invite newcomers to participate when they meet in marches and on other occasions. Although not all the committees engage in competition with one another, rivalries do exist, and some members of committees have been known to speak disparagingly of other committees. The newcomer has no idea of the divisions (ideological, class, regional) that may exist, and may find herself faced with a decision regarding participation in groups with disparate emphases in their activities: those, for example, specializing in defending poor victims, those with a pro-government slant, those with an anti-government bias, and those exclusively interested in defending “innocent victims”. One thing is certain: the different kinds of committees offer many different options to newly grieving families. Still, bearing in mind the fact that new committees are constantly being created, it is also true that committees do not always meet the needs of such families. I will describe what are widely believed to be the most visible committees in order to show the similarities and differences between them. These are the *Comisión de Familiares de Víctimas Indefensas de la Violencia Social - Policial - Judicial - Institucional* (COFAVI), *Coordinadora contra la Represión Policial y Institucional* (CORREPI) / *Familiares de Víctimas de la Represión Policial* (Family Members of Victims of Police Repression), *Madres de la Matanza contra la Impunidad* (Mothers of La Matanza Against Impunity), and the *Madres del Dolor* (Mothers in Pain). This is by no means an exhaustive list of committees in Gran Buenos Aires, let alone in Argentina as a whole.

COFAVI was one of the first organizations of its kind. The committee was founded in 1992, a year after the violent death of 32 year-old Sergio Schiavinni. Sergio was taken hostage by four criminals in a bar and used as a human shield when the police started a 40-minute shooting spree during which they fired more than 400 shots and killed Sergio. After this episode his mother, María Teresa Schnack, began a public confrontation with

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<sup>149</sup> Different family members used the same term for this.

those whom she held responsible for killing her son. She obstructed the course of investigations that she considered fraudulent. She received death threats for carrying out her public campaign. She founded COFAVI in cooperation with some other family members of victims in order to combat the kind of police misconduct that had resulted in her son’s death. What follows is a short excerpt from my research notes of a Friday afternoon meeting at COFAVI that illustrates the functioning of a committee of family members of victims of police violence:

Every Friday afternoon the COFAVI family members meet in its office in the center of the Federal Capital. They talk, discuss matters with each other or their lawyers, receive “new” family members of victims, organize press conferences and so on. This time, one mother brought pictures of the march she organized. She talks about the suspicious people in the march, among which, as later became apparent, was the brother of the police officer held responsible for her son’s death. During the march, some suspicious cars were also noticed passing by, and one had the license plate covered up with cardboard. She took pictures of the car and now needs to laugh about it. She is in a good mood today because she needs one less tranquilizer than last week. She talks a bit more about the march and how the police attempted to provoke them. Then another mother took up the story by saying that her phone has been tapped since the shooting of her son. The other mothers present confirm; when they call one another the line is broken off regularly. The conversation continues with one mother talking about what is new in her son’s case. In a recent case of police violence, the same expert witness is involved. She wants to talk about this with President Kirchner, because, how is it possible that this person is still working? In her son’s case he committed fraud because he put a weapon in his car. Then a new case arrives. The COFAVI members tell the victim’s family where they can make a copy of the lawsuit. They say that lawyers are not to be trusted when there is money involved – that the lawyers will go for the civil lawsuit instead of the penal one. They ensure the family that they need to follow the case constantly because the more “they” [judges and public prosecutors] see you, the better.<sup>150</sup>

Over the years, the committee has been involved in the legal representation of many family members of victims. COFAVI gained national and international attention when it presented some cases of police violence at the Inter-American Commission on Human Rights (IACHR) of the Organization of American States (OAS). COFAVI regularly meets in their office in the center of Buenos Aires to discuss ongoing cases as well as matters such as current events related to their field of interest. Other activities at such meetings include the discussion of comments of government officials, receiving new family members and their cases, and planning activities in which members of the committee will participate. In its early years, COFAVI participated in a lot of protests. Now, the committee mostly focuses on “working on their cases” through the juridical approach (see the next chapter

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<sup>150</sup> Recorded in research diary: observation during a discussion in a COFAVI meeting, Buenos Aires, July 16, 2004.

for more details). COFAVI, and especially María Teresa, the president of the committee, is known for its confrontational stance vis-à-vis both the government and other committees that strive to achieve goals that diverge from its own. One feature that distinguishes COFAVI is that it claims to represent only “innocent victims”. Other groups, such as CORREPI, dispute the legitimacy of such a label, arguing that there is no such thing as “an innocent victim”, since such a category would imply the existence of “a guilty victim” (I will explore this distinction between innocent and guilty victims in Section 5.4.1, below).

In 2006 a rather unusual member entered the ranks of COFAVI: a *Bonaerense* police officer who denounced the illegal practices of his chief and, as a result, became the target of physical and psychological harassment, as well as death threats, on the part of his police colleagues. Nevertheless, he still works as a police officer, because, as he said himself, he has no other means of supporting his family. Yet he does not engage in typical police work. After reporting the misconduct of his superior, he was sent to a “Retraining Center”, where he was ordered to clean the facility every day in order to serve as an example to other officers of what happens to “traitors”. When I first met him at a COFAVI meeting in October 2006, his arm was in a cast after having been broken when he was assaulted by two fellow officers. The provincial government has assigned him two permanent bodyguards who work for the naval police. These two guards waited outside of the house where he was attending the meeting. This man wanted to be part of COFAVI because he felt that the family members of victims of police violence and he himself as police officer who had been threatened and attacked by the police force, understood one another, and that they shared a common viewpoint with respect to how the police should do their job.<sup>151</sup>

Among the committees of family members, CORREPI is a bit unusual in that it consists of persons who are lawyers and/or human rights activists. In addition to their active involvement in the public struggle against police violence and impunity through marches, meetings, and a weekly bulletin, they also legally represent family members of police victims. Within CORREPI, however, there is a sub-committee of family members of victims of police violence that is called Family Members of Victims of Police Repression (*Familiares de Víctimas de la Represión Policial*). In an open letter published on the Internet, these family members have written that they are in agreement with the ideas of CORREPI, and therefore decided to join this group in 1996 in order to demand justice for the deaths of their loved ones, and to show solidarity with all victims of what they call “the perverse system” imposed by the governments holding power.<sup>152</sup> CORREPI and the Family Members of Victims of Police Repression are known for their confrontational and critical stance towards the government as well as towards human rights groups that cooperate with the government. It is rumored that CORREPI limits itself to defending only poor victims. The middle or upper class victims are ironically named “very important deceased persons”

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<sup>151</sup> Interview with a *Bonaerense* police officer and COFAVI member, October 5, 2006.

<sup>152</sup> See the website of CORREPI. *Carta Abierta de los Familiares de Víctimas de la Represión Policial*. <http://www.CORREPI.lahaine.org/>, consulted at January 10, 2007.

or “celebrity cases”.<sup>153</sup> The Family Members of Victims of Police Repression are largely from the lower or lower-middle classes because these people feel represented by CORREPI’s more radical discourse against the established order. They regularly organize *escraches* (see the next chapter) and anti-repression festivals (i.e., rock concerts where police violence is the central theme).

The group of family members that has become known as Mothers of La Matanza Against Impunity (*Madres de la Matanza contra la Impunidad*) argues that it is not an association or organization. It defines itself as “a union of mothers who, after suffering the worst – the sudden and unjustifiable loss of a child – feel obliged to take to the streets, because of the lack of justice”.<sup>154</sup> These women argue that they cannot wait for the bureaucracy to take action because it is too slow or too corrupt. They have therefore created a union of mothers to defend the rights of their dead children which has been active since 2003. The mothers are generally from poor families. However, despite the relatively high cost of traveling, making banners, and printing flyers, they do manage to attend protest marches. They also accompany other family members to court, and put them in touch with lawyers.

The last group that will be described here is also the one that was founded more recently than those that have been previously discussed. This is the Mothers in Pain (*Madres del Dolor*). The creation of this group at the end of 2004 caused quite a stir within the *Movimiento del Dolor*. The group consists of family members who individually receive lots of media coverage in the national press, and whose collective activities receive even more attention. The reason that they receive such extensive media coverage is that they are middle-class family members of “innocent victims” of different forms of violence, including car accidents and medical malpractice. The latter point is important because inclusion of these other categories of victims means that attention is somewhat distracted from the state as a violator of rights. Despite the fact that some mothers lost their children due to police violence, the *Madres del Dolor* have not adopted a discourse against the state and its institutions. Instead, they maintain close ties with several highly placed government representatives. They have been received more than once by President Kirchner. According to the group, it was the president himself who suggested the creation of the non-governmental organization.<sup>155</sup> Government subsidies in fact did help launch the organization. It was, above all, this group’s close ties to the Kirchner government that provoked the disapproval of many other family members, both because of allegations of special treatment and because of a general wariness regarding too close an association with those in power. In addition, the *Madres del Dolor* were also heavily criticized for stealing the name of a group of family members who had already been active for years in the northern

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<sup>153</sup> Interview with a lawyer of CORREPI, Buenos Aires, March 5, 2004.

<sup>154</sup> Summary of an unpublished document of the Mothers of La Matanza Against Impunity.

<sup>155</sup> Interview with Elvira Torres, the mother Christian Gómez, and Silvia Irigaray, the mother of Maximiliano Tasca, Buenos Aires, March 15, 2005.

province of Santiago del Estero. Nevertheless, the *Madres del Dolor* continue to have a strong public presence, holding protest marches and presenting lectures that attract a great deal of public attention, mainly due to the support of several media outlets and highly placed officials.

The different committees thus have certain features in common, such as being composed of family members, having professional that they can consult, and the advocacy of justice for victims of police violence. But, as has been seen, they also differ from one another regarding the degree of institutionalization, contacts with politics and politicians, and ideas regarding who they want to represent. Some general observations are worth making. With regard to the composition of the committees, greater levels of professional support generally imply a better organization, a wider network, and a more professional projection of the group's concerns. These characteristics may lead to higher group participation and a stronger impact on society and politics. The second observation also concerns the composition of the committee, and is related to what kind of crimes they represent. Here too, the generalization holds that committees which comprise middle-class family members more often seem to include advocacy for victims of crimes other than police violence. A final observation has to do with the apparent absence of some kind of relationship between class, structure and politicization. Committees representing poor or middle class victims have varying degrees of structure and politicization. COFAVI, for example, is a well-structured non-politicized committee of mainly middle class family members. CORREPI, on the other hand, is a structured and politicized organization representing the poor. *Madres de la Matanza contra la Impunidad* is a non-politicized less-structured committee that mainly represents poor victims.

#### **5.4 Division within the *Movimiento del Dolor***

As the very title of this section indicates, there are a number of important differences among groups and individuals within the *Movimiento del Dolor*. These differences have led to disagreements among family members of victims of police violence and even to the creation of splinter groups. The *Movimiento del Dolor* is made up of family members of victims of police violence who on the personal level are all fellow sufferers. However, participants have divergent backgrounds, ideas and capacities which lead to three overarching systematic fractures within the movement with respect to the following issues: 1) the identity of the victim; 2) the merits of individual versus collective struggle and; 3) whether a political or an ethical emphasis is more appropriate. There is another factor that has put an indelible stamp on the movement, namely the Axel Crusade of Juan Carlos Blumberg. It is a matter of debate whether his crusade has led to unity or division within the *Movimiento del Dolor*. However, such differences within social movements are not uncommon. Della Porta & Diani (1999:100), for instance, argue that identifying with a movement does not necessarily mean sharing a systematic and coherent vision of the

world. As these authors point out, it is rare that one dominant identity is able to completely assimilate all other identities. The four divisions mentioned here will be discussed in turn in the sections that follow.

#### 5.4.1 “Very important” and “unimportant” deceased persons

As was shown in the previous chapter, most victims are young poor males who were living in working-class or lower middle-class neighborhoods and slums. With few exceptions, these victims are not known by the wider public. That some victims receive more public attention than others in general has to do with characteristics of the victim such as whether he is perceived as an “innocent” or “guilty” victim, his social class, and whether he is a member of a political movement.

“Innocent” victims are victimized for no apparent reason and “guilty” victims are killed because they are or have been in trouble with the police because of their criminal activities. During the military dictatorship, some of the Mothers of Plaza de Mayo also initially drew a distinction between innocent and guilty victims. Some of the women in this group said that the political prisoners were in prison because they had done something wrong, but that their own (i.e., non-political) children were innocent. This is why the Mothers of Plaza de Mayo at first did not want to have anything to do with more politicized organizations. The distinction between innocent and guilty victims in contemporary Argentina corresponds to a certain extent to the distinct social classes. A lower-class victim is more often represented as criminal (i.e., by the conservative media and politicians, the police, the judiciary, and the “general public”) than middle or higher-class victims. People assume he was a *pibe chorro*, that he has probably engaged in criminal activity, and that it was for these reasons that he was killed by the police (see also Chapter 8). The criminalization of the victim is thus not based on proven criminal activities but on assumptions and prejudices about the victim’s identity and behavior (expressed in such statements as, “What was this 15-year old girl doing on the street after midnight?” or “His father is a drunk so he probably did something too”).<sup>156</sup> In addition, the young poor male victim tends to be thought of more in terms of his reference group (i.e., the general category of young and poor males) than as an individual.

In contrast, many of the middle class victims are presented as high school or university students, thereby clearly differentiating between the *pibe chorro* and the “innocent” victim who studied hard and had a bright future ahead of him.<sup>157</sup> Some families

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<sup>156</sup> Such remarks were used as an example in interviews with the family members of victims of police violence in order to illustrate the comments they received after the death of their relatives.

<sup>157</sup> Being a university student in Argentina is in many cases just one of the identities of a person. Public universities are free and many students take only one or two courses while working full time. Such part-time students are also often defined as “students”. Consequently Argentina has many university students. If a victim of police violence is presented as a “student”, this does not usually imply that he was a full-time student who was working toward a degree. However, such a designation does point to an implied distinction between a “decent” person who studies, and a *pibe chorro*.

of “innocent” victims also emphasize how hard-working and decent the victim was by statements as, “All he had on him was his notebook and pencil [at the time he was shot]”.<sup>158</sup> Such statements are probably not made to criminalize poor victims but to stress the innocence of their own children. Some middle-class victims are remembered and mourned by large sections of Argentine society. However, this has not only to do with the fact that they belong to middle-class families but also because their relatives have generally been successful in drawing public attention to their particular cases. Yet differential levels of public attention are of course influenced by social class, because middle class families have greater resources (financial, educational, social) at their disposal. The few victims of the (middle-) upper classes are mostly what CELS defines as “third parties” (i.e., those who are victimized without having had anything to do with the police action that led to the shooting) or as a result of kidnappings.

Furthermore, it also matters whether the murdered loved-one was politically active or not. Some family members feel that politically active victims are more important, at least in the eyes of the political movement that the victims were involved with. For instance, there is hardly any contact between the family members and the victims of the Massacre of Puente Pueyrredón and the family members of non-politically active victims. The different ways that these two categories of families view political activism seem to hamper cooperation between them.

Yet, the victim’s identity is not something static but is rather constructed and liable to continuous postmortem modifications. While the victim before his death was a student, brother or the boy next door, after his death he becomes the brilliant student, the loving brother, the helpful boy next door, or even a saint, as happened with Víctor Vital (see Section 5.6).<sup>159</sup> The victim’s identity is also shaped by the families’ public struggle and reputation: the more dignified, respected and successful that a family is perceived to be, the more the victim’s identity will be positively valued. The result of this process is that the identity of such highly valued victims often becomes unassailable. Conversely, the less dignified, respected and successful that a family is perceived to be, the less positively valued will be the victim’s identity. In this latter case, the victim’s identity is often subject to constant questioning. For instance, the parents of Mariano Witis, a 23 years old musician shot by the police in September 2000 after he was taken hostage by two young bank robbers, were criticized by other family members of victims for joining the struggle together with the mother of one of the bank robbers. After all, the latter woman’s son had created the situation that resulted in the police action and eventual shooting. What mattered for the Witis family, however, was that the police officer, a man who had a record of violent behavior while on duty, chose to pull the trigger instead of merely arresting them. Víctor Vital’s mother is one of the few parents who has publicly admitted that her

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<sup>158</sup> Interview with the mother of a victim of police violence, Gran Buenos Aires, April 16, 2004.

<sup>159</sup> The Argentine journalist Cristian Alarcón has published a book about the life and death of Víctor Vital and of *pibes chorros*, called *Cuando Me Muera Quiero que me Toquen Cumbia. Vidas de Pibes Chorros* (2003).

son committed criminal activities. For some, she is simply the mother of a criminal, which renders her ineligible for participation in some committees, and bars her from appearing on some television programs.<sup>160</sup>

#### 5.4.2 The individual versus the collective struggle

Although many family members agree that collective action increases their impact on, among other things, policy decisions, decisions of the judiciary, and sociocultural changes in society, one of the explanations for the difficulty of working together is that some of the family members think and act individually rather than collectively. At first, the Mothers of Plaza de Mayo also searched individually for their children. Their individual searches eventually became a collective one when one of the mothers proposed a joint gathering of grieving mothers on the Plaza de Mayo on April 30, 1977. The Mothers of Plaza de Mayo started talking about “our children” and the 30,000 persons who had “disappeared”.<sup>161</sup> Family members of victims of police violence however, at least up to now, often talk of “my child”. One lawyer and activist of CORREPI said the following about the functioning of the committee of family members of police violence within her organization:

“The formation and maintenance of the committee is not easy for various reasons. We are talking about [...] victims that are from the lower and excluded classes of society. For them, material problems make attendance at weekly meetings difficult. Besides, the majority has no experience in activism. They are people who have ended up becoming activists because they are mourning the death of a family member. This keeps many family members from thinking collectively [...], from understanding that “my son was killed in a police station” has the same meaning as “mine was killed during a protest” or “mine was tortured in prison”. These three cases all have something in common: The state is responsible for the deaths”.<sup>162</sup>

The heterogeneous identities of the movement’s participants tend to intensify more individualistic ways of thinking and acting. Different backgrounds and social classes, as well as differences with regard to prior histories of activism and socio-political viewpoints, make collaboration more difficult.

As I mentioned earlier, the role models have a prominent role within the *Movimiento del Dolor*. Their public struggle serves as an example for others. However, the figure of the role model is also disputed by family members of victims of police violence because, for the outside world, they decide on the issues to address as well as which actions to undertake and which cases to support; it is they who set the agenda. Other family members may not agree with the choices of the role models, but have no means at their disposal to

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<sup>160</sup> Interview with Sabina Sotelo, the mother of Víctor Vital, April 20, 2004.

<sup>161</sup> Nonetheless, in 1985 the Mothers of Plaza de Mayo were also divided into two groups due to internal disputes: the Mothers of Plaza de Mayo Foundation Line and Mothers of Plaza de Mayo.

<sup>162</sup> Interview with a lawyer of CORREPI, Buenos Aires, March 5, 2004.

ensure a public hearing for their views. The *Movimiento del Dolor* is too loosely organized a movement for there to be regular and frequent communication among all members, a fact that makes any collective action very difficult. Families do not always realize that acting collaboratively with other families yields greater material or intangible benefits than acting on their own. People sometimes use committee meetings to discuss individual matters and to unburden themselves. A member of the organization of the family members of those who were killed and injured as a result of police repression on December 19-20, 2001, said that many of the people who participate in their meetings are not in the habit of mobilizing.<sup>163</sup> Instead, all they want to do is tell their personal story and discuss their own problems.<sup>164</sup> In addition, the same participant noted that, for some within the organization, the possibility of obtaining financial compensation is more important than collectively organizing against police violence and impunity.

Consequently, it can be difficult for family members of victims of police violence to overcome their personal suffering and gain an appreciation of the importance of collective mobilization. The public struggle may for some family members be primarily an expression of their personal distress – a distress that has been shaped through public activity, but that in no way involves the intention to form a collective and/or a social movement.

### 5.4.3 “Doing politics” versus ethical struggle

According to the literature, “doing politics” is a common feature of social movements, at least when some kind of interaction with the government is involved. Family members of victims of police violence form part of an anti-violence movement, mobilize within the public and political arena, make claims, and hold the authorities accountable for police violence and impunity. Their public struggle is thus political. It can be argued that they “do politics of human rights”, In practice, however, a political struggle, or *hacer política* (“doing politics”) as it is called in Argentina, has a negative connotation for certain family members.

First, it implies collaboration with the government, accepting something (for instance money or a job) from the government, and becoming a politician. Politicians and political parties sometimes use cases of police violence to demonstrate their sensitivity to social injustice. The Kirchner government created PNAI in November 2003, an event that intensified a discussion that had already begun about family members “doing politics”. In relation to “doing politics”, it should be pointed out that, a couple of months after the creation of PNAI, it had become possible to categorize the group of family members of victims of police violence on the basis of another characteristic: those who belong to the PNAI or at least make use of their services and those who want absolutely nothing to do

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<sup>163</sup> At the time of my research, the organization of the family members of the deceased and the injured of 19/20 December 2001 was no longer truly active. Only some members occasionally came together.

<sup>164</sup> Interview with one of the victims of the December 2001 repression, Buenos Aires, April 15, 2005.

with it. The last group opts for opposition and approximates what Linz & Stepan (1996:270-71) call “ethical civil society” (see Chapter 2 for more details).

Secondly, whether someone or something is labeled political depends on the political movements and parties involved, as well as on the individuals and groups participating in collective actions. If historical human rights groups and *piqueteros* participate, the action will more readily be defined as political. In the Massacre of Floresta, some relatives of the three victims did not want the Mothers of Plaza de Mayo, who symbolize years of political struggle, to participate in their marches. “They were afraid we were going to do politics”, according to one Mother of Plaza de Mayo.<sup>165</sup> Juan Carlos Blumberg, the father of the kidnapped and murdered engineering-student Axel Blumberg, implored the *piqueteros* who wanted to participate in his second march to leave banners, smocks and caps festooned with political slogans at home. Blumberg also insisted that any *piqueteros* attending the march not cover their faces. He wanted to avoid the march becoming political, and he also did not want to scare away other supporters of his cause.

Thirdly, “doing politics” also involves family members making use of their suffering when they appear in the media, as well as the building of a network of influential people to achieve power, expedite the processing of cases, and gain access to other material and non-material benefits. The strategy underlying such activities may be termed that of obtaining the maximum possible benefit from one’s personal suffering.

“Doing politics” thus has a varying significance for the movement’s participants. At the same time, what is considered “political” may change with time. At present, “doing politics” in the manner just described is usually seen in a negative light, and as evidence of a weak conscience and dubious ethics by those participants who disavow such activity. As the family of Rodrigo Corzo, who was shot by *Bonaerense* police officers on June 28, 2003, explained:

Rodrigo’s Father: “There are many things we do not agree upon. Because the case of Rodrigo..., we’re not going to use the case to manipulate the situation to our advantage, or to get on television – we have never wanted this. I personally see things that I find hurtful. It is a way of benefiting from the death of your child”.

Rodrigo’s Sister: “Because you might not believe it. But there are many family members, mostly the parents, using the deaths of their children to get things done, [or] to get a position in government”.<sup>166</sup>

Some family members feel that “doing politics”, in addition to indicating a weak moral conscience and dubious ethics, is also viewed by some as something that can harm *la lucha*. They prefer that their own protest activities take place within the framework of “ethical

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<sup>165</sup> Interview with Nora de Cortiñas, a Mother of the Plaza de Mayo, Buenos Aires, April 22, 2005.

<sup>166</sup> Interview with the father, mother and sister of Rodrigo Corzo, Gran Buenos Aires, June 4, 2004.

civil society” – or, at the very least, that such activities maintain a neutral stance vis-à-vis the state.

One question to consider here is whether, after the violent loss death of a loved one, there can even be such a thing as “obtaining benefits” or “gaining an advantage” as a result of one’s suffering. After all, the suffering seems immeasurably greater than any possible advantage that might be gained – a reality acknowledged by many family members. Nevertheless, the issue of using victims to “do politics” is one of the most controversial issues within the *Movimiento del Dolor*, and marks a dividing line within the movement. One prominent representative of the approach of “doing politics” is Juan Carlos Blumberg who, after the death of his son, began a public struggle that markedly deviated from what until that point had been the norm among family members of victims. He used his charisma but, more importantly, he made use of institutional channels and contacts to help ensure that his demands were quickly met. As almost all family members do, he also organized marches, but he did so primarily to circulate petitions, to establish contacts, and to hold meetings with influential people. It should also be noted that he always led such marches dressed in a suit and tie. He used his background as a businessman to organize the struggle within a different arena: i.e., a “struggle from above”, conducted by means of involving influential people and using a “decent” discourse in which he continuously stressed the idea that democratic principles should characterize the public struggle. It was mainly because of these features that his program soon began to be thought of as political. Let us now examine what Blumberg’s campaign implies and in what ways it has influenced the *Movimiento del Dolor*.

#### 5.4.4 The Axel Crusade

“All of the family members are very angry,” said María Teresa at a meeting of COFAVI on April 2, 2004, the day after a mass protest was held to demand justice for the murderers of Axel Blumberg. She continued: “Angry with the press and the government. Regardless of the fact that there was a high turnout, there is actually a mixture of joy and anger because [although] the people finally support us, [we wonder] why they did not see us before. Were they blind or deaf?” She asked this question with noticeable emotion in her voice. “All the television channels showed the same images because it was arranged by the government. It is not fair that he entered the Congress, because we should have entered before. Axel is not the first victim and will not be the last. I told a journalist that I did not participate for Axel Blumberg only, but for all victims of democracy. This is ridiculous. There were people saying, ‘I saw him, I saw him’. And they touched him, as if he were Mother Teresa. Tomorrow we will vote for him. This country is ignorant”. These remarks were uttered during the course of a conversation that lasted several hours, but the feelings of anger, perceived injustice, and suspicion with regard to the march of the day before were not limited to María Teresa’s diatribe at the COFAVI meeting. In the months that followed,

such remarks dominated many discussions in the circle of family members of victims and human rights organizations. After the April 1<sup>st</sup> march, politicians took up citizen insecurity and police violence as high priority issues, and the press was filled with articles and opinion columns regarding this issue.

April 1, 2004, was indeed an historic day in Argentina. On that day, there were a great many people milling around National Congress Square in Buenos Aires Capital to express their discontent about a society they were experiencing as increasingly unsafe.<sup>167</sup> The reason for the mass demonstration was the kidnapping and murder of Axel Blumberg on March 23, 2004, and the demonstration had been organized by Axel’s father, businessman Juan Carlos Blumberg.

Axel had been kidnapped on February 17, 2004. The situation exploded when the kidnappers killed him six days later. Some residents had called the *Bonaerense* when they saw Axel being beaten in the streets. However, the police ignored the call, because, as it was later revealed, the kidnappers had paid protection money to the *Bonaerense*. Several high-ranking officers were fired because of their involvement in attempts to cover-up the crime. Juan Carlos Blumberg received unparalleled support from the provincial and national governments, the media and Argentine society as a whole. As explained in the previous chapter, the governor of the province of Buenos Aires declared a security emergency, and the minister of security had to resign. In addition, the government of the province of Buenos Aires, under the leadership of Minister of Security León Arslanián, who had recently been appointed to that post, presented a plan to combat crime and reform the police.

The Axel Crusade, as Blumberg called his public struggle, had begun in full force. Opinions are divided with respect to the reasons the Axel Blumberg case caused such a widespread public outcry in Argentina. Some argue that the death of Axel was just the last in a series of important events that collectively led to the enormous public reaction. Others ascribe the attention given to the case to the fact that the Blumberg family is relatively wealthy. Blumberg himself argues that people are tired of living in fear and insecurity. His assertion is reinforced by the fact that more than five million Argentines have signed his petition in which he demands, among other things, stiffer penalties (both for police officers and minors committing crimes), creation of a new arms law, registration of cell phones, construction of a new system of personal identity cards, and the creation of a vocational training program for prison inmates so that they can learn how to earn money via legal means. Blumberg said that, at the time of my interview with him on September 24, 2004, six months after Axel’s death, he was still receiving signed petitions in support of his Axel Crusade on a daily basis. Many people have visited his website and have sent him anonymous faxes with tips and other important crime-related information. During the time that Axel was being held, a police officer had secretly come to Blumberg’s home in the

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<sup>167</sup> Estimates range from 120.000 to 350.000 participants.

middle of the night, in order to give him information about the crime. These are, according to Blumberg, other examples of Argentines, civilians and police officers, who are living in fear.<sup>168</sup>

An important characteristic of Blumberg's discourse is that he demands changes within Argentine democracy via democratic processes. When many protesters began booing during the April 1<sup>st</sup> demonstration when Blumberg uttered the phrase "representative of the people", Blumberg gently rebuked them by saying, "No no we live in a democracy, we are going to make demands by democratic means. They are representatives of the people because we voted for them. If we don't like them, we have to change them by voting for someone else".<sup>169</sup> Blumberg says that the peacefulness of his marches are epitomized in the protestors' carrying of white candles and their singing of the national anthem at every event. And this is, according to Blumberg, exactly what the *piqueteros*, with their marches and blockades, do not understand. "They frighten people with their covered faces and sticks, and therefore people do not like them".<sup>170</sup> Blumberg sees his followers as "decent people", emphasizing that this also includes *la gente humilde* (i.e., people of limited economic means) – as long as they don't show up looking like *piqueteros*.

People, including family members of the *Movimiento del Dolor*, had mixed feelings about the first march and Blumberg's petition. They might not agree with Blumberg's ideas, but they were pleased about the large number of Argentines finally doing something, showing their unhappiness about the ways things were going in Argentina. However, in his first march, representatives of Jewish, Catholic and Muslim organizations decided to withdraw from participation in a planned joint prayer session because they disagreed with Blumberg's petition. There were also family members of victims of police violence who decided not to participate in the organized activity because they do not share some of the ideas of the Blumberg family, such as their advocacy of stiffer penalties for juvenile offenders. But before and immediately following the first march, it was mainly the support from government officials that Blumberg received that did not sit well with those who had been involved in the fight against injustice for many years. María Teresa Schnack, President of COFAVI, expressed the views of many in the movement in an open letter that she wrote regarding the Blumberg phenomenon. Her letter also helped clarify the thinking of many who had not yet made up their minds about the matter. Below is an excerpt of her letter:

"Beforehand I want to say that, as a human being, citizen, journalist, but above all as a mother of a victim of crime, the *Maldita Policia*, and the *Maldita Justicia*, I totally reject the brutal assassination of Axel, and accompany his parents in their pain that is so mine, but I cannot help giving my opinion about the march of Thursday April 1<sup>st</sup>. I arrived at the

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<sup>168</sup> Interview with Juan Carlos Blumberg, Gran Buenos Aires, September 24, 2004.

<sup>169</sup> This is part of the speech of Juan Carlos Blumberg, Buenos Aires, April 1, 2004.

<sup>170</sup> Interview with Juan Carlos Blumberg, Gran Buenos Aires, September 24, 2004.

Congress Square at 18.00 pm. There I met various family members of COFAVI ... and together we tried to get closer to the Congress. There were lots of people. Suddenly I realize that behind the fence there were loudspeakers and a microphone, I thought some official would speak before the ceremony. But I was surprised to see the big door of the Congress was opened to let Mr. Blumberg and his family, accompanied by members of the security force, pass. Emotion was replaced by anger, shared by all the familiar and unfamiliar family members that were present. ... This manifestation provoked conflicting feelings in me. On the one hand I thought that the Argentine people had lost its lethargy and I was touched by the number of people that participated, but on the other I felt lots of anger because I saw that everything was prepared by the government. ... I never could have imagined that he [Blumberg] would enter in an official car, to the inner court of the Congress, with security guards, that they would come and pick him up by car, as well as I cannot understand that the principal entrance of the Palace was opened to him, that is only used for presidents of other countries, for kings or high officials of some international organization. ... How is it possible that we, working voluntarily and without receiving a single *peso* for twelve years now, never have been received by the Commissions of Human Rights, Penal legislation of Constitutional Matters as well as Ministers and Governors did not come to visit us in our houses and never a president has received us, not even Kirchner, to whom we applied for an audience last year? However, Blumberg managed in one week to visit all these places. Is it possible that one life is more valuable than another? Is it possible that thousands of cases, of children assassinated in democracy, will remain in oblivion, and with them everything the mothers, fathers and family members did to modify this? ... For me this is the square of national shame, pain and death. ... Now, as I am calmer, I can say I am proud to have stood on the other side of the fence, on the side of those who suffer and are not listened to, the side of the silent majority that works with respect and dignity”.

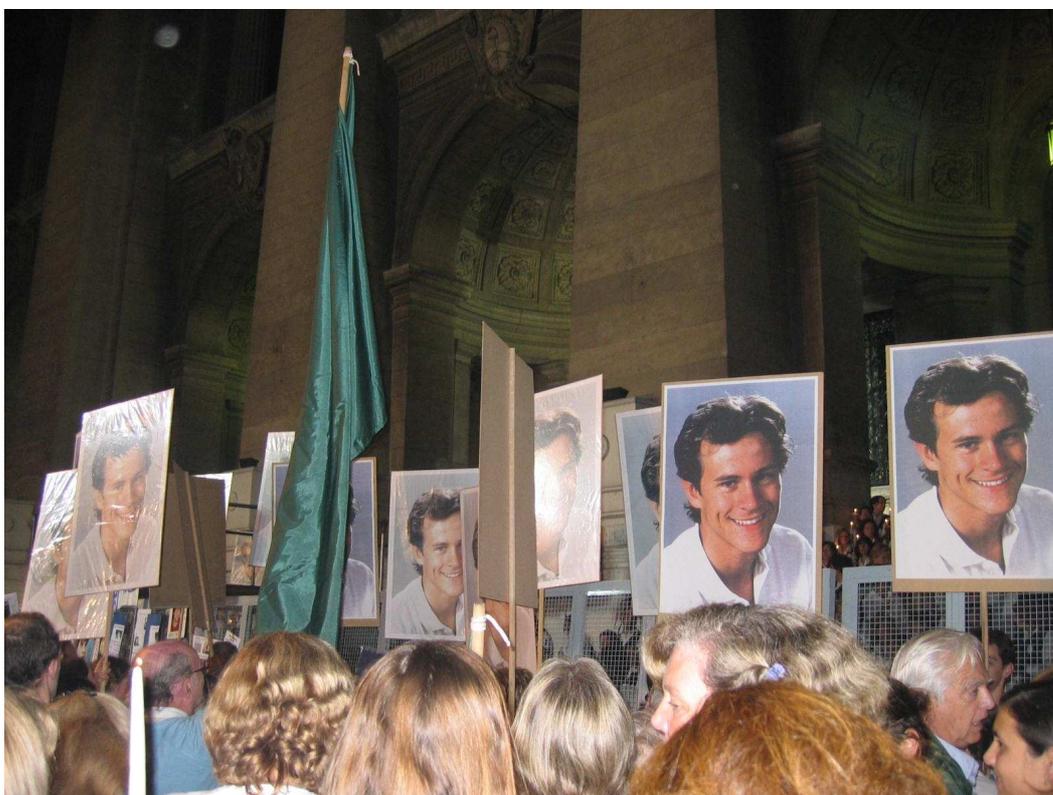
While Juan Carlos Blumberg could count on the support of a considerable number of family members of victims of police violence during the initial march, in his succeeding marches he could no longer rely on them.<sup>171</sup> What was it about Blumberg’s marches and petitions that drove away so many of those who attended the April 1<sup>st</sup> march (even though he did retain a rather large and stable group of sympathizers)?

The second march was on April 22<sup>nd</sup>, three weeks after the first massive demonstration. This time, Blumberg circulated petitions that were mainly aimed at reforming the judiciary. He demanded the proclamation of a state of emergency within the judiciary, the extension of the work day of judiciary employees, the publication of statistics on the number of cases tried and sentences imposed by the court, and the implementation of a transparent system accessible to civilian oversight and review. Blumberg’s daily appearances in the media between the two marches spurred many family members or committees to write open letters, circulate petitions or carry out other forms of protest.

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<sup>171</sup> In addition to organizing marches and circulating petitions, Juan Carlos Blumberg created the Axel Blumberg Foundation a couple of months after his son was murdered. More information about this foundation is available at its official website: <http://www.fundacionaxel.org.ar>.

The day before the second march, family members (of mostly police victims) organized a press conference to make public their ideas about violence and impunity and what was called the “Blumbergmania”. The family members were angry because, within the space of only a few weeks, all doors had opened to Blumberg while they had remained closed to them throughout their long years of public struggle. They wanted to drive home the fundamental idea that “the pain is the same, the killer is the same and the rights also should be the same”.<sup>172</sup> Some *piquetero* movements expressed their wish to participate in Blumberg’s second march because they too wanted to express their opposition to police violence and impunity. Blumberg agreed to their participation on the condition that they not bring banners, wooden sticks or any other signs of political activism to the march. Not all *piqueteros* honored this request.<sup>173</sup>



Picture 5.1      *The second march for Axel Blumberg, April 22, 2004*

In his third march on August 26<sup>th</sup>, Blumberg handed over a petition to the House of Representatives that, in the eyes of many family members and human rights organizations, was highly objectionable. Among other things, he demanded the implementation of jury trials, the creation of institutes of minority rehabilitation, the lowering of the age at which an individual could be tried as an adult to 14, and political reform measures. He also handed over a petition to Governor Solá calling for the improvement of security and

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<sup>172</sup> Press conference of family members of victims, Buenos Aires, April 21, 2004.

<sup>173</sup> Recorded in research diary: observation during the second march of Blumberg, Buenos Aires, April 22, 2004.

justice in the province of Buenos Aires. In this third march, Juan Carlos Blumberg attacked the human rights organizations for not having offered support, based upon his contention that human rights are for criminals and not for people like his son. He also accused some media channels and *piqueteros* of thwarting his plans. Human rights organizations strongly objected to his charges. But by that time, the cold war between Blumberg on one side and family members of victims of police violence, human rights organizations and political movements on the other, was already a fact. What’s more, the government started to feel increasingly uncomfortable with Blumberg’s discourse and tried to distance itself from him.

The idea behind the fourth march, which was held on August 31, 2006, in the middle of the court case for Axel Blumberg, was mainly to attack the government for not having succeeded in putting an end to security problems in Argentina.<sup>174</sup> Blumberg called on President Kirchner to implement proposals in three areas: 1) security and justice (e.g., the coordination of policies between the national and provincial authorities in the area of security); 2) legislative actions that involve the National Legislative Power (e.g., the implementation of trials by jury) and; 3) the creation of an Investigation Commission to investigate the increase in the income of federal judges in the last 15 years.<sup>175</sup> This time, in addition to right-wing politicians such as Mauricio Macri and Ricardo López Murphy, between 35,000 and 40,000 people answered Blumberg’s call to march (according to estimates in the newspaper Clarín). This turnout, although a great deal lower than the attendance for the first march, was still quite large, and indicates that Blumberg has retained a substantial base of supporters.<sup>176</sup> Left-wing groups organized a “countermarch” to repudiate Blumberg’s march and, especially, his proposals for *mano dura* crime fighting measures.

In sum, in the public debate, Blumberg’s petitions caused division between – broadly speaking – those asking for more *mano dura* and those perceiving such policies as one of the causes of violence. However, Blumberg’s petitions are best described as an ambivalent and even conflictive mixture of, on the one hand, somewhat progressive institutional reforms and, on the other hand, *mano dura* policies. For part of society, mainly the middle and upper classes, Blumberg had become a guru who was offering answers to the nation’s security problems. For others, Blumberg had become a dangerous person looking only after the interests of rich people at the expense of the poor. For poor Argentines, Juan Carlos Blumberg came to represent everything that was wrong with Argentine society. The Axel Crusade created tensions in the relationship between the state

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<sup>174</sup> The court case began in July and lasted through the end of October 2006. The two leaders of the kidnap gang were sentenced to life imprisonment. Five others were sentenced to prison terms of between ten and twenty years. The two Federal Police officers were found not guilty.

<sup>175</sup> This is a section of the petition that Juan Carlos Blumberg presented on August 31, 2006.

<sup>176</sup> The number of participants as estimated by the different parties varies considerably; 300,000 according to the organizers of the march; 60,000 according to the Federal Police; 8,000 according to a government source; and 35,000 to 40,000 according to the newspaper Clarín. Clarín September 1, 2006: “Blumberg llenó media Plaza y le pegó al Gobierno por la seguridad”. <http://www.clarin.com/diario/2006/09/01/elpais/p-00301.htm>

and family members,, because the latter felt slighted by the overwhelming attention Juan Carlos Blumberg *initially* received. And, after a while, the government also began to see Blumberg as a threat they needed to distance themselves from, because he continued to place citizen insecurity and the authorities' incompetence on the agendas.

What María Teresa, COFAVI's president, had predicted on April 2, 2004 became reality on July 27, 2007: Juan Carlos Blumberg announced that he was a candidate in the October 2007 elections, not for president, but for governor of the province of Buenos Aires. However, he was defeated.

## 5.5 A language of rights: the movement's demands

"... We want to start by saying that we, as affected family members, believe that security problems are not solved by the voluntarism of some politicians that want to clean up their own reputations at the expense of our suffering. [...] Because politicians willing to implement zero tolerance or simple solutions do not tackle the origins of the problems. Here is our response: we categorically affirm that the principal cause of insecurity in our country is a political class allied to the federal, provincial and *Bonaerense* police forces that benefit from a profoundly unfair economic system that carries out criminal activities as one of its businesses. That is why those present here, who are all victims of impunity, want to make it clear where we stand on the issue of security:

**Argentine armed forces:** we do not want them to be in charge of our security, because you, together with businessmen, politicians and those who participated in the dictatorship, produced this situation – that is, insecurity.

**Federal, Provincial and *Bonaerense* Police Forces:** We do not want you to have more arms, technologies, or authority that sanctions your impunity, because you are responsible for the *gatillo fácil*, for the vend of stolen car parts, and for the kidnappings that terrify our country today. We demand absolute purification and democratization of the security forces, and the control, election and revocation of the police chiefs by the citizens of the community.

**Argentine Political Class:** We do not believe them. Not the deputies, nor the senators. We believe you to be the ones who are mainly responsible for our situation. [...] You are our insecurity. We do not want zero tolerance. We demand justice and the end of impunity. We demand more democracy, we demand work for our children and we demand above all a different country from the one we live in now [...].<sup>177</sup>

These demands of family members of victims were expressed during a press conference, convened by the family members themselves three weeks after Blumberg launched his Axel Crusade. They wanted to be heard with respect to security matters as well, and their views obviously did not correspond to those of Blumberg. The press conference was meant to counterbalance the dominant security debate, which was dominated by a demand for more

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<sup>177</sup> Press conference of family members of victims, Buenos Aires, April 21, 2004.

*mano dura*, with a discourse of citizenship and rights. In this way, the family members wanted to make it known that they did not believe the Bloomberg approach to be effective but that, instead, it would lead to violence and insecurity.

Although family members of victims of police violence have individual demands in their personal cases, as part of the *Movimiento del Dolor* they make a number of collective demands as well. Their most visible demand is probably for justice in cases involving police violence. They also demand an end to police violence and the network of complicity (with representatives of the political power and judiciary) and, connected to this, police reform. Similarly, the *Movimiento del Dolor* demands political accountability; it holds government representatives accountable for inaction or complicity, and wants them to respond to their demands. In some cases, the demands are tangible or expected to be complied with in the short term ( e.g., to hold a meeting with the public prosecutor, judge, minister of justice or security, or for financial compensation). In other instances, the demands are directed to society at large to become more sensitive to these issues. In practice, demands are often interwoven and not clearly distinguishable from one another.

Let us first address the demand for justice. Although all family members within the *Movimiento del Dolor* demand justice, even they may be somewhat confused as to what justice exactly is or when justice is done. In line with Pita (2004:442), I believe that among the family members, there exist different conceptions of justice. Pita (ibid.) asserts that demanding justice involves different actions at different times. Such a demand does not only manifest itself at the moment of demanding the clarification of the events and the application of a punishment, but also when there is evidence of irregularities in the juridical process that point to institutional complicity or when a sentence is not perceived as satisfactory. Justice is most often described as “securing a conviction” for the crime that was committed. However, an eight-year prison sentence of a policeman for murder is not generally seen by family members of victims as constituting justice, while a life sentence generally is. A conviction alone is thus not perceived as justice; the length of the sentence matters as well, but the extent to which it does so is highly subjective. The demand for justice also encompasses the investigation of irregularities during the judicial process, a fair trial, and the serving of the sentence (i.e., there is widespread sentiment against any early release for “good behavior”).

The struggle for justice continues in most cases at least until the end of the oral trial. When justice is considered as having a conviction, the public struggle may end after the sentence. Sometimes this implies political demobilization. After the trial, a calmer period may start; family members of victims have a chance catch their breath and decide whether they would like to discontinue their participation in marches. However, many family members continue their struggle because they appeal the sentence, they feel solidarity with others, because it has become a way of life (a “survival strategy”) for them, or because they want to keep the memory of the victim alive and shift the focus of their activity towards the demands for the end to police violence, as well as the fostering of

greater sensitivity with regard to these issues in society. In addition, they take it upon themselves to counsel other family members of victims of the police in how to organize the struggle for justice.

The second demand, calling for an end to police abuse, the network of complicity and police reform, is in fact a demand for profound institutional reforms because, within the current hierarchical structure of the police and judiciary, such changes will not take place automatically. The family members claim that, although they know that they will not get their relatives back, they struggle for a society in which there is no place for police violence and impunity. They demand that “their” victims be the last victims. Some of COFAVI’s proposals to the Kirchner government (which actually initially date back to 1996) to improve the quality of police work are listed in Table 5.1 below.

**Table 5.1: COFAVI’s proposals for improving the quality of police work<sup>178</sup>**

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1. Humanization, democratization and professionalization of all those who join the security forces.
  2. Requirement of a high school diploma for joining the security forces and a university degree for the highest ranking positions.
  3. Periodical psychological controls of the members of the security forces.
  4. Higher police salaries.
  5. Incorporation of civilians to perform administrative tasks in police stations.
  6. Suspension of any members of the security forces who have current criminal charges against them.
  7. Creation of Security and Prevention of Crime Councils comprising citizens of the neighborhoods where the precincts are located, as well as members of local organizations, with the objective of monitoring police actions.
  8. Suspension of police personnel who have participated in the human rights violations during the last military dictatorship.
  9. The enactment of a law enabling all Argentine citizens to elect their police chiefs.
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Source: COFAVI (1996, 2004)

Furthermore, the demand for a more secure environment includes addressing common crime and violence as well, although it is more often identified with those demanding a *mano dura* crime-fighting approach and with right-wing voters. Some family members of victims of police violence also demand the right to participate in security matters, presenting ideas and projects for both institutional reform and for improving the quality of the police and the judiciary. For example, some proposed the implementation of weekly drug and alcohol screenings of police personnel on duty. Others suggested that the police

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<sup>178</sup> Unpublished document of COFAVI: *Propuestas presentadas al presidente Néstor Kirchner y al Ministerio de Justicia Gustavo Beliz, para mejorar el posible plan de seguridad nacional*, May 25, 2004 (revision of 1996 version).

chief be elected, meaning that every village or small town in the province of Buenos Aires can vote for his or her chief, the underlying idea being that this would improve police-citizen relations.

It is possible to categorize the above-mentioned demands into four separate (but sometimes overlapping) demands for citizenship rights, legal accountability, policy changes, and socio-cultural changes. First, the *Movimiento del Dolor* demands the rehabilitation of their violated rights. The family members demand justice (and thus access to the judiciary), equal treatment of the victims and family members, financial compensation, citizen security and participation in policy decisions and implementations, which are some of the principal citizenship rights. Secondly, the demands for legal accountability refer to justice for the cases of police violence, a fair trial, and the end to police abuse and impunity. Thirdly, the movement demands policy changes to ensure a less abusive and corrupt police, an accountable government and judiciary, and clear procedures regarding (financial) compensation. Fourthly, the *Movimiento del Dolor* demands sociocultural transformations within the political culture and society at large concerning the ways people think of and deal with issues such as corruption, impunity, political and legal accountability, marginality and inequality in Argentina.

The flyer below, which was printed to call attention to the circumstances surrounding the shooting of Rodrigo Corzo by a *Bonaerense* police officer on June 28, 2003, is an example of how the several demands for accountability, citizenship rights, policy changes, and sociocultural changes are being expressed. The family members and friends of Rodrigo ask who they need to ask for security. Those who control the drug and arms trade? Those who criminalize social protests? The judiciary or the corrupt politicians? The family members and friends of Rodrigo want to declare that security is not about killing the young and poor, and that social exclusion is resolved with employment, health and education for all and not with bullets. Security, they argue, begins with justice.

The most frequent targets of claim-making by the *Movimiento del Dolor* are the government (national, provincial and local), police, judiciary and individual representatives belonging to the authorities and institutions. This implies that the movement in one way or another thinks of the state as the entity that should solve their problems, even though family members of the victims of police violence do not consider the state's rule legitimate. By addressing demands to the state, the movement holds the state responsible for granting those demands. In general, the government is held responsible for failing to govern the police and for allowing the police to govern themselves. Therefore, the government is seen as an accessory to the crimes committed by the police. Since the provincial minister of security is the chief of the *Bonaerense*, family members of victims of police violence also frequently hold him accountable for police wrongdoing. In August 2004, for instance, family members gathered in front of the Ministry of Security in La Plata to protest because the police officer involved in the death of their relative was still at large, a circumstance that

they held Minister of Security León Arslanián responsible for.<sup>179</sup> In addition to individual officers, the police institution as a whole is also held responsible for the crimes, because the officers are trained, equipped by, and work within the institution. “It is not just one police officer, it is the whole institution” is a frequent slogan in marches and *escraches*. Demands of individual officers consist of taking responsibility for a particular crime that they stand accused of having committed.

**A QUIEN LE PEDIMOS SEGURIDAD?**

**A LOS QUE MANEJAN EL TRAFICO DE DROGAS?**

**A QUIENES MANEJAN LOS DESARMADEROS?**

**A LOS QUE TRAFICAN ARMAS?**

**A QUIENES CRIMINALIZAN LA PROTESTA SOCIAL?**

**AL PODER JUDICIAL , A LOS POLÍTICOS TRANSEROS Y CORRUPTOS???????????**

**LA SEGURIDAD NO PASA POR EL ASESINATO DE LOS PIBES POBRES**

**LA EXCLUSIÓN SOCIAL SE RESUELVE CON PAN, TRABAJO, SALUD , EDUCACIÓN DE CALIDAD PARA TODOS Y NO CON BALAS!!!!**

**MIL PIBES ASESINADOS POR LA POLICIA EN LOS ULTIMOS 4 AÑOS**

**BASTA DE GATILLO FACIL LA SEGURIDAD EMPIEZA CON LA JUSTICIA**

PADRES, HERMANOS, FAMILIARES Y AMIGOS/AS DE RODRIGO  
justiciapararodrigo@yahoo.com.ar

**RODRIGO CORZO VICTIMA DEL GATILLO FACIL**

**BASTA DE IMPUNIDAD!!!  
BASTA DE GATILLO FACIL!!!**

Flyer 5.1: “Who do we need to ask for security?”

However, the *Movimiento del Dolor* also urges those in the wider society to become actively involved in the matter. It can be quite difficult to get people to participate in collective protest actions, especially when they initially feel that they have nothing in common with the protesters or no particular interest in the issue. The idea that police killings occur for legitimate reasons (e.g. that the victims were committing a crime) is deeply-rooted in vast sectors of society, despite the widespread belief that the Argentine police is violent and corrupt. Because many people believe that police violence will not affect them, since they are hard-working decent people, they are not eager to get involved in such matters, unless the victim is a neighbor, colleague or acquaintance and they know his death was unjust. Besides, people are afraid; they do not want to run the risk of suffering the same fate. Nonetheless, the movement makes an appeal to society to engage in these matters because

<sup>179</sup> Recorded in research diary: observation during a social protest to demand the apprehension of a fugitive police officer, La Plata, August 6, 2004.

it believes that widespread participation will increase the probability of their demands being met.

## 5.6 Family life and the representation of the victim

Earlier in this chapter, I briefly mentioned that family life and the way the victim is talked about change when a family suffers as result of police violence against one of their own. In this section, I will discuss these changes in some detail. This section deals with two questions. First, what does the public struggle (which mainly involves the victims' mothers) imply for family life? And secondly, what position does the victim's memory come to assume within the family?

To begin with, when the mothers begin to participate in the many public activities of the *Movimiento del Dolor*, they are obviously spending less time at home with the rest of the family. As pointed out earlier, most of those who are actively involved in the movement are women, who are usually not the breadwinners of the family. Therefore her absence in the household can bring about a significant change for family life. In interviews, many mothers emphasized how all of a sudden they needed to exchange the dishwashing brush and flat-iron for flyers and banners that explain how their child was killed by the police. Next to their role as mothers and housewives, they've become social and political actors, and this may change their social position in the household and the relations with the other members of the family as well. But what may have an even larger impact is that the victim becomes the central figure in the household; everything starts revolving around him or her. This finds expression in large numbers of photos of the victim in the family home, the carrying of badges with the victim's photo at all times as a sign of continuous protest and remembrance, or the family's conversations that often discuss the course of the investigation or power holders' decisions regarding the case. Consequently, even though the mothers are the most visible agents in the public struggle, in reality the whole household becomes willingly or unwillingly involved in it.

The central position of the victim also becomes apparent in the *ways* they are talked about. Whereas the victim himself is worshiped and remembered with love and compassion, the act of violence is dealt with in rather technical and distant terms and manners. I often witnessed conversations in households or during meetings of family members which involved detailed discussions of the way the victim was pursued by the police, the distance and precise location from which the bullet was fired, what kind of injuries the bullet had produced, and how the police had tried to erase evidence of the murder. On some occasions, their stories were accompanied by bloody pictures of the crime scene or of the victim himself. The family members thus evoke the victims in very distinct ways: in a personal and affectionate way when talking about the person and his life, and in a depersonalized and cold manner when discussing his death. This facilitates their coping with their grief, as if the victim is not the same person as their loved one. At the

same time, it enables them to continue protesting the violent death because, while grief in and of itself may be paralyzing, awareness of the injustice that was perpetrated allows them to become political actors and to commence the public struggle.

The victim may turn into a symbol of kindness, become a figure of trust and comfort, or even be transformed into a saint. The grave of Rodrigo Corzo, for instance, has become, for some of his acquaintances, a place to go to seek guidance and comfort. Rodrigo's family revealed in an interview that, when they visit his grave, they often find small presents which have been left as expressions of gratitude to Rodrigo for his guidance. Once, they found a letter of a girl who asked Rodrigo to help her to finish her studies that year. When she succeeded, she left her medal at Rodrigo's tomb.<sup>180</sup> In an interview, the mother of seventeen-year old Víctor Vital, a *pibe chorro* shot in 1999 by members of the *Bonaerense*, describes how he became worshipped by neighbors after his death. Víctor was not a typical *pibe chorro* though: he was said to have shared his booty with the poor of San Fernando (a district in Gran Buenos Aires). People in these neighborhoods still remember that he once robbed a truck with dairy products and divided everything among the poorest of the poor.<sup>181</sup> Within a short lapse of time, Víctor transformed in the popular imagination into a latter-day Robin Hood, robbing from the rich to give it to the poor. Already widely admired while he was alive, after his death, Víctor became a mythical figure whom some venerate as a saint who protected them.

For most families, mourning and remembering the victim is a daily event. "For us, every day is a 28", said the Corzo family, referring to the day (June 28, 2003) Rodrigo was killed. They mentioned the daily suffering, but also the daily remembering, by recalling memories of the time the family was still complete. With respect to Dirty War crimes, Robben (2005a:127) points out that "the Argentine response to the traumatic dirty war has not been one of silence, disavowal, melancholia, or impeded mourning, but instead a compulsive remembering and continued contestation about the meaning of terror and suffering". Also with regard to present times and for crimes that continue to occur, remembering is a fundamental way of dealing with loss. This strategy may be useful in two ways. First, remembering can be a method of increasing pressure on power holders as well as a way of honoring the victim. In the first case, the family members of victims of police violence believe it is central for the attainment of justice to constantly remind politicians, judges, public prosecutors and the police of the fact that they will not forget, give up, and drop the case. Bringing pressure to bear on the court by organizing protest marches is seen as one of the few means they have to influence court decisions. Secondly, continuous remembering keeps the issue of police violence and impunity visible, and constantly reminds society and the state of the need to do something about it. In the end, justice may or may not be done, but the purpose of remembering and honoring is an end in itself: it

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<sup>180</sup> Interview with the father, mother and sister of Rodrigo Corzo, Gran Buenos Aires, October 29, 2006.

<sup>181</sup> Interview with Sabina Sotelo, the mother of Víctor Vital, Gran Buenos Aires, April 20, 2004.

has no ulterior motive. As two of the mothers of Massacre of Floresta victims said regarding the function of remembering:

“For us, it is really important that we keep on going to marches. We go with the badge with the photo of the three boys. To keep the case alive, because if not, people forget. We must keep the memory of the Massacre of Floresta. And I tell you, I always have the hope that the man [i.e., the police officer who shot them] who is in the Marcos Paz jail, hears about ‘these mothers who are fanatics that just never give up’. We continue to bother him somehow, him and his family”.<sup>182</sup>

These words demonstrate the personal need of the victims’ families to remember, even after the trial in which the police officer was sentenced to 25 years in prison. It gives them satisfaction to still be able to do something for their loved one. Feelings of guilt also play a part. They could not prevent their family member from being killed and in their own minds, they have therefore failed. In interviews and conversations, they often expressed feelings like, “I should not have let him go to the disco” or “I should have been more attentive, but I was working the whole day”. Family members of victims of police violence feel that only thing they can do for the victim is to continuously remember him or her.

The key question is why the response of family members of victims of police violence is one of continuously remembering and denouncing. Is it really effective with respect to the demands? This question will be addressed in Chapter 8.

## 5.7 Conclusions

The emergence of the *Movimiento del Dolor* can be explained by a combination of historical learning, victimhood, and grief, as well as the expanded political opportunities and increased availability of resources during the administration of Néstor Kirchner. As has been shown, for family members of victims of police violence, there are three motives underlying the decision to “go public”. First, they follow in the footsteps of the relatives of those who protested on behalf of the “disappeared” during the 1976-1983 military regime. However, the *Movimiento del Dolor* did not become part of the historical human rights movement because it came to occupy its own public space. Secondly, most family members came up against a wall of resistance on the part of state institutions responsible for solving and punishing the human rights violations that had been committed. The complete disbelief among family members of victims in the fair operation of these institutions made them decide to publicly denounce the irregularities that were occurring. Afterward, the victims’ families sought to pressure those in power to make decisions in their cases that conformed to their own conceptions of what was just. Thirdly, publicly denouncing the

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<sup>182</sup> Interview with Elvira Torres, the mother Christian Gómez, and Silvia Irigaray, the mother of Maximiliano Tasca, Buenos Aires, August 5, 2004.

events and socializing with their peers is for many family members what keeps them going; they survive and cope with their loss in this manner.

The families of victims of police violence have transformed their personal grief into a public struggle for truth and justice. After the first family members had begun such a public struggle, a domino effect occurred: more and more family members saw *la lucha* (“the struggle”) within the public domain as the only possible way to achieve the rehabilitation of their violated rights. As mentioned briefly in the introduction, the public and private spheres in which family members of victims of police violence mobilize are not clearly demarcated domains. Instead, *la lucha* moves from one sphere to another or takes place in both spheres at the same time. The family members of victims of police violence began to form a social movement and victimhood and the public sorrow at the loss of their relatives, as well as their demands for, among other things, truth and justice, are what principally unite them. More specifically, as we have seen, the *Movimiento del Dolor* is an anti-violence movement that makes claims on the basis of the principles of citizenship. Their status is legitimate *per se* because they are family members of victims; they are *directly affected* by state violence.

Within the *Movimiento del Dolor*, there is no overarching platform that articulates a plan of action. In fact, the fractures within the movement have caused the creation of splinter groups. The disproportionate public attention for some victims of police violence leads to demands on the part of some family members for due public attention for every victim. In making these demands, they raise the issue of the social stratification of Argentine society and fair legal treatment for all victims. Most victims are from the lower socioeconomic strata of the nation. That these people demand equal treatment implies that they are aware of the meaning of citizenship; they understand that one victim is not more valuable than another. An important and highly visible dimension of the movement of family members is the ways they mobilize and protest. As the next chapter will show, it is not only these dynamics, but also their perceived legitimacy and the effectiveness of their operations that are important dimensions that shape the repertoire of the *Movimiento del Dolor*.



## 6 The repertoire of collective action: the denunciation approach

### 6.1 Introduction

On the morning on which the verdict was to be announced in Ezequiel Demonty's case, October 18, 2004, many family members of victims of police violence gathered in front of the 8<sup>th</sup> Criminal Court in downtown Buenos Aires to support the Demonty family and to call for justice in the trial of nine Federal police officers. Ezequiel, a 19 year-old boy, drowned after various police officers forced him to jump into the Riachuelo River. Two of his friends who were also forced to jump into the river managed to survive. After the defendants' final words, the judges deliberated for several hours. In the meantime, the family members gathered outside to have some *mate*<sup>183</sup> and wait for the announcement. After they have re-entered the court room, the judges began reading the verdict. The main suspect (who is the son of the former head of the *Bonaerense*) and three more police officers were all sentenced to life imprisonment. The other five officers each received sentences of three to five years. After the verdicts and sentences had been read, the family members present left the court building and began dancing, singing, applauding and shouting, "Murderers, murderers!" and, "I knew, I knew, that the police killed Ezequiel!" When, after hearing his son's sentence, the former head of the *Bonaerense* leaves the courtroom, the crowd, still singing and shouting slogans, turned toward him. Hereafter, the crowd gathered near the place where Ezequiel's mother prepared to talk to the press. She was satisfied with the punishment and said she would not appeal. She expressed the hope that this verdict will serve as a warning for officers who engage in the same kind of violent behavior.<sup>184</sup>

The beginning and end of court cases for victims of police violence generally attract large turnouts of family members. They gather in front of or near the court chanting slogans, singing songs and voicing their demands for justice for the victim whose case is being tried. Being present during court cases is of great importance for the *Movimiento del Dolor* because achieving justice is at the heart of the group's cultural and instrumental purpose. Gathering together for court cases belongs to what Tilly (1977, 1983, 2005) defines as the "repertoire of collective action" of the family members of victims: that is, the set of shared, cultural, learned and transmitted habits of claim-making of social movements. Other habits of claim-making are, among others: demonstrations, investigating the crime, gathering evidence and identifying witnesses, the creation of memory sites, and

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<sup>183</sup> *Mate* is as tea-like drink of herbs consumed mainly in Brazil, Uruguay, Argentina, and Paraguay.

<sup>184</sup> Recorded in research diary: observation during the day of the verdict, Buenos Aires, October 18, 2004.

press conferences. All together, these activities constitute the “denunciation approach”.<sup>185</sup> The denunciation approach is at the heart of all of the movement’s public activities: family members of victims of police violence at all times want to *denounce* the actions of those responsible for the deaths of their relatives. The present chapter discusses two overarching areas in which the denunciation approach is enacted. The first area includes the “juridical approach” and the second refers to what I will define as “taking to the streets”.<sup>186</sup>

This chapter will show the different ways in which family members carry out the denunciation approach. It will become clear that the “repertoire of collective action” does not stand on its own; it always needs to be considered in relation to the demands of the *Movimiento del Dolor* and the embedded patterns of mobilization and protest, which are culturally inscribed and do not emerge full-born out of organizers’ heads (Tarrow 1994:18). It will be shown how the movement “takes to the streets” and how the movement works through the Argentine legal system to claim citizenship rights by attempting to influence the decisions of those holding power. It will also look for answers to questions related to the organization of collective actions, the origins of the repertoire of collective action of family members, the difference between “civil” and “uncivil” actions, and the cultural and instrumental aspects of the public struggle. I will first take a look at the building of the repertoire of collective action and the distinctive features of organization of the *Movimiento del Dolor*. Following that, I describe this repertoire in detail from the perspective of the “juridical approach” and “taking to the streets”.

## 6.2 “La Lucha”

As I showed in the former chapter, family members of victims of police violence often refer to the whole of collective and individual strategies as *la lucha* (“the struggle”), a term that encompasses planning, organization, and actual implementation of strategy and that also includes the intervals in between these different activities. Everybody within the movement is familiar with the meaning of the public struggle, because for many it is something that takes place on a daily basis. The struggle is experienced, it is vivid, it creates social networks and it leads to forms of social protest. It may even come to absorb the lives of those who become involved: they will do everything they possibly can to have their demands met. From this perspective, collective actions are the *means* social movements have at their disposal. What is it that inspires those who have dedicated so much of their lives to *Movimiento del Dolor*, and how is collective action within the movement decided

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<sup>185</sup> This approach comes close to what Peruzzotti and Smulovitz (2006; 2002) define as “social accountability”. See Chapter 2 for an explanation of this concept. I’ve chosen to wrap up the initiatives of the *Movimiento del Dolor* into the term ‘denunciation approach’ instead of using “social accountability” because Peruzzotti and Smulovitz pay more attention to “the media as agent of accountability” (2002:213) than I will do in this study.

<sup>186</sup> This categorization is based on the three areas delineated by Peruzzotti and Smulovitz (2006:19). They argue that the exercise of social accountability is taking place in through the judiciary, demonstrations, and the media.

upon? How is the collective experience of the group transmitted to newcomers to the movement? How are new members attracted to take an active part in the movement's activities? In section 6.2.1, I will discuss collective action, and in section 6.2.2, I will turn my attention to the individual protests that are carried out by family members.

### 6.2.1 Building a repertoire of collective action

Social movements such as the *Movimiento del Dolor* learn to mobilize by drawing upon the historical repertoires of collective action created by earlier movements. For instance, the *Movimiento del Dolor* reproduces some of the forms introduced by the historical human rights movement. Both this older movement and the new groups of relatives of victims exercise social accountability through exposing wrongdoings and controlling the work of the judiciary (see Peruzzotti and Smulovitz 2006). Furthermore, the white headscarves, which feature the embroidered names of persons who have “disappeared”, and the photos of these persons, are both visible objects that the Mothers of Plaza de Mayo Foundation Line have with them when they gather on the Plaza de Mayo. The family members of victims of police violence make use of similar tangible objects: they carry boards and wear buttons with their relative's picture, and they distribute flyers explaining how he or she was killed.

The example of the famous weekly gathering of the Mothers of Plaza de Mayo is also emulated. The family of Natalia González began conducting protests on the main square of the municipality near where they live, “like the Mothers of Plaza de Mayo”, as Natalia's mother said.<sup>187</sup> In addition, as one of the Mothers of Plaza de Mayo explained, “They not only took our signs. They also copied the type of organization we have, with lawyers, professionals and [the practice of] educating ourselves about human rights”.<sup>188</sup> Furthermore, for the Mothers of Plaza de Mayo, civil forms of action, in which there is no place for violence and revenge, are the best way to frame a public struggle. For the *Movimiento del Dolor*, which arose almost two decades later, the older organization has definitely served as a model. For this reason, the repertoire of collective action of the *Movimiento del Dolor* may be partially understood as having been learned from the historical human rights groups.

Because most of the family members have no experience with political mobilization, they must be trained regarding how to make the struggle most effective. These skills are precisely what are missing in the beginning. Given that quite a few family members of victims of police violence have no history of political activism, they need to

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<sup>187</sup> Conversation with the mother of Natalia González, Gran Buenos Aires, March 25, 2004. Natalia was shot dead on January 12, 2002, by a *Bonaerense* police officer. However, this officer himself investigated the crime and arranged for somebody else to be convicted and sentenced to life imprisonment for Natalia's murder. Several years later, in September 2006, it was discovered that the guilty officer had in fact set up the events leading to Natalia's murder.

<sup>188</sup> Interview with Laura Conte, a Mother of the Plaza de Mayo, Buenos Aires, March 14, 2005.

*learn* mobilizing, organizing and protesting. What should they write on the banners and shout at the police, judges or government representatives in their marches? To whom should they speak about their cases? Which journalists are to be trusted? Which laws do they need to know? What should they think of the current security or human rights debate and how must they formulate their thoughts to others? These are all questions and insecurities family members of victims of police violence are faced with. By going to marches, meetings and press conferences, the family members gain valuable knowledge of the repertoire of collective action of the *Movimiento del Dolor*. They also learn how to begin organizing, different ways of mobilizing, whom to address, and how to express themselves.

The following example will illustrate this process. In one march of relatives of victims that I attended, the participants did not shout slogans or sing songs. It was a completely silent march, although this occurred without the participants' intention. The demonstrators were obviously inexperienced and just did not know what to shout and sing. Suddenly one member of a supportive *piqueteros* group instructed one of the participants to encourage the crowd to start making some noise, knowing that, if this did not happen, the march would not have sufficient visibility and influence.<sup>189</sup> This example illustrates the fact that newcomers need to be instructed on how to conduct social protest. It also illustrates the belief that making a lot of noise, in this case literally but in other cases also figuratively, helps to make your demands visible. “Raising hell” in a civil way, by exposing police, judicial and political wrongdoings in public in a way that captures public attention is believed to be effective, and such activity constitutes an important part of the program of the *Movimiento del Dolor*.

The level of organization, protests and other activities of the *Movimiento del Dolor* varies greatly. However, Auyero (2004:66-67) warns against a simple analysis of action and protest in terms of “explosion”, “saturation”, or “boiling point” because, behind these apparently chaotic marches, road blocks or attacks on public buildings, there exist associative networks, organizers and opportunities to act. The frequency matters though. Some family members of victims of police violence gather every week in public, at times accompanied by other family members and human rights activists. The organization of such gatherings is informal and not highly structured. Some think that the small-scale actions have no impact on the decisions of power holders and thus prefer the larger and better organized mobilizations. Besides, people get tired of the frequent social protests and other activities alike and become more selective. To avoid low levels of participation, the family members decided to select specific occasions and dates to mobilize, such as the anniversary of the victim's death or a day close to the start of the trial (in order to pressure the court or to influence public opinion regarding the case).

Participation is often reciprocal: if you participate in someone else's marches or *escraches*, they probably will come to yours as well. Generally, a more or less stable circle of

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<sup>189</sup> Recorded in research diary: observation during social protest in Gran Buenos Aires, April 27, 2004.

supporters forms around specific cases of police violence and such people are referred to as such in invitations and posters printed for these events. The same people often attend events associated with the same group of victims' families, while avoiding other activities, because they disapprove of the chosen form of action (especially when the risk of violence is present), because they have different (political) convictions, or because they need to be selective because of other personal commitments. In addition, the long distances between communities in Gran Buenos Aires is sometimes an obstacle to participation in social protests. Consequently, there are also groups formed on the basis of geographical considerations, such as the *Madres de la Matanza contra la Impunidad* (Mothers of La Matanza Against Impunity), the *Comisión contra la Represión Policial Zona Norte* (the Committee against Police Repression, Northern Zone), and the *Familiares de Moreno* (Family Members of Moreno).

People are informed and brought together for meetings via a number of means of communication: telephone, flyers and pamphlets, mail, word-of-mouth, and mass media. Days, weeks or even months before the scheduled event, family members of victims, sometimes with the help of human rights organizations and *piqueteros* movements, start making phone calls to invite people and the media. In small-scale protests normally only the alternative or local media will appear, if there is any media representation at all.<sup>190</sup> Protests involving cases of police violence that have received national media attention are more likely to be telecast on several television channels. Flyers are distributed not only to invite people to the event, but also to give details about the case and to urge witnesses to testify. During meetings or demonstrations, flyers with information about what happened and who is responsible are distributed. Below is a flyer that was handed out by friends and relatives affiliated with the Coordination against Police and Institutional Repression (CORREPI) during an anti-repression music festival. The flyer is meant to represent an advertisement of a private security agency that sells all kinds of products and services to the “police and parapolice family”. Among other things, the agency sells special weapons to cover-up *gatillo fácil* shootings. It also offers services such as drug trafficking, kidnapping or help in case of legal problems. For further information about these services, one is encouraged to contact the Ministry of Interior, the Federal Police, the Ministry of Justice, Security and Human Rights, or the Army General Staff.

However, for the printing of flyers and the making of banners, one needs resources and these are precisely what are often lacking. Yet, while many family members of victims dedicate their lives to the public struggle and will do everything within their power to help the cause, they also engage in fund-raising activities, such as the selling of *empanadas*<sup>191</sup> to help cover expenses. The *Madres de la Matanza contra la Impunidad*, for instance, started to organize bingo events to raise money to finance their mobilisation; in this way they were

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<sup>190</sup> Two alternative media outlets in Argentina are *Indymedia* and *La Fogata Digital*.

<sup>191</sup> A stuffed pastry that is very popular throughout Latin America for breakfast, lunch, or dinner.

even able to buy a computer for their organization.<sup>192</sup> Internet and email are essential tools for the movement. The numerous Internet Café’s in Buenos Aires and the relatively low costs of connecting to the Internet mean that many people are online. Mail lists and mail chains have been created to inform people about a march, a crime, the development of a trial or governmental initiatives regarding security and human rights issues. In this manner, with relatively little effort and minimal resources, the family member of victims of police violence can reach a wider public.

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Flyer 6.1: “Only the best for the police and parapolice family”

<sup>192</sup> Conversation with several *Madres de la Matanza contra la Impunidad*, Gran Buenos Aires, October 26, 2006.

In conclusion, the preference of the *Movimiento del Dolor* for a particular repertoire of collective action is motivated by both cultural and instrumental considerations. Yet, it is important to understand that the set of collective habits is not static but subject to ongoing modification. Collective practices may be added. They may also be dropped because they no longer work (e.g., particular tactics may no longer attract media attention). In addition, collective practices may simply be modified or updated in accordance with contemporary needs. For example, the march is part of the *Movimiento del Dolor* repertoire but the ways in which it is carried out and the signs that are used sometimes change. In sections 6.3 and 6.4, I will delve deeper into the cultural and instrumental aspects of the public struggle.

### 6.2.2 A note on individual protest

Despite the focus on collective social protest, there are also a number of actions that family members of victims of police violence carry out individually or within their own families (within the “private sphere”). Such “individual protest” (Jasper 1997:5) belongs to the repertoire of the *Movimiento del Dolor* too because it is learned and transmitted from family members to other family members. Individual protest forms part of *la lucha* because, in many cases of individual protest the family members of victims of police violence also seek visibility. Individual protest is expressed through several kinds of activities: investigating the crime, remembering the victim, and “public harassment” of the perpetrator. Furthermore, it finds expression in specific rituals. Individual protest, along with denunciation, often seems to allow family members a means of coping with the violent death of a relative.

Pura, the mother of Ezequiel Giannini who was killed in 2003, calls her individual protest a “struggle for vengeance”.<sup>193</sup> She has devised strategies to harass both the police officer who is a suspect in the death of her son and the whole police institution in general. For instance, she has followed the police officer in her car and has also filmed him. She explained that she has not done this in the hopes of catching him in some wrongdoing, but just to annoy and frighten him, and to let him know that she would not forget what happened, and that she would not remain passive. She said that this was one of the few means she had at her disposal to deal with her intense feeling of powerlessness. On Mother’s Day 2006, Pura hung up two banners; one at site where her son was killed and the other in front of the house of the police officer’s mother. The first banner said “X [the officer’s name], you brought me to this place to meet death; Who will honor my mother today?” The second banner, in front of his mother’s house, said “X [idem.], today you can honor your mother; I cannot. Ezequiel Giannini”.

On several occasions, family members of victims of police violence have been invited by universities or NGOs for instance to participate in a public debate or to hold a lecture on their personal experiences with police violence, the judicial handling of their

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<sup>193</sup> Conversation with Pura Granja, the mother of Ezequiel Gianini, Gran Buenos Aires, October 31, 2006.

case, and the public struggle for justice. Such invitations enable the family members to reach a larger public and talk about their case and are therefore to be understood as a way of making individual protest as well.

Family members of victims of police violence also make use of symbolic gestures to communicate progress, stagnation, and decline in their case. Gustavo agreed to shave his beard once he gets the desired justice for the murder of his daughter Natalia. For Gustavo, shaving his beard would serve to mark the end of his long struggle for justice.<sup>194</sup> In a similar way, Elvi cut her long curls on the day she heard that the police officer suspected of assassinating her son Lucas had been arrested. She wanted to show the outside world that something had occurred, that some change had taken place that pleased her.<sup>195</sup>

Some families of victims decided to transform the experience of the violent death of their relative into something that contributes to the well-being of society. The parents of Sebastián Bordón decided to open a *comedor* (a dining hall where needy residents could obtain free meals) with the compensation they received for their son’s murder by Mendoza policemen in 1997. The *comedor* is located in Moreno and is named the *Casita de Sebastián* (“House of Sebastian”). At one time, it fed 800 people (mainly children) living in the area.<sup>196</sup> The Bordóns are not the only family that has opened a *comedor*. Other families have done so as well, although usually on a smaller scale.

Thus, although not carried out collectively, individual protest forms part of *la lucha* as well as of the repertoire of the family members of victims of police violence. The examples strengthen the argument that the public struggle has come to dominate the lives of many family members. Now let us turn to the first area in which the denunciation approach takes place: the juridical approach. As will become clear, part of the juridical approach is also carried out individually and in small groups of family members. Yet, they are learned and transmitted through the membership of the *Movimiento del Dolor* too and therefore form part of the movement’s repertoire.

### 6.3 The juridical approach

Many family members of victims of police violence feel that the only appropriate response to it is to find truth and justice themselves. These families often come up against passive public prosecutors that delegate the criminal investigation to the police. The police, however, have no interest in investigating what appears to be a *gatillo fácil* case and besides, they lack sufficient personnel and resources to properly carry out such an investigation. Therefore, many family members spend countless hours in the court during the investigation of their case. They constantly stop by the court to see if there has been some new development in their case. They make multiple copies of all relevant documents

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<sup>194</sup> Conversation with Gustavo Melmann, the father of Natalia Melmann, on several occasions.

<sup>195</sup> Conversation with Elvi Rotela, the mother of Lucas Ariel Roldán, Gran Buenos Aires, October 26, 2006.

<sup>196</sup> Interview with Luis Bordón, the father of Sebastian Bordón, Buenos Aires, May 23, 2005.

pertaining to their case to ensure that they have access to needed information in the event that something gets lost. Furthermore, as Raquel said, families must read the case thoroughly before meeting with the public prosecutor or judge, “because the majority of the judges do not. They have a secretary who summarizes the case for them”, she said. Once Raquel asked the judge if he knew which case she was talking about, because it was evident that he was not talking about her son’s case. With this example, Raquel wanted to stress the importance for family members of knowing every detail of their personal cases.<sup>197</sup> Gustavo was involved in the four-day search for his daughter. He organized searches himself, and took part in police searches. He also made suggestions to the police about how to carry out the search. He insisted on utilizing trained dogs to find her. When she was finally found, Gustavo wanted to guard her body closely. He feared that, otherwise, evidence would disappear. To find out what happened, Gustavo, his whole family, the community and the press were constantly trying to check possible clues, arrange interviews, find witnesses, and file petitions. During the nearly 18 months that elapsed between the murder and the start of the trial, Gustavo went to the court in Mar del Plata (in the province of Buenos Aires) almost every day. He had to hitchhike to get there, since he had no money for the journey.

In the case of the Double Crime of Dársena<sup>198</sup> in Santiago del Estero, the family of Patricia Villalba began to look for witnesses and clues that may shed some light on the death of Leyla Nazar and Patricia Villalba. In the words of Olga, Patricia’s mother:

“The one who always did a lot of investigating was Karina [her other daughter]. She went everywhere. They said to her, ‘In that part there is someone who knows something’ and my daughter went with my husband on the moped. Even the police chiefs called her to ask if she had found something new. One day I said, ‘No... how can it be that my daughter is risking her life to investigate what happened to her sister? She could end up dying as well! So I told her ‘No, not under these conditions. I am going to talk to the police chief and get him to do something because this is their job, you don’t have to do this. Maybe one day they send you and set a trap for you and they kill you’. [...] But the thing is that, as the family, we really want to know something...”<sup>199</sup>

The above-described initiatives of the family members of victims of police violence are part of the “juridical approach”. This approach can take two forms: 1) formal involvement in a

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<sup>197</sup> Interview with Raquel and Jorge Witis, the parents of Mariano Witis, Gran Buenos Aires, April 16, 2004.

<sup>198</sup> Leyla Nazar and Patricia Villalba were murdered on January 16 and February 5, 2003 respectively as part of a conspiracy involving so-called *bijos del poder* (children of power[brokers]) and the police. Responsibility for both deaths strongly points to Antonio Musa Azar, who commanded the death squad Triple A (see Chapter 3) until 1976. It is believed that Musa Azar wanted to protect his son, “Musita”, because it appeared that he would be implicated in the murder of Leyla. It is widely assumed that one of the other suspects told Patricia about this crime and, to keep her from telling anyone about it, she was murdered as well. Their bodies were left in an area called La Dársena, close to the provincial capital, and that’s why the two murders are referred to as the Double Crime of Dársena.

<sup>199</sup> Interview with Olga and Karina Villalba, the mother and sister of Patricia Villalba, Santiago del Estero, April 7, 2005.

legal case as a “harmed private party” (*querellante* or *particular damnificado*); 2) and/or informal advocacy through contacts with judges and prosecutors and finding evidence and witnesses in their cases themselves.

First, Argentine criminal law provides an opportunity for those directly affected by a crime to participate in the prosecution of the alleged perpetrator. Such persons, formally defined as the “harmed private party”, act as a second prosecutor in the case (Brinks 2005:6-7).<sup>200</sup> These private actors, or “private prosecutors”, as Brinks calls them, assume some of the prosecutors’ responsibilities and function as part of the legal complex. They are often lawyers who work with legal NGOs. In a substantial percentage of cases, then, private lawyers take over state roles in the prosecution of state actors who violate basic civil rights (*ibid.*). In 2006, a law to facilitate the involvement as “harmed private parties” of individuals harmed by crime was passed. Under the new law, individuals can be represented by a lawyer through a simple power of attorney. Previously, such permission, needed to be granted by the court clerk.

Secondly, the “informal” juridical approach involves family members gathering evidence, looking for witnesses, doing *pegatinas* (e.g., placing posters in public places and distributing flyers to encourage witnesses to come forward), looking for the perpetrator if he is at large, displaying a list of violent and corrupt police officers and representatives of the judiciary, and exercising informal control over their work. The results are passed on to their lawyers, the courts and the media but also serve to satisfy their hunger for knowing every detail about the violent death of their relatives. Family members are in fact informal agents in the process of investigating and collecting evidence and thereby partly take over what is actually the work of the public prosecutors and the police. This all forms part of *la lucha* of the family members: day after day they engage in finding out what happened to their relatives, steering the investigation, pressuring those in power, and thus aggressively pursuing truth and justice. While strategies such as demonstrations and *escraches* are collective in nature, investigation of the crime is first and foremost carried out in small groups of family members of victims of police violence.

One example of the juridical approach is the *pegatina* for Lucas Ariel Roldán on October 20, 2004. Seven *Madres de la Matanza contra la Impunidad* gathered at the place where Lucas was last seen on March 6, 2003, to look for witnesses and pieces of information. They wanted to jump start the case so that it can be brought to trial. They arrived with posters and flyers that told Lucas’ story, and glue and brushes to put the posters in public places. As usual, they were wearing black aprons with the name of their association. The posters and flyers had the purpose of encouraging anyone who knew information about the case to report it, and assured that confidentiality would be respected. Phone numbers for both the victim’s family and the family’s lawyer are provided. They split up into small groups, take up positions at an intersection, and start offering the flyers to the drivers.

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<sup>200</sup> Draft of the study of Daniel Brinks, dated November 15, 2005, titled “*Of Gulliver and the State: The Legal Complex and the Response to Police Violence in South America*”.

Others go about the task of pasting the posters on trees and traffic signs.<sup>201</sup> The activity involved in these kinds of *pegatinas* clearly shows that part of the actual work of the public prosecutor and police is done by the victims' relatives. Not because these law enforcement entities asked them to assume this responsibility, but because the family members do not trust them to do the job. In this particular instance, the family members try to find out about the circumstances that caused Lucas' death, witnesses are asked to contact the family or family's lawyer, and they are offered protection for their anonymity. Furthermore, it shows that the juridical approach and "taking to the streets" are not always two discrete activities; in the *pegatina*, for instance, the juridical approach blends with the strategy of taking to the streets.

Such actions of the family members of victims of police violence are to be understood as practices that construct a certain notion of citizenship. That is, the active involvement in the pursuit of the symbolic and legal restoration of their damaged rights, through the recognition of their struggle and criminal responsibility, shows their understanding of the principles of the rule of law and universal citizenship. The family members, however, consider every aspect of their struggle as the only way of making some progress because, as one mother said in an interview, "Judges, prosecutors and lawyers have all sorts of limitations. A family member instead will struggle until the bitter end".<sup>202</sup> The family members believe their efforts are indispensable to clarify the crime, attain justice, keep the memory of the victim alive and assure that such crimes will not happen again. Moreover, professionals recommend that they do this. One lawyer advised the family to stand guard on the corner of the street where the suspect – a police informant – lived, in order to observe his movements. It was believed that the suspect constantly left the house despite the fact that he was under house arrest. The family was advised to make a report to the local police station if they saw him leaving. The family found this hard to believe. Another family member answered, after hearing this story, that although it may be hard to believe, it is the victim's family that spends the most time investigating, and that is most aware of the murderer's whereabouts.<sup>203</sup>

The continuous efforts of family members do indeed seem to make a difference. Raquel and Gustavo, for instance, by continuously keeping themselves informed about new information in their children's cases and demonstrating to judges and public prosecutors that they were well informed regarding what was going on, certainly made significant contributions to the progress of the legal proceedings. In the case of the Double Crime of Dársena, the case was brought to trial in October 2007; among the seven indictees are Antonio Musa Azar, the former intelligence chief, and three provincial police officers.<sup>204</sup> In individual cases, the kind of aggressive advocacy described here on the part of victims'

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<sup>201</sup> Recorded in research diary: observation during a *pegatina*, Buenos Aires, October 20, 2004.

<sup>202</sup> Interview with Raquel Witis, Gran Buenos Aires, April 16, 2004.

<sup>203</sup> Recorded in research diary: observation during a discussion in a COFAVI meeting, Buenos Aires, September 17, 2004.

<sup>204</sup> The trial was ongoing at the time of writing.

families seems to decrease the chance of irregularities by increasing pressure on politicians and judges, and thus ultimately influences their decisions. On the societal level, the public struggle of the family members informs people about the functioning of state institutions and contributes to the construction of a public debate on the issues. (There will be further discussion of the effects of the denunciation approach in Chapter 8).

## 6.4 “Taking to the streets”

“Ooléé oléé oléé oláá, as happened to the Nazis, it will happen to them too, wherever they go we will find them, oléé oléé, oléé oláá!”

“Attention, attention, attention to the neighbors, in this neighborhood live police officers who murder!”<sup>205</sup>

The *Movimiento del Dolor* “takes to the streets” collectively through marches, *escraches*, vigils, encampments, the creation of memory sites, and occasionally, acts involving property destruction. In this section, examples of the diverse forms of collective social protest carried out by the *Movimiento del Dolor* will be presented. In addition, several questions will be addressed: what are the differences between a march and an *escrache*? How does the movement look upon the different forms of “taking to the streets?” Are all forms of protest considered appropriate? Or do some within the movement prefer certain actions above others?

The march is commonly considered the most peaceful and civilized form of protesting, and is employed by almost all the family members of victims of police violence. Generally the marches start at one place (e.g. where the victim was murdered) and move to another place (e.g. the municipality’s main square in front of the town hall, the police station or the court building). A march doesn’t necessarily have to cover a long distance; sometimes marches cover no more than 200 meters, with the participants remaining at the destination for some time afterward for other activities (e.g., speeches, distribution of flyers, etc.). The following description of a march that took place on March 6, 2004, for various victims of police violence is merely a brief summary of the event. Nevertheless, it illustrates both what happens at the event itself, as well the preparation involved beforehand (i.e., the printing and distribution of the pamphlets and banners used to publicize and draw participants to the event):

The applause of those already gathered for the march greets the family members and neighbors when they arrive at the train station in the poor *porteño* neighborhood of *Villa Lugano*. Today is the first anniversary of the death of Lucas Ariel Roldán, a young man who

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<sup>205</sup> These are parts of protest songs and slogans used by the *Movimiento del Dolor* when it takes to the streets.

supported his family by washing car windows. There is strong evidence that implicates officers at two local federal police stations in his death. Lucas is not the only victim; several deaths have been attributed to the local police. Family members of the victims have managed to connect with one other and decided to organize the *escrache* at both police stations on the same day. About 200 people, among whom are the *Madres de la Matanza contra la Impunidad*, other family members of victims, neighbors and *piqueteros*, are set into motion on this hot summer morning. They walk about 15 minutes before we arrive at the first police station. The crowd screams “Attention, attention, attention all neighbors. In this neighborhood, there are police officers who murder!”, “It must stop, it must stop, this habit of killing!”, and “The Federal Police are the shame of the nation!” Drums accompany the songs and slogans. A march is not a march without lots of banners with photos of the victims and the names of the accused police officers. When we arrive at what is likely the only pink-painted police station in town, there are about ten officers lined up in front of the station waiting for us. Tension mounts, people start yelling and shouting insults (“Murderers, murderers!”) at them. The crowd jumps up and down to the rhythm of the drums. Some family members start to cry. The officers do not move an inch. After more or less ten minutes, the marchers continue to the next police station. Here the welcome is less extensive. Only one police officer stands guard in front of the station. The same episode, screaming, insulting, jumping, occurs, but now also graffiti spray cans are brought out. Walls next to the station, a private security cabin and several cars are painted with slogans like “Murderers” and “Jail for all murderous police”. Some participants distribute pamphlets detailing the violent history of the stations, and one girl walks in the direction of the police officer, sticks a pamphlet on the wall right next to him, and warns him to leave it there. The officer does not give in.<sup>206</sup>

This above description is of a march. However, some of the participants said it was an *escrache*. It is sometimes difficult to clearly distinguish between a march and an *escrache*. In marches, verbally attacks on persons and the damaging of buildings and other property is in most cases absent. In addition, slogans and songs that suggest an imminent attack or confrontation, as well as verbal harrassment of individual persons, do not typically form part of the marches. Yet it should be noted that many expressions of collective action in Argentina have elements of both a march and an *escrache*.

The *escrache* (Argentine dialect for “photographing”) is a form of protest that was first employed in 1997 by an organization of the children of those who “disappeared” during the last dictatorship, the *Hijos por la Identidad y la Justicia contra el Olvido y el Silencio* (Children for Identity and Justice against Oblivion and Silence, the HIJOS). The *escrache* is a non-violent form of collective action, although it does result in property damage because of the plastering of buildings and cars with paint and graffiti. The first target of an *escrache* was a gynecologist who during the 1976-1983 military regime assisted in delivering the babies of detained and later “disappeared” women.<sup>207</sup> Because people like the gynecologist who were

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<sup>206</sup> Recorded in research diary: fieldwork observation during a march, Buenos Aires, March 6, 2004.

<sup>207</sup> About 500 babies born in captivity “disappeared” too. They were given to families, mostly military or police families, and grew up with a different identity.

involved in the appropriation of children had never faced legal charges at the time of their actions, the purpose of these actions was to impose a kind of social punishment in lieu of the legal penalties that had never been imposed. The idea behind the *escrache* is, as one the HIJOS said, “unmasking the identity of the oppressor, [and] informing society about someone’s history who is now a good father or neighbor”.<sup>208</sup> Some family members clearly want to differentiate themselves by using nothing else but the march, and reject the *escrache* for being vandalistic, political, and (to a certain extent) an expression of mob justice. They prefer to protest “in a decent way,” and they believe that the march is best suited to this purpose.



Picture 6.1: Victims’ families demonstrate for truth and justice, May 21, 2005

Still, there is one clear difference between the march and the *escrache*. The traditional *escrache*, as employed by HIJOS, requires a high level of planning before, during and after the event. A march, although in most cases far from spontaneous, generally requires less preliminary work of the initiators. The *escrache* of the HIJOS is now divided into a *pre-escrache*, the *escrache*, and the *post-escrache*. The *pre-escrache* plans for the actual *escrache* by establishing a network of neighbor organizations such as cultural centers, committees and popular assemblies willing to jointly organize and participate in the *escrache*. Typical *pre-escrache* activities include the

<sup>208</sup> Interview with Carlos Pisoni, member of the HIJOS, Buenos Aires, May 14, 2005.

distribution of flyers, the painting of walls and a *radio abierta*<sup>209</sup> informing the neighborhood about the scheduled *escrache* and meetings with local organizations to determine everyone's tasks. The main objective of the *post-escrache* is to create a space of interchange with the neighbors by organizing activities such as a play and a music festival.

Over the course of time, the *escrache* became reproduced as a form of resistance by other groups, among whom are the family members of victims of police violence. The *escrache* initially was closely related to the human rights violations during the last military dictatorship, and became a useful tool for protesting contemporary violations as well. It eventually became part of the repertoire of collective action of the *Movimiento del Dolor*. However, in most cases the *escrache* is not reproduced exactly. As employed by the movement, there is no *pre-escrache* or *post-escrache* and the organization and coordination is less extensive. In fact, it appears that the *escrache* for the *Movimiento del Dolor* is like a march "with a little something extra". The added element is in most cases the verbal harassment of individuals, mostly of police officers, politicians, public prosecutors and judges. As Eugenia, the sister of Andrea Viera, who was tortured to death by members of the *Bonaerense* in 2002, explained:

"One thing is what you say and another thing is what you do. Scream whatever you like at the police officers; that is what I do too. Once in a gathering [in front of a police station] the mother [of the victim] started addressing the crowd. There were two police officers. Just when the mother started talking, one of them takes his mobile phone and starts making phone calls. So I asked him, 'Why don't you pay attention to what this mother is saying? Are you born out of a white cabbage instead of woman?'. But this is different; I want to attack him verbally, not physically".<sup>210</sup>

Such moments of interaction between the family members and police officers are to be understood as a personalized attack on individual police officers for belonging to the police institution. It is a form of taking revenge in what they believe to be a civilized way. It is a relief at that moment and an expression of power, the purpose of which is to show a refusal to submit to their acts of violence. The following fragment of the interview with the family of Rodrigo Corzo illustrates this:

"In our last march to the police station, we read our speech in front of the station and we all called them names. Suddenly someone approaches to inform me about a police officer drinking coffee by himself in a gasoline station. 'Ah, he is drinking coffee alone? Let's go there then'. So we went there with 150 people, you cannot imagine yourself how he was shaking. Besides, he said 'I am not a police officer', he was plain-clothed but you could see

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<sup>209</sup> The literal translation to English would be "open radio", but what is meant by *radio abierta* is the setting up of a temporary public address system for the purpose of making local residents aware of the purpose of the event.

<sup>210</sup> Interview with Eugenia Vázquez, the sister of Andrea Viera, Buenos Aires, July 18, 2004.

his weapon. ‘We see your weapon, son of a bitch’ and we started to call him names and everything”.<sup>211</sup>

To a certain extent, *escrachar* for the *Movimiento del Dolor* has become synonymous with calling names and verbal aggression instead of the initial idea of “photographing” and “exposing” by involving neighborhood organizations and the pre- and post-*escrache*. This raises the question as to whether the *escrache* as used by the *Movimiento del Dolor* is indeed an *escrache*, since there seems to be not much left of the original idea. Only in those cases in which the family of the victim has the support of *piqueteros* groups, HIJOS or the *Mesa de Escrache Popular* (“Popular *Escrache* Roundtable”)<sup>212</sup>, will the *escrache* bear a close resemblance to the original model. In this context, defining an activity as an *escrache* (instead of a march) says something about the nature of the denunciation approach; *escrachar* is an expression of a political rather than an ethical public struggle (see the previous chapter for an explanation of the division between the ethical and political struggle).

The HIJOS and the *Mesa de Escrache Popular* sometimes lend their infrastructure, materials and experience to help organize the *escrache*, as was the case in the *escraches* for Andrea Viera. Below, I present a short excerpt from my research notes on the preparation and carrying out of the *escrache* for Andrea on May 21, 2005:<sup>213</sup>

In the months before the *escrache* for the third anniversary of Andrea’s death, Eugenia, her sister, prepared everything thoroughly with the indispensable help, advice and coordination of HIJOS: the so-called pre-*escrache* period. Since they already had established relations with local organizations the year before (for the first *escrache*), now they only needed to start reorganizing the contacts again. They were offered the locality of the *Central de los Trabajadores Argentinos* (CTA) again, where they could meet in the months leading up to the event to discuss the content and agenda of the day of the *escrache*. The local organizations, mostly *piqueteros* groups, participated actively in the organization of the *escrache*, and of course in the *escrache* itself. Eugenia and HIJOS also prepared the *escraches* in the neighborhood in other ways. On several occasions they traveled, together with members of the *Mesa de Escrache*, to Florencia Varela (a district in Gran Buenos Aires) to announce the upcoming *escrache* by painting walls, distributing flyers and putting up posters with a female figure, a target on her body and the words, “We could all end up like Andrea Viera”, to indicate the complete arbitrariness of police violence (see photo below).

On May 14<sup>th</sup>, the last Saturday before the *escrache*, they (Eugenia, one HIJO, people from *Mesa de Escrache* and one journalist) leave for Florencia Varela for the last pre-*escrache*

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<sup>211</sup> Interview with the father, mother and sister of Rodrigo Corzo, Gran Buenos Aires, June 4, 2004.

<sup>212</sup> The *Mesa de Escrache Popular* is a joint action of several political organizations and has the objective of drawing attention, through collective activities like the *escrache*, to past and present-day human rights violations and the perpetrators of those violations who have not been punished for such acts.

<sup>213</sup> This is the second *escrache* for Andrea. One year before, on May 22, 2004, Eugenia, HIJOS and the *Mesa de Escrache Popular* organized the first one. Despite the fact that in the first *escrache*, more people and organizations participated, I will only describe the May 21, 2005 *escrache* because I was able to follow the preparation of that event more closely.

activity. First they go to the office of CTA to pick up the materials: posters, glue, paint, and radio equipment. Then they leave for the center, which is close to the police station where Andrea was tortured. There, the group is divided into four: one will paint walls, one will distribute the flyers, one will put up the posters and one will set up and operate the public address system. All the activities have the goal of informing the neighbors about the upcoming *escrache*, inviting them to participate, but also telling them Andrea's story. Most of the people respond positively; they read the flyers and posters attentively, some want more explanations and say they have heard about the case. It is an impressive but at the same time bizarre situation: the *radio abierta* informs shoppers in the street of how Andrea died, alternating the repeated explanation with loud music.

On the day of the *escrache*, the number of participants is lower than last year's estimate of 3000, but there are still around 1000 people present, among whom are Andrea's relatives, family members of victims of police violence and lots of *piqueteros* groups. When the mass of people arrive at the police station after a short march from the nearby train station, the *Mesa de Escrache* starts *escraching* the station with slogans such as "We could all end up like Andrea Viera", "At the service of impunity" and "Police Station 1 of Florencia Varela: den of murderers".

In the meantime, Eugenia addresses the crowd. She talks about the current status of Andrea's legal case, about the public prosecutor who failed to investigate important clues and who absolved several police officers from the charge of torture, and mentions by name the officers suspected to be responsible for Andrea's death.



Picture 6.2: "We could all end up like Andrea Viera"

As was the case in this *escrache*, the idea of the action is to “expose”. Typically, as was the case here, a suspect who has not yet been charged with a crime is pilloried. Even though the turnout was lower than the previous year, 1000 participants is still quite a large number for this kind of protest on behalf of victims of police violence. The thorough organization of the *escrache* (in comparison to a march, for instance), the different pre-activities as well as the more overtly political character of the demonstration generally draw more participants. In addition, such events are more likely to reach a larger audience, because the media are more likely to cover large, well-organized demonstrations that involve verbal attacks and property damage.

Next to the marches and *escraches*, the commemoration of victims finds expression in the collective placing of memorial stones as part of commemoration ceremonies in public spaces.<sup>214</sup> This is in accordance with the observation of Humphrey and Valverde (2007:180) that public remembrance by the survivors and families of victims has become an integral part of the political landscape of social protest in Argentina. In the case of the Massacre of Floresta, the neighborhood’s civil society organizations successfully advocated for the installation, at government expense, of a commemorative sculpture. The organizations had been supportive of the families’ public struggle from the very beginning. The Ministry of Education provided the needed materials. The final result is a sculpture that represents, as Elvira and Silvia, two of the victims’ mothers said, three males, indicative of the three victims, and a female figure representing the victims’ mothers. The female figure is kneeling, has her legs slightly open, and her arms stretched out because, as Silvia and Elvira explained, she is demanding justice and at the same time giving birth. The artists say that the female figure represents the fatherland that is giving birth to justice. The males do not have faces because they are intended to represent all Argentine youth.

Another example of commemorating victims was the open-air Catholic mass for Rodrigo Corzo on June 28, 2004, a year after he was shot by the *Bonaerense* police. The priest led the emotional mass on the corner of the street close to where Rodrigo was killed. Behind him hangs a huge banner demanding justice for Rodrigo. A group of 50 people is present, among them Rodrigo’s family and friend, as well as other family members of victims of police violence.<sup>215</sup> Such initiatives are not necessarily a direct form of opposition and claim-making towards the state. In fact, several of the monuments were placed with the help of the government (e.g. of the Ministry of Education and the Ministry of Security). However, all the *Movimiento del Dolor* meetings, protests or commemorations are to some extent (sometimes only very indirectly) a way of approaching the goal of achieving justice and bringing an end to police violence.

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<sup>214</sup> There are already quite a few memorial sites for the victims and “disappeared” during the last dictatorship. It is logical that there would be far fewer such memorials for victims of police violence in post-authoritarian Argentina, since this latter is a more recent phenomenon.

<sup>215</sup> Recorded in research diary: observation during a Catholic mass for Rodrigo Corzo, Gran Buenos Aires, June 28, 2004.



Picture 6.3: Photo exhibition of victims of police violence in front of the Ministry of Security, October 22, 2004

Furthermore, some episodes of aggressive action after police killings portray instances in which rage threatens to explode into collective violence against police officers and property.<sup>216</sup> For instance, on December 29, 2001, an angry mob demanded explanations in front of the police station after the execution of the three young men in Floresta. “People knew that the killer was inside the station and wanted to lynch him”, as one of the victims’ mothers said.<sup>217</sup> The mob ended up destroying the station, and police employed tear gas and rubber bullets to subdue the crowd. The former police officer eventually was transported to safety in an ambulance, in order to protect him from the mob. Another example is the town of El Jaguel, where a mob attacked the local police station in August 2002 because of alleged police involvement in the kidnapping and murder of 17-year-old Diego Peralta. His mother said the following in an interview about the incident:

“When we were told that Diego was murdered, the situation exploded, we all felt powerless. Neighbors set fire to the police station. The police fired rubber bullets and many people were injured. [...] Three of the mothers of the neighborhood stood in front of the fire brigade to prevent them from extinguishing the fire. After the murder of Diego, we found out many things about the police in El Jaguel. We found out that they drugged young people

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<sup>216</sup> See Tilly, C. (2003) for a definition and classification of collective violence.

<sup>217</sup> Interview with Elvira Torres, the mother Christian Gómez, and Silvia Irigaray, the mother of Maximiliano Tasca, Buenos Aires, August 5, 2004.

to make them steal for them. The police had a basement where they drugged them and during the night they had to rob for them. [...] After the burning of the station, a new one was built with the help of the neighbors who wanted to change this situation. [...] And it did change, but then I ask, why first do they have to murder someone?”<sup>218</sup>

Citizens may turn into “uncivil” citizens, perhaps only for a couple of hours, when driven by strong emotions such as anger and grief. Victims’ friends and relatives may attack and destroy police property as an expression of their grief, and this could be defined as “uncivil”. But after such an outburst, they generally form part of civil society again by organizing and participating in “civil” social protests.

Many family members of victims of police violence argue that they understand the feelings of anger causing the attacks on police property but don’t approve of such actions. Eugenia, the sister of Andrea Viera, described the emotions that were present during a march to a police station in Gran Buenos Aires as follows:

“There is tremendous anger when you just arrive at the station. They [the family members of the victims] wanted to push through the fence surrounding the station and had brought bags with red paint and garbage. I told them, ‘We have come to ask for justice, not to make trouble, because if we take justice into our own hands, then what good is our struggle?’ Besides, inside the station, 200 policemen were waiting for us, and we have to make sure we protect ourselves. I attack them [the police] verbally, I say lots of horrible things to them. But I will never attack them physically”.<sup>219</sup>

Her words clearly illustrate the difference between verbal and physical aggression. Insulting police officers is, for many family members of victims of police violence, within the limits of the acceptable and besides, serves the purpose of venting pent-up frustration. However, violence crosses the line for most of the family members. Besides, they do not believe that collective violence is effective, at least not in the long term. Public opinion may turn against them and society may therefore begin to consider their demands illegitimate. Thus, the *Movimiento del Dolor* also opts for a certain kind of repertoire of action because of instrumental considerations. That is, some actions, statements and relations are deemed more effective than others. Furthermore, several family members argue that attacking people and destroying things are not appropriate ways of honoring the victims. As one mother of a police victim said, “Victims are not to be remembered with violence. We need to confront them [power holders] with intelligence, so that we don’t become like them”.<sup>220</sup> This aversion is culturally shaped; the historical human rights movement also opted for “civil” ways of protesting. Thus, the *Movimiento del Dolor* is an anti-violence movement in the broadest sense of the word; it rejects violence in all its forms. Nevertheless, the attack

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<sup>218</sup> Interview with Emilse Peralta, the mother of Diego Peralta, Gran Buenos Aires, May 25, 2004.

<sup>219</sup> Interview with Eugenia Vázquez, the sister of Andrea Viera, Buenos Aires, July 18, 2004.

<sup>220</sup> Conversation with María Teresa Schnack, the mother of Sergio Schiavini, Buenos Aires, June 26, 2004.

on police property generally attracts some media coverage, and having your case publicized creates pressure on those in power, which in turn may produce short-term results such as a meeting with the public prosecutor, a judge or some politician.

From the foregoing, it has been seen that the *Movimiento del Dolor* takes to the streets in several different ways. Family members of victims of police violence have different viewpoints with regard to which forms of taking to the streets are most appropriate. The choice between the march and *escrache* is related to the distinction between the ethical and political struggle, categories that have been explained in the previous chapter. In this context, the march is viewed as an expression of the ethical and the *escrache* of the political struggle. In reality, the boundaries are a bit more hazy and subjective: there is no consensus as regards what is ethical and what is political. Furthermore, taking to the streets conforms to the cultural habits of claim-making in Argentina.

## 6.5 Conclusions

The denunciation approach of the *Movimiento del Dolor* serves the dual purpose of making visible the relatives' demands and of applying pressure on those in power. The purpose of the denunciation approach is to inform society over and over again, in marches and meetings, of the crime that was perpetrated and of efforts to bring the perpetrators of that crime to justice. The approach also aims to take active measures to investigate the case, and to demand action on the part of the courts to bring those accused of police violence to trial. To a large extent, the movement draws its repertoire of collective action from past Argentine social movements. They are rarely copied in identical form, but are instead adapted to the current circumstances, issues and demands. However, in some cases the copying of previously used strategies is what helped make the *Movimiento del Dolor* more visible and powerful. Specifically, the use of banners and buttons with the victims' pictures, which had previously been used by the Mothers of the Plaza de Mayo Foundation Line helped bring cases involving victims of police violence into the forefront of public consciousness. In doing so, the *Movimiento del Dolor* has shown that cases of police violence are not isolated incidents, but that they form part of larger system of state repression that has been entrenched for decades.

Protesting is not an inborn characteristic of people. That is why the new family members of victims of police violence usually stumble on how to organize, how to mobilize, and how to express their demands. Most of the time, they learn by experience: that is, by going to the activities of *Movimiento del Dolor* or other similar groups. This shows the cultural character of the repertoire of collective action: forms of social protest are learned, transmitted, reproduced and modified over time. Furthermore, the preference for specific forms of social protest is instrumental; some are believed to be more effective and ethical than others. Therefore the *Movimiento del Dolor* is a nonviolent movement taking the juridical path and taking to the streets peacefully rather than taking justice into its own

hands. In this respect, the movement has copied the non-violent repertoire from the historical human rights movement. Furthermore, the movement truly believes that making a lot of noise (literally and figuratively) within the framework of civil forms of protest is the most effective approach. Occasionally, when the family members of victims of police violence resort to more aggressive means of protest, this could be seen as “a form of rule breaking that involves violence, but it is intended to expand citizenship, political rights and freedoms” (Payne 2000).

As became clear in this chapter, the juridical approach and taking to the streets are for the most part collective strategies through which the family members denounce police violence and impunity, and exercise social accountability vis-à-vis the work of the different state institutions. In fact, the *Movimiento del Dolor* has come to believe that the juridical approach and taking to the streets are necessary habits of claim-making for the sake of their cases. An essential component of the family members’ repertoire is the contribution to the investigation of the crime, coming forward with evidence, finding witnesses and so forth. The complete disbelief in the proper functioning of the state institutions that in one way or another deal with their case motivates the family members to take action toward resolving their case themselves. The examples of the family members studying in-depth every detail of their case, doing *pegatinas* and responding to anonymous tips illustrate the many efforts they undertake, all in order to increase the likelihood that, in some way, justice will eventually be served. Above all, taking to the streets increases the movement’s public visibility, as well as the pressure on those in power.

Studying the repertoire of collective action of the *Movimiento del Dolor* shows that the actions of the movement have come to dominate considerable time and energy of many of the family members involved. Strategizing, organizing, and implementation of initiatives take up a substantial proportion of their daily lives. However, the marches, *escraches* and commemorative meetings are weekly-recurring events, and often bring together no more than 100 to 300 people. Therefore, for some they are no more than gestures that have little actual impact on what the movement is striving to achieve. Before looking at the impact of the movement’s actions in Chapter 8, the next chapter deals with how the Argentine state responds to the family members’ demands.

## 7 Consoling victims with the politics of rapprochement

### 7.1 Introduction

January 2005, the *Casa Rosada*. “What do you need?”, the president’s secretary asks.<sup>221</sup> María, the sister of a young woman who died at the hand of *Bonaerense* police officers answers “I want the date for the start of the trial for my sister’s death”. “And what else do you need?” the secretary says. “I want all the responsible police officers go to jail”, María answers. Again the secretary asks, “And besides this, what do you need?” María knows what the secretary was hinting at: He is willing to offer her something, perhaps money, material goods, or a job. “Nothing”, she says. “I have two jobs and I can manage myself”.<sup>222</sup>

This scene illustrates some aspects of the relationship between the Argentine state and relatives of victims of police violence.<sup>223</sup> Especially with the rise to power of President Néstor Kirchner in 2003, the government started to invite, meet, and establish relations with some of the family members of victims of police violence on a scale not seen before in Argentine politics.<sup>224</sup> Both parties need the interaction for their personal and political objectives. In the above case, María needs the secretary of the presidency for further contacts and to pressure the court, whereas the latter needs new allies on the side of the government. This case reveals power relations that cannot be simply divided into the powerful state versus the powerless victim, as the latter can choose not to be an ally of the government and can opt, instead, to publicly denounce the government, an act which may affect its reputation or that of its individual officials.

The aim of this chapter is to explore the interaction between the family members of victims of police violence, who form part of the *Movimiento del Dolor*, and the Argentine state. In Chapter 5, I noted that, among the reasons for the emergence of the *Movimiento del Dolor* was the fact that the state does not deal with police violence in an effective and appropriate way. In Chapter 6, I discussed the repertoire of activities that the movement

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<sup>221</sup> An earlier version of this chapter has been published as an article in *Focaal* 48 (2006) under the title “Consoling police victims with symbolic politics? The *Movimiento del Dolor* and the Argentinean State.”

<sup>222</sup> This scene is not fictional: it actually happened. María reproduced the scene in one of our conversations.

<sup>223</sup> In this chapter, when I talk about the Argentine state, I am usually referring to the national government and sometimes to the government of the province of Buenos Aires and specific ministries. The focus of this dissertation is on the *Bonaerense* police department, which falls under the administration of the government of the province of Buenos Aires. However, most of the family members of victims of police violence make claims on the national government, and less often on the provincial government. Therefore the “state” usually stands for the national government.

<sup>224</sup> It is important to emphasize that the state is not a homogenous arena of institutions and power structures; within the Kirchner administration, there are individuals with both conservative and progressive viewpoints, who differ in their opinions regarding how government must deal with police violence, and with the family members of victims of police violence.

uses as a basis for making claims on the state. Here I will analyze the “politics of rapprochement” and its consequences for the relative/victim-state relationship.<sup>225</sup> What if María had accepted the offer of the secretary of presidency? What would it have meant for her relationship with the authorities and the struggle for justice? I will first discuss the politics of rapprochement of the Kirchner administration. While the *Movimiento del Dolor* demands justice and an end to police abuse and impunity, the government’s response is typically to receive family members in the *Casa Rosada*, the Ministry of Justice, or the Secretariat of Human Rights, and to offer them jobs and subsidies. The key issue here concerns the implication of the politics of rapprochement for the *Movimiento del Dolor* and the relative/victim-state interaction. Following that, I will present the National Program against Impunity (PNAI), in which state victims participate, and which is one of the most visible expressions of the politics of rapprochement of the Kirchner government.

## 7.2 To be “with the government” or “against the government?”

With Néstor Kirchner coming to power in 2003, there were abrupt changes in the meaning of the presence of the family members of victims in Argentine society, and their status within that society. This applied to both family members of those who “disappeared” during the last dictatorship and to victims of police violence under democratic governments. The Kirchner administration began to establish relations with some of these victims. In this manner, victims became more visible in society at large. These overtures came to be called the politics of rapprochement. Some family members were pleased about this, but many also became confused; they were unsure about the underlying motives of the politics of rapprochement. Besides, not all family members benefited equally from this approach, something that became a source of dispute among them. So how must we interpret the politics of rapprochement? As a form of cooperation between the *Movimiento del Dolor* and the Argentine state? As a form of co-opting? Or as a combination of both? How do the family members of victims of police violence respond to the politics of rapprochement? And what does the politics of rapprochement imply for the victim-state interaction generally and for the *Movimiento del Dolor* in particular?

The acceptance of cooperation and co-opting are both seen as “doing politics” by those family members who only engage in “contentious politics” (McAdam et.al 2001:5) and such persons see themselves as forming part of the “ethical civil society” (Linz & Stepan 1996).<sup>226</sup> As has also been discussed in Chapter 5, “doing politics” is a source of dispute among the family members. It has led to their categorization into those who are

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<sup>225</sup> The politics of rapprochement is a translation of what family members sometimes called (in Spanish) the *política de acercamiento*.

<sup>226</sup> According to McAdam et.al. (2001) contentious politics always involves collective interaction with the government and has a political character. However, these politically oriented actions are different from “doing politics”. If family members of victims of police violence “do politics”, this is seen as something negative, and as evidence of a weak moral conscience, by those who, at least according to themselves, do *not* “do politics”.

“with the government” and those who are “against the government”. However, in both categories, there are varying levels of being “with” or being “against” the government. Family members can be “with the government” but only adopt a discourse in favor of its policies or representatives, and not actively participate in state initiatives. They can also be “against the government” but at the same time accept financial help because they have no other ways of supporting themselves. If someone accepts a job within the government, whether such an action is defined as “doing politics” depends on the department or institution where one is to be employed: joining a department relating to human rights, security, or legislation, is usually viewed as “doing politics”, whereas accepting work in transport regulation or housing is not.

There are many similarities between the politics of rapprochement and forms of co-opting and clientelism of former government policies. One difference, however, is that the politics of rapprochement is not entirely limited to the unequal relationship between the family members of victims of police violence and the government. This is the case because such a policy combines co-opting with elements of cooperation and thus includes, in addition to the usual clientelism, some forms of what Giugni and Passy (1998:86) define as consultation: meetings, contacts, and relations for the purpose of exchanging thoughts, opinions, or information. The strategy consists of making overtures to some relatives and offering spaces of participation (such as the PNAI) or jobs and subsidies as compensation for the pain and suffering that have been caused. On the one hand, one could argue that the government is being responsive by offering something within its reach, which is something material (instead of justice or the end to police violence). Although most of the participants of the *Movimiento del Dolor* consider the acceptance of such offers to be immoral, some of them have no such compunction. Those of the latter opinion believe that the state is obliged to compensate them for the harm they have suffered. Others may feel that they have no choice but to accept the offer. This complex situation, however, sows discord within the movement between those who are “with the government” and those who are “against the government”.

In addition, the politics of rapprochement has a symbolic component. The government wants to show that the victims of police violence are “their victims” by positioning itself on their side. It may be beyond the ability of the government to solve the problem of human rights violations in general, and of police violence in particular, but it can show sympathy and attempt to provide some consolation to the victims of such abuses. As a lawyer of the CELS said:

“What the President can do is meet with the victims for five minutes and create an office for them where they can be received. The government asks them what the three things are that they want, and tries to meet those needs. This approach costs less than developing a true

public policy for the victims. The government may think something along the lines of: “We can’t help there being more victims, but at least they will know we are on their side”.<sup>227</sup>

These words do not clarify why there are no effective public (instead of symbolic) policies to combat human rights violations, but they do show the low level of institutionalism of Argentine society and politics, as if the government were arguing: “It is only possible for me to respond in this clientelistic and symbolic way”. However, such symbolic gestures on the part of the authorities can be powerful political messages. In the past, such gestures have resulted in institutional changes in Argentine society.<sup>228</sup> On the other hand, symbolic politics is a very sensitive subject for several human rights and civil society organizations (among them, the *Movimiento del Dolor*) because spaces of participation and subsidies are granted by the government without the sufficient recognition of the years of struggle of the organizations whose determined and tireless efforts had in fact laid the groundwork for this shift in government policy.

In more concrete terms, the politics of rapprochement finds expression in the presence of state officials in a number of public activities involving both the honoring of victims of police violence, and advocacy on their behalf. It is about meetings between government representatives and family members of the victims to discuss the course of an ongoing legal case; the assignment of subsidies to the committees of family members; or the offering of jobs or material compensation to relatives of the victims. For example, quite a few representatives of the national government, such as the ministers of interior and education, the cabinet president, the secretary of the presidency and the secretary of human rights attended the ceremony commemorating the third anniversary of the Massacre of Floresta. The mothers of the Floresta victims initially formed part of PNAI, and two of them later co-founded *Madres del Dolor*, an organization of family members of victims. As I already mentioned in Chapter 5, the *Madres del Dolor* received government funds to get the organization started and has maintained close relations with several of its representatives, two facts that help to explain the presence of high government officials at the ceremony. The transfer of funds and the close relations must for their part be understood as the fruits of the politics of rapprochement. In this way, the government appropriated several cases of police violence and impunity as “their own”. In other cases the father, mother, or siblings of the victim were offered jobs or other financial considerations. The family of one of the four minors who died in a fire in October 2004 while being detained in a police station in

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<sup>227</sup> Interview with a lawyer of CELS, Buenos Aires, May 13, 2005.

<sup>228</sup> Interview with a human rights activist, Buenos Aires, March 28, 2005. To support his statement of symbolic gestures being powerful political messages, he used the example of President Kirchner, who ordered the removal of the paintings of Argentine Generals from the *Escuela de la Mecánica de la Armada* (ESMA) on March 24, 2004, the day of the anniversary of the 1976 military coup. This was the second largest clandestine torture and murder center during the last military dictatorship in Argentina. During *Kirchnerismo*, it was opened for the first time in history to family members of those classified as “disappeared.” This action received a great deal of publicity in the national media, and was praised by many historical human rights organizations, such as the Mothers and Grandmothers of Plaza de Mayo, who felt that Kirchner had thus decisively distanced himself from the last military dictatorship.

Quilmes (a district in Gran Buenos Aires) received from the Buenos Aires provincial government machinery to make *churros*<sup>229</sup> (an oven, flour and a freezer). And this is merely one example.<sup>230</sup>

The politics of rapprochement has had a number of different consequences. The most obvious of these is the partial split that has occurred within the *Movimiento del Dolor*. Part of the movement feels that the government does not pay equal attention to everyone involved, and this group thus feels that their citizenship rights are – *again* – being violated. Both the government and the “privileged” family members are blamed: the government for deliberately weakening the cohesiveness of the group, and the family members for accepting the benefits that have been offered. However, although the movement is more divided, we cannot speak of a complete rupture. Despite the disputes, the different factions continue to interact, and cooperate. (I will return to this point in the following section).

Secondly, the politics of rapprochement has led to the partial de-radicalization of family members with regard to specific issues. Hence, some family members who have chosen the path of rapprochement with the government have softened the language they use in their protest activities (for instance, it is no longer the *whole* government that is corrupt but only *some* of their representatives). Some family members even became vocal supporters of President Kirchner. The president himself, according to these family members, has the political will to change the state of impunity in Argentina, but he is hindered by other powers in the government, the legal system, or the police; a true sign of the delegativeness of Kirchner’s rule. Family members also became increasingly encouraged to demand subsidies or jobs, as the government appeared willing to repair the damage that had been suffered, insofar as this was possible, in an informal economic way. It was especially the creation of the PNAI that led to an overflow of demands for travel and medical expenses, subsidies for daily sustenance, or jobs for their other children. The same effect was observable after the murder of Axel Blumberg and the subsequent Axel Crusade of his father Juan Carlos Blumberg. According to a large part of the *Movimiento del Dolor*, Blumberg received disproportional attention from power holders and many relatives responded to this by demanding that government accord them the same privileged treatment. The Axel Crusade thus led to increased demands for meetings with power holders or subsidies for the foundation of a non-governmental organization. This was likely a consequence that was neither anticipated nor desired on the part of those government officials who had given Blumberg their wholehearted support.

Some of those who were severely injured during the upheavals of December 2001, as well as some of the relatives of those who were killed during the unrest, have demanded or been offered subsidies and/or jobs within the government to compensate for lost

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<sup>229</sup> A fried donut widely sold as a snack throughout South America.

<sup>230</sup> Interview with the mother of one of the victims of a fire in a police station in October 2004, Gran Buenos Aires, April 27, 2005.

income.<sup>231</sup> Some of these victims had irremovable bullets in their bodies, lost their eyesight, or had other physical problems and consequently lost their jobs. Others lost the breadwinner of the family. They could thus no longer afford to meet their daily expenses, medical costs or the rent. Although some of them were troubled by the thought of accepting financial support from the state, they also felt there was no other option for them. Furthermore, they saw it as the task of the state to repair the damage, since it was the state that had *caused* the damage. They said that the state has left them without a job, so in one way or another, the state needed to solve their problems. Hence, although some expressed mixed feelings about accepting government offers of help, and some even considered such acceptance to be in some way immoral, they also needed to survive. The disabled survivors and the relatives of the dead organized several demonstrations to demand that the government provide work to those victims or widows who were still able to work. As one of the injured said:

“The least we could demand was that each individual be provided with what he needed. The least you need to demand from the state is that it covers absolutely all the needs you are going to have from the moment that it represses you. People needed to look for medical treatment. There are people who, from the moment the breadwinner in the house was killed, did not know how to support themselves, how to maintain their homes...”<sup>232</sup>

Many of them are now working within state departments such as the Institute of Housing, National Commission of Transport Regulation, or Commission for the Rights of Children.

Opinions differ on the benefits of the politics of rapprochement for family members of victims as a whole. Some argue that things have become easier, as the following comments of a mother of a victim of police violence (and PNAI Council member) illustrate:

“The family members of victims today [during *Kirchnerismo*] have a much easier struggle than [the families’ victims] of previous years. At that time, there were almost no other family members to offer support, society shut its eyes to the problem of police abuse, and the Menemist state kept totally aloof from it. At the moment, things are easier because, on the one hand, there is more openness and understanding in society and government and, on the other, there are a lot more family members who have mobilized and united. The problem is that the family members of recent years do not recognize that things are easier now. They demand all kinds of things that a couple of years ago were inconceivable. Demanding an interview with the president now seems to be normal; this is something I never would have

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<sup>231</sup> The legal proceedings for financial compensation still go on. However, the victims of the December 2001 Crackdown have also been offered some kind of compensation.

<sup>232</sup> Interview with one of the victims of the police repression on December 19, 2001, Buenos Aires, April 1, 2005.

asked for. They also demand all kind of subsidies from the government. [...] I believe that many demands are unreasonable”.<sup>233</sup>

The mother thus believes that during the Kirchner administration the struggle of the family members was easier because it received a lot more support and understanding from other relatives, the government, and society at large. However, she criticizes the ease with which some family members demand all kind of benefits. The council member alleged that some of the victims themselves use their injuries as the basis for all kinds of claims against the state. One victim of the December 2001 Crackdown said:

“I feel that the attitude of some persons is: ‘We can now demand anything from the government and it has to give it to us’. I don’t think like that. I believe that the government needs to give what is due, what is justifiable. But I feel that some persons want to get whatever they can. I don’t like this attitude of taking advantage of what happened”.<sup>234</sup>

She also argued that the demands made by some people for all kind of things from the government tended to obscure what for her was still the most important issue: the demand for justice for the December 2001 Crackdown. Others argue that things have become much more confusing, and they reject the politics of rapprochement that they define as clientelistic.

As noted above, the politics of rapprochement can lead to de-radicalization and demobilization with regard to particular issues because the intentions of the authorities are assumed to be good, or because the newly established relations and the offered spaces are appreciated. However, the threat of losing one’s benefits, employment or subsidy can also contribute to the de-radicalization and demobilization of people. The following story of the brother of a victim of police violence in General Acha, a small village in the province of La Pampa, details how this process works:

“One month, or a month and a half after it [the death of his brother] happened, we organized marches. At first, quite a few people participated. I work for the municipality. Many of my colleagues attended the first four marches. In the fifth march, they took them away from me. We have a doctor who provides us medical certificates for work. If there is no medical problem he will give you [a certificate for] 30, 60 or 90 days. When this doctor saw that my colleagues attended the marches, he said to them, ‘I will no longer give you the certificate if you keep on participating in the marches’. I always say, if he has no political commitment, then he doesn’t owe anybody anything. But he is a police doctor [i.e., he works for the police]. [...] Now people approach me [individually] and say, ‘We support you’. But I want them at the marches”.<sup>235</sup>

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<sup>233</sup> Interview with the mother of a victim of police violence, Buenos Aires, May 6, 2005.

<sup>234</sup> Interview with Sandra Santos, Buenos Aires, April 13, 2005.

<sup>235</sup> Interview with the brother of Juan Carlos Canale, General Acha (La Pampa province), March 22, 2005.

The people the victim’s brother is talking about are public employees who find themselves trapped between, on the one hand, the authorities that provide them with work, who are at the same time participating in a system that violates human rights, and that uses its clientelistic networks to take the teeth out of public protest.

The politics of rapprochement implies a recognition of the struggle of (at least some of) the family members, expressed most clearly in the opening of spaces, both literally and figuratively, within the state. On the other hand, it has led to division within the ranks of the *Movimiento del Dolor* because of the fact that all victims are not recognized equally and because some believe that cooperation with the state, because it is the perpetrator, is *ipso facto* morally wrong.

The public struggle of those family members who followed the path of rapprochement became modified, with their discourse becoming more sympathetic to the authorities: the problem now had to do with specific corrupt or violent state officials rather than the government superstructure as a whole. In the most general sense, the reward for this cooperation was the enhanced legitimacy accorded within government circles to their struggle. It should be noted that the struggle of those family members who rejected rapprochement also gained legitimacy among social movements and opposition parties because this group chose an “ethical struggle” instead of one within the conventional political arena: Using the terminology of Giugni and Passy (1998:84), they chose opposition instead of cooperation. The politics of rapprochement has provided those who reject such a policy a rather expanded agenda. Co-opting and clientelism now are added to the list of accusations and are expressed during the public meetings or demonstrations. As a matter of fact, the division that has occurred within the *Movimiento del Dolor*, seems to have benefited certain splinter groups within the movement. Those who accept rapprochement can make use of the contacts and infrastructure of the state and rely on the support of the authorities.

Thus, despite the reduced autonomy of those who follow the path of rapprochement, they have been able to profit from the benefits that the structure of the state has to offer them. The family members struggling outside the structure of the state do not have these contacts and infrastructure at their immediate disposal. However, they are in turn able to reposition themselves as persons who have not compromised their moral rectitude by accepting government help, and who can therefore continue to speak out about abuses without being beholden to anyone in power. In the next section, the politics of rapprochement will be clarified through a case study of PNAI.

### **7.3 The National Program against Impunity (PNAI)**

PNAI, the National Program Against Impunity, was created in November 2003 for the purpose of giving family members of victims a space within the Ministry of Justice to meet

each other and to work to fight against impunity in Argentina. As such, PNAI is a response to the denunciation approach of the *Movimiento del Dolor*. In his speech announcing the launch of the program, President Kirchner lashed out at corrupt police officers and politicians. He said that a purification of the police forces was needed. The president described corruption within the Argentine institutions using the following arresting image: “If you touch it, pus comes out”. With these words, President Kirchner attempted to explain the situation in Argentina, in which corruption and impunity run rampant. The program was presented as the right instrument to break through all this.

The program was created during the term of office of Minister of Justice Gustavo Beliz (2003-2004). Until that point, nothing had been done regarding the many denunciations of possible cases of impunity that the Ministry of Justice had been informed of. Supposedly, this was due to the separation of powers and because there was no institution or program to handle such cases. Common citizens who reported their cases and suspicions of impunity to the Ministry thus never received an answer or help. In theory, such cases should be resolved by the legal system. Because this had not happened, the Ministry of Justice decided to create a program to assist citizens in pursuing their demands for justice. As can be seen in Resolution 398, the main tasks of the program involve meeting with victims, or family members of victims, of acts of violence; examining cases in order to determine if they involve impunity; creating a database of cases involving impunity for the purpose of implementing policies to prevent its future occurrence; and interacting with other institutions of the state or civil society.<sup>236</sup> Therefore the program is of a different order than above-described strategies such as the presence of state officials in public ceremonies for victims of police violence or the offering of jobs or material benefits to family members of victims. PNAI was created by presidential decree, whereas other aspects of the politics of rapprochement are informal and not decreed.

An important question has to do with the motives that underlie the creation of the program. After all, it is quite uncommon for those who represent the state to talk openly about the existence of impunity and to integrate victims of state violence within the state structure for the purpose of detecting and eradicating such niches of impunity. In the first place, the Argentine state holds a different, safer and self-protecting definition of impunity than, for instance, human rights organizations.<sup>237</sup> By using the metaphor of pus that oozes forth at the slightest touch President Kirchner implies that impunity involves a pervasive lack of morality within society at large. The human rights movement, on the other hand, locates impunity primarily in state institutions, defining it as a structural political problem that cannot be solved by “removing one judge and appointing another one”, as one human

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<sup>236</sup> See Resolution 398 (2003) of the Ministry of Justice, Security and Human Rights.

<sup>237</sup> This point emerged from a conversation I had with the Argentine anthropologist María Victoria Pita, who has published several works on the family members of victims of police violence in Argentina.

rights activist put it.<sup>238</sup> In the second place, past experiences of mass mobilization have shown that Argentine crowds can have great influence on society and politics; on several occasions, they have shown themselves capable of overthrowing governments. It was, in fact, because the *Movimiento del Dolor* had grown and gained visibility that “the state looked to redirect its energy by appropriating it”, as the same human rights activist explained.

The functioning of the program raises a number of questions that will be addressed in the following sections. What does the program imply for the public struggle of the family members of victims? What is the position of the PNAI Council of Family Members within the *Movimiento del Dolor*? How does the movement respond to the program? And, how effective has the program been in the struggle against impunity? The following section is divided into three parts. First, I will discuss the reasons for which the family members joined the Council of Family Members of Victims, as well as the council’s tasks. Second, I will describe the way the family members of victims of police that do not form part of the PNAI came to view the Council of Family Members of Victims. Third, I will show what achievements can be attributed to the work of PNAI in general, and the Council of Family Members of Victims, in particular.

### 7.3.1 The Council of Family Members of Victims

“We are here as family members, not as politicians. We have other objectives, the most important of which is to prevent what happened to us from happening to others. We are not trying to take a political position, and I believe that I can speak for everybody here. But to change things, we need to cooperate. Every family member is different, but if we want to achieve something, we need to do it together. This is the first time that such an initiative has been taken by the state. It is of course ambivalent, because it is the state that has violated our rights. However, it gives us an opportunity to achieve some things”.<sup>239</sup>

PNAI was founded *for*, but also intended to function *with*, family members of victims and for this purpose the Council of Family Members of Victims (henceforth, “the Council”) was created.<sup>240</sup> However, only a few relatives can occupy a place on the Council, because there is room for just a limited number of family members. Moreover, members need to have particular characteristics that enable them go beyond their own personal case to accompany, counsel, and support others and to think collectively rather than individually. The Council members who were initially appointed to serve were said to possess such features. When the program was presented in November 2003, the Council consisted of

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<sup>238</sup> Interview with a member of *Asociación de familiares de ex-detenidos y desaparecidos por razones políticas*, Buenos Aires, March 28, 2005.

<sup>239</sup> Interview with a Council member, Buenos Aires, March 9, 2004.

<sup>240</sup> Initially the Council composed about eight family members. The exact number is however unclear as besides the formally members there were also members who were not formally appointed or paid but always present.

relatives that were chosen by the program's creators because of their public struggle for justice; consequently, they had become role models for others. They fit the definition of "victims of impunity" – that is, victims of state abuse, a lack of legal action, or a negation of justice. They had started a public struggle to rectify this situation.<sup>241</sup> Because the program underwent several changes (in coordination for instance), the present section is for the most part limited to an account of what occurred during its first year of operation. The sections that follow deal with later developments.

The main reason that most family members become members of the Council is that they believe that "from the inside" (i.e., from within the state structure) one perhaps can achieve more, or at least bring some additional support to the struggle that they are undertaking "from the outside" (i.e., independently of the state structure, or "in the streets"). As one family member said:

"I have chosen the state because I believe that the struggle needs to take place from the inside and the outside. From the outside, because the state does not provide what is needed, and from the inside, in order to produce a cultural change".<sup>242</sup>

Besides, it was the first time that an Argentine government had openly invited family members of victims to participate in an initiative to combat impunity, and those who chose to participate felt they at least could give it a try. After all, the Kirchner administration had claimed that it respected human rights. Therefore, perhaps this time, things would finally change in Argentina. In addition, the family members did not consider themselves state employees; instead, they argued that the state was finally working for them. Now they were also able to make use of the infrastructure (i.e., transport, resources) of the state in order to establish contacts with family members in other parts of Argentina. Pita (2005:229) presents another rationale for family members joining the Council. She argues that the family members consider their participation in the Council to be a commitment to their dead relatives. They need to do everything within their power to ensure that their death has not been in vain: This is sufficient justification to cooperate with the state. According to Pita (2005:230), it is mistaken to think that some family members are driven by their suffering and others by a political struggle; instead, all are driven to take part in a public struggle for both reasons. However, what is considered moral or not is based on distinct values and positions, and it is these differences that explain why some join a space of participation offered by the state while others do not.

The main tasks of the Council members are not well defined, but they probably are best described as being available to assist family members in their struggle for justice.

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<sup>241</sup> Why from among the large group of potential role models these family members were chosen remains unclear. Much speculation goes on however among other family members, journalists, and human rights activists: the choice would have been "political", falling on family members who were not confrontational, used 'respectful' language, and were open to cooperation with the state.

<sup>242</sup> Interview with a Council member, Buenos Aires, March 9, 2004.

Those on the Council see themselves as being able to offer such help because of their own experiences with impunity in Argentina, and they control the work of the professionals in the program. In practice this implies that the Council accompanies the family members to the courts, helps organize and participates in demonstrations, and puts the family members in contact with the media, politicians, or others. In addition, the Council reads the cases, talks with those in charge of ordering a new investigation (i.e., judges, public prosecutors), and writes briefs informing the courts that PNAI has received a denunciation with regard to a case under the court’s consideration.

Even though the Council members form part of the PNAI, they continue to participate in the *Movimiento del Dolor*. Thus, in addition to their “institutional membership” they are members of civil society as well. The family members on the Council can opt to participate in demonstrations of the *Movimiento del Dolor* in their own name, instead of as Council members. However, the double membership, or what Cohen and Arato (1992) have termed the “dualistic strategy,” produces conflicts for themselves in their interaction with other family members. One of the Council members said that she felt restricted in expressing her feelings, even in her role as member of the *Movimiento del Dolor*, because her institutional membership always seems to interfere to a certain extent.<sup>243</sup> Other family members cannot separate the two identities either and therefore always tend to view the Council members as representatives of the state.

Pressuring the courts, demanding the reopening of a case, getting an interview with the judge or public prosecutors, as well as organizing marches and informing each other and the public about the functioning of judges, public prosecutors, or police officers are things all family members of victims of police abuse have historically been doing (Pita 2005:221). Hence, there are similarities between the practices and methodology of PNAI and those of the *Movimiento del Dolor*. Other activities, such as visiting police academies to talk to police students or destroying weapons, are new for the Council members. The presence of the family members, as state victims themselves, provides the program and its activities with a greater degree of legitimacy (ibid.).

The Council travels regularly to other provinces in the republic in order to accompany and guide the relatives of victims of those regions in their public struggle. The aim of the travelling is to establish regional programs against impunity, and the Council has the task of assisting in this process by mobilizing and organizing the family members of victims in the provinces. However, because of the repeated trips to the interior, the Council (and the program in general) was accused of being a travel agency instead of an initiative to combat impunity. It was rumored that the traveling, with a rented bus taking other family members of victims as well, was meant to displace the locus of protest from the historically evocative Plaza de Mayo of Buenos Aires to the local squares that are ignored by the

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<sup>243</sup> Conversation with a Council member, Buenos Aires, April 26, 2005.

national media. Let us have a closer look at the responses to the functioning of PNAI in general, and the Council in particular.

### 7.3.2 “Exploiters of corpses”

When PNAI was created, some of the family members of victims had great expectations. It was the first time that a government had not only admitted that impunity existed in Argentina, but had asked them to participate in the fight against it. Poor administration, vagueness about the Council’s tasks, a lack of resources, restricted autonomy, and continued inaction, soon transformed the initial euphoria into dismay, disillusionment, and anger.

The program and its staff have become subject to heavy criticism by family members of victims, human rights organizations, journalists, scientists, and also some current and former politicians. Not a demonstration or meeting I attended passed without the participants criticizing the program for not putting its words into practice, operating with a lack of political will, having an incapable staff, lacking resources to pay for lawyers, etc. Besides, the program is seen as lacking autonomy to act on its own initiative because it depends on the state.

During the first year of the program, many family members entered the Council who either did not have the strength to assist others, or who did not fit the definition of being “victims of impunity”, as they had lost their relatives in common crimes, car accidents, or as a result of medical malpractice in which there did not appear to be concerns regarding lack of legal action, denial of justice, or state abuse.<sup>244</sup> Indeed, this was precisely what made them willing to, as was rumored, be “bought” by the state. With their entrance, the Council’s tasks blurred and family members of victims of state abuse or clear examples of impunity no longer felt represented by it. One of the staff members, moreover, argued that the PNAI was the “rubbish dump” of the state because it received all cases that the presidency or ministries could not handle.

As Pita (2005:223-4) shows, it is morally impossible for family members who are critical of state policies to work in the offices of the same state that has been responsible for the death of their loved ones. The Council members have, according to these critics, lost the moral high ground, which impedes a “discussion among equals” and has even turned them into “enemies”. The Council members are accused of “doing politics” with their child’s death, because they cooperate with the government and are even paid for their work. Some think of participation in the Council as not even worthy of being called work, since it mainly involves drinking coffee, travelling around the country, and chitchatting with “important people”. One father of a victim of police violence remarked sarcastically:

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<sup>244</sup> They fit the PNAI definition of victims of impunity, however, when a lack of legal action or a denial of justice occurred these cases.

“If you do not feel like helping, and only feel like being here sipping *mate*, you really shouldn’t get paid. If you are going to help because of a moral obligation on your side, you don’t get paid. The people who are there [in the Council], many of them who are there, are there for the political position and the money”.<sup>245</sup>

Initially, it was said that the Council members only received a travel allowance. However, when the amount of the stipend received became publicly known, many agreed that it looked much more like an average Argentine salary – and this makes an important difference: to receive an allowance might be considered acceptable, but to receive a salary from the state crosses a moral red line for many family members. A further criticism is that it will be all but impossible for the Council to supervise the work of PNAI’s professional staff objectively, when members of both bodies are receiving a state salary (this changed in 2006; see below).

The Council members are also said to attract undue media attention. Some Council members, on the other hand, suffer terribly under the allegations of other family members. One Council member therefore decided to no longer appear in the media – a decision she later lamented because, “You only achieve something if you appear in the media”. She said she could endure the criticisms of family members of deceased police officers, but found those of other family members of victims unbearable, particularly because she had neglected her own case in order to help others.<sup>246</sup>

In addition, the Council members are rejected by the other relatives as role models or leaders. *They* had not chosen them and besides, the *Movimiento del Dolor* never recognized clear leadership. One member of the Coordination against Police and Institutional Repression (CORREPI) argued that the Council members were the *vedettes*, or “stars” among the relatives of victims of police violence:

“We call them the *vedettes*, those in the glossy magazines, those who walk with feathers. All of a sudden, they are flying in planes while the others [other family members of victims of police violence] are not. Why is that?”<sup>247</sup>

The heightened status that Council members obtained as a result of being part of PNAI, as well as the privileges they have accepted, have drawn a great deal of criticism. But some of the Council members themselves are also deeply disillusioned about the functioning of the program. One of them sarcastically said that they are “those who exploit the dead” (*ordeñadores de cadavers*), pointing to the filing of the denunciations of the cases without any follow-up – something that deceives the victims and their families. The flyer below, distributed by the same Council member who eventually withdrew from the program, is a

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<sup>245</sup> Interview with the father of a victim of police violence, Gran Buenos Aires, June 4, 2004.

<sup>246</sup> Conversation with a Council member, Buenos Aires, April 26, 2005.

<sup>247</sup> Interview with a member of CORREPI, Buenos Aires, May 24, 2005.

graphic illustration of this line of thinking. The cows are symbolic of the dead victims, while those milking the cows are meant to represent those working for the PNAI, as well as other state officials making overtures of rapprochement toward the families of victims.



Flyer 7.1: *“Some choose to exploit, we choose to fight”*

Because the program had lost a lot of support from those for whom the program was initially created, fewer and fewer members wanted to participate in the activities of the Council. A year after its creation, the program had clearly fallen out of favor among family members of victims of police violence.

### 7.3.3 “We will make it public, so you better watch it...”

In an attempt to save the program from oblivion, a team of professionals was appointed in 2005 to analyze it, compose a work plan, and calculate the budget necessary to achieve the objectives. The budget was approved, but only because of the pressure exerted by the Council, which was tired of the inaction and the barriers that had prevented the program from functioning properly. The Council threatened to leave the program the same way it had entered it: with a lot of media coverage. Very shortly thereafter, the program received a phone call from the presidency that the budget was approved and that everything was set in motion.

The implementation of the objectives was thus no longer hindered by a lack of resources. However, instead of a program against impunity, PNAI appeared to function

more like a funding agency, or, as one of the employees said, a Ministry of Social Action.<sup>248</sup> The budget included partial reimbursement for travel and accommodation expenses of family members of victims in the provinces to travel to Buenos Aires and elsewhere, but there was no clear procedure prescribing which family members would be reimbursed. The budget did not include daily living expenses of family members. Still, some – mostly poor – families were promised subsidies for such costs, leading even the family members to accuse the program of being a Ministry of Social Action. In addition, while many family members in the Federal Capital and the province of Buenos Aires no longer cared about the program, more and more families from the provinces discovered it and started visiting Buenos Aires or inviting the Council to their activities. This dynamic had to do with both the availability of funds to pay for their trips and the fact that family members in the provinces had not yet lost faith in the program.

In 2006, this situation changed somewhat due to budgetary reasons; the program’s budget was curtailed and PNAI therefore lost its informal function as a funding agency. What’s more, the team realized that it had to move more towards the formulation of state policies, which is in fact one of its tasks (but it had not received much attention so far). In addition, in response to the many criticisms relating to family members of victims getting paid and working for the state, while at the same time having responsibility for controlling the work of the professionals, the Council members were granted the status of public officials. This was accompanied by a process of restructuring the program in other aspects as well. The idea is to decentralize PNAI and create Councils of Family Members in each province of Argentina that would be responsible for controlling the work and meeting the objectives of PNAI (but whose members would not be paid).<sup>249</sup>

Yet, the disillusionment among some of the council members about the functioning of the program was, when I spoke to them during my last fieldwork trip in October 2006, more visible than it had ever been before. The program existed for three years and there is not much to show for it, as one of them said. The new minister of justice and the secretary of human rights want the program to be primarily concerned with consoling victims and victims’ relatives, rather than trying to serve all the functions enumerated in the November 2003 resolution. This council member had just returned from a trip to La Rioja in the northwest of Argentina. In her view, these kinds of trips were a waste of time because, as the council member, all the judges say nice things to you. But in daily practice, nothing changes. She said that council members are stung by critics who say that they “trade on the

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<sup>248</sup> Interview with one of the professionals working for the PNAI, Buenos Aires, April 15, 2005.

<sup>249</sup> At the time of my last fieldwork period in October 2006, one of the family members working for PNAI said that the provincial Councils of Family Members had been formed in La Pampa and Chipoletti, and were in the process of being formed in Tierra del Fuego and La Rioja. However, another Council member said in the same period that the provincial Councils did not really exist because the family members of victims in the provinces have also lost their faith the program, and therefore do not want to participate.

blood of their dead children.” According to her, such comments showed that the program has lost its credibility.<sup>250</sup>

Despite the difficulties, there are a number of achievements that can be attributed to the program. First of all, since the group of family members who chose the path of rapprochement is no longer merely an opposition movement, the issues they address have gained more legitimacy among those in power. This enabled them, as part of the Council, to achieve some desirable results and changes. One of the Council members said that the power brokers feel like they are being more closely monitored and that they therefore formulate their decisions in particular cases more clearly and thoughtfully, knowing that they cannot get away with poorly grounded judgments. Furthermore, participation in the Council earned members a higher level of respect from power brokers, for now they generally *are* received by judges, public prosecutors, and politicians.

Secondly, the presence of the Council in marches or at trials implies pressure to have relatives’ demands met. One Council member told me that, when they participated in a march for the family of a victim in the northeastern province of Corrientes and requested a meeting with the judge, they were at first refused. But by the time they again participated in a march for that victim, the judge had been notified that PNAI was involved. He then agreed to meet them. Another Council member told me:

“The other day, in a session of the court in San Isidro, they wanted to hold the session in a courtroom in which only seven people were able to enter. So I told them, ‘Excuse me, but according to the law, a session of the court should be oral and public ... the entrance of seven people, however, is not public’. I continued in this vein, but they did not look very convinced. So I told them, ‘Look, I work for the National Program against Impunity that reports to the Ministry of Justice. I am going to have to write a report and you can be sure that I will inform them about this’. Suddenly, a larger room was made available for the session”.<sup>251</sup>

The Council member added that these may be just little things, but that they do matter and have at least some impact. She described another situation in the same court. During a court session, the family members of the suspects were all sitting in the front row of seats. The family members of the victim sat in the back rows. After the session, she went to the secretary of the court and demanded that half of the front row be reserved for the relatives of the victim. During the next session, this accommodation was made.

Thirdly, the Council’s travels to the provinces helped assure that the abuses of the provincial police and courts, which generally receive much less media attention than those in the capital or the province of Buenos Aires, come to the attention of a wider public.

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<sup>250</sup> Conversation with one of the Council members, Buenos Aires, October 19, 2006.

<sup>251</sup> Interview with a Council member, Buenos Aires, May, 6 2005.

Hence, the program could be viewed as an “enforcement group” that in so many words conveys the message: “We threaten to make it public, so you better watch it...”.

Fourthly, in some cases PNAI has been able to contribute to changes in the way the judicial investigation is carried out. For instance, in the cases of a prostitution ring (PNAI became involved mainly through the case of Marita Verón, who disappeared in 2002 in Tucumán) PNAI discussed the matter of the local police investigating such crimes with the National Prosecuting Attorney’s Office.<sup>252</sup> PNAI emphasized the need to distance the local police from such cases because of their possible complicity in the prostitution ring. PNAI proposed deploying national security forces, preferably the Gendarmerie, to carry out the research “for matters of transparency and because they have the scientific knowledge to do so”, as one PNAI official said.<sup>253</sup>

Fifthly, more concrete outcomes also include the releasing of prisoners or the transfer of mistreated prisoners to other penal complexes.

However, despite the new start, the program failed to regain the trust of a large part of the *Movimiento del Dolor*, who continue to see it as having the purpose of co-opting family members by clientelistic means without addressing the movement’s main demands.

## 7.4 Conclusions

Coming back to María, the sister of the young woman killed by the *Bonaerense*, what would it have meant for her struggle for justice if she had accepted the secretary of the presidency’s offer? We can by now guess that, for María, some of the results would have been (partial) deradicalization and a loss of freedom to denounce the state for inaction or complicity, but also the provision of particular benefits, such as contacts with power holders, travel allowances, or compensation for daily sustenance.

The politics of rapprochement is an attempt to co-opt the *Movimiento del Dolor*. But, at the same time, it also contains elements of cooperation. However, both co-opting and cooperation are seen as “doing politics”, and thus as something immoral, by family members of victims of police violence who do “contentious politics” within the “ethical civil society”. Two of the main demands of the *Movimiento del Dolor*, justice for the particular cases and an end to police violence and impunity, cannot be met with the politics of rapprochement: for these demands to be met, profound reforms of the legal system and the police institutions are needed. The politics of rapprochement thus does not deal with the underlying causes of police violence and impunity or, for that matter, with increasing the protection of citizens from arbitrary state action and thereby enhancing the quality of democratic governance. Nevertheless, the politics of rapprochement has created an atmosphere in which the struggle of some of the family members of victims is recognized

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<sup>252</sup> Marita Verón, a 23-year old woman, was kidnapped in 2002 in Tucumán. She has not yet been found. Evidence indicates that she was kidnapped by a trafficking gang and forced into prostitution. Because of the public struggle of Marita’s mother, Susana Trimarco, several kidnapped women were found and released.

<sup>253</sup> Interview with a Council member, Buenos Aires, October 13, 2006.

within politics and society at large, enabling them to occupy a more prominent place within the public arena and bringing several advantages such as being able to make use of the state's contacts and infrastructure.

PNAI, as one of the clearest expressions of the politics of rapprochement, is criticized for inviting state victims to participate in the official fight against impunity. The program functions mostly as an “enforcement group”: radical changes that would address impunity are therefore not to be expected. The intentions underlying the creation of the program remain unclear. Is it intended to offer something that the government at least *can* offer (i.e., is it symbolic politics in a more or less benign sense)? Or is it purely co-optative in nature, and thus aimed at deliberately weakening and silencing the movement so that it can no longer question the legitimacy of the authorities?

The outcomes are easier to examine. The program on the one hand has partially divided and de-radicalized family members of victims of police violence, and has consequently weakened the *Movimiento del Dolor*. On the other hand, both the family members who have chosen the path of rapprochement, and those that have not, have been able to gain some advantage from it. The group of family members in the Council forms part of the state structure and has thereby gained more legitimacy among power holders. It has therefore been able to change the attitude and practices of some them. The struggle of the family members “against the government” is seen as moral and ethical, which enables them to continue as an opposition movement addressing human rights violations in Argentina.

In sum, the politics of rapprochement has not brought an end to police violence and impunity. So far it mostly looks like a sop to the family members of victims of police violence. In effect, the government appears to be saying: “We [the government] cannot solve your case but we can offer you a job, a subsidy, or participation in the National Program against Impunity”. The fact that many family members who have rejected the politics of rapprochement also consider it as such tends to validate this conclusion. With the politics of rapprochement, the Argentine government does not prevent more police killings or impunity. Instead, it attempts to console “their victims” with what smacks of symbolic politics and co-opting. However, for those family members who have chosen the path of rapprochement, it does appear to confer certain benefits, and their choice to cooperate with the government is therefore at least understandable. The next chapter will take a more detailed look at the overall relevance and impact of the *Movimiento del Dolor* within Argentine society.



## 8 Putting the system into operation: the impact and relevance of the *Movimiento del Dolor*

### 8.1 Introduction

Scholarly literature on social movements' achievements tells us that these include "practical information about current problems and techniques for doing things better" (Jasper 1997:367) and changes in ethics and culture (Tesh 1993, cited in Dryzek 1996:482). In addition, the literature indicates that social movements may have problems moving from "protest to proposal" (Fals Borda 1992:307) and that transformations of large structures of domination are unlikely (Escobar & Alvarez 1992:325). Generally, assessing which changes a social movement brings about stumbles on the difficulty of determining if A (cause) has led to B (effect). To give an example: How do we know that the repeated demonstrations of the *Movimiento del Dolor* led to the formulation of human rights courses for the police? Perhaps the issue was already high on the political agenda, and was therefore incorporated into the police curriculum. Additionally, especially in a democracy with fault lines, progressive new decrees and laws may have more of a symbolic meaning rather than a genuine impact in daily practice. Furthermore, the effects of social movements are often broad, indirect and unintended. Therefore it is important not to make a "dichotomous assessment of 'success' and 'failure' because it cannot capture the complexities and realities of ongoing political struggles" (Einwohner 1999:59). Instead, one needs to see the movement's effects rather "as a process consisting of partial advances and incremental steps toward some overarching objectives" (ibid.).

In this chapter, I examine the impact and relevance of the *Movimiento del Dolor* in relation to what it protests for, as well as its significance within the broader dynamics of civil society. In Chapter 5, the movement's demands have been discussed. Here, I will analyze the extent to which these demands are met and what other effects have followed. As we will see, the chapter makes a clear connection to Chapter 7, but at the same time will shed a different light on the *Movimiento del Dolor* - state relation. So what can we say about the effects of the denunciation approach of the *Movimiento del Dolor*?<sup>254</sup> Can we conclude that it leads to information on police violence, better results in terms of justice, changes in the way people see the problem, or even larger societal and political transformations? What is the wider significance of this anti-violence movement in Argentine society? And how to understand the interaction between the effects of the *Movimiento del Dolor* and the Argentine democracy? In this chapter, it will become clear that the movement "is winning small

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<sup>254</sup> The denunciation approach of the *Movimiento del Dolor* takes two forms; the "juridical approach" and "taking to the streets". See Chapter 6 for a detailed discussion of both of these approaches.

battles but losing the war”.<sup>255</sup> This implies that the denunciation approach increases the likelihood of attaining truth and justice and even leads to “small” changes in police behavior, but that its capability to formulate alternative policy proposals and contribute to their implementation is limited, at least in the short and middle term. And this, as will become clear, is in line with how the flawed democracy works.

First, I discuss the achievements of the denunciation approach that relate to truth, justice and criminal responsibility. Following that, I examine to what extent the *Movimiento del Dolor* is capable of putting its issues on the societal and political agenda. Then I go into the changes in the police organization and conduct as well as the possible policy and institutional changes that are the product of the movement’s public struggle. Next I shed light upon the movement’s inclusion in Argentine civil society and power holders’ viewpoints of the movement. Lastly, I look at four factors that influence whether the public struggle leads to the desired results. Here it will become clear that the *Movimiento del Dolor* is not a homogenous movement in terms of its ability to bring about changes in Argentine society.

## 8.2 Truth, justice and criminal responsibility

“Here in Lomas de Zamora [a district in Gran Buenos Aires] there was a very famous case of the two *piqueteros* Kosteky and Santillán. [...] Everybody knew that there would be turmoil [during the trial], [like] demonstrations. [Furthermore] There was an artistic festival every day. [...] You know what I would do in this case when it was under my consideration? I would say ‘aha Kosteky and Santillán, perfect. On July 20<sup>th</sup>, the case will be brought to trial. Where? In Carmen de Patagones. I do it in July, when there is an average temperature of 20 degrees below zero, and there are wind gusts of up to 60 km per hour. Nobody is going to show up there [to support you]”.<sup>256</sup>

With the above words, the judge of the Court of Appeals wanted to make clear that social mobilization during court cases puts a great deal of pressure on judges. As he explained in our interview, the resulting verdict might not be entirely legitimate. But what exactly is the role and influence of social mobilization in relation to judicial decisions? With this question in mind in this section, I elaborate on the relationship between the denunciation approach and the quest to achieve one of the most important goals of the *Movimiento del Dolor*: the attainment of truth and justice.

The interviewed family members of victims of police violence, their lawyers, human rights activists, journalists, academics and some (former) representatives of the judiciary almost unanimously believe that the denunciation approach, through the judiciary and

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<sup>255</sup> These were the words of María Teresa Schnack, the mother of Sergio Schiavini, in one of our conversations, Buenos Aires, October 6, 2006.

<sup>256</sup> Interview with a judge of the Court of Appeals, province of Buenos Aires, October 13, 2006.

through taking to the streets, is necessary to put “the system” into operation. “The system” refers to the responsible state institutions in general and to the judiciary in particular. In many cases, the system does not function by itself; it needs to be activated by the denunciation approach. In this manner, as many interviewees agreed, the family members of victims of police violence (and their supporters) can prod the public prosecutor to investigate a certain clue, to issue an arrest warrant, and to bring the case to trial. In other words, they can influence juridical decisions by generating a scandal (through making visible and public the inaction, unwillingness, or complicity) for the representatives of the judiciary involved in the case. Let’s consider five cases in point in which the *Movimiento del Dolor* has contributed to the process towards truth, justice and criminal responsibility in cases of police violence.

### **Case 1: Changing the official account of a case of police violence**

In several cases, the denunciation approach has contributed discovering the real course of the events that led to a person’s death at the hands of the police. For instance, in the case of Hugo Krince, who was shot by officers of the Buenos Aires Police 2 (PBA 2, see Chapter 4) in March 2006, the official version as communicated by the Ministry of Security and the police was that Hugo and his friends wanted to assault three PBA2 officers. In response, the officers legitimately defended themselves and this caused the death of Hugo Krince. After the event, the authorities and the police publicly announced that they defended and supported their officers and that the case would be resolved by the legal system.

One month after the shooting Hugo’s relatives, friends and sympathizers marched to the police station of PBA2 in Avellaneda (a district in Gran Buenos Aires). This march was a turning point. The national newspaper Clarín reported on the case (something that thus far had not happened) and on all the evidence that pointed to the shooting having resulted from a *gatillo fácil* on the part of the PBA2 officers. The official explanation of legitimate self-defense was no longer sustainable; the Ministry of Security had to admit that the situation was more complex and decided to remove the three officers, the commissioner of the PBA2 and two more officers (one of the PBA2 and one of the *Bonaerense*) for setting up the crime and then covering up the case. The public prosecutor went from originally presenting Hugo and his friends as having attempted armed robbery to charging the police officers with manslaughter resulting from a brawl. Thus, public denunciation of the events led to the discrediting of the official version of what had happened. The Krince family and their lawyers were pleased with this change, even though it fell short of their original request that the PBA2 officers be charged with aggravated murder.<sup>257</sup> “Now society knows that Hugo Krince was a victim of trigger-happy police, that

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<sup>257</sup> In “manslaughter resulting from a brawl” blame cannot be assessed and therefore this charge carries only minor sanctions.

he is not a delinquent”, as one of the family’s lawyers said.<sup>258</sup> In this case, the public struggle of the family thus contributed to a different public perception of Hugo’s death: he went from being a criminal to being a victim of *gatillo fácil* police officers.

### **Case 2: Being listened to and treated with more respect**

On April 21, 2005, exactly six months after the fire in police station 1° in Quilmes (a district in Gran Buenos Aires), family members of the four victims, along with neighbors and other sympathizers, marched to the court located in the same district. They wanted to talk to the judge because they believe that the public prosecutor clearly has the intention of hampering the investigation. Former requests to get together with the judge or public prosecutor were not granted. Relations thus far have been tense. When one lawyer asked why he only investigated the beatings and not the signs of torture, the public prosecutor answered that he did not want to ruin the lives of the police officers and that he thought that what had occurred were “corrective beatings” rather than a form of torture. This time, however, things went differently. Not long after the group of approximately 50 protesters arrived at the tribunal, with their banners calling for justice, they were told that the judge would be receiving them right away.

During the meeting, family members were able to express their doubts and anxieties about the course of the investigation. Even the public prosecutor showed up briefly and invited them to be present during expert testimony. Thus, because former requests to meet with the judge and public prosecutor had been denied, family members of the victims decided to protest in front of the court in order to make their demands clear to the public and in that way to force a meeting with the judge. And, as the above shows, they succeeded. What’s more, they felt they were treated with more respect, listened to, and even invited to present expert testimony. Although other demands of the family members (such as the change in the charges) were not conceded, they felt that this time they had at least been listened to.<sup>259</sup>

### **Case 3: Access to the file in a case of police violence**

It is very common for the social protest of family members of victims of police violence to lead to the conceding of demands to meet with power holders to discuss the course of the case, to attempt to reconstruct the circumstances leading to the victim’s death, to discuss financial compensation, or, as the following words of the mother of a police victim show, to request access to the file:

“The file was for me, the victim’s mother, secret. I could not examine it. So one day I go to my lawyer’s office and tell him, ‘Look, the friends, comrades and family have decided to do a

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<sup>258</sup> Interview with Julio Krince, the father of Hugo Krince, and his lawyers, Buenos Aires, October 12, 2006.

<sup>259</sup> Interview with a lay brother who accompanies the families of the victims, Gran Buenos Aires, April 27, 2005.

march [...] and to do an *escrache* at the police station [...].’ So he said, ‘Bring me the flyers [...] and the invitations’. And that is what I did. [...] He [the lawyer] went to the public prosecutor on Thursday. [He said:] ‘I come to inform you that the family, and the community [...] is going to do a march and the media will be there too’. The public prosecutor said, ‘No, don’t do that please. Look, go, it [the file] is at the Investigation Department. [...] So my lawyer goes [on the same day] but there they say that they do not have the file. So he goes back to the court [on the same Thursday] and tells the public prosecutor that he does not know where the file is, but that Saturday there will be a march. On Friday, the public prosecutor hands over the file. [...] On Saturday I did the march and explained to the people that thanks to the pressure the public prosecutor finally handed over the file’.<sup>260</sup>

When such demands are met, family members feel that they are a step closer to truth and justice. The family members are listened to and their demands are considered legitimate, at least to a certain degree. However, as shown in the previous chapter, the granting of such relatively minor requests can also be understood as a sop aimed at avoiding any kind of reckoning with the larger demands of the movement, such as the formulation of effective human rights and public security policy.

#### **Case 4: Presenting a bill to protect the relatives’ rights**

The *Comisión de Familiares de Víctimas Indefensas de la Violencia Social - Policial - Judicial - Institucional* (COFAVI) presented a bill approved in 2003 that stipulates the right of the “harmed private party” or “private prosecutor” (see Chapter 6) to know the truth in all of its juridical and political aspects, that forbids the existence of secret cases that would prevent the full truth becoming known, and that would obstruct justice. This decree also guarantees that the “private harmed party” can actively take part in the case by suggesting witnesses and participating in court hearings.<sup>261</sup>

#### **Case 5: Making evidence reappear and a political trial against judges**

Ten days before the start of the court case for Andrea Viera (see previous chapters for her case), the evidence that had established the cause of death as strangulation was suddenly lost. The lawyers for Andrea’s family threatened to hold a press conference to implicate the judges and public prosecutor in this rather strange disappearance. Due to the pressure to make the loss of the most incriminating evidence public, the evidence quickly resurfaced. However, despite the evidence and the years of public struggle on the part of Andrea’s family, four of the five police officers accused ended up being acquitted in June 2006. One female police officer was sentenced to life imprisonment but, due to health problems, she was allowed to serve the sentence at home. Andrea’s family did not accept the verdict and

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<sup>260</sup> Interview with Pura Granja, the mother of Ezequiel Giannini, Gran Buenos Aires, July 21, 2004.

<sup>261</sup> In unpublished document of COFAVI: *Propuestas presentadas al presidente Néstor Kirchner y al Ministerio de Justicia Gustavo Beliz, para mejorar el posible plan de seguridad nacional*, May 25, 2004 (first version of 1996).

decided to organize a huge march of about 4000 people to La Plata to demand that provincial representatives institute proceedings against the judges who had ruled in the case. In an interview, Andrea’s sister explained that a group consisting of a delegate from every organization participating in the march, which included the Mothers of Plaza de Mayo, HIJOS, and several *piqueteros* groups, be received by the provincial representatives. All 92 representatives voted in favor of the demand for a political trial “due to the pressure applied by the people. If I had been alone, I would not have been received”, said Andrea’s sister.<sup>262</sup>

The above examples are supported by the quantitative study of Brinks (2005:8) that shows that conviction rates in the prosecution of police officers for homicide are positively correlated with the presence of a “private prosecutor” and the number of popular demonstrations held regarding the case.<sup>263</sup>

**Table 8.1: Impact of private prosecutor and popular demonstrations on conviction rates in the prosecution of police officers for homicide<sup>264</sup>**

City/Country	No Private prosecutor and no demonstrations	Private prosecutor but no demonstrations	Private prosecutor and demonstrations
Buenos Aires	7%	14%	41%
Córdoba	13%	20%	80%
São Paulo	2%	35%	n/a
Uruguay <sup>265</sup>	50%	n/a	n/a

Source: Brinks (2005:8)

The above data demonstrate that, for Buenos Aires, when there were neither demonstrations nor a private prosecutor, the conviction rate was almost 7% (compared to 13% in Córdoba, almost 2% in São Paulo, and 50% in Uruguay). When there was a private prosecutor but no demonstrations, the conviction rate was almost 14% in Buenos Aires (compared to 20% in Córdoba and 35% in São Paulo). When there was a private prosecutor *and* popular demonstrations in Buenos Aires, the conviction rate exceeded 41% (compared to 80% in Córdoba). These results suggest that the involvement of a private

<sup>262</sup> Interview with Eugenia Vázquez, the sister of Andrea Viera, Buenos Aires, October 17, 2006.

<sup>263</sup> Daniel Brinks was kind enough to provide me with a draft of his work, dated at November 15, 2005, titled “*Of Gulliver and the State: The Legal Complex and the Response to Police Violence in South America*”.

<sup>264</sup> To obtain these data, Brinks used a sample of cases of police violence, court records and attorneys’ files, reviewed journalistic accounts and interviewed some participants. However, it is not clear if all cases are comparable because he does not differentiate between cases in which the police have obviously abused power or not. After all, cases of clear police abuse are probably more likely to provoke demonstrations and produce convictions.

<sup>265</sup> In his analysis, Brinks does not differentiate between different cities in Uruguay as he does for Argentina and Brasil. As can be readily seen, data for São Paulo and Uruguay are incomplete.

prosecutor in a case *and* popular demonstrations, which both form part of the denunciation approach of the *Movimiento del Dolor*, dramatically improve the chances of an eventual conviction. Thus, it appears that the judicial system does not necessarily work when left to its own devices, but must instead be prodded to function properly by demonstrations or other forms of social pressure. Such defective institutional functioning is highly characteristic of a flawed democracy.

Furthermore, a number of cases of police violence in Argentina that went unpunished have been presented to the Inter-American Commission on Human Rights (IACHR) of the OAS. In some cases, such as those of Walter Bulacio and Sergio Schiavini, the Argentine state has been held responsible for their deaths and sentenced to make financial compensation. Both families and the organizations to which the families of the victims belong have had an essential role in the whole process. The mother of Sergio Schiavini, who is also president of COFAVI, revealed in an interview that she had sent copies of the penal and civil cases, the death threats, the media reporting on Sergio's case, as well as photos and videos of the autopsy to the IACHR. She was thus actively involved in efforts to make a conviction more probable. About the verdict of the IACHR, she said:

“For me, this is very important achievement. The judges believed themselves untouchable. But now they are going to be judged by a truth commission. [...] I will not have a legal verdict though. I will have a moral verdict for all of them: for the police officers, for the judges, for the doctors. They will not go to prison. But for me it is an important achievement because nothing else was going to happen [...]. Here [in Argentina] my demands were not met. [...] But now I have achieved the most important thing: I defeated a state”.<sup>266</sup>

As previously noted, the denunciation approach of the *Movimiento del Dolor* is a rather effective means of putting the judicial system into operation. Furthermore, the denunciation approach is a form of control that increases the transparency and accountability of power holders' decisions and actions in cases of police violence. As Peruzzotti and Smulovitz (2006:11) put it, “Public exposure of issues and wrongdoing not only generates symbolic costs to the officials or agencies suspected of wrongdoing but also, by bringing cases of corruption or official misconduct into the public agenda, it forces political institutions to address these cases and raises the actual costs of illegal or improper political behavior”. Although a number of other factors (such as the character of the relationship of public prosecutors and judges with the police, the number of witnesses, and the quantity and nature of the evidence) also influence the chances of attaining truth and justice, the denunciation approach of the *Movimiento del Dolor* also appears to clearly increase the probability of such an outcome.

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<sup>266</sup> Conversation with María Teresa Schnack, the mother of Sergio Schiavini, Buenos Aires, October 6, 2006.

### 8.3 Police violence and impunity as a societal and political concern

The impact of the *Movimiento del Dolor* on society and politics may also be understood if we consider the two-fold function of social movements. First, most social movements can be credited with setting an agenda of specific issues and secondly, by doing this, they can also influence social and cultural norms within the society in which they conduct their activities. In a number of cases, this may also lead to policy change in relevant areas. According to Jasper (1997:368) this is because protesters create controversy, which leads to the weighing and testing of perspectives and values.

In the case of the *Movimiento del Dolor*, the movement has put the issue of police violence, and impunity for cases of police violence, in post-authoritarian Argentina on the social and political agendas. By bringing cases of police violence to public awareness, the *Movimiento del Dolor* has made people more conscious of abusive police practices and of the need to do something about the problem. According to Giugni (1998:379) it seems rather obvious that protest activities raise the awareness of the population regarding certain political issues. However, as he argues, changes in public opinion can also help movements to reach their goals by making decision-makers more responsive to their demands. Secondly, by publicly denouncing police abuse (including denunciations through the media) the *Movimiento del Dolor* has influenced ideas in Argentine society regarding how the police ideally should enforce the law. Although *mano dura* crime-fighting policies are still popular in some sectors of Argentine society and politics, part of the debate shows quite a strong rejection of excessive police force, something that partially can be attributed to the denunciation approach.

In addition, most family members of victims of police violence have a clear conception of what they mean when they refer to “justice” and succeed in spreading this message to “new” family members and the wider public. They try to develop a discourse of respect for justice and institutionalism; in this manner, they attempt to sensitize society on these subjects. This has contributed to another conception of victims of police violence and their relatives in some sectors of society. As María Teresa, the mother of Sergio Schiavini, said about the responses she received back in 1991, when she started her public struggle: “They called me *loca* [crazy] and asked what I wanted. Today nobody says that a mother [of a victim of police violence] is *loca*. In this sense, things have changed, because now they say, ‘Oh, poor mother’”.<sup>267</sup> What’s more, the *Movimiento del Dolor* tries to encourage citizens to participate in a non-violent struggle against police violence and impunity. The movement rejects collective violence and mob justice because it believes such actions would damage the legitimacy of their struggle, and would utterly destroy their credibility as a movement that denounces violence.

Furthermore, as shown in Chapter 6, police cases come to wider attention through the use of commemorative plaques or statues. When I asked Elvira and Silvia, two of the

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<sup>267</sup> Conversation with María Teresa Schnack, mother of Sergio Schiavini, Buenos Aires, October 6, 2006.

victims' mothers, about the sculpture to commemorate their sons who died in the Massacre of Floresta, they said:

“Silvia: Do you know how I felt when a father and his son got off their car and the father started explaining [the story behind the sculpture]? And I stood there, watching it. This is exactly what the artists wanted. Next Friday we are going to do a solidarity embrace<sup>268</sup> around the square. A school will be built there too. This square is going to be of enormous importance, because it is where the memorial is situated.

Elvira: The idea is that the square [Plaza Victoria] is an important symbol of human rights because of what the monument represents”.<sup>269</sup>

The mothers are enormously proud of the monument because they believe that it contributes to making people aware of human rights violations in democratic Argentina. Overall, the *Movimiento del Dolor* can be credited with putting the issue of police violence and impunity on the social and political agenda and for contributing to the debates on effective law enforcement (rather than a *mano dura*), justice (and not mob justice) and human rights violations. It might be expected that policy and institutional changes would follow as a logical consequence. However, as will become clear below, despite the fact that the *Movimiento del Dolor* is able to influence public debate related to issues concerning police violence, this debate only translates into new public policies to a very limited extent.

#### 8.4 Changes in the police

One of the aims of the *Movimiento del Dolor* is to bring about changes in the police organization and the way of law enforcement, while another of its goals is to put a stop to police violence. In this section, I will make some observations on specific advances in this area. First of all, in a number of cases the meetings between the minister of security and family members of victims of police violence were followed by the dismissal of police officers being investigated. The objective of several such meetings, requested by family members of victims, was precisely to demand the removal of offending officers. The same thing happened after several marches of family members of victims of police violence. For instance, the march for justice on the first anniversary of the Massacre of Floresta, in which about 10,000 people participated, led directly to the firing of the Federal Police officer one day later. In the case of Andrea Viera, a week before the start of the trial in June 2006, the principal and second police chiefs of the station where she was tortured were dismissed.

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<sup>268</sup> In Argentina, a “solidarity embrace” (in Spanish: *abrazo solidario*) is a form of social protest and remembering. It involves a symbolic place (the house of the family of the victim, a square, etc.) being “embraced” by people who surround the designated area in order to express their support to a certain family or case.

<sup>269</sup> Interview with Elvira Torres, mother Christian Gómez, and Silvia Irigaray, mother of Maximiliano Tasca, Buenos Aires, March 15, 2005.

This was, among other things, due to the extensive efforts her family had made to publicize her case in the media.

Secondly, and related to the first point, the denunciation approach of the *Movimiento del Dolor* has contributed to the political decision to initiate police reforms in the province of Buenos Aires. One of the effects of the 2004-2007 reform of the *Bonaerense* was that police officers were aware of being monitored more closely; they were thus cognizant of the possibility that their actions may lead to administrative consequences such as being removed from the force. As a result, police officers seemed more cautious about the way they conducted themselves. Police officers know that there is currently a higher likelihood than before that their actions will be investigated. As one CELS lawyer said in an interview:

“They realize that things might appear in the media and commissioners don’t want those kinds of problems. It is not really an institutional matter, or a matter of a change of culture, but rather the realization that at this moment they are being very closely watched”.<sup>270</sup>

The same could be argued with respect to some public prosecutors and judges: in recent times, they have also felt that they have been closely watched. Therefore, in specific cases, they might be more willing to investigate and condemn police misconduct. However, the question arises as to whether it is realistic to expect fundamental changes in policing, considering how arduous it often is to achieve even superficial changes in the structure of police organizations?<sup>271</sup> In Argentina, even though prior efforts at police reform were relatively extensive on paper, they are widely believed to have failed in their general objectives. The police reform which was initiated in the province of Buenos Aires in 2004 is one case in point: on paper, it appeared to be far-reaching and, since it was implemented, it has not been met with any counter-reform measures. Yet there are certain inherent weaknesses in the reform measures that were instituted. In the case of the PBA2, for instance, the new curriculum includes human rights courses that emphasize international human rights treaties rather than the human rights abuses by police in contemporary Argentina. Police students are thus not sufficiently educated on human rights as they relate to the daily activity of police work.<sup>272</sup> Training is also still militarized. Police students spend several months in barracks and there is a great deal of emphasis on discipline and marching rather than on the typical activities of police work.<sup>273</sup> Furthermore, police culture has not sufficiently changed. In an interview with *Página/12* in April 2006, Argentine security expert Marcelo Saín explains that this is because the heart of the police institution has remained untouched. Police culture and its valuation and legitimization of illegal practices

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<sup>270</sup> Interview with a lawyer of CELS, Buenos Aires, October 10, 2006.

<sup>271</sup> I borrowed this question from Goldstein (1977:328), who in his book “Policing a Free Society” asks this about the police in the United States.

<sup>272</sup> Recorded in my fieldwork observations during several classes that I took with the PBA2, Gran Buenos Aires, in July and August 2004.

<sup>273</sup> Conversation with PBA2 police officer, Gran Buenos Aires, May 8, 2005.

has not changed and therefore the reforms will, according to Saín, not be successful.<sup>274</sup> All told, the denunciation approach has contributed to keeping the issue of police violence on the political agenda, and this is in itself an achievement. But to expect the denunciation approach to bring about fundamental change within the police organization does not appear to be very realistic.

Thirdly, COFAVI has been able to present a number of bills that have become law in recent years. One such bill involves the humanization, democratization, and professionalization of those who want to enter the security forces. COFAVI proposed monthly lectures presented by role models in society that all uniformed officers in the province of Buenos Aires should be required to attend. Yet an unpublished document of COFAVI asks the question, “Is it being implemented?” The answer to this query is, unfortunately, a resounding “No!”<sup>275</sup> On other occasions, policy changes proposed by COFAVI (such as the requirement of a secondary education to enter the police and the regulation of the use of arms in the province of Buenos Aires) have been adopted and decreed by legislators.<sup>276</sup>

## 8.5 Policy and institutional change

After its role in agenda-setting and the influencing of norms in society, the next most prominent way in which the significance of social movements is manifested is in their ability to produce policy and institutional changes. In general, social movements are unlikely to transform power structures in a drastic way. In a democracy, however, elected officials must in some way respond to public opinion. In this respect, social movements can influence policy by changing public opinion or by heightening the salience of a particular issue (Burnstein 1999:15). In the case of the *Movimiento del Dolor*, what is the capacity of the movement to promote policy change in relevant areas such as human rights and public security? Is the movement capable of raising issues in such a way that they are translated into alternative public policies? These questions are central to further understanding the significance of the *Movimiento del Dolor* in Argentine society and politics.

The general conception among my interviewees from human rights and academic circles is that the *Movimiento del Dolor* is not truly capable of promoting transformations in policy, laws and political decision-making, due to its low level of organization and lack of clear proposals. Partially in line with this argument, Fuentes (2004a) contends that advocacy groups may impact agenda-setting, but that their impact on policy implementation and police practices are at best temporary. He substantiates his argument

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<sup>274</sup> Pagina/12 April 19, 2006: “Hay que despolicializar la seguridad”.

<http://www.pagina12.com.ar/diario/sociedad/3-65780-2006-04-19.html>

<sup>275</sup> In the beginning, the family members participating in PNAI gave some lectures to police students. However, such lectures did not become an integral component of the police curriculum.

<sup>276</sup> Unpublished document of COFAVI: *Propuestas presentadas al presidente Néstor Kirchner y al Ministerio de Justicia Gustavo Beliz, para mejorar el posible plan de seguridad nacional*, May 25, 2004 (first version of 1996).

by referring to the condition of Argentina during the 1990s, and the fact that, at that time, Argentina provided the ideal conditions for effectively influencing police violence: an organized and pro-active civil society, a political system that was receptive to the issue, and alliances with components of the state apparatus that sought reform. However, no enduring policy changes and institutional reforms ever materialized out of this seemingly favorable constellation of circumstances. The *Movimiento del Dolor* plays an important role in the first step towards policy change: namely, defining the problem and setting the agenda, but then stumbles when it comes to moving the process forward towards the articulation of a clearly-defined project and its implementation. This process is generally brought about by more institutionalized NGOs with a professional staff (e.g. lawyers and sociologists). In the Argentine case, the Center of Legal and Social Studies (CELS) is a good example of this.<sup>277</sup> The *Movimiento del Dolor* lacks the organization, institutionalization and experience to formulate policy proposals. However, this has also to do with the way Argentine democracy functions. Specifically, governments tend to respond with symbolic gestures instead of the formulation of effective public policy in these areas. In such a context, it is more difficult for civil society organizations to participate in political decision making.

Taking the above into account, the marches of the *Movimiento del Dolor* may lose their value because of the high frequency with which they take place, as one mother of a victim of police violence explained.<sup>278</sup> This is the case not only because of their frequency, but also because there are no clear proposals behind the demands in the marches. The granting of the demands and the resolution of the issues raised by the movement are considered the responsibility of the authorities. However, the authorities are not willing or capable of either granting the demands or resolving the underlying problems. Therefore, as the same mother argued, family members should learn to make the shift from mobilization and claim-making to participating in the process of the development and implementation of proposals and solutions as well. To use the words of Fals Borda (1992:307), the *Movimiento del Dolor* must learn to move from “protest to proposal”.

Although both the present and the previous chapter have discussed some cases in point (e.g. the 2004 police reform and the creation of PNAI) showing that occasionally the activities of the movement do lead to policy and institutional change, in most cases the *Movimiento del Dolor* is not capable of addressing issues in a way that has clearly defined implications for public policy. However, Meyer (2003:11) emphasizes that “threats to the stability of a policy monopoly, which might arise from political, policy or other critical events [...], create an opportunity for mobilization that can reach a broader audience, and for the potential renegotiation of the boundaries of the policy monopoly.” In Argentina, two such examples involve the cases of Axel Blumberg and the “Double Crime of Dársena”. Because the Blumberg case was discussed extensively in Chapter 5, I will here focus exclusively on the social mobilizations in the north-eastern province of Santiago del

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<sup>277</sup> For more information on the role and impact of CELS, see Fuentes (2006a).

<sup>278</sup> Interview with Raquel Witis, the mother of Mariano Witis, Buenos Aires, October 13, 2006.

Estero surrounding the deaths of Leyla Nazar and Patricia Villalba (for a brief account of their cases, see Chapter 6).

The families, neighbors, friends and, eventually, many fellow townsmen of Leyla Nazar and Patricia Villalba openly gave voice to their grief in the streets of Santiago del Estero. The families of Leyla and Patricia wanted the government to take responsibility for the murders and they organized dozens of marches which were well attended by the citizens of the province. The families of the victims were able to successfully garner national attention for this case by travelling to Buenos Aires to contact the media, government representatives, and other family members. So far, the case has not been brought to trial, but the massive marches led by the families of the victims did lead to the fall of the Juárez regime that for several decades had ruled the province in an authoritarian, repressive and clientelistic manner. What follows is an excerpt of the interview with Olga and Karina Villalba, the mother and sister of Patricia:

Olga: When we started the marches, there were only a few of us, just a few neighbors and relatives.[...] But when they saw that I had started to fight, to shout, and that I feared no one, people started to have the courage to participate in the marches; [the numbers] grew, and grew...

Karina: The media were there as well....

Olga: Yes, when the media arrived people started to take to the streets [...] many people joined us, many people; there were enormous marches...

Karin: The largest one was on July 25<sup>th</sup>, 2003 [...] I don't know exactly how many people but they said about 20,000. [...] It was the Anniversary of Santiago. The Juárezes had organized a party during the day...

Olga: So I said that we were doing the march on that day.

Karina: And the people responded [to their call to participate] and that is when the power of the Juárez family started to crumble, [because] the people had responded to us [...] In the afternoon, there were reports on television that the police were going to crack down, that we would not be able to enter the main square. [...]. It was like that for the whole day.

Olga: I told the people, "We're still going. I'll go in front and if they do something to somebody, I'll be the first who they need to hit or kill, I will be the shield of the people of Santiago del Estero. My struggle, as the people knew, is not only for Patricia and Leyla, but for Santiago as well..."

Karina: So this week, the activities started. The night before, I went to the *Plaza Libertad* [the main square], full, full of people, and people who came to our house to say that they would come to the march. [...] Many people had come to the plaza, it was so full that you couldn't walk [...] And we continued [with the marches] until Christmas. [...] This was the largest challenge for us in Santiago del Estero. [...] December 25<sup>th</sup>, can you imagine? Christmas! But we took to the streets. We still can't believe that the people joined us. Then we said, "We've won, we have defeated the Juárez family".<sup>279</sup>

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<sup>279</sup> Interview with Olga and Karina Villalba, the mother and sister of Patricia Villalba, Santiago del Estero, April 7, 2005.

Three months after the Christmas march, in March 2004, the Juárez regime finally fell. The national government took over administration of the province, and this led to the demobilization of many protesters and to the end of the massive marches in Santiago del Estero. The fall of the Juárez regime as a consequence of mass protests is of course quite exceptional. Nevertheless, the case of Santiago del Estero does show how a people can, through social mobilization against state violence, force transformations in power relations to occur. In this manner, social movements like *Movimiento del Dolor* enhance citizenship because of their demands for accountability, equality and the decriminalization of victims of state violence (i.e., Leyla had been considered a “guilty victim”; see below).

## **8.6 The *Movimiento del Dolor* in Argentine (civil) society**

The broader significance of the *Movimiento del Dolor* in Argentine society and politics can also be understood by analyzing the viewpoints of those in power and police officers regarding the movement and its position in the wider spectrum of civil society. How do power holders and police officers talk about the *Movimiento del Dolor*? How does the *Movimiento del Dolor* relate to other groups and movements that have included state abuse, and more specifically police violence, on their agendas? How visible and how “important” is the *Movimiento del Dolor* compared to other groups in civil society? I will first briefly examine some of the perspectives of power holders and police officers on the movement. Afterward, I will discuss how and to what extent the mentioned groups incorporated police violence into their agenda. Finally I will expand upon how they relate to and interact with the *Movimiento del Dolor*.

### **8.6.1 What power holders and police officers think of the *Movimiento del Dolor***

It is interesting to look at what power holders such as politicians and police officers think of the *Movimiento del Dolor* because the way they see the movement is an important indicator of its visibility and capacity to place issues on the social and political agenda of the nation. Do they perceive the movement as meaningful? As a movement operating at the margins? As a threat to the established order? As a movement that influences their decisions? Do the activities of the movement register at all among those in power?

Representatives of the Kirchner government, as well as politicians of the opposition parties, told me in interviews that collective actions and civil society initiatives, except for Juan Carlos Blumberg’s Axel Crusade, have little impact on state policies concerning police and human rights issues or on institutions such as the police and the judiciary. One former subsecretary of security of Buenos Aires Municipality, for example, said that the media is the only non-governmental actor in Argentina to really have some influence, a sentiment in line with the delegative democracy argument. He argued that

other non-governmental actors might have some impact but, when they do, it is only through the media.<sup>280</sup> The director of one of the Ministry of Security departments in the province of Buenos Aires argued that the social protests of the *Movimiento del Dolor* deal with particular cases and therefore hardly have any impact on public security policy.<sup>281</sup> Another former secretary of security of the province of Buenos Aires emphasized that civil society actions have very little impact on the police because the police department tends to function as a self-contained institution that is impervious to outside influences. He also said:

“Civil society organizations can denounce one police chief for murder, and he might be transferred. But there is a very independent institutional logic enabling the police to deal with this supposed crisis”.<sup>282</sup>

The former secretary of security pointed to the many protests and denunciations in recent years (the supposed crisis) and how the police, due to their independence, can continue to function as they did before. Finally, one adviser of the secretary of security of the province of Buenos Aires dismissed the protests as a complaint that has a fleeting presence on the nation’s television screens, but that quickly fades in collective memory.<sup>283</sup>

The police officers I spoke with did not acknowledge the existence of a social movement (the *Movimiento del Dolor*) protesting police violence. They criticized the fact that nowadays people have no respect for the police, and that the police were blamed for all problems in society. However, people are not against them, because, as they said, there is no need to be against them. Although quite a few of them agree that their relationship with citizens is not very favorable, they opposed the idea that society at large is against them. They also did not feel that there was a broad-based social movement that was antipathetic toward the police as such. They dismissed severe criticisms of the police as individual opinions that were not widely shared. Some of the police I spoke with even argued that the protesters themselves were engaging in violent actions because they block roads, attack police property (e.g. police cars and stations) and take over police stations. Such remarks illustrate that the existence of social protests against the police is acknowledged to some extent, but not recognized as a legitimate way of expressing discontent and making claims. Furthermore, although most of the police officers said that citizens’ questioning and/or aggression do not affect the way they work, it was evident that such actions certainly did impinge, at least at times, on their personal lives. As one retired *Bonaerense* police commissioner said regarding how he felt about the police constantly being questioned:

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<sup>280</sup> Interview with a former Secretary of Security of the Buenos Aires Municipality, Buenos Aires, April 14, 2004.

<sup>281</sup> Interview with the director of one of the Ministry of Security departments, Buenos Aires, March 25, 2005.

<sup>282</sup> Interview with a former Secretary of Security of the province of Buenos Aires, Buenos Aires, April 13, 2004.

<sup>283</sup> Interview with the advisor of the Secretary of Security of the province Buenos Aires, La Plata, March 29, 2005.

“It’s mostly shame, more than anything else [that he feels]. Because today they do not talk about Juárez but they talk about *the* institution. [...] The lack of prestige is so severe that the media say ‘all police officers are corrupt, drug addicts and criminals’. So my children go to school and they are told ‘your father is a criminal’ and they end up fighting. This is what’s going on”.<sup>284</sup>

As this example shows, police officers truly suffer from the police institution’s diminished prestige within Argentine society. In some cases, they refrain from revealing their occupation when they interact with others because they feel that, when they do so, they find themselves having to justify belonging to the police institution.

In light of the above viewpoints, the *Movimiento del Dolor* would not appear to be a particularly important or influential movement – apart from the impact on its members’ personal lives. The explanations given for this lack of influence range from its specific characteristics to factors external to the movement. However, as was evident in the previous chapters, the movement’s activities have resulted in government representatives being held accountable for their actions – and inaction – in the face of police violence. Political careers have consequently been placed in jeopardy. In addition, we have seen the Kirchner administration’s energetic efforts to co-opt part of the movement. These undeniable realities suggest that, at least to a certain extent, the denunciation approach of the *Movimiento del Dolor* is perceived as a genuine threat to the legitimacy of the government and its policies on police violence and impunity.

### 8.6.2 Civil society protesting police violence

For the *Movimiento del Dolor*, police violence and impunity in democracy are the core issues. For human rights organizations, sex workers, and political movements such as *piqueteros*, these issues have been added to their original agendas.<sup>285</sup> These actors protest against police violence and impunity far less frequently than the *Movimiento del Dolor* and are adjunctive, rather than central to, the families’ struggle.<sup>286</sup> In this section, I will describe the ways in which the human rights organizations, sex workers and *piqueteros* are involved in the struggle against police violence and impunity.

The historical human rights organizations have their own agenda related to the human rights violations during the last military dictatorship. However, in the course of

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<sup>284</sup> Interview with a retired *Bonaerense* police commissioner, Buenos Aires, May 31, 2004.

<sup>285</sup> This is not an exhaustive list of people and organizations protesting police violence in Argentina. However, these groups protest police violence on a more or less structural basis whereas some others only do so occasionally. It would be impossible to mention all the people who have ever protested police violence.

<sup>286</sup> Furthermore, I only focus on civil society groups and not, for instance, on the National Ombudsman. Family members of victims of police violence do not resort to the Office of the National Ombudsman in Argentina for help because it does not address individual cases of police violence (interview with a lawyer of the Office of the National Ombudsman, Buenos Aires, October 11, 2006).

time, some of them saw the need to address contemporary human rights violations as well. As one Mother of Plaza de Mayo said: “We saw this happening [the continuation of police violence in democracy] and we said, ‘We cannot keep on talking about our issues without saying what is occurring now.’”<sup>287</sup> Since the late 1980s, individual historical human rights activists have been involved in the struggle against such abuses. At that time, the historical human rights *movement* had not yet developed a public discourse which included contemporary police violence. This is one of the main reasons why, in 1992, the Coordination against Police and Institutional Repression (CORREPI) was created. That is, the founders of CORREPI found a reluctance on the part of those in the human rights movement to include these issues in their agendas, and therefore they decided to create a new organization to address the violations of the *gatillo fácil* police.<sup>288</sup>

Since the mid-1990s, most historical human rights organizations adopted a broader discourse on human rights. The distinct organizations started to work in the popular neighborhoods to narrow the gap between them and the neighborhoods’ residents, and implemented projects to make them aware of their rights, improve living conditions, and help them organize things collectively. Slowly, a more comprehensive discourse and understanding of human rights developed. The idea of the Permanent Assembly for Human Rights La Matanza, of a series of discussions in every one of the 23 police stations of La Matanza (a district in Gran Buenos Aires), is a clear expression of this goal. I present a short excerpt from my research notes on the experiences of APDH La Matanza in their visits to police stations<sup>289</sup>:

After the death of Sergio Daniel Díaz, APDH La Matanza decided to begin a dialogue with the *Bonaerense* police of La Matanza. Sergio was tortured on July 31, 2001 by members of one of the police stations in La Matanza and died seven days later because of his injuries. On July 31<sup>st</sup> Sergio tried to scale the fence surrounding his house because he had forgotten his house key. Just at this moment, the police noticed him, thought his activity was suspicious, and detained him. Nine hours later, Sergio was taken from the station in a coma; he never regained consciousness.

The first round of discussions in 2002 was, according to APDH members, very disappointing. Police officers did not participate in the discussions. The majority of the police officers did not demonstrate any will to adopt a different mindset regarding the *cultura de golpe* (“culture of beating”). In fact, many of them denied its existence. And many said that, if in fact it did exist, then it was a justified response to the violence they suffered from the detainees.

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<sup>287</sup> Interview with Laura Conte, a Mother of the Plaza de Mayo, Buenos Aires, May 14, 2005.

<sup>288</sup> However, there have been some initiatives to put police violence on the agenda in Argentina during these years. According to Brysk (1994:109), CELS, along with APDH and several concerned judges, launched a campaign against police violence in 1986. A CELS study documented almost one thousand deaths from police violence; in many cases, police allegations that there had been an armed confrontation were contradicted by the accounts of witnesses or forensic evidence.

<sup>289</sup> I accompanied the APDH activists in four visits to stations, and the meetings provided a valuable opportunity to observe both civil society initiatives against police violence and civil society-police interaction.

Despite the disillusionments, APDH La Matanza decided to visit the stations once again to see if a second discussion round would produce more participation and openness. The second visits indeed appeared to enjoy more success: they observed a little more participation in the discussions, even though this participation was usually for the purpose of defending the police institution, blaming the media for criminalizing the police and the government for not doing anything and being corrupt, and complaining that criminals use violence against them, and that citizens show them no respect. But at least the dialogue had begun.

In the case of the *piqueteros*, the movement broadened its initial demands for work because during their protests the *piqueteros* suffered from extensive, nationwide police repression (see also Denissen, Van Dun & Koonings 2004). In the wake of the murder of the two *piqueteros* Dario Santillán and Maximiliano Kosteky on June 26, 2002, the movement started to address the excessive use of police force in a more structural way.<sup>290</sup> Since this day, on the 26<sup>th</sup> of each month, several *piqueteros* groups block the bridge of Pueyrredon to demand justice for the victims, thereby broadening the initial objective of forcing the government to create employment. As one of the representatives of the movement Aníbal Veron MTD (*Movimiento de Trabajadores Desocupados*) said in a meeting to organize the march on June 26, 2004: “We make all sorts of demands during the month, but on the 26<sup>th</sup>, what we demand is the end to police violence and impunity”.<sup>291</sup>

Sex workers in Buenos Aires decided to create the *Asociación de Mujeres Meretrices de la Argentina* (Association of sex workers in Argentina, AMMAR) in 1995, mainly in response to the numerous acts of police repression they had suffered. Apart from the violence and discrimination, the women were obliged to pay for an unofficial weekly work license and, if they did not, they were arrested. “It is the mafia [the police], it is not just any boss, it is a mafia”, explained the president of AMMAR when I asked about the origins of the civil society organization.<sup>292</sup> The creation of AMMAR was meant to end such abuses by making the sex workers aware of their citizenship rights.<sup>293</sup> Nowadays, AMMAR has different organisations throughout the whole country.

In conclusion, since the 1990s, alongside the rise of the *Movimiento del Dolor*, other groups started to address police violence in Argentine society as well. However, as will be shown in the next section, although they sometimes join forces, they do not comprise a united nation-wide social movement against police violence.

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<sup>290</sup> In May 2005, the case was brought to court and in January 2006 the persons responsible for shooting Dario Santillán and Maximiliano Kosteky, the ex-police chief Franchiotti and sub-officer Acosta, were sentenced to life imprisonment, and several other ex-police officers were convicted for aggravated cover-up. *Piqueteros* groups now demand political responsibility for the Massacre of Puente Pueyrredón.

<sup>291</sup> Recorded in research diary: observation during a meeting to organize the march for justice for Dario Santillán and Maximiliano Kosteky on June 26, 2004, Buenos Aires, June 16, 2004.

<sup>292</sup> Interview with Elena Renaiga, the president of the national division of AMMAR, Buenos Aires, September 20, 2004.

<sup>293</sup> Police violence is not the only concern of the sex workers; they are also deeply concerned about health issues and the educational development of each woman.

### 8.6.3 Cooperation or competition?

The distinct organizations and movements protesting police violence each continue to address their primary issue of concern. This is one of the explanations why no social movement against police violence uniting all the groups has emerged. Central in this section is how the distinct groups protesting police violence interact with the *Movimiento del Dolor*. A key question has to do with the position of the *Movimiento del Dolor* in Argentine civil society with respect to addressing related issues. How important and visible is the *Movimiento del Dolor* in relation to the other groups?

Although historical and new groups of family members of victims have established bonds of solidarity and sometimes participate together in social protests, their interaction is also subject to conflicts. This is due to the narrow definition of human rights violations held by the historical groups, the competition for a place in the public arena, and the problems the new groups faced in trying to form a collective. Besides, the identity of the human rights defender (be it a family member, *piquetero*, or sex worker) plays an important role in determining the degree to which forces are joined. That is, the emergence of some new groups defending their human rights (e.g. the sex workers) did not really fit the ideal and common type of human rights activist and this initially led to their offers of cooperation being rejected by already existing groups.

Initially, several human rights activists believed that the human rights violations in Argentina were committed by the dictatorial state through abduction, torture and disappearance. Broadly speaking, the human rights movement did not include within their notion of fundamental rights the enjoyment of social, political, economic and cultural rights under a democratic government, such as the right to full political participation, housing, security, a dignified job, and leisure time. This broader perspective only gained widespread favor in the human rights movement at a later stage. As such, police violence initially was not considered a violation of human rights either. Referring to this situation, a lawyer and activist of CORREPI said the following:

“When at the end of the 1980s, we discussed the issue of *gatillo fácil* with the already existing organizations, the answer we received was that it concerned a police matter, that it had nothing to do with human rights. They asked, ‘How can you compare my son, my brother, my family member who wanted to change the world with three blacks hanging around on the corner of the street drinking beers until the police arrived?’. It took us years before Hebe de Bonafini [leader of the Mothers of Plaza de Mayo] mentioned for the first time, during a 1995 demonstration [...] the police and *gatillo fácil*”.<sup>294</sup>

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<sup>294</sup> Interview with a lawyer of CORREPI, Buenos Aires, March 6, 2004.

Accordingly, the disappeared of the 1976-1983 military regime tended to be lionized while the victims of police violence in democracy were stigmatized as lower-class problem youths who had no ideals. As a consequence of the narrow definition of human rights violations, new groups of family members emerged to fill the void. These new groups found their niches in the public arena and hereby snapped up some of the space that had been the exclusive domain of the historical human rights movement for nearly 20 years.

In addition to there being competition for a place in the public arena, there is also a rivalry with respect to who the “Masters of History” really are. In other words, which groups have written an important part of Argentine history and therefore have the right to privileges such as the unconditional access to the Plaza de Mayo, the political, social and cultural center of Argentina? In some circles, mostly within the national and international human rights movement and some leftist political parties or movements, the Mothers and Grandmothers of Plaza de Mayo have attained a moral stature that accords them such privileges above all others. The family members of victims of police violence did not always take into account the acquired privileges of these groups, and often invaded their spaces and presented themselves as specialists in human rights issues. This kind of behavior constituted an infraction of the unwritten but commonly accepted rules of the human rights movement, and therefore family members sometimes found themselves in conflict with them.

Generally speaking, the human rights organizations do recognize the equal demand for justice of the family members of victims of police violence. However, some believe that their sufferings during the dictatorship were far greater, and therefore what can be understood as a competition for “victimhood” overshadows the cooperation between the old and new groups of family members. One Mother of Plaza de Mayo explained:

“One thing is to have a mother who with all her suffering knows where her child is. [...] Another thing is when you do not even know where the body is, what happened to him, where they have buried him, where he rests. This uncertainty that we have has added to our suffering”.<sup>295</sup>

In addition, they sometimes appear to take a dismissive attitude with respect to the difficulties the family members of victims of police violence encounter in attempting to organize and act like a collective. Since the family members of victims of police violence frequently organize marches and meetings, sometimes with very few people, one human rights activist defined them as folkloric, as something that has no impact at all because they lack organization and unity.<sup>296</sup> In this context, it may not be rewarding for the historical human rights organizations to interact and cooperate with the *Movimiento del Dolor* on a

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<sup>295</sup> Interview with Nora de Cortiñas, a Mother of the Plaza de Mayo, Buenos Aires, April 22, 2005.

<sup>296</sup> Conversation with a member of *Asociación de familiares de ex-detenidos y desaparecidos por razones políticas*, Buenos Aires, March 17, 2004.

structural basis, given that such cooperation might harm their established position in society.

The *piqueteros* support several families of police victims in their public struggle. *Piqueteros* groups generally have a great organizational capacity. They share their knowledge of how to mobilize and organize. They lend supplies such as megaphones and radios to family members of victims of police violence. In addition, they participate in activities on behalf of victims of police violence. An important question to take into consideration has to do with whether the *piqueteros* are viewed as equal political actors, or if they are just used as cheerleaders in social protests against police violence and impunity. That is, do other groups (among them the *Movimiento del Dolor*) invite them to participate in their marches just to serve as “bodies”, so that the number of demonstrators is larger and subsequently more impressive and influential? This indeed seems to occur. As a relative of a victim of police violence said:

“If you invite a *piquetero* or someone from a political movement for a march, they are the first ones to appear because they have no fear of the police. So I will of course look to form alliances with them. Today they are the only ones who always participate”.<sup>297</sup>

In some cases, the *piqueteros* groups have appropriated certain activities that in fact are not only theirs. They assigned themselves a leading role in the decision-making process and organization of activities while originally the target group was much broader. This has happened for instance with the commemoration of the December 2001. One of the distinctive features of the protests that took place at that time was the ample participation of different social sectors in Argentine society and a broad range of civil society organizations. Almost all Argentines were hit hard by the crisis. Therefore the people present during the commemoration activities comprise a more diverse public than those who turn out on June 26 to remember the Massacre of Puente Pueyrredón. However, *piqueteros* groups started to appropriate these days as theirs, as a clear expression of a popular political struggle. In this manner they politicized these days, while in fact the people had left their homes on December 19-20, 2001 to demonstrate their aversion toward everything that had to do with politics and the established political order. As the widow of one of those killed at that time said about the commemoration days:

“I went to all of them except last year. I felt it was not my place. [...] The thing is that everyone is in conflict with each other. On December 20, 2003, the family members of the dead and the wounded [...] had to ask for permission to read our speech. We had to ask the *piqueteros* for permission. [...] I read the speech. When I was reading what we had prepared,

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<sup>297</sup> Interview with a relative of a victim of police violence, Buenos Aires, July 18, 2004.

one of them interrupted me and said, ‘Lady, your eight minutes are up’. So I decided that this was the last time I would participate”.<sup>298</sup>

The family members of the deceased and the injured during the December 2001 Crackdown felt that they should have a more prominent place in the commemorative activities because they had been the most strongly affected. However, the *piqueteros* instead see this day as a moment of reflection for the whole nation and do not think that those who were personally victimized have a monopoly on its commemoration.

How do the women of AMMAR relate to the *Movimiento del Dolor* and the other groups? One of the principal reasons for the formation of AMMAR was police violence against sex workers. From the time of its formation in 1995, AMMAR was one of the political actors in the struggle against police violence. In the course of time, the women of AMMAR achieved the recognition of other civil society groups as well as of some politicians. However, great efforts were required by the sex workers before they were acknowledged by some of the historical human rights organizations and the family members of victims of police violence as equal political actors working to promote human rights. In 1998, the women of AMMAR, for instance, started to attempt to form alliances with human rights organizations in order to:

“...make the Mothers [of Plaza de Mayo], HIJOS and family members of the disappeared understand that we are humans too. That it isn’t only the lives of the 30,000 disappeared that matter, but that violence continues and that we need their support. It was not easy, but today the Mothers are with us, they come to see us, and are proud to wear their head kerchiefs when they join us. But it was not easy to make them see that we are equal and humans too”.<sup>299</sup>

Once, on International Woman’s Day, it became clear that relations between the women of AMMAR and some of the mothers of victims of police violence were still tense. During a very well-attended march, some mothers of victims of police violence did not want to march close to the sex workers because they refused to be associated with them. However, in spite of the sometimes tense relations, the sex workers have established a place in the struggle against police violence, and have established relationships with other groups that are engaged in that same struggle.

The interaction between the groups just described is reciprocal. However, the groups do not often cooperate. They are not members of each others’ organizations, do not set objectives together on a regular basis, and do not create a collective identity; therefore they cannot be thought of as forming a social movement. There are just some jointly coordinated initiatives such as low-profile projects in poor neighborhoods aimed at

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<sup>298</sup> Interview with María Arena, the wife of Gastón Riva, Buenos Aires, April 12, 2005.

<sup>299</sup> Interview with Elena Renaiga, the president of the national division of AMMAR, Buenos Aires, September 20, 2004.

making residents aware of their rights when they get into trouble with the police, as well as joint participation on ad hoc committees that deal with particular subjects such as domestic violence, health or education. The interaction involves the sharing of organizational infrastructure and contacts, and expressions of mutual support during public debates. In addition, the interaction between the groups frequently finds expression in participation in specific events on certain dates, such as the June 26<sup>th</sup> commemorations of the Massacre of Puente Pueyrredón, the March 24<sup>th</sup> gatherings to mark the anniversary of the military coup, or the March of Resistance that takes place every year in December.<sup>300</sup>

In sum, the focus on their own specific issues of concern and a number of differences between the different groups has hindered the creation of a large social movement protesting police violence in Argentina. Hence, the *Movimiento del Dolor* remains the most visible of all the movements, and due to their status as representing victims directly affected by police violence, the most legitimate actor in the public struggle against police violence.

## 8.7 About being marketable, visibility and effective public action

“When I just had started my struggle [...], the newspaper La Nacion published some articles about it. The journalist had promised to call me, but time passed by. So I decided to call him. And he responded, ‘Look old lady, Daniel Alejandro Sosa is just not marketable.’ So I asked ‘what do you mean that he is not marketable?’. Then he said: ‘No one is going to buy the newspaper to see what is going on with the Daniel Sosa case’.”<sup>301</sup>

With the above words, the mother of Daniel Sosa, who was shot dead by a *Bonaerense* police officer in February 2001, described her experience with the newspaper La Nacion. From this example, we may infer that some cases of police violence are more “marketable” than others. Therefore, when looking at its impact and relevance, the *Movimiento del Dolor* must not be treated as one homogeneous movement. After all, some of the family members seem to have greater influence than others. This section looks at four important factors that influence the effectiveness of the public struggle: the amount of media coverage; the

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<sup>300</sup> The annual march on March 24<sup>th</sup> was initiated by the human rights organizations to demand justice for the violations committed and to commemorate the military coup of March 24, 1976. Since the mid-1990s, the march has become a space for many civil society organizations to express their demands, and the participation of 100,000 people is no longer astonishing. The March of Resistance was started in 1981 by the Mothers of Plaza de Mayo as a way to resist and confront the military for a period of 24 consecutive hours. Over the years, the March of Resistance became a symbol of resistance to types of state violence. In the 2005 March of Resistance, the Mothers announced that this was the last march because of their advancing age and that, with the election of Kirchner the *Casa Rosada* was no longer occupied by the enemy.

<sup>301</sup> Interview with Elsa Gómez, the mother of Daniel Sosa, Gran Buenos Aires, October 16, 2004.

identity of the victims and of the protesters; the historical moment that an event happens; and the type of collective actions.<sup>302</sup>

About the first factor, the amount of media coverage of a case of police violence is generally assumed to strongly influence the impact of the denunciation approach. In most cases, the more media coverage, the greater the chances that protesters' demands will be met. The significance of having the media on one's side was emphasized by a psychologist and human rights activist who said:

“At a certain moment, we [he and his fellow-activists] realized that in these high-profile cases the battle does not take place in the judicial arena. Instead, it takes place in the political arena and thus in the arena of communication”.<sup>303</sup>

Accordingly, the reality that some cases are more covered by the media than others depends, at least in part, on the lobbying capacities of family members and the people (e.g. their lawyers or experienced human rights activists) who surround them. Therefore, it is imperative for family members to know the rules of the game in the media world, because their influence not only depends on the contents of their message, but also on the amount of broadcasting time they receive.<sup>304</sup> Some family members have become prominent representatives of the movement as a whole by using their (almost) unlimited access to the media. However, the media make clear decisions with regard to the cases they pay attention to. This creates a great deal of annoyance among the family members, as if one victim is more important than another. Furthermore, some broadcasting companies and newspapers present the event as a shooting in which the police successfully acted and killed a criminal while in reality it was an easy trigger case. This happened to Rodrigo Corzo for instance. Hours before his family was informed of his death, the TV channel *Crónica* transmitted images of Rodrigo lying dead in his car, accompanied by a garish red screen with text in white letters that read “*Bonaerense* take down a criminal”. Rodrigo's family was furious about these false statements and demanded a retraction by *Crónica*, something that never occurred.<sup>305</sup> Rodrigo was thus presented as a “guilty” victim and, as we will see below, such a representation also influences the impact of the public struggle of the family.

The media are key to the denunciation approach of the *Movimiento del Dolor*. They are one of the main actors that define the purpose of the movement, because it is only through the media that the movement's demands and activities become known to a wider public. Visibility makes the movement more powerful and creates opportunities to attain its objectives. However, the unequal attention to some cases of police violence and the

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<sup>302</sup> The character of the interaction with the state (e.g. to be “with the government” or “against the government”) is also an important influencing factor. However, this has been discussed extensively in the previous chapter and will therefore not be dealt with here.

<sup>303</sup> Interview with a psychologist and human rights activist who works with family members of victims of police violence, Buenos Aires, April 20, 2005.

<sup>304</sup> Conversation with Gustavo Melmann, the father of Natalia Melmann, Buenos Aires, April 26, 2005.

<sup>305</sup> Interview with the father, mother and sister of Rodrigo Corzo, Gran Buenos Aires, June 4, 2004.

incorrect description of how events occurred often create strains in the relationship between the media and the *Movimiento del Dolor*. Additionally, it is important to mention that media broadcasting of a case of police violence sometimes has a downside. In an interview, the mother of a victim of police violence explained that politicians, public prosecutors and judges can feel annoyed at being questioned in public and therefore may be less willing to work cooperatively with family members on a case that has received a great deal of media attention.<sup>306</sup>

Secondly, the background and the identity of victims and their relatives is important. Characteristics such as social class, whether it concerns a victim perceived as “innocent” or “guilty”, or “politically active” do matter. Middle class “innocent” victims and their families’ public struggles are more likely to produce a public outcry than lower class victims, who are often seen as “guilty”, or victims who belong to a political movement (such as the *piqueteros*). Because a public outcry is by definition a widely shared expression of the view that the victim is innocent and the family’s demands legitimate, it increases the likelihood that the truth will become known and that justice will be served.

Brinks (2005:19-20) argues that the excessive use of police force triggers a mainstream reaction only when the victim can be defined as one of “us” – that is, when the victim is “innocent”, when it is clear that the police acted illegally, or when innocent bystanders are killed. But the nearly daily killings and outright executions of marginalized youths do not cause an outcry. When in 2003 the people of Santiago del Estero were startled by the murders of Leyla Nazar and Patricia Villalba, this only led to a public outcry because Patricia was considered to be an “innocent” victim. Leyla, on the contrary, was said to be a “lady of the night”. She was thus pegged as a guilty victim, and in one way or another it was assumed that she had brought on her own misfortune herself. In the words of Patricia’s mother:

“Well, everybody knew Leyla. If it was up to the people of Santiago del Estero, no one would struggle for Leyla. If Patricia had not been killed, if they had not been buried together, nothing would be done. [Nobody would] protest Leyla’s death. Even the police chiefs, one of them is her uncle. [...] They all knew what had happened. But even Leyla’s uncle tried to cover up everything. That is why I tell you that nobody wanted to investigate Leyla’s death, because everyone was against her”.<sup>307</sup>

Leyla’s reputation as a “lady of the night” meant that she did was a “guilty victim”. When the families started to demand truth and justice for both women, they convinced others that Leyla also deserved support. What followed was that other people also started to think about her death as an unjust crime. The widespread public concern that was generated in this case increases the likelihood that the crime will eventually be solved.

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<sup>306</sup> Interview with Raquel Witis, Buenos Aires, October 13, 2006.

<sup>307</sup> Interview with Olga Villalba, the mother of Patricia Villalba, Santiago del Estero, April 7, 2005.

In other contexts and on other occasions, the background and identity of the victims and the relatives also play a part. The mother of one victim said that she has always been treated well by judges and public prosecutors, something she attributed to the fact that she belonged to the middle class. However, when she accompanied lower class family members of victims of police violence to the court, she noticed that they had to wait a long time before they could speak to someone about the case – if they got to speak to anybody at all. Besides, the judiciary’s representatives did not treat them with respect, as if they had better things to do than “waste their time” with family members of victims of police violence, she explained.<sup>308</sup> What’s more, as I’ve previously stated, victims of police violence in Argentina mostly belong to the lower social classes. Public prosecutors and judges often believe that explaining the course of the investigation to them is useless because “they will not understand anyway”.<sup>309</sup> In this manner, the family members of victims of police violence are not offered the opportunity to get to know the details and to make progress in their case.

Thirdly, more recent studies on the impact of social movements address, what Giugni (1998:379) terms “the environmental conditions that channel their consequences”. In the case of the *Movimiento del Dolor*, the conjuncture of the moment (the environmental conditions) indeed influences the effects of *la lucha*. After the kidnapping and murder of Axel Blumberg on March 23, 2004, police violence frequently made headlines and became the subject of heated debate among Argentines of all social classes for many months afterward. In 2004, a march for a typical victim (i.e., a young poor male) of whom there are a dozen every month, suddenly was presented in the national television media, something that had never happened before. The news value of police violence thus increased significantly during these times because people were fed up with the state’s abuse of power. In addition, the human rights discourse of the Kirchner government also increased media attention for cases of police violence. The current political context, compared to the Menemist years (1989-1999), favors the possibilities of exposing police wrongdoings and creates greater opportunities for family members of victims of police violence to gain a place in the public and political arena.

Fourthly, the forms of collective action that family members use are important. Several interviewees emphasized that taking to the streets is no longer a powerful instrument because there are so many protests, *escraches* and so on. They argued that the committees of family members should work on the case, gather evidence, know the penal code and keep informed regarding the latest developments (i.e., that they should take the juridical approach) because this would be much more effective. Furthermore, “decent”, “civil” and “pacifist” forms of protest – meaning non-violent protest – that include a radical discourse are believed by many family members to be the most effective form of

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<sup>308</sup> Interview with Raquel Witis, the mother of Mariano Witis, Buenos Aires, May 6, 2005.

<sup>309</sup> Conversation with the anthropologist Josefina Martínez, who has published several works on judicial bureaucracies in Argentina, Buenos Aires, October 19, 2006.

protest. To gain sympathy and legitimacy in society, and to show that the death has been unjust as well as that your demands are righteous and therefore need to be met, most family members of victims of police violence think that non-violent ways of protest will be most successful. However, several scholars (Giugni 1998; Tarrow 1994; Gamson 1975) have emphasized that when social movements use violence, they may be more effective and create larger possibilities of bringing about change. Of course, protests involving incidents of property destruction, such as the burning of a police car, often led to the immediate granting of the protesters' demands (e.g., to be received by the public prosecutor). In other cases, violent protest can be argued to have contributed to expediting the criminal investigation so that the case could quickly be brought to trial. However, it clearly appears to be the case that the resort to violence impedes the growth of democracy. After all, violence erodes the state's monopoly on the use of violence, violates the principles of civil society (i.e., civil society becomes "uncivil society") and harms a social order based on trust and security.

In sum, these four factors influence, at least to a certain degree, the impact of the denunciation approach of the *Movimiento del Dolor*. This is far from an exhaustive list; many more factors might exercise influence in particular cases. However, those described in this section are the ones that apply to most of the family members and their cases. The description of the four factors shows that characteristics related to the victims and the relatives themselves (e.g., their background and identity), their organization (e.g., their forms of social protest and level of organization) as well as factors external to them (e.g., relations with the media and the state, environmental conditions) may influence their respective success. However, all of these factors need to be understood in the context of an Argentine democracy with fault lines. The *Movimiento del Dolor* functions in a society with weak institutionalism and a preference for symbolic messages among power holders, and where politicians look to pursue their individual agendas: these factors also influence the effectiveness of the denunciation approach.

## 8.8 Conclusions

The phrase "winning small battles, losing the war" symbolically reflects the argument in this chapter. It points to the impact and relevance of the denunciation approach, as well as the achievements that can be attributed to this approach. The *Movimiento del Dolor* believes that taking to the streets in order to exercise control over the work of the institutions that are responsible for dealing with their case is necessary to make "the system" work. After all, in many cases "the system" does not work on its own but needs to be jolted into activity by an external stimulus: by the social pressure of demonstrations of aggrieved citizens, for instance. By employing the denunciation approach, the *Movimiento del Dolor* has succeeded in gathering pieces of information and evidence that have helped the family members understand what has happened to their relative who died at the hands of the

police. Furthermore, as we have seen in this chapter, in Buenos Aires the impact of a private prosecutor and demonstrations to demand justice in cases of police violence is significant: it increases the probability of the conviction of the responsible police officers by 34%, to 41% (Brinks 2005).

“Winning small battles, losing the war” also refers to the significance of the *Movimiento del Dolor* in Argentine society and politics in terms of the movement’s agenda-setting. Some of the effects of the denunciation approach fit the idea of the “new advantages” that Gamson (1975) talks about. The movement can indeed be credited with producing new advantages, such as sensitizing society with respect to a number of different issues: law enforcement practices that respect human rights (and thus against *mano dura*); the decriminalization of victims of police violence; and the need for justice in such cases. The denunciation approach has also contributed to the initiation of police reforms and has caused some changes in police conduct. Furthermore, the denunciation approach is a form of social control through which the decisions and actions of power holders become somewhat more transparent and accountable. After all, the political costs of not responding at all are too high.

However, the phrase also includes the conviction that policy changes and institutional changes are not yet widespread; the “war” against police violence has not yet been won. The movement’s relatively low level of organization and institutionalization, and its inability to move from protest to proposal, play an important role in its failure to achieve its ultimate objectives. The movement is capable of placing important issues involving police violence on the societal and political agenda, and this is the first step towards policy and institutional change. Yet, the difficulty of bringing about profound policy and institutional changes is not only a product of shortcomings on the level of the movement, but is also a result of the fact that the movement conducts its activities within a democracy with fault lines. The Argentine state offers limited possibilities in this respect and has not been able to transform the movement’s demands for change into effective policies. Instead, power holders respond, as we have seen in the previous chapter, in a primarily symbolic way and attempt to co-opt the family members of victims of the police. This fundamental dynamic lies at the heart of the limitations of the movement’s achievements, and forms the basis of the conclusions that I have reached as a result of four years of engagement with the issue of police violence in Argentina.

## Conclusions

In this study, I have endeavored to provide an in-depth analysis of the relationship among democracy, police violence and the *Movimiento del Dolor* in post-authoritarian Argentina. In the introduction I raised three main questions that addressed: 1) the background and forms of police violence in the context of the Argentine democracy; 2) the emergence, organization and repertoire of collective action of the *Movimiento del Dolor*; and 3) the broader impact of police violence and the *Movimiento del Dolor* in Argentine society and politics, particularly with respect to citizenship and democracy. These questions are based on the fundamental assumption that the perpetration of police violence hampers the exercise of full citizenship, and that it harms the quality of democratic governance in numerous ways. The expansion and crystalization of social movements that started to address violence, exclusion and unaccountable governance – the so-called anti-violence movements – has been conceptualized as attempts to reconstruct citizenship and bridge the fault lines of democracy.

In Argentina, throughout most of the twentieth century, violence – whether it was political, state, police, or guerrilla violence – made up a big part of society. During the last military dictatorship (1976-1983) for instance, state violence was directed at political opponents and “subversives”. In this study, however, I have focused on state violence, in particular police violence, since the 1990s because even after the democratic transition, the police continued to use extralegal violence. Several factors have influenced the continuation of police violence. One such factor is the high levels of socio-economic inequality. Another is the mutual dependency among political power holders, the police and judiciary, which in turn has resulted in pervasive impunity and weak accountability. As such, violence together with limited citizenship and deficiencies in the political system have created prominent fault lines within the structures of democracy in Argentina (and in broad terms, within the democracies of other Latin American countries as well). Disillusioned and suffering from the broken promise of democracy as the guarantor of people’s rights, citizens have started organizing into social movements and demanding the reconstruction of citizenship rights. The *Movimiento del Dolor* is an example of such citizen action.

The *Movimiento del Dolor* can be seen as an anti-violence movement that makes claims on the basis of citizenship. The *Movimiento del Dolor* denounces police violence and impunity as well as the government’s symbolic politics and efforts to co-opt. All of these practices are, as we have seen in this study, deeply ingrained in Argentine society and politics. What the family members want instead is truth and justice in the cases of police violence as well as political accountability, policy changes in the area of public security and human rights, and socio-cultural changes in the thinking about police violence and

impunity in society at large. The repertoire of (collective) action of the *Movimiento del Dolor* consists of a number of actions that in this study have been called the “denunciation approach”. The choice of the denunciation approach is motivated by both cultural and instrumental reasons: such an approach is culturally inscribed and transmitted by former social movements, and is believed to be the most effective tool for meeting their demands.

Obviously, the need to resort to the denunciation approach results first and foremost from the Argentine state lacking the proper accountability mechanisms to deal with police violence and impunity as well as its inability to respond in an effective and transparent way to the claims of the *Movimiento del Dolor*. The Kirchner administration (2003-2007) adopted a so-called “politics of rapprochement” in response to the relatives’ demands. Such a policy is characteristic of a flawed democracy, which uses symbolic politics in an attempt to cover up the fault lines. The National Program against Impunity (PNAI) provides an ideal case study for illustrating the characteristics and effects of the politics of rapprochement. Soon after the program’s creation, the family members of victims of police violence were to be categorized within the movement itself as those who were “with the government” and “against the government”, which shows how polemical the politics of rapprochement had become. The “ethical civil society” (Linz & Stepan 1996) – a term that refers to that segment of society that rejects any form of cooperation or co-opting by the state – became implacably opposed to the “unethical civil society” – the part that accepted rapprochement – as well as to the state that seeks symbolic rapprochement and is therefore considered immoral. At the same time, the changed socio-political context has also created “new advantages” (Gamson 1975:29) for the family members, such as enhanced possibilities for placing the issue of police violence on the social and political agenda.

In this concluding chapter, I will return to the main questions. First of all, I will elaborate the ambiguous relationship between democracy and police violence. I will argue that looking at the diverging experiences of the meaning of citizenship among the different social classes in society contributes to our understanding of their relationship. Furthermore, I will examine the emergence of the *Movimiento del Dolor* through an analysis of the rights-conscious civil society and weak accountability mechanisms in post-authoritarian Argentina. I will argue that political mobilization on the basis of rights and victimhood turned into an effective tool that has been reproduced through the Argentine “culture of mobilization” (Sabato 1992, 2004) wherein such kinds of claim-making became a common way for civil society to interact with the state. Finally, I will discuss to what extent and in what ways the *Movimiento del Dolor* enhances citizenship and attempts to mend the fault lines of Argentine democracy.

## **The relationship between democracy and police violence**

The academic debate on democracy in Latin America is no longer based on the assumption that democracy automatically brings prosperity, equality and safety. After all, Latin American democracies show a number of fault lines – from (police) violence and impunity to social inequality and delegative rule – that vary in their degree of extensiveness depending on the different ruling governments. All the same, the basis of a consolidated democracy is accountability and respect for citizenship rights and it is precisely these dimensions that are under attack in societies with high levels of police violence and impunity. In Argentina, the recent past of military rule shows how a state came to violate citizens' rights in a systematic way through torture and murder. The return to democracy has not brought about the much anticipated respect for citizenship rights and accountable governance. Therefore, Argentina provides a good case study for examining the fault lines of democracy and for showing how different fault lines reinforce one another.

In this study, I focused on police violence in Gran Buenos Aires as a clear expression of the flawed Argentine democracy. The *Bonaerense* police perpetrates extralegal violence, primarily against young poor males; is known for making arrests on the basis of planted evidence in order to show the public that they are doing an efficient crime fighting job; and has accumulated illegal finances through its involvement in the drug trade. Police violence and extralegality can only continue because those who hold power (e.g., the government, the judiciary) accept and endorse such practices in a direct or indirect manner. For instance, impunity creates a climate in which police officers feel free to use violence and commit crimes, and the same goes for the lack of effective accountability mechanisms. It is for the most part only those cases of police violence that cause a widespread public outcry that lead to political decisions to do “something” about the problem. Because of this highly unsatisfactory response, the judiciary and political power holders are held responsible for inaction or outward complicity in terms of protecting the perpetrators of police violence.

An examination of the social, political and institutional factors that influence the continuation of police violence that have been identified in this study raises another important issue. Quite a few Argentines prefer to explain the manifold problems in their society by using the phrase, “The problem of Argentina is that its inhabitants are Argentines”. That is, Argentines often explain corruption, violence and socio-economic problems as being inherent in their culture. Can cultural explanations give us some additional insights into ongoing police violence in democratic Argentina? Can we conclude that state violence is accepted by significant numbers of Argentines, albeit reluctantly, as intrinsic to Argentine society and therefore is not seen as amenable to reform, no matter how strenuous the efforts that are made in this direction? Or can we conclude that different viewpoints regarding the function of police violence in society contribute to the

use of violence by the police? To answer these questions, we must look at the interplay among politics, social class, and culture.

First of all, Argentina’s history shows a long record of violent and authoritarian regimes, thousands of disappeared people, repression on a massive level, corruption scandals, extensive clientelistic networks, and a biased judiciary. From this perspective, it can be argued that Argentina has an authoritarian tradition. Many Argentines grew up and have lived through times of unrest, uncertainty, and outright violence. More than once I, as a foreign researcher, was asked if Argentines simply have the kind of society that they deserve. After all, it was argued, “they” (i.e., those who oppress: the violent police officers, the corrupt politicians and judges) are born and raised in the same society as “we” (the decent citizens). They thus wondered if what they perceived as a structural tendency to break the law, and foster corruption and police violence is somehow inherent to Argentine culture and therefore impervious to change. I believe that this indeed contributes to explaining the acceptance of a certain amount of police violence and authoritarianism; it is taken as part of Argentine history and culture and therefore no measures to truly tackle the problem are undertaken.

Secondly, as has been shown in this book, socio-economic inequality between the different social classes is high in Argentina. Although people can move up and down on the social ladder, (the impoverished middle class being the best-known example of this social mobility), the lower, middle and upper classes generally move within their own social and geographical space. Because police violence predominantly affects the poor, most individuals in other social classes are not directly confronted with it. Even though middle and upper class Argentines know about police violence in their society, it does not directly interfere in their social environment. Opinion polls do show a very high concern among Argentines regarding increased crime and violence rates and perceived lack of security. This situation has given rise to societal demands for a *mano dura* approach to crime fighting and to the creation of an imaginary enemy within society: young males from working class neighborhoods or slums that are believed to be criminals. Seen in this light, what the police are doing does not involve abusing the human rights of citizens, but the use of legitimate force against those who pose a threat to the social order.

The above explanations for police violence in Argentina sound paradoxical in a society where citizens are concerned about rights and democratic governance. The question thus arises as to how a rights-conscious citizenry can coexist with the acceptance of a certain amount of state violence? Although popular among Argentines, the argument that this is just the way it is and that Argentine society is full of paradoxes is in the end unacceptable. However, it is not so much a paradox but rather a matter of different experiences of the meaning of citizenship among distinct social classes in Argentine society. For the lower, middle and upper classes, citizenship is about rights. But the ways they interpret their rights, as well as the ways they believe that their rights must be guaranteed, may be worlds apart. The people directly affected by police violence – mostly the poor –

perceive such violence as a “symptom of pervasive crisis” (Eckert 2005:16), as an expression of a poorly functioning democracy that fails to protect their rights. Obviously, they want the state to put an end to police violence and impunity. The people not directly affected by police violence – thus mostly the middle and upper class - may perceive such violence as a “salvation from pervasive crisis” (Eckert 2005:16) that is badly needed to protect their rights from being violated by crime and violence, among other things. Therefore the apparent contradiction unveils the incompatible and selective understandings of the meaning of citizenship that the different social classes in Argentine society have. Yet, as the next section will show, it was precisely the existence of a rights-conscious citizenry that made it possible for the *Movimiento del Dolor* to emerge. As we will see, the struggle of this movement can be seen as a mission aimed at reconstructing their violated citizenship rights.

### **Rethinking the emergence of the *Movimiento del Dolor***

As I have argued in this study, in present-day Latin America, anti-violence movements – such as the Viva Rio coalition in Rio de Janeiro and the peace movement in Colombia – doing politics of reconstruction of citizenship are expanding. But what is remarkable in the Argentine case is the existence of a social movement consisting of the family members of victims of police violence protesting against police violence and impunity while an elected democratic government is in power – rather than during times of civil war. In this study, I have mentioned three reasons for the emergence of the *Movimiento del Dolor*: 1.) the family members of victims of police violence followed in the footsteps of human rights groups such as the Mothers of Plaza de Mayo; 2.) they felt they were forced to go public with their case because of inaction and complicity on the part of state institutions responsible for resolving the case; and 3.) the public struggle is a response to a personal need and general belief that it is the only way to attain truth and justice. Here I will elaborate on the combination of two salient factors within Argentine society: a culture of mobilization and a strong rights-conscious civil society in which victimhood has played a central role, on the one hand, and the flawed horizontal and vertical accountability mechanisms that make social accountability through the denunciation approach at least comprehensible.

Hilda Sabato, one of Argentina’s best known historians, has developed the idea of the “culture of mobilization”, (1992:151) which refers to the totality of developing and recurring practices, characteristics, mechanisms, symbols and forms of claim-making towards the authorities in order to have a say in public issues. In Argentina, such a culture of mobilization developed because mobilization became a common, and rather effective tool of claim-making towards the state. Even in extremely violent and repressive times, such as during the last military dictatorship, resistance, most notably of the family members of the disappeared, was always present, and such resistance eventually contributed to the democratic transition. Citizens directly affected by state violence started to take up a

prominent role in the public questioning and denouncing of the violence at the hands of the Argentine military and security forces. As such, political mobilization and agency based on victimhood – think about the Mothers and Grandmothers of the Plaza de Mayo – became powerful tools in the victims’ search for the rehabilitation of their violated rights as well as to create awareness in society about the importance of citizenship and human rights.

After the democratic transition in 1983, and especially since the 1990s, Argentina was transformed into “a veritable landscape of protest” (Auyero 2002a:153) because of the state drawing back from its semi-welfare function, a plunge into poverty for many Argentines, and the rise of crime and violence throughout the nation. The protesters started to use a discourse of rights to frame their demands. For example, Peruzzotti (2005:229-230) argues that a more demanding citizenry emerged that had different views and expectations regarding democratic representation. This citizenry was concerned about accountability, civil rights and the application of the rule of law and was no longer willing to accept government corruption and state abuse. O’Donnell (1999a) tries to explain why such a rights-conscious citizenry has emerged in Argentina. He argues that the brutal means that were used to repress opponents of the regime have made it possible for certain democratic values to become more widely accepted in Argentine society. Furthermore, the harsh repression methods used by the armed forces and security forces during this period led to a continuous questioning and triggered public discussions on their role in democratic Argentina.

The combination of the use of victimhood as frame for political action, rights consciousness and incessant social mobilization is found among the family members of victims of police violence as well. In fact, the *Movimiento del Dolor* reproduced both the repertoire of collective action of earlier times and the rights discourse that became dominant after the last military dictatorship in such a way that these became instrumental to the movement’s public struggle. The past struggles against authoritarian rule and human rights violations have made many Argentines aware of their rights as citizens. This understanding, together with the available network and knowledge of human rights organizations and the existence of media willing to report on police violence cases, have enabled the family members of victims of police violence to organize into a social movement.

Next to the resources that have enabled the movement to arise, the flawed horizontal and vertical accountability mechanisms have required family members to start protesting against police violence and impunity and to put “the system” (e.g. the judiciary, the Ministry of Security, political power holders) to work. Strategies to exercise social accountability became matters of urgency because of the presence of a strong and rights-conscious civil society that over the years has emphasized the importance of human rights. In addition, in Argentina the freedom of speech is formally not curtailed and therefore the family members are able to exercise social accountability through the denunciation

approach. However, despite the seemingly more favorable social and political environment in Argentina for making police violence a collective concern, some remarks about the effectiveness of the denunciation approach are necessary. As I have made clear in this book, alongside the increasing social and political concern for police violence in the 1990s, the number of deaths at the hands of the police also increased during these years.

To come to the point, victimhood as an accepted political framework within the culture of mobilization; the emergence of a rights-conscious civil society after the democratic transition; as well as the available resources have all combined to provide the *Movimiento del Dolor* with a favorable socio-political context for social protest against police violence. This is even more so because the mechanisms of accountability are weak. The culture of mobilization keeps on regenerating itself because this is how citizen–state interaction in Argentina often has worked: the citizens protest and the state looks for quick and symbolic ways in the hope to address and quiet the social demands. What the struggle of the *Movimiento del Dolor* means for the quality of citizenship and democracy will be the focus of the next section.

### ***The Movimiento del Dolor: the salvation of citizenship and democracy?***

After the democratic transitions, “the subject of citizenship has been incorporated, from different analytical points of view, into thinking about the political performance of the Latin American democracies” (Sojo 2002:33). In fact, as Mitchell & Wood (1999:1004) argue, the degree to which the political system assures the exercise of citizenship is an indicator of the quality of the democratic regime. In this respect, citizenship is a tool to assess the degree of social inclusion and exclusion, the extent to which citizens are protected from state violence, as well as the level of transparency and accountability. For social movements, when making claims on the basis of citizenship, this is proof of their awareness of the presumed theoretical relationship between democracy and the protection of citizens’ rights. However, because in Latin America such a relation has in practice often been weak, social movements have started to look for alternative ways to reconstruct citizenship and enhance the quality of their democracies. The question remaining to be answered here is to what extent and in what ways the *Movimiento del Dolor* has been successful in reconstructing citizenship and, as a result, if the movement is able to address the fault lines of Argentine democracy.

First of all, the *Movimiento del Dolor* has challenged the previous narrow definition of human rights violations. The historical human rights movement for instance understood them mostly as a problem of the past authoritarian regimes. Even though democratic institutions ensured impunity for the perpetrators of the violations, something the human rights movement disapproved of and fiercely resisted, the authoritarian regimes had been denounced as responsible for the commission of such violations. In other words, human rights violations were mainly thought of as something of the past, which, logically, needed

to be dealt with in the present. Police violence was thus no violation of human rights, a position upheld by the democratic authorities as well. However, the public denunciation and struggle against police violence of the *Movimiento del Dolor* has brought about a change in the thinking about the meaning of human rights violations; nowadays police violence is seen by human rights organizations and a number of political power holders as a violation of human rights as well. This is important, because otherwise police violence may be justified as a means of law enforcement and maintenance of the social order.

The Kirchner administration also preferred to divert attention to the human rights violations of the past and to be a protagonist of the clarification and prosecution of the crimes of the 1976-1983 regime. This is a safer approach (but nevertheless of value, especially compared to the 1990s, when the issue was not on the societal and political agendas) than addressing the human rights violations by the police in present times. After all, the Kirchner administration can be held directly responsible for these crimes. Nonetheless, some politicians sense that a lack of accountability with regard to police violence may cost them their political career and others truly believe that police violence is incompatible with democracy. As a result, nowadays police violence is on the political agenda. These examples show how the *Movimiento del Dolor* has been able to reconstruct the idea of human rights violations into a broader approach and to make human rights violations by the police something that politicians must respond to in some fashion. However, for the authorities it is much easier to resort to symbolic politics – that is, the politics of rapprochement – than to formulate truly effective human rights and security policies.

Furthermore, the impact and relevance of the *Movimiento del Dolor* is considerable in some areas. The continuous efforts of the *Movimiento del Dolor* to denounce police violence in public and to make the victims of police violence visible through marches, *escraches*, commemoration ceremonies and monuments have had the effect of giving the issue a higher priority on the political agenda and of making it a societal and political concern. In addition, the *Movimiento del Dolor* has been able to advocate a non-repressive style of policing through a discourse of justice and rights. As a result, the *Movimiento del Dolor* has, among other things, contributed to the initiation of police reforms within the *Bonaerense*. However, as noted earlier, it is not very realistic to expect the reform to lead to fundamental changes within the police. Even though the reform is ambitious on paper, it has not been able to lead to fundamental changes within *Bonaerense* police culture. Furthermore, the denunciation approach increases the likelihood of there being some kind of reparation (e.g., truth, justice, material benefits) for the death of their relatives. The family members of victims of police violence are also able to exert pressure on the judicial process. For instance, the family members are capable of influencing judicial decisions related to the criminal investigation as well as the sentence: the more demonstrations and exposure in the media, the higher the chance at a conviction of the perpetrators. In doing

so, the family members of victims of police violence work as active citizens to address the fault lines within Argentine democracy.

For the *Movimiento del Dolor* to have all its demands met, which would in reality require the “repair” of at least some of the fault lines of Argentine democracy, a wide variety of policy and institutional changes, as well as changes of cultural and social practices, are needed. For instance, when judicial reforms are enacted that make the judiciary more accountable to society than to the police, this will have a positive influence on the movement’s demands for truth and justice. This, in turn, will possibly also have more far-reaching effects. When police officers are found guilty of police violence, this definitely sends a message to other officers that violent and criminal police action does not always go unpunished. Most likely, such convictions will diminish police violence.

Through the denunciation approach, the *Movimiento del Dolor* attempts to break through the suffocating barriers of limited citizenship and to instead widen the scope of citizenship. The family members of victims of police violence try to rehabilitate the rights of their deceased relatives as well as to enhance their own. As I have shown in this study, the family members of victims of police violence have indeed succeeded in winning some battles. The war, however, is not yet won. On the one hand, the movement is too loosely organized and, on the other hand, the fault lines of democracy put up barriers – like the formulation of symbolic instead of effective public policies and unequal access to citizenship rights – that prevent larger changes from occurring. After all, the possibilities of exercising citizenship vary for the different social classes in society. Therefore no mass movement against violence in general, and police violence in particular, could emerge. Those involved in the Axel Crusade have experiences that are radically different from those of most family members of victims of police violence with respect to being protected against state abuse and receiving fair treatment in the courts, among other things. Yet the small battles that the *Movimiento del Dolor* has won so far might be a first step towards more thoroughgoing social and political changes as well as changes within the police and the justice system, or more generally, towards the state acting as the guarantor of citizenship rights that a democracy is expected to uphold.



## Appendix I Methodology

### **The fieldwork: studying victims and perpetrators**

In the field, I decided to start with what I thought was the most easily reachable research group; the family members of victims of police violence. They were indeed quite easy to locate because their goal is to be visible within public spaces. In addition, they participate in demonstrations and several groups of family members have small offices where they meet and thus can be traced without problems. I was received very cordially by almost all family members of victims of police violence. I believe that this friendly reception was at least in part due to the fact that the *Movimiento del Dolor* is by no means research-weary. Instead, members of the group welcomed the fact that a foreign social scientist was studying their stories, because they believed that the publication of the resulting work could be beneficial for their cases.

After about three months of fieldwork in 2004, I decided it was time to get in touch with the police and therefore I needed to be introduced by somebody the police trusted. This person, a former Secretary of Security of the province of Buenos Aires, put me in touch with two retired police commissioners within his circle of trusted associates. Both of these men had extensive contacts within the *Bonaerense* police. I made my initial visits to police stations accompanied by these police commissioners, and this introduction helped assure my future access to officers on the force. It turned out that these two men were also important sources of information. After some visits accompanied by these officers, I wanted to go by myself, and asked my police interviewees if they could recommend some of their contacts within the police to be interviewed by me. And this is how the “snowball method” also started work within the police institution. However, through this method, I mostly got in contact with the higher-ranking officers and only sporadically with the lower-ranking officers. When I was brought home (most of the times the commissioners insisted that their officers do this), I had the opportunity to talk to the lower-ranking officers, but I noticed they were reluctant to talk because I was *la amiga del comisario* (the chief’s friend). After a while, I realized that, in order to get these officers to open up, a different approach was needed. I got some names of lower-ranking officers who had denounced unlawful police behavior from a human rights activist. In this manner I got in touch with them too. Furthermore, I was able to interview three police officers in the Marcos Paz jail about a number of different issues, including the reasons for their preventative detention.

In addition to family members of victims of police violence and police officers, I also interviewed lawyers of victims, human rights activists, members of political movements, journalists, representatives of the government (for instance of the Ministry of Security in the province of Buenos Aires) and the judiciary, and academic experts. Government representatives were by far the persons who were most unreachable.

Although I never kept count, it is no exaggeration that I called the Ministry of Security of the province of Buenos Aires over 40 times to ask for approval to attend classes with students of the *Policía Buenos Aires 2* (Police Buenos Aires 2, PBA2) in La Matanza, and later to visit them in the training center of the Gendarmerie in Mercedes.

During my fieldwork, I encountered some difficulties and ethical questions relating to the balance between academic research and activism, honesty towards the research group about the research objectives, and the researching of victims and perpetrators at the same time. In my contacts with the *Movimiento del Dolor*, for instance, I could not speak positively about the police in general or individual police officers because, according to family members of victims of police violence, *no es un policía, es toda la institución* (“it is not one police officer, but the whole institution”), meaning that the whole institution, and not individual police officers, are corrupt. Most of the family members I spoke to accepted my contacts with the police in the context of the research I was doing. However, it sometimes led to negative reactions. Family members also expressed their fear that something would happen to me and advised against meeting with police officers. Furthermore, quarrels between the relatives of victims also complicated my role as a researcher: The fact that I had spent a lot of time with one group of relatives may have led the other to feel that I had chosen sides.

The sometimes strained relations between activism and research is something that Hale (2006:100) has described in reference to scholars conducting activist research as dual loyalties to academia and a political struggle.<sup>310</sup> Apart from the many requests for my help in securing financial aid for their organization in The Netherlands, it was extremely difficult not to become personally involved in the struggle for what I believed was a just cause. The demonstrations were often very compelling, and more than once I experienced inner conflicts between my role as a researcher and my personal indignation about a specific case of police violence. The many horrible and meticulously detailed stories of police violence that family members told me also caused me to view the police with suspicion. Over time, it became increasingly difficult to view the police in a way that was not negatively biased toward them.

My first contacts with the police were very formal. I addressed them using the title of commissioner (*comisario*) and they addressed me using the title of *la licenciada* (i.e., a person having a university degree). After a while, the contact became less formal with some (but not with all) of the officers. On several occasions, officers mentioned how happy they were that university had sent such an attractive researcher to Argentina, and they asked me to go out with them. Of course, I found such remarks offensive as well as dismissive.

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<sup>310</sup> However, apart from the idea of dual loyalties, my methodological approach does not match that of activist research. Because, as Hale (2006:97) describes activist research is “a method through which we affirm a political alignment with an organized group of people in struggle and allow dialogue with them to shape each phase of the process, from conception of the research topic to data collection to verification and dissemination of the results”.

However, in line with experiences of other female researchers studying male institutions (see Glebbeek 2003; Huggins & Glebbeek 2003) I believe that being a young woman studying the police was also advantageous in a number of ways. Among other things, it meant that I was able to have relatively easy access, and that I was not perceived a threat.

In this context, I was constantly weighing what to say about my contacts with the one group to the other. The question naturally arises as to whether I was open enough to the police about my research intentions. The police officers who agreed to be interviewed knew that I was a Dutch woman writing an academic dissertation. However, I initially described the research topic in terms of the role and reputation of the police in democratic Argentina and police relations with citizens. I initially described my work in this way because I assumed that telling them that I was interested in the causes and forms of police violence and social protests of the family members of victims against the police would close the doors to the police institution. This assumption was confirmed when I tried to talk about this issue in interviews; many simply denied that either police violence or protests against police violence occurred. It is obvious that, in making this choice, I was not laying all of my cards on the table. After some time, I met with police officers who were willing to talk more openly about these topics, and they became important sources of information.

In addition, every now and then the fieldwork period put me in extremely awkward situations. Family members of victims of police violence warned me that my telephone would be wiretapped because of my contact with them. The fact that our conversations were often suddenly cut off was seen by them as proof of their being recorded. So they advised me not to talk about “sensitive” topics over the phone. It was also the case that I was warned not to meet with a particular individual because of suspicion that he or she would be a police informant (something that I was never shown evidence of). Cameras that were used to record demonstrations also worried me sometimes because, as a result of my visits to police stations I had learned that the police follow closely follow media reporting (and I didn’t want them to see me in every demonstration against the police). Even so, worries about my security decreased over time because I didn’t see clear signs of any danger. Concerning the safety of my informants, they generally brushed aside my worries by saying that nothing would happen to them; the police would be the primary suspects should something occur, and this is precisely what the police wanted to avoid.

### **Open and half structured interviews**

I interviewed approximately 105 persons: 40 family members of victims of police violence, 25 police officers, and 40 “others” (see below). The interviews were open or semi-structured (in the latter case, I made use of a list of items for the purposes of partially structuring the discussions). Duration of the interviews ranged from 30 minutes to several hours and, with a number of persons, I held more than one interview (at times as many as

four interviews). Despite the sensitive topics discussed in the interviews, I taped a fair number of them (many more with family members of victims of police violence than with police officers). I typically categorized encounters that I did not tape as “conversations”, which refers to a much looser level of planning and structuring. In contrast, I conducted more formal preparation for the taped interviews, even if this meant that I had only gone over in my mind the subjects that I wanted to discuss. I typed out a transcript of each of my taped interviews. Conversations often took place more spontaneously (during demonstrations and meetings for instance), and I later transcribed the contents of these interactions in my research diary. Such conversations also form part of the method of participant observation (see below).

Ten of the approximately 40 family members of victims of police violence that I spoke to were interviewed more than once. In addition to planned interviews and less formal in-person conversations, I had dozens of conversations with families of victims of police violence. In interviews, I generally asked about how their relative had died; how, when and why they started their public struggle; what their social relations with other family members looked like; what type of relations they had with the authorities, the judiciary and the police; and how effective they thought their public struggle was. In this manner, I also obtained general data about police violence and these data are presented in this dissertation. I realize that the stories and viewpoints of those who have suffered as a result of police violence may be distorted, and thus may not always accurately represent what has really happened. However, I do not rely exclusively on the accounts of family members; I also have interviewed many others (e.g., journalists, lawyers, human rights activists, and police officers themselves) about the topic.

Of the twenty-five police officers interviewed, about one third were higher-ranking active officers; another one third had previously served as higher-ranking officers, but were no longer on active service (i.e., at the time of interview, they were retired or had been removed from the force); and another one third were active lower-ranking officers, many of whom had denounced their colleagues for police abuse. Only two of the police officers that I interviewed were women. Furthermore, I interviewed three police officers in the Marcos Paz prison. I usually began my interviews with general questions about the police organization (e.g., chain of command, training), crime and violence in their area and public security policy. Then I asked about their viewpoints of the way they are represented in the media and the many reports of cases of trigger-happy police, the bad reputation of the police in Argentine society, the continuous announcement by the government to reform the police and the marches of family members against police violence.

Among the 40 “others” that I interviewed were several lawyers of victims, human rights activists (of *Asamblea Permanente por los Derechos Humanos*, APDH, and the Mothers of Plaza de Mayo, amongst others), some members of political movements (mostly of *piqueteros* movements), journalists (of *Página/12* and *Clarín*), representatives of the government (of the Ministry of Security in the province of Buenos Aires, and the National

Secretariat of Security), representatives of the *Partido Unidad Federalista* (PA.U.FE), *Partido Justicialista* (PJ), *Izquierda Unida* and *Unión por Todos*, representatives of the judiciary (some judges and prosecutors) and academic experts. Generally, I tried to verify my research data on police violence and the achievements of the *Movimiento del Dolor*. I also asked questions about how significant they thought this movement is in Argentine society and politics, and I discussed the functioning of the judiciary and the police reform plans of the Ministry of Security in the province of Buenos Aires. Furthermore, I discussed the politics of the Kirchner administration concerning these issues.

### **Observing, but participating?**

Some of the research data has been collected through participant observation. These data included observations and informal conversations during demonstrations, *escraches*, court cases, meetings, press conferences, the dedication of monuments, police work, and so forth. Most of the activities (except for court cases and those of the police) are freely accessible and therefore I could join many in the Federal Capital as well as in the province of Buenos Aires. I also traveled with dozens of family members of victims of police violence to the provinces of Santa Fe and La Rioja, trips that were organized by the National Program against Impunity (PNAI), to attend press conferences and marches for a local case(s) of (police) violence. In demonstrations and *escraches*, I observed who the participants were, the texts on the banners, the songs and slogans, who went in front, if and by whom (e.g., the public prosecutor or judge) they were received, and so on. I also observed the preparation of such activities. During meetings of the committees of family members, as well as during other meetings where I was present, I observed the internal relations, the topics and concerns discussed, who the leaders are, and the role of any professionals present. I recorded all of the data in my research diary and this information proved to be highly useful in complementing the data I obtained in my open and semi-structured interviews.

When I attended public activities, I always tried to maintain my independent role as a researcher, mostly by taking pictures. This is because I feared that being seen (and filmed) as one of the demonstrators would give the appearance of bias, and would impede my access to the police – a critical aspect of my research, after all. However, this was far from easy. Once during a court case I was given a cardboard sign with the victim's picture and a description of how he was killed by the police. The idea was that I would wear it around my neck, as all the family members of victims of police violence do. In this case I didn't; I kept the cardboard sign in my hand and took it home. However, on another occasion, during the preparation of an *escrache*, I did end up distributing flyers that contained an explanation of how the victim was killed. Due to the contact that I had previously established with the victim's sister, I had become personally involved in the case, and I decided to help her with the distribution of the flyers. Furthermore, apart from the

practical difficulties the researcher may encounter when attempting to remain objective in a dynamic and complex research setting, the entire *idea* of objectivity and the clear distinction between objectivity and subjectivity in the social sciences has often been questioned. And this is exactly what I experienced personally in this research.

In addition to visiting police stations, I also joined a police patrol twice, and was taken on unofficial patrols several times. Participating in these patrols gave me the opportunity to talk to officers in an informal way about police work, their contact with citizens, their reputation in society and other matters. In addition, I followed about ten classes with the first conscription of students of the PBA2, created in 2004, at the University of La Matanza. Hereafter, I visited them for two days when they were trained and stayed the week overnight in the barracks of the Gendarmeria in Mercedes (province of Buenos Aires). Furthermore, I joined human rights activists of APDH on several occasions during their visits to the police stations in La Matanza, and I observed the discussions between them and police officers.

### **Document analysis**

Documents (or just drafts of them) issued by human rights organizations and committees of family members were analyzed, as were several journalistic works on the police. For instance, for statistics on civilian deaths at the hands of the police I used the data of the two well-known human rights organizations: CELS and CORREPI. I also found media reports highly useful. Some years ago, the Argentine media in general and specific broadcasting companies and newspapers in particular, began to increase their reporting on the police, police violence and public security policy. Such media reporting contributed to my understanding of this very complex matter. On the other hand, this same reporting often gave the false impression that the police are constantly undergoing reforms. I also studied the flyers that were distributed during demonstrations, as well as the prepared texts that were read out aloud during demonstrations or the dedication of monuments.

Publications of the Ministry of Security of the province of Buenos Aires, such as law projects, were found on the Ministry's webpage. I also requested statistics on the number of civilian deaths at the hands of the police, and on the involuntary termination of officers, but this information was not provided to me by the Ministry of Security on the grounds of confidentiality.

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<http://www.pagina12.com.ar/diario/sociedad/3-65780-2006-04-19.html>

## Glossary

<b>Apremios ilegales</b>	“Illegal beatings”; abuses as threats and beatings.
<b>Buchon</b>	Police informant.
<b>Cacerolazo</b>	Residents of a neighborhood banging on pots and pans, a form of social protest.
<b>Casa Rosada</b>	“Pink House”; the presidential palace in Buenos Aires.
<b>Churro</b>	A fried-dough pastry-based snack.
<b>Conurbano</b>	“Conurbation”; the 24 districts that surround the Autonomous Federal Capital of Buenos Aires.
<b>Countries</b>	Gated communities.
<b>December Days</b>	“December 2001 Repression” / 19-20 December 2001, expressions to refer to the social protests in December 2001 that forced President de la Rúa to step down and the police repression that caused over 20 deaths.
<b>Escrache</b>	“Photographing” or “exposing”. The <i>escrache</i> is a form of protest started by the HIJOS in 1997 as a means of denouncing the human rights violations committed during the last military regime.
<b>Gatillo facil</b>	“Trigger Happy”; refers to behavior of police who resort to shooting when such action does not appear to be warranted.
<b>HIJOS</b>	<i>Hijos por la Identidad y la Justicia contra el Olvido y el Silencia</i> (Children for Identity and Justice against Oblivion and Silence).
<b>Hijos del Poder</b>	“Children of power[holders]”.
<b>Kirchnerismo</b>	A term to refer to the administration of President Néstor Kirchner.
<b>Mano dura</b>	“Iron fist” / “tough hand”, a zero tolerance law enforcement approach.
<b>Mate</b>	A tea-like drink of herbs consumed mainly in Brazil, Uruguay, Argentina, and Paraguay.
<b>Menemismo</b>	A term to refer to the ten years (1989-1999) that President Carlos Menem ruled Argentina.
<b>Mesa de Escrache</b>	
<b>Popular</b>	Popular Escrache Roundtable.
<b>Pegatina</b>	“Stickering”; a form of social protest.
<b>Perro</b>	In police jargon a confiscated weapon that has had its serial number removed.
<b>Pibe chorro</b>	A term used in Argentina to refer to criminal slum youth.
<b>Piqueteros</b>	From <i>piquete</i> , “picket”, a social movement of unemployed workers.
<b>Plaza de Mayo</b>	One of the principal plazas, or town squares, in Buenos Aires..

<b>Porteño</b>	Term used to refer to people and things from Buenos Aires.
<b>Radio abierta</b>	Literally, “Open air radio”. Term used to refer to the setting up of a temporary public address system during <i>escraches</i> and other protest events.
<b>Villa miseria</b>	Shanty town.
<b>Zona liberada</b>	Literally “liberated zone”. Area of city where criminals have paid the police for the right to freely commit crimes without police interference.

## Acronyms and abbreviations

<b>Allianza</b>	<i>Alianza por el Trabajo, la Justicia y la Educación</i> (Alliance for Jobs, Justice and Education).
<b>AMMAR</b>	<i>Asociación de Mujeres Meretrices de la Argentina</i> (Association of Sex Workers in Argentina).
<b>APDH</b>	<i>Asamblea Permanente por los Derechos Humanos</i> (Permanent Assembly for Human Rights).
<b>CELS</b>	<i>Centro de Estudios Legales y Sociales</i> (Center for Legal and Social Studies).
<b>CEPAL</b>	<i>Comisión Económica para América Latina y el Caribe</i> (Economic Commission for Latin America and the Caribbean).
<b>COFAVI</b>	<i>Comisión de Familiares de Víctimas Indefensas de la Violencia Social - Policial - Judicial - Institucional</i> (Committee of Family Members of Defenseless Victims of Social, Police, Judicial and Institutional Violence).
<b>CONADEP</b>	<i>Comisión Nacional sobre la Desaparición de Personas</i> (National Commission on the Disappearance of Persons).
<b>CORREPI</b>	<i>Coordinadora contra la Represión Policial y Institucional</i> (Coordination against Police and Institutional Repression).
<b>CTA</b>	<i>Central de los Trabajados Argentinos</i> (the Argentine Workers' Center).
<b>ESMA</b>	<i>Escuela de Mecánica de la Armada</i> (the Navy School of Mechanics).
<b>FREPASO</b>	<i>Frente País Solidario</i> (Front for a Country in Solidarity).
<b>GBA</b>	<i>Gran Buenos Aires</i> (Greater Buenos Aires).
<b>IACHR</b>	Inter-American Commission on Human Rights.
<b>INDEC</b>	<i>Instituto Nacional de Estadística y Censos</i> (National Institute of Census Data)
<b>MTD</b>	<i>Movimiento de Trabajadores Desocupados</i> (Movement of Jobless Workers).
<b>OAS</b>	Organization of American States.
<b>PBA2</b>	<i>Policía Buenos Aires 2</i> (Police Buenos Aires 2).
<b>PFA</b>	<i>Policía Federal Argentina</i> (Argentine Federal Police)
<b>PNAI</b>	<i>Programa Nacional Anti-Impunidad</i> (National Program Against Impunity).
<b>SIDE</b>	<i>Secretaría de Inteligencia del Estado</i> (Secretariat of State Intelligence).
<b>Triple A</b>	<i>Alianza Anticomunista Argentina</i> (Argentine Anti-Communist Alliance).
<b>UCR</b>	<i>Unión Cívica Radical</i> (Radical Civic Union).



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## Samenvatting (Summary in Dutch)

Sinds 1983 is Argentinië, na jarenlang onder militair bewind te hebben gestaan, een land met een democratisch politiek systeem. Een gangbaar idee is dat democratie samengaat met een breed gedeeld respect voor en bescherming van mensenrechten. Toch blijkt dat in Argentinië politieagenten op grote schaal, veelal ongestraft, de rechten van bepaalde groepen burgers schenden. In dit boek laat ik zien hoe deze schendingen de Argentijnse democratie aantasten en hoe burger - staat relaties in de gebrekkige democratie die Argentinië is functioneren. Het doel van dit boek is om de relatie tussen politiegeweld, burgerschap en democratie in het Argentinië vanaf de jaren '90 onder de loep te nemen. Deze benadering biedt de mogelijkheid inzicht te verkrijgen in de complexe wijze waarop democratische instituties, processen en opvattingen enerzijds, en politiegeweld, straffeloosheid en co-optatie van de civiele maatschappij anderzijds, naast elkaar bestaan. De drie vragen die de leidraad vormen in dit boek hebben betrekking op 1) de achtergrond en vormen van politiegeweld in de context van de Argentijnse democratie; 2) de opkomst, organisatie en het repertoire van collectieve actie van de *Movimiento del Dolor* ("Beweging van hen die rouwen"); 3) de impact van politiegeweld en de *Movimiento del Dolor* in de Argentijnse samenleving en politiek, voornamelijk op de kwaliteit van de democratie en de inhoud van burgerschap.

De twintigste eeuw was er in Argentinië vooral één van militaire regimes, politiek geweld en burgerprotest. Dit boek begint in 1930 met de coup die Generaal Uriburu pleegde tegen de democratisch gekozen Radicale regering. Deze coup d'état was de eerste in een lange rij van coups in de decennia die volgden. Het boek beschrijft de tien Peronistische jaren (1946-1955) waarin Generaal Perón de arbeiders transformeerde in burgers met burgerrechten, maar waarin politieke tegenstanders konden rekenen op vervolging en marteling. Toen de regimes van de jaren '60 en begin jaren '70 poogden om met harde hand het Peronisme uit het publieke leven te bannen, begonnen in reactie daarop vooral jongeren guerrilla activiteiten te ontplooiën. De politieke chaos die hieruit volgde overtuigde de militaire elite ervan dat een militaire overname opnieuw onvermijdelijk was. Deze dictatoriale jaren (1976-1983) waren echter bloediger dan ooit tevoren; de 30.000 "vermist" en de jarenlange strijd van de Moeders en Grootmoeders van Plaza de Mayo zijn hiervan het meest sprekende voorbeeld.

De focus in dit boek ligt op de postdictatoriale periode, en dan voornamelijk op de jaren vanaf 1990 waarin de gebreken van de Argentijnse democratie steeds zichtbaarder worden. De tien jaar waarin de neoliberale Carlos Menem president van Argentinië is (1989-1999), staan in het teken van corruptie, een flinterdunne scheiding der machten en de uitholling van de democratie. De armoede, werkloosheid en sociale ongelijkheid nemen in

razendsnel tempo toe. De tekenen dat Argentinië op een heuse sociaaleconomische en politieke crisis afstevent worden steeds zichtbaarder. Ook de misdaadcijfers stijgen tot ongekende hoogte en burgers voelen zich meer en meer onveilig. Het hevige gevoel van onveiligheid wordt alleen maar versterkt door de vele mediaberichten over politiegeweld en politiebetrokkenheid bij georganiseerde misdaad. Immers, de gewapende arm van de staat die de veiligheid van burgers dient te waarborgen – de politie – blijkt haar bevoegdheden te misbruiken en de mensenrechten van de bevolking te schenden. In December 2001 ontploft de bom die reeds een paar jaar aan het tikken was: duizenden Argentijnen gaan de straat op om te demonstreren tegen miserabele sociaaleconomische omstandigheden en eisen dat hun leiders aftreden. In twee weken tijd ziet Argentinië drie presidenten komen en gaan, de peso devalueert met 75% en politierepressie en plunderingen leiden tot in ieder geval 29 doden.

Met Néstor Kirchner als president van Argentinië (2003-2007) hoopten Argentijnen in rustiger vaarwater te komen en hun land weer op te bouwen. De armoede, werkloosheid, misdaad en politieke onrust nemen tijdens deze jaren inderdaad af. Daarnaast komen tijdens Kirchner's bewind de bescherming van de mensenrechten, en gerechtigheid voor de slachtoffers van mensenrechtenschendingen tijdens de laatste militaire dictatuur, hoog op de politieke agenda. Desondanks is Kirchner's regering een voorbeeld van “democratisch bestuur met gebreken”, gekarakteriseerd door het voortbestaan van politiegeweld, “symboolpolitiek” en co-optatie van sociale bewegingen. Het is dan ook niet verbazingwekkend dat slechts een minderheid van de Argentijnse bevolking tevreden is met de wijze waarop de democratie functioneert, wat overigens niet betekent dat men de democratie zou willen inruilen voor een ander politiek systeem: de meerderheid van de Argentijnen geeft de voorkeur aan democratie boven elke andere vorm van bestuur.

Dit boek ontleedt de mechanismen waardoor het Argentijnse politiegeweld, voornamelijk van de *Bonaerense* (het politiekorps van de provincie Buenos Aires), de Argentijnse democratie bedreigt. Tussen 1996 en 2005 vonden in Groot Buenos Aires meer dan 2000 burgers de dood door geweld van de veiligheidsdiensten. Misdrijven en gewelddaden door de politie zijn in te delen in drie categorieën: “trigger happy” (*gatillo fácil* in Argentinië) politie en marteling, het in scene zetten van misdrijven, en het “politiebedrijf”.

De term “trigger happy” politie wordt in de volksmond gebruikt voor alle doden waar de politie verantwoordelijk voor wordt gehouden, maar waarvoor de politie haar verantwoordelijk probeert te verdoezelen, bijvoorbeeld door een wapen te plaatsen bij het slachtoffer zodat het lijkt alsof de politie uit zelfverdediging heeft gehandeld.

Het in scene zetten van misdrijven om burgers te beschuldigen van misdrijven die ze niet gepleegd hebben heeft een tweeledig doel. Allereerst tracht de politie, door media-aandacht tijdens de arrestatie van vals beschuldigde verdachten, haar reputatie op te vijzelen en het Argentijnse volk te overtuigen van het goede werk wat ze verricht. Daarnaast dient het in scene zetten van misdrijven om politici ervan te overtuigen dat het

misdadprobleem ernstig is en dat de politie-institutie meer financiële middelen nodig heeft om het probleem het hoofd te blijven bieden.

Het “politiebedrijf” duidt op de illegale inkomsten die de politie verwerft door, onder andere, haar aandeel in de drugshandel, haar controle over het gok- en prostitutiecircuit, het verschaffen van “vrije zones” zodat criminelen ongehinderd misdaden kunnen plegen en het vormen van criminele bendes om roofovervallen of ontvoeringen te plegen. Een deel van de opbrengsten verdwijnt regelrecht in de zakken van individuele politieagenten, terwijl een ander deel geïnvesteerd wordt in de politie-institutie, bijvoorbeeld in het onderhoud van politiebureaus en politiewagens.

Er is een aantal factoren die tezamen de continuering van politiegeweld in democratisch Argentinië beïnvloeden. Allereerst komt het politiegeweld voort uit een historische erfenis waarin de politie, onder militair bewind, geacht werden repressief tegen burgers – van criminelen tot politiek tegenstanders – op te treden. Ten tweede heeft de toename van armoede, ongelijkheid en misdaad vanaf de jaren '90 een klimaat geschapen van een zekere tolerantie voor politiegeweld. In een samenleving als de Argentijnse waar de verschillen tussen rijk en arm groot zijn, staat politieoptreden vaak in het teken van het beschermen van de rijken tegen het “gevaar van de onderklasse”. Ten derde leidt de afhankelijkheidsrelatie tussen het politieke bestuur en de politie tot een weinig effectief veiligheidsbeleid. De politie krijgt veel ruimte tot zelfbestuur omdat de politieke macht bang is dat de politie, wanneer zij het niet eens is met politieke beslissingen, het land zal destabiliseren door te weigeren de orde te handhaven. Ten vierde bestaat er een cultuur van straffeloosheid waardoor politiemisdaden vaak onbestraft blijven. Ten vijfde kan de politiecultuur – een verzameling van opvattingen en gedragingen die door politieagenten van dezelfde afdeling of korps gedeeld wordt – een zodanige perverse vorm aannemen dat illegale politiepraktijken getolereerd en gereproduceerd worden. Dit is bij de *Bonaerense* het geval. In concreto houdt dit in dat de vuile was over politiegeweld en andere illegale praktijken niet buiten gehangen wordt; er is een zwijgplicht waaraan alle agenten zich dienen te houden.

Vanaf de jaren '90 zijn enkele politiehervormingen ondernomen. De provinciale politieke macht besloot maatregelen te nemen tegen politiecorruptie en incompetentie, ontsloeg meer dan 300 commissarissen en richtte het Ministerie van Veiligheid op. Deze politiehervorming behaalde twee belangrijke successen. Door de oprichting van het Ministerie van Veiligheid kregen burgers een stem in politiezaken. Daarnaast leidde de hervorming tot een groter bewustzijn onder politici met betrekking tot de chaos en corruptie die binnen het provinciale korps bestond; het bleek dus wel degelijk noodzakelijk om meer leiding aan de politie te geven. Echter, met de provinciale verkiezingen van 1999 werd Carlos Ruckauf gouverneur van de provincie en dit luidde een nieuw tijdperk op het gebied van de ordehandhaving in. De resultaten van de politiehervorming werden grotendeels ongedaan gemaakt; de politie moest criminelen weer met kogels bestrijden, aldus Ruckauf. Een hernieuwde poging om de *Bonaerense* te hervormen volgde in 2004.

Decentralisatie, dienstbeëindiging van corrupte agenten, grotere inspraak van burgers in veiligheidsvraagstukken, een nieuw curriculum en het oprichten van een nieuwe politie, de Buenos Aires Politie 2, stonden op de hervormingsagenda. Echter, bij zijn aantreden in December 2007, kondigde de nieuwe minister van veiligheid opnieuw een geheel nieuwe koers aan; in tegenstelling tot het beleid van de voorgaande drie jaren moest de *Bonaerense* juist weer meer macht en schietbevoegdheid krijgen.

In een aantal zaken waarin de politie buitenproportioneel en onrechtmatig geweld gebruikte heeft dit tot publieke verontwaardiging en massale demonstraties geleid. Daarnaast werden zaken van politiegeweld in de loop van de jaren ‘90 meer en meer gedocumenteerd door Argentijnse mensenrechtenorganisaties als CELS en CORREPI, alsook aan de kaak gesteld door de *Movimiento del Dolor*, een sociale beweging van familieleden van slachtoffers van politiegeweld. Deze familieleden besloten naar buiten te treden met hun ervaringen met politiegeweld vanwege de overtuiging dat dit de enige manier is om de daders te ontmaskeren en voor het gerecht te brengen. Een diep wantrouwen jegens de verschillende staatsinstituties – justitie, politie en wetgevende macht bijvoorbeeld – ligt hieraan ten grondslag. In dit boek wordt duidelijk dat de *Movimiento del Dolor* een sociale beweging is die haar rechten claimt op basis van het principe van burgerschap. De familieleden identificeren zich met elkaar op basis van gedeeld slachtofferschap. Door dit slachtofferschap zijn de familieleden van mening dat zij het recht hebben zich uit te spreken over en om inspraak te hebben in zaken met betrekking tot de rechtsgang en de politie-institutie. De familieleden van slachtoffers strijden voor dezelfde zaak; zij willen een halt toeroepen aan de mensenrechtenschendingen door de politie. Ook hebben de familieleden een aantal overeenkomstige eisen wat betreft de reparatie van hun geschonden rechten en coördineren ze collectieve publieke acties. Door hun georganiseerde optreden in het publieke domein zijn familieleden van slachtoffers van politiegeweld tot zichtbare politieke actoren in de strijd tegen mensenrechtenschendingen in democratisch Argentinië geworden.

Met het aantreden van de Kirchner regering begon de zogeheten “politiek van toenadering” tot de familieleden van slachtoffers van politiegeweld. Familieleden werden uitgenodigd om te participeren in verschillende fora en in het Nationaal Programma tegen Straffeloosheid. Daarnaast kreeg een aantal families subsidies dan wel andere financiële vergoedingen aangeboden en begonnen politici in grotere getale te participeren in publieke activiteiten (waaronder demonstraties) van de *Movimiento del Dolor*. Echter, niet alle familieleden van slachtoffers profiteerden van deze politiek van toenadering en dit leidde tot verwarring, ongenoegen en verdeeldheid in de beweging. Want hoe moest deze toenadering van de Kirchner regering geïnterpreteerd worden? Als een poging tot samenwerking? Of als een poging tot co-optatie en cliëntelisme? Het symbolische karakter van de politiek van toenadering kwam duidelijk naar voren; de regering was dan wel niet in staat om mensenrechtenschendingen door de politie te voorkomen, maar ze kon wel laten zien dat ze aan de kant van de slachtoffers stond. In andere woorden, de politiek van

toenadering tornt niet aan de oorzaken voor politiegeweld en straffeloosheid en richt zich niet op het beschermen van burgers tegen politiegeweld. Deze politieke strategie verschaftte sommige familieleden echter wel een meer prominente plek in de politieke arena waarmee zij op verschillende wijzen hun voordeel konden doen.

Zoals de titel van dit boek suggereert boekt de *Movimiento del Dolor* kleine overwinningen maar heeft ze “de oorlog” tegen politiegeweld (nog) niet gewonnen. Door collectieve mobilisatie kunnen familieleden “het systeem” aan het werk zetten; men kan bijvoorbeeld de openbaar aanklager aanzetten tot het onderzoeken van een aanwijzing, tot het afgeven van een arrestatiebevel of tot het besluit een zaak voor de rechter te brengen. In andere woorden, door met demonstraties en andere acties druk uit te oefenen en de openbaar aanklagers en rechters van traagheid, onwilligheid of medeplichtigheid te beschuldigen kunnen familieleden juridische beslissingen beïnvloeden. De beweging is ook in staat het publieke debat omtrent politiegeweld te beïnvloeden. Echter, dit wordt slechts in enkele gevallen vertaald in nieuw beleid of veranderingen in de politieorganisatie. Dat de beweging er maar beperkt in slaagt haar doelen te bereiken is te verklaren uit haar lage organisatieniveau en haar onvermogen de stap te maken van “protest naar voorstel”. Daarnaast werpt de gebrekkige democratie barrières op; de Argentijnse politieke macht is niet in staat de eisen van de beweging te vertalen naar effectief mensenrechten- en veiligheidsbeleid. In plaats hiervan reageren machthebbers vooral met symboolpolitiek.

In dit onderzoek wordt geconcludeerd dat het voor een goed begrip van de relatie tussen democratie en politiegeweld van belang is om de uiteenlopende belevingen van de betekenis van burgerschap voor de verschillende sociale klassen in de Argentijnse samenleving in acht te nemen. Voor de slachtoffers van politiegeweld – dus vooral de armere lagen van de bevolking – is politiegeweld een bewijs van de gebrekkige democratie die immers faalt in de bescherming van hun rechten. Voor de burgers die meestal niet direct te maken hebben met politiegeweld – dus de hogere (midden) klasse – kan politiegeweld juist een middel zijn dat noodzakelijk geacht wordt om hun rechten te beschermen. Een tweede conclusie is dat in Argentinië politieke mobilisatie op basis van slachtofferschap en burgerrechten tot een krachtig en effectief instrument is geworden in de zoektocht naar herstel van geschonden rechten én het vergroten van het maatschappelijke bewustzijn over het belang van burgerschap en mensenrechten. Tot slot kan geconcludeerd worden dat de *Movimiento del Dolor* op verschillende wijzen probeert de kwaliteit van burgerschap te verbeteren en de gebreken van de Argentijnse democratie te repareren. Ze heeft bijvoorbeeld de voormalige smalle definitie van mensenrechtenschendingen weten te verbreden tot één die ook bepaalde vormen van politiegeweld omvat. De beweging heeft politiegeweld op de politieke agenda gezet en het tot een onderwerp gemaakt waar macht(s)hebbers in ieder geval op enigerlei wijze verantwoording over moeten afleggen. Deze kleine overwinningen kunnen een eerste stap zijn richting meer diepgaande hervormingen van instituties als politie en justitie, of in meer

algemene termen, richting een staat die optreedt als beschermer van de burgerrechten zoals het een democratie betaamt.