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The Right to Truth in the Recent History of Argentina

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(Translated by Kristin Beamish Brown)

According to the jurisprudential development of international organizations for the protection of human rights, the right to truth can be considered a right in and of itself. At the same time, it is an essential part of the right to justice. The process of reception of international norms and decisions of supervisory agencies within Argentina finds its most significant period in the constitutional reform of 1994. The representatives that designed the reform declared that some specifically-named international instruments of human rights enjoy constitutional hierarchy "in the full force of their provisions" (National Constitution, art. 75, sec. 22). For the Nation's Supreme Court of Justice, this declaration means that the clauses of international agreements should be applied exactly as they are internationally, in light of their real jurisprudential application by international tribunals charged with their interpretation and application (Matarollo 21). This means that judges must recognize the binding character of judgments passed by the Inter-American Court of Human Rights (IACHR). This tribunal, from its inception, has confirmed the differing character of human rights agreements with respect to other multilateral instruments. The Court stated that:

> Their object and purpose is the protection of the basic rights of individual human beings irrespective of their nationality, both against the State of their nationality and all other contracting States. In concluding these human rights treaties, the States can be deemed to submit themselves to a legal order within which they, for the common good, assume various obligations, not in relation to other States, but towards all individuals within their jurisdiction.[1]

Beginning with the intense activity developed by international organizations for the protection of human rights (as much from the universal system as from the regional Inter-American or European systems) one can establish diverse principles. In this manner, states have

an affirmative obligation to investigate, prosecute, and punish genocide, war crimes, and crimes against humanity; to discover and reveal the truth about such violations; to offer reparations to victims and their families; and to disqualify the perpetrators by removing them from positions of authority (Méndez, 2001 305).

From the end of World War II, international law had established principles of great utility: to punish genocide; to declare torture punishable under nations' internal laws; to declare the inapplicability of due obedience as a defense in cases of clearly illegal orders; to state the imprescriptability of crimes against humanity; and to affirm the obligation to extradite or judge (Méndez, 2004 520–21).

This essay proposes to analyze the particular situation of Argentina in terms of the grave violations of human rights committed during the last military dictatorship (1976–1982), taking as a starting point the reception of these international principles. In the evolution of jurisprudence and the law since the beginning of democracy, there have been both advances and regressions. However, we now find ourselves in a key moment in the consolidation of the protection of human rights within Argentina. In this essay, I underscore that the influence of international agencies for the promotion and protection of human rights has been essential to understanding the change of position of local tribunals.

The Argentine Experience and the Truth Commission

Truth Commissions are public agencies of non-jurisdictional character. They are created with the idea of investigating serious abuses committed against human dignity. Even without carrying out the functions of the Judicial Power, these commissions establish truth officially. This is a responsibility borne by the State, which has the obligation to investigate and judge the authors of crimes before judicial courts and back the reparations for the damages caused to the victims (Matarollo 135).

In Argentina, prior to the return to democracy in 1983, the military sanctioned a law that granted them amnesty. With the advent of the constitutional system, Congress repealed this law and declared it null and void. Then the Truth Commission commenced functioning, responsible for the investigation of the atrocities committed by the Argentine military regime. The commission became known as the National Commission on the Disappearance of Persons (CONADEP), or Sábato Commission, in honor of its president, the writer Ernesto Sábato.

Among the countries of the Southern Cone, other Commissions were organized following the model of the CONADEP. In Uruguay, two Investigative Commissions of the House of Representatives were instituted, and in Chile, the Truth and Reconciliation Commission (the Rettig Commission) was created.[2] The goal was to establish what happened in specific cases, through a review of both the individual truth

and "the global truth, that is, an analysis of the structures and methods of illegal repression as well as the political, economic, social, and cultural context in which the violations were committed" (Matarollo 135). The work of the Argentine Commission concludes with the publication of a book whose title was to become a rallying cry against human rights violations: *Nunca más* (Never Again).

The importance of the Truth Commissions for establishing the reality of the events related to the most serious violations is indisputable. However, the Inter-American Commission on Human Rights (IACHR) expressed that:

> the functions it carried out can not be considered to be an appropriate substitute for the judicial process. Neither does it replace the State's obligation to investigate the violations which were committed within the scope of its jurisdiction, as well as to identify those responsible, impose sanctions, and assure the victim appropriate reparation.[3]

With the contributions of the Sábato Commission, a series of criminal cases were initiated against the former military commanders, among them case number 13/84, known as the "*Juicio a las Juntas*" (Trial of the Juntas). Nevertheless, in the years that followed Laws 23.492, Full Stop, and 23.521, Due Obedience, clearly marked the beginning of the impunity process. The first law ordered the termination of penal action with respect to any person who participated in human rights violations during the period of State terrorism if such person had not been ordered to make a declaration within sixty days of the law's enactment. The Law of Due Obedience prohibited charging officials for having acted "in a state of coercion under the subordination of superior authority and in fulfillment of orders, without power or possibility of scrutiny, opposition, or resistance to such orders in terms of opportunity or legitimacy" (art. 1). However, Article 2 excludes the following crimes: rape, kidnapping of minors or changing their civil status, and extensive appropriation of property.

This process was completed in 1989 and 1990 with presidential decrees of pardon which was used as a justification to the need for national pacification. While this objective cannot reasonably be denied, the achievement of true national reconciliation requires at the very least some act of contrition on the part of those responsible for the crimes committed, as well as some gesture on the part of society and the State in recognition of the victims (Méndez 2004, 536). In the words of the IACHR judge, Sergio García Ramírez, these ordinances would cover up "the most severe human rights violations, violations that constitute utter disregard for the dignity of the human being and are repugnant to the conscience of humanity."[4]

The Argentine experience is a clear example of the fact that the concern over human rights violations is always present in society, and that attempts at reconciliation must go beyond simple government

declarations. Méndez reminds us that "this recurring fear in society obligates our institutions, sooner or later, to confront the problem" (2004, 519).

An Analysis of the International Experience: The Right to Truth

The right to truth can be considered a part of the broader right to justice due to victims of crimes against humanity. Therefore, the State's obligations that arise from these crimes are not limited to the duty to investigate and examine the harm done; the State is also obligated to make the truth known in an irrefutable way, prosecuting and punishing the guilty. Moreover it must also remove from the security forces anyone known to have committed, ordered, or tolerated such abuses (Méndez 2004, 526). The right to truth constitutes the immediate objective of the penal process; the public interest demands that the truth be established in the courts, for it is the means of achieving justice (Oliveira and Guembe 553).

The international instruments of human rights and the agencies created for their promotion and protection, established that both the Full Stop and Due Obedience laws as well as the decrees of pardon were incompatible with the American Convention on Human Rights; they were deemed to be in violation of judicial guarantees (Article 8) and the right to judicial protection (Article 25) in light of the States' obligation to guarantee the free and full exercise of recognized rights (Article 1.1). The reasons for such violations were clear:

> The effect of the passage of the laws and the Decree was to cancel all proceedings pending against those responsible for past human rights violations. These measures closed off any judicial possibility of continuing the criminal trials intended to establish the denounced crimes; to identify their authors, accomplices and accessories after the fact, and to impose the corresponding punishments. The petitioners, relatives or those injured by the human rights violations have been denied their right to a recourse, to a thorough and impartial judicial investigation to ascertain the facts.[5]

From its earliest jurisprudential decisions, the IACHR took on the most serious human rights violations, among them the forced disappearances of persons. Two cases have been particularly relevant in the process of re-examining the impunity laws in the Argentine scenario because the Court made a clear statement about the State's role in the defense of human rights. The first was the Velazquez Rodríguez case, in which the Inter-American judges declared that Honduras had violated its obligations to respect and ensure the right to personal liberty, the right to humane treatment, and the right to life.

In this case, the Court ruled that, because it had to do with crimes against humanity, the disappearances obligated the State to investigate, prosecute, and punish those responsible among its agents, and to reveal to the victims' families and to society at large everything that could be established regarding the fate and whereabouts of the victims. This decision is of enormous importance, considering the grave human rights violations that have been committed in our region, from which we continue to suffer. Therefore, with excellent clarity, the tribunal explained that:

> The State has a legal duty to take reasonable steps to prevent human rights violations and to use the means at its disposal to carry out a serious investigation of violations committed within its jurisdiction, to identify those responsible, to impose the appropriate punishment and to ensure the victim adequate compensation.[6]

In the second case, the Barrios Altos ruling, the IACHR analyzed two Peruvian amnesty laws which exempted from responsibility state officials implicated in human rights violations, determining that the laws were in violation of the American Convention on Human Rights. The court sustained that amnesty decrees, which could impede the investigation and punishment of those responsible for serious violations of human rights, were inadmissible for they contradicted the Convention. The Court explained:

> they are intended to prevent the investigation and punishment of those responsible for serious human rights violations such as torture, extrajudicial, summary or arbitrary execution and forced disappearance, all of them prohibited because they violate non-derogable rights recognized by international human rights law. [. . .] Owing to the manifest incompatibility of self-amnesty laws and the American Convention on Human Rights, the said laws lack legal effect and may not continue to obstruct the investigation of the grounds on which this case is based or the identification and punishment of those responsible.[7]

Judge Augusto Cançado Trindade, in his consideration of the Almonacid case, continued to develop the reasons for the inadmissibility of amnesty laws:

> Ultimately, self-amnesties violate the right to know the truth and the right to justice. They callously disregard the terrible suffering of the victims and hinder the right to appropriate reparations. Their vicious effects, in my view, permeate the whole social body, with the ensuing loss of faith in human justice and true values and a perverse distortion of the purpose of the State. Originally created to serve the

> common good, the State becomes an entity that exterminates members of certain sectors of the population (the most precious constituent element of the State itself, its human substratum) with total impunity. From an entity designed to serve the common good, it becomes an entity responsible for truly criminal practices, undeniable State crimes. [8]

In the face of various individual denunciations regarding human rights abuses, the United Nations' Committee on Human Rights did not rule on the Full Stop and Due Obedience laws, because it was not within the scope of its competence to investigate events that had occurred before the enactment of the International Covenant on Civil and Political Rights in Argentina.[9] However, in the commentaries about the reports presented by Argentina, the Committee referred to these laws, concluding that they are incompatible with the Covenant, if they contribute to a climate of impunity for these violations:

> The Committee is concerned that amnesties and pardons have impeded investigations into allegations of crimes committed by the armed forces and agents of national security services and have been applied even in cases where there exists significant evidence of such gross human rights violations as unlawful disappearances and detention of persons, including children. The Committee expresses concern that pardons and general amnesties may promote an atmosphere of impunity for perpetrators of human rights violations belonging to the security forces. The Committee voices its position that respect for human rights may be weakened by impunity for perpetrators of human rights violations.[10]

This agency reiterated its position that States cannot use amnesty laws to exempt public officials from responsibility when they have committed violations of the rights included in the Covenant.[11]

The Evolution of Argentine Jurisprudence

The confirmation of the presidential pardons by the Argentine Supreme Court of Justice occurred with the resolution of the Aquino case,[12] reiterating arguments previously used with regards to the rectitude of the pardons. The impunity laws were justified with narratives that pointed to the nation's pacification. The crimes of appropriation of children and the suppression of their identity did not fall under the exemption offered by the Due Obedience law. In this context, the Supreme Court had to resolve diverse cases related to this human rights violation. In the Videla case,[13] the Court confirmed the sentence pursuant to those imputed for these crimes, remarking that there is no violation of the *non bis in idem* (double jeopardy) principle because in the Trial of the Juntas, the

accused had not been absolved of the particular appropriations pursuant to this case. Since there had been no generic absolution, the current case did not violate the constitutional guarantee to not be judged twice for the same act.

In the Arancibia Clavel case the supreme tribunal decided that participation in an illicit association with the objective of committing human rights violations, specifically, pursuing Pinochet's political opposition in Argentina, disguises the category of crimes against humanity, and these are imprescriptable crimes of international law.[14] This brings up the international responsibility of the Argentine State to resolve the question of imprescriptibility. In order to do this, an examination of a large number of normative sources was carried out to determine the precedents for future decisions of the Court. The following Conventions were invoked for this purpose: the *Convention on the Prevention and Punishment of the Crime of Genocide*; the *Inter-American Convention on Forced Disappearance of Persons*; the *Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity*; the *United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*; the *American Convention on Human Rights*; the *International Covenant on Civil and Political Rights*; the *Rome Statute of the International Criminal Court*; the *Charter of the Nuremberg Tribunal*; the *Universal Declaration of Human Rights*; the Inter-American Court of Human Rights judgments in the cases of Velásquez Rodríguez and Barrios Altos; and the jurisprudence of the International Criminal Tribunal for Rwanda.

In 1998 the Full Stop and Due Obedience laws were repealed with the adoption of law 24.592. However, it was not until August 2003 that both were declared irremediably null and void with law 25.779. Previously, in March 2001, Judge Gabriel Cavallo declared these laws null and unconstitutional, in a case against Julio Héctor Simón and Juan Antonio del Cerro because they contradicted the American Convention on Human Rigths and other international instruments for the protection of human rights:

> The obligation to prosecute and penalize the perpetrators of crimes against humanity and serious violations of human rights arises in our country from the commitments assumed upon integrating the international community of Nations. This obligation has diverse sources; on one hand, those derived from general international law and, on the other, those agreed upon in international pacts: [. . .] The possibility for the victims to gain access to justice so that crimes committed by members of the armed forces or State security can be investigated, is shattered by the ordinance of laws 23.492 and 23.521. In this sense, the possibility for an impartial, independent tribunal to hear a case of human rights violations is suppressed, which means that said laws are unlawful according to the American Convention on Human Rights.[15]

Juan Méndez explains that the right to truth regarding massive and systematic violations of the past is an integral part of freedom of expression, and that in all the international instruments it is related as a right to information in the possession of the State.[16] Following this reasoning, the Court recognized Facundo Urteaga's right to interpose an action of *habeas data* in order to obtain the information contained in public records and databases that would allow him to establish his brother's death.[17] In the seach for truth it is necessary to highlight the importance of opening public records because "they are a fundamental source in the search for truth, the construction of memory, and the achievement of justice [. . .] In pursuit of memory and the transmission of experience to future generations, documents have an undeniable historic value as society's cultural patrimony."[18]

The counterpart of the right to truth is the "duty to remember" on the part of the State, because:

> a people's knowledge of the history of its oppression is part of its heritage and, as such, must be preserved by appropriate measures in fulfilment of the State's duty to remember. Such measures shall be aimed at preserving the collective memory from extinction and, in particular, at guarding against the development of revisionist and negationist arguments.[19]

However, a few days earlier, in a case brought by Carmen Lapacó, the same tribunal established that one could not solicit information about the events surrounding disappearances within the context of a criminal process, because "to take the steps being requested would entail a reopening of the proceedings and the consequent introduction of legal action against persons who were acquitted in final judgment for the conduct that is the subject of this case."[20] This case, like many others, counted on the support of the *Centro de Estudios Legales y Sociales* (Center for Legal and Social Studies [CELS]), which, along with other human rights agencies, fulfills an important role in the struggle against impunity. The CELS explains that "these cases sought not only the truth, but also to demand that the State recognize in open debate the methods and responsibilities of State terrorism and that it would intervene protecting rights" (225).

Because of the rejection of the claim submitted by Carmen Lapacó, a case was brought before the IACHR, which culminated in a friendly settlement in which the Argentine State recognized the right to truth: "The Argentine Government accepts and guarantees the right to the truth, which involves the exhaustion of all means to obtain information on the whereabouts of disappeared persons. It is an obligation of means, not of results, which is valid as long as the results are not achieved, not subject to prescription."[21]

In the cases that were brought forth under the auspices of the CELS, the right to mourn was invoked as an integral part of the right to truth.

The recuperation of the body or the knowledge of its location was deemed to be essential for mourning. As Alicia Oliveira and María José Guembe explain, "during the dictatorship this knowledge was denied [to families]. It was a mechanism that was thought out and used to paralyze with fear; this is what State terrorism was based on. Neither life nor death existed; only emptiness was there to declare itself" (550).

Finally, on June 14, 2005, the Court declared the unconstitutionality of the Full Stop and Due Obedience laws in the Simón case, a decision with only one vote against, that of Dr. Fayt. Drawing from the jurisprudential evolution of the human rights system's supervisory organs, the Court declared:

> While it is certain that Article 75, sec. 20 of the National Constitution maintains the authority of the Legislative Power to decree general amnesty, this capacity has suffered important limitations in terms of its reach. In principle, laws of amnesty have been used historically as instruments of social pacification, with the declared objective of resolving the conflicts that remain after the end of armed civil struggles. In an analogous direction, laws 23.492 and 23.521 were intended to leave in the past the conflicts between "civilians and the military." However, to the extent that they, like all amnesties, are oriented toward the "forgetting" of grave human rights violations, they are in opposition to the ordinances of the American Convention on Human Rights and the International Covenant of Civil and Political Rights and are, therefore, constitutionally intolerable.[22]

In their respective votes the judges showed an appreciation for the international development of human rights law, citing diverse decisions that must necessarily be respected at the domestic level. Interpreting the doctrine of the IACHR in the Barrios Altos ruling, the Court expressed that:

> [For] the purpose of fulfilling the international treatises on human rights, the suppression of the Full Stop and Due Obedience laws cannot be postponed and must be carried out in such a way that no normative obstacle to the prosecution of events like those that constitute the object of the present case may be derived from such laws. This means that those who benefited from such laws cannot invoke the prohibition of the retroactivity of the most serious penal law or the principle of *res judicata*. Thus, in accordance with what has been established by the Inter-American Court in the cases cited, such principles cannot become an impediment in the annulment of the aforementioned laws, either for the prosecution of cases that were closed because of these laws, or for that of any other case that may have been opened and never finalized. In other words, the subjection of the Argentine State to the Inter-American jurisdiction impedes the invocation of the principle of "irretroactivity" of the

> penal law in order to disregard the duties assumed in relation to the prosecution of grave human rights violations.[23]

In 2007, the Supreme Court expressed the unconstitutionality of the Presidential Decree of Pardon No. 1.002, of October 7, 1989, and ordered to leave without effect the totality of acts and resolutions dictated as a consequence of that decree. The tribunal took into consideration international human rights law and its own judgments, affirming that:

> it corresponds to this Court to declare the constitutional impossibility of pardoning perpetrators and participants of such crimes, given that such an act of the government entails the indivisible renunciation of truth, investigation, proving of the acts, identification of their perpetrators, and breaking up the effective means and resources for avoiding impunity.[24]

Conclusions

The unfortunate experience lived by our country during the last military dictatorship not only signifies the rupture with democratic life, but also that we have gone through a macabre period in which human dignity did not matter and basic human rights were disregarded.

I agree with Juan Méndez when he notes that societies punish aberrant events that violate human rights because they recognize the intrinsic value of the victims, especially because these victims are often found in the most vulnerable and defenseless sectors of our societies. A democratic society imposes upon itself the duty to punish these crimes in order to emphasize the importance of norms that prohibit torture, forced disappearance, sexual violation, and extrajudicial execution (Méndez 2001, 313).

With the advent of the democratic regime come advances of great importance in the consolidation of respect for, and guarantee of, human rights. This was signified by the ratification of international instruments, the development of research done by CONADEP, and the promotion of the trials of those responsible for these crimes. However, citing the goal of national reconciliation, the overcoming of difference, and the consolidation of the democratic regime, the Argentine State sanctioned the laws of Due Obedience and Full Stop that closed off the possibility of legally prosecuting those responsible for such violations. Later, by means of various presidential pardons, those who had been found guilty or were under investigation by the justice system were given their freedom.

Gradually, a process is beginning for opening new cases (or reopening old ones) of violations committed during the last dictatorship. The Supreme Court has noted this increase in penal cases and recognizes the difficulties for carrying them out; therefore, it has decided to create a

Department for Assistance and Monitoring in order to respond to the situations that present themselves in the processing of penal cases.[25]

It is imperative to recognize the work of national and international organizations in defense of human rights, in the struggle against impunity. Their activities promoting human rights, introducing judicial actions, and, in their capacity as *amicus curiae* or "friend of the court," creating reports of cases being processed, have contributed to changes in jurisprudence and national legislation. The development of International Human Rights Law made possible the clarification of doubts about the illegality of these types of decisions. Therefore, the work of the IACHR has been vitally important in that it has allowed our highest court to change its doctrine. A member of the Inter-American Court, Judge Augusto Cançado Trindade, summarized these arguments as follows: "forgiveness cannot be imposed by a decree law or otherwise; instead, it can only be granted spontaneously by the victims themselves. And, in order to do so, they have sought justice."[26] The arguments wielded by those responsible for the most serious violations of rights constitute vain attempts to suppress the domestic application of international agreements, alleging reactionary ideas, such as the artificial concern over national sovereignty.

The gradual development of human rights law brings as a necessary consequence the correlative harmonization of national legislations with this supranational order. Remembering the first and second Articles of the Pact of San Jose, Costa Rica, the States commit to respect and guarantee human rights, adopting the necessary measures to affect such rights. Their inobservance compromises the international responsibility of the States.

This duty falls to all public jurisdictions and specifically to the Judiciary. But it does not propose a merely formal response because the truth demanded by society is "that which allows the construction of memory; the memory as the only possibility for rearticulating something that does not imply the reconstruction of archaeological ruins, memory as pure past" (Oliveira and Guembe 546). The right to truth is a clear example of the progressive development of human rights. The recognition of this right by Supreme Court of Justice is linked to the integration of internal law with the agreements and decisions of international agencies, in the application of the *pro homine* principle. Beyond being a personal right, the right to truth is also a collective right, a prerogative of all of society, so that the atrocities of the past cannot be committed again. Nunca más.

Notes

1. IACHR, The Effect of Reservations on the Entry into Force of the American Convention on Human Rights (Arts. 74 and 75). Advisory Opinion OC-2/82 of September 24, 1982. Series A No. 2, par. 29.

2. For the comissions in Uruguay and Chile, see "La experiencia del Cono Sur en materia de comisiones de la verdad" by Felipe Michelini in *Verdad y Justicia: Homenaje a Emilio Mignone*.
3. IACHR, Report 1/99, Case 10.480 Lucio Parada Cea, Héctor Joaquín Miranda Marroquín, Fausto García Funes, Andrés Hernández Carpio, Jose Catalina Meléndez, and Carlos Antonio Martínez, El Salvador. Decision of January 27, 1999, par. 146.
4. IACHR, Case of Barrios Altos v. Peru. Merits. Judgment of March 14, 2001. Series C No. 75, par. 11.
5. IACHR, Report No. 28/92, Cases 10.147, 10.181, 10.240, 10.262, 10.309 and 10.311, Argentina. Decision of October 2, 1992, par. 32. Regarding Uruguay see Report 29/92; for Chile see Report 36/96.
6. IACHR, Case of Velásquez-Rodríguez v. Honduras. Merits. Judgment of July 29, 1988. Series C No. 4, par. 174.
7. IACHR, Barrios Altos, see note 4, par. 41, 44.
8. IACHR, Case of Almonacid-Arellano et al. v. Chile. Preliminary Objections, Merits, Reparations and Costs. Judgment of September 26, 2006. Series C No. 154, Opinion Judge Cançado-Trindade, par. 21.
9. Human Rights Committee, Communication No. 275/1988, S.E. v. Argentina, declared inadmissible on March 26, 1990. U.N. Doc. CCPR/C/38/D/275/1988, par. 5.3.
10. Human Rights Committee, Comments on Argentina. U.N. Doc. CCPR/C/79/Add.46 (1995), par. 10.
11. Human Rights Committee, General Comments No. 31, The Nature of the General Legal Obligation Imponed on States Parties to the Covenant. Adopted on March 29 2004. U.N. Doc. CCPR/C/21/Rev.1/Add.13.
12. Argentina, Supreme Court of Justice, "Aquino, Mercedes." Judgment of October 14, 1992.
13. Argentina, Supreme Court of Justice, "Videla, Jorge Rafael on incidental plea for lack of jurisdiction." Judgment of August 21, 2003.
14. Argentina, Supreme Court of Justice, "Arancibia Clavel, Enrique on first-degree homicide, illicit association and others." Judgment of August 24, 2004.
15. Argentina, National Court No. 4 for Criminal and Correctional Matters, "Simón, Julio and Del Cerro, Juan Antonio on kidnapping of children." Judgment of March 6, 2001.
16. See Article 13.1, American Convention on Human Rights; Article 19.2, International Covenant on Civil and Political Rights (Méndez 2004, 524).
17. Argentina, Supreme Court of Justice, "Urteaga, Facundo Raúl vs. The Argentine State-Joint Chiefs of Staff of the Armed Forces on Law 16.986." Judgment of October 15, 1998.
18. Centro de Estudios Legales y Sociales (CELS), "Recuperar los archivos para ayudar a construir la verdad." Programa Memoria y lucha contra la Impunidad. Available at: www.cels.org.ar/common/documentos/recuperar_archivos.pdf.
19. Commission on Human Rights, *The Administration of Justice and the Human Rights of Detainees*, "Question of the impunity of perpetrators of human rights violations (civil and political)." October 2, 1997, U.N. Doc. E/CN.4/Sub.2/1997/20/Rev.1, Annex II, Principle II.
20. Argentina, Supreme Court of Justice, "Suárez Mason, Carlos Guillermo on aggravated homicide, illegal deprivation of freedom, etc." Judgment of September 29, 1998.
21. IACHR, Report No. 21/00, Case 12.059, Carmen Aguiar de Lapacó. Argentina. Decision of February 29, 2000, par. 17.1.
22. Argentina, Supreme Court of Justice, "Simón, Julio Héctor and others with reference to the illegal deprivation of freedom, etc." Case No. 17.768. Judgment of June 14, 2005. Opinion Judge Petracchi, par. 16.
23. Ibid., par. 31.

24. Argentina, Supreme Court of Justice, "Mazzeo, Julio Lilo and others on appeal in cassation and motion of unconstitutionality." Judgment of July 13, 2007, par. 29.
25. Argentina, Supreme Court of Justice, Resolution No. 14/2007, July, 11 2007. Available at www.csjn.gov.ar/
26. IACHR, Case of Almonacid-Arellano et al. v. Chile, (see note 8), Opinion Judge Cançado-Trindade, par. 4.

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