

Courtrooms and Legacies of Violence

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In 2010 in the city of La Plata, Argentina, a trial of 14 members of Argentina's 1976–1983 military regime culminated in violence. Victims and activists from all over Argentina attended the verdict, and as was customary in this trial, proceedings took place in a large theater, with judges, attorneys, and defendants sitting on the stage; victims and their supporters sitting level with the stage in the orchestra seating; and defendants' family members and friends sitting separately and directly above everyone, in the second-floor balcony.

This use of space, designed to accommodate big crowds and give importance to the proceedings, contributed to the chaos that ensued after the judges' announcement of the verdict, in which the tribunal convicted all 14 defendants and labeled their actions as genocide. Following this pronouncement, one of the convicted operatives immediately sprang out of his seat and defied the conviction by flamboyantly waving his hands in the sign of victory. Straightaway, as the guards subdued and forced the operative offstage, the victims and activists seated in the orchestra turned on the balcony of defendants' supporters. Pumping their fists and shouting, the victims and activists likened the defendants' families and friends to Nazis and told them that they'd be found wherever they went. Many in the balcony screamed back, "Go look for the disappeareds' bones in the potter's field." A few men in the balcony began to punch members of the press who shared their space. Others threw objects into the orchestra. The judges and other attorneys and guards sat silently on stage through this, letting the hostilities rage on.

Across Argentina, trial proceedings prosecuting the repression carried out by the dismantled junta are as highly charged as this verdict in La Plata. Tensions

between the junta's collaborators and those the junta once persecuted flare into new hostilities within courtrooms. In this essay, based on three years of ongoing ethnographic research on Argentina's human rights violation cases, I draw attention to how the contentious, acrimonious situations that victims, court officials, and former operatives confront within courtrooms are part of Argentina's legal adjudication of crimes against humanity. It is the human context of the trials, the gritty interpersonal dimension of what transpires within trial chambers, that most concerns me here. I ask that we pause and consider how life within courtrooms in Argentina shows how subtly violent juridical efforts to overcome past violence can be.

Many former detainees, kin of the disappeared, and human rights activists took great interest in regularly attending trials. Some likened their attendance to an addiction; others described it as a political and social commitment. Within courtrooms, victims and other activists frequently confronted accused defendants with pictures of the disappeared, cursed the defendants, or jeered when the accused officers and civilians blew kisses to their loved ones. For many victims and kin of the disappeared, the hurt at being persecuted and battered for no real, tangible reason and the open wounds of not knowing what happened to the disappeared are ongoing and unresolvable, despite criminal prosecutions of the perpetrators.

Many of the accused former soldiers and civilians, meanwhile, seethed in the presence of those who leveled accusations against them. They continued to regard the people the junta once persecuted as the enemy. An officer charged with infiltrating groups and kidnapping mothers of

disappeared children accused the surviving mothers who came to court of profiting from their suffering. He did this when judges were engrossed in work, by pointing at the white handkerchiefs the mothers wore, and then laughing and rubbing his hands in the sign for dirty money. A different indicted officer caught sight of the woman who had accused him of rape and called her a fat bitch, before pointing her out to the other accused defendants, who fixedly stared at her and smirked.

Exchanges between those once persecuted and those accused of violations also occurred more passively, but no less adversely. Seeing abusers in court and hearing attorneys narrate what had happened to other victims was enough to unsettle those who had already suffered. Observing court officials handcuff the man who had abducted her, a woman, Carmen, who had been detained along with her daughter and had survived while her daughter did not, suddenly felt villainous. "I am the bad one now," she said. "In a movie the military officers would be the good guys. I would be the villain." Moments later, when a prosecutor began describing cases of rape, Carmen became anguished. "My daughter was pretty," Carmen said. "God only knows what they did to her."

Within courtrooms, many human rights activists and individuals once persecuted by the junta also became aggressors toward attorneys representing indicted soldiers and civilians. An estimated 70 percent of the 407 soldiers and civilians who have stood trial have received legal representation from state public defenders, attorneys in their thirties or forties who may or may not share their clients' beliefs but either accepted the assignments because they work for tribunals assigned human rights violation cases, or else volunteered and

were promised promotions and modest salary raises due to the unpalatable nature of the cases. Many victims and activists accepted the public defenders' work as indispensable—since achieving justice requires genuine defenses—and were consistently polite to these public defenders, at least until these state lawyers' defenses took the side of the accused. A public defender who used her closing argument to depict her army clients as victims, as people waging a justified war, was deliberately bumped up against in courtroom hallways by plaintiffs' attorneys, ostracized and rebuffed within the courthouse by victims and activists, and denounced in print and television interviews as a sympathizer to repression. The state public defenders' ministry ultimately fired this publicly vilified defense attorney from all future human rights violation cases, as both a reprimand and a way to protect her. The fact that many victims had been persecuted for their own beliefs and that many activists were sympathetic to those who have suffered intolerance didn't mean that victims and activists accepted and tolerated those who disagreed with them.

In all trials, hostilities coexisted with efforts to diminish tensions, whereby judges checked in on the well-being of audience members, defendants, and attorneys; judicial authorities created separate entrance and exit routes for defendants' supporters; and children of the disappeared staged celebrations outside courthouses on the days of verdicts. In these kindnesses and convivialities, the grind of proceedings gave way to reprieves—not only from the interpersonal tensions, but also from the toil of trials: sessions that began as early as 8 a.m. and ended as late as 11 p.m.; depositions from victims that left even judges and defense attorneys in tears; and the closing arguments, fuguelike and lasting

months, in which state prosecutors and distinct teams of private attorneys took turns one after the other and reiterated descriptions of each incident of human rights violations anew, often illustrating their presentations with pictures of the cracked walls of torture centers or pictures of the disappeared, so that judges and defendants could know and feel, as approximately as they could, what it is to be a victim.

Trials of human rights violations have thus far produced hundreds of convictions and a handful of acquittals. They have generated an archive, the case report of each tribunal, accessible online. They have also created an industry of new occupations: prosecutors specializing in human rights violations, psychologists who counsel victims who testify and accompany them to the stand, camera operators who videotape daily sessions. Day after day, the weight of trial sessions accumulates in the bodies of the judges, attorneys, audience members, and defendants, making the courtroom itself an arena of a conflict that has yet to be extinguished. For me, attending criminal proceedings all over Argentina and sitting in on sessions in the public galleries has been an experience of seeing how much anguish and anger the junta has left in its wake. Many courtroom cases, in attempting to overcome past violence, have been deeply and profoundly violent, often excruciating to those who attend and participate in them. Attending trials thus produced in me a new commitment to the idea of *nunca más*, no more repressive regimes. To spare human beings the distress of living through trials of human rights violations as highly charged as Argentina's is a reason to work to prevent future repression.

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