

RESEARCH NOTE

Preservation and Accessibility of the Audiovisual Document of the Trial of the Argentine Military Junta

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Abstract

This research note outlines the current state of preservation and accessibility of an audiovisual document that contains complete video footage of the Trial of the Argentine Military Junta, whose verdict in 1985 found the accused guilty of crimes against humanity perpetrated during the last military dictatorship in Argentina (1976–1983). The project of digitization is the result of a joint effort by the University of Salamanca, the Argentine human rights organization Memoria Abierta, and the judges involved in the case, with the support of the Argentine Cámara Nacional de Apelaciones en lo Criminal y Correccional Federal. Its two main objectives are to preserve and provide open access to the audiovisual document. To date only digitized preservation has been attained, a nonetheless remarkable achievement. Despite legislation dates enforcing the protection of the parties involved in the trial, and the absence of legal constraints, open access to the document has not been obtained.

Keywords: Historic Document; Preservation and Accessibility; Heritage Repository; Human Rights; Trial of the Argentine Military Junta

Resumen

Esta investigación tiene como objetivo presentar el estado actual de preservación y accesibilidad del documento audiovisual que registró el Juicio a las Juntas Militares Argentinas, parte esencial de la Historia de los Derechos Humanos en América Latina. El documento audiovisual fue digitalizado en 2012 y contiene la video grabación completa del Juicio a las Juntas Militares Argentinas, en cuyo veredicto de 1985 los acusados fueron declarados culpables de los crímenes de lesa humanidad perpetrados durante la última dictadura militar en Argentina (1976–1983). El proyecto de digitalización es el resultado de un esfuerzo conjunto entre la Universidad de Salamanca, Memoria Abierta (Organización Argentina de Derechos Humanos) y los jueces involucrados en el caso con el apoyo de la Cámara Nacional de Apelaciones en lo Criminal y Correccional Federal de Argentina, con dos objetivos principales: la preservación y el acceso abierto del documento. Hasta la fecha sólo se ha logrado la preservación tras la digitalización del documento, aunque es un logro notable resulta insuficiente. Teniendo en cuenta las fechas del documento se cumple con la protección de las partes involucradas en el juicio y por tanto la ausencia de restricciones legales. Tampoco existen restricciones técnicas, aun así, no es posible la consulta o el Acceso Abierto al documento desde la web, lo que ampliaría la difusión de este documento de video digitalizado de un periodo histórico de Argentina, hoy por hoy únicamente consultable in situ.

Palabras clave: Documento Histórico; Preservación y Accesibilidad; Repositorio Patrimonial; Derechos Humanos; Juicio a la Junta Militar Argentina

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Access to justice (AtoJ) is achieved through the preservation, curation, and dissemination of information. In this way, the right to access to knowledge and information is conducive to the right to access to justice. Access to the footage of the Nuremberg Argentino, as it would be known, would undoubtedly strengthen support for human rights worldwide. Moreover, the complete digitized version of the sentence of this trial can be retrieved from many websites, proving the high level of interest in this particular subject. In this article I will discuss the current situation of the audiovisual document of the aforementioned trial. I propose the use of digital repositories for preservation of and access to this type of document.

A brief history of the audiovisual document

The Trial of the Argentine Military Junta, or Trial of the Commanders, took place in Buenos Aires, Argentina, from April to September 1985.¹ The testimonies of more than seven hundred witnesses, the commanders' defense lawyers, and the declaration statements of the accused and former heads of the armed forces were all recorded by two state-of-the-art U-Matic video cameras over the course of 530 hours. The expected lifespan of the footage was no less than twenty-five years.

Once the trial ended, a few video clips (with no audio) were broadcast on the TV news. All of the judges participating in the trials secretly traveled to Norway for safety reasons to avoid escalating an already tense atmosphere caused by threats from the armed forces (the *Carapintadas* uprising, for example). The judges involved took one copy of the videotapes and secured it inside the vault located in the basement of the Parliament building in Oslo. These recordings were kept safe, lying next to the original texts of the 1811 Norwegian Constitution (*Página/12*, 2000), and were rediscovered one year shy of their supposed expiration date. In 2009, the research team started to gather all documents required to begin the processes of preservation and dissemination.²

The judges and prosecuting members of the court were Ricardo Gil Lavedra, Jorge Valerga Aráoz, Carlos Arslanian, Jorge Torlasco, Guillermo Ledesma, and Andrés D'Alesio, all of whom had participated in the 1985 Trial of the Military Junta. All of them supported the need to preserve the audiovisual recordings of the trial, so they could be made available to future generations. This was the start of a productive collaboration leading to the digitization of the complete recordings of what would become known as the Nuremberg Argentino, a trial whose relevance would spread far beyond the borders of Latin America.

¹ "The National Reorganization Process (Spanish: Proceso de Reorganización Nacional, often simply *El Proceso*, 'the Process') was the name used by its leaders for the military dictatorship that ruled Argentina from 1976 to 1983. In Argentina it is often known simply as *última junta militar* ('last Military Junta'), *última dictadura militar* ('last military dictatorship') or *última dictadura cívico-militar* ('last civil-military dictatorship'), because there have been several in the country's history." Wikipedia, s.v. "National Reorganization Process," 2020, https://en.wikipedia.org/wiki/National_Reorganization_Process#cite_note-FOOTNOTEGalasso2011467%E2%80%933504vol._II-1.

² Within the framework of a research project on the transition to democracy in Argentina, Professor Guillermo Mira Delli-Zotti of the University of Salamanca asked Ricardo Gil Lavedra, former minister of justice and former judge of the Federal Chamber, what had happened to those recordings. The magistrate replied that they were deteriorating in the judicial archive because of the inaction of those responsible for their conservation. As a result of the friendship and trust between Gil Lavedra and Ignacio Berdugo Gómez de la Torre, professor of criminal law and former rector of the University of Salamanca, and after various meetings with university authorities, Mira Delli-Zotti, along with the former vice-rector of internationalization of the University of Salamanca, María de los Ángeles Serrano García, expressed to Gil Lavedra the possibility of the digitalization of the material by the university, thus avoiding the destruction of a document that is essential for the history of human rights in Latin America and for the world in general. The University of Salamanca, represented by its rector at that time, Daniel Hernández Ruipérez; the vice-rector for research, Serrano García; and Berdugo Gómez de la Torre, obtained funding for the technical material used to carry out the digitization from the organization Memoria Abierta.

A meeting with some of the participants of this historical event in the office of Ricardo Gil Lavedra in 2009 (Judge Andrés D'Alesio had died on April 6, 2009) was the first step. Among those present were the former judges Carlos Arslanian, Jorge Valerga Aráoz, Guillermo Torlasco (who died in 2016), Guillermo Ledesma, and the court prosecutor Julio César Strassera (who died in 2015). Professor Mira Delli-Zotti, representing the University of Salamanca, took all the necessary measures to preserve the material and managed to convince the members of the court and the prosecutor to agree to make the recordings publicly available. This material was stored in the building of the Cámara Nacional de Apelaciones en lo Criminal y Correccional Federal (Dirección: Av. Comodoro Py 2002, Buenos Aires).

The University of Salamanca and Memoria Abierta, an NGO that groups the leading human rights organizations working in Argentina, reached an agreement to be in charge of the digitizing of the tapes. The original U-Matic videotapes were transported from the Archivos Judiciales to the headquarters of Memoria Abierta within one year. Once there, they were converted into three master copies that contained 530 hours of recordings and were catalogued to facilitate viewing. "Owing to an agreement signed in 2011 between the Argentine Cámara Nacional de Apelaciones en lo Criminal y Correccional Federal (CFAC) and the University of Salamanca, Memoria Abierta agreed to digitize the 530 hours of footage. The full audiovisual document can be consulted at the Memoria Abierta headquarters in Buenos Aires and at the University of Salamanca in Spain" (Memoria Abierta 2015).

The three digitized copies were formally deposited at an online conference with the participation of Alberto Sileoni (former minister of education of Argentina), the researchers involved with this project from the University of Salamanca, and the member of Memoria Abierta responsible for the document digitization.

The first digital copy was released to the government of Argentina and deposited in the archives of the CFAC. The second copy was kept at Memoria Abierta, and the third was transferred to the University of Salamanca in August 2012, where it is part of Heritage Repository *Las Huellas del Cambio* (HRHC). This repository has created an open-access archiving and publishing space that also holds other valuable material concerning the fight for human rights in Latin America, including reports from truth commissions from different countries and from Amnesty International. They are all presently safeguarded at the University of Salamanca historical archives.

The National Archive of Memory of Argentina (Archivo Nacional de la Memoria, ANM) developed a guide for consulting audiovisual documents in 2018 (ANM 2018, 7). To date, Memoria Abierta's copy of the digitized document is the one sent from ANM for on-site consultation, because these institutions share headquarters. The provision that allows on-site consultation of the files of the National Archive of Memory is inspired by the UNESCO Memory of the World, as stated in the consultation protocol, whose fundamental objective is to "preserve the world documentary heritage and universal access to said heritage with the restrictions imposed by law" (ANM 2015, 2).

Additionally, one hundred hours of audio recordings are also stored at the historical archives of the University of Salamanca. They were obtained from firsthand witnesses of the military repression during the dictatorship in Argentina. These sources are invaluable to the history of Argentina and were collected by the lead researcher of a group studying contemporary history of Latin America at the University of Salamanca.

The sentence and all the trial legal information is found at the International Centre for Counter-Terrorism (ICCT) in The Hague as open access. The ICCT is an "independent think and do tank providing multidisciplinary policy advice and practical, solution-oriented implementation support on prevention and the rule of law, two vital pillars of effective counter-terrorism."³ The ICCT is supported by a unique partnership between three

³ The International Centre for Counter-Terrorism, <https://icct.nl/about/>.

renowned institutions based in The Hague: the T. M. C. Asser Instituut; Clingendael, the Netherlands Institute of International Relations; and the Institute of Security and Global Affairs at Leiden University.

Documents of the Trial of the Military Junta

The Trial of the Military Junta took place during the presidency of Raúl R. Alfonsín (1983–1989).⁴ The defendants were members of the de facto military government ruling Argentina during the dictatorship of the Process of National Reorganization (1976–1983). They were accused of severe and massive human rights violations. To understand the atmosphere that permeated the trial, the research work of Paula Speck (1987) is crucial: “On December 9, 1985, a civilian court in Argentina, the Cámara Federal de Apelaciones en lo Criminal, sentenced members of two previous military juntas to prison for human rights violations carried out by their subordinates. The prosecution accused nine generals and admirals of crimes ranging from aggravated homicide, torture, and illegal deprivation of liberty to falsification of public documents and cover-ups” (Speck 1987, 492).

Five days after its inauguration, on December 15, 1983, President Alfonsín signed Decree 158/83, which gave the green light for the legal proceedings against the nine military officers of the first three juntas that governed the country, from the coup on March 24, 1976, until the Falklands War in 1982: Jorge Rafael Videla, Orlando Ramón Agosti, Emilio Eduardo Massera, Roberto Eduardo Viola, Omar Graffigna, Armando Lambruschini, Leopoldo Fortunato Galtieri, Basilio Lami Dozo, and Jorge Anaya. This process has been known as Cause 13/84 ever since.⁵

The judges of the Cámara Nacional de Apelaciones en lo Criminal y Correccional Federal who decided on the verdict were Jorge Torlasco, Ricardo Gil Lavedra, León Carlos Arslanián, Jorge Valerga Araoz, Guillermo Ledesma, and Andrés J. D’Alessio. The prosecutor was Julio César Strassera, and the assistant prosecutor was Luis Gabriel Moreno Ocampo. The prosecution used the report *Nunca Más* (Argentina, Comisión Nacional sobre la Desaparición de Personas 1984) conceived by the Comisión Nacional sobre la Desaparición de Personas (CONADEP) as evidence of the crimes committed. The CONADEP investigation and the history of the *Nunca Más* report is discussed by Emilio Crenzel (2017).

The prosecution presented the most typical 700 cases. The majority of the testimonies heard were victims; nevertheless, ex-Presidents María Estela Martínez de Perón and Alejandro Lanusse, United States diplomat Patricia Derain, Peronist minister Italo Luder, and subordinate officers also testified. Some of the witnesses evidenced links between high-level officers and specific anti-subversive operations, but most testimonies referred to the extended, serious, and standardized character of the violations. In mid-August, the line of witnesses presented by the prosecution came to an end. The prosecution’s allegations took up the first half of September. The accused presented their cases during October. By no means denying the authenticity of the dirty war presented by the prosecution, the defendants’ lawyers questioned the legal significance of those facts. (Speck 1987, 502)

⁴ Instituto de Democracia y Derechos Humanos (IDEHPUCP), Cámara Nacional de Apelaciones en lo Criminal y Correccional Federal de la Capital Federal, Causa N° 13/84, “Causa originariamente instruida por el Consejo Supremo de las Fuerzas Armadas en cumplimiento del decreto 158\83 del Poder Ejecutivo Nacional”, sentencia del 9 de diciembre de 1985, http://idehpucp.pucp.edu.pe/images/boletin_ddhh/CASOS/ccc%20-%20causa%2013-9-12-85.pdf.

⁵ Argentina, Ministerio Público Fiscal, Sentencia del Juicio a los Comandantes (causa 13/84), <https://www.mpf.gov.ar/lesa/jurisprudencia/sentencia-del-juicio-a-los-comandantes-causa-1384/>; International Crimes Database, “Juicio a las Juntas Militares,” <http://www.internationalcrimesdatabase.org/Case/1118>.

The sentence was read on December 9, 1985; five were found guilty and four were acquitted of any crime. Videla and Massera were dismissed from office and sentenced to life in prison. Viola was sentenced to seventeen years, Lambruschini to eight, and Agosti to four years and six months in prison, and all were also dismissed from office. Graffigna, Galtieri, Lami Dozo, and Anaya were found innocent. The court considered that the Military Junta had developed an unlawful system of “subversion” that led to “a large number of crimes of illegal deprivation of liberty, the application of torture and homicide.” The trial had great international significance, particularly in countries that underwent similar types of dictatorships.

On December 29, 1990, President Carlos Menem signed Decree 2741/90 pardoning all five of the convicted. This decree, along with Alfonsín’s previous pardons in other cases of crimes against humanity, Punto Final (1986) and Obediencia Debida (1987), are known as the Impunity Law. In 2003, during the presidency of Néstor Kirchner, legal actions questioning the constitutionality of these pardons were initiated. The verdict came in 2010, in which the Supreme Court confirmed the annulment declared by the lower courts and ordered the convicted to carry out their sentences.

The Trial of the Military Junta was groundbreaking in the history of South American countries. It set a precedent for their respective transition processes, allowing for the prosecution of those involved in dictatorial governments. Building cases against the repressive military groups in neighboring Latin American countries was unimaginable, which shows how President Alfonsín was ahead of his time as far as human rights were concerned. Alfonsín had to endure the consequences of supporting these trials in the shape of major military uprisings. Eventually, other lower-ranking army and navy members were also prosecuted. These trials represented an important chapter in the recent history of the world, and they placed Argentina in a position of influence in the struggle for human rights.

The current situation of the Trial’s Audiovisual Document

Today it is mainly cultural heritage institutions that digitize and build digital collections of oral histories, audiovisual content, and documents found in private collections. They do so to mitigate risks of deterioration and to increase accessibility. These unique resources allow the voices of underrepresented groups to be heard, thus preserving both historical and social memories for future generations (Matusiak et al. 2017). Moreover, many of these special collections have been preserved at universities, given the reliability and sound infrastructures of their archives, and have increased in size with the work of researchers and donation of new documents. Generally, the donated primary sources are included in institutional repositories, but to achieve greater visibility for the trial’s documents, a heritage repository especially designed to endow this material is highly recommended. For the classification of digital repositories see Osuna Alarcón and Rodríguez Hernández (2018). The audiovisual document of the Trial of the Military Junta has been preserved in a digital copy thanks to the collaboration between the three organizations thirty years after the trial was conducted.

The right to consult such documents is stated in the Universal Declaration of Human Rights, article 30: “Nothing in this Declaration may be interpreted as implying for any State, group, or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein” (United Nations 2015, 62).

Access to justice (AtoJ) cannot be defined in simple terms: it is “much more than improving an individual’s access to courts, or guaranteeing legal representation. It must be defined in terms of ensuring that legal and judicial outcomes are just and equitable” (Kovacs 2015).

The triad of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights form the core of international human rights law. States ratifying the Covenants agree that they will abide by the rights enshrined in these treaties and work toward respecting, protecting, and fulfilling these obligations domestically through institutional mechanisms. Pursuant to the principle expressed in Article 26 of the Vienna Convention on the Law of Treaties, State parties are required to give effect to their obligations in good faith. (Kovacs 2015)

Access to justice is the preservation, restoration, and dissemination of the results thereof. The right to access legal documents or legal information in general completes the right of access to justice.

The digitized sentence can be found on several websites, which demonstrates the significant interest kindled by this information. Associations and private foundations promote many of the existing websites today. However, access is not available at the official website of the Argentine government, in spite of it being quoted there. The digitized footage of the trial adds to the written material in a remarkable way. The magnitude of the recorded scenes emphasizes the printed words of the legal documents.

The two alleged hurdles for open access to the audiovisual documents are both legal and technical in nature, but in this day and age they should not be considered obstacles at all. Online regulated access to digitized legal documents is widespread wherever there is an internet connection. Therefore, I dare to say that the open access problem is a political matter rather than a legal or technical issue. The conflicting rights are right to access information, image rights, and the right to know. These fundamental rights cannot compete with each other and they should be regulated within the framework of a heritage repository to avoid any sort of incompatibility between them.

Argentina to this day does not have a national archives law. For this, the regulations of the General Archive of the Nation are usually cited, which stipulate: “ARTICLE 16. For the purposes of this law ‘historical documents’ are considered to be: a. Those of any nature related to public affairs, issued by civil, military or ecclesiastical authorities, whether signed or not, originals, drafts or copies, as well as stamps, books and records and, in general, all those that have belonged to public or auxiliary offices of the State and are not less than thirty years old.”⁶ Argentine law stipulates that all audiovisual material generated in the public administration will be declared “*históricos*” thirty years after they were issued, which means they can be freely and publicly accessed.

The first step toward preserving this documentation was taken in 2011, when a collaboration agreement was signed by the University of Salamanca, the Cámara Nacional de Apelaciones en lo Criminal y Correccional Federal in Buenos Aires, and Memoria Abierta. The University of Salamanca received the digitized copy of the original recordings comprising 531 AVI files in 6.28 terabytes of data. Once the recordings were obtained, the archives services of the university proceeded to compile an inventory of the content as well as to make several backups. One copy is still kept at GREDOS, the Institutional Repository of the University, nevertheless, the material cannot be fully accessed in Open Access. Only a selection of the witnesses’ testimonies and some of the digitized video are currently available to the public at the GREDOS repository (*Diarium* 2013).

At present, two main problems prevent open access of these digitized documents. Since 2007, the UNESCO Memory of the World Register includes a series of documents related to the history of Argentina covering the same historical time period as the trial, but not the trial and its derivative documents. “In 2007, other documentary groups from the country

⁶ Argentina, Archivo General de la Nación, Ley 15930/61, http://www.oas.org/es/sla/ddi/docs/acceso_informacion_base_dc_leyes_pais_A_18.pdf (all translations by the author).

were incorporated, specifically those linked to the fight for Memory, Truth and Justice against State Terrorism between 1976 and 1983.”⁷

The registered documentation is the following:

The nomination Form was presented by Eduardo Luis Duhalde, President of the National Memory Archive, National Secretary of Human Rights, Ministry of Justice and Human Rights, Argentina, Date, March 3, 2006. Containing different elements proceeding from various sources. This inherited document is indispensable to reconstruct a specified historical period of time within a specific social context. Moreover, it is a key contribution to the specifications of events related to the enforced disappearances of persons and major human rights violations in Argentina, and closely related to similar events in Chile, Uruguay, Paraguay, Brazil, Bolivia, and Peru, as all have participated in the repression coordinated plan to repress, better known as the “Plan Cóndor.”⁸

The documents protected by the Memory of the World Register did not arrive until 1982, and the sentence was read in 1985. Within this context, the trial documents could have been protected the same way and considered world heritage. Thus, they would have been accessible and disseminated through the heritage repository and with all the licenses and guarantees of open access (Osuna Alarcón and Rodríguez Hernández 2018).

Access to the audiovisual digitalized document in Memoria Abierta

The audiovisual archive of the Trial of the Military Junta can be accessed in the headquarters of Memoria Abierta by anyone and also some videos through YouTube.⁹ According to the agreement signed by the Cámara Nacional de Apelaciones en lo Criminal y Correccional Federal, Memoria Abierta will offer this material for public consultation at its documentation center and on equal terms in which it grants access to other file collections. In the event that images are requested for reproduction and/or research, the interested party must obtain written consent from the Cámara and specify the exact fragments they are interested in and the intended use. Memoria Abierta will be responsible for preparing the material and the interested party will cover the incurred costs (Memoria Abierta 2015).

Access in GREDOS, the Institutional Repository of the University of Salamanca

There is a selection of videos of the Trial of the Military Junta publicly available in the GREDOS repository. The researcher interested in consulting the complete audiovisual document must request permission from the Archivo Histórico of the university. Only the testimonies of ten witnesses, a sample of what the case against the Military Junta was built on, have been made available to the public and placed in GREDOS, the university

⁷ Argentina, Archivo General de la Nación, “La Memoria del Mundo también está en el Archivo General de la Nación,” December 13, 2019, <https://www.argentina.gob.ar/noticias/la-memoria-del-mundo-tambien-esta-en-el-archivo-general-de-la-nacion>.

⁸ “Human Rights Documentary Heritage 1976–1983: Archives for Truth, Justice and Memory in the Struggle against State Terrorism,” UNESCO, Memory of the World Registry Ref N° 2006-40, http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/mow/nomination_forms/argentina_human_rights.pdf.

⁹ “Juicio a las Juntas Militares—30 años (1985–2015),” YouTube video, Memoria Abierta, 2014, <https://www.youtube.com/watch?v=vpJI0ZNdfjY>.

institutional repository. These videos can be found in the Archivo Audiovisual subsection of Archivo Institucional in GREDOS.¹⁰

Access to the Archivo General de la Nación, República Argentina

In Argentina, access regulations to the Archivo General de la Nación (AGN) are from 1961, 1979, and 1981. However, as many researchers have stressed, an update is urgently needed. These regulations can be found in Ley 15.930/61, available on the website of the AGN. There is no law or regulation that could legally prevent the accessibility of these documents. In Argentina, the law states that such type of documents should be declassified after thirty years, and currently the audiovisual document dates back thirty-five years. Workarounds to access these sorts of materials are normally provided by Argentine professionals (Favero and Pastoriza 2016), whose solutions have emerged out of the interest shown from different parties.

Another legal issue lies in the use of archived oral and visual sources, and the question that arises is how personal testimonies can be transformed into something available on a public platform. Moreover, these interviews were obtained during research studies and were not initially planned for this use. Therefore, for open and free consultation of these types of testimonies, the following two strategies are proposed: the development/establishment of a specific protocol, and obtaining authorization/consent from the interviewees permitting their testimonies to be publicly accessible.

Regarding the development of the protocol, this would consist of a sworn statement signed by the person using the interview, declaring the purpose of its use and agreeing that the material would only be employed in an academic context. All rights would be reserved to the intellectual property registry of the Archivo de la Palabra y la Imagen. The required user data would include name and last name, identification number, the name of the institution to which the applicant is associated, the interview to be consulted, the purpose of the research, and the description of the activity to be/being developed. The second strategy involves obtaining the authorization from the interviewees and would be done with the latter signing a permit consenting the interviews to be used, made accessible to researchers, quoted from, or published in any type of media (written, digital, or visual). When an interview is donated to the archive, its copyright is transferred. This implies the sole right to its reproduction and distribution, the preparation of derived works, its use in public functions (including the broadcasting of digital audio), public demonstrations, digitization, or publication on the internet, as well as all renewed procedures and extensions (Favero and Pastoriza 2016, 315).

Widespread hindrances in the access to historical records in Argentina has already been noted by historians: “The difficulties of access to archives and information on the history of security and confinement institutions are significant, but traveling along the path of research already in progress, we can see that these difficulties are quite similar and just as big as so many others found by historians doing research. It is convenient to tackle these possible obstacles with the same conviction as other colleagues did in order to have access to historical information in general” (Barreneche 2015, 21).

Access to official documents in Argentina: Legislation

The Constitution of the Argentine Nation (1994) guarantees the principle to publicly release the acts of its government and the right of access to public information in accordance with Articles 1, 33, 41, 42, and the Second Chapter, which establishes new rights and

¹⁰ Universidad de Salamanca, Repositorio Documental GREDOS, “Juicio a las Juntas Militares de Argentina,” <https://gredos.usal.es/jspui/handle/10366/120417>.

guarantees. Article 75, subsection 22 incorporates various international treaties with constitutional rank.¹¹

Act 27.275, Right of Access to Public Information (2016), aims to guarantee the right to access public information, encouraging citizen participation, and transparency of public management.¹² This regulation considers the possibility of researching, accessing, demanding, receiving, copying, analyzing, reproducing, reusing, and distributing the information freely guarded by the competent authorities, and is only limited in the case of certain exceptions determined by the law. This law establishes the concept of “public information,” which encompasses all types of data in any format. In turn, the parties involved are obliged to create, obtain, transform, control, or hold in custody regardless of their form, origin, date of creation, or official character. The law also regulates the ways in which information can be requested, the terms and means of complaint based on the principle of active transparency, whereby and according to the Act, “the parties obliged must enable the search and access to information published on their official website on the internet.” This must be accomplished in a clear, structured, and precise manner by those interested, removing any obstacles that may hinder the reuse of this material by third parties.

Therefore, the law in Argentina takes both procedures into account. On one hand, it contemplates archiving as a mandatory mean of preservation, and on the other, the removal of barriers that prevent full access to official documents in their digital format, especially considering the ubiquity of technological devices available nowadays. The creation of a heritage repository, such as the one mentioned below, is the most suitable way to allow open access to this sort of material.

The problem of the protection of documents and the right of access to information on the violation of human rights is receiving more and more attention by specialists and is reaching levels that allow us to speak of a certain specialization in the subject, especially in the field regional of Latin America. For the case of Chile, see the work of Camila Van Diest (2020).

Technical issues and the proposed solution: Customizing a Heritage Repository (HR)

To design a Heritage Repository (HR), we must first define how the repository is going to be managed by creating a guide or procedural manual. This guide of best practice should take the following elements into account:

- Regulatory framework references
- Organizational and staff structure
- The policy of use and preservation of digital procedures and objects
- Financial sustainability
- Contracts, licenses, and rights management
- Description, planning, digitization, and cooperation
- Evaluation design of the HR

The proposed work schedule for the implementation of the repository may be used to create a website for the HR.

Our design of a HR is based on the conception of information services as a system where each element serves the common objective. This HR can be integrated in a wider network,

¹¹ Argentina, Constitución de la Nación Argentina, Ley 24.430, December 15, 1994, <http://servicios.infoleg.gob.ar/infolegInternet/anexos/0-4999/804/norma.htm>.

¹² Argentina, Ministerio de Justicia y Derechos Humanos, Derecho de Acceso a la Información Pública, Ley 27.275, 2016, <http://servicios.infoleg.gob.ar/infolegInternet/anexos/265000-269999/265949/norma.htm>.

helping achieve the goals of the institution hosting the extensive system. Search by interoperability (OAI-PMH) and compliance with regulations are essential requirements for the implementation and maintenance of the HR.¹³ The elements that compose the model and the structure for implementing the HR are summarized here:

1. The aim, the main objective of the HR
2. Finances, the budget of the HR
3. Management and organization chart of the HR, includes the website
4. Material funds and digital collections of the HR
5. Users and licenses
6. Evaluation, performance indicators, Altmetrics and data visualization

The HR should, before anything else, define its aim. Here, among other elements, the type, format, and content of the documents that can be deposited in the HR must be determined. This will be included later in the fourth element involving funds and the digital collections held in the HR. The second, indispensable element is an annual budget that allows policies to be set forth. The third element is management, fundamental for the proper implementation of the system and in charge of outlining its structure, organization chart, and assignment of workplaces. Moreover, management should also answer the question as to whether the HR will be part of a larger document repository or will be held as an independent service.

The next element comprises documentary collections, which handle cornerstone elements such as documentary funds and repository collections. It involves the administration of access and deposit rights, document analysis, and digitization projects. Users of the HR represent the fifth element. Defining the target group and establishing a relationship with it will also help shape the structure of the HR. The last element of the HR, evaluation, has to do with selecting the indicators that will be used to measure the results. The application of evaluation measures also serves to redesign the program, establish improvements, and prepare the HR annual report.

The Heritage Repository *Las Huellas del Cambio*

The Heritage Repository *Las Huellas del Cambio* (HRHC) is a project of the University of Salamanca's Contemporary History of Latin America research team. The HRHC aims to provide free access to a collection of human rights documents, either donated or received from other sources, via the university server. Presently, it is only a database that collects documents related to human rights that have been gathered, received, and subsequently uploaded through agreements between different institutions and the university itself.

The repository was originally conceived to contain the digitized footage of the Trial of the Military Junta.¹⁴ The HRHC project has continued to develop its mission of compiling, preserving, and spreading information and relevant documentation on the recent history of Latin America, mainly related to dictatorships, human rights, democracy, and transitional justice. In this framework, the repository has received a donation of all the Latin American human rights reports prepared between 1961 and 1996 by Amnesty International. This documentation is in digital format and is currently being catalogued.

In addition, the repository has plans to integrate and disclose the work of all the Latin American research commissions on human rights violations, popularly known as Truth

¹³ Open Archive Initiative-Protocol for Metadata Harvesting (OAI-PMH), <https://openarchives.org/>.

¹⁴ For the Argentine historical background of the period and the judges for the trial see *Nunca Más* (1984); Vázquez (1985); Moncalvillo, Fernández, and Martín (1985); Speck (1987, 495–500); Novaro and Palermo (2003); Graham-Yooll (2006); Yofre (2011); and Mira Delli-Zotti (2016).

Commissions: Argentina, *Nunca Más* (1984); Brazil, *Nunca Mais* (1985); Uruguay, *Nunca Más* (1989); Commission of Truth and Reconciliation (Chile 1991); Truth Commission of El Salvador (1993); Guatemala, *Never Again* (1998), Guatemala, *Comisión para el Esclarecimiento Histórico, Memory of Silence* (1999); COMIPAZ (Commission for Peace of Uruguay, 2001); Truth and Reconciliation Commission (Peru 2001–2003); Valech Report Commission on Torture (Chile 2005); Truth and Justice Commission (Paraguay, 2004–2008); Truth Commission of Ecuador (2007–2010); and National Truth Commission of Brazil (2011–2014).

With regard to the dissemination of this material, the initial steps have already been taken: the translation into Spanish of the National Truth Commission of Brazil, available both in digital and paper format. This is an adequately contextualized and condensed version in which the committee coordinator, Pedro Dallari, Vivien Ishaq, responsible for the National Archives of Brazil, and researchers from the University of Salamanca have participated (Brasil, Comissão Nacional da Verdade 2017).

Along the same line, the research team at the University of Salamanca works with the Truth and Reconciliation Commission of Peru. The university has requested the collaboration of the Institute of Democracy and Human Rights of the Pontifical Catholic University of Peru, whose director and president of the commission, the philosopher Salomón Lerner, donated the commission's original version of its final report. Another role of the repository is to preserve the memory of the *Años de Plomo* (or the Dirty War) in Latin America through interviews and testimonies of people who have lived them and through the collection of primary sources and various studies on the period. So far, the researchers of the University of Salamanca have been able to compile one hundred interviews with political exiles of the last military dictatorship in Argentina within the framework of different research projects.

Recently, in 2018, documents related to this period in the history of Argentina that have originally come from various institutions in the United States were declassified. The collection contains about 7,500 secret records so far. They may be consulted in the National Security Archives supported by the George Washington University (National Security Archives 2019).¹⁵

The diplomatic efforts displayed by all parties regarding the declassification of such a massive collection of intelligence records on human rights and Argentina has been met with tremendous enthusiasm and adds to what is known about this period and the investigation of the judicial processes opened in Argentina. “The exchange of over 7,500 records—which the United States formally delivered to the Argentine government on Friday as part of a deal struck during the final months of the Obama administration—is one of the largest transfers of declassified documents from one government to another” (Londoño 2019).

Preservation, access, and access to justice complement each other. Access to documents allows access to information and therefore is an inherent part of access to justice, as we defend in these pages. The bibliography on archives, memory, accountability, and social justice is numerous. We have a good compilation in Giraldo-Lopera (2017).

The right of access to information is considered a fundamental right, essential for the democratic running of societies and the well-being of its citizens. Archives contribute to this right by preserving and enabling access to their documentation related to human rights. This strategy for the defense of human rights in the field of archives is currently being worked on within the International Council on Archives (ICA) by the Human Rights

¹⁵ For example, “CIA memorandum, ‘Operation Condor: Regional Co-operation among Latin American Intelligence Services against Terrorism,’ Secret, July 24, 1976,” <https://nsarchive2.gwu.edu//dc.html?doc=5817664-National-Security-Archive-Doc-03-CIA-memorandum>.

Working Group. In 2016 it published the “Basic Principles on Human Rights Documentation.”

The Basic Principles on the Role of Archivists and records managers in Support of Human Rights, set forth below, have been formulated in order to:

- assist institutions that preserve archives in their task of ensuring the proper role of archivists in support of human rights,
- provide guidelines for individual archivists and records managers who, in the course of their everyday work, must take decisions that might affect the enforcement and protection of human rights,
- provide support for professional associations of archivists and records managers, and
- help international officials dealing with human rights issues understand the importance of the issues covered by the Principles and the contribution that professional archivists and records managers can provide to the protection of human rights. (ICA 2016)

On April 22, 1985, the hearings began against the commanders of the last military dictatorship in Argentina. Thirty-five years after the Trial of the Military Junta, the video document of the trial is protected, and open access is only a matter of time, as there are no technical or legal impediments to it. This article draws attention to the importance of preserving this document, fundamental for human rights knowledge, and highlights how its protection without the possibility of open access is insufficient. The joint effort of those involved in this process will give voice to those who need it most.

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