

# ARGENTINA

## @Human Rights Violations in Corrientes and Chaco Provinces

### INTRODUCTION

During 1992 and 1993 Amnesty International received a number of reports of human rights abuses in the provinces of Corrientes and Chaco. In May 1993 an Amnesty International delegation visited both provinces and interviewed alleged victims of abuses, members of local human rights organizations of Chaco and Corrientes provinces and members of the local bar association, church and judicial authorities, members of parliament and officers of the Chaco provincial administration. Amnesty International also received copies of a large number of testimonies submitted by alleged victims of human rights abuses to the Comisión de Asesoramiento Legislativo Permanente de Derechos Humanos de la Cámara de Diputados de la Provincia del Chaco, Human Rights Commission of the Chamber of Deputies of Chaco Province.<sup>1</sup>

Article 18 of the Argentine Constitution and articles 144 and 144 bis of the Penal Code forbid any kind of torture, beatings and ill-treatment. In addition Argentina is party to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to the Inter-American Convention to Prevent and Punish Torture. However, Amnesty International is concerned at what appears to be a pattern of beatings, torture and other forms of ill-treatment to people under police detention in Corrientes and Chaco province. The victims of these alleged human rights abuses, which include minors, are often people from the poorest sectors of the population, sometimes with criminal records for petty theft or other crimes. While police or judicial inquiries were opened in most cases, Amnesty International is not aware of any police officer being convicted in a court of justice for these human rights violations. What follows is a summary of some of the cases presented to Amnesty International in 1992 and 1993. It includes allegations of beatings, torture, inhuman and degrading treatment, death threats and possible extrajudicial executions.

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<sup>1</sup> Amnesty International is grateful to the Human Rights Commission of the Provincial Chamber of Deputies of Chaco for making available copies of testimonies of alleged human rights violations and for facilitating interviews with alleged victims of such abuses.

## **CORRIENTES**

### **Abel Solís: Possible extrajudicial execution. Antonio Velozo: Death threats and torture**

**Abel Solís**, age 20, was last seen by his common law wife, Claudia Altamirano, dressed in only shorts and a t-shirt, sleeping on a mattress in an open gallery outside his house in the Anahí quarter, barrio Anahí, of the city of Corrientes. His body was found a week later, on 12 September 1991, on barren land on the outskirts of the city.

Abel Solís' body bore all the marks of having been executed. He had been shot four times at short distance in the back of his head. The body was barefooted, dressed with the same clothes he was using when last seen alive. There were indications that Abel Solís had been killed elsewhere and his body had been dumped in the spot it was later found. Relatives of Abel Solís claimed that the investigation into his murder had not been thoroughly conducted and that important information may have not been recorded by the police.

At the time of his death Abel Solís, who had a criminal record for petty theft and other offenses, was being sought by the Corrientes police. He had reportedly told relatives that he had received death threats from the police and that he was afraid of being tortured if taken into police custody, as had happened in the past. A judicial investigation was opened into this killing. Relatives of Abel Solís claim that they, as well as alleged witness to the crime, have been intimidated to prevent them campaigning for the truth to come out. A local member of parliament has asked the authorities to guarantee their physical safety. To date nobody has been charged with Abel Solís' killing.

On 4 September 1991, the day before Abel Solís' "disappearance", a friend of his, named **Antonio Velozo**, was reportedly detained in the city of Corrientes by two police officers from the Brigada de Investigaciones, Investigations Brigade, of the Corrientes Police Force. Antonio Velozo was taken to the Brigade headquarters, where he was interrogated about Abel Solís' whereabouts. He was allegedly beaten by the police and threatened with a gun. Antonio Velozo was told by his interrogators that 'both he and Solís had the smell of death', "Vos igual que Solís, ya tenés olor a finado", "Tell where Yugay [i.e. Abel Solís' nickname] is or we will kill you", "decinos donde esta Yugay o te matamos". Antonio Velozo was released without charges the following morning after Abel Solís had already "disappeared".

After Abel Solís' death, Antonio Velozo joined relatives of Abel Solís, in campaigning for a full investigation into his death. He made several public statements expressing his belief that members of the Investigations Brigade may have been involved in killing Abel Solís. Antonio Velozo reportedly received anonymous threats for his outspoken statements on this case.

Some months later, in the early hours of the morning of 20 June 1992, Antonio Velozo, together with a friend named Luis Gómez were detained without a warrant by between ten and twelve men that Velozo himself identified as plain clothes police officers from the Investigations Brigade of Corrientes, among them the chief of the Brigade's Thefts and Robberies Section, Sección Robos y Hurtos. The two men were allegedly handcuffed and taken to the Brigade headquarters where they were beaten and subjected to other forms of ill-treatment. Antonio Velozo was reportedly hung from a metal staircase, punched and kicked on the body, arms and testicles. While beating him police officers allegedly accused Velozo of making statements against the police concerning Abel Solís' killing and of distributing leaflets for a public meeting that was to take place in Abel Solís parents' home to discuss the working of the criminal justice system in Corrientes. The detainees were reportedly threatened that they would suffer the same fate of Abel Solís and were released the following morning without charges.

The following day Antonio Velozo had his injuries certified in a local hospital which confirmed injuries to his testicles. He denounced the detention and ill-treatment to the public prosecutor and to the Foro Multisectorial Por la Justicia en Corrientes, Multisectorial Forum for Justice in Corrientes, a local human rights organization actively campaigning for an investigation into Abel Solís' killing. The police acknowledged the detention without warrant of Luis Gómez and Antonio Velozo but denied the beatings or any other form of ill-treatment. In reply to a letter of concern from the local bar association, Colegio de Abogados de Corrientes, the Assistant Chief of Police of Corrientes stated that Antonio Velozo's allegations were under judicial investigation and that the investigative judge had ordered the police to ensure his physical safety. The Assistant Chief of Police also noted that an internal police administrative investigation was under way and those alleged responsible had been transferred to other positions in the interior of the province.

On 28 September 1992 Antonio Velozo initiated criminal procedures, querrela criminal, against his alleged torturers. However in the early hours of the morning of 4 October, he was killed in obscure circumstances after leaving a ball, allegedly by a person known to him who had a grudge against him. Antonio Velozo's alleged killer was reported to have escaped to the nearby province of Misiones and later to Paraguay. A person accused of being an accomplice to the killing is reportedly under preventive police detention.

### **Juan Antonio Encina: Possible extrajudicial execution**

According to the information received by Amnesty International, in the morning of 12 November 1992 **Juan Antonio Encina**, his brother Santos Santiago and Mario Prado, who was aged 11, were fishing in a canoe in the Paraná river, near the city of Corrientes. While navigating in the river, Juan Antonio Encina reportedly fired a single shot from a small .22 calibre gun aiming at a bird near a beach where a group of plain clothes policemen from the

High Risk Police Unit, Policía de Alto Riesgo, PAR, of Corrientes were exercising. The policemen signalled the fishermen to come ashore, but the fishermen, not knowing they were policemen, continued their course down the river.

The policemen then divided into two groups. Two of them, armed with a pistol, boarded a canoe and went in pursuit of the fishermen. The rest of the men went to the nearby PAR's headquarters where they armed themselves with guns and rifles and pursued the canoe by land in a police vehicle. The second group reached the canoe by land several hundred metres down river from where the first incident had occurred. The policemen then fired their arms at the fishermen from shore, mortally wounding Juan Antonio Encina. Allegedly, after the incident, the police officers planted a .38 gun in the canoe and claimed that they acted in self defence after being repeatedly shot at by the fishermen, a version of events that was disputed by witnesses. They also alleged that Juan Antonio Encina had been killed by a shot fired by his own brother from inside the canoe.

A judicial investigation into the killing was opened. The police officers' version of events was supported by police forensic experts but contradicted by independent witnesses and judicial forensic experts. The investigative magistrate charged one police officer with murder, homicidio simple, and two others with misuse of firearms, abuso de armas. The three police officers have reportedly been removed from duty and are in preventive detention in police quarters awaiting trial.

### **Pedro Salvador Aguirre: Attempts at illegal detention, threats and ill-treatment**

According to his own testimony to Amnesty International and witnesses accounts, in the morning of 30 November 1992 **Pedro Salvador Aguirre**, who has a criminal record, together with a friend named Juan Gimenez, was driving a relative visiting the Corrientes office of the Peace and Justice Service, Servicio Paz y Justicia, SERPAJ, a human rights organization. While the visitor was inside SERPAJ's office, four men attempted to detain Pedro Salvador Aguirre and Juan Gimenez, without identifying themselves or producing a warrant. When Pedro Salvador Aguirre's relative and members of SERPAJ, made aware of the incident because of his cries for help, confronted the men, they identified themselves as police officers from the Investigations Brigade of Corrientes, Brigada de Investigaciones de Corrientes, alleged that they wanted to detain the two men for questioning and withdrew. After the incident Pedro Salvador Aguirre and Juan Gimenez filed a preventive habeas corpus, habeas corpus preventivo, which showed that there was no detention order against any of them.

On the afternoon of 16 February 1993 Pedro Salvador Aguirre was reportedly detained in a street of Corrientes and taken to the Brigade's headquarters where he was allegedly beaten and tortured until he lost consciousness, allegedly the beating was in revenge for his

denunciation of the November 1992 incident. After about three hours he was released without charge. The detention and alleged torture were denounced to the provincial executive, the Minister of Government and judiciary. A judicial investigation was opened into Pedro Salvador Aguirre's allegations.

### **Carlos Alberto Parodi: Ill-treatment**

According to a statement given to Amnesty International, on 11 October 1992 **Carlos Alberto Parodi**, together with a friend Andrés González, were beaten up by two plain clothes police officers working as security guards in a dance hall in Corrientes. According to Carlos Alberto Parodi's own testimony to Amnesty International, after denying them entrance to the building, the two police officers punched and kicked him and his friend. The two police officers verbally abused Carlos Alberto Parodi and Andrés González and one of them cut Carlos Alberto Parodi's ear with the butt of his gun, making it to bleed profusely. Carlos Alberto Parodi also alleges that one of the police officers threatened him with a gun and fired a shot into the air narrowly missing him. Afterwards Carlos Alberto Parodi and Andrés González were taken to the 1st Police Station where they were further beaten and threatened with death. The two men were released some hours later after being accused of drunkenness and disorderly conduct.

Carlos Alberto Parodi had his wounds certified by a doctor and denounced the beatings to the local press and the judiciary. After denouncing the aggression he allegedly received anonymous telephone threats.

### **Walter Heriberto Britez: Fear for physical safety**

According to the information received by Amnesty International, **Walter Heriberto Britez**, a nightwatchman age 24, and father of two young children was last seen on 9 November 1992 on his way to work riding his motorbike. Within 24 hours his father denounced the disappearance to the police and on the following day to the judiciary. Twenty days later a relative of Walter Heriberto Britez advised the family that he had spotted his motorbike being driven by a police officer. Subsequently the police told Walter Heriberto Britez's father that the motorbike had been found by a nearby lagoon three days after Walter Heriberto Britez's disappearance, but that a search of the lagoon had not produced positive results. Walter Heriberto Britez's father told Amnesty International that while his son had a criminal record in Santa Fé and Corrientes provinces, he was now working and never before had he gone missing. Although there is no evidence that Walter Alberto Britez was detained or made to "disappear" by the police, Amnesty International is concerned at the highly unusual circumstances of his disappearance and the fact that the police did not keep his relatives

informed of the finding of Walter Alberto Brites's motorbike and of the search for his body in the lagoon.

## CHACO

Denunciations of human rights abuses in Chaco Province comprise both the capital Resistencia and several localities in the interior of the province.

### Resistencia: Teodoro Dionisio González: Beating and ill-treatment

According to the testimony given to the Human Rights Commission of the provincial Chamber of Deputies by his mother, Eva Ramona Sánchez, **Teodoro Dionisio González** was detained by the police at her aunt's home in the city of Resistencia on 9 January 1992 under suspicion of theft and taken to the Sixth Police Station, Comisaría Sexta. Her mother alleges that in the afternoon of the same day, while she was told by the police that she could not see her son because he was still being held in incommunicado detention, Teodoro Dionisio González had in fact been taken to hospital, where he was been treated for injuries received while in police custody.

The following morning, when she was allowed to visit her son, Eva Ramona Sánchez alleges that he had bruises on his face and head and that he had an open wound in the shoulder. Eva Ramona Sánchez denounced the ill-treatment of her son to the judiciary but, according to her testimony to the Human Rights Commission of the provincial Chamber of Deputies, up to August 1992 neither she, nor her son, had been called to give a statement on the case.

### Resistencia: Carlos Alberto and Roberto Ramón Franco: Ill-treatment

According to his own testimony given to Amnesty International, in the early hours of the morning of 3 February 1993, **Roberto Ramón Franco** and his cousin **Carlos Alberto Franco** were walking near their home in the Barrio 500 Viviendas, 500 Viviendas quarter in Resistencia. When passing near the Third Police Station, Comisaría Seccional Tercera, they were intercepted by three police officers who pointed guns at their heads and forced them to lie down. While on the ground Carlos Alberto and Ramón Franco were kicked by one of the officers. When Roberto Ramón Franco attempted to identify himself and mentioned he lived nearby, he was again beaten. While being marched to the police station Roberto Ramón Franco was further kicked and beaten on the back with the butt of a shotgun. The

two men were released after being kept in detention at the police station for about 13 hours. Roberto Ramón Franco had his injuries examined by a doctor who certified multiple injuries to the arms, back and legs. Roberto Ramón and Carlos Alberto Franco denounced the case to the Human Rights Commission of the provincial Chamber of Deputies and to the judiciary.

**Barranqueras: Antonio Miguel Fernández (age 13). Excessive use of force**

According to his testimony to the Human Rights Commission of the Chamber of Deputies of Chaco Province, **Antonio Miguel Fernández**, age 13, was drinking beer with friends near his home in the "2nd of April" quarter, Barrio 2 de Abril, in Barranqueras, in the outskirts of Resistencia, Chaco, on the afternoon of Saturday 15 August 1992 when he saw a police patrol car approaching. Seeing the police car Antonio Miguel Fernández run away, allegedly because he was afraid of being tortured and beaten by the police if detained, as he alleges had happened in the past.

Antonio Miguel Fernández alleges that after running for a short time the police ordered him to stop, which he did, with his hands raised. However a police officer aimed a shotgun at him and shot rubber pellets at him from a short distance. Antonio Miguel Fernández suffered seven rubber pellet wounds in the thorax and upper body. He alleges that he was subsequently beaten up and kicked before being taken to hospital.

After being treated in hospital Antonio Miguel Fernández was taken to the second police station in Barranqueras, where he remained until 19 August. In the police station he was allegedly beaten and threatened with death if he took any action against the police officers that shot him. Antonio Miguel Fernández denounced the shooting to the Human Rights Commission of the provincial Chamber of Deputies. The police allege the Antonio Miguel Fernández resisted arrest, that the shots were aimed at the ground and that Miguel Fernández chest wounds were caused by ricochet pellets. However forensic experts pointed out that it is extremely unlikely that ricochet pellets can cause the type of wounds suffered by Antonio Miguel Fernández.

**Fontana: Sergio de la Cruz Avalos: Torture and ill-treatment**

According to his testimony to the Human Rights Commission of Chaco Province, **Sergio de la Cruz Avalos**, age 15, was taken to the locality of Fontana police station, Comisaría de Fontana, on 8 September 1992 under suspicion of robbery and possessing a gun.

Under interrogation Sergio de la Cruz Avalos was allegedly repeatedly punched in the stomach and beaten with open hands in the face and ears by his interrogators. He claims that he was pulled by the hair, made to strip off his clothes and lie on the floor of a room where he was beaten on the testicles. Later he was taken to another room where he was made to strip again, was tied up to a bed and administered electric shocks three times. Sergio de la Cruz Avalos claims that another prisoner named Ignacio Corvalán, who was also detained in the police station under the same accusations, was also subjected to beatings and other forms of ill-treatment.

Sergio de la Cruz Avalos was subsequently submitted to a medical examination by a police doctor whom he told that he had been beaten up. Before being released later in the evening, he was allegedly warned by a police officer not to denounce the beatings because he risked becoming "one of those NN whose bodies appear on waste grounds" "si no querés ser uno de los n.n. y si no querés aparecer en los pastizales por ahí".

**Presidencia Roque Saenz Peña: Ruben Horacio Paz, Guido Aníbal de la Cruz Benítez, Hugo Fabián Crespo and Marciana Benítez: Beatings and other forms of inhuman and degrading treatment**

**Ruben Horacio Paz, Guido Aníbal de la Cruz Benítez** and **Hugo Fabián Crespo** were detained by the police in the locality of Presidencia Roque Saenz Peña on July 1992 under suspicion of theft. **Marciana Benítez** was detained together with her husband **Guido Aníbal de la Cruz Benítez** under suspicion of being an accomplice to the theft. The men claim that they were beaten and subjected to other forms of inhuman and degrading treatment by police officers from Presidencia Roque Saenz Peña police station to make them confess their crime. Marciana Benítez claims that she was sexually harassed in the same station.

**Ruben Horacio Paz** was detained by the police at his home in the locality of Presidencia Roque Saenz Peña, Chaco Province, on 31 July 1992 . He was taken to the local police station, where he was held in incommunicado detention for about 96 hours. According to the testimony he gave to his sister while still in preventive detention, while incommunicado Ruben Horacio Paz was beaten by the police. He was reportedly kept in handcuffs and made to lie on the ground while the local deputy police chief, subcomisario, pulled down his trousers and urinated over his body and subjected him to other forms of degrading treatment, like making him lick his shoes. Ruben Horacio Paz alleges that the police officer also put a handgun into his mouth to make him confess the alleged theft.

According to the testimony given by **Guido Aníbal de la Cruz Benítez** to the Human Rights Commission of the provincial Chamber of Deputies, he was detained at his home, in the locality of Presidencia Roque Saenz Peña, in the early hours of the morning of the 31st of



July 1993. Still inside his home he alleges that he was beaten and threatened with a gun by a person he identified as the local deputy police chief, subcomisario.

Guido Aníbal de la Cruz Benítez was taken together with his wife to the local police station, where they were kept in separate cells. Guido Aníbal de la Cruz Benítez alleges that he was further beaten and that in the early hours of the morning he and other detainees heard shouts and cries from a person they could not identify as if he was being tortured. In the evening of 3 August Guido Aníbal de la Cruz Benítez was examined by a police doctor who was reportedly able to verify the bruises on his body. He also alleges that while still in detention he was brought to the deputy police chief's office, where he was questioned by a judge about his treatment by the police, but that during this questioning the police chief had a gun placed overtly at his desk.

**Marciana Benítez** was taken into detention together with her husband Guido Aníbal de la Cruz Benítez in the early hours of the morning of 31 July 1992. She claims in the police station she was initially taken to a room from where she was able to witness a young man, whom she recognized as Ruben Horacio Paz, being beaten and subjected to degrading treatment by a police officer. She alleged that later she was interrogated by a police officer, whom she named, who sexually harassed her fondling her body. She was kept in detention for 28 days before being released. Amnesty International has no information if she was judicially charged with any crime. Marciana Benítez denounced her case to the Human Rights Commission of the provincial Chamber of Deputies.

According to the testimony of his mother Juana Crespo to the Human Rights Commission of the provincial Chamber of Deputies of El Chaco, **Hugo Fabián Crespo** was detained on 30 July 1992 in Presidencia Roque Saenz Peña. He was taken to the local police station where he was held incommunicado for about 96 hours. When his mother visited him in the prison house of Presidencia Roque Saenz Peña, six days after his detention, Hugo Fabián Crespo told her that he had been beaten until he fainted in the police station to make him confess the theft. He also alleged that he had been subjected to mock executions and that a police officer urinated over his body while he was lying down.

Ruben Horacio Paz, Guido Aníbal de la Cruz Benítez, Marciana Benítez and Hugo Fabian Crespo denounced their case to the Human Rights Commission of the provincial Chamber of Deputies and to the judiciary. Amnesty International has no information about the outcome of the judicial inquiry.

### **La Verde: Remigio Ledesma: Beatings and other forms of ill-treatment**

Juan Bautista Ledesma is a casual worker who lives together with his brothers and their widowed mother in the locality of La Verde, in the interior of Chaco Province. According to his testimony to the Human Rights Commission of the provincial Chamber of Deputies of El Chaco, on 2 September 1992 the family ate a stolen sheep, because they were hungry as the brothers had no casual work for several days.

On the evening of 3 September the police raided their home and took one of the brothers, **Remigio Ledesma** into custody at La Escondida police station. The following day, 4 September, the police returned Remigio Ledesma home and searched the house. Afterwards the police reportedly took Remigio Ledesma to the field where the sheep had been stolen and allegedly beat him on the orders of the landowner. Remigio Ledesma also allegedly had his arms and body burned with cigarettes. He was then taken back to the police station. Juan Bautista Ledesma alleges that two days later, when he visited his brother at La Escondida police station Remigio Ledesma's arms were swollen and that he could barely speak because of the pain in his arms and body. Juan Bautista Ledesma Fernandez claims that he was not allowed to have his brother examined by a doctor because he had no judicial authorization. Amnesty International has no information if Remigio Ledesma was charged with any recognizable criminal offence or if he has since been released.

#### **Presidencia Roca: Santiago Sánchez and Luis Angel Martínez: Torture and ill-treatment**

According to their testimony to the Human Rights Commission of the Provincial Chamber of Deputies of El Chaco, on 11 April 1992 **Santiago Sánchez and Luis Angel Martínez** reported to the police station of Presidencia Roca at the request of the local police chief, jefe de la comisaría, where they were kept in detention to be interrogated about some stolen metal sheets.

On the evening of the same day, **Santiago Sánchez** was handcuffed and put into a police vehicle. After being driven for a while the police vehicle stopped in an unknown place and he was further interrogated about the said goods. Santiago Sánchez alleges that while being interrogated he had a cloth hood placed over his head and was beaten and subjected to electric shocks in the feet, body and genitals. His interrogators also threatened to throw him into a nearby brook. Subsequently he was taken back to the police station and kept in detention until he was released by judicial order on 15 April 1992.

**Luis Angel Martínez** alleges that while under interrogation at the Presidencia Roca police station he was punched in the abdomen and the upper body by a police officer whom he named, to make him confess to have stolen the goods and where he has hidden them. He was also allegedly taken on a separate police vehicle to an unknown place near a bridge, whether he was hooded with a plastic bag and interrogated about the stolen goods. While questioned, Luis Angel Martínez was allegedly again punched in the stomach and threatened

with electric shocks. Allegedly to avoid further beatings Luis Angel Martínez confessed to have stolen the goods and was taken back to Presidencia Roca police station until he was released by judicial order on 15 April.

A judicial inquiry cleared named police officers of Santiago Sánchez and Luis Angel Martínez's allegations.

### **Villa Rio Negro: Marcela Beatriz Vasconcellos, Elvira and Isabel Irala: Beatings and other forms of ill-treatment**

According to their testimony to Amnesty International **Marcela Vasconcellos** and the sisters **Elvira** and **Isabel Irala** were detained by the police on Saturday 17 April 1993 at their home at Villa Rio Negro, Resistencia, because of a row with neighbours. The three women, together with their seven children, were taken to the local police station. Marcela Beatriz Vasconcellos, Elvira and Isabel Irala claim that on their way to the station they were kicked and beaten by the police. In the police station they were reportedly kept for more than two days, locked in a small room and made to sleep on the floor. On Tuesday morning Isabel Irala, who was eight months pregnant, was transferred together with her son to the local police station in the locality of Fontana, where she reported that she felt unwell. She was taken to hospital where she went into labour, but gave birth to a stillborn child. Isabel Irala claims that although she had bruise marks on her face, neck and body the doctor stated that the cause of her baby's death was "unknown". Marcela Vasconcellos, Elvira and Isabel Irala denounced the alleged beatings and ill-treatment to the judiciary and to the Human Rights Commission of the Chamber of Deputies of Chaco Province. Amnesty International has no information on the outcome of the judicial investigation.

### **CONCLUSION**

Amnesty International has called the provincial authorities of Chaco and Corrientes to state unequivocally that they will not tolerate, under any circumstances, the ill-treatment of detainees by officials at every level under their responsibility. Amnesty International also calls the authorities to review their procedures for investigating complaints and reports of torture to ensure that these complaints are thoroughly and independently investigated and that witnesses are protected from intimidation. Amnesty International recommends the authorities that all personnel involved in law enforcement duties - military, police and prison staff- should receive proper education and training concerning the prohibitions against torture given in the Universal Declaration of Human Rights and other instruments including the UN Code of Conduct for Law Enforcement Officials, the UN Standard Minimum Rules of the Treatment of Prisoners and the UN Declaration against Torture.

Ref.:TG: AMR 13/05/93

Señor Gobernador  
de la Provincia del Chaco  
Sr. Rolando Tauguinas  
Casa de Gobierno  
Resistencia  
Provincia del Chaco  
Argentina

Londres, 21 de noviembre de 1993

Estimado Señor Gobernador:

Amnistía Internacional es una organización mundial de derechos humanos que trabaja imparcialmente por, entre otras cosas, la liberación de todos los presos de conciencia y se opone a la pena de muerte, a la tortura y a toda pena o trato cruel, inhumano y degradante para todos los presos. Como parte de este trabajo una delegación de Amnistía Internacional visitó la provincia del Chaco en mayo pasado donde se entrevistó con autoridades del poder ejecutivo, legislativo y judicial de la provincia, organizaciones de derechos humanos, autoridades religiosas y otras entidades provinciales. Amnistía Internacional quiere agradecer por su intermedio a las autoridades provinciales a todos los niveles la acogida recibida y las facilidades para el buen desempeño de su misión.

Durante el curso de su misión los delegados recogieron testimonios de personas que alegan haber sido víctimas de violaciones de sus derechos humanos por parte de miembros de la policía de la provincia del Chaco. El documento que se acompaña, "Human Rights Violations in Corrientes and Chaco provinces" (Indice AMR 13/05/93) recoge un número de denuncias de tortura y otras formas de malos tratos por parte de miembros de la policía chaqueña que fueron presentadas personalmente por sus presuntas víctimas, o hechas llegar a la delegación de Amnistía Internacional. De comprobarse, estas alegaciones mostrarían una preocupante violación de las normas legales nacionales e internacionales contra el uso de la tortura y otras formas de tratamiento cruel inhumano o degradante por parte de efectivos de la fuerza policial provincial.

Aunque Amnistía Internacional no está en condiciones de establecer la veracidad de cada una de las acusaciones incluidas en este documento, su número y circunstancias hacen que la organización las considere con la mayor preocupación. Amnistía Internacional tiene conocimiento de que en la mayoría de esos casos se han denunciado la tortura y los malos tratos a la Comisión de Derechos Humanos de la Cámara de Diputados de la provincia, así como a la autoridad judicial correspondiente. Sin embargo la organización no tiene conocimiento de que ningún oficial o agente de policía de la Provincia hay sido separado de sus funciones y llevado a la justicia en relación a estas acusaciones. Amnistía Internacional agradecería ser informada de los procedimientos y resultados de las investigaciones administrativas que se hayan iniciado en los casos mencionados. La organización también agradecería toda la información disponible sobre procesos judiciales en marcha con relación a dichas denuncias.

Amnistía Internacional considera que la investigación completa e independiente de todas las alegaciones de torturas y malos tratos y el castigo conforme a la ley de los responsables por esos delitos es esencial para poner fin a la impunidad que perpetua estos abusos. La organización considera las siguientes medidas especialmente relevantes para la prevención de posibles futuros actos de tortura y otras formas de tratamiento cruel, inhumano o degradante:

a) Salvaguardas en ocasión del arresto de personas.

- Cumplimiento estricto de las normas constitucionales (artículo 18) y legales argentinas que disponen que se autorizarán los arrestos sólo en el caso de flagrante delito o cuando existiera orden escrita de autoridad competente.
- Todas las detenciones deberán ser practicadas bajo estricto control judicial y únicamente por personal autorizado.
- Los funcionarios de orden público deberán identificarse adecuadamente y exhibir el correspondiente mandato judicial en el momento de practicar la detención.
- Todas las personas deberán ser informadas, en el momento de su detención, de los motivos concretos de ésta.
- Todos los detenidos deberán recibir, asimismo, una explicación verbal y escrita de como valerse de sus derechos legales, incluyendo el presentar denuncias por malos tratos.
- La conculcación de las anteriores salvaguardias deberá conllevar la imposición de sanciones disciplinarias o, si corresponde, la comparecencia ante la justicia de los responsables.

b) Control estricto de los procedimientos de interrogatorio.

- Toda detención deberá comunicarse inmediatamente a los familiares o allegados del detenido a quienes se mantendrá al corriente del paradero de éste en todo momento.
- Todos los detenidos deberán tener acceso a familiares y abogados sin demora tras su detención, y regularmente durante el tiempo que permanezcan detenidos o en prisión.
- Además del abogado, en el interrogatorio de mujeres detenidas deberá estar presente una funcionaria.
- Los menores de edad sólo podrán ser interrogados en presencia de uno de sus padres o de un familiar próximo y su abogado.
- Deberá hacerse constar con claridad en un registro la fecha, hora y duración de cada período de interrogatorio, así como los nombres de todas las personas presentes en el mismo. Estos registros estarán abiertos al examen judicial y a la inspección de los abogados y familiares de los detenidos.
- El gobierno deberá publicar las directrices vigentes que rigen los procedimientos de interrogatorio y revisar periódicamente tanto dichos procedimientos como la práctica, invitando a que colaboren y formulen recomendaciones los grupos de derechos civiles, los abogados defensores, los colegios de abogados y otras partes interesadas.
- Los detenidos deberán ser sometidos a exámenes médicos con regularidad, que realizarán profesionales independientes bajo supervisión de una asociación profesional.
- Los detenidos deberán ser sometidos a un examen médico sin dilación después de la detención, antes del interrogatorio y después del mismo.
- Los detenidos deberán ser informados de la importancia de estos exámenes médicos en la notificación escrita de sus derechos.
- Los exámenes deberán ser efectuados en privado y exclusivamente por personal médico, y se dispondrá de las salvaguardias adecuadas para el examen correspondiente de mujeres.

#### c) Investigación de todas las denuncias de tortura

- Todas las denuncias o informes de posibles casos de tortura o malos tratos deberán ser investigadas exhaustiva e imparcialmente.
- Cuando el detenido alegue que su confesión se obtuvo bajo tortura, dicha denuncia será inmediata e incondicionalmente investigada por un cuerpo independiente del denunciado.

- Todo funcionario del gobierno que sospeche que se han cometido torturas deberá denunciarlo a las autoridades competentes, que deberán investigar exhaustivamente dichas denuncias.
- La ausencia de denuncia formal por parte de la víctima o de sus familiares no deberá impedir la investigación de los hechos.
- Todo agente encargado de hacer cumplir la ley acusado en relación con un delito de torturas deberá ser suspendido inmediatamente en las funciones directamente relacionadas con la detención de personas y con la custodia e interrogatorio detenidos. Si es declarado culpable, será relevado automáticamente de sus funciones, independientemente de las penas que imponga el tribunal.
- Las decisiones de suspensión o exoneración de los agentes del estado acusados o condenados por violaciones a los derechos humanos se harán públicas.
- Se establecerá un sistema de información efectivo destinado a impedir que los agentes del estado exonerados por violaciones a los derechos humanos sean reasignados a tareas similares en otras jurisdicciones o reparticiones.

d) Promoción del respeto a los derechos humanos

- Todos los centros de detención y reclusión de la provincia deberán exhibir en lugar visible la prohibición absoluta de la tortura y de los malos tratos como delitos tipificados en las leyes nacionales.
- El gobierno deberá adoptar y promulgar un código de conducta para todos los agentes encargados de hacer cumplir la ley con facultades para detener y mantener recluidas a las personas. Dicho código deberá ser conforme con la legislación argentina, con la Convención de las Naciones Unidas contra la Tortura y Otros tratos o Penas Cruels, Inhumanos o Degradantes y la Convención Interamericana para Prevenir y Sancionar la Tortura de las cuales Argentina es parte así como con el Código de las Naciones Unidas de conducta para funcionarios encargados de hacer cumplir la ley y con los Principios Básicos sobre el empleo de la fuerza y de las armas de fuego por los funcionarios encargados de hacer cumplir la ley también establecido por la Organización de las Naciones Unidas.
- Toda infracción del código deberá conllevar la aplicación de sanciones disciplinarias específicas y la apertura de actuaciones penales contra los agentes implicados.
- El gobierno deberá asegurarse de que todos los agentes del orden público y miembros de las fuerzas armadas reciban la formación adecuada relativa a las normas de derechos humanos, tanto nacionales como internacionales y de los medios para su protección.

Agradeciendo sus comentarios e estas recomendaciones y al documento adjunto, lo saluda atentamente,

Herve Berger  
Secretario General Adjunto



Ref.:TG AMR 13/06/93

Señor Gobernador de la  
Provincia de Corrientes  
Sr. Raul Rolando Romero  
Casa de Gobierno  
Corrientes  
Provincia de Corrientes  
Argentina

Londres, 10 de diciembre de 1993

Estimado Señor Gobernador:

Amnistía Internacional es una organización mundial de derechos humanos que trabaja imparcialmente por, entre otras cosas, la liberación de todos los presos de conciencia y se opone a la pena de muerte, a la tortura y a toda pena o trato cruel, inhumano o degradante para todos los presos.

Como parte de este trabajo, una delegación de Amnistía Internacional visitó la ciudad de Corrientes en mayo pasado donde recogió testimonios de personas que alegan haber sido víctimas de violaciones de derechos humanos por parte de miembros de la policía provincial. El documento que se acompaña, "Human Rights Violations in Corrientes and Chaco provinces" (Índice AMR 13/05/93) recoge un número de denuncias de posibles ejecuciones extrajudiciales, torturas, malos tratos, intentos de detención ilegal y amenazas por parte por parte de miembros de la policía de esa provincia que fueron presentadas personalmente por sus presuntas víctimas o sus familiares. De comprobarse estas alegaciones mostrarían una preocupante violación de las normas nacionales e internacionales contra el uso de la tortura y otras formas de tratamiento cruel inhumano o degradante por parte de la fuerza policial provincial.

Aunque Amnistía Internacional no está en condiciones de establecer la veracidad de cada una de las acusaciones incluidas en este documento, su número y circunstancias hacen que la organización las considere con la mayor preocupación. Amnistía Internacional agradecería ser informada de los resultados de las investigaciones administrativas y judiciales de estas denuncias en los casos en que las mismas se hayan iniciado. La organización también agradecería toda la información disponible sobre procesos judiciales en marcha con relación a dichas denuncias.

Amnistía Internacional considera que la investigación completa e independiente de todas las alegaciones de abusos contra los derechos humanos y el castigo conforme a la ley de los responsables por estos delitos es esencial para poner fin a la impunidad que perpetua estos crímenes. La organización considera las siguientes medidas especialmente relevantes para la prevención de posibles futuros actos de tortura y otras formas de tratamiento cruel, inhumano o degradante:

a) Salvaguardas en ocasión del arresto de personas.

- Cumplimiento estricto de las normas constitucionales (artículo 18 de la Constitución Nacional) y legales argentinas que disponen que se autorizarán los arrestos sólo en el caso de flagrante delito o cuando existiera orden escrita de la autoridad competente.
- Todas las detenciones deberán ser practicadas bajo estricto control judicial y únicamente por personal autorizado.
- Los funcionarios de orden público deberán identificarse adecuadamente y exhibir el correspondiente mandato judicial en el momento de practicar la detención.
- Todas las personas deberán ser informadas, en el momento de su detención, de los motivos concretos de ésta.
- Todos los detenidos deberán recibir, asimismo, una explicación verbal y escrita de como valerse de sus derechos legales, incluyendo el presentar denuncias por malos tratos.
- La conculcación de las anteriores salvaguardas deberá conllevar la imposición de sanciones disciplinarias o, si corresponde, la comparecencia ante la justicia de los responsables.

b) Control estricto de los procedimientos de interrogatorio.

- Toda detención deberá comunicarse inmediatamente a los familiares o allegados del detenido a quienes se mantendrá al corriente del paradero de éste en todo momento.
- Todos los detenidos deberán tener acceso a familiares y abogados sin demora tras su detención, y regularmente durante el tiempo que permanezcan detenidos o en prisión.
- Además del abogado, en el interrogatorio de mujeres detenidas deberá estar presente una funcionaria.
- Los menores de edad sólo podrán ser interrogados en presencia de uno de sus padres o de un familiar próximo y su abogado.
- Deberá hacerse constar con claridad en un registro la fecha, hora y duración de cada período de interrogatorio, así como los nombres de todas las personas presentes en el

mismo. Estos registros estarán abiertos al exámen judicial y a la inspección de los abogados y familiares de los detenidos.

- El gobierno deberá publicar las directrices vigentes que rigen los procedimientos de interrogatorio y revisar periódicamente tanto dichos procedimientos como la práctica, invitando a que colaboren y formulen recomendaciones los grupos de derechos civiles, los abogados defensores, los colegios de abogados y otras partes interesadas.

- Los detenidos deberán ser sometidos a exámenes médicos con regularidad, que realizarán profesionales independientes bajo supervisión de una asociación profesional.

- Los detenidos deberán ser sometidos a un exámen médico sin dilación después de la detención, antes del interrogatorio y después del mismo.

- Los detenidos deberán ser informados de la importancia de estos exámenes médicos en la notificación escrita de sus derechos.

- Los exámenes deberán ser efectuados en privado y exclusivamente por personal médico, y se dispondrá de las salvaguardas adecuadas para el exámen correspondiente de mujeres.

c) Investigación de todas las denuncias de tortura.

- Todas las denuncias o informes de posibles casos de tortura o malos tratos deberán ser investigadas exhaustiva e imparcialmente.

- Cuando el detenido alegue que su confesión se obtuvo bajo tortura, dicha denuncia será inmediata e incondicionalmente investigada por un cuerpo independiente del denunciado.

- Todo funcionario del gobierno que sospeche que se ha cometido torturas deberá denunciarlo a las autoridades competentes, que deberán investigar exhaustivamente dichas denuncias.

- La ausencia de denuncia formal por parte de la víctima o de sus familiares no deberá impedir la investigación de los hechos.

- Todo agente encargado de hacer cumplir la ley acusado en relación con un delito de torturas deberá ser suspendido inmediatamente en las funciones directamente relacionadas con la detención de personas y con la custodia e interrogatorio de detenidos. Si es declarado culpable, será relevado automáticamente de sus funciones, independientemente de las penas que imponga el tribunal.

- Las decisiones de suspensión o exoneración de los agentes del estado acusados o condenados por violaciones a los derechos humanos se harán públicas.

- Se establecerá un sistema de información efectivo destinado a impedir que los agentes del estado exonerados por violaciones a los derechos humanos sean reasignados a tareas similares en otra jurisdicciones o reparticiones.

d) Promoción del respeto a los derechos humanos.

- Todos los centros de detención y reclusión de la provincia deberán exhibir en lugar visible la prohibición absoluta de la tortura y de los malos tratos como delitos tipificados en las leyes nacionales.

- El gobierno deberá adoptar y promulgar un código de conducta para todos los agentes encargados de hacer cumplir la ley con facultades para detener y mantener reclusas a las personas. Dicho código deberá ser conforme con la legislación argentina, con la Convención de las Naciones Unidas contra la Tortura y Otros Tratos o Penas Crueles, Inhumanos o Degradantes y la Convención Interamericana para Prevenir y Sancionar la Tortura de las cuales Argentina es parte, así como con el Código de las Naciones Unidas de conducta para funcionarios encargados de hacer cumplir la ley y con los Principios Básicos sobre el empleo de la fuerza y de las armas de fuego por los funcionarios encargados de hacer cumplir la ley, también establecido por la Organización de las Naciones Unidas.

- Toda infracción del código deberá conllevar la aplicación de sanciones disciplinarias específicas y la apertura de actuaciones penales contra los agentes implicados.

- El gobierno deberá asegurarse de que todos los agentes del orden público y miembros de las fuerzas armadas reciban la formación adecuada relativa a las normas de derechos humanos, tanto nacionales como internacionales y de los medios para su protección.

Agradeciendo sus comentarios a estas recomendaciones y al documento adjunto, lo saluda muy atentamente,

Herve Berger  
Secretario General Adjunto

**TRANSLATION LETTER TO:**

**GOVERNOR OF CHACO PROVINCE**  
and

**Re: TG AMR 13/05/93**

**GOVERNOR OF CORRIENTES PROVINCE****Re: TG AMR 13/06/93**

21 November 1993

Dear Sir:

Amnesty International is a worldwide organization which works for the international protection of human rights. It seeks the release of prisoners of conscience, it opposes the death penalty and torture or other cruel, inhuman or degrading treatment of all prisoners without reservation. Last May an Amnesty International delegation visited the province of Chaco as part of the organization's research work. During the visit the delegates had meetings with provincial authorities, human rights organizations and members of the church. Amnesty International is grateful for all the cooperation provided by provincial authorities at all levels.

In May the delegates also collected testimonies from alleged victims of human rights violations perpetrated by members of the Chaco provincial police. The Attached documents "Human Rights Violations in Corrientes and Chaco Provinces" provides information on a number of denunciations of torture and ill-treatment by members of the Chaco police which were presented to AI's delegates by the alleged victims. Were the allegations described in the attached document to be proved accurate it would show a worrying pattern of violation of national and international standards and laws which forbid the use of torture and other forms of cruel or inhuman treatment of detainees.

Although AI is in no position to establish the accuracy of the denunciations included in the attached document, the number and circumstances of the alleged violations, requires that AI gives them its utmost consideration. AI is aware that most of the cases included in the document have been denounced to the Human Rights Commission of the Provincial Deputies Chamber as well as to the relevant provincial authorities. However, AI is unaware of any members of the police being suspended from duty and brought to justice in connection with the allegations. AI would be grateful to be informed of any official inquiry initiated regarding the cases. AI would also be grateful to receive information regarding any legal procedures opened on the said denunciations.

AI believes that thorough and independent investigations of all denunciations of torture and ill treatment and relevant punishments according to the law of those found guilty of such crimes are essential to stop the impunity which allows such abuses to continue. Amnesty International considers the following recommendations of particular relevance in preventing torture and other forms of cruel, inhuman or degrading treatment in the future:

a) Safeguards to be applied in cases of detention

- Strict enforcement of constitutional norms (Article 18) and argentine laws which authorize arrests only in the case of flagrante delicto or under a judicial warrant issued by the relevant authority.
- All arrests should be carried out under strict judicial control and only by authorized personnel.

- Law enforcement officials should adequately identify themselves and present arrest warrants at the time of arrest.
- Everyone should be informed, at the time of arrest, of the specific reasons for their arrest.
- All detainees should also receive an oral and written explanation, in a language they understand, of how to avail themselves of their legal rights, including the right to lodge complaints of ill-treatment.
- Failure to adhere to these safeguards should lead to the disciplining or bringing to justice of those responsible.

b) Strict controls over interrogation procedures

- Relatives should be informed immediately of any arrest and should be kept informed of the detainee's whereabouts at all times.
- All detainees should have access to relatives and lawyers promptly after arrest and regularly throughout their detention or imprisonment.
- In addition to a lawyer, when appropriate, a female officer should be present during interrogation of women detainees.
- Children should only be questioned in the presence of a parent or next of kin and a lawyer.
- The date, time and duration of each period of interrogation should be clearly recorded, as well as the names of those present during interrogation. These records should be open to judicial scrutiny and to inspection by lawyers and relatives of detainees.
- The government should publish current guidelines of interrogation procedures and periodically review both procedures and practices, inviting submissions and recommendations from civil rights groups, defence lawyers, bar associations and other interested parties.
- Medical examinations should be provided to detainees and prisoners on a regular basis and should be performed by independent professionals under the supervision of a professional association.
- A medical examination should be carried out on each detainee promptly after arrest and before and after interrogation.
- Detainees should be informed of the importance of these medical examinations in written notice of their rights.
- Examinations should be carried out in private, exclusively by medical personnel. Safeguards should be taken to ensure that examinations of women prisoners is carried out in an acceptable manner.

c) Investigation of all reports of torture

- All reports of suspected torture or ill-treatment should be promptly, thoroughly and impartially investigated.
- In cases where detainees allege that their confessions were extracted under torture, such allegations should be thoroughly and impartially investigated.
- Any government official who suspects that torture has been committed should report it to the relevant authorities, which should fully investigate all such reports.
- The absence of an official complaint by the victim or relative should not deter investigation.

-Any law enforcement agent charged in connection with the crime of torture should be immediately suspended from duties directly related to arresting, guarding or interrogating detainees. If convicted, he/she should be automatically dismissed from duty, in addition to whatever other punishment is imposed by the court.

-Any decision to suspend or dismiss state officials accused or convicted of human rights violations should be made public.

-An effective information system should be set up to prevent state officials dismissed for human rights violations from being reassigned to similar posts in other jurisdictions or department.

d) Promoting respect for human rights

-An absolute prohibition of torture and ill-treatment as crimes under domestic law should be visibly displayed in every detention centre in the country.

-The government should adopt and publish a code of conduct for all law enforcement agents who exercise powers of detention and arrest. This code should conform to the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

-Breaches of the code should result in specified disciplinary sanctions and criminal prosecution of the agents involved.

-the government should ensure that all law enforcement agents and members of the armed forces receive adequate training on human rights standards, both domestic and international, and on the means for their protection .

Amnesty International will be grateful for your comments and further information regarding the attached document.

Yours sincerely,

Herve Berger  
Deputy Secretary General