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Argentina : Putting a full stop to 25 years of impunity

The human rights violations committed during the military governments have stayed as open sores on Argentinian society and have held back reconciliation in the country for a quarter of a century, Amnesty International said today on the twenty-fifth anniversary of the military coup.

“This anniversary, weighed down as it is by the terrible legacy of that period, is yet one more reminder that the Argentinian Government urgently needs to take concrete measures to denote that a new era of respect for human rights is beginning,” the organization continued.

Referring to the recent court ruling by Judge Gabriel Cavallo in which he declared the Law of Due Obedience and the Full Stop Law to be unconstitutional and void, Amnesty International emphasized that the ruling “should serve as a starting point for securing the justice and truth which the relatives and victims of human rights violations committed under military rule have been seeking for 25 years.”

“The opportunity presented by this recent court ruling makes it all the more imperative for the judiciary to proceed in its duty to investigate and prosecute past human rights violations which constitute crimes against humanity,” the organization said.

Amnesty International hopes that the Government of President Fernando de la Rúa will support this important legal ruling by ensuring that the Law of Due Obedience and the Full Stop Law are duly annulled, in compliance with Argentina’s international obligations.

The organization pointed out that both the United Nations Human Rights Committee and the Inter-American Commission of Human Rights of the Organization of American States have indicated that amnesties and other measures designed to ensure that those responsible for human rights violations go unpunished are incompatible with the international obligations that are binding on all States.

General Background:

The ruling made by Judge Cavallo in his judgement dated 6 March relates to the criminal prosecution brought in October 2000 by the *Centro de Estudios Legales y Sociales (CELS)*, Centre for Legal and Social Studies, with regard to the case of the disappearance of José Liborio Poblete Roa, his wife Gertrudis Marta Hlaczik and his daughter Claudia Victoria which took place in 1978. Claudia Victoria Poblete has been found but her parents remain disappeared.

The seven years of severe repression which took place in Argentina following the coup on 24 March 1976 left thousands of victims of human rights violations in their wake, including victims of systematic torture, extrajudicial executions and “disappearances”.

With the return to civilian government in 1983, the *Comisión Nacional sobre la Desaparición de Personas, CONADEP*, National Commission on the Disappearance of Persons, was set up. In its report, *Nunca Más, Never Again*, published in November 1984, CONADEP recorded 8,960 cases of “disappearance” but pointed out that the true figure could be even higher. The Commission found that there had been 340 secret detention centres in Argentina and concluded that by making use of the apparatus of State, the armed forces had violated human rights in an organized manner. The Commission also dismissed assertions that torture and “disappearances” were excesses who took place only rarely. The majority of “disappearances” in Argentina have still not been clarified, the fate of the victims has not been determined and those responsible remain at liberty.

When institutional order was restored in 1983, the nine commanders of the military juntas which ruled Argentina during the period of *de facto* rule and

other military officials responsible for human rights violations were ordered to be brought to trial. Nine military commanders were prosecuted and five were sentenced to prison terms in 1985. The Prosecutor in charge of the case against the Commanders of the Military Juntas, Dr Julio Strassera, concluded at the end of the trial that the acts committed by the Argentinian Armed Forces fell into the category of crimes against humanity and that the years of *de facto* rule had constituted "State terrorism".

However, the need for Argentinian society to see justice done was frustrated when, in 1986 and 1987 respectively, the Government of President Raúl Alfonsín passed the Full Stop Law and the Law of Due Obedience. The Government of President Carlos Menem subsequently pardoned military officials implicated in human rights violations.

Under international law all States have a number of obligations with regard to human rights, one of them being the duty to guarantee the effective protection of human rights. This includes the obligation to investigate violations, to bring to trial and punish those responsible, to compensate the victims and to establish the truth about what happened.

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