

£ARGENTINA

@THE RIGHT TO THE FULL TRUTH

"... the truth is the only thing
that can bring Argentina peace
and freedom".

(Emilio Mignone)¹

INTRODUCTION

In Argentina during the period of military rule (1976 - 1983) thousands of people were abducted by the security forces and "disappeared". Despite the fact that the Comisión Nacional sobre la Desaparición de Personas (CONADEP), National Commission on Disappeared People, appointed in 1983 by the new civilian government of President Raúl Alfonsín, recorded 8,960 cases of "disappearances", and in 1985 the Buenos Aires Federal Appeals Court tried, convicted and sentenced a number of former junta members and police chiefs for illegal detention, torture and homicide of specific persons, the military had never

until recently acknowledged their direct responsibility for the abduction, clandestine detention, torture and executions ordered and carried out during that period.

In its report the CONADEP recorded numerous interviews with witnesses, listed 340 secret detention centres and catalogued 8,960 unresolved "disappearances" warning that the true figure might be higher. The report provided testimonies by survivors denouncing the practice of "transfers", a euphemism for "extermination". Cases of pregnant women who gave birth in secret detention centres were included in the CONADEP report. Their babies were taken away and are believed to have been given to childless couples connected to the armed forces or police to raise as their own.

Amnesty International continues to be concerned with establishing the facts about the fate of the thousands of prisoners who "disappeared" in Argentina during the latter half of the 1970s and early 1980s. Amnesty International believes that the relatives of the victims have the undeniable right to a full investigation of the truth about the fate of their loved ones and to public disclosure of the final findings. Legal redress in Argentina has been exhausted by the Full Stop Law of 1986, - which set deadlines for Courts to complete

¹Emilio Mignone: Argentine lawyer and human rights activist. His 24-year-old daughter, Mónica María Candelaria was taken on 14 May 1976, from the family home in Buenos Aires by a group of armed men claiming to belong to the Argentine army. She has not been seen again since. She has "disappeared".

investigations on human rights violations-, the Law of Due Obedience of 1987 -which instructed judges to apply the principle of due obedience to all officers below the rank of colonel and close any pending cases against them-, and the Presidential Pardons of October 1989 and December 1990. Nevertheless, Amnesty International has consistently emphasised to the Argentine authorities the need to clarify the fate and whereabouts of the "disappeared".

Among the "disappeared" there is a large number of children, most of them born of pregnant women taken in detention and subsequently "disappeared".

Demonstration by Mothers and Grandmothers of Plaza de Mayo. They march weekly demanding information on their "disappeared" loved ones.

GRANDMOTHERS OF PLAZA DE MAYO

The Abuelas de Plaza de Mayo, Grandmothers of Plaza de Mayo, a group of women with "disappeared" children and grandchildren, have been searching since its foundation in 1977 for over 200 "disappeared" children, some born in clandestine detention centres during the captivity of their mothers or "disappeared" with their parents after being taken into custody by members of the police or security forces.

The Grandmothers of Plaza de Mayo have been instrumental in locating 56 of the missing children. Some of the children located have been returned to their natural families, while others have remained with their adoptive parents. A number of cases of located children, whose identities are disputed, are at present before Argentine

Courts. The Grandmothers of Plaza de Mayo are still searching for over 160 missing children. On 20 November 1989, the United Nations General Assembly unanimously adopted the Convention on the Rights of the Child. In Article 8, the Convention states the right of the child "to preserve his or her identity, including nationality, name, and family

relations". The article also establishes the obligation of governments to provide, for any child who has been deprived of his or her identity, "assistance and protection with a view to speedily re-establishing his or her identity".

THE ARMED FORCES AND THE "DISAPPEARED"

Despite official calls from the government to forgive and forget past human rights crimes, the ghost of the "dirty war" refused to be laid to rest. Declarations by Navy officers on active service in 1994, corroborated the illegal tactics of former military governments. In October 1994 two Navy Captains, Antonio Pernías and Juan Carlos Rolón, recommended for promotion by Defense Minister Oscar Camilion and President Carlos Menem, testified before the Argentine Senate that, during the military regime, torture was used regularly by the Navy as a "tool" for the purpose of obtaining information from "subversives", and that all navy officers were required to participate at some point in the "task forces" (grupos de tareas) directly involved in human rights violations. Antonio Pernías admitted that the Navy participated in the abduction and killing of two French nuns, **Alice Domon** and **Leonie Duquet** in 1977.

The statements by Captains Antonio Pernías and Juan Carlos Rolón resulted in the refusal of the Senate to approve their promotions. Argentine human rights organizations had consistently protested against the promotion of the officers on the basis of the human rights violations they had committed at the Escuela de Mecánica de la Armada (ESMA), Navy Mechanics School, as testified by former "disappeared" prisoners. No official denial of the testimonies of the two officers was issued, and no information was released regarding sanctions against them for having broken the "pact of silence", until then prevalent amongst the military. They continue to be on active service.

Criticizing the Senate decision, President Carlos Menem said that it was better to forget the past. Speaking at a military ceremony on 2 November 1994, President Menem said that it was thanks to the armed forces that "victory had been achieved in the 'dirty war', which took the country to the brink of collapse". National human rights organizations publicly criticized his apparent condoning of human rights crimes committed by the armed forces.

LEGAL DECISION

The presidential praise of the role of the armed forces and the official absence of a reference to the victims of human rights violation during the "dirty war", contrasted strongly with the ruling, a few weeks later, of the Argentine justice in favour of the only

survivor of a family who "disappeared" in 1976. In a unique decision in a civil damages suit, in November 1994 the federal judge ordered two former commanders-in-chief of the navy, Emilio Massera and Armando Labruschini, to pay one million US dollars each in compensation for "material and moral damage" to the only survivor of the Tarnoposky family. Hugo Tarnopolsky, his wife Blanca, two of their children and their daughter-in-law had been abducted in 1976 and taken to the notorious detention centre ESMA.²

The judge also ordered the Argentine government to pay one million US dollars compensation. This is the highest award ever in a "disappearance" case and the first in which former military officers were made personally liable for abuses committed by their forces. Like other junta members, Emilio Massera and Armando Lambruschini had been imprisoned after the return to democracy. Armando Lambruschini served five years of an eight-year sentence and Emilio Massera, who had been sentenced to life imprisonment, benefited by the presidential pardon granted by President Menem after he took office in 1989.

Commenting on his decision the judge argued that it was based on the principle of the "right to life". The judge ruled that, since the two former admirals had exercised the highest powers of public authority and effectively decided upon life or death, the state must assume some responsibility for the abuses they perpetrated. The government appealed against the judge's decision.

REVELATIONS BY FORMER MEMBERS OF THE SECURITY FORCES

Adolfo Francisco Scilingo

Evidence of the systematic involvement of the armed forces in human rights crimes during the military regimen in Argentina have continued to emerge. In March 1995, Adolfo Francisco Scilingo, a naval officer who retired from the Navy in 1986, publicly stated during interviews with an Argentine journalist that "disappeared" detainees, who had been held and tortured in the secret detention centre located in the ESMA, were sedated and thrown naked from navy aircraft into the Atlantic on a weekly basis during the years of 1976 and 1977. Adolfo Francisco Scilingo, who admitted taking part in two of these flights, said that between 1,500 and 2,000 people were executed in this manner. Argentine human rights organizations have estimated that between 4,000 and 5,000

²The testimony of Rosa de Edelberg, mother of Blanca de Tarnopolsky is reproduced in "Report of an Amnesty International Mission to Argentina, 6-15 November 1976" (AI Index: PUB 68/00/77), published in March 1977.

"disappeared" detainees passed through the ESMA before its clandestine activities were suspended.

Escuela de Mecanica de la Armada (ESMA), Navy Mechanics School, Buenos Aires.

On March 7, acting on presidential orders the navy dismissed Adolfo Francisco Scilingo, ostensibly for a fraud conviction in August 1991. On 3 May 1995, he was arrested on new fraud charges.

The declarations by former Captain Adolfo Francisco Scilingo confirmed documented information contained in testimonies of survivors of the ESMA and relatives of the "disappeared". During the trial in December 1985 of the nine military commanders who had ruled Argentina, the Prosecution provided details of what it referred to as detention and extermination centres. Evidence was presented to show how persons held in custody at these secret detention centres were systematically tortured, and how some of the detained died under torture or were "transferred". The Prosecution stated that the bodies of many victims were simply abandoned on public thoroughfares or thrown into the River Plate, presumably from airplanes or helicopters, to be washed up later on the Uruguayan or Argentine banks of the river.

Victor Ibañez

At the end of April further confessions by two former military personnel corroborated the declarations made by Adolfo Francisco Scilingo. On 25 April former army Sergeant Victor Ibañez, a guard at the clandestine detention centre in the Army barracks Campo de Mayo, where hundreds were held between 1976 and 1978, said that detainees held by the Army were thrown unconscious from aircraft over the Atlantic and the River Plate. He indicated that flights with "disappeared" detainees took off two or three times a month when the cells at the clandestine army centre got too full. He also recounted how people were tortured to extract information.

In his declarations Victor Ibañez provided the following names as victims of the policy of "transfers": the "**Barciocco family**", [Luisa, Alberto Orlando, Andres, Daniel], the "**Kennedy couple**", [Delia Kennedy, Américo Saadi], **Luis Daniel Garcia**, **Pablo Steimberg**³, and surnames of two other male victims, **Parada** and **Nuñez**.

Federico Talavera

In a separate public declaration, Federico Talavera, a non-commissioned officer who was a guard at the secret detention centres of Campo de Mayo and "Olimpo", stated that he had witnessed interrogations where trained dogs were used to bite the genitals of the detainees. He confirmed the practice of throwing detainees to the sea. In one case described by Federico Talavera, an eight-month pregnant woman, **Marta Vaccaro**, and her husband, **Hernando Deria**, were thrown into the Atlantic on 6 December 1978. The couple had been kidnapped in November 1978 by the Army Task Force I⁴.

Amnesty International has documented and published testimonies of former detainees and relatives of "disappeared" people since 1976. The organization believes that the declarations by former members of the Argentine security forces could shed new light on the whereabouts of those victims of the extrajudicial executions in which they participated, the circumstances under which those crimes were committed and the identity of those responsible. Amnesty International believes that a thorough investigation into the mass extermination in the so-called secret camps in Argentina during the years of military rule is required. Argentine human rights organizations called once again on President

³The cases of Luis Daniel Garcia and Luis Pablo Steimberg are included in the document "Current Judicial Investigations into "Disappearances" in Argentina" (AI Index: AMR 13/02/84), published in January 1984.

⁴Marta Vaccaro and her husband are listed in Amnesty International publication "Testimony on Secret Detention Camps in Argentina" (AI Index: AMR 13/79/79), published in February 1980.)

Menem to bring about the release of all information on the "disappeared" thought to be in the hands of the military and security forces.

THE COURTS OF JUSTICE

On 10 March 1995, the lawyer acting on behalf of the families of two French nuns, **Alice Domon and Leonie Duquet**⁵, who are still "disappeared" and who are known to have been detained in the ESMA, presented a petition to the Buenos Aires Federal Appeals Court (*Cámara Federal de Apelaciones*). With reference to the "new facts" provided by former Captain Adolfo Francisco Scilingo, the petition requested that the President of the Nation, in his capacity of Commander-in-Chief of the Armed Forces, be required to make available the list of persons who had been detained in the ESMA and all those who allegedly had been killed subsequently in the manner described by former Captain Scilingo, with the aim of verifying whether the names of the French nuns were included amongst them. The trial of officers connected with the ESMA, of which the case of the French Nuns formed part, had been curtailed by the due obedience law and presidential pardons.

In its ruling of 20 March 1995, the Federal Appeals Court ordered that President Carlos Menem, Minister of Defence Oscar Camilion and the Commander-in-Chief of the Navy, Admiral Enrique Molina Pico, provide the requested information. Since democracy was reinstated in Argentina in 1983, the armed forces and security services have alleged that police and military archives containing details on cases of those detained and "disappeared" in the 1970s and early 1980s had been destroyed. On 22 March the Minister of Defence replied to the Federal Appeals Court stating that the only lists available were those already published in the report of the CONADEP.

At the end of March, Interior Minister Carlos Corach announced the release of a list with 545 names of "disappeared" detainees. However 255 had already been made public in 1992. The remaining 290 had been compiled by the Under Secretariat for Human Rights, based on the information provided by relatives after the Argentine Congress had passed a law in December 1994 offering compensation to each "disappeared" person's family. On 1 April, the 545 names were published in the national newspapers. The accuracy of this list of names was immediately questioned after separate reports indicated that at least one person and possibly two more were alive and free. The list provided no information as to the fate of those named.

⁵The cases of Alice Domon and Leonie Duquet are included in the document "Current Judicial Investigations into "Disappearances" in Argentina" (AI Index: AMR 13/02/84), published in January 1984.

At the end of May the Federal Appeals Court reiterated to the Commander-in-Chief of the Navy, Admiral Enrique Molina Pico, its ruling of 20 April regarding the disclosure of information on those that had been detained in the ESMA, with the exhortation to deepen the search or in its place to initiate its reconstruction. The Federal Appeals Court's ruling had resulted from a separate petition presented on the same case by Emilio Mignone for the investigation on the fate of his daughter, **Mónica María Candelaria Mignone**, and other "disappeared" detainees in the ESMA.

Emilio Mignone had requested from the Court the recognition of the inalienable right to the truth and the obligation towards respect for the body and the right of bereavement. These rights were endorsed by the Court which asked in particular for the disclosure of the identity and fate of the children born in captivity.

In his petition to the Federal Court, Emilio Mignone stressed that the outcome of the judicial inquiry should not just be a new list of names of "disappeared" people but "on the contrary, it should be that, from the official records of that period, families be informed about what they have not learned, what they do not know: the final fate of their children, parents, brothers, and all their disappeared relatives. Such information will also serve as official recognition of what was done through State terrorism in Argentina."

Legal investigations are already being undertaken by a judge in the city of Mar del Plata to determine the fate of 166 "disappeared" people. On 9 June, in an exceptional response to a habeas corpus writ filed by the Mothers of Plaza de Mayo, the Grandmothers of Plaza de Mayo and Relatives of Disappeared Detainees, the judge in charge of the case summoned to testify as witnesses those former members of the armed forces who have publicly admitted their participation in human rights violations.

ACKNOWLEDGMENT BY THE HIGH COMMAND OF THE ARMED FORCES

Following the national outcry generated by the declarations of former security forces personnel on human rights violations during the so-called "dirty war", and twelve years after the end of military rule, high-ranking officers admitted for the first time that Argentine Armed Forces' responsibility for kidnapping, torture and murder during the years of military government, and apologized for such abuses.

On 25 April 1995, Argentina Commander-in-Chief of the Army, General Martín Antonio Balza, accepted the army's share of responsibility. He acknowledged publicly that the army used "illegitimate methods leading to the suppression of life". He stated that "Whoever violates the constitution, gives or obeys immoral orders and, who, in order to

achieve an end they believe to be just, uses unjust and immoral means, commits a crime."

In his statement General Balza, answering to renewed demands from Argentine human rights organizations and relatives of the "disappeared" for information on the fate of their loved ones, stated that the army did not have a list of victims or information about the fate of the "disappeared". However, he exhorted anyone in the army who remembered enough to reconstruct the past to come forward, offering public guarantee of complete confidentiality. At the beginning of June, in an official communiqué to all Army units, General Balza reiterated his call for cooperation from army personnel.

On 4 May the Commander-in Chief of the Air Force, Brigadier Juan Paulik, admitted to "serious errors" in the war against subversion. On the same day, the Commander-in-Chief of the Navy, Admiral Enrique Molina Pico, declared that the Navy had to recognise openly that there were "wrong methods which allowed unacceptable horrors."

Although President Carlos Menem initially rejected the confession of former military personnel, he recognized that the very serious charges made by Victor Ibañez "must be investigated". The President, who in 1990 passed a pardon for leaders of the military government, did not rule out the possibility of reviewing the bill to abrogate the Due Obedience Law passed in 1987 by the previous civilian government. While discarding this measure as a possibility to re-open penal action, Dr Julio Strassera, prosecutor in the 1985 trial of the military commanders who ruled Argentina, sees it as a legal opening for the court to order investigations on the final fate of the thousands of people who remain "disappeared".

INVESTIGATIONS UNDERTAKEN IN OTHER COUNTRIES

France

Legal proceedings in countries outside Argentina have been taking place against Argentine military personnel accused of human rights violations since the 1980s. Notably on 16 March 1990, a French Court of Justice found Alfredo Astiz, captain of the Argentine Navy, guilty *in absentia*, and sentenced him to life imprisonment for the illegal arrest, torture and kidnapping of two French nuns, **Alice Domon** and **Leonie Duquet**. The two nuns "disappeared" in Buenos Aires in December 1977. The French Judiciary issued an international order for his capture. The sentence, passed in France, has no practical effect on Argentine territory. Captain Alfredo Astiz was covered by the Due Obedience Law of 1987.

Reports in June, of a likely promotion of Captain Alfredo Astiz during 1995, generated a strong controversy. The Asamblea Permanente por los Derechos Humanos (APDH), Permanent Assembly for Human Rights, wrote to the Upper House of the Senate, which has to approve the promotion, reminding the House of Captain Astiz's human rights record.

Italy

Since 1983 an Italian court has been investigating the "disappearance" in Argentina of over 70 Italians and the kidnapping of about 10 children of Italian ancestry born in captivity during the military government. The Italian court compiled a list of 89 members of the armed forces whom it has accused of planning and carrying out the "disappearances", tortures and kidnappings. In February 1994 an Argentine Federal Appeals Court upheld an injunction to stop an Italian judge and a prosecutor who arrived in Buenos Aires from interviewing witnesses as part of the investigation in connection with the case.

While President Carlos Menem rejected the investigation by the Italian Court of a matter already tried by Argentine justice, and closed by the amnesty laws and presidential pardons, Argentine human rights organizations protested at the obstruction caused by the authorities of the legal progress of the case tried in Italy. It was also argued by human rights activists that international standards establish that crimes against humanity can be tried in any country, not only in the territory where they were perpetrated.

Amnesty International reminded the Argentine government of its responsibility to cooperate with Italian justice and to comply with the recommendations of the Inter-American Commission of Human Rights which in its report of October 1992, indicated that the Argentine government should adopt all necessary measures to clarify the events and individualize responsibility for the human rights violations that took place during the past military dictatorship.

Uruguay

In February 1993 a Uruguayan member of parliament presented a formal complaint before a Paraguayan court, requesting clarification of the fate of two Uruguayan citizens, **Gustavo Edison Inzaurrealde Melgar** and **Nelson Santana Escotto**, who had "disappeared" in Paraguay in 1977 while in the hands of Uruguayan, Argentine and Paraguayan personnel. In March their relatives presented a formal criminal complaint against Paraguayan, Argentine and Uruguayan security officials for the illegal detention, torture and kidnapping of the two men.

Documents confiscated by judicial officials in December 1992 and early 1993 from the Paraguayan Departamento de Investigaciones de la Policia (DIP-C), Police Investigations

Department, showed that both men had been arrested in Asunción in March 1977 and handed over in May to Uruguayan and Argentine army intelligence officers who secretly took them to Argentina. Their whereabouts remain unknown. The Paraguayan criminal court judge summoned Argentine and Uruguayan intelligence officials to testify in connection with the arrest, torture and "disappearance" of **Gustavo Edison Inzaurrealde Melgar** and **Nelson Santana Escotto**, without success. No progress has been registered on the complaint.

PREGNANT WOMEN AND CHILDREN BORN IN CAPTIVITY

From the testimonies collected by Amnesty International and CONADEP, and from statements made during the course of the trial of the nine former members of the Argentine juntas, it would appear that whilst pregnant prisoners were not spared torture, most of them were as a rule allowed to give birth before being transferred or killed. In Buenos Aires Province most births reported by former prisoners occurred in the following secret detention centres: the ESMA (a Navy base), Campo de Mayo (an Army base) and the Brigada de Investigaciones de Banfield (investigations unit belonging to the Buenos Aires Province Police).

Group of children found by the Grandmothers of Plaza de Mayo

(March, 1989)

The tireless work of the Grandmothers of Plaza de Mayo has been rewarded with the recovery of 56 children, one of them recently, in the most dramatic circumstances confirming once more the military governments' policy of extra judicial executions of

women while arranging for their babies to be given to strangers. The Grandmothers of Plaza de Mayo are still searching for over 160 children. (See Appendices I and II for partial records.)

CASES OF LOCATED CHILDREN PENDING IN COURTS

The cases outlined below illustrate recent developments in the struggle to satisfactorily recover and reunite with their blood relatives the relocated "disappeared" children. Amnesty International recognizes that competing custody claims of relocated children can only be determined by the competent Argentine courts. While Amnesty International takes no position on this issue the organization is particularly concerned about delays in judicial proceedings which have been initiated to clarify cases where it appears that documents have been forged so that surrogate parents can claim the children as their own. Amnesty International maintains its concern to establish the whereabouts of the remaining missing children and the fate of their parents.

The case of Yolanda Iris Casco, Julio D'Elia and their son

In June 1995 a judge in Buenos Aires ordered the arrest of Dr Jorge Antonio Berges a gynaecologist accused of kidnapping babies born to "disappeared" detainees. Jorge Berges was sentenced to six years on torture charges in December 1986, but he was released under the Due Obedience Law in June 1987 and returned to his gynaecological private practice.⁶

The order for the arrest of Jorge Antonio Berges was related to the illegal adoption of a baby boy, 17 years ago, by a retired naval officer Carlos de Luccia and his wife. The boy, Carlos D'Elia, was born during the captivity of his mother Yolanda Iris Casco in a secret detention centre. It is alleged that Jorge Antonio Berges, a doctor accused by former "disappeared" detainees of inducing them into giving birth and ill-treating them, falsified the birth certificate of the boy replacing his real parents' name with those of a military couple. Genetic tests have confirmed that Carlos D'Elia Casco is the natural son of two Uruguayan citizens, Julio D'Elia Pallares and Yolanda Iris Casco, who "disappeared" after being kidnapped in Buenos Aires in 1977. The Luccias have been arrested. The Argentine Courts will determine whether Carlos is restored to his real family.

⁶Information on Jorge Antonio Berges is provided in Amnesty International's Medical Action "Argentina: Doctor convicted of Torture and Released under "Due Obedience" Law" (AI index AMR 13/10/87), issued on 17 December 1987.

Uruguayan couple, Julio D'Elia and Yolanda Iris Casco, abducted in 1977 in Buenos Aires. Yolanda gave birth to a baby boy whilst in captivity.

Sabino José Abdala

Sabino José Abdala "disappeared" with his parents, Susana Victoria Falabella and José Abdala on 16 March 1977. Sabino José was located by the Grandmothers of Plaza de Mayo at the end of 1993. He was located living in the West of Gran Buenos Aires, registered with a new name and age as the child by birth of other parents. With Sabino José's agreement, medical examinations and genetic tests were conducted which concluded that he was most certainly José Sabino Abdala. On 29 December 1993 the 19 year-old met his real family establishing a link with his grandparents, aunts, uncles and cousins. He is still living with the adoptive family. Sabino José Abdala's case is at present before the court and will continue open until a decision is reached by the court or until Sabino's 21st birthday, at which time the jurisdiction of the court on his case will cease.

Emiliano Carlos Castro Tortrino

While the whereabouts of most of the "disappeared" children is still unknown and establishing the location of those found has taken years, Emiliano Carlos Castro Tortrino was located within hours of his "disappearance". Emiliano, who was born with a cleft palate, was eight months old when he "disappeared with his mother, Maria

Carmen, on 23 March 1977. His father, Carlos Enrique Castro, had been kidnapped on 25 June 1976.

The grandparents initiated immediately the legal search for Emiliano and his mother. On 5 April 1977, the maternal grandfather, Pedro Pablo Tortrino, initiated a legal case stating that a baby of about the same age and with the same physical mark, found in a street of Buenos Aires on the same day as Emiliano's "disappearance" could be his grandson. The judge in charge, who had registered on 23 March 1977 the finding of the baby in the street, initiated two days later an investigation to establish the whereabouts of Maria Carmen Tortrino so that she could testify in the case of the "abandoned" child. However, at the same time the judge granted custody for future adoption of the baby to Domingo Gabriel Maggiotti and his wife. On 29 April the Maggiotti couple were granted definitive custody of the baby and the legal rights to register him as Juan Pablo Maggiotti, born in September 1976. Steps to adopt the baby legally were initiated by the Maggiotti couple and full adoption was granted in October 1977.

Since this decision, the Tortrino and Castro families have been sustaining a legal battle to keep the case open in order to establish the identity of the baby found in the street and to contest the adoption order granted by the judge without investigating stated similarities with the "disappearance" and characteristics of Emiliano Castro Tortino. Blood tests, requested by the Castro-Tortrino families, necessary to legally determine consanguinity claims in cases where a child's origins are in dispute, were rejected by the courts.

In 1988 two Federal Prosecutors, Dr Anibal Ibarra and Dr Mariano Ciafardini, appointed by the then President Raúl Alfonsín to deal with the cases of the missing children, took up the case with grandfather Castro, then 78-years-old, as plaintiff and lawyers from the Grandmothers of Plaza de Mayo to represent him. In 1990 a genetic test was ordered by the judge in charge and confirmed by the Federal Court, but the Maggiotti couple appealed against this decision and the Supreme Court overturned the ruling.

Further attempts to establish the minor's real identity through genetic tests have been unsuccessful. On 1 February 1995, the Attorney General objected to the blood test arguing that it would impose a certain degree of violence on the minor. In the meantime the grandfathers Tortrino and Castro have died. The case is again pending before the Argentine courts.

Child of Gladys Cristina Castro and Walter Hernán Domínguez

Gladys Cristina was six months pregnant when she was abducted on 9 December 1977 in Mendoza Province. On 4 May 1994 the Grandmothers of Plaza de Mayo announced in a press conference that they had located Gladys Cristina's child in Córdoba registered as

Ezio Hernán Gava, the child of a woman suspected of never actually being pregnant. Allegedly, the child, a boy, was handed over to the woman by her brother, an army officer in Mendoza in 1978. On 6 December 1993 the federal judge in Mendoza had rejected an appeal on behalf of the blood relatives to conduct genetic examinations which would establish the true identity of Ezio Hernán Gava, now 16 years old. Reportedly, the judge claimed that the tests would harm him both physically and psychologically. The case is pending before the courts.

Maria Natalia Alonso

María Lujan Dimatía de Alonso was detained in Asunción, Paraguay, on 29 March 1994, her husband Omar Alonso was detained on 23 December 1993. Both are accused of falsifying documents and taking of a minor. In September 1986, when an Argentine judge ordered the couple to undergo genetic tests regarding the paternity of Maria Natalia, the girl they claimed as their own child, they attempted to flee the country. The couple together with the child were eventually located in Paraguay.

It is believed that the real parents of Maria Natalia could be amongst three families detained in the late 1970s in Olmos prison, the 5th Police Station in La Plata and the detention centre known as "El Pozo de Quilmes". The Grandmothers of Plaza de Mayo had received information indicating that Maria Natalia had been brought to the Alonso home in La Plata, when she was only a few days old, wrapped in a navy overcoat. Transfer to Argentina and custody of Maria Natalia has been requested by La Plata Minors Court to the corresponding court in Paraguay. No reply has been forthcoming.

Reggiardo-Tolosa Twins

Maria Rosa Ana Tolosa, 6 month's pregnant, and her husband Juan Enrique Reggiardo "disappeared" in Greater Buenos Aires in February 1977. Maria Rosa's twin boys were born during her captivity in a secret detention centre. The twins were located in 1984 living as the children of a former federal police sergeant Samuel Miara and his wife. After lengthy legal proceedings, and positive genetic tests confirming their real ancestry, in December 1993 the twins, Matias and Gonzalo, then 16-years-old were reunited with their blood relatives, allowed to use the surname Reggiardo-Tolosa and live with their maternal uncle. Their real parents Maria Rosa Ana and Juan Enrique remain "disappeared".

Samuel Miara had been arrested and was eventually sentenced to seven and a half years' imprisonment for retaining and hiding the minors. His wife, Beatriz Castillo was given a three year suspended sentence. However, in May 1994 following claims that the twins wanted to live with the Miara couple, the judge in charge of the case reversed his decision and placed the twins under the custody of a substitute family granting visit rights to the

Miara. Samuel Miara was released from prison in December 1994 on grounds of having completed two thirds of the sentence and for good behaviour.

As early as 1991 the Grandmothers of Plaza de Mayo had denounced the Argentine government for irregularities in the proceedings of this case, before the Inter-American Commission on Human Rights for violating the San José de Costa Rica Pact. On 2 February 1995 their legal representative presented to the Inter-American Commission their request to the Inter-American Court of Human Rights for the adoption of preventive measures, to suspend the visiting rights granted to the Miara couple on the grounds that it violates international standards, including Articles 9 and 35 of the Convention on the Rights of the Child.

Relatives of the "disappeared" demonstrate in Buenos Aires.

But the search goes on. While further military statements and new revelations may come to light and the wheels of justice continue turning slowly, the Mothers of Plaza de Mayo and the Grandmothers of Plaza de Mayo continue their dedicated vigil, every Thursday opposite the Casa Rosada (Presidential Palace). They have been gathering since 1977 when the first group of sorrowful mothers met at the Plaza de Mayo in their incessant claim for official information on the fate of their children and

grandchildren.

Some of the information that has come to light in 1995 through the declarations of former members of the Argentine armed forces has confirmed for some relatives their worst suspicions. Official government information must confirm the final fate of those already named in the declarations and of all those thousands who remain "disappeared", their relatives have the right to the full truth, and the Argentine people the right to learn their history .

The Mothers of Plaza de Mayo themselves encapsulated these rights in their statement to the Inter-American Commission on Human Rights Commission in 1980⁷

"...Every Argentine citizen should know of it. Some of us have become aware of it through pain, others will become aware of it by learning about it. But we have to understand this truth because it is our commitment to future generations. Otherwise a shadow of sadness will remain forever over the descendants of this shattered generation and peace will not come to so many desolate families. They will always be looking around thinking in what unknown place their son continues to suffer or what tree or what piece of sky attracted his last glance, his last breath, his last thought. They have been denied even the small piece of earth earned at birth for their final resting place."

(Mothers of Plaza de Mayo)

⁷ "Summary of the Report of the Inter-American Commission on Human Rights on the Human Rights Situation in Argentina, April 1980 (AI Index AMR 13/27/80) published in August 1980 .