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Argentina: bringing the law into line with international obligations -- a challenge for the legislators

Amnesty International called today on the Argentine legislators to fulfill the country's obligations stemming from the recommendations of the Inter-American Commission of Human Rights on the case of the "La Tablada" political prisoners.

This is the opportunity for the legislators to correct the incompatibility between some national laws and the inter-American Convention on Human Rights (the Convention) which from 1994 has become an internal norm of constitutional rank.

As indicated in the Inter-American Commission's recommendations, the Argentine State -- in keeping with its obligations under the Convention -- must make fully effective "the judicial guarantee of the right to appeal for persons tried under Law 23.077".

The bill to be considered by the Chamber of Deputies, submitted by Deputy Ramón Torres Molina, would incorporate the right to lodge an annulment appeal (Recurso de Casación) -- thus establishing the double instance. The passing of this bill would be in the interest of justice, as it would allow the prisoners of La Tablada to receive -- after more than 11 years of imprisonment -- the benefit of the appeal of annulment established by the Argentine procedural law.

Background

In their report No.55/97 of 18 November 1997, the Inter-American Commission recommended that the people judged according to Law of "Defence of Democracy", Law No. 23,077, be granted the right to appeal and receive compensation.

The members of the "All for the Fatherland Movement", "Movimiento todos por la Patria" (MTP) were judged under that law as a result of the events of January 1989 when a group of them carried out an armed attack against the military barracks of the Third Mechanized Infantry Regiment in La Tablada, Buenos Aires Province. The 20 people involved were judged by the San Martín Federal Court under the Law of Defence of Democracy and then sentenced in October 1989 to terms ranging from ten years to life imprisonment.

An extraordinary appeal against the sentence, submitted by the defence counsel, was rejected by the Federal Court. Similarly another appeal submitted in March 1992 to the Supreme Court of Justice was also rejected.

Amnesty International has documented the events that took place in "La Tablada" in January 1989 and in several occasions has expressed to the Argentine authorities its concern about human rights violations -- including extrajudicial executions, "disappearances", torture and ill treatment -- committed by State agents on the occasion of such incident.

The Inter-American Commission concluded that the Argentine State had violated the right to life of nine members of the MTP, who had been the victims of extrajudicial executions during the events of January 1989, and the right to humane treatment of another 20 detainees who had been tortured in the same occasion by members of the security forces. In this respect the Inter-American Commission recommended a complete, impartial and independent investigation into the events in January 1989 in order to identify and punish those responsible for human rights violations.

Amnesty International has adopted Fray Antonio Puigjane -- who appeared voluntarily before the authorities after the events in " the Tablada " -- as a prisoner of conscience. Due to his age (he is over 70 years of age), Fray Puigjané is under house arrest serving a 20-year sentence. Fray Antonio Puigjané, a leading member of the MTP, was convicted on the basis of unsubstantiated allegations which he denied.

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