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EXTRACTS FROM THE
REPORT
OF AN
AMNESTY INTERNATIONAL
MISSION
TO
ARGENTINA
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INTRODUCTION

The political history of Argentina in the past two decades has been one of continuous struggle between weak civilian governments and a powerful military. This was demonstrated during the period subsequent to the fall of the first Peronist government, 1955-66, when there were five different presidents, two military and three civilian. In 1966, General Juan Carlos Onganía seized power and attempted to resolve Argentina's economic problems by adopting stringent austerity measures. For the next seven years, three military presidents ruled the country. There was no permitted channel for political expression, since all parties other than the already banned Peronist movement, had been suspended by the military at the time of the 1966 coup. Clandestine political organizations proliferated, some inspired and actively encouraged by the exiled former President Juan Domingo Perón. In May 1969, growing unemployment and unpopular economic policies culminated in an uprising in Cordoba; this was violently suppressed by the military, more than 20 civilians being killed. Following this rising - the Cordobazo - a State of Siege was declared, and since, from 1970 onwards, the activities of left-wing armed groups intensified, further repressive legislation was passed.

Increasing violence, labour unrest and economic instability led General Alejandro Agustín Lanusse to seek a compromise with the Peronists and move towards a restoration of democracy. Elections were held in March 1973 and Hector Cámpora became President in May, with 50 per cent of the vote. On taking office, he declared a general amnesty and revoked most of the penal laws which had not been duly enacted by congress. After only 49 days in office, Dr Cámpora resigned; he made way for Juan Domingo Perón, who, having already visited Argentina in November 1972, was elected President in September 1973 with 60 per cent of the vote. On his death, in July 1974, Perón was succeeded by his widow, María Estela Martínez de Perón.

Señora Perón, advised by a small group of confidants led by the Minister of Social Welfare, Lopez Rega (now wanted in Argentina for embezzlement), presided over a period of severe economic difficulties: in 1974 inflation was 335 per cent and in March 1976 it reached an annual rate of 700 per cent. Corruption and political violence increased as factional fighting for the political succession within Peronism spread.

On 6 November 1974, a State of Siege was introduced and more than 3,000 people suspected of involvement in subversive activities were placed in preventive detention. The death squads, some which were financed, according to sworn testimony*, by the Ministry of Social Welfare, operated with impunity and were responsible for a large proportion of the 1,500

* Lieutenant Paino testified in August 1975 before a congressional commission set up to investigate the activities of the Alianza Anti-Comunista Argentina (Argentine Anti-Communist Alliance - AAA).

assassinations which occurred in the 18-month period following Perón's death. On 24 March 1976, Señora Perón was deposed by the armed forces, who promised to provide economic stability and wage total war against subversion.

Armed Organizations

The armed left-wing organizations developed during the military governments which ruled Argentina from 1966-73. The most important groups are the Montoneros and the Ejército Revolucionario del Pueblo (People's Revolutionary Army - ERP). These have now absorbed other smaller groups.

The Montoneros, who take their name from the nineteenth century gaucho rebels, began to operate in 1969. They are Peronist-inspired and achieved national publicity after the kidnapping and killing, in 1970, of former provisional President General Pedro Eugenio Aramburu (1955-58), who had ousted Juan Perón in 1955. From 1970-73 they received the support of the Peronist Youth Movement and of Perón himself, who referred to them as "that marvellous youth that struggles against military dictatorship with weapons in their hands and who know how to give their lives for the Fatherland". (However, as President, on 1 May 1974, Perón disowned them as "stupid, smooth-chinned and mercenary youths".) During Cámpora's brief Presidency the Montoneros suspended their activities; but when Cámpora resigned and Peron, as President, denounced them, they became disenchanted with the official Peronist government, and on 6 September 1974, two months after the death of Perón, they announced their resumption of the armed struggle on the grounds that "all possibilities of legal action have been exhausted". They continued, however, to regard themselves as Peronist. In December 1975, one of the leaders, Roberto Quieto, was abducted and has disappeared. Since the military coup, despite heavy losses, the Montoneros have carried out several acts of violence.

The Ejército Revolucionario del Pueblo emerged in 1970-1 as the armed wing of the Trotskyist Partido Revolucionario de los Trabajadores (Workers' Revolutionary Party - PRT) and was particularly active in 1971 in the Córdoba area. It became well-known for its "military" efficiency with a number of daring raids on military installations and attempted in 1974 to establish a "liberated zone" in the mountainous province of Tucumán. It has suffered heavy casualties, including, in July 1976, the death of its leader, Mario Roberto Santucho.

Since the coup the Montoneros and the ERP have claimed responsibility for the following acts of violence:

29 April 1976: Five men and three women killed in attack on army arsenal;

30 May 1976: Colonel Juan Pita, military administrator of the

General Labour Confederation kidnapped. He escaped unharmed on 7 December 1976;

- 19 June 1976: Chief of Police, General Cardozo killed by a bomb which had been placed under his bed by Ana Maria Gonzalez, a friend of his daughter's;
- 2 July 1976: Twenty-five policemen killed and 60 injured in Coordinación Federal (police headquarters);
- 19 August 1976: General Omar Carlos Actis, head of the state committee organizing the 1978 World Cup to be held in Argentina, shot by five gunmen whilst crossing the road. On the same day, Carlos Bargometti, a Fiat executive, shot in his car; the fifth Fiat executive to be killed since 1972;
- 2 October 1976: Bomb planted in the Campo de Mayo army barracks; General Jorge Rafael Videla, President of the Argentine Republic, missed assassination by minutes;
- 17 October 1976: Bomb planted in cinema of army officers' club in Buenos Aires; at least 50 injured;
- 9 November 1976: Bomb planted in police station in La Plata; one person killed and at least 11 injured. Retired Air Force Major Adolfo Valis assassinated;
- 1 December 1976: Colonel Leandro D'Amico assassinated. The 17th senior military official to have been killed by left-wing groups since the coup;
- 15 December 1976: Thirteen-pound fragmentation bomb exploded in large hall at the Defence Planning Under-Secretariat; 13 people killed and 20 injured.

Right-wing extremists had, until 1970, generally confined their activities to the elimination of petty criminals, but in December of that year they began their attacks on people suspected of left-wing sympathies. However, it was during the Peronist government of 1973 onwards that para-police groups entered the political field in earnest, kidnapping and killing on a large scale and concentrating in particular on trade unionists and left-wing activists. The most famous group is the Alianza Anti-Comunista Argentina (Argentine Anti-Communist Alliance - AAA), which began its activities in December 1973 with an attempt on the life of Radical Senator Solari Yrigoyen. He sustained serious injuries but survived. Whilst there is no conclusive evidence proving a direct connection between these organizations and the police and military, there are several circumstances which suggest official tolerance of their activities: according to Amnesty International's information, these crimes are never investigated by the authorities: no one has been tried or even arrested for them. The para-police groups often operate in broad daylight and are never interfered with by the public authorities. They use vehicles of the same make and

type as the police and military. In 1974 alone, there was strong evidence to show that these groups were responsible for over 300 murders. During 1975 and 1976 the activities of these groups increased; in the last quarter of 1976 reliable sources indicate that they were responsible for approximately 15 abductions a day.

LEGISLATION

The military junta is now the supreme organ of the state and has taken upon itself extraordinary powers which violate the Argentinian Constitution. The executive is no longer subject to any check or control since congress has been suspended and the members of the Supreme Court of Justice dismissed and replaced. The military now hold most key ministerial posts and all nine members of the new Legislative Advisory Committee (Comisión de Asesoramiento Legal) are officers in the armed forces. Thus the military controls all branches of government: the executive, the legislature and the judiciary.

Strict and indeed repressive laws were already available to the new government when it seized power on 24 March 1976.

Security Act 20.840

This was made law on 30 September 1974 and prescribes severe prison terms for any person who attempts or encourages by any means the alteration or suppression of the established order and the social peace of the nation. Act 20.840 makes criminal any activity related to the distribution of the literature or emblems of "subversive" organizations. Activities could count as "subversive" even when accomplished in an entirely peaceful manner. Offences relevant to Act 20.840 were placed under federal jurisdiction and all bail procedures and suspended sentences were made inapplicable.

The State of Siege

In addition to Security Act 20.840, the military junta also maintained the decree of the executive of 6 November 1974, which declared a State of Siege.

According to the Argentinian Constitution (Article 86, clause 19), the President is empowered to declare a State of Siege in cases of "internal upheaval". However, this provision is qualified by Article 95 which states that "under no circumstances can the President of the Nation pass sentence or exercise judicial functions" and by Article 23, which states: "In the event of internal unrest or an external aggression that endangers the functioning of the Constitution and of the authorities created by it, a State of Siege will be declared in the province or territory where the threat to order prevails, constitutional guarantees being suspended in the interim. Whilst constitutional guarantees are suspended, the President of the Republic may not punish or pass sentence. His power will be restricted to arrest or moving people from one part of Argentina to another, if they do not wish to leave the country."

It is clear that since the coup in March the legal restrictions on the State of Siege, provided by Articles 23 and 95, have been overruled.

The Suspension of the Right of Option

On 24 March 1976, the junta suspended the last clause of Article 23 (....."if they do not wish to leave the country"), which is known as the Right of Option. Then, on 29 March (with decree 21.338), they retroactively annulled this right: "All requests for the option to leave the nation presented during the enforcement of this right, regardless of the stage of development are now automatically without effect." As a result, many persons who had been granted the Right of Option before the coup were prevented from going into exile. At the time of the coup there were approximately 3,000 people held at the disposal of the Executive Power for the duration of the State of Siege (and no limit has ever been fixed for its duration, either by the government of María Estela Perón or by that of General Videla). Under Law 21.338 these people were left without any recourse against indefinite incarceration. However, the constitutional basis of this law has been contested in the courts.

The determination of the military junta to preclude a successful appeal against the suspension of the Right of Option is illustrated by the case of María Cristina Ercoli:

On 23 July 1976, the Argentine Federal Court instructed the Executive Power to allow María Cristina Ercoli to go into exile or otherwise to release her within a period of 20 days. The court ruled that Señorita Ercoli had been held for sufficient length of time (7 months) to permit the Executive Power to investigate her activities and formally charge her if she were found to have been involved in any criminal acts. Her detention sine die in such conditions would be unreasonable and, furthermore, would amount to a sentence in contravention of Articles 23 and 95 of the Constitution, which prohibits the President of the Republic to pass sentence or to condemn.

However, on 17 November 1976, the Supreme Court overruled the finding of the Federal Court in the case of Señorita Ercoli. Whilst they agreed that the sine die suspension of the Right of Option would be unconstitutional in so far as it implied detention for an indefinite period, the Supreme Court maintained that Law 21.448, promulgated on 27 October 1976 and which now permits prisoners held at the disposal of the Executive Power to apply to leave the country, altered the situation significantly.

Law 21.448 fixed a 180-day period of suspension of the Right of Option from 27 October 1976, the moment of its publication. Law 21.449 of 27 October 1976 established that persons held at the disposal of the Executive Power could only request to leave the country 90 days after the decree of their arrest had been issued. The Executive Power, however, reserved the right to grant only those requests which they considered did not endanger the peace and security of the nation. In the case of María Cristina Ercoli, the refusal of the option was supported by the following note from the Ministry of the Interior:

"His Excellency, the President of the Republic, has considered when decreeing this arrest that the activities of the person now detained could contribute to maintaining, expanding or aggravating

the causes that motivated the declaration of the State of Siege."

It is apparent that the Supreme Court, by upholding the authority of the Executive to regulate the Right of Option, has broken with one of the most fundamental tenets of the Constitution, for the Executive Power is now engaged in the exercise of judicial functions.

Other Decrees and Laws Promulgated by the Military Junta

Decree 21.264

This was issued on 24 March 1976 and transforms a breach of the peace from a minor offence punishable by a fine or by 30 days confinement into a major federal crime punishable by a penalty of 8 years in prison. Article 5 of the decree authorizes the security forces to use firearms when a person apprehended "in flagrante delicto does not cease upon the first warning or uses arms against the officer of the peace". Attacks against public transport, communications and other public services are punishable by "imprisonment for a fixed period or death".

Decree 21.264 also set up military tribunals known as Consejos de Guerra (Councils of War). In these tribunals the accused is only entitled to a "summary trial" as described in the code of military justice, which states that a summary trial may be used when the immediate suppression of a crime is "necessary to maintain the morale, discipline and the military spirit of the armed forces, and when dealing with serious offences such as treason, insurrection, mutiny, looting, attacks on superior officers, attacks on guards and assassination of sentries". This situation is now automatically considered to prevail when these courts conduct hearings concerning persons involved in anything pertaining to subversion. The defendants are not allowed to be represented by civilian lawyers. According to Article 97 of the Code of Military Justice, the defence lawyer should always be an "officer in active service or retired". Furthermore, the proceedings of these courts generally take place in camera.

Law 21.272

This law was issued on 24 March 1976 and establishes the death penalty for anyone causing serious injuries or death to military personnel or members of the security forces and police whilst carrying out their duties. Anyone who "offends the dignity and decorum" of military personnel, or security forces and police may face a sentence of up to 10 years' imprisonment. By this law the age of criminal responsibility is reduced to 16 years and this age limit applies to the death penalty.

Law 21.322 and Law 21.325

These were passed on 2 June 1976 and made illegal a total number of 48 organizations and provided criminal forms of punishment for political activity. These laws also established that all "political acts" that relate to a party are outside the law, regardless of whether they may issue in concrete action. The same applies to the publication of any such activities which may be punished by up to 6 years' imprisonment.

Law 21.338

Passed on 25 June 1976, this law modified the existing Penal Code and introduced the death penalty by firing squad within 48 hours of the sentence being pronounced; it also provides a sentence of between 2 and 6 years for anyone who instigates a crime against a person or institution whether or not an act took place.

Law 21.338 also amended Article 210 bis of the Penal Code by making the penalties for "illicit association" more severe: the sentence has been increased from 3 - 8 years to 5 - 12 years. If the illicit association includes the participation of leaders or organizers, the penalty imposed can be 25 years; this penalty can also be applied if the organization has a "cell structure".

Decree 21.456

Issued on 20 November 1976, this modified the already existing security law 20.840 by making the penalties for all offences relating to subversion more severe. This decree also introduces (under Article 5) prison terms of between 2 and 4 years for anyone who after a strike has been declared illegal by the competent authorities refuses to carry out his duties.

Law 21.460

Promulgated on 20 November 1976, this authorizes the police or armed forces, when investigating crimes of subversion, to arrest anyone on suspicion alone whenever there are "strong indications or half-conclusive proofs of guilt". This procedure will be known as the "summary pre-trial". Naturally the presumption of innocence is prejudiced by this new law. Furthermore, under Article 9 of this law a confession obtained from a prisoner during interrogation may be used as evidence against him at his trial. The statement may only be retracted if the prisoner can prove it was obtained under duress or torture. This contravenes Article 14 of the International Covenant on Civil and Political Rights which states that no one can "be compelled to testify against himself or to confess to guilt".

Press Censorship

Communiqué 19: Delito de Prensa (Crime of the Press)

Passed on 24 March 1976, this established that "anyone who through any medium whatsoever defends, divulges or propogates announcements or views coming from or attributed to illicit organizations or persons or groups notoriously dedicated to subversive activities or to terrorism will be subject to an indefinite sentence of detention. Anyone who through any medium whatsoever defends, propogates or divulges news, communiqués or views with the purpose of disrupting, prejudicing or lessening the prestige of the activities of the armed forces will be subject to detention for a period of up to 10 years".

On 22 April 1976, a more stringent form of censorship was introduced:

"The Government has forbidden the publication of all news items concerning terrorist activity, subversion, abductions or the discovery of bodies, unless officially announced. The order was given to most metropolitan newspapers on Thursday night.

"A brief statement issued in the press secretariat said that 'as from 22 April it is forbidden to report, comment or make reference to subjects related to subversive incidents, the appearance of bodies and the deaths of subversive elements and/or members of the armed or security forces, unless these are announced by a responsible official source. This includes kidnappings and disappearances.

"A press secretariat source said that the ban on publication of terrorist activities was aimed at suppressing any information which could be used as propaganda by subversive groups.

" 'This is a state of war,' the source said, 'and the government has the right to use this method to prevent enemy propaganda'.

"The government source said this decision was not to be interpreted as a step towards total censorship, but rather a security measure in a specific area."

Buenos Aires Herald: 24 April 1976

In short, the new government, by taking upon itself the power to regulate the Right of Option of prisoners held at the disposal of the Executive Power, and by placing all trials of crimes of subversion under the jurisdiction of military courts which are themselves directly responsible to the President of the Republic, is violating the Constitution, which firmly states in Article 95 that "under no circumstances can the President of the Nation pass sentence or

exercise judicial functions".

The laws promulgated by the military junta on or after 24 March 1976 have erased or confused the basic distinction between the principal actors in a criminal offence, those who are accomplices in the act and those who are only accessories after the fact. By rejecting the basic differences in accountability of those involved in a crime - differences recognized by every system of law - the military junta have made it possible to detain anyone connected, however remotely, with any alleged crime of subversion.

The militarization of civilian tribunals means in effect that no citizen in Argentina who is arrested for alleged subversion has any rights beyond those severely qualified privileges granted under the Code of Military Justice. There can be little confidence that the military courts, which only afford political defendants summary justice and deny them the right to be defended by civilian lawyers, give any guarantee of a fair and impartial trial. They thus contravene Article 10 of the United Nations Universal Declaration of Human Rights (1948):

"Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him."

The Argentine Republic is a signatory to and has ratified the United Nations Charter, the United Nations Universal Declaration of Human Rights and the American Convention of Human Rights.

PRISONS AND PRISONERS

"The prisons of the Nation shall be healthy and clean, for the security and not for the punishment of the prisoners confined therein; and any measures that under pretext or precaution inflicts on them punishment beyond the demands of security, shall render liable the judge who authorizes it."

Article 18 of the Argentinian Constitution

Before the coup d'état of 24 March 1976, there were approximately 3,000 people held in preventive detention at the disposal of the Executive Power (a la disposición del Poder Ejecutivo Nacional - PEN). Since then arrests have continued on a large scale but the authorities refuse, for reasons of security, to divulge the identity or number of political prisoners. The Amnesty International delegates were told that information about prisoners detained by executive decree was a military secret; officials did reveal, however, that the total capacity of the prisons was between 4,000 and 5,000 and that not all were full. This conflicts with the testimony of released prisoners, who have all commented on overcrowding. Furthermore, prisoner statistics from official and unofficial sources indicate that in four prisons alone there are 4,610 inmates:

Villa Devoto	2,830, of whom 560 are held under PEN. (This includes common prisoners.)
Sierra Chica	600 political prisoners*
Córdoba Penitentiary	480 political prisoners*
Coronda	300 political prisoners*

A further clue as to the number of political prisoners was provided on 18 November 1976 by the Minister of the Interior, General Albano Harguindeguy, who dismissed an estimate of 20,000 as exaggerated and instructed journalists that the actual figure could be arrived at simply by dividing this estimate by any number between two and 10. The authorities, then, admit the existence of between 2,000 and 10,000 political prisoners, but clearly such admissions are not designed to convey precise information.

The authorities have been less reticent about the number of releases and have made certain information available to Amnesty International.

* These figures are unofficial.

Between 24 March and 30 October 1976, 882 people were freed and 96 (detained) foreigners were expelled. From 1 November to 22 December 1976, the Argentine government freed 541 persons held in preventive detention and expelled another 18 foreigners. Another 123 people were reported to have been released between 22 and 29 December 1976. Thus to date there have been altogether 1,546 releases and 114 expulsions*. However, these statistics are of little value, for they cast no light on the length of detention, nor on the present number of people in detention for political reasons.

Amnesty International believes that at the time of writing, January 1977, there are between 5,000-6,000 political prisoners, at least two-thirds of whom have not been charged but are detained indefinitely, at the disposal of the Executive Power.

Since December 1975, all prisons have been under military jurisdiction; political prisoners are all categorized under decree 2023 (issued in December 1974 and made more severe in May 1976) as extremely dangerous and are subject to a harsh régime which a) restricts visits and correspondence to blood relatives (this does not include common-law spouses or partners of a second marriage, as divorce is not recognized in Argentina); b) imposes strict censorship of mail and reading matter; c) authorizes spot checks and whole body searches which may be carried out at random, even at meal times; d) permits severe penalties for the smallest infraction of prison regulations. Most prisons do not allow contact visits for political prisoners (La Plata is an exception). Instead, visits take place in locutorios, specially constructed rooms with a plate glass panel separating the prisoner from his family; conversations are conducted through a microphone**. Political prisoners in Córdoba, Coronda (Santa Fe) and Resistencia (Chaco Province) have been denied all contact with the outside world for over six months. Moreover, prisoners held at the disposal of the Executive Power are no longer, since the coup, entitled to see their lawyers; the reason given is

* Considerable doubt exists about some of these releases as in most cases the authorities have described the persons on the lists as "ceasing to be detained at the disposal of the Executive Power". This could mean that the person has not been freed but charged. In this case he would of course remain in prison. The case of Patricia Miriam Borenztein is an example of this confusion. Her name appeared on a list of people released between 1 November and 22 December 1976, and then on a list of 31 people placed at the disposal of the Executive Power between 14 and 21 January 1977. This could mean that either she was charged at the end of 1976 (but this is hardly likely as she is now once more in preventive detention) or she was released and within weeks the Executive Power decided for reasons of security to detain her again, or, as has been suggested by the Argentinian press, she was never in fact released.

**The reason given for these precautions is that the visitors of political prisoners might supply them with dangerous materials.

that, until they are charged, they do not need legal assistance. In fact, the majority of political prisoners have not been formally charged. A significant number have been held in detention since November 1974, when the State of Siege was declared.

It is clear that the provisions of decree 2023 conflict with those of the State of Siege (Article 23 of the Argentinian Constitution). Whereas the State of Siege permits the Executive only to detain but not to punish, the régime imposed by decree 2023 is essentially punitive. What is more, this régime goes against the recommendations embodied in the United Nations Standard Minimum Rules for the Treatment of Prisoners, viz Rule 84(2) "Unconvicted prisoners are presumed to be innocent and shall be treated as such" and Rule 84(3) "Without prejudice to legal rules for the protection of individual liberty or prescribing the procedure to be observed in respect of untried prisoners, these prisoners shall benefit by a special régime"

Whilst, undoubtedly, conditions vary in severity from prison to prison (although the regulations are supposed to be uniformly applied), it is apparent that untried political prisoners are in most cases treated more severely than convicted common prisoners.

The chief official centres of detention for political prisoners are:

Villa Devoto (now a women's prison) ..	Province of Buenos Aires
La Plata (men)	Province of Buenos Aires
Olmos	Province of Buenos Aires
Sierra Chica (men)	Province of Buenos Aires
Córdoba Penitentiary	Province of Córdoba
Cárcel de Encausados	Province of Córdoba
Buen Pastor	Province of Córdoba
Coronda	Province of Santa Fé
Rawson	Province of Chubut
Resistencia	Province of Chaco

During the mission to Argentina, Amnesty International requested private interviews with 26 prisoners. This request was not granted; the delegation was, however, allowed to visit one prison, Villa Devoto in the capital. Permission to visit the prison of La Plata was withdrawn, for reasons of security, following a bomb explosion on 9 November 1976 in the local police station.

Lord Avebury of the Amnesty International delegation went to Villa Devoto. Although his general impression was that conditions in the prison were not unexpectedly severe, he was shocked when interviewing a number of female prisoners, in the presence of prison officials, by the many allegations of torture and maltreatment made in statements which included circumstantial detail. These statements were in all cases contradicted by a government official in a subsequent meeting. There is evidence that since the Amnesty International mission some of the women who spoke to

Lord Avebury have been sent to punishment cells.

Detailed information about prison conditions is obtained from the statements of former prisoners and from documents written by detainees. These accounts provide comprehensive evidence on general conditions, on visits and contact with the outside world, on the treatment of prisoners during transfer, and on torture, harassment and executions.

Sergio Muñoz Martínez, a Chilean political scientist, was arrested in Buenos Aires in November 1975 and was held at the disposal of the Executive Power for 1 year until his expulsion from Argentina. His account, which appears to be representative, reflects the situation of routine brutality and constant intimidation of the prisoners by the guards.

"On 27 September, we were transferred from Villa Devoto to the prison of La Plata. This is a new maximum security prison which has more than 1,000 individual cells of 1.70 metres wide by 2 metres long. (It is reported that some of these small cells are now made to hold two prisoners.) All the surface area is covered by a wooden bench for sleeping, a small table for eating, a chair, a washbasin, a WC, all of concrete and fixed to the wall. The only free space is that between the door and the chair. There is a 40-watt bulb installed outside which gives a weak light through a thick glass window. Natural light comes through a pane of glass so thick that one cannot see the courtyard through it. When a prisoner arrives he is taken and beaten and dragged by the hair through the various checks: identity, medical, etc.; then locked in a cell from 7 to 10 days. During this period, all our belongings like watches and shoes were stolen and we were beaten for the slightest reason.

"The most common tortures during the months of October and November were:

- to remain crouched for 1 hour with head and one hand pushed through the small window in the door through which food is passed. During this time, the officers would amuse themselves by beating us over the heads with their keyrings which carried more than 150 keys;
- to be stretched out on the bed and be pummelled with fists;
- to be interrupted whilst bathing just as one had soaped one's body and be dragged back to the cell;
- to be threatened with razor blade cuts;
- to be awakened three or four times a night.

"One new officer, Rivarola, indulged particularly in these practices. All of this was in addition to the regime which in

itself constitutes torture.

"During all the time spent in the cell, (i.e. from 6.00 am to 9.00 pm excluding four hours recreation) the prisoner is not allowed to lie down or sit on the bunk where the bed is made or he will be punished. As a result, prisoners suffer from bad pains in the muscles and spine. Lock-up period is prolonged as a punishment, often for absurd reasons such as not being properly dressed (i.e. with one button unfastened)."

La Plata has in the past been regarded as one of the best prisons in the country.

Article 37 of the United Nations Standard Minimum Rules for the Treatment of Prisoners states:

"Prisoners shall be allowed under necessary supervision to communicate with their family and reputable friends at regular intervals both by correspondence and by receiving visits."

However, prolonged periods of total isolation from the outside world have occurred in three prisons: Córdoba Penitentiary, the Coronda in Santa Fe and the Resistencia prison.

Prisoners of Coronda testified that:

"From 5 May 1976, we were forbidden visits from our relatives, which means in effect total isolation, as we can no longer write or receive letters, which leaves us in a state of perpetual anxiety as we hear rumours of acts of violence against our families. The next thing was that all books, magazines and all materials for reading or studying were removed. This was soon followed by the removal of the heater, radio, cigarettes, tea, powdered milk, sugar, jam, salt, oil, medicines, et cetera. At the same time the prison authorities took away or smashed crucifixes, family photographs, toys prisoners had made for their children, chess pieces, writing paper, biros, personal letters. All this was accompanied by continual threats and provocations.

"We have not been given any explanation why we are incomunicado. Furthermore, we now spend 23 hours a day locked in our cells (24 if it is raining) with no possibility of manual work or intellectual exercise."

Transfers

Article 45(2) of the United Nations Standard Minimum Rules for the Treatment of Prisoners forbids "the transport of prisoners in conveyances with inadequate ventilation or light, or in any way which would subject them to unnecessary physical hardship".

Numerous, well-substantiated accounts of maltreatment of prisoners during transfers have been documented by Amnesty International. Prisoners are moved under a heavily armed escort; they are handcuffed two together; when travelling by road, they are usually locked into special cell-like compartments. All of these precautions make it unlikely that escape could be possible. A female prisoner described a transfer from Olmos prison to Villa Devoto in late October 1976, during which prisoners were struck repeated blows with truncheons and forced to stand throughout a journey which lasted two hours (they were transported in meat vans). That day they were not given anything to eat from the time they got up at 6.00 am until their arrival at Villa Devoto at 6.00 pm. One woman with a new-born baby was unable to feed it during the journey because she was permanently handcuffed.

Some transfers have been conducted with such violence that prisoners have sustained serious injury: bruising of the body, broken bones and teeth; often they have been forced by threats to sign statements that the wounds were self-inflicted. One such transfer was described by Señor Augusto Nogueira, a 26-year-old farm labourer:

"On 6 September 1976 I was transferred from the prison of Villa Devoto with another 50 prisoners held at the disposal of the Executive Power (that is, without charges) to the prison of Sierra Chica. The transfer was conducted in the following way: in Villa Devoto we were handcuffed together - so two prisoners had one hand each in handcuffs and one free. We were put into lorries of the Federal Penal Department and taken to the military air base of Palomar. There, as we got out of the lorries and until we boarded the Hercules plane, we were pushed and beaten by the soldiers with whips and the butts of guns. I was beaten especially on the shoulders. Once on board the plane we had to sit with our heads down and our free hand on our necks. We made the whole journey - approximately 45 minutes - in this position, and throughout it we were constantly beaten over the head and back and the guards even walked with their boots on our backs. I was also interrogated by personnel of the Penitentiary Department and army about the reason for my arrest. Every time I replied they beat me. Once we arrived at the Azul airport we got off the plane and were showered with blows and there I had to lie face down on the ground until the lorry which was to take us to Sierra Chica arrived. We ran towards the lorry in the midst of further blows. At Sierra Chica, we were beaten again with truncheons and gun butts by the prison and army personnel. One example of the brutality and savagery of the beating is that while one of the guards was beating one of my comrades

with his gun, it accidentally went off and killed another guard beside him.

"Once inside the prison, we were beaten even in the entrance hall whilst we were getting undressed and weighed. We were beaten even when a prison official was taking down our personal details and a nurse examining us. We were no longer handcuffed and whilst I tried to gather up my clothes a guard took hold of me and as I tried to protect myself I dropped all my clothes. He took me at top speed completely naked, without even any shoes, from the hall to the pavilion 150 metres away across a patio covered by small stones; here the pain of the previous blows and having to run on the stones without shoes made my progress slow; nevertheless I was pushed. At the pavilion entrance there were about 10 prison employees who began to beat me all the way to my cell where I spent several hours completely naked without even a blanket until the guards arrived to question me about why I was detained, punching and beating me. Then I was taken out of the cell to the bottom of the pavilion, being beaten by various officials. There I had to look for my clothes amid further blows among a pile of belongings. They forced me to bathe in cold water, then they beat me all the way back to my cell. This is all I went through during the transfer as a result of which I lost two teeth and still have pains in different parts of my body two months later. In spite of the doctors having been informed of all this, I have never received medical attention. I should add that when I was in my cell they threw me onto the floor and started to kick me with their boots all over my body. Once I was kicked in the mouth and two teeth were broken. I had no breath or strength; I was lifted up only to be thrown onto the floor and beaten again."

(Amnesty International has received many other testimonies which corroborate the brutality of this transfer.)

There is no doubt that the treatment described in the preceding testimonies goes beyond the limits of what is acceptable to any civilized society and clearly violates Article 31 of the United Nations Standard Minimum Rules for the Treatment of Prisoners:

"Corporal punishment, punishing by placing in a dark cell, and all cruel, inhuman or degrading punishment shall be completely prohibited as punishments for disciplinary offences."

Alarming reports of brutality, however, come from the Penitentiary in Córdoba, where the political prisoners have been kept incommunicado since the coup. All personal belongings, reading and working materials have been taken away from them and the prisoners allege that they are kept in a constant state of tension, are subjected to interrogations each night and are forced to participate in long sessions of arduous

military exercises known as "dances", which are generally accompanied by beatings and abuse. A joint testimony by the political prisoners in Córdoba Penitentiary recounts:

"In the last weeks of April, the situation deteriorated. We were then taken out, cell by cell, at all hours of the day and night, by a colonel and three subordinates with rifles and fixed bayonets, pistols and truncheons, who vented their loathing on us. Naked, flat on our backs in the corridors, prohibited from looking at one another, we were questioned about our activities outside: trade unions, political parties, et cetera. We were beaten with rubber sticks with steel centres. They would pick out one of us at random for a prolonged beating. These night-time disturbances created an apprehensive and nervous silence amongst us. We never knew which of us would be beaten that night The results of these last two weeks in April were: 80 percent of the prisoners were beaten, with bruises on some part of the body, cuts, badly bruised backs. The worst were: prisoner Wind given a bayonet wound in the kidney as a result of which he lost one organ; prisoner Balus with partial paralysis as a result of the beatings moved twice to hospital in a coma; prisoner Barrero with haematomas on the genitals; prisoner Rudnik, convalescing on crutches after being beaten was readmitted to the prison hospital. The most badly beaten was Carlos Sgandurra: this fellow prisoner was singled out at random by a corporal who may have found his physical presence objectionable, and taken out in underpants in the middle of a cold night. They beat him brutally on the back, head and shoulders, inflicting severe lacerations. When he returned to the cell, his body was a mass of sores, his forehead swollen by the blows; but his torturers were not satisfied with this. Another three times at different hours of the day and night, like bloodthirsty vultures, they set about him. On one occasion his tormenters amused themselves by running the flat or point of their blades on his wounds."

Summary Executions

Summary executions of political prisoners have occurred in the Penitentiary in Córdoba on various occasions, justified under the Ley de Fuga or Law of Escape. The following account is a resumé of several testimonies written by the political prisoners themselves and passed out of the prison between July and October 1976.

"On 17 May (1976) the following were removed from the jail without any explanation: Miguel Angel Mosse, Ricardo Alberto Otto Young, Alberto Svaguzza, Eduardo Alberto Hernández, Luis Ricardo Veron and Diana Fidelman. Minutes later they were killed; the army alleged they were shot whilst trying to escape,

"On 28 May, José A. Pucheta and Carlos Sgandurra were taken

out of their cells and killed (allegedly killed during a rescue attempt)."

"On 19 June at 23.15 hours while we were all sleeping Mirta Abdon de Maggi and Esther Barneris were taken away, gagged, handcuffed and blindfolded. The same night, they took Miguel Barreras and Claudio Zorrilla. All were subsequently shot with other detainees who were not from the prison (once again the official version was shot during an escape attempt)."

"On 29 June, at about 20.00 hours they took away Marta Rosetti de Arqueoloa, who had been repeatedly threatened with death; she had one night's reprieve as they did not have a vehicle in which to move her."

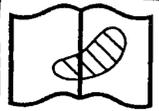
"On 30 June at 11.00 hours she was taken away by a lieutenant and a sergeant with Christian Funes; they were both shot in a lorry at the prison gates, allegedly whilst trying to escape."

"On 5 July, during one of the infamous "dances" while doing press-ups, prisoner Raul Augusto Bauducco unintentionally touched the officer in charge, who shot him dead. (The official statement was that the prisoner had tried to snatch the officer's gun.)"

"On 14 July, Rene Moukarzel, a prisoner aged about 28, blindfolded, handcuffed and covered with blood - indicating recent torture - was taken into the courtyard. We were all locked in our cells and the windows were shut. He was tortured for hours, during which time they constantly threw cold water over his head, keeping him blindfolded and gagged until he died, frozen in the same place that night."

"August: prisoner Liliana Felisa Paez was taken away and, as in previous cases, was shot together with prisoner Tramontini."

"On 12 August, Hugo Vaca Narvaja, Gustavo Adolfo de Breuil and Higinio Arnaldo Toranzo were killed." (A communiqué from the 3rd Army Corps - which controls Córdoba - explained that while the prisoners were being transported from the Penitentiary to a military court, the van had an accident. The three subversives tried to escape by hiding in some bushes; the escort was obliged to open fire, killing the three men. As it is almost certain that the men were handcuffed and unarmed, it is difficult to understand why it was necessary to shoot them.)



The deaths of four more political prisoners occurred in the Penitentiary in Cordoba in mid-October 1976. Death notices were published in the local newspaper Voz del Interior (15 October and 18 October 1976) for Miguel Angel Cevallos, Jorge Oscar Garcia, Pablo Alberto Ballustra and Marta Juana Gonzalez de Baronetto.

While it is not possible to corroborate all the events described in these statements, it has been confirmed by official sources that between 17 May and 12 August 1976, 17 prisoners from the Penitentiary were executed and in all cases the authorities used the Ley de Fuga (Law of Escape) to explain their deaths. The fact that so many prisoners appear to have died in such dubious circumstances must inevitably give rise to the greatest anxiety about the safety of the political prisoners in Cordoba. Such anxiety could only be allayed if a public inquiry were conducted into these deaths, preferably by an international organization, and the state of incomunicado were to be immediately lifted*. For it seems clear that safeguards for the well-being of prisoners can only be guaranteed when lawyers, friends and relatives are given access to the prisons.

* Since January 1977, the political prisoners in the Córdoba Penitentiary have been able to receive visits.

DISAPPEARANCES

Amnesty International has received varying estimates - from priests, journalists, lawyers and political groups - of the number of people in Argentina who, over the last two and a half years, have disappeared or have been abducted. The estimates range from 3,000 to 30,000, but the figure most frequently quoted is about 15,000. The usual course of events, it appears, is for someone to be dragged from his home at night by men who identify themselves as agents of the police or of the armed forces; when relatives proceed to make inquiries, by asking at the local police stations or barracks, and perhaps eventually filing writs of habeas corpus, they receive no information or help. The missing person has "disappeared" - has joined that ghostly army which, since the coup, has allegedly absorbed between 2,000 and 5,000 people. It is difficult, for obvious reasons, to obtain precise statistics: many families fear reprisals, either against themselves or against the abducted person, if they publicize the disappearance; and lawyers are systematically discouraged from filing writs of habeas corpus. Nevertheless, despite such fears, the problem has become manifestly severe: in the last week of May 1976 a total of 200 writs of habeas corpus were filed in the central federal courts of Buenos Aires alone, and between late May and the beginning of August 1976, the government was receiving unofficially 10 complaints a day. In August, at the Ministry of the Interior, a register was opened in which the names of missing persons could be entered by their relatives; the daily limit for the receipt of such complaints was set by the government at 40. If in fact this maximum figure remained constant, the number of complaints recorded by November 1976 could well have been nearly 2,000.

However, at a meeting with representatives of the Ministry of Justice and the Ministry of the Interior, the Amnesty International delegates were informed that the government had received, and were investigating, only 150 complaints. They were told that so-called disappeared people fell into three categories: those who choose to go "underground"; those who emigrate; and those who are killed in clashes with the security forces.

This explanation is not altogether consistent with the evidence available to Amnesty International. While it is possible that some of the missing persons may have gone into hiding or may have been killed in clashes with the security forces, this is not true of the majority of cases where the abduction has normally been witnessed by friends or relatives. Nor was the single example of emigration offered by these government officials an entirely convincing one. The officials cited the case of a Chilean, Mario Muñoz Salas, who, though widely talked of as a "disappeared person", later re-appeared in Austria. According to Amnesty International's records, this man, a trade-union leader, was forced, after receiving threats to his life, to go into hiding in June 1976 (during a period in which many Latin American exiles who had taken refuge in Argentina were abducted or even killed). He

fled to Austria in September 1976.

During the mission, the Amnesty International delegates received personal testimony from the relatives of more than 100 missing persons. Together with documentation submitted to Amnesty International's offices, these testimonies supply a good deal of information about the general circumstances surrounding abductions, about the number and the location of unofficial detention centres, and about the true fate of at least some of the people allegedly killed in armed conflict with the security forces.

The account of Rosa Daneman de Edelberg, relating the abduction of five members of her family, illustrates the manner in which such kidnappings usually occur:

"....because of my advanced age, 72 years, I usually have with me my grandchildren, who each take it in turns to sleep with me for a week or two. At 1.00 o'clock in the morning of 15 July (1976), plainclothed persons came to my house, bringing my son-in-law, Hugo Tarnopolsky, who knocked on the door and asked us to open it saying, 'Open up, Nona, it's Hugo'. When I opened it, I met my son-in-law and the plainclothes men who said they were the police and, with threats and blows, they asked for my grand-daughter, Bettina Tarnopolsky, who, for the reasons given before, had been sharing my house for a few days. After they had violently locked me out on the patio, I heard them taking away my grand-daughter, half-dressed, since most of her clothes were in her room. I also found, when I tried to contact my daughter Blance Edelberg de Tarnopolsky that these people who claimed to be policemen had ripped out the telephone, leaving me incomunicado. It took me some hours to recover from the physical and psychological violence of my unexpected visitors; then I went down to the street and rang my relatives from a public telephone, as it was impossible to contact my daughter. Together with one of my sons, I went to the home of my grand-daughter Bettina's parents, at Fena 2600, Dept A, Capital Federal, and found the front door completely destroyed and the place empty.

"We asked the neighbours and the caretaker for information and found out that, some hours before the events at my house recounted above, plainclothes men, claiming to be police, asked the caretaker for the Tarnopolsky family and he showed them the apartment they lived in. When these policemen received no immediate response to their shouts from my grand-daughter's parents, the apartment door was blown open, so that they could enter straight away, to detain and take away my daughter and son-in-law. It has to be remembered that this took place before the events at my home.

"I would also point out that my grandson Sergio Tarnopolsky - who was finishing compulsory military service at La Escuela de Mecánica de la Armada (Navy School of Mechanics) - has not returned

home again, and is described as 'disappeared' by the naval authorities. I have ascertained that, on 14 July, Sergio rang his family saying that he was 'confined to barracks'.

"I later discovered that Sergio's wife Laura had been abducted and/or detained by armed persons who raided her home.

"Objective account of the facts so far: the disappearance of the whole Tarnopolsky family, Hugo and Blanca and their children Sergio and Bettina, and daughter-in-law Laura; the confiscation, robbery - or whatever it might be called - of valuables, including Hugo's car."

Frequently, relatives of suspected "subversives" or left-wing activists have also been kidnapped.

On 24 August 1976, the children and daughter-in-law of the well-known radical Juan Gelman, spokesman for the Peronist Partido Auténtico, were all abducted. The abductions are believed to have been in reprisal for Gelman's work abroad denouncing the military régime. Nora Eva Gelman (aged 19), Marcelo Ariel Gelman (aged 20) and his pregnant wife Claudia were all abducted from their homes in Buenos Aires by men claiming to be the Federal Police, who initially had been looking for Juan Gelman. None of the young people had been engaged in political activity since their schooldays, when they had belonged to the secondary school students' union. Nora Eva, who was in poor health following a serious road accident, was released after 10 days; the other two are still missing.

Until recently, under Argentine law, there were only three circumstances in which an arrest could be made: if the criminal were apprehended in flagrante delicto; if a warrant had been issued by a judge; if (in the case of PEN prisoners) the executive had passed a decree.

It has become apparent that after the coup these legal stipulations were widely disregarded. There is evidence that a large number of abductions were in fact illicit arrests made by official law-enforcing bodies. In Córdoba, for instance, some prisoners were detained "at the disposal of Area 311": that is to say, quite illegally on the order of the local commander.

Numerous arrests, then, failed to conform even to the very broad provisions permitted under the State of Siege; the most minimal legal guarantees were totally ignored. Inevitably, the prisoner, bereft of his constitutional rights, found his physical integrity at risk, as for instance in the cases described below of Father Patrick Rice and Dr Oscar Carlos Gatto.

These irregularities were not generally regarded as part of government policy, but as excesses committed by over-zealous sectors of the police and

the armed forces. However, in November, the government, instead of curbing this behaviour, sanctioned it. Law 21.460 issued on 19 November 1976 authorizes the police or armed forces, when investigating subversive crimes, to arrest anyone on suspicion alone, providing there are "strong indications or half-conclusive proofs of guilt". This procedure will be known as "summary pre-trial" and by this "simple and rapid investigation" the necessary evidence can quickly be gathered so that the competent court at a subsequent trial will be able to pronounce upon the guilt or innocence of the accused.

It appears that the effect of Law 21.460 is to transfer to the police and military what is rightly a function of the judiciary; for anyone arrested under this provision has already been half convicted.

One of the most conclusive testimonies concerning unofficial detention - and revealing the involvement of the police and army in abductions and subsequent torture - is that provided by Father Patrick Rice, an Irish worker priest:

"On Monday, 11 October 1976 I was walking at about 8.30 pm in a dark part of Villa Soldati with a young Argentinian girl, Fatima Cabrera, who had come to me for help and advice. An old van drew up, a man got out and shouted to us 'Stop or I'll shoot!' We didn't know what to do. He fired a shot in the ground. He pointed his gun at us and asked for our documents. He seemed very nervous. He fired another shot in the air. Another man came round the corner, also carrying a gun. They bundled the two of us into the back of the van. At no time did they identify themselves. We did not know who they were or where they were taking us.

"They took us to Police Station 36. I was taken into a room and my shirt was pulled up over my head and face. They asked my name and where I lived. I identified myself as a priest. I was then beaten up. They told me: 'Now you'll find out that the Romans were very civilized towards the early Christians compared with what's going to happen to you.' During this beating I was not asked any questions.

"Later that night I was put in the boot of a car, my hands were tied behind my back and my head was hooded. Fatima was put in the back seat. We were taken to what I thought was a barracks*. The hood made of rags was removed and replaced by a yellow canvas hood with string round the neck. The man changing the hood said to me: 'Don't look at me! If you look

* Father Rice's description of the barracks, which he believed was located just off the Ricchieri Autoroute and the Camino de Cintura, may indicate that he was detained in the Brigada Güemes.

at me you're a gonner.' I was beaten again. By this time I was in a bad state. I had lived in Argentina for six years and knew about the tortures and what to expect.

"I was then submitted to water torture. My nose was held and water was poured in my mouth. You swallow a lot of water and it has a drowning effect. My interrogators told me that they belonged to the AAA (Argentine Anti-Communist Alliance). The beatings and drenching with water continued throughout Tuesday 12 October at three or four hour intervals.

"On Tuesday night they came and walked me to another room. I knew that electric shock treatment was coming. Electric shocks were applied systematically to various parts of my body. They were also giving electric shock treatment to Fatima in the same room. All day Wednesday 13 October they tortured Fatima - I could hear her screaming.

"I was told by one of my interrogators: 'I am also against violence and for that reason I won't kill you.' I was then told that I was accused of putting up propaganda slogans against the army in Villa Soldati. I denied it.

"On Thursday 14 October, I was brought to the person in charge and told: 'You have been in detention for 8 hours.' I was again bundled into the boot of a car and taken to the Coordinación Federal (Police headquarters also known as Superintendencia de Seguridad Federal), 1550 Moreno Street, Buenos Aires. There I was kept in a small cell. The following day Fatima was brought in and put in a cell near me. Occasionally we could talk with the other prisoners or sing.

"I was told to say about my black eye and other signs of torture: 'You fell downstairs. If you say anything else, you'll be found in the river.' A doctor gave me injections, bandages, et cetera. A week after my arrest I was washed, shaved and brought before the Irish Ambassador. I was quite disorientated and the Ambassador realized that it wasn't in my interests to talk about ill-treatment. Later I signed a document which apparently cleared me of the charges. I thought therefore that I would be released in a few days, but I was transferred to Villa Devoto and then to La Plata prison where I was held for 4 or 5 weeks until my deportation. I was not tortured any more."

The apparent complicity of the public authorities in abductions is supported by the fact that even on the occasions when police have been called to the scene of a kidnapping they have failed to intervene on the victim's behalf:

"In the early morning of 29 April 1976, Dr Gatto and his wife were taken from their flat in Buenos Aires by men who identified themselves as members of the Comando de Fuerzas Conjuntas del Ejército, Marina y Aeronáutica (the Combined Forces of the Army, Navy and Air Force). According to neighbours, five 'officials' burst into the flat; they beat Dr Gatto and threatened to strangle his wife unless he confessed to subversive or extremist ideas. When Dr Gatto and his wife refused to admit to having any connection with, or any knowledge of being implicated in anything subversive, political or extremist, the 'officials' only beat them more and took both of them away in official cars with sirens.

"One of the neighbours who was an eyewitness to the 'arrest' called the Federal Police when he heard the noise, because he thought there had been a burglary. Uniformed police arrived on the spot before the abductors' had taken the couple away. When the abductors were leaving, the police questioned them, but when they showed their identity papers, the police let them take the couple away. The neighbours also stated that the abductors removed all the belongings of the Gatto couple*."

The evidence that some missing persons are in fact being deprived of their liberty by law-enforcing bodies is overwhelming. The following is a list of some of the most frequently cited unofficial detention centres. There are many difficulties in obtaining first-hand information about these places, not least because the prisoners are often kept blindfolded or hooded throughout their detention so that they should not recognize their captors or fellow captives. Other reasons are that those who are fortunate enough to be released are too afraid to make any public statements and that outside bodies find it almost impossible to check the location of the detention centres, since many of them are in restricted areas like the Campo de la Atómica near Ezeiza airport.

In Buenos Aires

La Escuela de Mecánica de la Armada (Navy Mechanics School)
Campo de Mayo (army garrison)
Campo de la Atómica or Ezeiza (near the Atomic Energy Commission)
Brigada G1emes
Superintendencia de Seguridad Federal (also known as Coordinación Federal - Central Police Headquarters)
Repartición 1 y 59 La Plata
Regimiento No 1 de Infantería Patricios
Brigada de Investigaciones de Banfield

* Testimony of fellow prisoner subsequently released.

In Córdoba

Campo de la Rivera
Campo de la Perla
Pampa de Olaem

In Tucumán

Famaillá
Fronterita
Santa Lucía
Las Mesadas
Escuela de Policía
Departamento de Educación Física

Political Killings and Deaths

According to official statistics, the number of people who have died in political violence in 1976 is 1,354; this figure includes:

391 guerrillas;
167 police or military;
151 unknown;
33 businessmen;
28 trade-unionists;
15 students or university teachers;
12 former politicians;
9 priests.

Considerable doubt has been voiced by lawyers, members of the church and journalists about the truth of official reports concerning some of these deaths. Moreover, these reports are extremely terse communiqués recording the shooting of "subversives" and rarely specifying even the identities of the victims. Since the coup, in the case of such incidents, the press may publish only these reports.

There are several instances of people known to have been abducted or even officially detained who, months later, are reported by the authorities as having been killed in a clash with security forces. These instances include the following cases:

(1) On 8 July 1976, military sources announced the death in combat of Lilita Malamud and Abigail Attademo. Habeas corpus writs had been filed for both girls after their arrest following a raid on a house in the Caseros district of Buenos Aires on 3 July by men who identified themselves as the Federal Police.

(2) Ana Lia Delfina Magliaro was taken from her home in La Plata on 19 May 1976 during an anti-subversive operation in her neighbourhood. For 50 days her family was unable to obtain any information about her whereabouts, despite numerous inquiries at the Ministry of the Interior and the army and police headquarters. On 2 August 1976 they learnt by an anonymous telephone call that Señorita Magliaro was detained in a federal police station (Comisaría 34) in Buenos Aires. The family was able, on two occasions, to take her food and clothing, but on the third day, 4 August 1976, they were abruptly told that she had been transferred by the military police of the 1st Army Corps to the city of Mar del Plata.

On 20 September 1976, the family filed a writ of habeas corpus. Two days later they were notified by the local police that Señorita Magliaro had been "killed in combat" in Mar del Plata. A photograph was produced showing the dead girl, gun in hand, in an unspecified location; according to her death certificate she had been killed on 2 September 1976. The authorities in Mar del Plata made no reference to the fact that she had been detained.

On 9 October 1976, Señorita Magliaro's mother was given an official response to the habeas corpus: "This person was received into custody at the 34th Federal Police Station on 9 July 1976 at 12.00 after being detained by the army. She was transferred by the military police of 1st Army Corps to Mar del Plata on 4 August 1976."

At no time was the girl's family given official notification of a release, nor any explanation regarding her place of detention prior to 9 July 1976. Her sudden and violent death, in a town more than 400 kilometres from her home, when she was known to be in the custody of the army, makes the official account of her death improbable in the extreme.

Although the death penalty has been re-introduced (it became law on 25 June 1976 - Ley 21.338), it has not as yet been officially implemented. The deaths of the girls mentioned above and those that occurred in the Cordoba Penitentiary (see section Prisons and Prisoners) suggest, however, that unofficial executions are commonly practised by the police and army, and that usually these are justified on the pretext of counter-subversion.

Although right-wing terrorism has clearly been responsible for many brutal assassinations, the government has taken no action to curb it and apparently regards it as pardonable. In August 1976, the Minister of Foreign Affairs Admiral Cesar Guzzetti, after speaking at the United Nations in New York, made the following statement:

"My idea of subversion is that of the left-wing terrorist organizations. Subversion or terrorism of the right is not the same thing. When the social body of the country has been contaminated by a disease that corrodes its entrails, it forms antibodies. These antibodies cannot be considered in the same way as the microbes. As the government controls and destroys the guerrilla, the action of the antibody will disappear, as is already happening. It is only a natural reaction to a sick body."

Reprisals on a large scale have followed guerrilla outrages. There are clear signs that many of the victims were in fact unofficial prisoners who had been held as hostages.

After the murder on 19 August 1976 of General Omar Actis, the head of the state committee organizing the 1978 World Football Cup, 30 bullet-ridden and dynamited bodies were found near the town of Pilar outside Buenos Aires. The police did not allow relatives of missing persons to see the bodies, but eyewitnesses claimed that the corpses seemed to be those of people who had been detained for some time: they were not wearing ties, belts or shoelaces (all items of clothing which are routinely removed by police on arrest). It is believed that the Pilar victims had been held in the Coordinación Federal in Buenos Aires.

In some cases mass executions occur without any prior guerrilla provocation. On 6 October 1976, after many writs of habeas corpus and inquiries from relatives of missing persons, 34 bodies were exhumed from the cemetery in Moreno, a town to the south of Buenos Aires. Some of the bodies had had their hands tied behind their backs; others had been burned. It transpired that these people had probably been killed on 14 April 1976, the date of a large anti-subversion operation in a suburb of Buenos Aires; many of the bodies were identified as those of persons abducted on this date. For example, one of the corpses was that of a 22-year-old girl, Julia Rosa Dublowski, who had been arrested on 14 April 1976 at her home in Las Piedras de Remedios de Escalada by plainclothes men who identified themselves as agents of the Federal Police and who told her parents that the girl was being taken to the Barracks of the 1st Regiment in Palermo.

It has emerged that on 15 April 1976 the bodies of the victims were identified by the local police in Moreno; the police did not, however, notify any of the relatives.

It is apparent, in short, that in Argentina a large number of people who disappear are unofficially executed. This conclusion can be demonstrated by particular cases; it is also supported by the fact that regularly, in various places throughout the country, unidentified bodies are found - floating in rivers, at the bottom of lakes, decomposing on rubbish dumps or blown to pieces in quarries.

TORTURE

Evidence about the widespread use of torture was received by Amnesty International throughout 1976 and during the mission itself. The personal testimonies concerning maltreatment of prisoners have in some cases been corroborated by subsequent medical examination (e.g. in the case of Máximo Pedro Victoria, a nuclear physicist detained in April 1976; his case is dealt with later in this section), but more often by what has been observed by relatives of the victims. The testimonies are varied and numerous; they have been made by people from all sectors of society: refugees, academics, journalists, lawyers, priests, trade unionists, students. Amnesty International believes that in view of their great number, their circumstantial detail and the range and variety of their sources, these testimonies provide overwhelming proof of the use of torture as an instrument of policy.

Torture is not new in Argentina. In March 1975, the International Commission of Jurists' Report, The Situation of Defence Lawyers in Argentina, affirmed that "cases of proven torture of political prisoners are common" and went on to quote a statement made by the former President Arturo Frondizi (La Razón 11 March 1975):

"It will not have escaped anyone's notice that torture is almost becoming an institution in our country. If on the one hand the terrible degradation of torture is not fought against, no attempt can be made at extirpating that other terrible degradation consisting of the death of innocent people in guerrilla warfare."

In talks with representatives of the Ministries of Justice, the Interior and Foreign Affairs, the Amnesty International delegates referred to the allegations of torture made by some of the female prisoners in Villa Devoto. The Chef de Cabinet of the Ministry of the Interior, Señor Flouret, firmly stated that torture was absolutely forbidden and, if it occurred, was punished (there were, he admitted, isolated cases of official brutality). When asked for details of action taken against officials found guilty of torture and maltreatment of prisoners he refused for reasons of security to divulge any information. He claimed that subversive organizations had instructed their members to make allegations of specific kinds of torture. It was, he added, the subversive organizations who first resorted to torture.

Clearly, the determination of the Argentine government to seek out and check abuses would be more convincing if the actions taken were no longer conducted in secret.

The conviction of the Argentine armed forces that they are fighting a "dirty war" which "goes beyond good and evil", and the success of which depends

on the use of counter-subversive techniques, has undoubtedly encouraged a systematic resort to ruthless measures against extremists. There is, among certain sectors of society, a widespread, though usually unspoken assumption that "subversives" have put themselves beyond the law and therefore deserve all they get. This assumption may have disastrous results; as the Episcopal Conference stated in July 1976, after the murder of three priests and two seminarians in Belgrano, if certain forces are allowed to act arbitrarily, "what guarantees, what rights remain for the ordinary citizen?"

The practice of torture - whatever the pretext given - cannot be acceptable to a civilized society. Torture, once permitted, is likely to become commonplace. In the present atmosphere in Argentina a citizen may well come under suspicion of harbouring extremist ideas if, for example, he possesses a copy of Pablo Neruda's poetry. If, in addition, such a person is picked up by members of the police or military, the practice of deferring an official arrest until his political record has been checked may well mean that in the interim he falls a victim to torture. The case is not merely hypothetical. It is in fact known that many innocent people have been tortured in the last few months.

Maximo Pedro Victoria, a nuclear physicist who worked for the Argentine Atomic Energy Commission, was arrested in April 1976. He was initially held on the ship Bahía Aguirre, until he was moved to the Villa Devoto prison and detained at the disposal of the Executive Power. In early September 1976 he was transferred with approximately 50 other prisoners to the prison of Sierra Chica, about 350 kilometres south of the capital. During the transfer all the prisoners were continuously and savagely beaten. Their heads were shaved. On their arrival at the Sierra Chica prison they were forced to sign documents saying that they themselves were responsible for the injuries sustained during transit. Those who refused were subject to further beatings and punishment. Máximo Victoria was released in October 1976; several teeth had been broken as a result of the beating and medical tests carried out after his release revealed that he had a serious protein and vitamin deficiency.

There does not appear to have been any serious attempt by the Argentine government to stem the use of torture. According to reports, it is widely practised in the barracks of the military and police. Common methods of torture are:

- electric shocks applied to all parts of the body with the picana (prod);
- "submarino": immersion in water with the head covered by a cloth hood; when this becomes wet, it sticks to the nose and mouth and when the victim is taken out of the water breathing is practically impossible;
- beatings with fists, truncheons, rifle butts and sticks;
- kicks;
- cigarette burns;
- plunging victims into ice cold baths;
- keeping victims hooded;
- forcing prisoners to stand in awkward positions for hours;
- depriving prisoners of food, drink and sleep;
- the subjection of women to all kinds of sexual abuse, including rape; in addition, pregnant women have been so badly beaten that they have

- miscarried;
- exposure to attacks from savage dogs set on the prisoners by the guards.

The police headquarters building in Buenos Aires (Coordinación Federal) is often mentioned by victims as a centre of torture.

Isabel Gamba de Negrotti, a 27-year-old nursery school teacher, was abducted from her home together with her husband and taken to Comisaría 39 in Villa Urquiza in Buenos Aires. Although she told the police that she was pregnant, she was punched and beaten, her hair was pulled and she was threatened with death. She was kept hooded and her coat was taken away. She was threatened and beaten by about eight men, who said they would go and get her younger sister and mother. Later that evening, she had cramp spasms and began to feel ill. She could hear her husband screaming.

The next morning she was taken to Coordinación Federal so that her political activities could be investigated. The worst treatment began:

"They took me to another room where they kicked me and punched me in the head. Then they undressed me and beat me on the legs, buttocks and shoulders with something made of rubber. This lasted a long time; I fell down several times and they made me get up and stand by supporting myself on a table. They carried on beating me. While all this was going on they talked to me, insulted me and asked me about people I didn't know and things I didn't understand. I pleaded with them to leave me alone, or else I would lose my baby. I hadn't the strength to speak, the pain was so bad.

"They started to give me electric shocks on my breasts, the side of my body and under my arms. They kept questioning me. They gave me electric shocks in the vagina and put a pillow over my mouth to stop me screaming. Some-one they called the 'colonel' came and said they were going to increase the voltage until I talked. They kept throwing water over my body and applying electric shocks all over."

Two days later she miscarried. She is now in detention in Villa Devoto prison.

Carlos Baro, a member of the Communist Party Youth Federation and a doctor, was abducted from his home of 16 July 1976 by a group of armed men.

"We entered a building where I was led up a staircase to the first floor. I was immediately stripped, beaten, laid on a bed and subjected to torture - the picana (electric prod) in particular, for about one and a half hours. During this savage torture, they questioned me about the possible whereabouts of arms, printing materials and about people I didn't know. I spent a day and night without any food or water. On Saturday 17 July at about 3.00 pm I was taken back

to the torture chamber. For an hour or an hour and a half, the electric prod was applied to the most sensitive parts of the body: testicles, thorax, mouth, etc; after this, the savage mercenaries subjected me to what they called 'Asian torture', which consisted of pitching me into drums of water while hanging by the legs. They did this four or five times until I lost consciousness. When I recovered, I was again tortured with the electric prod for another hour (approximately), but this time with three prods at the same time. I should also state that they injected me with some substance - possibly toxic or infectious - in the big toe of my right foot, in the testicles and right arm, as well as pulling out the nails of my big toes and slashing a toe, then persistently applying the electric prod to these places."

During his captivity he was told that if he collaborated he would be placed at the disposal of the Executive Power; if not, "they had legal ways of leaving no trace of me".

His physical condition deteriorated; the only medical treatment he received was from another kidnap victim who had been held for a month. "The place I was in resembled a large shed." All those detained (about 20 or 30 young people) were referred to by numbers.

He was released on 21 July and abandoned on highway No 7 at Jauregui. He made a deposition to the Jauregui police, supported by a medical certificate which noted: gangrene of the right foot, abscesses on both testicles and scars all over the body.

From these testimonies and many others recorded by Amnesty International, it is apparent that torture is used as an integral part of the counter-subversive strategy by both official law-enforcing bodies and parapolic groups. Such practices constitute a serious violation of Article 5 of the United Nations Universal Declaration of Human Rights which affirms that:

"No one should be subjected to cruel, inhuman or degrading treatment."

The use of torture for any purpose whatsoever is categorically forbidden by Article 18 of the Constitution and by the Penal Code of Argentina. At no time has anyone in public office suggested that this specific prohibition has been abrogated by the State of Siege or the emergency decrees of the military government.

REFUGEES

There have been a number of detailed reports about the precarious situation of political exiles in Argentina over the past two and a half years, notably the report of the International Commission of Jurists: The Application in Latin America of International Declarations and Conventions Relating to Asylum (September 1975) and, more recently, a report of a fact-finding mission by three Canadian parliamentarians to Chile, Argentina and Uruguay: One Gigantic Prison (November 1976). In preparing the following brief survey, Amnesty International has drawn on their findings, as well as on the personal testimonies of refugees received at its own offices. Moreover, the delegation had several meetings with representatives of the United Nations High Commission for Refugees (UNHCR) in Buenos Aires, who kindly organized a visit to two refugee hostels in the capital.

Until fairly recently, Argentina was renowned as a country that readily accepted political exiles from its neighbouring Latin American states. As military coups ousted civilian governments in Paraguay (1954), Brazil (1964), Bolivia (1971) and in Chile and Uruguay (1973), thousands were forced to flee their countries to escape political persecution. There are no accurate figures of the number of Latin American political exiles and immigrants resident in Argentina today: the Argentine authorities said in October 1976 that over the previous five years half a million immigrants had entered the country illegally. Only a few political exiles, about 300, have ever been formally granted political asylum in Argentina. Although the Argentine government is a signatory to the United Nations 1951 Convention and the 1967 Protocol on the Status of Refugees, it has maintained the geographical limitation of Article 1B(1)(a) of the Convention, recognizing as refugees (only) those affected "by events occurring in Europe".

During the Peronist government of María Estela Martínez de Perón, the security of the Latin American refugees living in Argentina steadily deteriorated. To be foreign became tantamount to being "subversive" and Chilean refugees in particular were threatened, intimidated and assassinated by parapolice groups. Moreover, there was evidence to suggest that the DINA, the Chilean secret police force, was operating in Argentina. (In December 1975, Senator Hipólito Solari Yrigoyen called for a special inquiry into the activities of the DINA in Argentina.)

Violent attacks on foreign residents occurred with alarming frequency. For example, in September 1974, five Uruguayan refugees were abducted in Buenos Aires and weeks later their bodies were found on the outskirts of Montevideo. In October 1974, the former head of the Chilean Armed Forces under the Allende government, General Carlos Prats, was killed together with his wife by a bomb planted in his car.

There were several cases of deportation of political exiles: in November 1974, William Beausire, an Anglo-Chilean, was kidnapped at Buenos Aires airport

whilst en route from Chile to Europe and was returned to Chile; in November 1975, two Paraguayan exiles, Alberto Alegre and Bienvenido Arguello, were arrested by Paraguayan security agents and forcibly repatriated.

The International Commission of Jurists, in its report The Application in Latin America of International Declarations and Conventions Relating to Asylum (September 1975), strongly criticized the standard of protection given to refugees in South America and commented that "thousands of refugees who had fled to Argentina from Chile, Uruguay and other countries were profoundly demoralized and alarmed by the uncontrolled attacks made on them, in part by the notorious Argentine Anti-Communist Alliance (AAA), the parapolice organization".* In 1975, the UNHCR reported that of their mandate refugees, three had been shot dead, three had disappeared and were assumed dead, 69 refugees had received expulsion orders and 35 had been detained at the disposal of the Executive Power.

Despite the assurances given by the government after the coup that international laws would be respected, there was a significant deterioration in the situation of the refugees: they were the victims of an unprecedented surge of violence. Only four days after the coup, refugee centres throughout the country were raided by the police. In one incident, 19 refugees, resident in the José C. Paz hostel in Buenos Aires, were detained, interrogated and tortured. Moreover, on 26 March 1976, a new decree was introduced (Communiqué 44) which provided for the expulsion of foreigners for various reasons including "activities which affect social peace, national security or public order" and failure to report previous convictions in their countries of origin. As most of the exiles were politically active in their own countries, they feared that Communiqué 44 would make them liable to summary repatriation.

The general concern was such that the Minister of Foreign Affairs, Admiral César Guzzetti, gave public assurances on 5 April 1976 that refugees would not be repatriated against their will. (In any event, Argentina, as a signatory to the Treaty on International Penal Law (Montevideo 1889) and the Convention on Extradition (Montevideo 1933) had acceded to the principle of non-refoulement, i.e. not to return political refugees against their will by extradition or otherwise to their country of origin.) However, these assurances were not borne out by subsequent events; moreover the abduction and killing of exiles markedly increased.

In April 1976, three Uruguayans were abducted in Buenos Aires; one, a teacher, Telba Juárez, was found dead with five bullet wounds in her body, in an industrial suburb of Buenos Aires on 9 April. The two others, Ary Cabrera and Eduardo Chiazzola, are believed to be among the five people whose mutilated corpses were washed up on the shores of the River Plate which separates Argentina from Uruguay.

* For further details concerning this period refer to the International Commission of Jurists Report: The Application in Latin America of International Declarations and Conventions Relating to Asylum (September 1975).

On 10 April 1976 a Chilean, Edgardo Enriquez Espinosa (the brother of one of the founders of the Movimiento de la Izquierda Revolucionaria (Movement of the Revolutionary Left - MIR)) and a Brazilian girl, Regina Marcondes, were abducted in Buenos Aires. There are unconfirmed reports that Enriquez was taken back to Chile by DINA agents.

In May 1976, three prominent exiled politicians were kidnapped and murdered. Uruguayan senator Zelmar Michelini and Hector Gutierrez Ruiz (former president of the Uruguayan Chamber of Representatives) were taken from their homes in central Buenos Aires by armed men who identified themselves as police officers. On 22 May 1976, their bodies were found in an abandoned car, with the bullet-ridden bodies of two other Uruguayans, William Whitelaw Blanco and his wife Christina Barredo.

The former Bolivian President, Juan Torres, disappeared on 26 May. His body was discovered on 27 May 1976, 60 miles outside the capital.

On 6 July 1976 four young Uruguayans were kidnapped in Buenos Aires. They were held for one week in a "safe house" outside the capital, where they were tortured by members of the Uruguayan security forces. After their release on 13 July 1976, they went to France, where they were examined by members of Amnesty International's Danish doctors' team who confirmed that the marks and symptoms of the victims were consistent with their allegations of torture.

In response to these and many other incidents, the UNHCR made appeals in June and October 1976 to all governments to give priority to refugees from Argentina seeking asylum. The High Commissioner emphasized the gravity of the situation in Argentina in his opening speech of the Twenty-Seventh Session of the UNHCR Executive Committee in Geneva on 5 October 1976: "It is important and urgent that traditional countries of resettlement and other countries come forward generously to alleviate the plight of these refugees."

The Amnesty International delegation was told by a representative of the UNHCR in Buenos Aires that there are at present in the country approximately 12,000 registered refugees, a figure which remains fairly constant because as soon as the UNHCR manages to resettle refugees, more come forward seeking refugee status. Between 1 June and 30 September 1976, for instance, whereas the total number of people resettled outside of Argentina was 1,075, the total number given refugee status was 1,511. An official of the UNHCR informed the delegates that there were about 1,800 persons requiring immediate resettlement; in the month of October alone, 70 new urgent cases had been presented:

37 Uruguayans
30 Chileans
2 Bolivians
1 Paraguayan

These cases, categorized by the UNHCR as urgent, are mainly Uruguayan and Chilean refugees who have been officially detained or expelled or whose lives

have been seriously threatened*.

Refugees in Detention

Since the introduction of the State of Siege in November 1974, many refugees have been detained at the disposal of the Executive Power. The majority appear to have been arrested, not because they were involved in subversive activities in Argentina, but because of their political activity in their countries of origin, as is illustrated by the case of Dr Enrique Sepulveda Quezada. He is 65 years old and of Chilean nationality. A paediatrician by profession, he worked during President Allende's period of office as a journalist for the newspapers La Nación and Clarín. He was one of the founding members of the Chilean MIR and served as its secretary general for two consecutive periods.

He was initially arrested in Santiago de Chile in 1973. He was severely tortured in various centres in Chile, until one night his interrogators abandoned him in the streets of Santiago. He contacted friends and relatives and entered Argentina at the beginning of 1974.

Up until his arrest in Buenos Aires in February 1976, Dr Sepulveda had resisted taking part in any political activity in Argentina. His main concern had been to give humanitarian aid to compatriots in exile, and it is likely that this was the reason for his arrest.

Since February 1976, Dr Sepulveda has been held in preventive detention without charge or trial at the disposal of the Executive Power. He was initially held in Villa Devoto prison in Buenos Aires, but has recently been transferred to La Plata. It is alleged that he has been subjected to severe torture since his detention in Argentina.

The condition of Dr Sepulveda's health is reported to be very serious indeed. The torture he has undergone combined with his advancing age and poor prison conditions are cause for grave concern for his life**.

There are cases of refugees accused of fairly minor offences, whose sentences have far exceeded the maximum penalty recommended by law. In August 1976, Andres Cultelli, a 56 year old Uruguayan, was tried for illicit association, possession of false documents and violation of border regulations between Argentina and Uruguay. His wife writes:

* There were 359 cases - 973 individuals - urgently requiring resettlement in December 1976.

** In January 1977, Dr Enrique Sepulveda Quezada was served with an expulsion order.

"My husband was deprived of all legal counsel at his trial. A universal principle of law states that nulla pena sine lege. Nevertheless, Judge Spangenberg, who condemned my husband to 14 years in prison (although the maximum penalty provided for by Law 20.840 is 8 years and the Federal Prosecutor asked for 5 years) based this incredible sentence on the following charges:

- (a) possession of two books by Marx, which at the time of purchase, and even now, are freely sold in Argentina;
- (b) illicit association. Judge Spangenberg accused Cultelli of 'giving talks on Marxist economy' to groups of fellow Uruguayan exiles. Cultelli admits such conversations took place, but no law forbids them and no member of the Argentine (illegal) ERP (Ejército Revolucionario del Pueblo) ever attended them;
- (c) former membership of the Uruguayan Socialist Party which the judge dubs 'Marxist', whereas in fact it was Social-Democrat; my husband acted as Secretary to its group of congressmen from 1957 to 1962, as of course it was legally recognized;
- (d) alleged former membership of the National Liberation Movement (Tupamaros) in Uruguay. If that were the case, the Uruguayan government, after arresting Cultelli in August 1970, would hardly have imposed the minimum penalty of 10 months in prison. In any case, he has already been tried for this alleged offence in Uruguay six years ago and Argentine law does not and cannot penalize a Uruguayan for having supposedly belonged in the past, in his own country, to this or any other political party.

"Neither in Argentina nor in any other country has Andres Cultelli committed any unlawful act, except that of using false identity papers in order to protect himself against the 'Death Squads', whose victims, such as former Uruguayan Senator Michelini, are numbered by the hundreds. And two years in prison seem more than enough to pay for such a minor transgression.

"Living conditions in the Sierra Chica prison are worse than ever; he is only allowed out of his small single cell three times a week for one hour at a time, and his health is failing. He has a heart condition and is half blind; in any event, at his age - 56 - a prison term of 14 years is equivalent to a death sentence."

Refugees in preventive detention, unlike nationals, have been allowed to leave the country under an expulsion order, providing that they are able to obtain

a visa for another country. A considerable number have been able to take advantage of this ruling; in November 1976 the Uruguayan Senator Enrique Erro, who had been held in Argentina at the disposal of the Executive Power for nearly two years, was finally expelled.

Refolement

Amnesty International is particularly concerned about the abductions and subsequent refolement of Uruguayan exiles in Buenos Aires. About 70 Uruguayans, including eight children, have been abducted in Argentina since the coup. In some cases the victims were released or reappeared months later in detention in Uruguay. Others were killed or are still missing. During July and August 1976, evidence came to light that Uruguayan security forces were responsible for at least some of the disappearances.

In June and July 1976, about 30 Uruguayans living in Buenos Aires were abducted. Among the kidnapped were: Margarita Michelini, the daughter of the murdered Uruguayan Senator; two trade unionists, Gerardo Gatti and León Duarte; three members of the Rodríguez Larreta family. There was no information about their fate until August when a Uruguayan refugee, Washington Perez, arrived in Sweden. He gave a full testimony of how he had been forced by Uruguayan officials, some of whom he recognized, to act as an intermediary between them and a Uruguayan political group. The officials wanted Washington Perez, in exchange for the life of Gerardo Gatti, to transmit a demand for ransom to members of the Workers Students Resistance Party (Resistencia Obrera Estudiantil - ROE). On several occasions in mid-July, he was driven to a hideout near the capital where Gatti was being held. Gatti had been tortured and was in a very poor state of health. The negotiations eventually broke down on 17 July. The Uruguayans (among them he recognized Commissar Campos Hermida) then showed him another prisoner, this time León Duarte (abducted in Buenos Aires on 13 July 1976) and asked Perez to carry a similar ransom demand for his release to the ROE group. Perez suspected that the negotiations were a trap and that his own life and the lives of his family were in danger, so he left the country under UNHCR protection.

In September and October 1976, more Uruguayan exiles were abducted in Buenos Aires. There was no further news about the missing refugees until 28 October, when the Uruguayan Joint Armed Forces issued an official communiqué announcing the detention in Uruguay of 62 persons accused of subversive activities. On 29 October, the same source provided extensive information about the alleged activities of the group, but named only 17 of the 62 prisoners. Fourteen of those named were among the group of 26 Uruguayans abducted in Buenos Aires on 13/14 July 1976; the other three had all disappeared on 27/28 March, whilst travelling from Argentina to Uruguay (Elida Alvarez, Ricardo Gil Iribarne and Luis F. Ferreira) and until the communiqué was published were feared to have been killed. According to the

communiqué the Uruguayan authorities claimed that they had unearthed a new subversive organization called the People's Victory Party - Partido por la Victoria del Pueblo (PVP) and stated that the 62 arrested were all members. The Uruguayan authorities claimed that some of these people had faked abductions (auto-secuestros) in Argentina in order to enter Uruguay clandestinely, to further the aims of their party. The aims of the PVP were said to include plans to assassinate several high-ranking Uruguayan government officials and organize a world-wide campaign of propaganda to bring the Argentine and Uruguayan governments into disrepute.

There are several discrepancies between the Uruguayan government's explanation of the arrests and the facts about the case known to Amnesty International; the theory of faked abductions cannot be seriously upheld when there are reliable eyewitnesses to confirm that the kidnappings took place in Argentina. Writs of habeas corpus were filed immediately after the kidnappings and in seven cases by the UNHCR itself. Two of the "prisoners" were living in Buenos Aires under the protection of the UNHCR. One of the 14 named prisoners, Sara R. Mendez Lamporio, had given birth only 21 days before her disappearance; the notion that she had entered Uruguay clandestinely to undertake subversive activities is implausible*.

In December 1976, the Uruguayans acknowledged that other missing refugees were also in their custody: Margarita Michelini and her husband; Enrique Larreta and his wife Raquel Nogueira de Rodríguez Larreta. They released Enrique Rodríguez Larreta (father of the above). However, there are about 38 adults and eight children still unaccounted for who are presumed to be in the hands of the Uruguayan authorities.

It is apparent that in at least 17 cases the abductions of Uruguayan refugees in Buenos Aires were in fact carried out by agents of the Uruguayan security forces. The scale of the kidnappings inevitably implies the cooperation of some members of the Argentine armed forces and police. The refoulement of these 17 Uruguayans constitutes a serious breach by the Argentine government of the Treaty on International Penal Law (Montevideo 1889) and the Convention on Extradition (Montevideo 1933), to which it is a signatory.

There has also been a recent case of deportation involving a Paraguayan citizen, Dr Gladys Meillinger de Saneman, a medical doctor, and her husband, Rodolfo Jorge Saneman, a public accountant, both Paraguayan political exiles who were arrested on 26 March 1976 in the town of Posadas in the Province of Misiones. (Both Gladys Meillinger de Saneman and Rodolfo Saneman are members of the Paraguayan political party Movimiento del Partido Colorado - MOPOCO, which is a wing of the ruling Colorado Party of Paraguay engaged in non-violent opposition to the regime of President Alfredo Stroessner.) They were detained without charge at the disposal of the Executive Power and given expulsion orders. On 29 July 1976, Dr Meillinger de Saneman was removed from

the prison in Posadas where she and her husband were being held and handed over to members of the Paraguayan army. She had allegedly been badly tortured.

She is now detained in Paraguay in the Penal de Emboscada, a new prison camp 40 kilometres to the north of Asunción. Her physical condition is believed to be poor. Her husband is still detained in Argentina.

Clearly, persons with expulsion orders are entitled to choose a second country of asylum; the forcible deportation of Gladys Meillinger can therefore be seen as another example of refoulement by the Argentine authorities.

Such incidents have, understandably, increased the fears of the political refugees in Argentina. Consequently, there was a very poor response when the Argentine government issued Decree 1438/76 on 1 September 1976 obliging all immigrants without permanent residence in Argentina to register with the Department of Immigration before the end of December 1976. (The original deadline was 31 October 1976.) Refugees who register have to provide details about their former political activities and they fear that these details will be handed over to the security police of their own countries.

CONCLUSION

In view of the current turmoil in Argentina, a report concerned with human rights must conclude by asking two basic questions. First, to what extent are human rights respected and defended by the government and to what extent are they violated? Secondly, to what extent are the violations explicable or necessary? On both of these questions, the assertions of the government are not supported by the facts available to Amnesty International.

After the coup in March 1976, General Videla stated that the military government had come to power "not to trample on liberty but to consolidate it, not to twist justice but to impose it". But legislation passed since the coup has progressively eroded the individual's liberty and numerous members of the security forces have trampled on that which remains. Justice has been perverted twice - by the imposition of laws which contravene the Constitution, and by the reluctance of the security forces to acknowledge any laws at all.

The state of martial law which is currently in force deprives all the citizens in Argentina of the most fundamental civil and political rights, their constitutional guarantees. What it means in practice is that merely on suspicion of subversion, a citizen may be arrested or abducted, held for a long period incommunicado, tortured and perhaps even put to death. He has no legal safeguards against these measures, and, if it happens that he is released, no hope of legal redress.

Fundamental constitutional guarantees have been suspended since the coup, including the important Right of Option, which is now - unconstitutionally - at the discretion of the Executive Power. Military tribunals have been set up for all crimes pertaining to subversion; sweeping powers of arrest and detention have been conferred on the police. Furthermore, many of the decrees of the military junta free the police and the armed forces from any legal liability in the event of persons innocent of any subversive involvement or intention being detained, injured or killed.

The official suspension and unofficial neglect of fundamental legal rights has had alarming results. Since the coup, the number of political prisoners has increased - and more than three-quarters of these persons are detained at the disposal of the Executive Power: they have never been charged, have never been tried, and may be held indefinitely. Although, according to the Constitution, such prisoners are not supposed to be punished, they are held in punitive conditions. There is evidence that many have been maltreated during transfers and that the majority of them have been tortured as a matter of routine. Frequently, torture has been inflicted on people who have not been officially arrested but merely unofficially abducted. The number of abductions has increased since the coup. Friends and relatives find it all but impossible to ascertain the whereabouts of disappeared persons,

though in many cases they eventually discover that the disappeared person is dead.

The neglect of human rights in Argentina is all the more alarming in that it has no foreseeable end. According to provisions in the Constitution, the State of Siege may be declared only for a specified period of time; but no limit has ever been fixed by the present or the previous government. The citizens of Argentina therefore face an indefinite period without constitutional guarantees; prisoners in preventive detention face indefinite incarceration. There is no limit to the duration of the military government, no limit to the period a prisoner may be held incommunicado and no limit to the time that may elapse before he is brought to trial.

The current legislation in Argentina, together with the latitude allowed to various security forces, has then quite definitely led to gross violations of basic human rights. According to the government, the draconian legislation has been necessary to "restore full legal and social order" and to implement the required program of "national reorganization". A government official explained to the Amnesty International delegation:

"Systematic subversion and terrorism have cost the lives of many police and military and have compromised the security of the Argentine people. These activities have been repudiated by all citizens. If anybody violates human rights in Argentina, murdering, torturing and bombing, it is undoubtedly the terrorists. These people use violence for its own sake or to create chaos and destruction. We understand that the state has a right to defend itself, using whatever force is necessary."

It is true that any impartial observer must condemn the outrages committed by left-wing extremist groups: they have detonated bombs in barracks and police stations, have kidnapped and assassinated members of the military and business executives. However, it does not seem to Amnesty International that terrorist violence may be held to justify the extreme, and extensive, measures taken since the coup by the government. Firstly, it is doubtful whether these measures are in fact entirely defensive, no more than what is necessary to contain guerrilla violence. The military itself admits that this violence has been greatly reduced* - yet abductions, torture and executions apparently committed by the security forces continue unabated. In 1976, left-wing extremists were allegedly responsible for some 400-500 deaths; the security forces and parapolice groups for over 1,000. Secondly, even if these measures were justifiable as a counter-response to extremist provocation, the undeniable fact would remain that they also strike at innocent citizens. Given the present legislation, no one can rely on legal protection, and in view of the practice of the security forces, no one is safe from abduction

* Speech of General Menendez in Famaila in the Province of Tucuman to celebrate the "Day of the Flag" (20 June 1976): "Subversion is generally in retreat and on the way to collapse."

and torture. Amnesty International believes there is overwhelming evidence that many innocent citizens have been imprisoned without trial, have been tortured and have been killed. The actions taken against subversives have therefore been self-defeating: in order to restore security, an atmosphere of terror has been established; in order to counter illegal violence, legal safeguards have been removed and violent illegalities condoned.