

URGENT ACTION

DISAPPEARED DURING QUARANTINE FOUND DEAD

An independent forensic team positively identified the body of Facundo Astudillo Castro on 2 September 2020. His unidentified body was found on 16 August after going missing on 30 April in the Province of Buenos Aires. Police arrested Facundo that day for violating the national quarantine imposed by the national government due to the COVID-19 pandemic. On 2 July, Facundo's family filed a federal complaint to investigate his disappearance. We demand authorities carry out an independent, effective and impartial investigation into those responsible of his disappearance and death, offering truth and justice to Facundo's family.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Mr. Santiago Ulpiano Martínez
Federal Prosecutor, Bahía Blanca, Province of Buenos Aires
Email: : fisfed1-bha@mpba.gov.ar

Dear Prosecutor Ulpiano Martínez

The fate and whereabouts of Facundo Astudillo Castro, 22 years old, were unknown since his disappearance on 30 April 2020 in the Province of Buenos Aires. Three witnesses last saw him being detained by the Buenos Aires police at the entrance to the town of Mayor Buratovich, accused of violating the quarantine imposed by the State at the national level due to the COVID-19 pandemic.

After more than four months missing, Facundo's body was found on 16 August and identified by an independent forensic team on 2 September. The investigation into his case has yet to determine what happened to Facundo.

I call on you to ensure an independent, effective and impartial investigation into the disappearance and death of Facundo Astudillo, to make the results public, and to bring those responsible for this human rights violation to justice.

Yours sincerely,

ADDITIONAL INFORMATION

On 12 March 2020 President Alberto Fernández declared a “sanitary emergency” pursuant to Law 27.541 due to the COVID-19 pandemic. A week later, on 19 March, he ordered mandatory confinement for all the inhabitants of the country, pursuant to emergency decree n. 297/2020.

Measures restricting freedom of movement and assembly (social distancing and mandatory confinement) have been strictly enforced. Amnesty International has verified more than 20 cases of unlawful use of force against people allegedly violating the governmental measures to contain the COVID-19 spread.

After Facundo’s missing, a “whereabouts investigation” case was filed at the Villarino Office. However, following two months of unfruitful investigation and some irregularities and contradictory statements by the police, on 2 July, the family -with lawyers Luciano Peretto Ithurralde y Leandro Aparicio- filed a criminal complaint with the federal justice system so that the forced disappearance could be investigated.

Four members of the Buenos Aires Province police are under suspicion after a string of contradictions in their statements to investigators. One is said to have claimed Castro left in a truck after being stopped by officers, though he later changed his story to say the 22-year-old departed on foot. Three witnesses, however, say the young man was put into a police vehicle.

On August 1, the IACHR issued precautionary measures requesting the Argentine State to adopt the necessary measures to determine the situation and whereabouts of Facundo Astudillo Castro, in order to protect his rights to life and personal integrity and to guarantee effective search actions through its specialized mechanisms.

On 16 August, after more four months of his fate and whereabouts being unknown and several measures taken to find Facundo – raking operations along National Road 3, and tests in two of the vehicles of the police for “possible blood stains”, testimonial hearings- local fishermen found an unidentified body in the Cabeza de Buey area. On 2 September, the Equipo Argentino de Antropología Forense (EAAF) positively identified the body as that of Facundo Astudillo Castro.

On 6 July, The Provincial Commission for Memory (CPM) - an autonomous and independent public body- intervened as local Mechanism for the Prevention of Torture and introduced a petition for urgent action before the United Nations Committee against Forced Disappearance; underlying the contradictions in the testimonies of the police officers involved in the arrest operation that led to the presumption of responsibility of the officers in the disappearance of Facundo.

On July 10th, the UN Committee on Enforced Disappearances called on the state to adopt a “comprehensive strategy” to find Facundo and to complete an “immediate and exhaustive” investigation into the disappearance of a 22-year-old who was last seen being detained at a police checkpoint in Buenos Aires Province (Res. 906/2020)

The International Convention for the Protection of All Persons from Enforced Disappearance defines an enforced disappearance as “the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which places such a person outside the protection of the law.” Argentina has ratified the convention in 2007 (Law Ley 26.298).

PREFERRED LANGUAGE TO ADDRESS TARGET: SPANISH

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 14 October 2020

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: Facundo Astudillo Castro (He, him, his)

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/amr13/2767/2020/en/>