

PUBLIC

AI Index: AMR 41/004/2001

UA 15/01 Impunity/Legal concern

23 January 2001

**MEXICO Ricardo Miguel CAVALLO (also known as Miguel Angel CAVALLO)**

---

An Argentine former naval captain was arrested last August in Mexico, where a judge has since ruled that he can be extradited to Spain to face charges of genocide and terrorism committed in Argentina when the country was under military rule. This decision must now be ratified by Mexico's Secretary of Foreign Relations, who is expected to take the decision within days. Amnesty International is concerned that if the former officer is not extradited or else tried in Mexico, he may never be brought to justice.

Ricardo Miguel CAVALLO (also known as Miguel Angel CAVALLO), was assigned to the notorious Naval Mechanics School (*Escuela de Mecánica de la Armada, ESMA*) in Buenos Aires, Argentina, where many of the victims of the military junta that ruled the country from 1976 to 1983 were taken and last seen. He was reportedly known as "Serpico", "Marcelo" and "Ricardo".

Cavallo had been working for some years in Mexico, where a company he runs had won a government contract to set up the country's National Registry of Motor Vehicles, *Registro Nacional de Vehículos*. He was arrested by Interpol-Mexico on 24 August 2000, reportedly on suspicion of involvement in the illegal importation of used cars.

In September the Spanish authorities asked Mexico to extradite Cavallo to Spain for "the alleged crimes of genocide, terrorism and torture" ("*por los presuntos delitos de genocidio, terrorismo y torturas*"), on the grounds that he was implicated in such abuses against victims held at the ESMA. Amnesty laws passed in 1986 and 1987 in Argentina protected those implicated in human rights abuses from prosecution in Argentina.

On 12 January 2001, a court in Mexico ruled that there were grounds for complying with Spain's extradition request regarding the allegations of genocide and terrorism, but not of torture. However, Amnesty International believes that allegations of torture must be tried in a court of law, regardless of the nationality or status of the accused or the victims, or when or where the crimes were committed.

Mexico and Spain have universal jurisdiction in torture cases where this is provided for by an international treaty. When a torture suspect is found on their territory, Article 7 of the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment requires the state party to comply with extradition requests or else prosecute that person themselves. Mexico and Spain ratified the Convention against Torture in January 1986 and October 1987, respectively.

#### **BACKGROUND INFORMATION**

The ESMA is one of the secret detention centres recorded in the report by the National Commission on Disappeared People, *Comisión Nacional sobre la Desaparición de Personas*, which was created in Argentina in 1983 when civilian rule was restored. Reports of systematic torture at ESMA have been confirmed by numerous testimonies, including that of a former naval officer. Those in captivity were either killed under torture or sedated and thrown from naval aircraft into the Atlantic.

In July 2000, the candidate for the ruling Institutional Revolutionary Party (PRI) lost the Mexican presidency for the first time since the party was established in 1929. The winner, opposition candidate Vicente Fox Quesada of the National Action Party, pledged full respect for human rights in his inaugural speech before Congress on 1 December.

**RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in Spanish, English or your own language:**

- reminding the Mexican authorities of their obligations under the treaties and conventions related to the prohibition of crimes against humanity;
- urging Mexico's Secretary of Foreign Relations either to extradite Cavallo to Spain or to bring him to trial in Mexico.

**APPEALS TO:**

Secretary of Foreign Affairs

Lic. Jorge G. Castañeda  
 Secretario de Relaciones Exteriores  
 Secretaría de Relaciones Exteriores  
 Av. Ricardo Flores Magón No.1,  
 Col. Guerrero Tlatelolco  
 México D.F., C.P. 06995  
 MEXICO

**Telegrams: Secretario de Relaciones Exteriores, Mexico D.F., Mexico**

**Fax: (+52 5) 782 4109**

**Salutation: Señor Secretario / Dear Minister**

Special Ambassador for Human Rights and Democracy

Maestra Mariclaire Acosta Urquidi  
 Embajadora Especial para los Derechos Humanos y Democracia  
 Secretaría de Relaciones Exteriores  
 Av. Ricardo Flores Magón No.1,  
 Col. Guerrero Tlatelolco  
 México D.F., C.P. 06995  
 MEXICO

**Telegrams: Embajadora Especial para los Derechos Humanos y Democracia, México D.F., Mexico**

**Salutation: Señora Embajadora**

**COPIES TO:**

Human rights organisation

Red Nacional de Organismos Civiles  
 de Derechos Humanos, "Todos los Derechos para Todos"  
 Puebla 45, 1er. Piso  
 Col Roma 066700  
 México, D.F.  
 Mexico

and to diplomatic representatives of Mexico accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 6 March 2001.