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Mexico/Argentina/Spain: Justice one step closer following landmark extradition decision

The Mexican Supreme Court's decision to confirm the extradition to Spain of a former Argentine naval captain, accused of serious human rights violations is a welcome example of international cooperation to bring justice one step closer, Amnesty International said today.

A majority of judges on Mexico's Supreme Court voted yesterday to extradite Ricardo Miguel Cavallo to Spain to face charges of genocide and terrorism. Since his arrest in Mexico in 2000, the Spanish authorities had sought his extradition and prosecution in connection with his alleged involvement in gross human rights violations in Argentina during the 1976-1983 period of military governments.

States have an obligation to ensure that people suspected of gross human rights violations are investigated, and where evidence permits, prosecuted wherever they are found -- regardless of their nationality or the nationality of the victim -- or else extradited to another state willing to do so.

"This landmark ruling represents an important recognition of this obligation," Amnesty International stated

"But the Court's decision does not go far enough since it does not grant extradition to face charges of torture as the Spanish authorities had requested," added the organization. This was refused on the grounds that, under Mexican law, the statute of limitations for a torture prosecution would have expired.

"The widespread and systematic use of torture in Argentina under the military governments constitutes a crime against humanity and is therefore not subject to the statute of limitations under international law," the organization stressed.

Amnesty International also pointed out that the Court's decision to apply the statute of limitations is contrary to Mexico's obligations as a signatory to the Rome Statute of the International Criminal Court which prohibits statutes of limitations for the crime against humanity of torture.

Nevertheless, Amnesty International recognizes the enormous positive impact of the ruling: "It is a powerful reminder to prosecutors and courts all over the world of their duty under international law to try persons in their territory who are suspected of torture and other serious human rights violations, or else to extradite them to states able and willing to give them a fair trial."

The organization will be studying the judicial decision at greater length.

Background

Ricardo Miguel Cavallo, also known as Miguel Angel Cavallo, was assigned to the notorious *Escuela de Mecánica de la Armada* ESMA (Naval Mechanics School) 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. The ESMA is one of the secret detention centres recorded in the report by the *Comisión Nacional sobre la Desaparición de Personas* (National Commission on Disappeared People) 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.

Ricardo Miguel Cavallo was arrested by Interpol-Mexico in August 2000 on suspicion of involvement in the illegal importation of used cars. In February 2001, the Mexican government authorized his extradition to Spain, which subsequently led to a protracted appeal process

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