

31 August 2001

AI Index EUR 41/007/2001 - News Service Nr. 154

FOR RESPONSE ONLY

Argentina/Spain : One step closer to truth and justice for the “disappeared”

The relatives of many of Argentina's "disappeared" may be one step closer to establishing the fate of their loved ones and to see justice done, Amnesty International said today commenting on the reported arrest in Spain of an alleged civilian member of the Argentine army intelligence service, Claudio Scagliuzzi.

The organization welcomed the decision of the Spanish authorities to ensure his presence pending a decision on whether to extradite him to Argentina at the request of Argentine Federal judge Claudio Bonadio.

"This could represent an important step forward in the long fight against impunity for the thousands of cases of 'disappearances' which occurred in Argentina during the military governments," Amnesty International said.

As the United Nations (UN) General Assembly recognized when it adopted the UN Declaration on the Protection of All Persons from Enforced Disappearance, every state is under a duty to extradite or prosecute any alleged perpetrators of human rights violations. However, before it proceeds with extradition, Spain also has an obligation to make sure that the requesting country will conduct a fair trial and to obtain guarantees that the judicial proceedings will not be hindered by the application of amnesty laws.

"The serious human rights violations committed in Argentina during the 70s and 80s have been covered by impunity for a quarter of a century," Amnesty International said. "It is now time for the Argentine authorities to stop using the amnesty laws as an excuse to shirk their responsibility to establish the fate of the 'disappeared' and bring those responsible to justice."

Amnesty International remains concerned that a recent judicial decision stating that the amnesty laws were unconstitutional has been appealed.

The organization noted that "disappearances" constitute a continuous or permanent offence as long as the fate and whereabouts of the victims have not been determined. Moreover -- as recognized by international bodies such as the Human Rights Committee, the European and Inter-American Courts of Human Rights and the Inter-American Commission on Human Rights -- the severe mental pain and suffering inflicted on the families of the "disappeared" can amount to torture.

Background

According to media reports, Claudio Scagliuzzi was arrested in Barcelona in on 27 August at the request of the Argentine Federal judge Claudio Bonadio who is investigating the fate of 18 people who "disappeared" between 1979 and 1980 within the military operation known as Plan Condor. Judge Bonadio has reportedly requested to the Spanish authorities the extradition of Claudio Scagliuzzi to Argentina and the Spanish authorities are considering his request.

Plan Condor was a coordinated operation between the military governments of the Southern Cone to stop "subversion" during the 70s and early 80s.

Over 8,000 cases of victims of “disappearances” were registered by the Argentine National Commission on the Disappearance of Persons, which was established in 1983 after the return of civilian rule in Argentina, although the total number is believed to be higher.

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