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on the Third Infantry Regiment
of La Tablada**

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Introduction

In January 1989 members of the political group Movimiento Todos Por la Patria (MTP), All For the Fatherland Movement, attacked a military barracks at La Tablada in the province of Buenos Aires. Thirty nine people died in the attack, 11 of whom were police or military personnel and 28 MTP members. Initial reports suggested that at least two of the MTP members were listed as dead, Francisco Provenzano and Pablo Ramos may have been summarily executed after having surrendered and that three others, Carlos Samojedny, Iván Ruiz and José Alejandro Díaz "disappeared" after having being captured. It was also reported that detainees were tortured while in military custody after surrendering, and that some were subjected to further torture while in incommunicado detention under the supervision of the Federal Police and prison service personnel. All were reportedly held by the police in conditions which amounted to cruel, inhuman or degrading treatment.

The judicial investigations

The criminal investigations into the attack on the Third Infantry Regiment Barracks at La Tablada were conducted at the Federal Court of the district of Morón. The MTP defendants had been charged with illicit association and rebellion and this automatically called for a different legal procedure, set out in the Defence of the Constitutional Order Law (23.077 of 1984). This provides for accelerated investigations and trial procedures and for the entire plenary of the trial to be conducted in public oral sessions.

The Court explained that these procedures were not applicable to ordinary offences covered in the penal code, so the alleged human rights violations would be dealt with in the Federal Court of Morón and any eventual trial would not be oral and public.

The investigations into alleged human rights violations were separated from the main trial and opened under normal penal procedures in the Federal Court of the District of Morón. Further investigations into alleged torture and ill-treatment at Federal Police Headquarters and in the cells of **Tribunales**, the main courthouse, Buenos Aires, were opened at the 6th Criminal Court of Buenos Aires.

In October 1989 Judge Miguel Guillermo Pons, of the 6th Criminal Court, dismissed the case on the grounds that there was insufficient evidence to press charges against individuals responsible for the torture and ill-treatment of five prisoners at the Main Courthouse: Luis Alberto Díaz, Claudio Néstor Rodríguez, Claudio Omar Veiga, Carlos Ernesto Motto y Sebastián Joaquín Ramos. Judge Pons ruled that, while he accepted that "vexatious or severe treatment" had been used against some of the defendants, there was insufficient evidence to press charges against individual members of the police force or prison service. In February 1990 an Appeal Court overturned the lower court decision and ordered the judicial investigation to be continued. The case has not yet been resolved, nor have, so far, any other investigations related to human rights violations against MTP prisoners resulted in any prosecutions.

Amnesty International concerns

In June 1989 Amnesty International issued a document on "The Criminal Investigation into the Attack on the Third Infantry Regiment of La Tablada". (AI index AMR/13/02/89). In it the organization stated its concern about the possible summary execution of a number of MTP members listed as dead and the beatings and maltreatment of a number of prisoners under military or police custody. The organization noted that it was awaiting the results of the judicial investigations into these denunciations and that as of 14 June 1989 the investigative proceedings were still in their initial secret stage.

In April 1989 two Amnesty International staff members visited Argentina and met the then Attorney General, Dr Andrés D'Alessio, who assured them that judicial investigations into the alleged violations of human rights were in progress and promised that they would be prompt and thorough. However Judge Larrambeberé, who is in charge of several of the separate investigations into alleged human rights violations explained to an Amnesty International delegation in September 1989 that, while extra staff and equipment were provided to assist in the criminal investigation for the main trial, the investigations into alleged human rights violations had to compete with a backlog of some 4,500 cases in court.

In March 1990 Amnesty International published a new report on the progress of the judicial investigations of alleged human rights violations against MTP members, "Argentina: The Attack on the Third Infantry Regiment Barracks at La Tablada: Investigations into Allegations of Torture, "Disappearances" and Extrajudicial Executions." (AI Index AMR/13/01/90). In this document Amnesty International confirmed that there appeared to be compelling evidence that after surrender some of the MTP prisoners were extrajudicially executed or had "disappeared", and that torture

and other cruel, inhuman or degrading treatment or punishment occurred while MTP prisoners were in military, police and prison service custody. The organization stated its belief that the delays in investigating other related complaints of torture and ill-treatment cannot be justified and amount to a denial of the rights accorded to all detainees, irrespective of the crimes of which they have been accused. Amnesty International called upon the Argentine Government to establish an independent commission of inquiry aimed at ensuring a comprehensive and impartial investigation of alleged extrajudicial executions, "disappearances" and torture associated with the events at La Tablada.

The Argentine authorities' reply

In May 1990, in reply to Amnesty International concerns, the Argentine government alleged that there was no firm evidence of their failure to investigate promptly and effectively complaints of human rights violations against MTP members and that such a claim was not an accurate reflection of facts. The Argentine government reiterated that the matter was under judicial investigation. It rejected the call for an independent commission of inquiry on the grounds that it would be against Argentina's constitutional order. An attached document listed the cases under judicial inquiry but did not provide any information about their progress.

In reply to a letter from an Amnesty International member, the Under Secretary of Justice César Arias, in September 1990 listed six different cases involving alleged human rights violations against MTP members, initiated between 27 January and 27 February 1989. He reiterated that all the cases were under judicial investigation. He said that he expected that within a period of between a month and a month and a half the relevant courts would decide on several of them.

La Tablada two years after

By the end of January 1991 none of the investigations had been completed. Time makes it increasingly difficult for the truth about the alleged human rights violations against MTP members to emerge and that those responsible will be brought to justice. The failure to complete the investigations is a disturbing precedent in that it may signal the Argentine government's lack of commitment to uphold human rights when the responsibility of the members of the armed forces is involved. Together with the recent presidential pardon for persons accused of gross human rights violations during the years of military dictatorship before the end of their trial procedures, like former general Carlos Suárez Mason, it may also be interpreted as showing that the government is prepared to allow those responsible for these deeds to evade responsibility for their crimes.