

INTERNAL (for Urgent Action Coordinators only)

8 April 1992

This action is being issued as part of a strategy against the reintroduction of the death penalty in Argentina. The Research Department feel that it is important that opposition to this latest move to reintroduce the death penalty is heard NOW before the bill is considered by Senate and the House of Deputies. They feel that appeals from UA participants will give publicity to the issue, support to those against reintroduction and express international opposition to this retrograde step. Should this proposal proceed and come up for debate it is likely that other action techniques will be used - perhaps a death penalty action - to complement and add to this action.

EXTERNAL (for general distribution)

AI Index: AMR 13/02/92  
Distr: UA/SC

*This is a limited action - please organize up to ten appeals per section*

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UA 117/92 Death penalty

8 April 1992

**ARGENTINA: Possible reintroduction of the death penalty**

Amnesty International is concerned at the possible reintroduction of the death penalty in Argentina, following the presentation in Congress of draft Legislation to modify the Penal Code and reintroduce the death penalty.

On 19 March 1992 Luis Alberto Martínez, Vicepresident of the Chamber of Deputies, presented draft Legislation to the Argentine Congress to modify the Penal Code and reintroduce the death penalty for certain serious crimes including kidnapping, acts of terrorism, subversion and sabotage resulting in death and drug trafficking. The proposal was signed by eight deputies of the ruling Justicialista (Peronist) Party. The bill will be considered first by the Argentine Chamber of Deputies and then by the Senate. There is no precise timetable as to when the bill, which is currently being considered by the Commission for Penal Legislation, Comisión de Legislación Penal, of the Chamber of Deputies, will be debated in Congress.

Shortly after Argentina returned to civilian rule in December 1983, the Argentine Congress repealed decree Laws passed by the former Military Government, which provided for the death penalty for a number of political offences. The Code of Military Justice continues to provide for the death penalty for offences such as treason, espionage, rebellion and mutiny.

By reintroducing the death penalty Argentina would be in breach of its international obligations. On 5 September 1984 Argentina ratified the American Convention on Human Rights (San José Pact) which prohibits the reintroduction of the death penalty in states that have abolished it (article 4.3) and the extension of the death penalty to crimes to which it does not currently apply (article 4.2).

#### **BACKGROUND INFORMATION**

The move to reintroduce the death penalty was prompted by the attack on the Israeli Embassy in Buenos Aires which left a number of people dead and injured on 16 March 1992. Following the attack, President Menem stated: "the moment has arrived to apply the death penalty to terrorists". President Menem is personally committed to the reintroduction of the death penalty, although this is not the official policy of his political party, the Justicialista (Peronist) Party. Since President Menem came to power in 1989

he has made various attempts to reintroduce the death penalty for certain serious crimes. On 1 August 1990 President Menem sent draft legislation to the Argentine Congress to modify the Penal Code and reintroduce the death penalty.

Twenty days after the draft legislation was presented President Menem withdrew his proposal owing to opposition from most legislators and several influential organizations, including the Roman Catholic Church (see UA 321/90, AMR 13/03/90 of 3 August 1990 and follow-up AMR 13/04/90 of 17 August 1990). In September 1991, following an outburst of kidnappings for extortion, President Menem expressed his commitment to reintroduce the death penalty but stated that the issue would not be considered until 1993, possibly by means of a plebiscite.

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**RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters:**

- expressing concern at proposals to reintroduce the death penalty, which Amnesty International believes is the ultimate cruel inhuman and degrading punishment, and which brutalizes all those involved in the process of applying it;
- pointing out that by reintroducing the death penalty, Argentina would be in breach of its international treaty obligations, such as the American Convention on Human Rights (San José Pact), and that it would be acting in contradiction with the spirit of its affirmative vote in the United Nations on 15 December 1989 when together with 58 other states Argentina supported the adoption of the Second Optional Protocol to the International Convention on Civil and Political Rights, which aims at the abolition of the death penalty;
- stressing that reintroducing the death penalty would be contrary to both world and regional trends for the abolition in practice and in Law of the death penalty.

In your appeals to President of the Commission for Penal Legislation, who is known to be an abolitionist, please also use the following recommended actions:

- welcoming his opposition to the death penalty;
- pointing out that public opinion on the death penalty is often based on an incomplete understanding of the facts about this cruel and inhuman form of punishment;
- urging him to take a stand against the death penalty and to communicate the arguments against its use to all the members of the Commission.

**APPEALS TO**

1) President:

Excelentísimo Sr. Presidente de la República Argentina  
Dr. Carlos Saúl Menem  
Casa Rosada, Balcarce 50  
Buenos Aires C.F., Argentina

**Exmo Sr Presidente /  
Dear President**

**Telegrams: Presidente Menem, Buenos Aires, Argentina**

**Telexes: 21194 (via Ministry of Foreign Affairs); 18764 SIPRA AR;  
21464 COPRE AR**

**Faxes: + 54 1 311 0474 (Press office of the Presidency)**

2) President of the Senate:

Sr. Eduardo Menem  
Presidente  
Honorable Cámara de Senadores, Senado de la Nación  
Buenos Aires, Argentina

**Sr. Presidente /  
Dear President**

**Telegrams: Presidente Honorable Camara de Senadores, Buenos Aires, Argentina**

3) Vicepresident of the Chamber of Deputies:

Sr. Luis Alberto Martínez  
Vicepresidente de la Cámara de Diputados

**Sr. Vicepresidente /  
Dear Vice-President**

Honorable Cámara de Diputados  
Congreso de la Nación  
Buenos Aires, Argentina

**Telegrams: Vicepresidente de la Camara de Diputados, Buenos Aires, Argentina**

4) President of the Commission for Penal Legislation of the Chamber of Deputies:

Sr. Antonio Hernández

**Sr. Presidente /**

Presidente de la Comisión de Legislación Penal

**Dear President**

Congreso de la Nación

Buenos Aires, Argentina

**Telegrams: Presidente Comision de Legislacion Penal, Buenos Aries, Argentina**

**COPIES OF YOUR APPEALS TO:**

Centre for Social and Legal Studies:

Centro de Estudios Legales y Sociales

Rodríguez Peña 286, 1er. Piso

1020 Buenos Aires, Argentina

**Faxes: + 541 3624956**

Newspaper:

S.A. LA NACION

Bouchard 557-1106

Buenos Aires

Argentina

and to diplomatic representatives of Argentina in your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 20 May 1992.