

# AMNESTY INTERNATIONAL PRESS RELEASE

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## Argentina: This is time for justice

Amnesty International welcomes President Nestor Kirchner's decision to repeal Decree No. 1581/01 -- which prohibited the extradition judicially requested by other countries of individuals allegedly involved in human rights violations during the period of military government (1976-1983).

"This is an important step towards the achievement of truth and justice for victims and their relatives after nearly three decades of struggle." Amnesty International said "International efforts by several countries to extradite and try -- on the basis of universal jurisdiction -- those responsible for crimes against humanity, including murder, 'disappearances' and torture, committed in Argentina had been frustrated by the decree."

Amnesty International continues to call for the removal of all obstacles, including the Full Stop (*punto final*) and due obedience (*obediencia debida*) laws, hundering the investigations and prosecutions of all human rights violations during the period of military government, including thousands of 'disappearances', not just cases of child kidnappings.

Lower court decisions in Argentina ruling the two laws as null and unconstitutional are still awaiting a decision from the Argentina Supreme Court.

Recent statements made by President Nestor Kirchner and widely published, have established the determination of the current administration to tackle the culture of impunity in Argentina and to redress the heavy legacy of human rights violations and lack of justice that has permeated Argentina's recent history.

"Amnesty International acknowledges that determination. The organization expects that the judicial vacuum that has allowed for the grave crimes committed during the military government to remain unpunished be replaced by independent and fair courts which provide judicially expeditious proceedings." Amnesty International stressed.

Declaring null and void the Full Stop and Due Obedience laws will open the way for the realization of justice for thousands of victims of crimes against humanity, removing at the same time measures which are incompatible with the Argentina's obligations under international law.

"As we approach the 20th anniversary of the end of military rule in Argentina, truth and justice remain elusive. President Kirchner has publicly stated 'a society without justice or memory does not have a destiny'. It is time for the Argentine people to regain control of their own destiny." Amnesty International ended.

## **Background Information**

Decree 1581/01 issued by former President Fernando De La Rúa in December 2001 prohibited the extradition of individuals suspected of human rights violations committed during the military governments of 1973 and 1983.

The Full Stop and Due Obedience laws, approved by the Argentine Congress in 1986 and 1987 respectively, over the strenuous objections of the victims and their families, effectively obstruct the investigation and prosecution of crimes against humanity committed during the military governments of 1976 to 1983. They are incompatible with Argentina's international obligations to investigate, bring to trial and punish the authors of crimes against humanity committed during that period. Judicial decisions ruling the Full Stop and Due Obedience laws null and unconstitutional are still awaiting a final decision from the Argentine Supreme Court of Justice.

Although the Full Stop and Due Obedience laws were repealed in March 1998, the repeal has been interpreted as being without retroactive effect, therefore cases of human rights violations committed during the military governments remained covered by them.

Since 2001, however, there have been several important rulings by Argentine judges declaring the Full Stop and Due Obedience laws unconstitutional, null and void.

The United Nations Human Rights Committee and the Inter-American Commission on Human Rights of the Organisation of American States have stated that amnesties and other measures allowing those responsible for human rights violations to go unpunished are incompatible with States' international obligations.

### Public Document

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