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II. Argentina: Recent Case Histories

In the three months after the government of Maria Estela Martinez de Peron was overthrown by a military coup, from March 24, 1976, reports of arrests and abductions, of torture, of deaths in custody, and of political executions reaching Amnesty International from Argentina showed an alarming increase. Amnesty International receives information from sources around the world, both public and private; it is our professional responsibility to search for the truth regarding issues of human rights where verification of allegations can be exceedingly difficult.

In November 1976, Amnesty International sent a mission to Argentina: the delegates were Lord Avebury, member of the British House of Lords and of the Human Rights Parliamentary Commission; Father Robert Drinan, a U. S. Congressman from Massachusetts, and Patricia Feeney, a British member of the International Secretariat of Amnesty International. In March 1977, Amnesty International issued a Report on the condition of human rights in Argentina, based in part on the Mission's findings and in part on material received independently by A. I. The report is 91 pages long. The Mission Report has been followed by a series of International Secretariat papers on repression in Argentina of scientists, lawyers, trade unionists, journalists, doctors, teachers, students, ^{and} women and children.

I will cite you a few recent case histories as reported by A. I.

1. 8 August 1978: Beatrice Perosio, president of the National Society of Psychologists in Argentina, disappeared in Buenos Aires.
- 2, 3. August 1978: Silvia Criado and her husband Alfredo Smith, both psychologists, abducted in Buenos Aires at a meeting called to demand the freedom of Beatrice Perosio.
4. 17 August 1978: Abraham Hochman, 38-year-old lawyer who had defended political cases, reportedly "disappeared" in Buenos Aires.

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5. 16 September 1978: Daniel Eduardo Bendersky, 26-year-old physics student at the University of Buenos Aires, arrested by four plainclothesmen in presence of his mother, who has had no word of him since.

6. 23 October 1978: Eduardo Pesci, 36-year-old lawyer who had defended political prisoners, detained by unknown persons in Buenos Aires; no word of him since.

Perhaps a clearer impression of what is happening in Argentina can be gained from the following report from the English language Buenos Aires Herald of September 22, 1978, under the headline, "Doctor and Two Lawyers Kidnapped":

"In full view of his fellow physicians and a waiting room full of patients, a doctor -- who is himself gravely ill -- was dragged away from his consulting room in the Italian Hospital at 11:30 a.m. on Monday, his wife announced yesterday. The kidnapping of Dr. Leopanto E. Bianchi, who is 56, and is a surgeon in the prestigious orthopedic and traumatology department of the hospital was followed by the abduction yesterday of two well-known Córdoba lawyers, one of them also a journalist. In all three cases the kidnappers claimed to be police. And police headquarters in the federal capital and in Córdoba denied that they had made any arrests. Luis Reinaudi, a journalist working for Córdoba and Tempos de Córdoba, who is also a lawyer and a member of the board of the local bar association, and Roberto Yankilevich, another lawyer, were abducted in the early hours of yesterday morning from their homes by two different groups of five to six armed men"

Although Dr. Bianchi was subsequently released, lawyer Yankilevich and journalist-lawyer Reinaudi are reportedly being held incommunicado in Córdoba penitentiary.

It should be noted that repression of journalists has been consistent practice since the early days of the coup, and that the Spanish-language media generally do not carry reports such as that from the Herald quoted above. Following the coup the Government decreed on March 24, 1976:

"Anyone who through any medium whatsoever defends, propagates or divulges news, communiques or views with the purpose of disrupting, prejudicing or lessening the prestige of the armed forces will be subject to detention for a period of up to 10 (ten) years."

(Communique 19 -- Delito de Prensa)

Statistics published by Le Monde in January of this year indicate something of the extent of persecution of journalists in Argentina: since the 1976 coup by January 1978 twenty-nine journalists had been killed, forty had disappeared, seventy had been imprisoned, and four hundred had gone into exile. The number of Argentine journalists arrested, kidnapped, imprisoned, disappeared, exiled and/or killed continues to grow.

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The armed forces seized power in Argentina on 24 March 1976 in violation of the Argentine Constitution. Upon assuming power the military junta systematically destroyed the basic institutions of Argentine democracy.

According to a Library of Congress Report:

"Upon assuming power the military junta disposed of all democratic institutions. The National Congress, provincial legislatures and municipal councils were dissolved; . . . all political parties were suspended; all political activity was declared illegal; the members of the Supreme Court and lower courts were removed and the judiciary replaced by military tribunals; and trade union activity was outlawed. The military junta now rules by decree." (Human Rights Conditions in Selected Countries and the U. S. Response, U. S. Govt. Printing Office, Washington, July 25, 1978, "Argentina," p. 20.)

Following the military coup the new President, General Jorge Rafael Videla, pledged to restore respect for human rights, to eliminate terrorism, and to "monopolize" the use of violence. Politically-motivated kidnapping and killing by extremists of both left and right had been a tragic feature

of Argentine politics beginning in the late sixties. On the left the Montoneros and the Ejercito Revolucionario del Pueblo and on the right the Alianza Anti-Comunista Argentina and other para-police death squads were all guilty of violent atrocities. The response of the military government of General Videla in the two years and nine months since the military coup has been one of the most ruthless and bloody repressions in the history of our time. Not one member of the AAA or other para-police/military death and torture squads has been brought to trial or even charged. Yet these groups, in the thirty-three months since General Videla seized power, have been responsible for upwards of 15,000 "disappearances" which the Government has been unable or unwilling to explain. Thousands of corpses, the bodies so mutilated that they are unidentifiable, have been discovered on the banks of the River Platte or in common graves. Thousands more desaparecidos are thought to be still alive, held in special detention camps the existence of which is denied by the Government.

Who have been the targets of this savage repression? At a press conference this year, President Videla stated: "A terrorist is not just someone with a gun or a bomb but also someone who spreads ideas that are contrary to western civilization." Last May Videla declared: "All the necessary persons will die in Argentina to assure the country's security." Since March 1976 Argentina has been governed by a military oligarchy which has overseen the systematic kidnapping, torture, and disappearance or extermination of thousands of Argentine citizens as well as foreigners unfortunate enough to be caught in the web of repression. First, those accused of being Montoneros and ERP, and their alleged sympathizers, were systematically arrested, taken to secret torture centers, and forced to confess; it appears that hundreds or even thousands have been

executed, all without any rights whatsoever. Gradually the circle of targets has widened, from lawyers and doctors to teachers and friends and acquaintances; anyone with "left-wing sympathies" today in Argentina, as defined by ~~the government~~ right-wing extremist groups, is in jeopardy of his life. A government which permits its security forces to kidnap its citizens and resident aliens at any time of day or night, and which then allows hideous and systematic torture of these individuals by members of the police and armed forces, and which has allowed thousands of politically-motivated ~~murders~~ ^{"executions"} to go uninvestigated can only be regarded, I submit, as a government which governs by terror.

The Argentine government places the number of detainees in official custody at around 3,600 ~~and Amnesty International reports the number of Argentine political detainees held in detention camps at from 8,000 to 18,000~~ -- the majority of whom have never been tried or convicted, held under generally cruel and inhumane conditions without any judicial determination of guilt or innocence. Lawyers and human rights organizations within Argentina estimate that since March 1976 between 20,000 and 30,000 writs of habeas corpus have been filed at the Ministry of the Interior on behalf of missing persons. The government has never officially investigated any disappearance case. Amnesty International has received reports of over 100 new disappearances in the last 100 days; our Research Department believes the actual figure may be much higher.

Amnesty International recently received macabre corroboration of what appears to be the systematic ~~murder~~ ^{later death execution} of detainees held in certain unofficial detention camps in Argentina. A 23-year-old Argentine woman had been kidnapped by para-military forces in the fall of 1977 and subsequently held for nine months in an unofficial detention camp. Her parents learned of

her whereabouts from a fellow prisoner released from the same camp some months after the daughter's disappearance and were told that she had been tortured and was pregnant. In August of this year, 1978, they were called to a police station where they were shown their daughter's body, "half of her face blown away shot at point-blank range." Amnesty International has learned from reliable sources that the police/military have been disposing of from five to as many as sixty bodies a day under analagous circumstances in one part of Buenos Aires alone.

V. Conclusion

Amnesty International, in the words of Thomas Hammarberg, Swedish journalist who is Chairman of A. I.'s IEC, "opposes, criticizes and condemns" all types of terrorist violence, whether committed by individuals on their own or on behalf of some group, or by a government's law-enforcement personnel in whatever name. In Argentina, the violent left is reported to be all but destroyed and virtually ineffective; the violent right continues, in apparent alliance with the military junta, its savage repression of all political opposition, using kidnapping, torture, and extra-legal execution on a massive scale. Every day of the last six months has witnessed new kidnappings, tortures, and killings of teachers and journalists, lawyers and doctors, opposition politicians and students, trade union leaders and resident aliens. Resident aliens in particular have been subjected to illegal forced repatriation, or refoulement, as the para-military security forces of Brazil, Chile, Paraguay, and Uruguay work with those of Argentina to destroy the virus of ideas unpopular with the military rulers.

Argentina's Interior Minister Harguindeguy has claimed that all but a few of the detainees now held are "terrorists who had killed or kidnaped" and that "witnesses of all their crimes exist." If this is true, why does Argentina continue to hold thousands of prisoners without charges under executive authority? Why have individuals acquitted by the judiciary of all charges been immediately re-detained "at the disposal of the Executive Power"? For example, Jacobo Timerman -- called "the country's best-known newspaper publisher" by the Buenos Aires Herald -- continues under house arrest despite a Supreme Court ruling of July 20, 1978 declaring that "even under the government's own rules it could not justify holding Timerman any longer, and had in fact been holding him unjustifiably since last October [1977]."

The truth is that in Argentina today the rule of law has been destroyed; the judiciary has been subordinated to rule by the military junta. The truth is, as the March 1977 mission report states, "It is apparent . . . that in Argentina a large number of people who disappear are unofficially executed." The truth is that today in Argentina women and men can be kidnapped from their homes by plainclothesmen at any time of the day or night, taken to filthy secret interrogation centers, interrogated by physical torture day and night, including electric shocks applied to all parts of the body with the infamous Argentine picana (prod); or the "submarino," meaning immersion of detainee in water or filth with head covered by a cloth hood so that breathing is practically impossible; or beatings of all kinds, kicks, burning with cigarettes, and, especially for women, all kinds of sexual

abuse, including rape as well as cases of miscarriage caused by beatings.

Amnesty International has found, in Argentina:

(1) "overwhelming proof of the use of torture as an instrument of policy;"

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(2) "many innocent people have been tortured in the last few months;"

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The Argentine Republic is a signatory to the United Nations Charter, the Universal Declaration of Human Rights, and the American Convention on Human Rights. It is evident that the Argentine government has consistently violated the right to life and the right to basic human dignity which international standards of law, as well as the Argentine Constitution, are intended to protect. Government-tolerated terrorism becomes Government terrorism -- that is the truth of Argentina today.

Paper presented to
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~~for the purpose of the report~~