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## U.S. Department of State

### Argentina Country Report on Human Rights Practices for 1997

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1998.

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#### ARGENTINA

Argentina is a federal constitutional democracy with an executive branch headed by an elected president, a bicameral legislature, and a separate judiciary. In 1995 voters reelected President Carlos Saul Menem to a second term that runs until 1999. The judiciary is independent but inefficient.

The President is the constitutional commander in chief, and a civilian Defense Minister oversees the armed forces. Several law enforcement agencies share the responsibility for maintaining law and order. The Federal Police report to the Interior Minister, as do the Border Police and Coast Guard. Provincial police are subordinate to the respective provincial governors. Members of the police continued to commit human rights abuses.

Argentina has a mixed agricultural, industrial, and service economy. An economic reform and structural adjustment program has led to high growth with low inflation and spurred competitiveness. Gross domestic product (GDP) increased about 8 percent, and per capita GDP was \$8,900. As a result of privatization, private sector adjustment, and rapid labor force growth, the national unemployment rate, although declining slowly, remained high at 16 percent. The high cost of living affected those on low fixed incomes the most, although the entire country benefited from the end of hyperinflation.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. There continued to be instances of extrajudicial killings and brutality by the police, who arbitrarily arrested and detained citizens. However, the authorities took action to prosecute or punish a number of persons for such abuses. Prison conditions are poor. The judicial system is subject to political

influence at times and to inordinate delays, resulting in lengthy pretrial detention. There were numerous threats against journalists, and one journalist was killed. Discrimination and violence against women are also problems.

## **RESPECT FOR HUMAN RIGHTS**

### **Section 1 Respect for the Integrity of the Person, Including Freedom From:**

#### **a. Political and Other Extrajudicial Killing**

There were no reports of politically motivated extrajudicial killings.

Police officers, however, were believed responsible for a number of extrajudicial killings. The authorities investigated and in some cases detained, tried, and convicted the officers involved. A former police chief in the province of Buenos Aires was arrested on suspicion of carrying out the brutal murder in January of news photographer Jose Luis Cabezas (see Section 2.a.). In April a young woman, Teresa Rodriguez, was killed when police in the province of Neuquen, reinforced by federal border guards, broke up a demonstration by striking teachers and unemployed workers in the town of Cutral-co. The bullet that killed her apparently was fired from a police weapon, although this could not be confirmed.

In April a court in the Buenos Aires provincial town of Lomas de Zamora sentenced two provincial police officers to 8 years in prison in the 1992 death of 19-year-old Anibal Romero, shot and killed while attempting to avoid arrest on suspicion of armed robbery.

In July the Catholic bishop of the province of Santiago del Estero led a public march to protest the killing of 15-year-old Juan Gonzalez, allegedly by a provincial policeman.

In November the authorities arrested and indicted five Mendoze provincial policemen in connection with the October death of 18-year-old Sebastian Bordon, a high school student from Buenos Aires province. For reasons that remain unclear, Bordon, who was on a school trip, was left in the custody of Mendoza police. His body was found several days later in a rugged area of the province. The five officers arrested in the case are expected to be tried in March or April, 1998.

Suspected police involvement in the Cabezas murder increased the pressure on the governor of the province of Buenos Aires, Eduardo Duhalde, to reform the provincial police force. He relieved hundreds of officers from duty under a 1996 law enabling the provincial government to fire police for cause without lengthy adjudication procedures. In June the Government created a new office within the Secretariat of Security to monitor the activities of the provincial police and receive public complaints of abuse of police authority. In September the Government published a new police instruction manual incorporating a report on police violence by the Center for Legal and Social Studies, a nongovernmental human rights group. The governor told a meeting of senior police officers that reforms were essential to restore public confidence in the force.

In June a court sentenced a Buenos Aires provincial policeman to 11 years in prison for killing Roberto Roldan, who was shot in February 1996 while seated in the back of a car that was rushing his daughter to a hospital in the Buenos Aires suburb of Avellaneda. In October a court sentenced three Buenos Aires provincial policemen to life in prison and a fourth to 15 years in prison in connection with the 1996 killing of 16-year-old Cristian Campos in the city of Mar del Plata.

In April a court in the capital city of Buenos Aires accused police authorities of inaction in apprehending

a fugitive federal policeman, Angel Petronio, who was convicted in 1994 of attempted homicide. In July a border policeman was sentenced to 8 years in prison on a charge of attempted homicide in the March 1996 shooting of two teenage girls in Buenos Aires. In September a court in the capital city sentenced a federal police officer to 18 years in prison for the 1996 killing of 17-year-old Marcelo Mirabete.

In September the second trial in 2 years in the death of Maria Soledad Morales opened in the province of Catamarca. The young girl's body was found in a ditch beside a highway in 1990, and several police officers were suspected of helping to cover up the crime. A 1996 trial had ended without a verdict when one of the judges resigned.

A former Buenos Aires provincial policeman, one of five indicted in 1993 for the murder of 17-year-old Sergio Duran, was arrested in October after eluding capture for 4 years.

The authorities charged eight army officers with attempting to cover up the 1994 murder in the province of Neuquen of army recruit Omar Carrasco, who was beaten to death in a hazing incident. The Carrasco murder led to increased public pressure against compulsory military service, which the Government later abolished. In September attorneys for the three officers who in January 1996 were convicted of carrying out the murder said that they would request a review of the case based on new expert testimony regarding the cause of Carrasco's death.

In September the Jewish community released a 100-page report criticizing the Government's handling of investigations into the 1992 bombing of the Israeli Embassy, which killed 29 persons, and the 1994 bombing of the AMIA Jewish cultural center, which killed 87 persons. The Islamic Jihad terrorist group had claimed responsibility for the embassy attack. In November a congressional commission discovered that one of the four policemen charged in connection with the AMIA bombing, Juan Jose Ribelli, received \$2.5 million 1 week before the bombing. Investigators also determined that police officers provided a stolen van for the AMIA car bombing. Investigations of both bombings were continuing at year's end.

In October a Spanish court issued arrest warrants for the former chief of the Argentine navy and 10 aides on charges of genocide during the 1976-83 "dirty war" waged by the military governments. The Spanish judge had previously ordered the arrest of Leopoldo Galtieri, the army general who served as president when a military junta ruled the country in 1981-82. The court also brought charges of genocide against former naval officer Adolfo Scilingo, who went to Spain to testify in the investigation (see Section 1.b.). On December 30, the Spanish judge issued charges against another 36 Argentine military and police officials, whose names were provided by Scilingo. According to press reports, in response to a request from the Spanish Government, the Swiss Government agreed to freeze the bank accounts of four of the Argentine officers charged.

In July a court sentenced Enrique Gorriaran Merlo to life imprisonment for leading a 1989 guerrilla attack on the army's La Tablada barracks, in which 34 people were killed. It also sentenced his ex-wife, Ana Maria Sivori, to 18 years in jail for her role in the attack.

#### b. Disappearance

There were no reports of politically motivated disappearances.

There were no new developments in the case of the police officers ordered arrested for the torture death of 23-year-old student Miguel Bru, who disappeared in 1993. An arbitral panel ordered payment of an indemnity of \$136,000 to the family of Cristian Guardatti, last seen in the custody of provincial police in

1992. This arbitration was a product of amicable settlement procedures, achieved through the good offices of the Inter-American Commission on Human Rights (IACHR). At year's end, the Government stated it was taking steps to arrange payment of the arbitral award. The IACHR referred the question of compensation for the families of Adolfo Garrido and Raul Baigorria, who disappeared in 1990, to the Inter-American Court of Human Rights. An ad hoc investigative commission and an arbitral commission, established by the province of Mendoza in 1996, submitted reports to the court, which was expected to hear the case in early 1998.

The fate of the thousands who disappeared under the 1976-83 military regime continued to claim public attention. In April a Madrid newspaper reported that Spanish intelligence services had microfilmed the records of the regime's war against leftist subversion. The Spanish Government, however, denied the report. In June a Buenos Aires television station claimed that it had obtained the transcript of the military interrogation of a prominent journalist who disappeared in 1977, suggesting that there might be other such records in existence. The manner in which the document was publicized, however, cast doubt on its authenticity.

In June a court ordered the release from prison of former naval officer Adolfo Scilingo, who in 1995 claimed in a newspaper interview that fellow officers had rounded up alleged subversives during the military dictatorship and thrown them to their deaths from airplanes over the River Plate. He added that he had participated in two such flights. Four assailants attacked Scilingo in September; they carved on his face the initials of journalists who had interviewed him and warned him to stop speaking to the press. In October Scilingo went to Spain to testify before judge Baltasar Garzon, who was conducting an investigation into the disappearance and death of Spanish citizens in Argentina during the military regime. The judge ordered him arrested, and he was in jail at year's end, awaiting trial on charges of genocide (see also Section 1.a.).

The federal appeals court in Buenos Aires continued its investigation into the fate of those who disappeared during the dictatorship. The court cannot impose sentence on those responsible for the disappearances who benefited from government pardons. In October, however, federal prosecutor Miguel Angel Osorio raised questions about the pardons in a request to federal judge Gustavo Literas to investigate the activities of certain military leaders pardoned in 1989. Federal judge Adolfo Bagnasco continued an investigation into the fate of children of persons who disappeared.

In June the authorities confirmed that former navy Captain Alfredo Astiz, who was removed from the armed forces in 1996 because of his alleged torture and murder of two French nuns and a teenager at the Navy Mechanics School in Buenos Aires in 1977, was working for the navy again. The Minister of Defense ordered the navy to give him no further work.

In May the Mothers of the Plaza de Mayo, a human rights group, asked the Italian Ministry of Justice to prosecute Cardinal Pio Laghi for an alleged role in torture, murder, and kidnaping while he was Papal Nuncio in Argentina from 1974 to 1980. The group charged that he had first hand knowledge of abuses perpetrated on suspected political dissidents by members of the military government; the cardinal denied the allegations. The Government of Italy took no action in the matter.

Most reliable estimates place the number of those who disappeared during the dirty war between 10,000 and 15,000. In 1984 the National Commission on Disappeared Persons (CONADEP) issued a report that lists 8,961 names, based on public testimony from friends, relatives, and other witnesses. Since then, the Ministry of the Interior's Subsecretariat for Human and Social Rights, which inherited the CONADEP files, has added over 700 new names, also based on voluntary reporting. At the same time, other names have been removed from the original list, either through confirmation of the death or survival of the person who disappeared, or through the identification of duplicate entries. The absence of documentary

records of those who disappeared means that the human rights secretariat, like CONADEP before it, must rely on public testimony, either voluntary or court-ordered. As CONADEP noted in its report: "It has been possible to determine that an important quantity of documentation existed which has been destroyed or which is being concealed by those responsible for the repression."

The human rights secretariat has received over 9,600 claims for compensation from former prisoners of the military regime and approved 8,000 of them. It has received 7,000 claims from the families of persons who died or disappeared and approved 1,500 of them. The law provides that the families of persons who disappeared may submit claims for compensation until the year 2000. The Government announced in August that it plans to issue an estimated \$3 billion in bonds to compensate families of those who disappeared.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture, and the Criminal Code provides penalties for torture that are similar to those for homicide. Nevertheless, police brutality remains a serious problem. In June the U.N. Committee Against Torture criticized the Government for tolerating the continued practice of torture in police stations and prisons.

In January the Government of Buenos Aires province dismissed eight police officers for their role in violently repressing a student demonstration at the La Plata police headquarters in February 1996. In February a court ordered the federal police to pay \$10,000 (10,000 pesos) to Hector Gonzalez, who was a victim of a police beating during a 1992 incident in a Buenos Aires train station.

The Commission for Relatives of Victims of Social and Institutional Violence (Cofavi) works to obtain justice in instances of police brutality and reportedly obtained 32 convictions for violent crimes in cases it brought against police officers since 1992. Cofavi and other human rights groups assert there has been an increase in the number of documented cases of police brutality, highlighted by the Bordon and Campos killings (see Section 1.a.).

Prison conditions are poor in a number of overcrowded jails where the facilities are old and dilapidated. According to the New Rights of Man, a nongovernmental human rights organization, a federal prosecutor reported numerous problems, including cellblock flooding, inadequate electrical wiring, broken windows, poor sanitary conditions, and insufficient food in federal penitentiary number 6 in the city of Rawson, in the Patagonian province of Chubut.

In January an inmate of the Villa Devoto prison in Buenos Aires was shot in the neck and killed. Prison authorities said that the victim and several other inmates had fired on guards during an escape attempt, but inmates claimed that the victim had innocently approached an area that was off limits to prisoners. In July inmates of the Caseros prison protested conditions there, but after negotiations with senior authorities the incident ended peacefully. Among their demands, the prisoners sought compliance with the "2 for 1" law, a 1994 statute that gives unsentenced prisoners 2 days' credit toward their final sentence for every day served prior to sentencing. According to press reports, 80 percent of the 1,230 inmates in the Caseros prison have yet to be sentenced.

The Government permits prison visits by independent human rights monitors.

#### d. Arbitrary Arrest, Detention, or Exile

The Penal Code places limits on the arrest and investigatory power of the police and the judiciary, but

provincial police often ignored these restrictions. Human rights groups find it difficult to document such incidents, saying that victims are reluctant to file complaints because they fear police retaliation or do not believe that their complaints would do any good.

Police occasionally detain teenagers and young adults, sometimes o