

# ARGENTINA

## Action Plan and Respect for Human Rights

### 11 -16 February 2002 Mission

#### Introduction

In February 2002 Amnesty International sent a delegation<sup>1</sup> to Argentina to open a dialogue on human rights with the new administration of President Eduardo Duhalde and to ask the President and his government to draw up a National Action Plan, as well as to renew the dialogue about the organization's concerns with the authorities in Buenos Aires Province and to find out what plans they had for human rights in the province.

The delegation met with senior officials at the Ministry of Foreign Affairs and with Dr. Óscar Fappiano, the Under-Secretary for Human Rights at the Ministry of Justice and Human Rights. As the delegation was informed, due to pressures on his schedule, the President of the Republic, Dr. Eduardo Duhalde, authorized Dr. Óscar Fappiano to receive the delegation on his behalf. The delegation also had meetings with members of both the national parliament and the diplomatic corps.

During their stay in La Plata, the delegation had meetings with the Governor of Buenos Aires Province, Felipe Carlos Solá, the Director of Human Rights for Buenos Aires Province, Jorge Taiana, members of the judiciary and the Provincial Prosecutor's Office, including the President of the Provincial Supreme Court of Justice, Dr. Juan Carlos Hitters, and the Buenos Aires Province Appeal Court Defender, Dr. Mario Coriolano. The delegation had meetings in both Buenos Aires and La Plata with representatives of non-governmental human rights organizations, lawyers and relatives of victims of human rights violations, trade unionists and members of civil society.

Given the worrying situation of political and economic instability which culminated in the bloody events of December 2001, the resignation of President Fernando de la Rúa before completing his term and the appointment of three provisional presidents during the last two weeks of the year, Amnesty International believed it important to present its concerns to the new administration and to hear directly from them what their attitude was to various aspects of human rights which have been of concern throughout the last 19 years of civilian government.

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The delegation was made up of Esteban Beltrán Verdes, Director of the Spanish Section of Amnesty International and Virginia Shoppée, researcher on Argentina at the International Secretariat of Amnesty International in London. The delegation visited Buenos Aires and the city of La Plata (Buenos Aires Province) between 11 and 16 February 2002.

On 13 February 2002, during the meeting with the Under-Secretary for Human Rights, Dr. Óscar Fappiano, who was representing the President, the delegates handed over the Memorandum to the President of the Republic, outlining Amnesty International's concerns in Argentina<sup>2</sup> and called for the drawing up of a National Action Plan for human rights in keeping with the commitment made by all world states during the UN World Conference on Human Rights which took place in Vienna in 1993.

On 14 February, during meetings with provincial authorities in La Plata, the delegates stressed the importance of investigating reports of human rights violations and the worrying reports it had received of the use of torture and ill-treatment against detainees in prisons and police stations in the province. The delegation took the opportunity to deliver an Open Letter to the Governor, Dr. Felipe Solá<sup>3</sup>, and the Secretary for Human Rights, Jorge Taiana.

### **The Concerns**

It was within this context that the organization raised with the Argentinian authorities and several sectors of civil society those of its human rights concerns in Argentina which require immediate attention by the authorities. The most important of these are the lack of effective and conclusive investigations into numerous reports of the torture and ill-treatment of detainees, including minors and members of sexual minorities, by members of the security forces, as well as reports of extrajudicial executions carried out by members of both the federal and provincial police and the apparent excessive use of force by law enforcement officials in the context of public demonstrations. The excessive use of force by law enforcement officials has been of constant concern to the organization over the last two years, including during the events of December 2001 when over a period of a few hours on 20 December five civilian deaths were recorded in the area around the Plaza de Mayo in the capital. A total of over 30 deaths, as well as an unconfirmed number of injuries, were recorded during the public demonstrations that took place that month across the country.

The delegation expressed the organization's concern during that time at the lack of thorough, independent and conclusive investigations into reports of human rights violations, the lack of security for witnesses in cases which had come to court and reports that lawyers, human rights defenders, judges, journalists and relatives of victims had been subjected to threats and harassment. The organization repeated its call for control of the security forces to be reasserted at all levels by ensuring that human rights violations committed by members of both the federal and provincial police in recent years do not go unpunished.

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<sup>2</sup> See Appendix I: Memorandum to the Government of Argentina.

<sup>3</sup> See Appendix II: Open Letter to Dr. Felipe Solá, Governor of Buenos Aires Province,

A special appeal was also made about the importance of eradicating the use of torture and ill-treatment. On this point, the organization expressed its serious concern that the Argentinian authorities had apparently taken no effective action to eradicate this practice. Argentina has been a party to the *United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* since 1987, to the *Inter-American Convention to Prevent and Punish Torture* since 1989, and to the *International Covenant on Civil and Political Rights*, already since 1986. All of these prohibit the use of torture and other cruel, inhuman or degrading treatment or punishment.

The United Nations Human Rights Committee, in its concluding observations dated November 2000, expressed its concern at allegations [of torture and the excessive use of force by members of the police] “indicating that this is a widespread problem and that government mechanisms established to address it are inadequate”.

The delegation stressed that Amnesty International had been constantly concerned about the impunity surrounding the grave human rights violations committed under the military government (1976-1983), including ‘disappearances’ carried out by members of the Argentinian security forces, torture, killings, imprisonment and deprivation of physical freedom, among other inhuman acts which, due to their scale, systematic nature and gravity, constitute crimes against humanity under international law.

The “Full Stop” Law, passed by the Argentinian Congress in December 1986, and the “Due Obedience” Law, passed in June 1987, together with the presidential pardons granted by President Carlos Saúl Menem, have blocked the truth from being known and justice from being done with regard to the crimes committed during those seven years of military rule.

In 1983 the first civilian government headed by President Raúl Alfonsín set up the National Commission on the Disappearance of Persons, known as CONADEP, which, in its report entitled “*Nunca Más*”, “Never Again”, recorded 8,960 cases of “disappearance” but pointed out that the true figure could be higher. Today, on the basis of new complaints submitted to the Office of the Under-Secretary for Human Rights, the official figure for victims of ‘disappearance’ during that period is 15,000.

The relatives have not given up their struggle. On the contrary, they have taken it beyond the borders of Argentina and through their continuous outcry have managed to keep the search alive and to reactivate action at both a national and international level. However, 26 years after the coup, for the relatives of the victims of ‘disappearance’ and the nongovernmental organizations that were born out of the despair of those relatives, such as the Mothers of Plaza de Mayo and the Grandmothers of Plaza de Mayo, the search continues. The “Full Stop” and “Due Obedience” Laws are still today standing in the way of justice.

It took ten years before, in 1998, as a result of legislation passed by Congress, the “Due Obedience” and “Full Stop” Laws were repealed and another three before a federal judge, Judge Gabriel Cavallo, declared them to be unconstitutional and null and void in a case of “disappearance”, a decision which was endorsed in November 2001 by the Federal Appeals Court.

However, a decision to annul these laws once and for all is still pending. Meanwhile, the long wait continues for thousands of cases of ‘disappearance’ from the period of military rule, and with them justice and reparations.

### **International Obligations**

Amnesty International has made repeated appeals to respective governments for these two laws to be annulled. It should not be forgotten that the Inter-American Commission on Human Rights, in its 1992 report, found the “Full Stop” and “Due Obedience” Laws, as well as the presidential pardons, to be incompatible with the American Declaration on the Rights and Duties of Man and the American Convention on Human Rights.

This position is certainly supported by the Vienna Declaration and Programme of Action which was adopted by the World Conference on Human Rights in 1993 and calls on governments to “abrogate legislation leading to impunity for those responsible for grave violations of human rights such as torture and prosecute such violations, thereby providing a firm basis for the rule of law”.

It is also worth recalling that the Conference reaffirmed that “it is the duty of all States, under any circumstances, to make investigations whenever there is reason to believe that an enforced disappearance has taken place on a territory under their jurisdiction and, if allegations are confirmed, to prosecute its perpetrators”.

Article 18 of the United Nations Declaration on the Protection of All Persons from Enforced Disappearance also establishes that those responsible or allegedly responsible for disappearances should not benefit from any special amnesty law or similar measures that might have the effect of exempting them from any criminal proceedings or sanction.

There can be no doubt that there is an obligation to punish those responsible for human rights violations and that it includes a requirement on the State to exercise the necessary legal jurisdiction: those responsible for violations of human rights must be investigated and prosecuted and, if found guilty, punished. If a State fails to do so, it is failing in its international responsibilities.

Under international law the State has to fulfill several obligations related to human rights, one of them being the duty to guarantee effective respect for human rights. As the guarantor of the

rights of individuals, the State has a duty to investigate violations, bring to justice and punish those responsible, compensate the victims and determine the truth about what happened. The delegates stressed the Argentinian State's obligations in this respect.

### **National Action Plan**

The delegates were interested in finding out what the current policy of the authorities was with regard to the rights of women, children and human rights defenders in the light of Argentina's international commitments. On the basis of the recommendations made in the *Vienna Declaration and Programme of Action* adopted by the World Conference on Human Rights in 1993, the organization reminded the Argentinian Government of the importance of establishing a National Action Plan identifying the steps that need to be taken to improve human rights promotion and protection.

Amnesty International hopes that such a National Action Plan, including the protection of lawyers, witnesses, victims and their relatives in cases connected with human rights violations, will be implemented during this presidential term and that the authorities will ensure that all human rights defenders receive full protection to carry on with their work. Furthermore, it hopes that it will ensure that any reports that the latter have been subjected to threats or harassment are thoroughly and promptly investigated.

The organization has therefore urged the Argentinian authorities at every level to give public support to the sentiments expressed in the resolution passed by the General Assembly of the Organization of American States in June 1999 concerning the promotion and protection of the fundamental rights of human rights defenders.

Rights are universal and indivisible. These principles were reaffirmed by the World Conference on Human Rights in Vienna in 1993. The administration of President Duhalde must not disregard them; on the contrary, it should take the opportunity to formulate policies that will fulfill Argentina's commitments under the International Covenant on Economic, Social and Cultural Rights, to which it has been a party since 1986 and which, in Argentina, has constitutional status.<sup>4</sup>

Even though faced with serious human rights concerns, the current government has the opportunity to begin making the reforms that are necessary and to demonstrate the political will that is required to make it clear that human rights violations will not be tolerated in Argentina.

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Article 75.22 of the present Argentinian Constitution, which dates from 1994, grants constitutional status to international treaties.

It is impossible to disregard the link between impunity for past crimes and the concerns regarding human rights violations in Argentina today.

Amnesty International's experience throughout the world over a period of more than forty years indicates that impunity is the main and most important factor leading to the continued violation of human rights. When abuses have not been properly investigated, when those responsible have not been made accountable for their crimes, when the truth has not been revealed because the rule of law has broken down or because of a lack of political will, a self-perpetuating cycle of violence has all too often arisen.

Amnesty International has insisted that a significant number of measures be taken by the authorities to ensure that there is effective human rights protection and promotion in Argentina. Some of these measures will require administrative directives, others the introduction of new legislation, and many only the implementation of existing Argentinian law. All of them will require political will.

### **New Developments**

Following the delegation's visit to Argentina, Amnesty International was interested to receive news that a bill had been brought before the Chamber of Deputies by Patricia Walsh, a deputy from the *Izquierda Unida*, United Left, calling for the "Full Stop" and "Due Obedience" Laws to be annulled on the grounds that they are unconstitutional. However, it has also learned that the debate scheduled for 21 March 2002 on this important issue which, 26 years on, affects so many Argentinians in their search for truth and justice, failed to obtain the quorum necessary for it to be discussed.

Since its delegation's visit to Argentina, Amnesty International has welcomed with interest a request received from the Buenos Aires Province Human Rights Secretariat for further information about a Partial List submitted by Amnesty International<sup>F</sup> so that it can monitor developments in the legal proceedings related to the cases concerned. The organization has responded to the request for further information and trusts that it will be informed of any progress made on this matter.

In two further recent developments instigated by the Buenos Aires provincial authorities, the organization has received reports from the Argentinian press indicating that the provincial administration has taken measures to eradicate the use of torture by announcing the creation of

a Provincial Program against Torture as a specific response to the complaints submitted by national and international bodies such as Amnesty International.

According to the reports, the provincial program will be coordinated by the Human Rights Secretariat in consultation with the *Defensoría de Casación*, Appeal Defenders' Office, prosecutors, the Prison Service and the Buenos Aires police so that prevention and monitoring policies can be put into effect in prisons and police stations. A decision by the Governor, Felipe Solá, to instigate a process of change at senior levels of the Buenos Aires Prison Service in order to democratize it has also been announced.

Amnesty International has asked for copies of the official directives issued by the authorities in connection with these positive and encouraging measures which provide the opportunity to put an end to the use of torture which has gone on for several years in Buenos Aires Province, a practice which the Governor reportedly stated publicly to be "terrible and unacceptable".

Bearing in mind the complaints made by victims and relatives of victims and even by provincial authorities about the ill-treatment taking place in provincial police stations and prisons, Amnesty International has been very interested to receive reports indicating that, at the beginning of March 2002, the Supreme Court of Justice for Buenos Aires Province had ordered the presidents of the 18 *Cámaras de Apelaciones*, Appeal Courts, covering the entire province to carry out periodic visits to police stations to review conditions of detention for prisoners in such places. According to the reports, "magistrates must interview detainees and visit the facilities in their entirety in order to be able to properly assess the conditions in which those detained there are being held".

Amnesty International will be following with interest the progress of the positive measures taken at a provincial level. The organization hopes that it will soon receive information from the federal authorities about what measures it is considering in order to address the concerns outlined in the Memorandum submitted by Amnesty International to President Eduardo Duhalde and about what steps have been taken to put into practice a National Action Plan that would put an end to impunity for human rights violations committed in the past and guarantee full respect for the rights of everyone in Argentina, both now and in the future.

## Appendix I

February 2002

**AMNESTY INTERNATIONAL  
MEMORANDUM  
TO THE GOVERNMENT OF ARGENTINA**

Amnesty International is writing to the President of the Republic of Argentina, Dr. Eduardo Duhalde, as well as to the members of his government, to present its human rights concerns in Argentina and to call on the authorities to reexamine the serious human rights problems that have persisted over the years and to draw up policies and initiate reforms that are geared towards effectively promoting and protecting human rights. The political will of the government will be crucial in reformulating policies and setting standards at a national level so that the human rights challenges facing Argentina can be addressed.

Amnesty International trusts that the government of President Duhalde will undertake a National Action Program that will bring about significant progress and prioritize the reforms required for human rights protection to be made available to all the inhabitants of Argentina. By undertaking such an initiative, the government will be complying with the commitment it made at the World Conference on Human Rights in Vienna in June 1993 in the *Declaration and Programme of Action* which recommends that each State should “consider the desirability of drawing up a national action plan identifying steps whereby that State would improve the promotion and protection of human rights”. The Conference reaffirmed both the universality and indivisibility of those rights. Amnesty International urges your government to draw up such a plan so that it can be used as the initial framework for enacting human rights protection in the country.

Over the last 19 years of democratic rule in Argentina, Amnesty International has repeatedly drawn the attention of the authorities to its concern regarding violations committed during the years of military government and to the urgent need to clarify what happened to the thousands of victims of ‘disappearance’ during that period. During the years of civilian rule, Amnesty International has requested the authorities to carry out effective and conclusive investigations into countless reports of torture and ill-treatment carried out by members of the security forces on detainees, including minors and members of sexual minorities, as well as into reports of extrajudicial executions perpetrated by members of both the federal and provincial police and the apparent excessive use of force by law enforcement officials in the context of public demonstrations. During that time the organization has been concerned at the lack of thorough, independent and conclusive investigations into such reports, the lack of security for witnesses in cases of human rights violations which have reached the courts and the threats and



harassment to which lawyers, human rights defenders, judges, journalists and relatives of the victims have been subjected.

### **Obstacles to justice**

Amnesty International has followed with interest the developments that have taken place during these years of democratic government with regard to grave human rights violations committed during the years of the military rule. Most recently we have seen the repeal of the Full Stop and Due Obedience Laws and the opening of court cases against several former members of the military in connection with cases of kidnapping of minors. The organization has also welcomed the ruling made by Federal Judge Gabriel Cavallo in March 2001 in which he declared laws 23,492 (Full Stop Law) and 23,521 (Due Obedience Law) to be unconstitutional and null and void in the case of the 1978 “disappearance” of José Liborio Poblete Roa, his wife Gerturdis Marta Hlaczik and their daughter Claudia Victoria. However, the fate of thousands of victims of “disappearance” remains unknown and most violations from the military period remain unpunished.

The organization has written to the authorities on many occasions requesting that any amnesties, presidential decrees or other measures adopted to allow such serious crimes to go unpunished be annulled. This position is clearly supported in the *United Nations Declaration on the Protection of all Persons from Enforced Disappearance*, article 18 of which states that the perpetrators or alleged perpetrators of ‘disappearances’ shall not benefit from any special amnesty law or similar measures that might have the effect of exempting them from any criminal proceedings or sanction. Furthermore, in April 1995 the United Nations Human Rights Committee pointed out that the Full Stop and Due Obedience Laws deprive those who suffered human rights violations under the military of the right to an effective remedy, thereby violating articles 2(2,3) and 9(5) of the *International Covenant on Civil and Political Rights*. The Committee also expressed the view that respect for human rights can be weakened if the perpetrators of human rights violations go unpunished. Similarly, the *Vienna Declaration and Programme of Action* reaffirmed that “States should abrogate legislation leading to impunity for those responsible for grave violations of human rights such as torture and prosecute such violations, thereby providing a firm basis for the rule of law”.

Amnesty International is therefore calling on the administration of President Duhalde to adopt whatever measures are necessary to annul the Full Stop and Due Obedience Laws so that these laws which are blocking investigation of such human rights violations can be set aside and those responsible can be brought to justice.

### **The cooperation of the judiciary**

Amnesty International has acknowledged the important role played by Argentina in drawing up the *Statute of the International Criminal Court* adopted in Rome in 1998, and its ratification of the Statute in 2001. However, in the context of international law, the organization has been

concerned at the lack of cooperation on the part of the Argentinian authorities in judicial investigations being pursued in other countries to clarify the fate of the “disappeared” and to bring the perpetrators to justice. Amnesty International is making an urgent appeal to this administration to facilitate, during the current presidential term, any such judicial proceedings which seek to bring about the prosecution of inhuman acts long recognized as crimes against humanity.

### **Prompt and impartial investigations**

Amnesty International’s concern at reports of human rights violations by members of both the federal and provincial police in recent years compels the organization to reiterate its appeal for control of the security forces to be reasserted at all levels by ensuring that human rights violations committed by members of those forces do not go unpunished.

It is vital for all complaints to be promptly, fully and impartially investigated and for those involved to be suspended from active service and brought to justice. The United Nations Human Rights Committee commented on this in July 1996, stating that it is imperative to adopt strict measures to address the question of impunity, by guaranteeing that complaints of human rights violations are investigated in an immediate and thorough manner, that the perpetrators are brought to trial, that appropriate penalties are imposed on those who are found guilty and that victims are compensated in an appropriate way. The Committee stipulated that members of the security forces who have been found guilty of serious crimes should be permanently removed from the force and that those who are being investigated for such crimes should be suspended from duty until the investigation is completed.

### **Torture and ill-treatment**

Amnesty International has noticed with concern that no effective action appears to have been taken by the Argentinian authorities to eradicate the use of torture and ill-treatment. Since 1987, Argentina has been a party to the *Convention against Torture*, which prohibits the use of torture and other cruel, inhuman or degrading treatment or punishment. Article 18 of the Argentinian Constitution states that “...any kind of torture or whipping, are forever abolished”. Amnesty International believes that this prohibition fails to comply fully with the requirements of article 1 of the *Convention against Torture*. Appropriate steps should therefore be taken to ensure that the prohibition of torture is clearly spelled out in national legislation. The United Nations Human Rights Committee, in its concluding observations of November 2000, expressed its concern at allegations [of torture and excessive use of force by members of the police] “indicating that this is a widespread problem and that government mechanisms established to address it are inadequate”.

In the same observations, the Committee also expressed its deep concern about conditions in the prisons which fail to comply with the provisions of articles 7 and 10 of the *International Covenant on Civil and Political Rights*. It considered “the severe overcrowding and the poor

quality of basic necessities and services, including food, clothing and medical care, to be incompatible with the right to be treated with humanity and with respect for the inherent dignity of the human person to which all persons are entitled”.

In the same context, Amnesty International also wishes to refer to a statement issued by four federal judges in August 2001 expressing their concern at evidence of “the widespread and systematic use of torture in all its forms within the sphere of police investigations and the treatment of detainees, most especially in Buenos Aires Province”. The statement also pointed to the failure of the courts to take action to adhere to “standard penal procedures intended to prevent and punish torture”.

Dr Mario Coriolano, the *Defensor del Tribunal de Casación Penal de la Provincia de Buenos Aires*, Buenos Aires Province Appeal Court Defender, has also forwarded to the provincial court authorities his Decision 153/01, of July 2001, concerning overcrowding and conditions in places of detention in which “the detection of an unlawful worsening in the form and conditions in which some detainees are held amounts to inhuman treatment”. In his ruling, he indicated that 602 cases of torture had been recorded in police stations and prisons between March 2000 and June 2001 and that the methods of torture and ill-treatment used included beatings, the application of electricity known as ‘*picana eléctrica*’ (‘electric prod’) and the use of plastic bags to suffocate the victim, known as ‘*submarino seco*’ (‘dry submarine’). In the ruling, he also noted the severe overcrowding, appalling living conditions and sanitary facilities and the obstruction of detainees’ right of defence by members of the Buenos Aires Province Prison Service.

### **Excessive use of force**

Amnesty International has written to the Argentinian authorities on many occasions to express its concern at repeated complaints and reports of the apparent excessive use of force by the security forces during public demonstrations. Over the last year civilian deaths and many injuries have been recorded in several provinces of the country during incidents of that kind in which the behaviour of the security forces, such as the police and the *Gendarmería Nacional*, National Gendarmery, would seem to indicate excessive use of force.

Amnesty International recognizes that the Argentinian authorities have a duty to maintain public order. However, and this is worth special mention, reports have been received that excessive use of force was employed by members of the police on 20 December last when five civilians died after being shot with firearms in the centre of the Federal Capital. A total of over 30 deaths, as well as an unconfirmed number of injuries, were recorded during the public demonstrations that took place that same month throughout the country.

Given these and other similar incidents, Amnesty International urges the Argentinian authorities to take steps to ensure that all action taken by the security forces to deal with demonstrations

or disturbances is carried out within the parameters prescribed by international law. In particular, we would like to stress that the United Nations *Basic Principles on the Use of Force and Firearms by Law Enforcement Officials* should be borne in mind and put into practice in all circumstances.

### **Protection of victims, witnesses and human rights defenders**

Genuine measures must be taken to provide effective protection to victims and witnesses of human rights violations so that in the long term permanent progress can be achieved in the search and attainment of justice. In the same context, guarantees must be provided for the work and role of human rights defenders. To this end it is worth recalling the recommendations made in the *Vienna Declaration and Programme of Action*, adopted by the World Conference on Human Rights in June 1993, on the importance of setting up a National Plan of Action to identify the steps that a government needs to take to improve human rights promotion and protection. Amnesty International is calling for a plan of this kind, including the protection of lawyers, witnesses, victims and their relatives in cases related to human rights violations, to be drawn up under the current presidency and requests the authorities to ensure that all human rights defenders are given full protection to carry on with their work and that any reports that they have been subjected to death threats or harassment are fully and promptly investigated. Amnesty International is therefore urging the Argentinian authorities at all levels to state publicly their support for the sentiments expressed in the resolution passed by the General Assembly of the Organization of American States in June 1999, concerning the promotion and protection of the fundamental rights of human rights defenders.

The organization would like to stress that, upon adopting the resolution on “Human Rights Defenders in the Americas” at the General Assembly of the Organization of American States, the governments of the Americas, including Argentina, expressed their willingness to implement the *United Nations Declaration on Human Rights Defenders*. In particular, they resolved “To recognize and support the work carried out by Human Rights Defenders and their valuable contribution to the promotion, observance, and protection of fundamental rights and freedoms in the Americas.”. The resolution urged member States “to provide Human Rights Defenders with the necessary guarantees and facilities to continue freely carrying out their work of promoting and protecting human rights” as well as to take “the necessary steps to guarantee their life, liberty, and integrity”.

### **The rights of the child**

The organization hopes that the commitments Argentina has made with regard to the *Convention on the Elimination of All Forms of Discrimination against Women* and the *Convention on the Rights of the Child* will be specifically and fully reflected in the current presidential program. By complying with these two conventions, your government would be giving yet another indication of its firm determination to respect the human rights of all Argentinians. Amnesty International is particularly concerned to bring your attention to Decision

No. 3012 of the Supreme Court of Justice for Buenos Aires Province delivered in October 2001 in which it was reported that 60 minors had died in alleged confrontations with the police between 1999 and 2000. What makes this state of affairs even worse is that several of the victims had complained that police personnel from the police stations who took part in the alleged confrontations, had threatened or ill-treated them. The Supreme Court also reported that minors were subjected to ill-treatment in police establishments and that the accommodation provided for them in such places was inhuman.

### **International standards**

As President Duhalde may know, Amnesty International's work is based on international human rights standards adopted by the international community via the United Nations or other inter-governmental bodies and which governments have undertaken to respect. We address governments because it is they who have the specific obligation to ensure that those acting on behalf of the State do so within the framework of the law and with respect for fundamental human rights.

In this connection, Amnesty International would like to emphasize that, under the United Nations *Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment*, "No person under any form of detention or imprisonment shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. No circumstance whatever may be invoked as a justification for torture or other cruel, inhuman or degrading treatment or punishment".

The organization would also like to highlight that international standards such as the United Nations *Code of Conduct for Law Enforcement Officials* and *Basic Principles on the Use of Force and Firearms by Law Enforcement Officials* set strict limits on the use of force by law enforcement officials and state that force shall only be used when strictly necessary and in proportion to the objective to be achieved and the threat that is present, and the use of lethal force shall only be used when unavoidable to protect life.

The concerns mentioned by Amnesty International in this memorandum derive from the *International Covenant on Civil and Political Rights*. However, the organization notes that Argentina is also a party to the *International Covenant on Economic, Social and Cultural Rights*, article 2(1) of which states that each State party undertakes to take steps "individually and through international assistance and co-operation, especially economic and technical" with a view to achieving the full realization of the rights recognized in the Covenant by all appropriate means, "including particularly the adoption of legislative measures". Such rights include, among others, the rights to work, an adequate standard of living, health and education.

Amnesty International is appealing to this administration to take these rights into account during the current presidential term and when drawing up future economic policy to take the steps

required under the *International Covenant on Economic, Social and Cultural Rights* for these rights to be recognized, thereby acknowledging the indivisibility of human rights.

Amnesty International is addressing the Federal Government in order to raise concerns about human rights violations covering several provinces of the country. The organization recognizes that, as a federal state, each province of Argentina has its own constitution. However, article 31 of the national constitution states that international commitments made by the State are binding on all provincial authorities and that it is the responsibility of the federal authorities to ensure compliance with international standards.

Amnesty International trusts that during the current presidential term, the required reforms be introduced and enacted and that the necessary political will be exercised to demonstrate clearly that human rights violations will not be tolerated in Argentina, thereby opening the door to full respect for the human rights of all its citizens in the future and providing unreserved support to past victims in their search for justice.

**Appendix II**

February  
2002

**AMNESTY INTERNATIONAL  
OPEN LETTER TO FELIPE SOLÁ,  
GOVERNOR OF BUENOS AIRES PROVINCE**

Amnesty International is a worldwide organization which works to ensure that all the human rights enshrined in the Universal Declaration of Human Rights are observed and respected. Amnesty International therefore takes action against the most serious violations of civil and political rights carried out by governments. This mainly comprises, among other things, working for the release of all prisoners of conscience, ensuring that political prisoners are brought to trial promptly and impartially, seeking the abolition of the death penalty and the eradication of torture and other cruel treatment of prisoners, and putting an end to extrajudicial executions and 'disappearances'. Amnesty International opposes abuses committed by armed political groups, including the holding of prisoners of conscience, hostage-taking, torture and unlawful killings.

Amnesty International's work is based on international human rights standards adopted by the international community via the United Nations and other inter-governmental bodies and which States have undertaken to respect. We address governments because it is they who have the specific obligation to ensure that those acting on behalf of the State do so within the framework of the law and with respect for fundamental human rights.

It is in this context that Amnesty International is writing to you to express its concern at repeated reports that human rights violations have been committed by the security forces in Buenos Aires Province. Your attention and intervention is being sought in view of recurring public reports originating from officials of the Argentinian judiciary over the past year in which they have repeatedly recorded cases of torture and deaths in the prisons in Buenos Aires Province and the deaths of minors in alleged confrontations with the police.

In a report considered by Amnesty International to be reliable, and of which you are undoubtedly aware, the Supreme Court of Justice of Buenos Aires Province stated, in its Decision No. 3012 of 24 October 2001, that 60 minors had died in alleged confrontations with police between 1999 and 2000. What makes this state of affairs even worse is that several of the victims had complained that police personnel from the police stations who took part in the alleged confrontations, had threatened or ill-treated them.

Amnesty International has also received publicly available information indicating that during 2001 the Supreme Court reported that minors were subjected to ill-treatment in police establishments and that the accommodation provided for them in such places was inhuman. Amnesty International views as positive the fact that some of those police establishments, such as the police stations in Villa Elisa, Villa Maipú, Los Hornos, San Miguel, Berisso, Benavídez and Barrancas, have been closed down following court orders. However, it remains seriously concerned at the apparent failure of the provincial authorities to instigate a program for prison improvement in order to meet Argentina's commitments resulting from its ratification of the United Nations *Convention on the Rights of the Child*.

Under Article 40(1) of that Convention, "States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth". Article 37 stipulates that State Parties shall ensure that "No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment".

The information provided by members of the judiciary encompasses serious aspects of human rights violations which must be corrected by the Argentinian authorities. These include the systematic use of torture and ill-treatment on detainees and the lack of thorough, independent and conclusive investigations. Complaints about these worrying aspects have reached Amnesty International and it has expressed its concern about them to the Argentinian authorities on many occasions. In this connection, we would like to refer you to a statement made by four federal judges in August 2001 in which they express their concern at evidence of "the widespread and systematic use of torture in all its forms within the sphere of police investigations and treatment of detainees, most especially in Buenos Aires Province". The statement also pointed to the failure of the courts to take action to adhere to "standard penal procedures intended to prevent and punish torture".

Similarly, Dr Mario Coriolano, *Defensor del Tribunal de Casación Penal de la Provincia de Buenos Aires*, Buenos Aires Province Appeal Court Defender, has forwarded to the provincial court authorities his Decision 153/01, of July 2001, concerning overcrowding and conditions in places of detention in which "the detection of an unlawful worsening in the form and conditions in which some detainees are held amounts to inhuman treatment". In his ruling, he indicated that 602 cases of torture had been recorded in police stations and prisons between March 2000 and June 2001 and that the methods of torture and ill-treatment used included beatings, the application of electricity known as '*picana eléctrica*' ('electric prod') and the use of plastic bags to suffocate the victim, known as '*submarino seco*' ('dry submarine'). In the ruling, he also noted the severe overcrowding, appalling living conditions and sanitary facilities and the obstruction of detainees' right of defence by members of the Buenos Aires Province Prison Service.



Amnesty International is carrying out an international campaign against torture. Within this framework and given the public statements made by members of the judiciary, the organization is calling on you as the provincial authority to ensure that in the course of your term in office information is provided about the number of complaints that have been received and the number of investigations that have been opened, both at the level of the courts and of the administration, with regard to complaints of torture and ill-treatment lodged during 2000 and 2001, as well as about the methods of investigation and the number of prison service officials who have been tried or sentenced in connection with such complaints. Amnesty International hopes that the results of such investigations will be made public.

Amnesty International would like to emphasize that, under the United Nations *Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment*, “No person under any form of detention or imprisonment shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. No circumstance whatever may be invoked as a justification for torture or other cruel, inhuman or degrading treatment or punishment”. The organization is appealing to you as the provincial authority to carry out thorough and impartial investigations into complaints that torture and ill-treatment have occurred in places of detention and to ensure that those found responsible are brought to justice. All necessary steps should also be taken to ensure the safety of the complainants, witnesses and their relatives and to prevent them from being subjected to threats, coercion or violence.

The organization would also like to remind you that international standards such as the United Nations *Code of Conduct for Law Enforcement Officials* and *Basic Principles on the Use of Force and Firearms by Law Enforcement Officials* set strict limits on the use of force by law enforcement officials and state that force shall only be used when strictly necessary and in proportion to the objective to be achieved and the threat that is present, and the use of lethal force shall only be used when unavoidable to protect life.

Bearing in mind that Argentina is a federal state and that it is the responsibility of the provincial authorities to take whatever measures are necessary to promote and protect human rights within the provincial area under its jurisdiction, one of Amnesty International’s objectives in addressing this open letter to you is to learn what measures your administration is taking to put an end to the human rights violations described above.

## Appendix III

February 2002

## ARGENTINA

PARTIAL LIST OF  
CASES OF HUMAN RIGHTS VIOLATIONS  
KNOWN TO AMNESTY INTERNATIONAL

The cases described below have been reported to Amnesty International and are a partial list of human rights violations about which public reports or formal complaints have been made. The organization is not in a position to corroborate all the details of the incidents listed. Amnesty International has requested and will go on requesting the Argentinian authorities to provide full details of the progress of any investigations which have been opened into these cases and trusts that those found responsible will be brought to justice.

**Threats and Harassment suffered by Witnesses and Relatives****Walter Yáñez****Mendoza Province, 11 March 2001**

On 11 March 2001, Walter Yáñez, aged 19, was killed by a member of the provincial police in Bermejo, Mendoza Province. The Yáñez family lodged a complaint and a police officer was placed under house arrest for a month. According to reports, on the day of the funeral some 50 police fired rubber bullets at relatives and others in attendance. Police later made threats against the friends and family of the victim, including his brother, Nelson Forquera. Legal proceedings related to this case are continuing.

**Pablo Ariel Castillo Palacios****Neuquén, September 2001**

According to a complaint submitted to the President of the *Tribunal Superior de Justicia de Neuquén*, Neuquén Higher Court of Justice, by the *Asamblea por los Derechos Humanos de Neuquén*, Neuquén Human Rights Assembly, in September 2001, Pablo Ariel Castillo was wounded in the abdomen as a result of a bullet fired at him by police in March 1999. Legal proceedings were brought before the *Juzgado Correccional No. 2 de Neuquén*, Second Correctional Court of Neuquén, and one of the five police officers accused of being involved in the case was convicted on a charge of grievous bodily harm (*lesiones graves*).

The complaint presented in September 2001 indicates that since the court case began, both Pablo Ariel and his family have been repeatedly subjected to intimidation by police officials. Several complaints have been presented to the relevant prosecuting authorities as well as applications for *habeas corpus*. The intimidation has included gunshots fired in September 2001. According to the most recent complaint, there is no information about what legal action has been taken to follow up the previous complaints.

**Olga Lúquez**

**Tropero Sosa, Mendoza Province, October 2001**

Olga Lúquez's son, Roberto Agustín Lúquez, died as a result of shots fired by police based at the police station in Tropero Sosa in October 1999. Legal proceedings related to this incident are still open. Olga Lúquez has complained of receiving repeated threats as a result of her efforts to get justice. In September 2001 she appeared on a television program to commemorate the death of her son. That same day she was threatened by a police officer. She has complained of the use of police scare tactics, even in her youngest daughter's school.

**Lidia Zarate**

**Tigre, Buenos Aires, March 2001**

According to reports, two of Lidia Zarate's children died of gunshot wounds. The first, Juan Marcelo, allegedly died at the hands of the police. From that time on, his mother has been campaigning for those responsible to be brought to justice. This has resulted in a long series of threats, one of which was carried out when her son, Martín González Zarate, was shot dead after having been threatened by police. A police officer has reportedly been arrested in connection with his killing.

Lidia Zarate is a member of the *Comisión de Familiares de Víctimas de Gatillo Fácil*, Commission of Relatives of the Victims of Police Shootings, an organization that is campaigning for killings by police, usually involving young people, to be investigated. The members of this commission have been subjected to constant threats and harassment, for which police officials are reportedly responsible. These intensified after the Commission published a report containing some 800 cases of this kind, the perpetrators of which are known as 'trigger happy'.

**Vanessa Piedrabuena (Roque Virgilio Piedrabuena)**

**Córdoba, August 2001**

Vanessa Piedrabuena, whose legal name is Roque Virgilio Piedrabuena, is the president of the *Asociación de Travestis Unidas de Córdoba*, United Transvestites' Association of Córdoba. She has reportedly been subjected to injuries and death threats by the provincial

police. Vanessa is campaigning for justice in the case of Vanessa Lorena Ledesma, another transvestite who died in police custody.

**Carlos Varela, Diego Lavado and Alejandro Acosta (lawyers)**

**Mendoza Province, March 2001**

This group of lawyers who represent relatives of victims of human rights violations in the province of Mendoza have been subjected to constant threats and intimidation. On each occasion, complaints have been lodged with the authorities at provincial and national level. They include a complaint about the defamation campaign, threats and attacks suffered by the lawyers in March 2001 in connection with the legal proceedings opened in the case of José Segundo Zambrano and Pablo Rodríguez, who ‘disappeared’ and were later found dead in 1997.

**Police Violence**

**Lucas Mauricio Baigorria Anzorena**

**Uspallata, Mendoza Province, 19 May 2001**

On 19 May 2001, 23-year-old Lucas Mauricio Baigorria was celebrating his birthday in a bar when police detained him to check his identity. According to a complaint lodged by his mother with the *Segunda Fiscalía de Instrucción*, Second Investigating Prosecutor’s Office, and the *Inspección General de Seguridad*, General Security Inspectorate, Lucas Mauricio was beaten by police officers in Police Station 23 in Uspallata. When his mother went to pick him up there, she found him lying on the floor in water and blood. A medical examination reportedly found a rib injury. According to the police, the detainee had injured himself and had failed to show them due respect.

**Jorge Daniel Verón**

**Buenos Aires Province, October 2001**

On 7 October, Jorge Daniel Verón, Alberto Mariño, a 16-year-old minor and an 18-year-old pregnant woman were drinking beer together at a kiosk in the locality of Claypole, Barrio Don Orione, when they were threatened by an official from the Federal Police who was wearing civilian clothes. The police officer opened fire on them and shot three of the young people, including the pregnant woman. Officers from the Buenos Aires Provincial Police later arrived in two patrol cars and the young people asked them for medical assistance and told them what had happened. After the federal police officer said who he was and explained in his defence that the young people had tried to attack him, the police arrested them and transferred the injured to hospital. Jorge Daniel Verón and Alberto Mariño are in detention at Olmos Prison in Buenos Aires Province. The family of Jorge Daniel Verón

have made an official complaint against the police at the *Fiscalía No. 3*, Third Prosecutor's Office, in Lomas de Zamora, for wrongful use of a weapon, grievous bodily harm and providing false evidence.

### **Roberto Rojas**

#### **Tierra del Fuego Province, November 2001**

Daniel Aguirre publicly denounced in the city of Ushuaia, that in the early morning of 3 November he saw a group of police officers beating his brother, Roberto Rojas, as he was lying on the ground. He also stated that they had shot him. Aguirre asked the police why they had done so and they replied that they had seen Roberto Rojas running in a suspicious manner. It was raining heavily while all this was going on and as the victim suffers from asthma, he was taken to hospital by ambulance without a police guard. Two days later Daniel Aguirre went to the office of the provincial prosecutor to lodge an official complaint but it was not accepted.

### **Mapuche Minors in Neuquén**

#### **Neuquén, October 2001**

Reports indicate that on 12 October 2001 a group of Mapuche minors aged between 6 and 17 carried out a public protest which involved painting the walls of the REPSOL-YPF oil company in the city of Neuquén. Some 30 riot police tried to stop the protest by arresting the teenagers as well as beating the minors who were trying to prevent the arrests. A 16-year-old Mapuche youth, Kvrvf, was taken into custody at the First Police Station and on the way there was beaten and dragged by the hair. After being held incommunicado for two hours, he was released.

### **Daniel Celesia**

#### **Buenos Aires Province, November 2001**

On 8 November 2001, Daniel Celesia, a driver of a heavy goods vehicle, and three other men were detained by police despite the fact that the documentation the police had asked for to identify the load and the vehicle had been presented and was in order. Reports indicate that while he was in Billinghurst Police Station in the administrative area of San Martín, the police told Daniel Celesia that they would not open a case against him if he paid them 15 thousand pesos and threatened that they would plant drugs or a weapon in his vehicle if he did not do so. When he told them that he had no money to pay them, they threatened to torture him and started hitting him while he was handcuffed. An anonymous phone call was reportedly made to the *Fiscalía 5ª*, 5th Prosecutor's Office, in San Martín to advise them of what was happening and officials from there went to the police station and ordered the release of the

men. Six officers from the police station were arrested following an investigation of what had happened.

According to reports, this is not an isolated incident. There have been other complaints alleging similar behaviour by provincial police officers.

### **Sebastián Ruiz**

#### **Río Negro Province, November 2001**

On 11 November 2001 police officers from Police Station 31 arrested Sebastián Ruiz in the city of General Roca and beat him severely. His mother lodged a complaint for ill-treatment (*apremios ilegales*) with both the *Fiscalía número 3*, 3rd Prosecutor's Office, and the *juzgado de turno número 2*, second duty magistrates court. Before he was released, a death threat was reportedly made against Sebastián.

### **Mario Vargas**

#### **Mendoza, June 2001**

Mario Vargas was arrested on 30 June 2001 at the home of his sister during a police raid in the San Martín neighbourhood in which several local inhabitants were beaten by police. In his testimony Mario Vargas reports that he was held together with 18 other people in the 6th Police Station in a cell without a roof and with electrified bars. From there they were taken to the police headquarters in Contraventores where they were threatened by police officers, handcuffed and held in a cellar. Mario Vargas was released after being held for eight hours.

Large-scale police raids in which inhabitants have been subjected to beatings and ill-treatment have been reported in several poor, marginalized neighbourhoods of Mendoza. Such raids are reportedly carried out as the result of a court order which does not specify a particular house, thus allowing the police to raid any house and carry out arrests.

### **Gastón Galván (aged 14)**

#### **Miguel Burgos (aged 16)**

#### **Buenos Aires Province, April 2001**

The two teenagers were detained by police on 24 April 2001 and it is presumed that they were taken to the 3rd Police Station in Don Torcuato, Buenos Aires Province. Their arrival was not recorded in the station's custody register. The bodies of the two young men were found next day on an area of open ground. The two were tied by the hands and feet and had bullet wounds in their bodies and a coup de grâce in the back of the head. Gastón Galván had a plastic bag on his head. Relatives of Gastón Galván and Miguel Burgos have stated publicly that the two had received death threats.

Following investigations into the two deaths, four police officers from the 3rd Police Station in Don Torcuato have been arrested.

**Claudio Rivera**

**Córdoba, December 2001**

23-year-old Claudio Rivera died from a bullet wound to the back after a policeman who had told him to stop shot him as he was running away unarmed. Police sources claim that the police officer's weapon was fired due to the tension of the moment. The chief of the provincial police has publicly admitted that police hold their weapons at the ready when patrolling in high-risk areas in the city of Córdoba, such as the area where Claudio Rivera was killed. An investigation has reportedly been opened into his death.

**Apparent excessive use of force**

**Daniel Ramos, co-owner of the bar - wounded**

**Daniel Grassano, co-owner of the bar - killed**

**La Plata, January 2002**

According to press reports, during an attack on a bar there was an exchange of gunfire between two of the attackers and a police officer who, according to eye-witnesses, fired indiscriminately. The two attackers were killed together with Daniel Grassano, co-owner of the bar. Two others, including Daniel Ramos, received gunshot wounds. The police officer has reportedly been arrested.

**María Emilia Lobo Herrera**

**Catamarca, December 2001**

On 19 December 2001, María Emilia Lobo Herrera reportedly suffered a fractured jaw after being shot in the face when four police officers tried to make an arrest in a restaurant. In the confrontation that developed between some of those present and the police, other young people were injured by rubber bullets. An investigation into the incident has been opened by the courts.

**Carlos Santillán and José Barrios (aged 16)**

**General Mosconi, Salta Province, June 2001**

In June when National Road 34 was blocked by demonstrators, the *Gendarmería Nacional*, National Gendarmery, arrived to disperse them. At first, they used rubber bullets and tear gas but later on the use of firearms was authorized. Carlos Santillán and José Barrios died from gunshot wounds in the course of this incident. Amnesty International understands that

an investigation has been opened into their deaths. However, it is not the first time the misuse of force by security forces in Salta Province has been reported.

### **Deaths during the demonstrations that took place in December 2001**

During the demonstrations that took place throughout the country from 19 December in protest at the economic crisis, six people reportedly died in the vicinity of Plaza de Mayo in Buenos Aires. Amnesty International has received reports of the deaths of Gastón Marcelo Riva, Rubén Darío Aredes, Gustavo Ariel Benedetto, Alberto Márquez, Diego Lamagna and Carlos Almirón. Amnesty International is paying close attention to the investigations that have been opened into these cases. The following details have been received:

- **Gastón Marcelo Riva:** On 20 December he was travelling on a motorbike along the Avenida de Mayo when he received a bullet in the chest which came from one of the weapons being fired by a group of four police officers. He died shortly afterwards.
- **Rubén Darío Aredes:** He died in the Santojanni Hospital from bullet wounds to the thorax.
- **Gustavo Ariel Benedetto:** He was standing on the corner of Avenida de Mayo and Chacabuco where the demonstration was taking place. He died from a bullet wound to the head.
- **Alberto Márquez:** During the demonstration, plainclothed and uniformed police came out of a truck and started firing indiscriminately. Alberto Márquez died after two bullets entered his thorax.
- **Diego Lamagna:** He died after being wounded in the chest with lead shot. According to witnesses, he was fired on from a private car.
- **Carlos Almirón:** Information provided by witnesses indicates that Carlos Almirón, a member of the non-governmental organization *Coordinadora contra la Represión Policial e Institucional (Correpi)*, Coordinating Body against Police and Institutional Repression, was shot by police. He underwent an operation in the Argerich Hospital but died as a result of a wound to the thorax.

According to reports, during these demonstrations a total of over 30 deaths, including those already mentioned, were recorded. Among the victims were: Juan Delgado, Claudio Hugo Lepratti, Sandra Ríos, Graciela Acosta, Yanina García, Rubén Alejandro Pereyra, Miguel



Pasini, Romina Iturain, Eloisa Paniagua, Diego Avila, Mariela Rosales, Julio Hernán Flores, Damian Vicente Ramírez, Ariel Maximiliano Salas, Pablo Marcelo Guías, Roberto Agustín Gramajo, Víctor Ariel Enrique, Eduardo Legembre, Elvira or Elida Avaca, David Ernesto Moreno, Ramón Alberto Arapi, Walter Campos, Luis Alberto Fernández, Juan Alberto Torres, Ricardo Alvarez.

## **Torture and Ill-treatment**

### **Buenos Aires Province, November 2001**

According to reports, common law prisoner **Juan Ramón González Sosa**, aged 21, died in November 2001 as a result of burns received in a punishment cell in Unit 28 prison in Magdalena to which he had been transferred from Unit 30 in General Alvear. According to official reports, the prisoner set fire to himself because he was depressed and had had no visitors. His family deny this version of events. Juan Ramón González Sosa had given evidence as a witness to the torture inflicted on another prisoner, Daniel Alberto Chocobar, in Unit 30.

**Daniel Alberto Chocobar** had made a formal complaint that he had been beaten and doused with water from a hose. Several witnesses gave evidence in the investigation of his complaint. They included Juan Ramón González who confirmed Chocobar's claims saying that while he was being held in the punishment cell in Unit 30, he had heard Chocobar, who was in the next cell, being beaten and that he was moaning. Amnesty International understands that investigations have been opened into both these cases.

### **Walter Daniel Benítez**

#### **Buenos Aires Province, November 2001**

According to reports, a few days before he was found hanged in the *Complejo Penitenciario No. 1 de Ezeiza*, Ezeiza Prison Complex No. 1, on 7 November 2001, Walter Daniel Benítez had claimed that he had been beaten by guards from the prison where he was being held and had asked to be transferred to another prison. His lawyer had presented an application for *habeas corpus* at the Federal Court in Lomas de Zamora, as a result of which a medical examination was ordered. According to public statements made by the family, the prisoner had received almost daily beatings. His death is reportedly under investigation by the courts.

**Mariano Savay, Fernando Esteche, Omar Couyeme, Ramón Burgos, Jorge Campos, Miguel Angel Quiroga, Joaquín Campos, Jorge Segovia, Alberto Varela, Diego Rubaja, Héctor de la Cuadra, Federico Campos, Marcelo Ruiz and María Alejandra Escalada.**

#### **La Plata, June 2001**

This group of people were arrested on 8 June 2001 in the city of La Plata during a general strike. The non-governmental organization *Liga Argentina por los Derechos del Hombre*, Argentinian League for the Rights of Man, reported that the men were taken to the First Police Station and María Alejandra Escalada to the Women's Police Station in La Plata where they were subjected to ill-treatment and torture, forced to remain for over four hours on their knees in the cell, beaten and not given either food or blankets.

**Carlos Fabián Ruiz**

**Chubut Province, November 2001**

Carlos Fabián Ruiz publicly stated that he had been beaten by officers from the Third Police Station in Trelew where he was in custody for having been found drunk on a public street. He was kicked in the head and the left eye. He submitted a complaint about the incident to the *Juzgado de Instrucción número tres*, Third Investigating Court.

**F.A. Rodríguez (transvestite)**

**Buenos Aires, October 2001**

In the early morning of 19 October 2001, F.A. Rodríguez was stopped by a police patrol in Buenos Aires and asked for her papers. Four officers from the patrol beat her and the aggression continued when they took her to Police Station 25 in Buenos Aires. A complaint about the ill-treatment was submitted to the Ombudsman and the *Juzgado de Instrucción 27*, Investigating Court 27, on 25 October.

**Nadia Echazú (transvestite)**

**Buenos Aires, October 2001**

She was arrested on 7 October by officers from Police Station 25 in Buenos Aires when she was participating in a street campaign about AIDS prevention. She was beaten and doused with tear gas. When she was taken to the police station, she was threatened with a gun. On 11 October 2001 a complaint was submitted to the Ombudsman.

Amnesty International has received reliable reports indicating that members of sexual minorities are frequently subjected to police violence and ill-treatment. However, not all complaints about such human rights violations are submitted to the courts for fear of reprisals.

**Oscar Ariel López (aged 23)**

**Mendoza Province, June, September and October 2001**

According to a public report, on 16 June 2001 a group of armed police entered the home of the López family and after Oscar Ariel López had been subjected to a beating, he was taken

to the police headquarters in Contraventores where he was held over that weekend. In the middle of September, Oscar Ariel was arrested in the centre of Maipú in Mendoza Province and taken to the 10th Police Station accused of robbery. At the police station, police officers ordered him to get undressed, urinated on his clothes, subjected him to a beating and then ordered him to put the same clothes back on. His father stated that upon returning home the young man had a cut on the head and bruises all over his body. A complaint for ill-treatment (*apremios ilegales*) against members of the 10th Police Station and the Tropero Sosa police station was submitted to the *4º Juzgado de Instrucción*, 4th Investigating Court. In October, Antonio López, the father of Oscar Ariel López, submitted an additional complaint to the *Inspección General de Seguridad*, General Security Inspectorate, in the department of Godoy Cruz as a result of threats made against his sons by the police after he himself had given an interview to a provincial newspaper in which he denounced the string of harassment and threats to which his family had been subjected.

### **Torture of minors**

#### **Buenos Aires Province, November 2001**

On 22 November 2001, two 15-year-olds submitted a complaint to the magistrate for minors in San Isidro stating that they had been tortured with electricity and beaten and kicked by police from Buenos Aires Province in the administrative area of San Isidro, after being accused of a robbery.

### **Chimbas Prison**

#### **San Juan Province**

On 26 February 2001 police reportedly used strong-arm tactics to put down a violent riot which took place in this prison. The *Comisión de Madres de Internos del Servicio Penitenciario Provincial*, Committee of Mothers of Inmates held by the Provincial Prison Service, has submitted a complaint about the ill-treatment and torture to which the prisoners have been subjected as well as the lack of adequate medical attention. They have sent petitions to the regional and national authorities about the situation of their imprisoned sons. Juana Irma Jofré has provided information about the torture suffered by her son Maximiliano Montiveros as a result of the riot at Chimbas Prison. Alberto Naveda is another prisoner who had to be hospitalized as a result of the riot. His mother submitted an application for *habeas corpus* requesting that the visiting rights which had been taken away from him be reinstated.

### ***Unidad Penitenciaria Número 29, Cárcel de máxima seguridad de Melchor Romero,***

#### **Prison Unit No. 29, Melchor Romero Maximum Security Prison**

#### **Buenos Aires Province, December 2001**

According to reports, conditions of detention at the Melchor Romero Maximum Security Prison are cruel, inhuman and degrading. In December 2001 a number of prisoners went on hunger strike in protest at the conditions of detention.

According to press reports, over a period of less than 10 days Division III of the San Isidro Court received over 15 complaints about torture in the prison. The prisoners are usually tortured in the sickbay where there is no closed circuit television. These are the types of torture inflicted on the prisoners:

- forcing prisoners to strip, handcuffing them behind their backs and subjecting them to kicks and blows with batons and sticks;
- pushing their heads into ice-cold water, a method known as “the submarine”;
- applying electric shocks after “the submarine”;
- beating them with rubber batons on the soles of the feet.

It has also been reported that defence lawyers have had difficulties gaining access to the prison. The complaints received have been submitted to the prosecutor’s office by the lawyer for the *Defensoría General de la Plata*, La Plata General Defender’s Office, Raquel Ponzinibrio.

### **Jorge Oscar Mareco Buenos Aires Province, July 2001**

In July 2001, the mother of Jorge Oscar Mareco, Argentina Benedicta Maciel, submitted a complaint to the Complaints Office of the *Fiscalía General Departamental*, General Prosecutor’s Office, about the situation of her son who is in detention at Prison Unit No. 29 of Melchor Romero Maximum Security Prison. According to the complaint, her son has been repeatedly subjected to torture and ill-treatment by the prison authorities. He has been subjected to beatings and held in a punishment cell where his mother believes his life is in danger. During family visits, his wife noticed that he showed signs of beatings and ill-treatment. Jorge Oscar Mareco had made previous complaints that he had been beaten by prison staff and stated that the prisoner who had witnessed this was found hanged in April 2001.

### **Deaths in Río Negro Province**

In October 2001 the Inter-American Commission on Human Rights asked the Argentinian Government for information about the following cases:

In Cipolletti, **Verónica Villar**, **María Emilia** and **Paula Micaela González** were found dead and sexually abused in November 1997. Two people were arrested but it was later shown that the incriminatory evidence had been tampered with. Two suspects were later arrested for kidnapping the young women but so far no one has been arrested for their murder. According to public reports, it is suspected that the police may have been involved. Relatives of one of the victims submitted the case to the Inter-American Commission on Human Rights.

On 13 March 1989 in Río Colorado, the bodies of **Raquel Lagunas** (16) and **Sergio Sorbellini** (18) were found with gunshot wounds. Two young men from Río Colorado were blamed but it was later proved that the evidence had been tampered with and that no autopsy had ever been carried out on the bodies. Public reports indicate that there is suspicion of police involvement. The court case remains open.