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Declarations by Former Torturer Reopen Amnesty Debate in Argentina

by LADB Staff

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Repercussions stemming from declarations by former Capt. Alfredo Astiz about his role in torturing and killing dissidents during Argentina's dirty war (1976-1983) are reverberating throughout the country. Public indignation has forced Congress to consider rescinding the amnesty laws approved under ex-president Raul Alfonsin (1983-1989). In addition, President Carlos Saul Menem's plan to demolish the most infamous torture center in Argentina has been blocked by the courts. Astiz, a convicted and admitted torturer, gave an inopportune interview to the Argentine weekly *Tres Puntos* in January (see *NotiSur*, 01/16/98).

Following the interview, in which he justified the military regime's repression, he was ordered to undergo a psychiatric examination and sentenced to 60 days arrest. In addition, Menem, as commander in chief of the armed forces, ordered Astiz expelled from the navy on Jan. 23. After his discharge, Astiz was released from military detention, although he still faces numerous civil charges.

Congressional debate of amnesty set for anniversary of coup

The greatest impact of Astiz's interview may be the groundswell of public opinion supporting revocation of the amnesty laws. In January, legislators from the Frente para un Pais Solidario (FREPASO) part of the opposition Alianza made up of FREPASO and the Union Civica Radical (UCR) called for rescinding the Punto Final and Obediencia Debida laws promulgated in 1987 during the Alfonsin administration. In addition to the two amnesty laws, shortly after President Menem took office, he pardoned officers convicted of human rights violations in the name of "national reconciliation."

At first, neither the Alianza leadership nor the governing Partido Justicialista-peronista (PJ) supported the FREPASO lawmakers, and Menem said he would veto a revocation if Congress passed it. "If parliament approves the abrogation of the Punto Final and Obediencia Debida laws, I will immediately veto the measure in the name of reconciliation and pacification," said Menem in mid-January. Shortly after that, however, Menem reversed himself and called for a debate on the issue. The Alianza attributed the change to Menem's hope of highlighting divisions within the opposition coalition. Despite their differences, Alianza member parties agreed on language for a bill to rescind the amnesty laws. They also proposed modifying the Military Code of Justice so that, in the future, a person who follows illegal orders is held accountable. That proposal met strong PJ opposition.

Public opinion following Astiz's declarations pushed both the PJ and the opposition to finally agree to a comprehensive debate on human rights. Debate was postponed several times, and finally set for Feb. 4, but the PJ abruptly canceled the legislative session for lack of a quorum. Human rights organizations and families of repression victims were outraged, and protesters outside Congress shouted "traitors" and "cowards" when the session was suspended. Meanwhile, both the PJ and

the Alianza tried to capitalize politically on the controversy, each blaming the other for the failure to hold the debate. UCR Sen. Leopoldo Moreau accused Menem of trying to drive a wedge in the opposition. Argentine politics reached the "height of hypocrisy," he said, when Menem vowed to veto legislation and, at the same time, called for a debate. "The UCR is not avoiding a debate about human rights, but I don't know how we arrived at this senseless discussion," said Moreau. "The abrogation of a law cannot be supported knowing ahead of time it will be vetoed and have no effect."

The cancellation damaged both sides, given the strong feelings of Argentines on the issue. A poll by the Ricardo Rouvier firm puts support for rescinding the amnesty bills at 78.4% of those responding. Amid the mutual recriminations, the PJ offered to take up the debate Feb. 5, which the Alianza rejected. The Alianza said the subject deserves a serious, thorough debate, and the PJ was trying to trivialize the discussions. On Feb. 10, the PJ proposed that the debate be held March 24, the 22nd anniversary of the coup that overthrew the constitutional government of Maria Estela Martinez de Peron, ushering in the repressive dictatorship. That date was accepted by the Alianza.

Nevertheless, Menem again said he would veto any bill to abrogate the laws and that he would defend the armed forces from "some politicians" who are trying to "denigrate" the military institution. "The PJ is not going to avoid the debate, but the mission of the president as commander in chief of the armed forces is to defend at all cost the integrity and dignity of the military," said Menem.

Plans to demolish torture center on hold

Meanwhile, reopening the wounds inflicted during the dictatorship strengthened the resolve to block Menem's plans to raze the most infamous torture center, the Escuela de Mecanica de la Armada (ESMA). In early January, Menem signed a decree to demolish the ESMA complex and relocate the school in the town of Bahia Blanca. The decree caused a wave of protest, with opponents saying the symbol of repression should be preserved in memory of those who were tortured and disappeared there.

After families of victims sued to block the move, federal judge Osvaldo Guglielmino ordered the demolition and transfer stopped. He found that families had valid reasons to keep the buildings from being torn down, and he urged the preservation of the installation in case evidence remained that could shed light on the fate of the victims. The government appealed the decision. In its appeal, the Defense Ministry brief said there was doubt that torture or disappearances had occurred in the ESMA. The statement astonished human rights workers, given the public trials in the late 1980s of high-ranking officers who were convicted of participating in kidnapping and disappearances.

The political opposition called for Defense Minister Jorge Dominguez to resign. Dominguez promptly issued an apology disavowing the contents of the brief. Since then, one aide in the Ministry has resigned and three lawyers, including the one who wrote the brief, have been fired. In early February, despite the court order, government workers began moving furniture and files during the night. Although Menem denied that moving was going on, the court heard testimony from neighbors and sent two judges to make an on-site inspection. Two lawmakers, several victims' relatives, and journalists accompanied the judges.

Meanwhile, a former ESMA employee who is now a government official has come under fire. The Buenos Aires newspaper Clarin published an article connecting Buenos Aires prosecutor Oscar Hermelo to the ESMA, precipitating an investigation by the attorney general. Hermelo admitted that he worked in the ESMA during the dictatorship, but he said he knew nothing about what went on in the complex.

In the ESMA, Hermelo worked for Adolfo Scilingo, a cashiered naval officer who confessed to participating in torture carried out at the naval complex (see NotiSur 03/31/95 and 05/05/95). Scilingo, now in Spain testifying about the disappearance of Spanish citizens in Argentina, said Hermelo "knew everything" about the clandestine activities in the ESMA. [Sources: Notimex, 01/16/98; BBC News, Reuter, 01/28/98; The Miami Herald, 01/28/98, 02/05/98; Associated Press, 01/21/98, 02/08/98; CNN, 01/20/98, 01/23/98, 02/04/98, 02/08/98, 02/09/98; Spanish news service EFE, 01/15/98, 01/23/98, 02/03/98, 02/05/98, 02/09-11/98; Inter Press Service, 01/19/98, 02/04/98, 02/08/98, 02/09/98, 02/11/98; Notimex, 01/19/98, 01/22/98, 02/05/98, 02/11/98; Clarin (Argentina), 01/23/98, 01/28/98, 01/30/98, 02/05/98, 02/06/98, 02/10/98, 02/11/98]

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