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Spanish Judge Calls For Arrests of Argentine Former Military Leaders

by LADB Staff

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Spanish Judge Baltasar Garzon, whose extradition request in Great Britain led to the arrest of former Chilean dictator Augusto Pinochet (1973-1990), has turned his attention to Argentina's former military officers. Human rights groups estimate that 30,000 people were killed or disappeared in Argentina during the military government's dirty war against suspected leftist opponents.

Invoking Spanish laws that allow prosecution of genocide no matter where it is committed, on Nov. 2, Garzon filed papers indicting 98 former military officers, including 12 former junta members, on charges of genocide, terrorism, and torture. The document also included an international warrant for their arrest. The officers, members or collaborators of the military juntas that ruled Argentina from 1976 to 1983, included the regime's first president, former Gen. Jorge Videla, former navy chief Adm. Emilio Massera, and former dictator Gen. Leopoldo Galtieri.

Former Tucuman governor Antonio Domingo Bussi is also on the list of those wanted by Garzon. The indictment accuses Bussi of personally killing prisoners, including Ana Cristina Corral, a 16-year-old Spaniard, in 1976. Testimony included in the indictment alleges that Bussi acted on the premise that it was better to assassinate an innocent person than to let a subversive escape (see NotiSur, 1998-03-13, 1998-05-01). Bussi was elected to Congress in the Oct. 24 elections, preserving the immunity he enjoyed as governor. However, fifteen Alianza lawmakers have begun a campaign to prevent him from taking office.

Case raises double-jeopardy issue

Argentina is the only Latin American country that, after emerging from a military dictatorship, tried, convicted, and sentenced those responsible for the repression. However, in 1989 President Carlos Saul Menem pardoned those who had been convicted, saying it was essential for national reconciliation.

Recently, however, several former military leaders, including Videla and Massera, have been returned to prison or placed under house arrest for their involvement in taking babies from women arrested during the repression, changing their identities, and giving them to other military personnel to adopt. Videla and Massera are allowed house arrest because both are more than 70 years old. Garzon investigates Operation Condor Garzon has been conducting an investigation for about three years of the repression carried out under the Argentine military regime. The charges against the Argentines all stem from his investigation of Operation Condor, a conspiracy involving the leaders of the former military dictatorships in Argentina, Bolivia, Brazil, Chile, Paraguay, and Uruguay (see NotiSur, 1999-03-19, 1999-04-03).

Legal experts said the indictments could lead to extradition requests, but chances are slim that any of the former military officers will ever appear in a Spanish court. Menem, who leaves office

Dec. 10, signed a decree in 1998 barring any Argentine collaboration with Garzon's investigation. The decree states that the military leaders were tried and convicted in 1983, and a new process would mean trying them twice for the same crimes. "The Argentine government will reject the arrest orders as soon as they are received by the Foreign Relations Ministry," said Menem. "We're going to save the next administration some work." Menem accused Garzon of "legal colonialism" in Argentina and Chile. "I am not defending Pinochet, rather Chilean sovereignty and, in this case, Argentine sovereignty. This judge is a prima donna who is trying to infringe on the sovereignty of other countries," said Menem.

Carlos Slepoy, a lawyer for the Asociacion Argentina pro Derechos Humanos, said president-elect Fernando de la Rúa could throw out Menem's decree denying judicial assistance to Garzon. De la Rúa has said the matter should be decided in the courts. Some members of the Alianza hope de la Rúa will use the chance to jail former military oppressors. "I welcome this international arrest order, aimed at extradition, which Judge Garzon has ordered against the Argentines guilty of genocide and their accomplices," said Alfredo Bravo, an Alianza legislator. One of Argentina's best-known human rights campaigners, Hebe de Bonafini of the Madres de la Plaza de Mayo, welcomed Garzon's decision, but said she expected little to come of it. "Menem is not going to do anything and I don't think de la Rúa will either," she said. "It seems impossible for a request like this to prosper," said Ricardo Gil Lavedra, the constitutional expert expected to be de la Rúa's justice minister. "Garzon is applying Spanish norms that don't exist in Argentine law," he said, referring to charges of genocide and terrorism.

Usually, international requests for arrest are handled through Interpol, which in Argentina is part of the Federal Police. When they receive such a request, Interpol authorities must consult the Foreign Ministry, which has two options: reject the petition or forward it to the judiciary. Menem has made it clear he will return the request to Spain, but he can do that only if the Interpol office in Argentina receives the request before Dec. 10. The Alianza might respond differently.

Confessed human rights abuser retracts confession

Two years after voluntarily going to Spain and confessing his role in the dirty war, former Lt. Commander Adolfo Scilingo retracted his confession. He made the retraction two days after his name was included among those indicted by Garzon (see NotiSur, 1995-03-31, 1998-01-16). "He went back on everything, or said he didn't remember," said prosecution lawyer Susanna Garcia.

Garcia said Scilingo denied participating in the death flights, where prisoners were thrown from airplanes over the ocean or the Rio Plata. He also said he was given money to put his name on a book about his experience that he didn't actually write. He told Garzon that he made the "false" confession out of solidarity with victims of Argentine repression. He also said he was motivated by personal animosity toward his superior, Massera, and that he was tricked into making his 1998 trip to Spain.

"Scilingo today has shown that there are no real repentants, only opportunists," said Slepoy outside the courthouse. One of Scilingo's lawyers, Fernando Gallo, said, "I don't know whether what he is saying now is the truth or what he said before."

Alba Lanciloto, with the human rights group Abuelas de la Plaza de Mayo, said Scilingo's retraction should be classified as a new crime ongoing psychological torture because of the pain it causes the families of the disappeared.

Germans also want former military German lawyers Claus Richter and Wolfgang Kaleck, acting on behalf of Argentine relatives of victims of repression, arrived in Argentina in early October. They have filed criminal complaints against 50 former officers for the kidnap- murder of 10 Germans. The accused include Videla, Galtieri, and Massera. "We hope to have arrest orders next year," Richter told reporters. [Sources: Notimex, 10/18/99, 10//27/99; CNN, 11/02/99, 11/04/99; Reuters, 10/18/99, 10/21/99, 10/29/99, 11/02/99, 11/03/99, 11/05/99; Associated Press, 11/02/99, 11/05/99; Inter Press Service, 11/03/99, 11/05/99; El Nuevo Herald (Miami), 10/20/99, 10/30/99, 11/03/99, 11/08/99; Clarin (Argentina), 11/03/99, 11/05/99, 11/06/99, 11/08/99; Spanish news service EFE, 11/02-04/99, 11/09/99]

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