

AMNESTY INTERNATIONAL

Public Statement

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Argentina/Spain: Spain must cooperate to protect human rights

Amnesty International today called upon the Spanish authorities to grant the requests by Argentine Federal judges for the detention of María Estela Martínez de Perón to interrogate her.

This would be a clear demonstration of the Spanish authorities' commitment to human rights and of its willingness to cooperate with a request by the judiciary in human rights matters.

Amnesty International is calling on the Spanish authorities to cooperate fully and promptly with the Argentine judges in the requests filed within the frame of investigations underway in Argentina into the case of the "disappearance" of Hector Fagetti Gallego, after his arrest in February 1976 and the activities of the death squad Argentine Anticomunist Alliance (AAA or Triple A), active in the 1970s.

The Argentine Federal Judge, Norberto Oyarbide, recently reopened the investigation on the crimes committed by the Triple A after finding that the statute of limitations did not apply because the crimes committed by the group were crimes against humanity.

Now, 31 years later, victims of the violations committed during her government are seeking justice and the Argentine courts with their requests are expecting Spain to fulfill its obligations under international law to cooperate with Argentina's request for mutual legal assistance to investigate crimes against humanity.

This obligation has been recognized by the international community since the United Nations General Assembly stated in its resolution 3074 (XXVIII) of 3 December 1973 that "States shall assist each other in detecting, arresting and bringing to trial persons suspected of having committed such crimes and, if they are found guilty, in punishing them" and, in particular, that "States such co-operate on questions of extraditing such persons."

States should either extradite anyone accused of such crimes to the judicial authorities of a state able and willing to prosecute them in a fair trial without the possibility of the death penalty or to bring them to trial.

The case is of the utmost importance to the global struggle to replace impunity for crimes against humanity with justice. It was during her presidency that the policy of committing the crimes against humanity of murder, torture and enforced disappearances was conceived and instituted, leading the way for these crimes to be institutionalized and committed on a far greater scale under the Argentine military government (1976-1983), both in Argentina and throughout much of Latin America in Operation/Plan Condor.

A judicial determination of the guilt or innocence of María Estela Martínez de Perón and whether she is responsible to provide reparations is crucial to ensuring that the victims and their families can rebuild their

lives.

Background

In January in two separate dates two Argentine federal judges have issued international warrants for the arrest of former Argentine President (1974-76) Maria Estela Martinez de Perón.

In the first warrant she stands accused of signing three documents authorizing the “disappearance” of “subversives,” including student Héctor Faggeti, in Mendoza Province, who was never seen again after his arrest on 25 February 1976. The second warrant is related to her responsibility in crimes committed by the Triple A (Alianza Anticomunista Argentina), Argentine Anti-Communist Alliance). The judicial resolution submitted through the Ministry of Foreign Affairs includes the intention of the federal judge to request her extradition.

She was arrested in Madrid and released on bail. Argentina has 40 days to appeal for her extradition. She has dual Argentine and Spanish nationality.