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Argentina: Historical ruling opens the way for justice in the country

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The historic decision by the Supreme Court of Justice to declare the Full Stop and Due Obedience laws null and void opens the way towards truth and justice in Argentina, said Virginia Shoppee today, Researcher on Argentina at Amnesty International.

The Full Stop and Due Obedience laws, attempted to institutionalize impunity in cases of human rights violations and crimes against humanity – including cases of kidnapping, forced “disappearance” and torture – committed during the military governments in Argentina between 1976 and 1983.

“This decision not only opens the door of justice to a dark chapter in Argentina’s history and sets a very important international legal precedent, but also sends a very clear message to countries such as Chile and Uruguay where impunity laws are still in force and others such as Algeria where the implementation of legislation of this type is currently being considered.”

“Amnesty laws which attempt to conceal crimes against humanity such as forced “disappearances” and systematic torture are contrary to international human rights law and contribute to the reinforcing of impunity. Those countries which continue to uphold amnesty laws or are considering their application are sending the dangerous message that human rights abuses are tolerated.

“With this decision, it becomes even more imperative for the Argentine judiciary and other government authorities to assume responsibility for continuing with investigations and prosecutions of those responsible for thousands of cases of “disappearances”, torture and extrajudicial executions which more than 30 years later still remain unpunished.”

General information

Yesterday the Argentine Supreme Court of Justice ruled, with seven votes for, one against and one abstention, to declare the Final Stop and Due Obedience laws unconstitutional, null and void.

Furthermore, the Court approved by five votes the law passed two years ago by Congress which declared both laws null and void, allowing the reopening of dozens of trial proceedings in the country.

The laws were introduced by the government of President Raúl Alfonsín in 1986 and 1987

respectively. Subsequently, the government of President Carlos Menem granted a presidential pardon to members of the military forces implicated in human rights violations.

The report published in November 1984 by the National Commission on the Disappearance of Persons (Comisión Nacional sobre la Desaparición de Personas - CONADEP) recorded 8,960 cases of “disappearances” during the military governments which governed the country between 1976 and 1983, also indicating that the actual figure could be even higher. Argentine human rights organizations have estimated the number of victims to be 30,000.

Public Document

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