

UA 336/00

Health concern / Fair Judicial Process

3 November 2000

ARGENTINA

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A group of political prisoners have been denied the right to appeal against their conviction (*Recurso de Casación*). As a result, they have gone on hunger strike, and face imminent death or severe and irreversible health problems.

The political prisoners named above have been on hunger strike for 59 days and are reportedly suffering serious health problems. Many have lost more than a fifth of their normal body weight, and are suffering from severe malnutrition. Miguel Angel Aguirre and Claudio Rodríguez, were hospitalised for two days because they were in a critical condition, although they have since returned to prison. The Argentine authorities have provided the hunger strikers with medical care.

After 40 days of not eating, hunger strikers risk causing permanent damage to their health, although they may live another few weeks after this turning point. While their mental faculties can remain sharp, a number of physical problems may arise, including loss of hearing, deteriorating eyesight and kidney problems.

The hunger strikers are protesting against the Argentine government's failure to grant them the right to appeal against their sentence, as set out in international law. They were tried in 1989 under the Law of Defence of Democracy (Law 23.077), which restricts the right to appeal. This law contravenes the Inter-American Convention on Human Rights, to which Argentina is party. In 1997 the Inter-American Commission on Human Rights (IACHR) called on the Argentine government to "take the necessary actions under its constitutional system, to make fully effective ... the judicial guarantee of the right to appeal for persons tried under Law 23.077".

The hunger strikers are members of the *Movimiento Todos por la Patria* (MTP), All for the Fatherland Movement. They were sentenced for their involvement in an armed attack on a military barracks near Buenos Aires in January 1989, in which several people were killed.

BACKGROUND INFORMATION

Following the 1989 attack, several MTP members "disappeared" while others were killed, tortured or ill-treated by the authorities. Amnesty International has repeatedly expressed concern about these human rights violations, and has asked for those convicted under the Law of Defence of Democracy to be granted the right to appeal against their sentences in accordance with international

law such as the International Covenant on Civil and Political Rights (ICCPR), which says that "everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law (Article 14)".

On 29 May, thirteen convicted MTP members began a hunger strike in protest at not having had a fair judicial process. The strike ended on 13 July after the government agreed to pass a bill, which would allow those tried under the Law of Defence of Democracy the right to appeal. However, this bill was stalled in parliament and on 5 September, the prisoners began a second hunger strike.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in Spanish or your own language:

- urging that prisoners sentenced under the Law of Defence of Democracy are immediately given the opportunity to appeal against their sentence in line with international law and IACHR recommendations;
- noting with concern that the failure of the authorities to comply with the IACHR recommendations left the prisoners believing they had no alternative to securing their legitimate request than by going on hunger strike;
- urging the authorities to continue to ensure that the prisoners have access to medical care.

APPEALS TO:

President

Excelentísimo Sr. Presidente de la República Argentina
Dr. Fernando de la Rúa
Casa Rosada, Balcarce 50
1064 Buenos Aires C.F.
ARGENTINA

Fax: + 5411 434 43 765

Salutation: Exmo. Sr. Presidente

Minister of Justice and Human Rights

Sr. Ministro de Justicia y Derechos Humanos
Dr. Jorge de la Rúa
Ministerio de Justicia
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Fax: + 5411 4328 6038/6039

Salutation: Sr. Ministro

Head of the Alianza political block

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Salutation: Sr. Diputado

Head of the Partido Justicialista (PJ) political block

Humberto Jesús Roggero
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ARGENTINA

Fax: + 5411 4954 1097 / 4371 8535

Salutation: Sr. Diputado

COPIES TO:

Human rights non-governmental organisation

Liga Argentina por los Derechos del Hombre

Corrientes 1785, 2EC

Buenos Aires

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Newspapers

Clarín

Tacuvarí 1846

1139 Buenos Aires

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Avda. Belgrano 671/77

1092 Buenos Aires

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and to diplomatic representatives of Argentina accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 13 December 2000.