



GROUP FOR THE DEFENSE OF CIVIL RIGHTS IN ARGENTINA

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argentina:

democracy or fascism

PREFACE

The Group for the Defense of Civil Rights in Argentina is an organization which was formed in 1975, by a group of Canadians and Argentine nationals, who became increasingly concerned about the situation in Argentina.

After the military coup in March 24, 1976, it was more evident than ever that there was a need for accurate and up-to-date information regarding the situation in that country.

The purpose of this brief, is to present a list of already well documented violations of human rights, and briefly describe the context within which these violations take place.

INTRODUCTION

The military junta headed by General Videla came to power in Argentina by overthrowing the constitutional government of president Isabel Martinez de Peron. Mrs. Peron's government was characterized by a permanent state of political and economical crisis as well as by widespread violations of human rights. The general ineptitude of Mrs. Peron's government as well as its unpopular policies led to an unsuccessful effort to impeach her and a subsequent agreement to advance the date of the next presidential elections. This was done in order to guarantee the continuity of constitutional rule and to avoid a new period of military governments such as the one which had been massively rejected in the 1973 elections. These new elections were set for December 1976. The argument whereby the Argentine military had to seize the government in order to prevent the collapse of the political institutions is therefore invalid.



The Argentine military junta is in direct violation of the principles of the Argentine Constitution of 1853. The military controls all branches of government: the executive, the legislature and the judiciary. It is a "de facto" military dictatorship which justifies and gives itself legitimacy only by virtue of its hegemonic possession and use of military force.

It is not a merely military dictatorship. It is a totally new model of "domination". The super-structure of the new regime (laws, decrees, etc) is clearly directed at totally destroying the democratic institutions which have been traditional in Argentine history: political parties, universities, trade unions, co-operatives, etc. This new state apparatus is undoubtedly fascist in its outlook, although superficially this regime might not fit within the "classical" forms of fascism. It is fascist because it intends to completely destroy all forms of popular organizations, because it intends to set up a new judiciary system which would permit any excesses from the state, which becomes absolute and powerful.

The immense expenditure incurred by the military in armament, clearly shows where the priorities of the regime are. The annual budget for defense and armament represents approximately 20% of the total budget; whilst the budget for education represents 8% and the one for public health only 5%. The budget for military expenses in Argentina is higher than those of all the other Latin-American countries combined.

NEW LEGISLATION

Some of the new repressive laws are listed below:

Law 21.260: About lay-offs of public employees. This law indicates that any civil servant can be laid off and cannot appeal, if he does so he loses all his social and economical benefits.

Decree 21.264: Issued on March 1976. Transforms a breach of the peace from a minor offence punishable by a fine or by 30 days confinement into a

major federal crime punishable by a penalty of 8 years in prison. Also set up military tribunals known as Consejos de Guerra (war councils).

Law 21.272: Issued on March 1976. Establishes the death penalty. By this law the age of criminal responsibility is reduced to 16 years and this age limit applies to the death penalty.

Law 21.274: (Ley de Prescindibilidad). Passed by the military junta at the end of March 1976. It authorizes the summary dismissal or suspension from duty of any state employee for unspecified reasons.

Law 21.276: Issued in March to replace the former law governing universities. Regulates on academic freedom.

Law 21.278: Suspends the "Teacher's Statute". Teachers are denied the right to collective bargaining, disavows previous economical and social benefits and leaves 400,000 teachers in total instability.

Law 21.322 and Law 21.325: These were passed on 2 June 1976 and made illegal a total number of 48 organizations and provided criminal forms of punishment for political activity. These laws also established that all "political acts" that relate to a party are outside the law, regardless of whether they may issue in concrete action. The same applies to the publication of any such activities which may be punished by up to 6 years' imprisonment.

Law 21.338: Passed on June 25, 1976. This law modified the existing penal code and introduced the death penalty by firing squad within 48 hours of the sentence being pronounced; it also provides a sentence of between 2 and 6 years for anyone who instigates a crime against a person or institution whether or not an act took place.

Law 21.338 also amended Article 210 bis of the penal code by making the penalties for "illicit association" more severe: the sentence has been increased from 3-8 years to 5-12 years. If the illicit association includes the participation of leaders or organizers, the penalty imposed can be 25 years.

Law 21.356: Allows the military control of trade unions and prohibits trade union elections, meetings, assemblies, etc. Give ample powers to the military controllers in the unions, federations and/or confederations.

Law 21.400: Punishes with 1-4 years imprisonment those who strike, attend union meetings or participate in sit-in strikes.

Law 21.426: Issued October 1, 1976. Protects "industrial security" and punishes with 3-10 years imprisonment the incitement to strike and the distribution of propaganda. Annuls the compensation for lay-offs.

Law 21.429: Annuls the Dock-workers By-law. It disavows trade union authority. Suspends the right of the dock-workers to participate in decisions related to working conditions in the docks.

Decree 21.456: Issued on November 20, 1976. Modified the already existing security law 20.840 by making the penalties for all offences relating to subversion more severe. This decree also introduces prison terms of between 2-4 years for anyone who after a strike has been declared illegal by the competent authorities, refuses to carry out his duties.

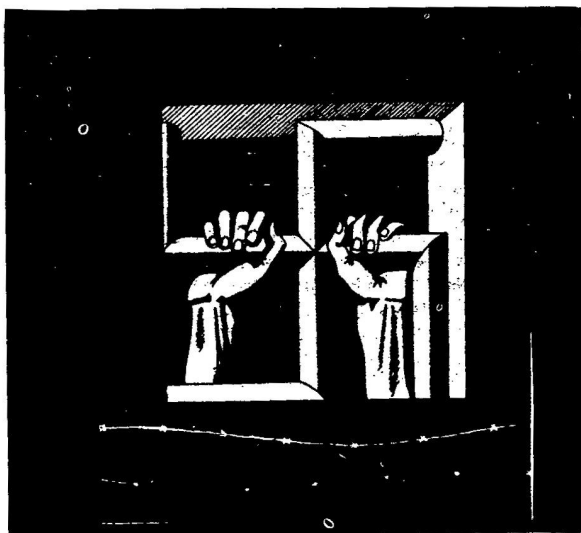
Law 21.460: Issued on November 20, 1976. Authorizes the police or armed forces, when investigating crimes of subversion, to arrest anyone on suspicion alone. This procedure will be known as "summary pre-trial". Naturally the presumption of innocence is prejudiced by this new law. Furthermore, under this law a confession obtained from a prisoner during interrogation may be used as evidence against him at his trial.

Law 21.476: Annuls the collective bargaining agreements and/or its clauses of "privilege". In the public sector, 500,000 workers have been affected by this law.

Communique 19: (Delito de Prensa-Crime of the Press). Passed on March 24, 1976. Established up to 10 years imprisonment to anyone who would publish news which would disrupte, prejudice or lessen the prestige of the activities of the armed forces.

On April 22, 1976 a more stringent form of censorship was introduced.

The militarization of civilian tribunals means in effect that no citizen in Argentina who is arrested has any rights beyond those severely qualified privileges under the Code of Military Justice.



HUMAN RIGHTS

The Argentine military government has been accused by innumerable international organizations of carrying out a systematic, permanent and massive violations of human rights. Several reports and documents have been written on this particular issue. We would like only to list some of the most outstanding examples of the violation of human rights:

- a) Political prisoners: According to Amnesty International, there are approximately 8,000 acknowledged political prisoners in Argentina. At least two-thirds of whom have not been charged but are detained indefinitely, at the disposal of the executive power. Many have been maltreated during transfers, the majority of them have been tortured. Conditions in the prisons are extremely harsh; prisoners are harassed, tortured and executed.
- b) Disappearances: Amnesty International estimates that approximately 15,000-30,000 people disappeared in Argentina. The evidence that missing persons are in fact deprived of their liberty by government bodies is overwhelming. In Argentina, a large number of people who disappear are unofficially executed. Throughout the country, unidentified bodies are found -floating in rivers, at the bottom of lakes, decomposing on rubbish dumps or blown to pieces in quarries. Approximately 2,000 people have been assassinated.
- c) Torture: Torture has become a routine practice. It is widely practised in the barracks of the military and police. Common methods are: electric shocks, immersion in water with the head covered by a cloth hood, beatings, cigarette burns, plunging victims into ice cold baths, keeping victims hooded, sexual abuse, rapes, attacks from savage dogs, etc.

Amnesty International states: "Amnesty International believes there is overwhelming evidence that many innocent citizens have been imprisoned without trial, have been tortured and have been killed."

C.O.H.A.'s statement

The following are some excerpts from the COHA's (Council on Hemispheric Affairs, a Washington based NGO) statement, dated November 14, 1977:

"No nation in Latin America today is more subject to government-sactioned street violence, and total lawlessness than Argentina. While modest improvements are occurring in most other nations in the region -even if they are largely cosmetic- as a response to the Carter Administration's human rights policy, Argentina's situation is dramatically deteriorating.

This charge by COHA is being made in the wake of the widely-publicized handling over to Secretary of State Cyrus Vance, on the eve of his departure for Buenos Aires, of a list of 7,500 names of Argentine and other nationals who have disappeared, been killed or who are presently in jail in that country.

According to reliable sources, upwards of 25,000 people have been killed, "disappeared", or jailed since the military coup of March, 1976, which overthrew the constitutional government.

Reports on the continuing deterioration of the human rights situation in Argentina have come from diverse sources, including confidential memos from the U.S. embassy in Buenos Aires, the Department of State and other government agencies, career Argentine diplomats, foreign correspondents stationed in Buenos Aires, and religious, education and trade union officials.

According to the above sources, the Argentine government adroitly uses a variety of techniques to prevent any public display of dissent to its policies. Such techniques includes permitting the various military branches to function at will in security matters, thus making it possible for these forces, operating clandestinely, to arrest a person who had been previously released by another armed forces unit. Other procedures are "disappearing" major opponents of the regime, or neutralizing traditional Argentine political figures by any means, from torture and assassination through harrassment and surveillance, and then professing innocence to any knowledge of these events.

The country's refusal to give safe conduct to ex-president Hector Campora, now in asylum in the Mexican embassy in Buenos Aires, is an example of its lack of candor in implementing its stated policy of permitting political opponents to leave the nation. Another technique that is widely used is jailing key officials in every field, in order to show their colleagues the consequences of failing to toe the government line.

From the events described, we have concluded that General Jorge Videla is either a meaningless figurehead who is incapable of ruling the nation

effectively, or a sly leader who is totally in sympathy with the present deplorable state of affairs in contemporary Argentina. The Council on Hemispheric Affairs (COHA) has participated with other organizations, such as the National Council of Churches, in communicating to U.S. officials our grave concern for the negative realities in Argentina today, and the fact that President Videla has failed to give any indication that he means to keep his pledge -made to Carter during his trip to Washington- that the situation in his country would improve by Christmas.

The harsh treatment of trade union and professional leaders in Argentina is one of our particular concerns. Alfredo Bravo, the leader of his nation's most important teachers federation remains in jail, despite a worldwide protest by teacher organizations, including the National Education Association in the U.S. Reports are now coming in that the leaders of the major transportation strike which occurred in Argentina a number of days ago, are now being visited with reprisals. We are now attempting to fully apprise U.S. trade union members about the grave situation of their fraternal colleagues in Argentina, and professional organizations as well, in case they may want to speak out to the Congress and the Administration about its policy of permitting new investments and bank loans to Argentina, and the manner in which it votes in international agencies in loans to that nation."

CONCLUSION

The Universal Declaration of Human Rights and its Covenants recognize that respect for human rights can only be effectively guaranteed in the context of political and trade union freedom, and just social and economic policies.

In the case of Argentina, full respect for human rights is unattainable without a return to Constitutional government with the full participation of all political forces, including the trade union movement.

Canada should carefully consider the extent of the discredit of the Argentine military government in the eyes of the Argentine people; it should accurately weight the extent and impact of the opposition, and it should adequately evaluate the significance of the new developing democratic alternative.