Supporting the right to truth and the right to justice is a fundamental pillar of EAAF’s work. These rights are particularly crucial in cases of political disappearance, where attempts are frequently made to erase or hide the material traces of the crime. A key component of the team’s work is to recover and analyze physical evidence, contributing physical evidence of what happened and how it happened to courts, families, and local organizations that support families. This section provides information on cases from 2008 and 2009, both in Argentina and abroad, with a focus on cases where EAAF has participated.
ARGENTINA

Trials against Junta Members and Impunity Laws

After eight years of military government rule, Argentina returned to democracy in 1983. In 1984, the National Commission on the Disappearance of Persons (CONADEP) reported on close to 9,000 disappearances committed by the state between 1976 and 1983. The following year, nine top junta members and other high-level commanders were tried for human rights abuses committed during their rule. They received varying sentences, including life in prison for some. Cases against military officers, particularly those affecting officers on active duty, created increased agitation in the armed forces. After several military uprisings, former President Raúl Alfonsín and the congress passed two partial impunity laws. The Full Stop Law of 1986 set a 60-day deadline for the initiation of new trials. The Due Obedience Law of 1987 effectively granted immunity to all but the top commanders of the military. For more than twenty years, these two laws impeded the prosecution of military officers for most human rights abuses committed during the last military repression. Furthermore, in 1989 and 1990, former President Carlos Menem issued pardons to over 400 senior officials, including the top commanders. This prompted human rights activists to advocate for the prosecution of officials abroad, mostly for crimes committed against Argentines with double citizenship, especially when second citizenship was from a European country. These prosecutions took place primarily in France, Italy, Sweden, Spain, and the US and have been pursued under the principle of universal jurisdiction for crimes against humanity.1

Truth Trials

Truth trials are an innovation particular to the Argentine judicial system. These truth trials began in 1995 and continue today, most prominently in La Plata, the capital of Buenos Aires Province. In truth trials, courts investigate impunity-covered human rights violations without the possibility of criminal convictions. While they lack prosecutorial authority, the courts’ truth trials serve as an important judicial process to uncover the truth about the past. While the trials were not legally binding, defendants could be prosecuted if they gave false testimony. Since the annulment of the impunity laws in 2005, testimony and evidence collected in these trials are now being presented as part of criminal proceedings. Importantly, the right to truth continues to be recognized by courts, leading in some cases to judicial investigations of repression-era events on these grounds.

Annulment of Impunity Laws

When elected in 2003, President Néstor Kirchner made overturning the impunity laws one of his top priorities. In mid-August 2003, stating the unconstitutionality of the impunity laws, both houses of the Argentine Congress voted by large majorities to nullify the Full Stop and Due Obedience Laws with retroactive effect. However, it was not until June 14, 2005, when the Supreme Court made a long-awaited ruling that the impunity laws were unconstitutional, that the way was cleared for the reopening of major criminal cases against military officers. Since then, federal courts have reversed the pardons issued by President Menem, finding that those originally convicted should serve their sentences. In May 2007, the Attorney General found the presidential pardons to be unconstitutional. The Supreme Court nullified the pardons the following July.2

In 2004, foreseeing the opening of new cases, the Attorney General ordered the creation of the Assistance Unit for Cases of Human Rights Violations Committed Under State Terrorism, headed by Federal Prosecutor Félix Crous, to collaborate with federal magistrates, investigate, and prosecute crimes perpetrated during the last military dictatorship. The unit is currently acting as the plaintiff in over 20 ongoing penal cases, including two
major “mega-cases” (see below). In 2007, the Attorney General created a second unit, the Prosecutor’s Unit for Coordination and Follow-Up, to monitor the progress of human rights cases active throughout the country. At the end of 2008, the Prosecutor’s Unit reported that trials were proceeding very slowly and that too few courts were handling too many cases. The Supreme Court issued recommendations shortly thereafter to improve the handling of cases.³

Ongoing Human Rights Cases
According to official figures, as of 2007 over 1,200 cases were open or being opened in Argentine courts for human rights violations committed during the last dictatorship, with some open cases dating back to the 1980s.⁴ Over the last five years, many of these have been grouped into “mega-cases” based on military zoning, such as the cases involving the First Army Corps or those involving clandestine detention centers (CDCs), such as the CDC at the Navy School of Mechanics (ESMA). According to the Prosecutor’s Unit for Coordination and Follow-Up, as of June 2010, 656 individuals have been or are being tried for cases related to the last military dictatorship.⁵ In addition, the Center for Legal and Social Studies (CELS) documents 1,706 total charges that have been brought before the legal system, with several defendants implicated in multiple cases. So far, 167 cases have resulted in guilty charges, while 15 cases have resulted in no charges. There are 40 fugitives from justice in these cases.⁶

Mendoza, Argentina, 1984. After the fall of the last military dictatorship, teams composed of survivors and staff from the local Truth Commission (CONADEP) reconstructed the layouts of CDCs throughout the country. This picture is from the Police Headquarters in the city of Mendoza, where security forces operated a CDC known as D2. Photo: CONADEP.

1985
Trials of nine top Junta members for human rights violations committed during the military dictatorship begin.

1986
December
Full Stop partial impunity law put into effect by President Alfonsin.

1986
December
Trials for high ranking police forces officers end.

1987
April
First military uprising by an Army faction called Carapintadas demanding full impunity, the end of trials, and full vindication of the Army for the “Dirty War,” among other requests. Hundreds of thousands of civilians demonstrate against the military uprising for four days in squares all over the country. 

Major Judiciary Proceedings
Camps and Camps II Cases
The Camps and Camps II cases, which both began in the 1980s, are mega-cases investigating crimes allegedly committed by the Province of Buenos Aires police force during the last military dictatorship. General Ramón Camps was chief of the police of the Province
of Buenos Aires between April 1976 and December 1977, at the peak of the repression. A network of CDCs operated under his jurisdiction during that time, including several inside police stations. In 1987, when the Due Obedience Law was passed, the Camps cases were shelved. However, before that law came into effect, General Camps had been sentenced to 25 years in prison. Other high-ranking officers from the police force were also sentenced at that time to between four and 23 years of prison. All of them were released under the Due Obedience Law. In March 2004, after the law was annulled, the Federal Chamber of the Federal Capital resolved to reopen the Camps cases. The magistrate ordered all of the officials, except General Camps who died in 1994, to serve their full sentences.

The Camps II case resulted from the sentences of the original Camps case and is ongoing. It includes charges of illegal deprivation of liberty and torture in 18 cases against former policemen active at the CDCs Pozo de Arana and San Justo Brigade. On May 6, 2008, a Federal Judge in La Plata issued a detention order for General Manuel Ibérico Saint-Jean, the ex-governor of the province of Buenos Aires during the last military dictatorship, as well as Jaime Lamont Smart, who was Saint-Jean’s minister at the time. They remain in detention.7

EAAF Participation: In February 2008, at the request of the Federal Court No. 3, EAAF members started to excavate the site of a former CDC, Pozo de Arana, which was located in a police station. EAAF was seeking a potential clandestine burial site in the back yard of the (still operational) police station. EAAF members found over 10,000 bone fragments, many badly burnt. Also present, in a wall dividing the police yard, were more than 200 bullet holes dating from the CDC’s period of operation. This was consistent with survivors’ testimonies that prisoners were executed against that wall and their bodies were burned on the premises while the CDC was still active. The remains were transferred to EAAF for laboratory analysis. In 2009, EAAF presented a report to the courts and testified using the evidence related to the CDC Pozo de Arana.

1983. Former Argentine General Ramón Camps, who oversaw the Buenos Aires police from 1976 through 1977. After the end of the dictatorship, crimes committed under his command were the focus of the Camps and currently the Camps II mega-cases. He was found guilty of multiple crimes in 1986, pardoned by President Carlos Menem in 1990, and then died in 1994.

Photo: Revista Gente.
ESMA

The ESMA mega-case investigates the crimes allegedly committed at the Navy School of Mechanics (ESMA), where one of the largest CDCs operated during the 1976-1983 dictatorship. This case, reopened in 2003, was originally part of the 1985 trials against junta members. In 2005, Federal Prosecutor Eduardo Taiano requested the arrest of 295 individuals involved in the disappearance of 614 persons illegally detained at ESMA. Among the victims are the French nuns Alice Domon and Léonie Duquet, as well as the journalist Rodolfo Walsh. Federal Judge Sergio Torres, who presides over the ESMA case, announced a pre-trial confinement for five other perpetrators implicated in ESMA. In November 2008, Claudio Orlando Pittana, a noncommissioned officer of the Federal Police, who had been a fugitive since April 2008, was located and detained in Saavedra, Argentina. Pittana is charged with involvement in crimes committed at ESMA by Task Group 3.3.2.

Also being charged for crimes committed by Task Group 3.3.2 is former Argentine Navy Lieutenant Ricardo Cavallo. Cavallo was extradited from Mexico to Spain in 2003, where he was tried on charges of genocide and terrorism. After trials reopened in Argentina, it was ruled in Spain that priority should be given to Argentine courts, despite an appeal in the Spanish courts arguing that the case was more advanced in Spain and should be continued there. Eventually, in March of 2008, Cavallo was extradited to Argentina to face trials regarding Task Group 3.3.2’s activities at ESMA. Cavallo continues to be detained and will be prosecuted at an oral proceeding.

Graphic: CONADEP.
for kidnappings, torture, and disappearances that happened at the ESMA CDC during military rule.

Currently, the ESMA case implicates 65 individuals, with a further seven sought outside of the country. In December 2008, the Appeals Court ruled for the freeing of 11 ex-Navy men in preventative detention, among them Jorge Acosta and Alfredo Astiz, both leading figures in the violations committed by Task Group 3.3.2. They had been in preventative detention for three years, the legal limit in Argentina. The Supreme Court reviewed the appeal, but the individuals were determined likely to flee. Hearing began in December 2009, in oral proceedings at the Federal Tribunal No. 5 against Astiz, Acosta, and Cavallo. An extradition request from the French judicial system for Astiz, due to his alleged involvement in the killings of French nuns Léonie Duquet and Alice Domon, was rejected in April 2010 because he was being tried for the same crimes in Argentina. Ex-admiral Emilio Eduardo Massera was excluded from the trial after the court verified “mental instability.”

In December 2009, cases began against two bureaucrats from the last military dictatorship, the former Secretary of the Ministry of Economics, Juan Alemann, and the former Prosecutor for Penal Enforcement (Fiscal de Ejecución Penal), Oscar Hermelo. Oscar Hermelo was charged with confiscating the automobiles of disappeared individuals in 1977 and arranging for their use in kidnapping operations, as well as selling these confiscated cars for profit. Alemann was charged with knowledge of the activities occurring in ESMA, due to testimonies collected that alleged his presence on site.

1989
October
First presidential pardon of some military officials accused of human rights violations, guerrilla members, and others accused of belonging to or supporting guerrilla groups, the main military leaders of the Malvinas war, and the leaders of three military uprisings by President Menem. The main leaders of the recent military uprising are ordered to take an early retirement.

1990
December 3
Fourth military uprising by some of the same leaders of previous ones, interpreted this time by the government and army as a military coup attempt. Fifteen soldiers and civilians died; rebellion ended in two days. Main leaders detained and prosecuted.

1990
December 29
Second presidential pardon of all former Junta
1990s
Foreign trials and extradition requests relating to human rights abuses under Junta rule begin. (Most continue at present, including court proceedings in Spain, Italy, Sweden, France, Germany, and Mexico.)

1994
Daniel Tarnopolsky wins a civil case initiated in 1987 against Admiral Emilio Massera for the latter’s role in the disappearance of five members of Tarnopolsky’s family. He is awarded 1.2 million dollars. The case is appealed.

1994
The government, under President Menem, establishes reparations laws for families of disappeared people, attempting to some extent to stop thousands of civil suits similar to the Tarnopolsky case.

EAAF Participation:
The ESMA case, filed in the Federal Chamber of the Federal Capital, contains EAAF expert reports on the identifications of three founding members of the Mothers of Plaza de Mayo: Esther Ballestrino, María Eugenia Ponce, and Azucena Villaflor, as well as the French nun, Léonie Duquet. The first three women were all reported to have been seen at ESMA, and, between 2004 and 2006, were identified by EAAF based on a long historical investigation and anthropological and genetic analyses. Their remains had originally been found washed up on the Argentine coast and then given an “N.N.” burial. This case is particularly important because it is the first forensic investigation providing strong evidence that indicates that kidnapped people who had been seen alive in ESMA and remain disappeared are likely to have been dropped into the ocean.

First Army Zone
The First Army Zone mega-case investigates crimes allegedly committed in the region comprising the Federal Capital and parts of the provinces of Buenos Aires and La Pampa, excluding those CDCs operated by the Buenos Aires Police (including ESMA, among others). The case is being overseen by Judge Daniel Rafecas, and more than 100 individuals are currently being charged.

In 2009, two different sections of the trial investigating First Army Zone crimes were unified. They are linked through common judicial cases involving former general Olivera Róvere, who is being tried in one section for his alleged involvement in 120 cases of illegitimate deprivation of liberty and four cases of homicide, in his capacity as chief of the sub-zone of the Federal Capital. Proceedings regarding the second section (also involving Olivera Róvere) started in April 2009. This trial includes 154 illegitimate deprivations of liberty. Róvere was allegedly involved in 32 of them.

This mega-case also includes crimes committed at the Automotores Orletti, a CDC in the First Army Zone. In the Automotores Orletti case, 15 of the 16 suspects are currently under pre-trial confinement. In 2008, five defendants received pre-trial confinement in other First Army Zone cases as well. A trial for the CDC circuit of Atlético, Banco, and Olimpo began in November 2009, implicating 15 individuals and a trial relating to the CDC El Vesubio was arraigned in 2006, but first heard only in April 2010.

The Fátima Massacre is also part of this mega-case, in which 30
individuals were extrajudicially executed, reportedly following their illegal abduction and detention at the Office of the Superintendent of Federal Security of the Federal Police in the Federal Capital. The victims were tied up, blindfolded, and shot in the head. After the execution, they were dynamited on a road close to Fátima de Pilar. The majority of the victims spent their captivity at the CDC in the office of the Superintendent of Federal Security, an entity within the Federal Police of Argentina located in the middle of the city of Buenos Aires.  

On July 11, 2008, the Federal Tribunal No. 1 condemned two former inspectors of the Federal Police to life imprisonment terms for involvement in the Fátima Massacre case. They were convicted for illegitimate deprivation of liberty and homicide of 20 men and 10 women who had been kidnapped by forces of the First Army Corps in 1976. In the same sentencing, the court decided to acquit a third defendant who had been accused of the same charges.

New charges were also brought against former dictator Jorge Videla, who led Argentina from 1976 to 1981. As part of the First Army Zone cases under consideration, Videla was implicated in a further 40 instances of homicide, kidnapping, and/or torture in March 2010. Videla was originally sentenced to life imprisonment in 1985 but was pardoned in 1990. He resumed house arrest in 1998 due to his role in kidnapping children of disappeared individuals (a crime not covered by the amnesty laws) and was ultimately transferred to a military prison in 2008. Germany also requested Videla’s extradition to stand trial for the homicide of German citizen Rolf Stawowiok (see the Prosecutions Abroad section below).

**EAAF Participation:** During the trial at the Federal Tribunal No. 5 on May 29, 2008, an EAAF member gave testimony about the team’s reconstruction of the assassinations and identification of 12 of the victims of the Fátima Massacre. In the case against Videla, the charges resulted in many cases from identifications recently reached by EAAF as part of the LIID project, including that of Rolf Stawowiok.

**1995**
April
Army Chief General Balza, in a national broadcast message to the country, recognizes for the first time major violations and abuses committed by the Armed Forces during the last military government. However, he provides no information about the whereabouts of disappeared people.

**1995**
Human rights activists begin pursuing *Juicios por la Verdad* or “Truth Trials.”

**1996**
Spanish Judge Baltasar Garzón admits cases in which Argentine military officers are named as responsible for crimes.

**1997**
Judge Garzón issues an arrest warrant for Navy Captain Adolfo Scilingo for the so-called “death flights” in which hundreds of detainees were thrown from airplanes into the Argentine Sea.
Third Army Corps Jurisdiction
The 31-M-87 mega-case investigates human rights violations committed in areas under the Third Army Corps’ jurisdiction, headquartered in the city of Córdoba and covering several central and northern Argentine provinces. The region experienced one of the highest levels of military repression, second only to Buenos Aires. 31-M-87 comprises over 450 cases opened in the 1980s. Almost 50 individuals have been indicted to date and 24 were placed under precautionary custody, including former Third Army Corps Chief Luciano Benjamin Menéndez, now a retired general.

On July 25, 2008, the Federal Tribunal No. 1 in Córdoba imposed life imprisonment terms, the severest penalty under Argentine law, to four former army officers and Menéndez for crimes against humanity. These four former army officers, plus three other army officers, were convicted in the kidnapping, torture, and assassination of four militants in 1977, among them Humberto Brandyalis and Hilda Flora Palacios. The three other officers were sentenced to 22 or 18 years in prison. In 2009, Menéndez and five other officers were tried for further cases related to disappearances and torture at the Information Department of the Córdoba Province Police—a CDC—and all were found guilty on December 11, 2009, except for Calixto Luis Flores, who was absolved. Four were sentenced to life in prison, and one, Miguel Ángel Gómez, to 16 years.

Menéndez is also under investigation for the assassinations of two priests in the province of La Rioja and for crimes committed as part of Operation Condor, a covert agreement between military regimes in the region to exchange intelligence and political prisoners.

Former dictator Jorge Videla, mentioned in the First Army Zone section above, is being tried in Córdoba in May 2010 for 32 cases of extrajudicial execution of prisoners under detention. This is the first time Videla has appeared in court to face charges since he was originally sentenced in 1985 as part of the junta trials.

EAAF Participation: EAAF’s identification of Hilda Flores Palacios in 2004 was used in the case against Menéndez in 2008.
cases, active in the province of Tucumán, located in the north of the country. One of them, the “Operation Independence” mega-case, investigates the repression in Tucumán between 1975 and 1983, which resulted in over 800 cases of disappearance and other gross human rights violations (“Operation Independence” was a pre-coup military operation under Perón responsible for human rights violations, lasting from February 9, 1975, to March 1976). Until the March 24, 1976, coup, the violations occurred under María Estela Martínez de Perón, then President of Argentina. An extradition request from Argentina for Martínez de Perón was denied by Spanish courts in 2008 (see the “Prosecution of Argentine Cases Abroad” section below).

On August 28, 2008, the Oral Federal Tribunal in Tucumán sentenced Antonio Bussi, former commander of “Operation Independence,” and Luciano Benjamin Menéndez to life imprisonment terms for crimes against humanity. The two men face further charges in 2010 in Tucumán for disappearances carried out by the police forces between 1975 and 1979, though Bussi has been deemed unfit to attend the trial due to poor health.33

**EAAF Participation:** EAAF is collaborating with the judiciary by investigating the modus operandi of the repression under the Second Army Corps jurisdiction, which includes Tucumán. In December 2009, EAAF identified Guillermo José Ernst Meschwitz and Juan Carlos Aguirre whose remains were found by EAAF at the Norte Cemetery in San Miguel de Tucumán. The evidence from these identifications is currently being used in trials.

### Other Cases

In addition, EAAF presented evidence in the following major cases:

Floreal Avellaneda was 15 years old when he was abducted along with his mother on April 15, 1976. They were held at the Campo de Mayo CDC, San Miguel, Greater Buenos Aires. Floreal’s body was recovered in May 1976 from the Uruguayan coast, identified, and then buried in a cemetery in Montevideo. The final burial site is unknown. His mother was released in 1978.

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**2003**

**May**

Several Federal Court judges declare crimes against humanity not subject to the statute of limitations.

**2003**

**August**

President Kirchner, with congressional support to annul the amnesty laws, repeals 2001 Decree 1581; reopening of criminal cases; and ratification of UN Convention on the Non-Applicability of Statutes of Limitations to War Crimes and Crimes against Humanity.

**2003**

**September**

Federal Chamber of Buenos Aires reopens trials for crimes committed in the Navy School of Mechanics (ESMA).

**2004**

**August**

Supreme Court upholds life sentence of convicted murderer of Chilean army commander General Carlos Prats.
in Argentina on grounds that as a crime against humanity the statue of limitations is not applicable. Enrique Aracibia Clavel was convicted in 1974 for death of Prats. In 2003, Chile denies requests for extradition of other suspects to Argentina.

2004
March
Federal judge sentences medical police doctor Jorge Bergés and former head of federal police Miguel Etchecolatz for falsification of identity of child of disappeared couple (second conviction for both men allowed under the above-mentioned 2003 UN Convention).

President Kirchner announces opening of Museum of Memory at ESMA.

2004
August
Sentencing in the Tarnopolsky civil case is upheld and Admiral

Former General Santiago Omar Riveros and five other former military members were found guilty in August 2009 for the kidnapping, torture, and murder of Floreal Avellaneda. General Riveros had been a commander of the Fourth Army Corps during the last military dictatorship, responsible for operations in Greater Buenos Aires. General Riveros oversaw a number of CDCs, among them Campo de Mayo, which operated “vuelos de la muerte” (death flights), where prisoners were thrown from military aircrafts into rivers and the Argentine Sea. The accused were convicted by the Federal Tribunal No. 1 of San Martín. General Riveros received life imprisonment and the others received sentences between 8 and 25 years.\(^{34}\)

**EAAF Participation:** A report by EAAF from 2004 about the modus operandi of the repression at Campo de Mayo CDC was used during the case.

The case of **Gastón Gonçalves**, who was disappeared in 1976 in Escobar, province of Buenos Aires, implicates former police commissioner Luis Abelardo Patti, who is also accused of other crimes, including the disappearance of five other individuals. Patti was detained in April 2008, just hours after Congress barred him from taking up a seat in Argentina’s lower house of Congress, which would have afforded him immunity from charges. He is currently in Marcos Paz Prison being prosecuted for aggravated and illegal deprivation of life, torture, and forceful entry, including such crimes in relation to the disappearance of Gonçalves. On May 4, 2010, the Supreme Court rejected a request by Patti to overturn his pretrial detention.\(^{35}\) The case will be heard later in 2010.

**EAAF Participation:** EAAF recovered and identified Gonçalves’ remains in 1996.

The **Parish of the Rosary Massacre** case, in Catamarca province, investigates the extra-judicial execution of 16 members of the People’s Revolutionary Army (Ejército Revolucionario del Pueblo, ERP) in 1974, allegedly committed by officers of the Third Army Corps and the Military Unit of Catamarca. Five of the victims were buried in “N.N.” graves (that is, John/Jane Doe graves) in

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*Photo: Marcelo Ranea/ARGRA.*

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the cemetery of San Fernando del Valle, the capital of Catamarca.36

EAAF Participation: EAAF petitioned the courts to exhume and identify remains from these “N.N.” graves. Identifications were made in 2006 of the body of Rutilio Betancourt, an Uruguayan citizen, and, in 2007, of the body of Alberto Rosalez Sánchez from Santiago del Estero. In 2008, the remains of Hugo Cacciavillani Caligari, an Uruguayan, were identified and returned to his family. These three identifications have been included in the evidence presented during the investigation of the case.

The Margarita Belén Massacre case, in Chaco province, investigates the torture and homicide of 22 political prisoners in December 1976 who had been detained in the Resistencia police district. Army and Intelligence Battalion 601 personnel, under the command of General Cristino Nicolaides, were responsible for the massacre. Eight military officers and two police officers were indicted in the case.37 Nine of them were detained in the penitentiary unit of the Armed Forces of Campo de Mayo. Lieutenant Colonel Norberto Raúl Tozzo, implicated in the massacre, was detained in Brazil in September 2008 and is awaiting trial. He had been a fugitive since April 2005. The trials, which were to begin in the Federal Oral Tribunal in Resistencia at the end of 2009, were postponed until March 2010 because the three judges assigned to the case were also presiding over a trial against the former military-appointed governor of Formosa, Juan Carlos Colombo, which continued longer than scheduled.38

EAAF Participation: As forensic expert for the case, EAAF exhumed the remains of three prisoners and has identified two of them to date as Alcides Bosch and Luis Alberto Díaz, thus adding to the evidence for the case.

Twelve military officers have been arrested in connection with the case investigating Infantry Regiment No. 9 in the province of Corrientes, again including General Cristino Nicolaides, the military regime’s last army commander. In 2007, Nicolaides and seven other members of Intelligence Battalion 601 were sentenced to between 20 and 25 years in prison for the kidnapping, torture, and disappearance of a group of Montoneros, a guerrilla group, who were illegally detained between 1979 and 1980. In November 2008, Julio Alberto Cirino, civil chief of Intelligence Battalion 601, was detained in a related investigation.39 In August 2008, Lieutenant Colonel Julio Rafael Barreiro was given life imprisonment.40 Three other military leaders were sentenced to prison terms between 18 and 25 years. All of them were sentenced for crimes against humanity during the last military dictatorship in connection with Infantry Regiment No. 9. Another officer, Carlos Piriz, was acquitted.41

EAAF Participation: As expert witness in the case, EAAF has thus far recovered three skeletal remains during exhumations. One of the victims, Rómulo Artieda was identified. He was kidnapped by security forces, killed, and given a “N.N.” burial in Empedrado Cemetery. Two EAAF members provided statements during the trial.42

A case investigating the CDC La Polaca, in Paso de los Libres, Corrientes, has resulted in the indictment of six former military officers, including Pedro Agustín Pasteris, who had been the national director of the Gendarmerie.43 He was fired from this post in October 2005 as a result of the start of the proceedings. As of now, the judge overseeing the case is moving forward with judicial proceedings investigating the systematic use of kidnappings, torture, and death in the precinct.44

EAAF Participation: The team began collecting information on the history of the CDC La Polaca in 2006, which was contributed to the investigation.

A case is in process investigating the forced disappearance of over 100 persons related to the Ledesma Sugar Mill in 1977, in the province of Jujuy, known as “The Night of the Blackout.”

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EAAF Participation: EAAF has conducted investigations in cemeteries in the cities of Jujuy and Yala on “N.N.” burials that could be related to that episode.

Further cases are taking place throughout Argentina. Convictions during 2008 and 2009 include the following:

- On November 5, 2008, the Federal Tribunal No. 5 in Buenos Aires condemned former Air Force Colonel Pedro Alberto Bard to life imprisonment and Brigadiers César Miguel Comes and Hipólito Rafael Mariano to 25 years. They were found guilty of involvement in the torture and homicide of Analía Magliaro and Jorge Candeloro, as well as for the kidnapping and torture of Marta García de Candeloro. These crimes took place in the CDC Mansión Seré located on Air Force property in Morón, Greater Buenos Aires, as well as in the Air Force Base in Mar del Plata, province of Buenos Aires.

- On February 8, 2009, the Federal Tribunal of Neuquén condemned eight former military personnel for illegal deprivation of liberty and torture occurring at the General Roca Prison Unit No. 5.

Among those convicted was former Brigadier General Enrique Braulio Olea, who was in charge of the Engineers Mountain Battalion No. 181. He received 25 years in prison. The others received 7–25 year sentences.

- On April 14, 2009, the Tribunal of the San Luis Federal Criminal Court convicted five former police and army personnel to life imprisonment. They were found guilty of involvement in the illegal deprivation of liberty, torture, and homicide of Graciela Fiochetti, Pedro Valentín Ledesma, and “Sandro” Santana Alcaráz, as well as the illegal...
deprivation of liberty and torture of Víctor Carlos Fernández (who survived his detention).

- The former prison officials José María Cuenca and Rubén Alberto Gómez were sentenced on June 30, 2009, by the Tribunal of the Posadas Federal Criminal Court. Cuenca received 20 years in prison and Gómez received 23 years for torture and illegal deprivation of liberty relating to their period of employment at the Candelaria Federal Prison, Misiones.

- The Federal Tribunal of Mar del Plata found former General Pedro Mansilla guilty of involvement in the torture and homicide of Carlos Labolita at the Cavalry Regiment offices in Azul, province of Buenos Aires. Another officer, Colonel Alejandro Duret, was found innocent.

- On October 1, 2009, the Federal Tribunal of Formosa sentenced former General (and de facto Governor of Formosa) Juan Carlos Colombo to 25 years in prison for overseeing crimes committed in the province during the last military dictatorship.

- The Federal Tribunal of Mar del Plata found former General (and de facto Governor of Formosa) Juan Carlos Colombo to 25 years in prison for overseeing crimes committed in the province during the last military dictatorship.

- The Federal Tribunal of the Posadas Federal Criminal Court found the two former Colonels Carlos Humberto Caggiano Tedesco and Juan Antonio Beltrametti guilty on October 16, 2009. The first had been the military commander of Area 232, which included the province of Misiones, while the latter had been governor of Misiones. They were both sentenced to life imprisonment for overseeing human rights abuses committed in the province during the last military dictatorship.

- On November 23, the Federal Tribunal of Corrientes condemned former police official Diego Ulibarrie to 25 years in prison for leading a kidnapping raid and overseeing the subsequent illegal deprivation of liberty, violent detention, and torture of four persons, all of whom remain disappeared.

- On December 23, 2009, the Federal Tribunal of Santa Fe condemned Victor Hermes Brusa, Juan Calixto Perizzotti, Héctor Colombini, Eduardo Ramos, Mario José Facino, and María Eva Aebi to between 19 and 22 years of prison for their activities at the Santa Fe Department of Police Information (D2). Brusa, a former federal secretary, was convicted of illegal judicial acceleration of cases against several individuals leading to their being detained. The other individuals were charged with illegal deprivation of liberty and torture (including a forced abortion).

For further information on these cases and on cases being heard during 2010, please see the Argentine Supreme Court report: Delitos de lesa humanidad: Informe sobre la evolución de las causas, actualizado al 16 de julio de 2010 (Human Rights Abuses: Report on the Advancement of Cases, Updated Through July 16, 2010).

**Prosecutions Abroad of Argentine Cases**

Since the late 1980s, the barriers to justice posed by the impunity laws within Argentina had prompted human rights activists to attempt to prosecute high-ranking military officers abroad. The majority of these cases were for human rights violations committed against Argentines entitled to double citizenship and were filed in the country of the victim’s second nationality, mainly Europe. Prosecutions were also based on the principle of universal jurisdiction for crimes against humanity. Thus far, most of the defendants have been tried in absentia, in part because Argentina did not accept extradition orders for these cases until August 2003, when President Néstor Kirchner repealed earlier decrees.

At the same time, because trials restarted in Argentina in 2005, most individuals accused of these crimes are being tried in the country and not abroad.

On March 19, 2008, former police chief Rodolfo Almiron was extradited from Spain. Almiron was one of the main chiefs of the Argentine Anticommunist Alliance (AAA), a right-wing paramilitary group active during her presidential term.
paramilitary group, strongly linked to the presidential office as well as the Ministry of Social Welfare that was responsible for several hundred assassinations prior to the military coup in 1976. This extradition was made possible due to a ruling by the Federal Chamber of the Federal Capital, confirming that the crimes committed by the AAA qualify as crimes against humanity.46 For that reason, they have to be investigated despite the length of time that has elapsed since then. In 2007, a Federal Judge asked Spain for the extradition of former president María Estela Martínez de Perón. President Martínez de Perón was accused of eleven crimes committed connected to the AAA between July 31 and October 13, 1974, involving the assassinations of eight people and the disappearance of three individuals occurring while Martínez de Perón was in power. The extradition request for Martínez de Perón was denied in April 2008, when the Spanish National Court determined that her potential involvement did not qualify as a crime against humanity.47

The Italian Supreme Court of Appeals confirmed life imprisonment for the ex-Navy personnel Jorge Acosta, Alfredo Astiz, Jorge Vildoza, and Antonio Vañek on March 18, 2009. They were found guilty of the kidnapping and disappearance of Italian citizens Angela María Aieta de Gullo, Giovanni Pegoraro, and his daughter, Susana, who gave birth to a daughter at ESMA.48 After birth, the baby was abducted and raised by Policarpio Vázquez, a Naval officer. The daughter reclaimed her true identity in April 2008, establishing her real biological family history through the investigation and genetic analysis conducted by the Grandmothers of the Plaza de Mayo.49 A fifth defendant had been former Naval officer Héctor Febres, who died in December 2007 in his apartment after possible cyanide poisoning.50 Vildoza has remained a fugitive for more than 20 years.51

In January 2010, a tribunal in Nuremberg, Germany, issued an arrest warrant for former dictator Jorge Videla for the forced disappearance and death of Rolf Stawowiok, a German citizen, disappeared in Argentina on February 21, 1978.52 The court originally requested the extradition of Videla...
in 2007 but the request was denied. After Stawowick’s identification by EAAF in 2009, the Nüremberg tribunal reopened the case and requested the extradition again.53

**Conclusion**

Over the past 24 years, EAAF team members have served as expert witnesses in numerous human rights cases, filing forensic reports in judicial investigations of human rights violations in Argentina. After the impunity laws came into effect, these reports could not be used toward the prosecution of most dictatorship-era crimes, but EAAF continued to work as an expert witness within a judicial framework—as part of Truth Trial investigations and under court auspices. With the annulment of the impunity laws, EAAF’s expert testimonies are once again being considered in criminal proceedings involving human rights violations in Argentina.

Argentina from Spain, to stand charges over responsibility in hundreds of assassinations prior to the military coup in 1976.

**2008**

**July**

The Federal Tribunal No. 1 condemns two former inspectors of the Federal Police to life imprisonment terms for involvement in the Fatima Massacre case, involving the homicide of 20 men and 10 women.

**2008**

**July**

The Federal Tribunal No. 1 in Córdoba imposes life imprisonment terms for four former army officers and Menendez for crimes against humanity.

**2009**

**March**

The Italian Supreme Court of Appeals confirms life imprisonments for the ex-marines Jorge Acosta, Alfredo Astiz, Jorge Vildoza and Alfredo Astiz, Jorge Vildoza.

Buenos Aires, Argentina, 2009. Former Navy personnel Jorge Acosta (top) and Alfredo Astiz (bottom), shown during hearings in Argentina. They received multiple convictions in Argentina, and were also sentenced in absentia to life imprisonment by the Italian judicial system, for the kidnapping and disappearance of Italian citizens Angela Maria Aiesta de Gullo, Giovanni Pegoraro, and his daughter, Susana. Astiz had previously been convicted in absentia by the French and Swedish judicial systems for crimes related to the disappearance of their citizens residing in Argentina. Photos: Sergio Goya.

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Other International Cases

MEXICO

“Cotton Fields” Case
In April 2009, EAAF provided written testimony in the Inter-American Court of Human Rights (IACHR) investigation of the “Cotton Field” (Campo Algodonera) case. This case relates to the homicides of eight women, all found on the same vacant lot in Ciudad Juarez, Mexico, in 2001, and examines possible wrongdoing in the government investigation of the crimes. At the request of the families of the victims and the State Prosecutor’s Office, EAAF worked on the forensic re-examination of the official identification and cause of death for seven of these eight “Cotton Field” remains from 2005 to 2007. Based on its anthropological and genetic analyses, EAAF concluded the following:

- For three of these seven remains, the official identifications were incorrect.

- Two of these remains were positively re-identified by EAAF as belonging to two other disappeared women, while the third skeleton continues to be unidentified.

- One of the disappeared women—wrongly identified by officials as one of the remains from Cotton Field—was identified by EAAF along with another skeleton found a year after those recovered from Cotton Field, in another location within Ciudad Juarez.

- The other two female victims originally wrongly identified as remains from Cotton Field were returned to the category of “disappeared” and continue to be disappeared as of the writing of this report.

After being initially contacted in 2007 by the Inter-American Commission on Human Rights (the body that refers cases to the IACHR), the team submitted 70 pages of written evidence plus supplementary documents in response to the court’s questions. The testimony detailed the team’s findings and experiences with irregularities in official investigations, not only in relation to the “Cotton Field” case, but from throughout EAAF’s years of work in Ciudad Juarez and Chihuahua. Three other EAAF consultants from the pathology, anthropology, and legal areas also provided written evidence for the court.
The IACHR only considered three of the eight cases and reached a decision in November 2009, condemning the Mexican government for its handling of the “Cotton Field” investigation. The court found that the women were victims of gender violence and faulted the national government, the state government, and the government of Ciudad Juarez for failing to protect the right to life, rights of children (two of the three victims considered were adolescents), and personal integrity and liberty of the individuals, among other rights. The court ordered reparations for the families of the victims. The decision also cited the failure of Mexican government officials to properly investigate the cases (which partly lead to EAAF’s re-examination). This decision represents the first ruling against the Mexican state involving the right to life and forced disappearance, and also the first ruling by the IACHR with the central theme of women’s rights.

**Tlachinollan Case**

A case was presented to the Inter-American human rights system by the Tlachinollan Human Rights Center of the Montaña (CDHM) in 2004, dealing with two indigenous women who were reportedly raped by army personnel (in two separate events in 2002). EAAF was asked by CDHM to review the forensic exam that one woman received (for which the team contracted a Colombian forensic pathologist) and to do a legal examination of the assistance received by the women from the state to determine whether it conformed to Mexican and regional standards. EAAF produced a report for CDHM in 2010 that was presented to the Inter-American Court on Human Rights.

The case was officially known as “Fernández Ortega and Others vs. Mexico” (Caso Fernández Ortega y Otros vs. México) and the Inter-American Court on Human Rights heard the case in April 2010. The judgment was issued in August 2010, and the Mexican government was found responsible for failing to properly investigate the case and protect the women’s rights.  

San Jose, Costa Rica, 2010. The Inter-American Court of Human Rights, which heard the “Cotton Field” (Campo Algodonero) case. EAAF was asked to provide written testimony for the court on its experiences working in Chihuahua, especially about irregularities in the government investigation of the “Cotton Field” case. Photo: Inter-American Court of Human Rights.
On December 5, 1982, an elite force of the Guatemalan Army known as the Kaibiles entered the community of Dos Erres, La Libertad, Petén Department, and massacred over 350 men, women, and children. The Kaibiles reportedly raped women and young girls, and, after killing the villagers, dumped their bodies into the village well. According to witnesses, infants were first thrown into the well, followed by women and then men. The remains of other individuals were left on the surface in nearby woods. The village was completely destroyed. Reportedly, the Kaibiles carried out the massacre because of alleged civilian support to guerrillas in the area.\(^{59}\)

In July 1994, EAAF was invited by the Association of the Families of the Detained-Disappeared of Guatemala (FAMDEGUA) and the Human Rights Office of the Archbishop of Guatemala (ODHAG) to examine the well and outskirts of the village. Inside the well, EAAF recovered the remains of 171 individuals, of which 67 corresponded to children less than 12 years of age. The pattern of dumping bodies in the well, with children first, followed by women and men, was confirmed in EAAF’s excavation of the well. The team also recovered segments of skeletons from the surface in the nearby woods, as described in testimonies.

The Guatemalan Investigation
After EAAF’s investigation, FAMDEGUA presented the evidence it had collected, and, in 1997, arrest warrants were issued for 14 soldiers. The case was shelved, in part because an agreement was reached with the Inter-American Commission on Human Rights (which was also hearing the case) to provide reparations and investigate the case.\(^{60}\)

In December 2001, the families of victims received reparations from the Guatemalan government for the military involvement in the massacre.\(^{61}\) Those involved in investigating or testifying in the case were threatened repeatedly. FAMDEGUA received numerous
threats; their local office was also broken into in September 2000 and computers taken that contained important information regarding the Dos Erres massacre.\(^{62}\)

Finally, in November 2009, the Inter-American Court on Human Rights, having resumed investigations when the Guatemalan courts effectively dropped the case, found the Guatemalan government responsible for its role in the massacre in Dos Erres, and for failing to properly investigate and prosecute those responsible.\(^{63}\)

Due to this IACHR ruling, the Guatemalan courts reopened the case in early 2010, issuing 17 warrants for the arrests of ex-military officers implicated in the massacre. Only two of the 17 have been placed under custody so far.\(^{64}\) The investigation is pending.

**ICE Investigations**

In addition, the US Immigration and Customs Enforcement (ICE) has opened cases in the US against former Kaibiles soldiers who have been residing in the country. On March 5, 2010, a Guatemalan man seeking citizenship in the US was arrested in Florida for lying on his naturalization application about his involvement and participation in criminal activities, as well as lying about his military service. The man, Gilberto Jordán, age 54, had been part of the Kaibiles and had a role in the Dos Erres massacre. Jordán, among those previously wanted by the Guatemalan courts,\(^{65}\) was charged by the US District Court of Southern Florida for unlawful procurement of naturalized citizenship. Jordán has admitted to serving in the Kaibil Guatemalan forces and to participation in the massacre, including killing children. He was sentenced to 10 years in a US prison.\(^{66}\)

Another individual, Santos Lopez Alonzo, was arrested in February 2010. He had entered the US illegally and faces deportation to Guatemala, where he is wanted by the local courts.\(^{67}\) Investigations into other former Guatemalan soldiers by ICE are pending.\(^{68}\)

EAAF’s reports from the 1994-95 excavation are being used as evidence in the cases in both Guatemala and in the US. \(\blacksquare\)
1. Please see “Prosecutions Abroad” section for further information.


19. Ibid.


23. Ibid.


28. Ibid.


56. Dr. Maria Dolores Morcillo.


58. Ibid.

59. Ibid.

60. Ibid.

61. Ibid.

62. Ibid.


68. Ibid.