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## Argentines Face Human Rights Trials in Europe

By LARRY ROHTER

RIO DE JANEIRO, July 27 — At least 40 retired Argentine military officials accused of human rights violations during the 1976-1983 dictatorship are now in custody in Argentina and facing trials in Europe after the new government moved late last week to strip them of their longstanding immunity from extradition.

On Friday, President Néstor Kirchner, who took office two months ago, revoked a government edict that prohibited Argentine officials from being handed over to foreign countries to face criminal charges abroad.

His action came one day after a federal judge in Buenos Aires ordered the detention of 46 former government officials, all but one of them military officers, in response to a Spanish government request for their extradition.

The two actions represent an important shift in Argentina's position on bringing human rights abusers to justice and signal what could turn out to be a major advance in international law. As in Chile and other Latin American countries once ruled by dictators, previous governments in Argentina have endorsed the doctrine of "territoriality," arguing that only Argentine courts have the authority to try Argentine officials charged with human rights abuses in their own country.

But that position meant that government officials charged with the forced disappearance of Argentine and foreign citizens during the dictatorship, when as many as 30,000 people may have been killed, would get off scot-free. During the late 1980's, the Argentine Congress, facing the threat of rebellions within the armed forces, approved a pair of laws that granted amnesty to hundreds of military officers facing criminal charges inside the country.

The officials now being held for extradition include the two principal leaders of the successful military coup of March 1976. The coup was followed by a campaign of state terrorism in which foes and critics of the government, real and imagined, were kidnapped and killed. The two men, Gen. Jorge Rafael Videla and Adm. Emilio Massera, both 77, were facing other criminal charges stemming from actions not covered by the amnesty and were already under house arrest.

In 1985, General Videla and Admiral Massera were among nine members of the military junta who were tried by an Argentine court and found guilty of human rights violations ranging from kidnapping to murder. Both were sentenced to life in prison, but in 1989 and 1990, President Carlos Saúl Menem pardoned them, along with other military officers and left-wing guerrillas they had fought.

Two senior military officials sought in the Spanish extradition request have died, including the former junta chief, Gen. Leopoldo Galtieri, and another, according to government officials, has fled.

On Friday night, a naval officer whose name is on the list, Juan Antonio Azic, tried to commit suicide, shooting himself in the mouth in a bar near City Hall in Buenos Aires. He remained hospitalized today in serious condition.

Foreign governments seem especially interested in trying Alfredo Astiz, a 50-year-old naval captain who has become perhaps the most notorious symbol of Argentina's Dirty War. Nicknamed "the blond angel of death," Captain Astiz infiltrated human rights groups and is accused of having designated which of their leaders were to be kidnapped, tortured and killed.

Captain Astiz, who was arrested on Friday, had already been convicted in absentia in France in 1990 and sentenced to life in prison for the kidnapping and killing of two French nuns in 1977. The French government said Saturday that it would renew an earlier request for his extradition; in 2001, Italy and Sweden also filed papers asking that Captain Astiz be handed over so he could be tried for the kidnappings or killings of citizens of those countries.

As Captain Astiz's case indicates, deciding which extradition requests to honor, and in which order, is likely to be a complicated and time-consuming process. The judge who issued the detention orders, Rodolfo Canicoba Corral, said it would take "at least several months" to sort out the various requests and hinted that extraditions might not occur at all if Argentina reversed course and decided to try the accused in local courts.

Mr. Kirchner has said he would like to see the amnesty measures overturned, which would allow local prosecutions, but he does not have the authority to do so himself. Lower courts have found both amnesty laws to be unconstitutional, but those verdicts have been appealed to the Supreme Court, which is in turmoil because of Mr. Kirchner's campaign to force judges loyal to Mr. Menem to step down. A final ruling on the question has not yet been issued.

Mr. Kirchner, a 53-year-old Peronist who was himself detained briefly during the dictatorship, has remained silent on his plans since signing the decree on Friday. But according to an opinion poll taken last week and published today in the daily *La Nación*, nearly two-thirds of Argentines favor his plan to revoke the amnesty laws.

The Spanish judge who made the extradition request, Baltazar Garzón, is the same judge whose efforts led to the detention of Gen. Augusto Pinochet, Chile's former military dictator, in Britain in 1998.

With the 30th anniversary of the coup that brought General Pinochet to power now less than two months away, Argentina's actions are certain to add to an already heated debate in Chile about how to deal with military human rights abusers there.

"It sends a very powerful signal to those who commit these types of crimes that today is a day of international justice," the Chilean president, Ricardo Lagos, said in a radio interview on Saturday.

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