

Spanish court sentences Argentine “dirty warrior” to 640 years

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In April of this year, the Spanish High Court found Adolfo Scilingo, 58, a former Argentine navy officer, guilty of crimes against humanity committed in Argentina 30 years ago. Scilingo was sentenced to 640 years in prison for his role in what was known as Argentina’s “dirty war.”

The conviction of Scilingo is the first of its kind under Spanish legislation allowing that nation’s courts to rule on non-domestic cases of crimes against humanity. These are the very laws of universal jurisdiction that have come under fire from the Bush administration.

Scilingo had voluntarily incriminated himself in sworn testimony in the Spanish court in 1997. He said he participated in the illegal detention, torture and murder of civilians in the mid-1970s. He had already told his story in detail to Argentine journalist Horacio Verbitsky, who published extensive interviews with Scilingo in 1995 in a book entitled *The Flight: Confessions of an Argentine Dirty Warrior*.

Scilingo said that every Wednesday for at least two years, between 15 and 20 prisoners were drugged and taken from the basement of the Navy School of Mechanics (ESMA) in Buenos Aires where Scilingo was posted. The prisoners were loaded onto Navy or coast guard planes. Once aloft, officers and enlisted men would strip the prisoners of their clothes and throw them from the back of the plane into the ocean. Scilingo confessed to direct participation in two of the flights.

He said “high-echelon officers” came along to offer support to the noncommissioned and junior officers who carried out the operation. A doctor was on each flight to administer a final dose of anesthetic, ensuring the drugged prisoners did not resist.

Scilingo revealed that in one incident he nearly fell from the plane himself. He claimed that this near-death experience triggered long-term psychological and moral stress.

Other officers, among them Victor Armando Ibanez, a sergeant in the Argentine Army, later corroborated Scilingo’s testimony.

Scilingo began serving a sentence of 21 years for each of the 30 people he killed in the death flights in which he participated. He was given an additional 5 years for torture and 5 more for illegal detention of prisoners. However, he faces a maximum incarceration of no more than 30 years under Spanish law.

Scilingo immediately appealed his conviction to the Argentine Supreme Court. Since being arrested in Spain in 1998, Scilingo has claimed he made up the details of his own participation in the crimes carried out by the Argentine military.

The Argentine truth commission’s *Nunca Más* (Never Again) 1984 report found evidence of 8,961 people who disappeared in Argentina, mostly during the military’s seven-year rule. Human rights groups put the figure at close to 30,000 who lost their lives in the bloody repression.

According to Verbitsky, as early as August 1976, the Agency for Clandestine News stated that the Argentine government would never make the list of its prisoners known because many listed as killed in combat were recorded as dying on dates long after they were arrested. Rodolfo J. Walsh, a Montonero activist, published an open letter stating it was believed the prisoners had been thrown into the Rio de la Plata.

Walsh himself was murdered in March of 1977 after printing his “Open Letter from a Writer to the Military Junta.” He had charged that mutilated bodies that washed up on the Uruguayan coast between March and October 1976 had been tortured at the ESMA.

In April 1978, the Argentine Commission for Human Rights published testimony about the ESMA, and in 1979, a Spanish magazine reprinted part of the survivors’ declaration. In 1980, the Organization of American States published a report alleging that 9,000 disappeared had been murdered by the military.

The ESMA was one of 250 clandestine torture centers set up in the 1970s throughout Argentina where unspeakable torture was meted out under orders of the military junta. Tens of thousands of the opponents of the government and their associates were killed by the military. The vast majority of the people who came to be known as the “disappeared” (*desaparecidos*) were kidnapped in front of witnesses only to seemingly fall off the face of the earth as a string of military juntas pursued the Argentine “dirty war.”

After the kidnappings, prisoners were incarcerated without recourse to trial or court. Relatives searched for their loved ones in vain. They were told they had gone underground, or had been killed in firefights or “trying to escape or were buried in graves of the unknown.”

In accounts that find an echo in testimony coming out of US detention camps in Afghanistan, Iraq and Guantánamo Bay, Cuba, former ESMA prisoners who survived their incarceration are quoted. In Verbitsky’s book, a former prisoner recounted, “I was placed in a room with other people whom I did not know, about 20 or 30 of them. All of them had their feet tied down with chains attached to shackles around their ankles. Most of the chains were also attached to columns or to very heavy pieces of iron. I had a hood over my head and my hands cuffed behind my back for the

entire three weeks I was there.”

Prisoners told of being tortured with electric cattle prods. There is even more gruesome testimony from prisoners who succeeded in leaving the Navy School of Mechanics, including torture and death involving a tank of water located in the basement of the facility.

After the fall of the military, following the Malvinas war in 1983, a few military officers had gone to trial in Argentina for their role in the dirty war. However, successive Argentine presidents have signed legislation granting amnesties to the military and hampering efforts to achieve justice, despite the mounds of evidence that have been uncovered.

Families have even resorted to charging members of the ruling junta, such as General Jorge Videla and Admiral Emilio Massera, as intellectual authors of kidnapping the unborn children of female victims who were allowed to live only long enough to deliver their babies.

Fifteen years ago, an Argentine naval officer, Alfredo Astiz, also a member of the “task force” at the ESMA, was convicted in France for his role in the kidnapping, torture and murder of two French nuns. They were part of a group of 11 women killed for attempting to compile lists of the disappeared at the beginning of the organization of what became the famous Mothers of the Plaza de Mayo. Astiz was sentenced in absentia to life, but remains free within the protective borders of Argentina.

In May of this year, Ricardo Oliveros, a former Argentine army intelligence officer who lives in Spain, gave lengthy testimony before a Spanish judge in the same High Court where Scilingo was tried. He confirmed that he was involved in the death of three people during the dirty war.

Ricardo Miguel Cavallo, another former Argentine Navy officer who was posted at the Mechanics’ School, was extradited from Mexico to Spain two years ago. He is charged with genocide and terrorism and is expected to go on trial in Spain in a few months. Witnesses who were personally tortured by him are expected to testify at his trial.

Argentina has not extradited any of the other individuals sought by Spain, and such trials cannot be carried out in absentia in Spanish courts.

Judge Baltasar Garzón is nominally the head of the court where these cases are sited. He achieved international fame for his unsuccessful attempt to extradite the Chilean dictator Augusto Pinochet from Britain in 1998. The Blair government rejected the extradition request in 2000, and Pinochet, like virtually all of the Latin American butchers, remains free.

Top US officials are implicated in the repression in Argentina and throughout Latin America.

Former US Secretary of State Henry Kissinger, who remains a close confidante of the Bush administration, is directly implicated in the 1973 coup that brought the butcher Pinochet to power in Chile and offered US support for the savage military junta in Argentina.

Defense Secretary Donald Rumsfeld held the same position in 1976, overseeing the collaboration between the Pentagon and the Argentine military’s repressive apparatus. Vice President Dick Cheney, meanwhile, was White House chief of staff.

A document declassified in late 2004 obtained by the

independent National Security Archive shows that in June 1976, even as the mass killings being reported out of Latin America were condemned throughout the world, Kissinger gave the green light for the Argentine regime’s crimes.

Fearing a victory by Jimmy Carter in the upcoming presidential election might upend US policy toward the Latin American dictators, he told Argentine Foreign Minister Admiral Cesar Augusto Guzzetti, “If there are things that have to be done, you should do them quickly. But you should get back quickly to normal procedures.”

Scilingo’s testimony included his admission that he sought solace with an ESMA chaplain. He said the clergy deemed the death flights, which were designed to cover up the mass murder by disposing of the bodies, a humane method of execution.

Pio Laghi was the papal nuncio to Argentina in the 1970s. Later, he was posted to the US after the Reagan government gave official recognition to the Vatican. During the Argentine repression, he was a tennis partner with Admiral Massera, one of the principal architects of the terror.

As late as 1995, Vincent Massot, an ultra-rightist Catholic intellectual, advanced the “ticking time bomb” defense to justify the torture carried out at the time of the junta’s crimes. Massot, who had written essays praising Franco and Hitler, visited officer friends at the ESMA during the dirty war.

This apology for torture is a familiar argument regularly advanced in the US today.

The vast majority of the criminals of the Argentine dirty war go unpunished, from dictators such as Pinochet to their counterparts in Washington. As to lower-level war criminals like Scilingo, few of them have been punished, either. Indeed, some of them have found work practicing their trade once again against the people of Iraq.

The Chilean press reported in 2004 that former operatives of the Latin American military who participated in the torture and disappearances of the mid-1970s and early 1980s had been recruited to fight in Iraq.

In 2004, two Argentine journalists, Mario Podesta, his camerawoman Mariana Verónica Cabrera, and their Iraqi driver were killed in a road accident on the way to Baghdad when a tire blew out. Podesta had told colleagues that he was determined to find a group of Argentine dirty war veterans who had been hired by private security firms contracted by Rumsfeld.



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