

"SPEAK OUT !"
MONTREAL
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FR. PATRICIO RICE'S SPEECH

Disappeared Persons Workshop.

The silence we are addressing at this conference has a very direct application when we direct our attention towards that new violation of violations, the repressive practice of forced or involuntary disappearances. Here, we face a most flagrant and cruel form of state terrorism, one whose specific characteristic is the silence in which it occurs. A silence that is born in total impunity. When relatives make inquiries about the whereabouts of their loved ones the typical response is silence. We find ourselves looking into the night and shadows when we look for the disappeared. Everything seems to be so unreal--people seem to have vanished into thin air, as if they had never existed.

What I just recounted is the general view towards the phenomenon; however, there are many perspectives on the issue. The direct experiences of the victims, for example, are very different than those of their relatives. Tragically, unfortunately, there are few survivors to tell their tale, but some people have survived, and their testimony is vital to understanding this horrendously repulsive practice. Often though, survivors are reluctant to share such experiences with other people--their experiences reveal an evil, sinister side to humanity so far removed from the reality of ordinary life in at least the western countries, but it is important to speak. I would like then to share some reflections on my own limited experience in order to illustrate what we are dealing with.

I had been living in Argentina for some years. On October 11, 1976, I was leaving a humble shantytown in Buenos Aires where I had my pastoral commitment as a Catholic priest. I was walking with a young woman, a catechist, at about 8pm. Suddenly an old car came speeding down on us, and an old man jumped, ordered us to halt, and fired two shots from the gun he was holding. Another man assisted him, and we were both forced into the car. It looked a "straight" kidnapping but it was not-- we were instead taken directly to the local police station, where we were checked in.

The accusations were political, and I was immediately hooded and then beaten. I don't intend to go into the details of torture today, but it is

important to realize that torture is an important ingredient in the practiced of forced, involuntary disappearances.

After the beating, the most important violation took place. Both of us disappeared from the police station. ~~We were~~ transported in the trunk of a car to an unknow location. There, a place one could call a concentration camp or torture centre, we were both brutally tortured. There were a number of prisoners there who were undergoing the same treatment.

Some three days later, a person who said he was an officer with the Argentine army interviewed me, and said I had been officially detained only eight hours earlier. Shortly afterwards, we were transported in the same function, in a car trunk, to the central office of the Federal Police where I was interviewed some days later by my ambassador, who had taked an interest in my case. However, it took two years for the Argentine government to respond to an inquiry on my behalf by the OAS (Organization of American States). They responded by saying they didn't have my records, and that they were in fact searching for me. This in spite of the fact that it is very easy to provide documentary evidence that prove both the fact of my arrest and of my supposed disappearance.

My own experience, and the general experience in Argentina and other Latin American countries follows the some pattern. The word disappeared or missing is not sufficient to describe the situation--people don't just disappear, they are first arrested, illegally if you wish, but arrested just the same by agents of the security forces. Then they disappear. That is why it has now become general practice to use the word detenidos desaparecidos, or missing prisoners, to describe the practice. The United Nations, in its historic 1978 General Assembly resolution uses the language of "forced and involuntary disappearances, " to describe both missing prisoners and people who have disappeared because of general violence. The question of how best to define the phenomonan is important, especially in Latin America, where the violation we are dealing with is becoming more clearly defined every day. I have heard many accounts of experiences in other countries that are remarkably similar to my own and some, particularly involving Central America, have featured an almost unimaginable brutality. In these countries, the loved ones of the disappeared are often tortured and assassinated before their very eyes.

It is easy to include from these accounts that the phenomenon is part of an official, premediated policy that has tragically come to proliferate on the Latin American continent, where up to 90 thousand people have disappeared in Argentina alone, between 20 and 30 thousand people have disappeared. In Guatemala, that laboratory for repression, between thirty and fifty thousand have disappeared. In both Brazil and Bolivia, some 500 to 1,000 victims are known to have disappeared, while up to 7,000 people may have disappeared in El Salvador last year. Haiti, Paraguay and Uruguay each have several hundred disappeared. Mexico has over 500 cases, and even Venezuela is no stranger to the phenomenon. But perhaps the worst country in this respect right now is Honduras, where people of all Central American nationalities are being abducted daily.

I would like to speak about the mechanisms or strategies which exist or which should exist in order to effectively combat this violation of violations, forced or involuntary disappearances.

The emergence of the relatives of the disappeared on the human rights scene in Latin America was certainly not expected by the military, counter-insurgency strategists. Its growth has been a welcome surprise for many human rights activists and organisations (one of the most precious riches in Latin America is the importance given to family ties and above all the mother-child relation). Mothers, fathers, sons and daughters, brothers and sisters have taken up the search for their missing loved ones, beginning a heroic struggle which is still very much in its early development stages, particularly on the organizational level. There were some relatives' committees in Guatemala during the sixties, as well as the Committee in Brazil, which sparked off that country's movement in the early seventies. Other groups include the chained mothers in Chile from 1975, the Salvadorean mothers 1976, the mothers of Plaza de Mayo Argentina, about the same time along with the relatives movement in Argentina, the Uruguayan relatives and mothers later on, and there are committees and groups being developed every day. Only last week I participated in the formation of a Relatives' Association for Missing of Central America.

The meeting of the OAS in Bolivia in October 1979, was one of the first informal exchange among relatives from different countries. A regional meeting was planned but didn't occur until January 1981, when the First Latin American Congress of Relatives of the disappeared took place in San Jose, Costa Rica. Some 80 representatives of relatives associations of NSOs took part and decided to set up a permanent coordinating organization - the Latin American Federation of Associations for Relatives of Missing prisoners - or FEDEFAM as it was officially named at the second congress. One of the principal decisions of the first congress was to work towards the elaboration and ratification of an international instrument such as an international convention in order to effectively combat and remedy the problem of the disappearances.

FEDEFAM was formally constituted during the second congress of Relatives of Disappeared in Caracas last November and some two months ago we also celebrated the first meeting of our executive committee, which is integrated by 12 persons representating relative associations in the Southern Cone countries, Central American and Mexico. I am presently working as executive secretary of FEDEFAM and I wish to thank the Fédération Internationale des Droits de l'Homme for inviting us to participate in your assembly as an NGO. It is one of the first events we have participated in, and your kind invitation has meant a lot for the Latin American Relatives.

Our activities cover many aspects of the problem, the question of bettering communication, organizing urgent action in campaigns, reinforcing and organizing relative groups in countries which they are still very weak and working with the churches. Very recently, we petitioned the Eighth Assembly of Latin American Religious Confederation in Paraguay to set up a special department to handle religious persecution on the Continent. We have recently submitted our opinion to the Working Group in the UN for its sessions next week in Geneva on this problem, and intend to organize a world week for the Disappeared. However at the core of our concerns is the work towards an international convention, a matter which also be of central concern of this workshop.

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Because of its importance I will briefly try to articulate the search that we in FEDEFAM have been making in that direction, where we are, and how we plan to move ahead.

At the San Jose Congress, we studied one project proposal, that of Dr. Hector Faundez Ledesma. His project underlined the importance of sanctions and criminal judicial proceedings in order both to restore justice and remedy the situation. We resolved that the crime of forced disappearances is a crime of against humanity with all that that means in terms of international law. We had the opportunity to study the results of the Colloquium of Paris in 1981 just after the San Jose Congress where a double conclusion was reached: re-enforce existing mechanisms and search for a new procedure to deal with the question. Last May, during the Week of the Disappeared, the National Congress in Venezuela took a historic decision when it labeled forced and involuntary disappearances as a crime against humanity and urged the Venezuelan government to work towards an international Convention.

By the time of the second Congress, there were many encouraging signs of a definite move in public international public opinion towards the need for a Convention. A good deal of the work in the workshop on the question during that Congress was devoted to studying the projects we had on hand, one from the Permanent Assembly in Argentina, another by Dr. Roberto Bergalli of Barcelona, and by Dr. Victoria Aleman, also of Barcelona.

These projects, particularly the last two, had a much closer definition of the crime we were dealing with. They are projects which tend to follow the lines of the Convention against Genocide.

However there was an intense debate about an aspect of the Convention which was controversial. Some jurists argued that as is normal in international law, such a convention could not be retroactive in penal law. It would essentially be a preventive convention for the future. The position of the relatives is unanimous - in no way can we support a Convention which is not able to judge crimes of the past both because it is a crime against humanity we are dealing with and while no information is submitted by the authorities the crime continues.

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As you can imagine this debate is very new to us and it has not been very easy. So, in our executive meeting we decided to develop a more clearly defined strategy towards the Convention. We decided to host a meeting of jurists to draft the project of Convention for FEDEFAM which will then be submitted to discussion by the relatives and then approved at the III Congress so as to begin work with the different governments. It is one of the central projects of the Federation this year.

As a result of the debates and discussions to date the executive committee elaborated some principles which we hope to underline in the project. Briefly they are:

1. We can define the phenomenon as existing in a case,
 - a) where people are illegally detained by the state apparatus;
 - b) where no information is given to relatives or lawyers who request it;
 - c) where no investigations are ever made;
 - d) where incarceration is for an indefinite period;
 - e) where the victims are considered by the regime to be political dissidents;
 - f) where such a case reflects systematic practice;
 - g) when in a regime of a national security type, all liberties have been curtailed.
2. This type of violation is a crime against humanity because of its severity and it should be considered as such.
3. The people who are legally punishable for carrying it out should not just be those with personal direct responsibility but also the rulers - those in charge in the respective governments.

Among the measures or procedures we underlined the fact that, by definition, a crime against humanity is essentially unpardonable, thereby ruling out the possibility of an amnesty for the perpetrators.

Other measures are also being considered, such as a committee to receive new cases and one to supervise the various aspects of the Convention.

We have also had some consideration of the Bureau of Paris' project and agree totally with their declaration of the need for a Convention and with some aspects of their project, such as its definition of forced disappearance as a crime against humanity. In general, however, it falls far short of our aspirations in the matter. As it presently stands, the Relatives

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of the Disappeared in Latin America certainly would not support it.

However, the creation of a Convention is simply one of the mechanisms, albeit a very important one. There are others which I could list:

- 1) The promotion and strengthening of Relatives' groups in affected countries.
- 2) The influencing of world opinion on the matter. Here, it is important to develop new networks of communication on the question if we wish to really speak out.
- 3) Continuing pressure on the U.N., so that there are further General Assembly Resolutions defining the U.N. response along lines we consider more effective.
- 4) Work with churches, political parties, trade unions, and similar groups to make them more aware of the problem.
- 5) Work with legislative assemblies so that Parliaments will take up clear positions.

Next week FEDEFAM will celebrate the Week of the Disappeared, where we will try to mobilize public support on the matter.

Finally, FEDEFAM is an eminently humanitarian organization. We are deeply concerned with every individual who has disappeared, and condemn any country where even one such event has occurred. Our hope is that this workshop will develop a plan that will permit everybody to participate in the decisive struggle to break the silence and eliminate this most cruel of all violations, not just from Latin America, but from the world itself.

I end with a quote from the Week's message. As relatives, we renew our decision not to rest along the road to finding our loved ones. We wish to share this commitment, not only during the week but every day of the year with all peoples and all men and women who value life and the dignity of our brothers and sisters. Our message is short, but it is one of hope.