

The creation  
of a “blood  
bank,” the  
investigation  
of several  
cases of  
disappeared  
persons, and  
academic  
activities.

# ARGENTINA



Mothers and grandmothers of the Plaza de Mayo standing outside the entrance to the Mechanical School of the Navy (ESMA) during a 1998 demonstration. ESMA functioned as one of the military's main detention and torture centers during the 1976-83 dictatorship.

## RECENT EVENTS: NEW TRIALS OF FORMER OFFICIALS

In 1998, ongoing judicial investigations into human rights violations committed during the former military dictatorship (1976-83) took a dramatic turn. In June, Federal judges carrying out the investigations began ordering the arrests of several former junta leaders and high-ranking military officers, including General Jorge Videla and Admiral Emilio Massera, who are now being tried. These officers had been convicted of human rights violations in the mid-1980s, but their sentences had been commuted by subsequent pardons and amnesty laws. The new charges against the officers, however, involved the abduction and illegal adoption of children – crimes not covered in the former amnesty laws.

## The detention of General Videla

On June 9, 1998, nine years after a presidential pardon from Carlos Menem released him from jail, former General Jorge Videla was arrested and detained in connection with the abduction and false adoption of children of disappeared persons. Videla was the president of the first of three military juntas that ruled Argentina between 1976 and 1983. In 1985 the Federal Court (*Cámara Federal*) of the Federal Capital had convicted Videla of illegitimate detentions, torture, and homicide, and sentenced him to life in prison. In 1990, however, Videla had been pardoned by President Menem.

During the period of the dictatorship, state security forces “disappeared” at least 10,000 persons. Among these disappeared persons were many children. Some children had been kidnapped together with their parents. Others were delivered in captivity in illegal detention centers – most notably the Navy School of Mechanics (*Escuela de Mecánica de la Armada*, or ESMA), one of the Navy’s main facilities, and the Campo de Mayo Hospital, one of the Army’s main headquarters – by women who were pregnant at the time they were disappeared.

In most cases, these children were given through false adoption procedures to the families of police or military officers who were unable to have children of their own. The Grandmothers of Plaza de Mayo, a human rights organization dedicated to finding these children, estimates that approximately 400, now teenagers or young adults, were “adopted” in this manner. The organization has been able to find and identify approximately 60 of those stolen children.

The person who ordered General Videla’s detention was Roberto Marquevich, federal judge for San Isidro. Marquevich charged Videla with the

*Federal*) determined that it did not have sufficient proof to consider allegations that the state had undertaken a systematic campaign to abduct minors. Since then many more cases have been investigated and much more evidence has been made available. In light of this information, Marquevich reconsidered the Court’s earlier decision, and decided that there was sufficient evidence to try former officials for carrying out a deliberate, state-sanctioned plan to abduct children and give them up for adoption.

Marquevich’s suit against Videla centered on four cases of false adoptions which fall under the jurisdiction of the San Isidro court. Much of the information was assembled by six members of the Grandmothers of Plaza de Mayo group who have been searching for their grandchildren. The cases involve five children who had been violently taken from their parents, given to officers of the military and state security forces, and falsely registered as the officers’ biological children. In each of these cases the persons who carried out the actions were tried and sentenced. Their testimonies, however, also provided evidence against the higher authorities who had given them orders.

The cases involved are the



Photo: Pablo Lasansky

*Junta leaders General Jorge Videla, Admiral Emilio Massera, and Air Force head Agosti in a public appearance during the 1976-83 dictatorship.*

crimes of stealing children, denial of their civil rights, and falsification of their identification papers, basing the suit on the legal doctrine of “mediated authorship” – the same doctrine that had been used in Videla’s prior 1985 conviction. Marquevich argued that the arrest could take place despite the amnesty laws passed by the democratically elected governments that followed the dictatorship – the “Law of Obedience” and the so-called “full stop” or “Final Point” law (*Punto Final*) passed under former President Alfonsín and the special presidential pardon granted by current President Menem – because these laws did not cover crimes against children.

The issue of kidnapping had been raised previously during the 1985 trial of the junta leaders. At that time, however, the Federal Court (*Camara*

following:

1) Mariana Zaffaroni Islas, a Uruguayan, is the daughter of Jorge Zaffaroni and María Islas Gatti, who were both taken to an illegal detention center that belonged to the Army Corps and subsequently disappeared. Mariana was “appropriated” by Miguel Angel Furci and Adriana María González. Furci was an agent of the Secretary of State Intelligence. He and his wife registered Mariana as their biological daughter. In 1994 Marquevich sentenced Furci and his wife to prison terms of five and three years, respectively.

2) Carlos Rodolfo D’Elía was registered as the son of former Navy intelligence officer Carlos Federico De Luccia and his wife Marta Elvira Leiro. Carlos is in

fact the son of Julio César D'Elia Pallares and Yolanda Iris Casco Ghelfi. Casco Ghelfi gave birth in an illegal detention centre that the Army had opened. De Luccia died before the case was over, but Marquovich sentenced his wife to three years in prison.

3) María Sol Teztlaff was adopted by former Army Lieutenant Colonel Hernán Teztlaff and his wife María del Carmen Eduartes. Genetic analyses reveal that she is not the biological daughter of the Teztlaffs. The investigators recognize that she is the daughter of disappeared persons, but at present the identities of her parents are not known. Teztlaff was chief of security of San Isidro while he worked for the Army's School of Communications, and for this reason the investigators hypothesize that María Sol was born in the Hospital de Campo de Mayo, located nearby.

4) Pablo and Carolina Bianco are in a situation similar to María Sol's. They were adopted by the head doctor at the army's Campo de Mayo hospital, Norberto Bianco, and his wife, Nilda Wherli. Bianco played a role in many of the disappearances that occurred in the Hospital de Campo de Mayo. Wanted by the law, Bianco and his family fled to Paraguay in 1986. Paraguay's Supreme Court agreed to extradite the Biancos ten years ago, but the order has been suspended ever since. The Biancos are currently under house arrest in Asunción del Paraguay.

The identities of the true parents of Pablo and Carolina are still unknown, though it is generally believed that they were disappeared persons. Both have decided not to take part in genetic tests that might help determine their real identities.

The judicial investigation accelerated during 1997 and 1998 as the authorities received new testimonies from patients and midwives who worked at the hospital in the army's Campo de Mayo garrison. These witnesses described to Judge Marquovich how the hospital's clandestine maternity ward functioned. Disappeared persons were taken from clandestine detention centers to give birth at this ward.

As of this writing Videla's trial is still underway. If convicted, he will face a prison term with a minimum of three and a maximum of 15 to 20 years.

This case may be incorporated into a larger one that involves the kidnapping of 230 other children during the dictatorship. This latter case is currently under investigation by another federal judge, Adolfo Bagnasco.

### The Detention of Admiral Massera

In the following months seven other high-ranking



Photo courtesy of Stephen Ferry

*Members of the group the Madres de la Plaza de Mayo contributed information that led to General Videla's arrest in 1998.*

military figures, including former Admiral Emilio Massera, were arrested on similar charges. Massera's arrest was ordered by federal judge María Romilda Servini de Cubría. Massera, formerly the head of the Navy, had been a member of the first of the three military juntas, which ruled Argentina at the peak of the repression. He was detained on November 25, 1998 and charged with the kidnapping of three children born in captivity. Like Videla, Massera is also charged with the "mediated authorship" of crimes including falsification of national identity documents and the denial of civil rights.

One of these children Massera is accused of stealing is the son of Cecilia Viñas and Hugo Reynaldo Penino, born at the ESMA in September 1977. Viñas and Penino were kidnapped together by security forces in mid-1977 in the city of Buenos Aires.

Viñas, who was seven months pregnant when she was kidnapped, was seen at the ESMA, where she gave birth to a baby boy. There is no information about where Penino was taken. Viñas and Penino remain disappeared.

Twenty two years later, Viñas and Penino's son, who was given the name of Javier Gonzalo Vildoza by the family who registered him as their own, initiated the legal investigation, because he suspected that he was the son of a disappeared person. DNA testing



*U.S. forensic expert Dr. Clyde Snow testifying before judges in 1985 during the trials of the military commanders*

confirmed that he was the son of Viñas and Penino, and the young man subsequently met his original grandmother.

The second case involves the son of Patricia Rosenblit and Jose Manuel Perez Rojo. Rosenblit and Perez Rojo were kidnapped by security forces on October 6th, 1978; one in the province of Buenos Aires and the other in the city of Buenos Aires. Rosenblit was pregnant at the time of her capture; she subsequently delivered a baby boy at the ESMA on November 15, 1978. The baby's whereabouts are unknown. Both Rosenblit and Perez Rojo remain disappeared.

Servini de Cubria is also investigating the location of a third child, the son of María Vásquez Ocampo y César Amadeo Lugones. Both Vásquez Ocampo and Amadeo Lugones were seen at the ESMA. Vásquez Ocampo was two months pregnant when she was kidnapped, and gave birth to a baby boy in December 1976, according to the testimony of former navy captain Alfredo Scilingo.

### Other trials

In addition, six other lower-ranked military personnel linked directly with these alleged crimes are also currently being held under house arrest. Former Army head Cristino Nicolaides is currently being tried by Judge Bagnasco for systematic abduction of minors during the dictatorship. Also on trial for similar acts are former Admiral Ruben Franco, Rear Admiral José Suppich, Vice-Admiral Antonio Vañek, Navy Prefect Héctor Febres, and Navy Captain Jorge 'Tigre' Acosta.

Trials are also occurring in other areas of Argentina. On Wednesday, the 10th of June 1998 five magistrates of the Federal Court of Appeals (*Camara Federal de Apelaciones*) of the city of Cordoba signed a resolution instructing federal Judge Cristina Garzon de Lascano to investigate the fates of disappeared persons and incidents involving the abduction and concealment of minors that occurred between 1976 and 1983 in an area under the jurisdiction of the Third Army Corps. This area includes ten provinces in the center of the country.

One of the cases taken up by Judge Garzon de Lascano involved crimes of "repression and subversion" allegedly committed by former General Luciano Benjamin Menendez. A similar suit had been brought against the general previously, but had been dropped in 1989 following the partial amnesties and presidential pardons. The case involved illegal acts of repression committed by the Third Army Corps, which had been under Benjamin Menendez's command. The crimes under investigation included the death in 1976 of the Catholic bishop of La Rioja, Monsignor Enrique Angelelli, which occurred in suspicious circumstances and was widely believed to have been an assassination.

During the same week, in the city of San Miguel de Tucuman, Federal Judge Ricardo Maturana sent to Judge Garzon de Lascano a case involving the presumed kidnapping of a young girl, Monica Silvia Alarcon. Judge Maturana had excused himself from the case on learning that the repressive operations undertaken in the province of Tucuman, where the

Photo: Daniel Muzio

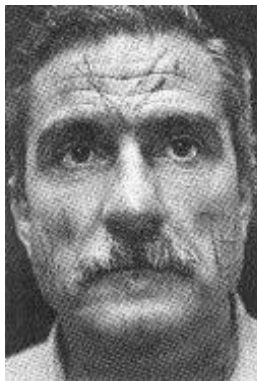
child disappeared, had been committed by the Third Army Corps.

This case, which was initiated in March 1998, involves the governor of Tucuman, retired general Antonio Domingo Bussi. Bussi is accused of "abducting, detaining, and concealing" Monica Silvia Alarcon. Alarcon was last seen on February 26th, 1977 with her parents, two grandparents, and three uncles, all of whom were disappeared. Bussi, who was elected governor in 1995 by the provincial Republican Force (*Fuerza Republicana*) party, was military commander in the province during 1976 and 1977.

So far, President Menem and General Balza, the chief of the Armed Forces, have stated that nothing should interfere with the due process of justice. However there seems to be an increase in discontent among members of the armed forces, who have expressed concerns – off the record – that active officers may be arrested.

#### The Scilingo revelations and the International Trials

The 1998 arrests are a particularly dramatic illustration of the way that public discussion of past human rights violations has intensified in Argentina during recent years. This discussion had subsided during the early 1990s, but was revived in March 1995



Former Navy captain, Adolfo Scilingo publicly admitted in 1995 to atrocities during the military Government was slashed in the face in 1997 by attackers who warned him to stop speaking to

by the public confessions of retired navy captain Alfredo Scilingo. In a series of interviews with journalist Horacio Verbitsky, Scilingo admitted to having thrown kidnapped people into the sea from government aircraft. Allegations of such crimes had been made previously, but this was the first time that a high-ranking officer had confessed to committing them. Scilingo's testimony thus had a dramatic impact on Argentine society, reviving public discussions of the fates of "the disappeared" and the role of the armed forces during the dictatorship.

In response to these events, almost every day the mass media have been giving substantial coverage and commentary about new investigations, thereby contributing to the renewal of a public debate over the recent past. The media attention resulted in new

revelations continued about the disappearances between 1976 and 1983.

The discussion about past human rights violations has also intensified as a response to international events. In September 1997, Judge Dr. Baltazar Garzon of the Spanish National Court began a criminal investigation into the kidnapping, torture, and murder of 266 Spanish citizens during the Argentine military regime. The magistrate accused 97 Argentine officials, both retired and active, and requested that the Argentine courts summon them for testimony. The Argentine government did not agree to extradition on the grounds that Argentine tribunals had already judged the crimes. During 1998 Judge Baltazar issued a dozen other international arrest warrants.

One of the cases Garzon initiated involves the recently reinstated governor of Tucuman, former general Antonio Domingo Bussi, who is accused of ideological persecution, kidnapping, torture and homicide. General Bussi was in charge of a counterinsurgency campaign during the year before the military coup, and was subsequently military commander of Tucuman. In this case "there is more than sufficient proof to request a trial of Bussi, and to issue a search and capture order," stated Enrique Santiago, a lawyer for the public prosecutor. It is thought that in the near future Judge Garzon will issue international orders for the seizure of 60 officials who worked at the clandestine detention center at the Navy's Mechanical School (ESMA).

In November 1998 Judge Garzon gained international notoriety by requesting extradition of former Chilean dictator General Augusto Pinochet from England.

Similar trials are taking place in a number of other countries. In France, former captain Alfredo Astiz was sentenced in absentia to a life sentence for the murder of two nuns, Alice Domon and Leonie Duquet, who



Spanish Federal Judge Dr. Baltazar Garzon, which as issued arrests for many high-ranking leaders of the former Argentine dictatorship

were kidnapped in December 1977 by a Navy “task force.” As a result Astiz can no longer travel abroad without risking detention.

In Italy several Argentine military officers – including former generals Videla, Guillermo Suarez Mason, Albano Harguindeguy, Antonio Bussi, Leopoldo Galtieri, Luciano Benjamin Menendez, Santiago Riveros, and Admiral Armando Lambruschini – are being tried in absentia for the disappearance of 600 Italian citizens.

In Germany the Prosecutor’s Office in Bonn initiated a case against Argentine military officers involving the disappearance of 75 German citizens.

In the United States it has become clear that cases involving the disappearance of three U.S. citizens – Billy Lee Hunt and Jon Pirmin Arozena, kidnapped in 1977, and Toni Agatina Motta, who disappeared in 1980 – could result in similar trials.

#### EAAF’S WORK: 1996 AND 1997

This new situation has had important repercussions on EAAF’s work. Three changes have been particularly significant: 1) a larger number of victim’s families have come to our offices in search of information about their loved ones; 2) we have gained better access to sources of information that until now have not been systematically explored; and 3) the number and scope of our activities in Argentina have increased.

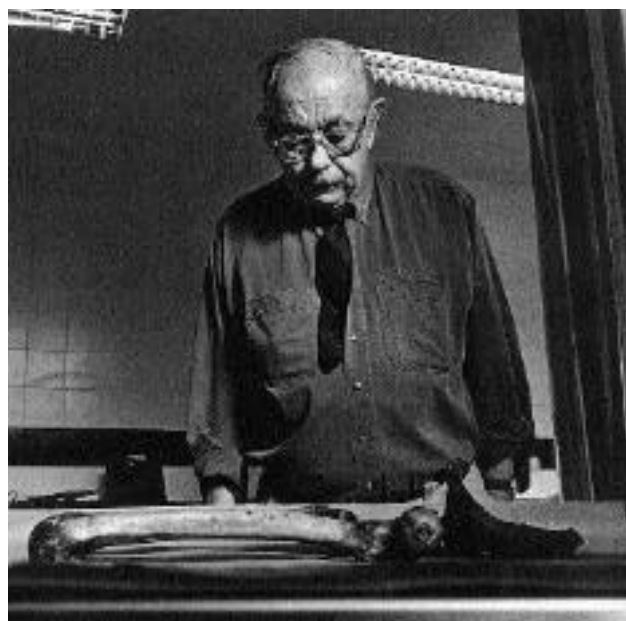
EAAF has also changed its investigative strategy in Argentina. Since the end of 1996, EAAF has put more emphasis on working with sources of information that have not been studied systematically until now. This investigative strategy, described in more detail below, has given us a much clearer and more precise understanding of how repression was carried out in Argentina between 1976 and 1983, and has created new opportunities for us to identify disappeared persons.

#### ACCESS TO NEW GOVERNMENT SOURCES

EAAF has been investigating the phenomenon of disappearance in Argentina since 1984. Only in the last few years has it been possible to learn more about the repressive process involving not only the security forces, but also other parts of the state apparatus, sometimes in immediate ways, but in other cases in a routine and bureaucratic fashion.

During the last military government, the bodies of disappeared persons were taken to one of three destinations: they were thrown from military aircraft into rivers, lakes, and the Argentine Sea; they were cremated; or they were buried as “NN” (no name, or John Doe) in public cemeteries across the country. With respect to the bodies that met the latter fate, we comment below on the procedures that resulted in the appearance of bodies in the streets, which was the way that bodies destined to be buried in cemeteries “re-appeared.”

Contrary to what was long believed, some of the state officials’ actions that have been most important in enabling investigators to find the remains of the “disappeared” persons were undertaken after a person was kidnapped, taken to a clandestine detention center, tortured, and in most cases, killed.



U.S. forensic expert Dr. Clyde Snow, one of the first to use government records in investigations of disappearances in Argentina

Shortly after these killings, some bodies were deposited in public spaces. At this point a series of bureaucratic-administrative procedures were usually taken and a written account of certain of these steps was made in official records. These documents are now enabling us to locate the remains of disappeared persons.

Such indirect sources of information were first

<sup>1</sup> C.C. Snow and M.J. Bihurriet, 1992. “An Epidemiography of Homicide: *Ningun Nombre* Burials in the Province of Buenos Aires from 1970 to 1984,” in *Human Rights and Statistics: Getting the Record Straight*, eds. T.B. Jabine and R.P. Claude, Philadelphia, PA: University of Philadelphia.

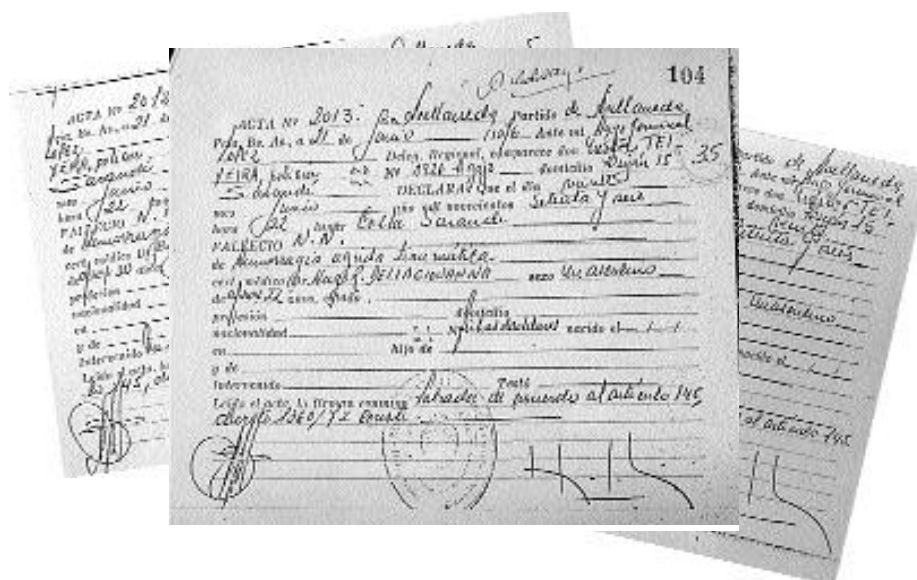
studied by Dr. Clyde Snow, who subsequently wrote an article on the investigation of cemetery records in the province of Buenos Aires.<sup>1</sup> In the past EAAF has collected death certificates and cemetery records of specific locations during investigations of specific cases, but thus is the first time it has conducted a systematic regional survey.

During the dictatorship, when a cadaver or group of cadavers was discovered, the police carried out

### The Provincial Register of Persons

In 1997, with the object of gaining access to the aforementioned data, EAAF negotiated permission to enter the Provincial Register of Persons, located in the city of La Plata, where death certificates for those who died in Buenos Aires Province are concentrated.<sup>3</sup>

The choice of this registry was not random. Buenos Aires was one of the provinces most affected



Death certificates taken from the archives from the Register of Persons from the Province of Buenos Aires. Working with such records, EAAF succeeded in identifying 15 additional disappeared persons during 1997.

almost all the routine procedures, as established by legal protocols. These procedures include writing a description of the find, taking photographs, fingerprinting the corpse, conducting an autopsy or external examination of the body, writing death certificate, making an entry in the local civil register, and issuing a certificate of burial, among other procedures.

The fact that these procedures had been followed suggested a strategy for approaching offices under the jurisdiction of the Judicial Power and of the Ministry of the Interior about information concerning the discovery of cadavers in public places between 1976 and 1980.<sup>2</sup>

by the repression, particularly between 1976 and 1978.

Two EAAF members began work there in April 1997, using a portable computer to enter the data from death certificates referring to the discovery of bodies in the 38 jurisdictions comprising "Greater Buenos Aires," where there was a high rate of kidnappings. The investigators prioritized as "highly probably corresponding to 'disappeared' persons" those certificates marked "NN" and which indicated violent or suspicious cause of death and/or death at a young age. The recovered data was incorporated into the EAAF database to further the project of matching disappearances with discoveries of bodies.

The following table provides the main results for

<sup>2</sup> Although the military government ruled until 1983, the period between 1976 and 1980 is considered to be when the highest number of disappearances occurred.

<sup>3</sup> The capital of Buenos Aires Province, La Plata is situated about 60 km south of the city of Buenos Aires.

## 1996-97 BIENNIAL REPORT

the 24 jurisdictions surveyed in 1997.

Jurisdiction	No. of N.N. Death Certificates Analyzed	No. of Suspected "Disappeared"
Avellaneda	307	186
Lanus	242	108
Quilmes	207	55
L. de Zamora	378	173
A. Brown	162	131
F. Varela	78	26
Berazategui	81	52
La Plata	665	322
Ensenada	48	19
Berisso	42	24
Merlo	143	121
Morano	92	60
Morón	201	123
Mar del Plata	19	16
La Matanza	247	134 *
Campese	24	22
Eschwer	29	24
Pilar	17	12
Zarate	5	5
San Isidro	178	96
S. Fernando	91	60
Ilge	170	77
V. Lopez	117	68
Totals	3,623	1,869

\* Not completed during 1997

**Table I: N.N. Death certificates**

There is an important possibility that a large proportion of these 1,869 individuals – who died in violent or suspicious ways at the peak of the repression between 1976 and 1978, and were buried as John Does – correspond to ‘disappeared’ people.

This project continued during 1998.

### BUENOS AIRES PROVINCIAL POLICE

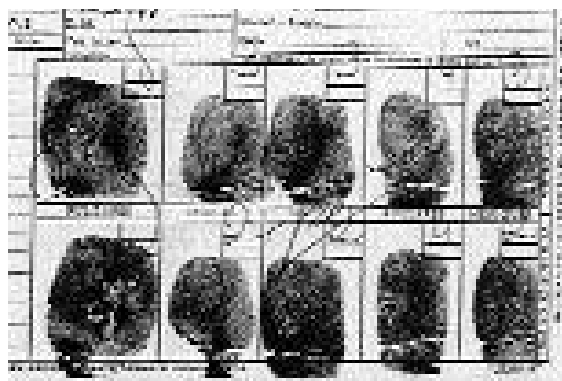
At the same time, a similar task was undertaken with the Buenos Aires Provincial Police, now call the Provincial Ministry of Security and Justice. This usually hermetic office was approached in two ways: a) judicially, and b) institutionally, through an accord

with the “Intervention” in the Buenos Aires Provincial Police.<sup>4</sup>

The EAAF also established protocols of cooperation with the Ministry of Security and Justice of the province of Buenos Aires, under the charge of Dr. Leon Arslanian, one of the Federal Chamber judges who sentenced ex-commanders of the last military government in 1985.

### Judicial Action.

With the assistance of a penal and correctional judge from La Plata, a penal action was initiated with the goal of establishing the fate of Pablo Hipólito Schmucler, who disappeared in that city on January 29, 1977. Measures solicited before the judge, and the evaluation of the responses helped us infer which sites within the Provincial Police Headquarters might possess information. In June 1997, the judge threw open the microfilm section of the computer division and revealed rolls of microfilm entitled “notebooks on cadavers.” These microfilms contained information supplied by the Division of Personal and Penal Backgrounds (*División de Antecedentes Personales*



Fingerprints of disappeared persons collected by state bureaucrats following “regular” procedures and deposited in the Provincial Register of persons of Buenos Aires Province.

y Penales) of this police force. The originals had been destroyed, but the photograms recovered had fingerprints and information about non-identified cadavers found in the street during the dictatorship. The judge designated EAAF members as experts on the topic, and released 22,400 photograms for duplication that might later pertain to cases of disappearance.

<sup>4</sup> During an investigation of two violent events in which the Buenos Aires provincial police appeared to be involved - the death of photographer Jose Luis Cabezas in January 1997, and the attack on the headquarters of the Jewish organization AMIA in July 1994 - Governor Eduardo Duhalde intervened in the force’s affairs for a period of four months. This intervention resulted in a departmental restructuring, as well as the retirement of hundreds of police officers suspected of corruption and human rights violations.



### Fifteen New Identifications

Toward the end of 1997, it was possible to confirm that some 15 "disappeared" persons had been registered as "deceased" by the Personal Antecedents



*Protest against police brutality in Buenos Aires.*

Division. In these cases, the EAAF informed not only the judge, but also the families of the deceased, who in turn initiated suits to learn the fate of the remains. In 1998, we attempted to locate the bodies of these 15 people, exhume them and return them to their families. For various reasons, several of the families do not want the findings to be published at this time. When the investigation is finished, complete information will be made public. (For more details, see EAAF's 1998 *Annual Report*.)

The fingerprints recovered from the microfilms were not of sufficient quality for the dactyloscopy expert witness to establish identifying correlations. At the present EAAF is attempting to improve these images. New identifications are anticipated as the analysis of the photograms continues.

### Institutional Action

In December 1997, the government of Buenos Aires Province intervened in the functioning of the Provincial Police department and put a civilian in charge of the force. The intervention, a temporary measure to permit restructuring, was taken in response to multiple accusations of corruption and involvement of personnel in recent crimes. Earlier, a Law of Prescindibility was passed, which allowed the provincial government to quickly dismiss hundreds of officers suspected of corruption.

In the context, EAAF signed an agreement of

mutual cooperation with the Intervention, which allowed the team to seek information in certain sections of the Police Headquarters. The team reviewed the documents at the Division of Judicial and Penal Precedents, which coincidentally has a Dactyloscopy unit, which is essential to our work. EAAF then searched the Legal Medicine Division with the objective of finding information on the four police morgues that functioned in the province between 1976 and 1983. A large part of both the morgue records as well as the fingerprints from the dactyloscopy unit had been destroyed, apparently mostly for administrative reasons. The investigation is continuing.

### SERVICES TO RELATIVES OF THE DISAPPEARED

The increase in the flow of relatives of disappeared persons to our offices, noted in 1996, continued in 1997. In particular, there was a marked increase of the children of the disappeared, some of whom have formed an association (HIJOS, an acronym standing for 'Sons and Daughters of "Disappeared" Persons') and engage in various activities to learn of the fates of their parents. Working with these relatives consumes an important amount of EAAF's time, since an EAAF member typically spends no less than two hours with each visitor, not including repeat visits. At the same time, the quantity and quality of working information in EAAF's database often allows us to give some information to relatives who for twenty years have not heard anything of their loved ones.

### THE BLOOD BANK

Another project begun at the end of 1997 was the establishment of a "blood bank," or bank of genetic data for relatives of disappeared persons. To create the bank, EAAF members take three



*EAAF member taking samples for its blood bank.*

samples from each relative who visits our offices. The relatives fill out a form authorizing EAAF to use the blood sample for the exclusive end of identifying the

disappeared relative.

The genetic information obtained from these samples will eventually be compared with DNA from the skeletal remains of disappeared persons. EAAF has in its laboratory approximately 300 unidentified skeletons from different cemeteries across the country, the majority of which probably belong to disappeared persons.

This pioneering project still lacks financial support, but the EAAF began it because we consider it to be of the highest importance. Recent advances in genetics are an increasingly fundamental part of forensic work in human rights, as they allow more rapid sequencing of cases involving large numbers of samples. The blood bank will create a permanent source of information and expand the possibilities for identifying skeletal remains which are yet to be found.

The financing of this project would permit two team members to attend to it part time, accelerating the collection of blood samples.

Thank to the help volunteered by genetic laboratories in the USA, UK, and Argentina, EAAF has already made identifications using DNA samples in individual cases of disappearance in Argentina, Haiti, and Ethiopia. The same laboratories will process the samples for the new blood bank.

In relation to this project, in March 1997, Argentine biologist Ana Topf, began a fellowship in Genetics at the University of Durham, UK. As part of her work, she began processing skeletal DNA samples for cases under investigation by the EAAF, both to recover genetic material and to perfect her technique.

#### **FORENSIC INVESTIGATION: THE LA TABLADA CASE**

On December 15 and 16, 1997, at the request of Dr. Norberto Oyarbide, head of the 5th Federal Court in the National Capital, EAAF exhumed five bodies buried as "NN" (no names) in the Chacarita cemetery, Buenos Aires. These bodies belonged to unidentified persons killed during a battle between an armed group and the 3rd Regiment of La Tablada on January 23, 1989.

#### **Background**

On January 23, 1989, under the democratic government of Dr. Alfonsín, 42 armed persons initiated an attack on the barracks of Mechanized Infantry Regiment #3, "General Belgrano" (RIM3), located in La Tablada, Buenos Aires Province. A 30-

odd hour battle ensued between the attackers and the Argentine security forces. The RIM3 barracks had an arsenal from which the attackers took various weapons to defend their positions after having entered.

Thirty one of the attackers and several government agents died. The bodies of the latter were returned to their families, but of the attackers' bodies, only 23 were returned. According to the testimony of several witnesses, after the battle at the barracks, government agents tortured all of the surviving assailants, carried out summary executions of 4 to 9 of them, of which five were inhumed in unidentified graves, and 4 were "disappeared". These alleged abuses took place both within the barracks and at police stations.

Many of the attackers belonged to a legal, unarmed organization called "Movimiento Todos por



*A tank in action during the battle at La Tablada, 1989*

la Patria" (MTP).

The MTP has operated legally in Argentina since May 1986, including participation in election for national and provincial authorities. Its activities were not prohibited before or after January 1989, when the attack took place.

After the combat, five members were captured on the premises of the barracks, and two more surrendered to the authorities and were placed under arrest.

The detained persons were tried and sentenced under law #23.077, entitled "Defense of Democracy" in case #231/89, "Abella, Juan Carlos et al s/rebellion," (referred to from here on "the Abella case). They received prison sentences varying from 10 years to life. In accordance with the provision of the law, the judgment took place before a tribunal of the second instance in the Federal Court of San Martín. The tribunal's condemnatory sentence of October 5th, 1989, was subject to an extraordinary appeal presented by the defense lawyers and rejected by the court. The defense then appealed before the Supreme Court of Justice, which rejected the appeal on March 17, 1992.

On September 14, 1992, Martha Francisca Fernandez de Burgos and Eduardo Salerno presented a petition to the Interamerican Commission on Human Rights against the Argentine Republic, denouncing the alleged crimes described above and others allegedly committed by Government Agents in connection with the events at La Tablada. After considering the case, in December 1997 the Commission made its report public. The final paragraph includes the following:

The Interamerican Commission on Human Rights recommends to the Argentine State:

I. That it provide the means and guarantees necessary for an independent, complete, and



*The army recapturing La Tablada and body lying on the ground*

impartial investigation of events that took place on January 23, 1989 as outlined in this report, with the end of identifying and sanctioning all persons

described as responsible for the human rights violations mentioned in the conclusions.

II. That, in fulfillment of the obligations stipulated in articles 2 and 8.2h of the American Convention, it adopt the necessary measures, with reference to constitutional procedures, to the end of making plainly effective, from now on, the judicial guarantee of the right of appeal to persons processed under Law 23.077.

III. That, in virtue of the violations of the American Convention outlined above, it adopt the most appropriate measures for making reparations to the victims or their families for the damages suffered by the persons indicated in paragraph 436(A) and 436(B).<sup>5</sup>



*After the battle: a body and the remains of a buildings in the La Tablada barracks.*

Finally, in December 1997 Dr. Douglas, the Federal Judge of Morón, authorized the exhumation of five bodies that were buried without identification in the cemetery of La Chacarita. EAAF conducted the exhumations on December 15 and 16, 1997. The laboratory analysis was done during 1998. (For further information see report on current and future activities 1998-1999.)

#### FORENSIC INVESTIGATION: IDENTIFICATION OF GASTON ROBERTO JOSE GONCALVEZ

Gaston Roberto José Goncalvez was kidnapped by Argentine security forces on March 24th, 1976, the day of the military coup, in the neighborhood of Zarate, in the Province of Buenos Aires. Gaston was a

5. Report of the Interamerican Commission on Human Rights, OAS.

neighborhood activist with the Peronist Youth. He and his companion, Ana María del Carmen Granada, worked for the National Department of Adult Education. Gaston was last seen by other prisoners at the end of March 1976, in a police vehicle parked at the Escobar police precinct, on the outskirts of the city of Buenos Aires. He had been tortured and interrogated about his activities within the Peronist Youth.

On March 29th, Gaston's mother, Matilde Perez de Goncalvez, was kidnapped. She was tortured for information about her daughter-in-law Ana María del Carmen, and subsequently released.

Ana María was six months pregnant at the time of the coup, and she gave birth to a son in June 1976. On November 19th of that year Ana María died during a shootout with the police at the house where she was staying. (EAAF worked on the case involving Ana María and her son in 1995. For further information, see EAAF's 1994-1995 Biannual Report.)

In 1991, Gaston's mother visited EAAF's office in Buenos Aires in an attempt to find more information about her son. She brought with her pre-mortem physical information about Gaston. At the time, EAAF did not have information about this case but, as always, team members incorporated the information into our pre-mortem data base so that in the future it could be compared with non-identified remains that might belong to disappeared persons. One of Gaston's most noticeable physical features resulted from a car crash he was in during 1974-75. The accident fractured one of his femurs, and a steel pin was surgically inserted into the bone.

During June 1996, a municipal employee revealed that "irregular" inhumations of unidentified persons (known as N.N.s) had occurred in the Escobar cemetery, in Buenos Aires province, during the dictatorship. Dr. Osvaldo Lorenzo, a Federal judge from the nearby Campana district of the province of Buenos Aires, began an investigation. He requested that EAAF members participate in the case as expert

witnesses.

During the investigations, Oscar Antonio Tomanelli testified before Judge Lorenzo that his disappeared brother, José Enrique Tomanelli, might be buried in one of these "irregular" graves. José Enrique had been kidnapped by state security forces on March 26, 1976.

At dawn on April 2nd, 1976, four burned bodies had been found beside a road bordering the Lujan River. All were buried as unidentified persons in the nearby Escobar cemetery. As was typical in those years, no investigation was conducted. However, the bureaucratic papers concerning the disposal of the bodies were filled out. Death certificates were issued for the four corpses and recorded in the 1976 book at the Escobar branch of the Registration Office of Buenos Aires Province. The certificates identified the cause of death as: "Destruction of skull due to fire arms. Carbonization." They were signed by doctor Carlos Antonio Quetglas.

Oscar Tomanellis declared that a fireman who had helped to gather the bodies told him that one of the dead was his brother, and another was Gaston Goncalves.

Maria Julia Bihurriet of the Interior Ministry's Subsecretariat for Human and Social Rights had investigated the Escobar cemetery records, and her research proved helpful in determining the possible locations of the graves where the bodies had been buried. On the basis of

her research, Judge Lorenzo ordered EAAF to exhume four sepultures, numbered 4189, 4190, 4191 and 4192, from the Escobar cemetery. The exhumations were carried out on June 20th and 21st, 1996.

Human remains, bullets, and personal belongings such as a keyholder and shoes were exhumed from the graves.

#### **The Identification of Gaston Roberto Jose Goncalves:**



*Maria Mercedes Faggioneto, Gaston's mother, with Gaston and Claudio Goncalves*

At the laboratory, EAAF observed that the remains of all four individuals had been burnt, which complicated and limited the possibilities for analysis.

Sepulture number 4191, however, contained a human remains including a femur with a pre-mortem fracture and a surgical steel pin embedded in it. The words "Kunstcher," "Germany," and "IOA" were engraved on the nail.

The relative of the Goncalves family who purchased the steel pin for Gaston confirmed that he bought it at the Argentine orthopedic store "IOA." The nail was dated 1974-1975, which correspond to the date of Gaston's accident.

The general features of the remains, including ancestry, sex, stature, age at the time of death, and laterality were consistent with Gaston's pre-mortem information.

A data base search was conducted for any other disappeared person with similar general physical features who had suffered a similar type of fracture and had it repaired with a steel pin. No such cases were found which matched the appropriate dates. EAAF's data base does not contain pre-mortem information about all the people who disappeared, but it is the most complete one in existence.

Considering the testimonial, documentary and physical evidence, Judge Lorenzo confirmed the positive identification of Gaston Roberto José Goncalvez and ordered the restitution of the remains to his family.

On August 16, 1996, Gaston was reburied by his relatives at the cemetery of Flores, in Buenos Aires province. Approximately 1,000 people took part in the ceremony, which included a 10 block march to the cemetery organized by H.I.J.O.S., a local non-governmental organization that unites the sons and daughters of disappeared persons. The event was widely covered by the local press.

EAAF is continuing its investigation into the identity of the remaining three individuals whose remains were exhumed from the Escobar cemetery.

#### **FORENSIC INVESTIGATION: THE NOVILLO CORVALÁN CASE**

Rosa Eugenia Novillo Corvalán disappeared in October 1976. She was 26 years old and a militant of the armed organization Ejército Revolucionario del Pueblo (ERP). She was never heard from again. Her family made the denunciation before the CONADEP (National Commission of the Disappearance of Persons, a truth commission that was created in 1984 after the end of the dictatorship), and searched for her

without results.

#### **History of Events**

On December 6, 1976 in the locality of Punta Indio, Province of Buenos Aires, a body washed ashore, as happened periodically at that time. This body was that of a woman. The discovery was stalled bureaucratically, listed on paper as a homicide. A police physician performed the autopsy, describing the cause of death as three gunshot wounds, and then amputated the woman's hands, which were forwarded to the necropapilloscopy laboratory of the Buenos Aires Provincial Police for fingerprint analysis. The autopsy report adds that after the murder, the cadaver had been "thrown into the waters of the Rio Plata," where it remained for a period of 10 to 12 days, implying that the date of death was approximately November 25, 1976.

At that time, the public was unaware of the "vuelos" – military flights during which disappeared persons were thrown into the Argentine Sea – leaving several times a week from the "Campo de Mayo" military base.



*Rosa Eugenia Novillo Corvalán*

On December 12, 1976, the body was buried in the Magdalena cemetery (about 110 km from the capital) as an "NN" (no name), in Section G, block I, tomb #14.

According to the cemetery's records, a female cadaver had been buried in grave #14, with no mention of any subsequent transfer of the remains.<sup>6</sup>

Death certificate #39 in the Provincial Register, Regional Delegation of Veronica, which corresponded to this body, gave as cause of death "destruction of the cephalic mass and gunshot wounds."

### Prints, but no trail

Days after the body appeared in Punta Indio, the necropapilloscopy lab received the hands and went through its usual routine: it took the fingerprints, and sent images to different sites where they might be identified. On February 8, they received a positive response from the National Registry of Persons, which matched them to Rosa Eugenia Novillo Corvalán. This statement was sent to the police detachment along with the corresponding report and photographs. The text is unambiguous: "It has been scientifically demonstrated that the digital impressions submitted for study correspond to the Argentine citizen, class 1950, Rosa Eugenia Novillo Corvalán."

This document should have been incorporated in the indictment of the discovery of the cadaver, but never was. Likewise, death certificate #39 should have been updated to indicate identification had been made. Instead, the initial status was maintained: "NN-female." Nor did any judicial record exist for the subsequent proceedings. The federal judge did not appear to have been informed of any of the advances in the case. Thus the same judge was to complain, 21 years later, that standard procedures had not been followed consistently.

### EAAF's Role

In the final months of 1997, the Argentine Forensic Anthropology Team (EAAF) gained access to the

information held in the necropapilloscopy laboratory, located in the city of La Plata. File #93/76 was discovered among the many other files. Subsequently, antecedents were sought for the name that corresponded to the prints, and EAAF found that it figured in the CONADEP's list of disappeared persons.

Moreover, the EAAF discovered in the Magdalena cemetery records that at about the same time that the "NN-female" was buried, three more young individual were taken into the Magdalena cemetery as NN's. Internal Hemorrhage" was listed as cause of death. This profile, too, corresponds to that of a 'disappeared' person.



*Rosa Eugenia Novillo Corvalán  
and her husband, taken shortly  
before she was disappeared*

The next step was then to search the Provincial Registry of Persons for a group of four "NNs," including one female, from among the many young citizens killed violently near the end of 1976. The EAAF contacted the Novillo Corvalán family and obtained a hearing to solicit the exhumation and identification of the skeletal remains. The lawsuit, initiated by one of Novillo's brothers, was presented by Dr. Manuel Blanco at Court #1 of La Plata, ironically the same court that ought to have produced Rosa's documents earlier.

In December 1997, the Novillo's family requested EAAF's assistance in the tasks of exhuming and making an identification. The formal request, #95.814 entitled "NOVILLO CORVALAN, Rodolfo, solicits exhumation and identification", was drawn up by the acting judge, and scheduled to be completed by the end of December.

The work of exhumation began on Monday, December 26, but the bad weather caused delays. Finally, on January 13, 1998 the remains were retrieved. The bones were transferred to the Judicial Bureau Expert Witnesses (*Dirección de Asesorías Periciales del Poder Judicial de la provincia de Buenos Aires*) of Buenos Aires Province, where the laboratory analysis was conducted. There it was concluded that the remains were those of a caucasian individual, female, about 152.72 cm in stature, who at the time of

<sup>6</sup> In Argentina, according to municipal ordinance, the cadavers of unidentified or indigent persons may only remain in a tomb for five years. When this time has expired, if no one has paid for the tomb's maintenance, the remains are exhumed and deposited in the general ossuary. This is the case of the disappeared buried as "NN." In this case, the families did not know their whereabouts, and therefore could not prevent them being transferred to the ossuary. Fortunately, many cemeteries do not comply strictly with this ordinance; their actions depending largely upon availability of space in a given cemetery.

death was between 22 and 32 years of age, which was consistent with the general pre-mortem data for Rosa Norvillo Corvalán.

With respect to the cause of death, the person received at least one bullet wound to the skull, and possibly a second shot, based on the destruction of the facial mass. Also, a complete pre-mortem fracture was observed in the right tibia, consistent with the passage of a bullet. The left scapula was found to be broken into five fragments, probably due to a gunshot wound. It was not possible to prove that these latter fractures were gunshot lesions because most of the scapula consists of flat, thin bone. The usual signs left by of the passage of a bullet – defect and beveling – are often not clear enough to be conclusive.

With respect to the identification, the coincidence of the general traits (sex, age, stature, and laterality), and the strong comparison between the X-rays of the skull and premortem X-rays supplied by the Novillo Corvalán family, constitute a perfect match and a positive identification.

At the end of February 1998, the skeletal remains were transported by the family to Córdoba Province and reburied in the local cemetery.

#### ACADEMIC ACTIVITIES

Participation as presenters at the Fifth Argentine Social Anthropology Congress, which took place at La Plata National University.

Lecture at a postgraduate conference in for the Department of Legal Medicine and Thanatology, Buenos Aires University Medical School.

Lecture for an introductory course in Anthropology, Faculty of Natural Sciences, La Plata National University.

Lecture at the 3rd International Congress of “Youth and Identity” organized by the Grandmothers of the Plaza de Mayo, September 25-27 at the General San Martín Cultural Center in Buenos Aires. The team presented on the topic “Identity and Forensic Anthropology.”

Lecture in the 3rd National “Jornada” in Biological Anthropology organized by the Argentine Biological Anthropology Association, Rosario.

Lecture at a conference organized by Amnesty International “Guatemala: Human Rights and Impunity.” Buenos Aires.

Lecture at the Third Congress of the Latin American Federation of Students in Anthropology and Sociology. Buenos Aires.

Lecture at a conference on the discovery of the remains of Ernesto “Che” Guevara, for the “Che” Guevara chair at La Plata National University.





10-24-96 A3

THE NEW YORK TIMES INTERNATIONAL THURSDAY, OCTOBER

## Unforgiving Spain Pursues Argentine Killers

By MARILYN SIMONS

MADRID — Almost every day Esperanza Laborador needs to unlock her grief and take by crying a little. Even though her husband and two sons were murdered 20 years ago, it has been hard for her to accept that they are dead and their killers are free. Then there are the words that haunt her from the day the Argentine military handed over two of the three bodies. "This has been a regrettable mistake." The body of one son has never been found.

Today Mrs. Laborador, a fragile woman of 74, lives in her native Spain. But the devastation of her family took place in Rosario, Argentina, in 1976 when the Argentine military was waging war on leftist insurgents and in the process kidnapping and killing many innocent civilians.

After two decades of silence, she has at last been able to tell her story where she feels it belongs, before a judge in court. Many others like her have also been heard.

Last month, a federal judge in Spain opened a criminal investigation into the torture, disappearance and killing of 320 Spanish citizens in Argentina during the military rule between 1976 and 1983. He has charged 30 former and active military and police officers in the case and wants to interrogate them in Spain or in Argentina. Among them are the members of three successive military juntas, intelligence chiefs, commanders of clandestine jails, and even doctors who saw said to have attended torture sessions.

A possible investigation focuses on the obligation of the state to protect Spanish victims who remain in custody. Some babies born in prison reportedly were registered as children of military and police officers.

The Madrid judge, Baltasar Garçon, has invoked international law to argue that "crimes against humanity," like the ones he is pursuing in this case, can be tried anywhere and are not subject to any time limit.

Legal scholars describe the investigation as the largest case of peacetime human rights abuses in which a court in one nation has claimed jurisdiction over crimes committed abroad.

Experts at the United Nations tribunal on war crimes in The Hague said the legal arguments made by the judge would be widely seen as valid and have been applied in the pursuit of Nazi criminals.

But the politics involved pose different problems.

There is little chance of an immediate trial because Spanish law forbids trying a suspect in absentia, and Argentina is not likely to extradite any of its citizens. "We do not quite sure how this will evolve because it is a test case," said a spokesman at Spain's foreign ministry, which is responsible for passing the judge's summons to Argentina.

Judge Garçon said he does not expect any of the Argentine suspects that he has summoned to appear in Madrid, but in an interview he said he intends to proceed, using evidence from witnesses and documents.

"Like are still at the early stage," he said. "Where appropriate, we will issue arrest warrants, which will then become international arrest warrants." Under these warrants the accused would risk arrest if they traveled outside Argentina.

An Argentine Government spokesman said that no official notice in the case had yet been received from Spain. He said the question was "legally very complex" and had already been debated in the Argentine Cabinet. Several former military



Esperanza Laborador, left, and her daughter, Manuela, at their home in Madrid earlier this month. The photograph they are displaying are of family members who were killed in Argentina during the 1970s.

commanders have also sought legal advice on how this would affect their travel abroad.

But Alvin Durrin, Argentina's Under Secretary for Human Rights, has made it clear that his government will not cooperate because, she said, "a foreign court has no jurisdiction over events that took place on Argentine soil."

Between 9,000 and 30,000 people are believed to have been illegally imprisoned and secretly executed by the Argentine security forces during their campaign against the leftists. Because the military leaders of those times were tried in 1985 and 1986, imprisoned and then pardoned in 1990 by the current President, Carlos Menem, Argentina says the chapter is closed.

It is far from closed to people like Mrs. Laborador.

"The killers have destroyed our

### An Argentine amnesty for the military carries no weight in Spain.

lives," she said. "Like us, they must be obliged to live with the memory of the dead and the missing. We need at least a minimum of justice." Through her scars, Mrs. Laborador talked of the tragedy that befell her family, which left Salamanca and, like so many other Spaniards, emigrated to Argentina in the 1950's. They started off working odd jobs and saved until they could open a small shoe factory.

The sons, Miguel Angel, 26, and Palmiro, 28, worked with their father. Miguel Angel's son was in a slum, his mother said. He disappeared in September 1978.

Then, one night in November, more than 30 hooded men burst into the family home. "They were screaming, 'Everybody out the

door,'" she recalled. "They were kicking us. They made us sign checks. They yelled, 'We're killing Palmiro!' They not only killed Palmiro but also her husband, Victor, 35.

After receiving death threats, Mrs. Laborador and her daughter, Manuela, fled to Spain immediately. Since then she has traveled back and forth to Argentina hoping for news of her missing son, Miguel Angel. "You can bury the dead, but you can never let go of the missing," she said. "We need to know the truth."

The investigation by Judge Garçon, Spain's best-known magistrate, came in response to a complaint filed in March by several Spanish groups, among them a lawyers' association and an association of prosecutors, as well as the United Left political party.

Judge Garçon took more than five months to conclude that a Spanish court could have jurisdiction in the case. Since then, he has set up a 14-member police team to coordinate the search for information. He has also demanded access to the records of Spanish consulates in Argentina covering the years of military rule.

Judge Garçon said that several prominent Argentines have promised to cooperate, among them Adolfo Pérez Esquivel, winner of the Nobel Peace Prize in 1980, and Julio César Strogner, the principal prosecutor of the Argentine military commanders at the 1985 trials. Two former military officers have also said they will testify anonymously.

In recent days, envoys of the Madrid court have traveled to Switzerland to seek help in establishing whether the Argentine military holds secret-bank accounts there, or old in the west. "We have reason to believe that such accounts existed," Judge Garçon said. "Some may now be closed. But their trail will still be interesting."

One reason for that search is that a number of Spanish families have testified that the troops and police robbed them and demanded money, titles to property and other valuables in exchange for promises to free the missing people.

The main questions now are: To what extent can Spain proceed to

### After 20 years, a bereft mother tells a court her story.

sue the amnesty Argentina granted its military and police? And can Spain press its case to the point where the former Argentine commanders will risk arrest if they travel abroad?

Some other nations have already challenged the Argentine amnesty, though on a smaller scale. Uruguay has convicted Capt. Alfredo Astiz of the Argentine Navy and sentenced him to life in prison for killing two French nuns in 1977. An investigation by a court in Rome into the disappearance of 72 Italian living in Argentina was halted in 1984 when the Menem Government barred an Italian judge and a prosecutor from working in Argentina, but it has recently been reopened.

Judge Garçon said he was determined not to give up. One of his priorities is tracing the Spanish children abducted during Argentina's "dirty terrorism." He said, "According to the law, the law anywhere, these crimes must be investigated."

Carla Astiz, now 21 and living in Madrid, was one of the abducted babies. At the age of nine months she was taken home by an Argentine military intelligence officer. It took her Spanish grandmother, Matilde Artés, nine years to track the child down and recover her.

Matilde Artés never found the baby's mother, Graciela. A student leader, who was later given alive in a clandestine Buenos Aires jail. The two women want to know what happened to Graciela.

"We must know the truth," said Matilde Artés. "No one was ever held accountable for the disappearance of my daughter or many others," she said. "Argentina has to tell us what happened to our children."

The New York Times Magazine illuminates the news.

## Vicious Reminder of 70's Atrocities in Argentina

By CALVIN SIMS

BUENOS AIRES, Sept. 12 — A former Argentine Navy captain who broke a military code of silence two years ago when he admitted publicly to atrocities said today that four attackers slashed his face on Thursday night and warned him to stop speaking with journalists about crimes by the repressive military Government of the 1970's.

The former captain, Adolfo Scilingo, shocked Argentina with his grisly account of pushing political prisoners to their death from planes.

He said he was walking to a meeting on Thursday when four men with police identification forced him into a car. The men, he said, used a knife to carve into his face the initials of three prominent journalists who have interviewed him.

"They told me we had to lay off the subject of the disappeared," Mr. Scilingo told reporters, referring to the estimated 30,000 people who were killed or disappeared without a trace during the military's violent crackdown on leftists. "If we did not, they said they were going to rub out the four of us," he added.

Local newspapers published photographs today of Mr. Scilingo with the letter "M" slashed into his forehead and "G" and "V" cut into his cheeks. An Argentine press association called Periodistas, or Journalists, said the initials referred to the first name of Magdalena Ruiz Guiñazu and to Mariano Grondona and Horacio Verbitsky. There have been no arrests in the attack.

Free speech advocates here said the attack was the latest attempt to silence the press through threats and

assaults against journalists and people who speak out against the Government or who raise issues that the Government does not want discussed.

The Government's attempts to crack down on the press have been widely criticized in Argentina. The public has come to rely on the press as a counterbalance to President Carlos Saul Menem's Government, which exercises considerable control over Congress and the judiciary, which are dominated by members of Mr. Menem's Peronist Party and his close associates.

"The objective is to link the press with a controversial figure like Scilingo, to give the press a political role so as to lessen its impact and credibility on any kind of investigation of corruption or abuse," said Mr. Verbitsky, to whom Mr. Scilingo first admitted his military abuses.

In recent years a growing number

of reporters have been beaten in the streets of Buenos Aires, many of them after publishing articles linking Mr. Menem's party to extortion rackets and corruption.

Many other journalists in Argentina have received threats that they and their families will meet with harm if they continue to report on corruption.

"The press has indeed taken up the role of the opposition in Argentina, because Menem has weakened our institutions," said Jorge Balán, a sociologist with the Center for the Study of State and Society, an independent research institute.

"Through favors and appointments, Menem has seized control of the unions, the armed forces, the Congress, justice and his own Peronist party. So the only institution that is willing to question Mr. Menem is the press."

Some journalists described the attack on Mr. Scilingo as an attempt to divert public attention from the congressional elections next month, in which the Peronists have fallen behind the opposition in public opinion polls.

"This kind of episode is typical of pre-electoral times in Argentina, when things get very emotional and out of hand," Mr. Grondona said.

In a case that has generated widespread public outcry here, José Luis Cabezas, a news photographer who was investigating corruption in the police department of Buenos Aires Province, was found dead earlier this year in the exclusive resort town of Páramar.

Mr. Cabezas had been handcuffed, beaten and shot. His car was rolled into a pit, doused with fuel and burned with the body inside, a killing reminiscent of those carried out during military's "dirty war."

Tens of thousands of Argentines wearing black ribbons have held rallies across the country to keep the photographer's memory alive, while posters of Mr. Cabezas have been displayed everywhere from street corners to the offices of the Economy Ministry. They bear the slogan "Do Not Forget Cabezas."

"For a member of the press to be murdered so brutally, it's an attack

against society," said Suzanne DiIello, director of the Freedom Forum's Latin America office based in Buenos Aires. "That's why we are seeing such solidarity for Cabezas."

"I think the press is the most important force in the consolidation of democracy in Latin America, because it's harder for these governments to cover up corruption and abuses the way they once did, now that so much information is available."

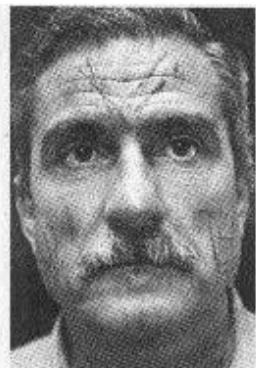
In the last year, more than 800 attacks were made against journalists in Argentina, the press association said. Since September 1993, the Justice Department has opened investigations into 90 attacks and threats against journalists, but few have been resolved.

While there is no evidence of Government involvement in the attack against Mr. Scilingo, President Menem has often expressed his disdain for journalists and a desire to regulate the press.

Asked for his reaction to the attack against Mr. Scilingo, Mr. Menem said in a televised interview on Thursday night, "I have no confidence in his type."

The Menem administration has tried unsuccessfully for several years to persuade Congress to pass laws that would increase the penalties for libel and slander, legislation that many newspaper publishers and broadcasters said was intended to intimidate the press and quash investigations into Government corruption.

"The media are indeed enjoying



Associated Press

Assailants slashed reporters' initials on Adolfo Scilingo's face.

prestige and respect as never before," said Pepe Eliascher, who has a radio and television news program. "But I sometimes question whether journalists here are being asked to take up roles that are not ours."

"I get calls from people complaining that their telephone is out of order or that electricity is cut, and I sometimes wonder why don't they call the telephone or electric company."

FROM THE NEW YORK TIMES, SEPTEMBER 1997

30 • POLÍTICA • CLARIN • Jueves 15 de agosto de 1996

EX DETENIDO-DESAPARECIDO

# Identifican restos de un NN

En el cementerio de Escobar • Allí se denunciaron entierros clandestinos durante la dictadura  
• Había sido secuestrado el 24 de marzo de 1976 • Era el padre del bajista de Los Pericos

Tras varias semanas de trabajo, la justicia confirmó ayer que uno de los cuerpos exhumados en el cementerio de Escobar pertenecía a Gastón Gonçalves, un detenido-desaparecido durante la última dictadura militar.

Las exhumaciones, ordenadas por el juez federal de Campana, Osvaldo Lorenzo, se iniciaron hace casi dos meses en cuatro tumbas identificadas como NN, después de que una empleada municipal de Escobar denunciara que en el cementerio de esa localidad se habían producido numerosos entierros clandestinos en los primeros años de la dictadura.

"Por los peritajes realizados ya tenemos la seguridad de que se trata de Gastón Gonçalves", dijo a Clarín el juez Lorenzo, quien le entregó ayer mismo a la madre, Matilde Pérez de Gonçalves (una integrante de Abuelas de Plaza de Mayo), la orden para poder retirar los restos de su hijo.

Gonçalves, que daba clases a jóvenes de extracción humilde, fue secuestrado en Escobar el mismo día del último golpe militar: el 24 de marzo de 1976. Días después fue detenida su madre (liberada horas más tarde) y secuestrada la que era por entonces su mujer, Ana Granada, que estaba embarazada. Un hijo de un anterior matrimonio de Gonçalves es el actual bajista del grupo rockero Los Pericos, Gastón.

Según el testimonio que varios sobrevivientes de la represión hicieron a la Comisión, los Gonçalves habían sido vistos

intendente del partido, el subcomandante retirado Luis Patti.

Los restos de Ana Granada fueron hallados años atrás, mientras que en los de Gonçalves se encontraron ahora varios orificios de bala, algunos de ellos en el cráneo, lo que lleva a suponer que fue directamente ejecutado.

Las personas enterradas en Escobar como NN fueron baleadas y quemadas con neumáticos, lo que dificultó el trabajo de identificación realizado por el Equipo Argentino de Antropología Forense, que se inició después de las exhumaciones el 20 de junio último.

En el caso de Gonçalves hubo un dato fundamental para corroborar su identidad:

tenía colocado un clavo de plomo en una pierna, producto de una operación.

## Hay otro caso identificado

La labor de los antropólogos forenses, por orden del juez Lorenzo y con la colaboración de la Subsecretaría de Derechos Humanos, incluyó cuatro exhumaciones en el cementerio de Escobar, con la presunción de que se trataban de restos de desaparecidos.

Ya identificados los restos de Gonçalves, Lorenzo dijo ayer que en los próximos días se intentará certificar que de los tres restantes uno pertenece a José Tomaneli, otro desaparecido.

"Hay indicios de que es Tomaneli, pe-

ro en unos días tendremos seguridad", dijo el magistrado. Los familiares de Tomaneli fueron los únicos que, junto a los Gonçalves, radicaron la denuncia en el Juzgado Federal de Campana para conocer el paradero de sus parientes.

Ante la ausencia de más denuncias, el juez Lorenzo desestimó ayer ante Clarín la posibilidad de realizar nuevas exhumaciones y de avanzar en la identificación de los otros dos restos desenterrados.

Al mismo tiempo, en un campo de golf frente al V Cuerpo del Ejército en Bahía Blanca, fueron encontrados ayer los restos de un hombre que habría muerto hace 20 años y se supone que podría pertenecer a otro desaparecido.

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## Algunos libros, pocas expectativas

El juez federal de Campana, Osvaldo Lorenzo, incursionó los libros de Inhumaciones de la década del '70 en el cementerio de Escobar durante un procedimiento que realizó ayer en el marco de la investigación sobre el presunto entierro en ese lugar de cadáveres NN durante la dictadura militar. Miembros del Equipo Argentino de Antropología Forense, que junto a la subsecretaría de Derechos Humanos, María Julia Biharríet, acompañaron a Lorenzo en la diligencia, reclamaron que "no se cree mucha expectativa en torno a esto, porque por ahora no hay nada firme".

Lorenzo abrió la investigación luego de que una ex empleada del cementerio, Patricia Achu, denunciara irregularidades en los registros de entierros.

El juez ordenó el lunes pasado un peritaje al cementerio y, durante el cual, se descubrió la existencia de un entierro clandestino, entre otras cosas el listado de las inhumaciones realizadas entre 1976 y 1984.

"Se visitó otra vez el cementerio para solicitar libros más antiguos, de la década del '70, que estaban archivados", explicaron ayer fuentes del juzgado federal de Campana. Además de disponer el nuevo procedimiento, Lorenzo volvió a solicitar de claración a un enserador que trabaja en el lugar desde hace 19 años, quien anteayer ya había dado testimonio al magistrado y aseguró que durante la dictadura se veía el ingreso de cadáveres, trasladados por personal militar y policial.

Los miembros del Equipo de Antropología que acompañaron a Lorenzo llegaron a Escobar con sus propios archivos sobre desaparecidos

durante la dictadura para chequear con los datos de los libros del cementerio. El juez y los expertos aprovecharon para revisar los tres sectores donde presumiblemente estarían enterrados los NN. "Vamos al terreno donde están las tumbas, es pasto, cuando es un parque, donde un hoy cuando ni siquiera se ve", comentaron funcionarios judiciales.

Lorenzo utilizó ahora la documentación inculcada y está previsto que, dentro de hoy, al cementerio, junto a los antropólogos, "con más documentación y registros para corroborar". Además, tomorrow se entregará a la familia de un desaparecido en los '70 en la zona de Escobar, quien se acercó espontáneamente al juzgado para aportar datos. Los integrantes del Equipo de Antropología aclararon que "lo último que se vio a hacer, si es que se hacen, son exhumaciones".

El procedimiento que hoy se sigue a

la posibilidad de que en Escobar se hayan enterrado NN es un trabajo estadístico realizado en 1985 por el antropólogo estadounidense Clyde Snow -quien formó a la parte del Equipo Argentino- y Biharríet. Se crearon formularios estándar a los cementerios de los 125 partidos bonaerenses para que respondieran sobre la inhumación de NN entre 1970 y 1984. Históricamente, en esas condiciones son enterados hombres adinerados fallecidos por causas no violentas (en general, muertes ocurridas por la calle, por un accidente o a causa de enfermedades). El relevamiento determinó que a partir del '70 hubo un importante aumento de inhumaciones de NN en general, por causas violentas, y particularmente de mujeres jóvenes. Por eso, como en el cementerio de Escobar se detectó un incremento significativo de NN en estas condiciones, junto a los de La Plata y Avellaneda.

(Por Diego Scherman) "Mi viejo decía que había que tener cuidado con todo lo que sepa sufrir. Fue como una premonición de lo que después le sucedió a él." Gastón Gonçalves acaba de terminar la reconstrucción de su pasado. En que la Justicia identificó a José, su padre, entre los cuerpos exhumados en el cementerio de Escobar. José había sido recuperado el 24 de marzo del '76 y hasta esa semana figuraba como uno más de los desaparecidos durante la última dictadura militar. Gastón, hoy un reconocido integrante del grupo Los Pericos, recorre en esta nota con Página/12 el largo camino que transitó su familia hasta el reconocimiento del cadáver de su padre.

### El secuestro

José—José Gastón Roberto Gonçalves, tal es su nombre completo—fue secuestrado el 24 de marzo de 1976 en su casa, en la zona de la calle 12 de la ciudad de Buenos Aires. Era una día de domingo y se dirigía a la escuela con sus compañeros de la escuela Primaria. La familia se enteró del hecho por teléfono. Del otro lado del tubo, una voz masculina, con acento italiano, informó que José había sido "secuestrado" por un grupo de "soldados", en alusión a su puesto efectivo de Prefectura.

Al día siguiente, la noche anterior José había estado en una reunión familiar en la casa de su madre, María Mercedes Fagnano, su prima carísima y madre del músico.

A José ya lo había secuestrado el año anterior la Triple A, pero después fue liberado. Sin embargo, no volvió a la vida civil. Fue secuestrado el 24 de marzo. Desde entonces, la familia presentaba signos de alarma. En ese momento también estaba José Tomaselli, otro NN reconocido durante la última dictadura.

La familia se convirtió en un elemento clave para la recuperación de los hechos. De ellos para la ver-

## José, el hijo de Matilde, padre de Gastón y Claudio

Durante veinte años fue un cuerpo NN enterrado en Escobar. Desde hace unos días es un nombre, un rostro, una familia. Un lugar en la trágica historia de la Argentina contemporánea.



Claudio y Gastón Gonçalves con María Mercedes Fagnano, luego de haber recuperado parte de su historia. Una batalla de veinte años por la identidad, contra el olvido.

dad de que el cadáver donde José pasó sus últimos días estaba enterrado en las proximidades de la casa de Escobar. José Francisco Mercurio era el titular de esa oficina y el capitán del ejército Eduardo Francisco Sapiano, su interventor. En esa zona también se recuperaron algunos restos enterrados por el último presidente Luis Alberto Fernández.

### La familia

José repartía su tiempo entre la escuela, los estudios en la UBA y el trabajo de la familia. A pesar de su pasado rico y de una educación sólida, se lo veía a menudo haciendo trabajos en las vitas de la zona, participando de la creación de grandes obras, dispensarios y centros de rehabilitación.

—Mi vieja me llevaba a la escuela, donde corríamos un poco, que era el punto "militeño". También recuerdo cuando me llevaba de fiesta y Perón. Era un tipo supercómico... dice Gastón.

Cuando fue secuestrado, José apenas cumplía los 20 años. Gastón tenía 6 y su segunda mujer, Ana María del Carmen Umaná, estaba embarazada de seis meses.

Para preservar su vida, Ana pasó a la clandestinidad junto con su matrimonio. Se cambió el nombre y se lo puso en San Nicolás. Durante ese período tuvo a su hijo, el segundo de José, y al que recibió con documentos que habían rubricado los Montoneros, como Claudio Novoa.

Pocos meses después, el grupo fue asesinado y sus miembros se dispersaron. Claudio, que aún no había cumplido un año, fue el único sobreviviente. "El tipo que hizo el procedimiento se encargó con él en un proyecto medicinal para 'salvar' niños de la guerra de la subversión". Por eso nació. Claudio tuvo que ser internado en el Hospital San Nicolás por problemas respiratorios y allí fue donde se adoptó a una familia, cuenta Gastón sobre la muerte de su hijo. Hace poco descubrió su hermano.

Pero el estado de tensión no había cesado en la familia Gonçalves. En el '77, la madre de José, Matilde Perón, se hizo la vida de un grupo o movimiento. Llegaban a Ana. "Ya la habían matado, pero como ella tenía toda documentación falsa, nunca se

pleno de quién se estaba y por eso me que vergüenza", recuerda Gastón.

### El reencuentro

Matilde, hoy reconocida militante de Abuelas de Plaza de Mayo, fue quien inició la búsqueda de su hijo. Después, el título del EAAF, Alejandro Luchini, identificó el cuerpo de Ana. Había sido enterrada en San Nicolás. Las investigaciones llevadas a cabo por Claudio, que vivía con su familia en Buenos Aires.

—Hasta entonces, lo único que sabía era que mi mamá Matilde me había abandonado. Pero esa noche, después que me contaron sobre qué nos era mi padre, dormí realmente tranquilo—dice hoy Claudio, con 20 años.

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afectó a nuestra.

El paso siguiente fue la presentación entre Claudio y Gastón. No fue inmediata porque Gastón estaba en Buenos Aires con sus padres. Pero cuando se vieron, el abrazo fue intenso. "Me habían dicho que mi hermano era un tipo muy serio, pero cuando lo vi me dio la impresión de que era un tipo muy alegre. Cuando me enteré de que era uno de Los Pericos me quedé en shock, porque yo soy fan del grupo", recuerda Claudio.

Hoy los hermanos militan en la agrupación HUECO para ayudar a otros adolescentes en la búsqueda de sus padres desaparecidos durante la última dictadura.

### La búsqueda

La búsqueda del cuerpo de José fue más tortuosa. Comenzó con una denuncia de un empleado del cementerio de Escobar que fue escuchada por problemas laborales. La mujer había alertado sobre "inhumaciones ilegales de NN".

La causa fue tomada por el juez federal de Lanús, David Lorenz, quien inició una investigación y convocó en calidad de perito al Equipo Argentino de Antropología Forense. En ese contexto realizó una denuncia ante el ministro Oscar Antonio Tomaselli, quien indicó que entre los cuerpos exhumados en esa zona había el de su hermano, desaparecido el 24 de marzo del '76.

El Tomaselli quien solicitó que en la madrugada del 2 de abril del '96 se produjera un hallazgo de cuatro cuerpos enterrados en el cementerio de Escobar. Los tres eran de su hermano, desaparecido el 24 de marzo del '76. Sepan el denunciante, el hermano que participó en el hallazgo de los cuerpos. Le confió que por de ellos ya se había producido a su hermano y otros a los Gonçalves.

Tomaselli ya había pasado una gran parte de su vida en la cárcel. Según de los datos que se habían reunido sobre la muerte de su hermano, el cuerpo había sido enterrado en el cementerio de Escobar.

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### ENTREVISTA A LOS

## "A la antigua senda"

Los restos de José Gastón Gonçalves serían encontrados hoy en el cementerio de Flores, luego de una marcha que partirá a las 18.00 desde el cruce de Avenida Eva Perón y Varela. Así lo informaron sus familiares y la agrupación Hiper por la Identidad y la Justicia contra el Olvido y el Silencio (HIOJUS), quienes ayer dijeron a quienes el día siguiente se reunirán en un desfile por más de veinte años.

"Pero vamos muy bien que, con allí y en la zona, vamos a tener un momento de reflexión y de duelo", dice la presidenta de HIOJUS, María Elena Varela. "Y a la hora de la marcha, vamos a tener un momento de reflexión y de duelo", dice la presidenta de HIOJUS, María Elena Varela.

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## Mujer Protagonista

LAS ÚNICAS MUJERES DEL EQUIPO  
ARGENTINO DE ANTROPOLOGÍA FORENSE

EXPLOCAR EL PASADO



En acción: Patricia Bernardi, Anahí Ginarte y Mimi Doratti poseen una imagen en una misión en el Congo. Abajo, Silvana Turner en plena excavación durante una misión en Guatemala. Gracias entre polvo y sol.

*Su tarea es devolver el nombre a los NN del mundo. Trabajaron en las excavaciones para identificar los restos del Che y en la recuperación de cadáveres de niños en Guatemala*

Cuatro meses en el Congo, dos en Bosnia, tres en Guatemala y unos días en Chile. No es el itinerario de un viajero entusiasta. Es la agenda anual de Anahí Ginarte, Mimi Doratti, Silvana Turner y Patricia Bernardi, las cuatro mujeres integrantes del Equipo Argentino de Antropólogos Forenses. Mujeres que tienen a su cargo la tarea de devolver el nombre a los miles de NN del mundo. Se trata de una asociación sin fines de lucro fundada en el año 86 como consecuencia de las primeras exhumaciones que comenzaron a realizarse en el país después de la dictadura militar que trabajó controlada por distintos organismos del mundo para investigar los crímenes de violaciones a los derechos humanos. Integrada por 80 profesionales, sólo existen dos equipos similares en Guatemala.

"Pueden llamarnos de la ONU o de cualquier organización humanitaria. Cuando nos piden ayuda partimos inmediatamente rumbo a ese lugar", explica Mimi Doratti, quien junto con Patricia Bernardi, integra el equipo desde su fundación. Y allí van, a colaborar como forenses en el tribunal para crímenes de guerra en la ex Yugoslavia, a colaborar con las fuerzas de la justicia en la búsqueda de los posibles víctimas y a buscar en documentos hasta reconstruir las más variadas historias a partir de escavaciones, investigaciones arqueológicas y trabajos en laboratorio. Una profesión que si bien implica estar en contacto con la muerte y el tanto de crímenes dolorosos es un absoluto compromiso con la vida.

"Se que nosotros ayudamos a que los familiares cierren un ciclo", afirma Anahí Ginarte. "Sea cual sea el país -aunque- todos tienen que dar la desahucio sus vidas se han parado." Y cuando se confirma la identidad la reacción es la misma: "Llaman como si todo hubiera sucedido ayer".

Cuando Anahí Ginarte comenzó a trabajar con el equipo, a los 23 años, volvió a su casa y le contó a sus hermanas todo lo que le relataban los familiares de las víctimas. Su hermana se puso a llorar, hasta que un día le pidió que no le contara más.

"El tema con los familiares es lo más difícil", cuenta Silvana Turner por teléfono desde Buenos Aires. A los 30 años, una mujer de familia judía, es la única que vive en Buenos Aires, donde el equipo tiene una oficina. "Cuando me conocieron fue un desafío difícil porque todos los miembros graduados se negaron, pero al final todos aceptaron", cuenta Patricia Bernardi. "A veces resulta desafiante -agrega Mimi-, gente con la que comparto una situación tan intensa y después no los veo más, pero tiene que ser así." Llegar ese distanciamiento resulta difícil. Pero se aprende.

Señalando con la mano que se pone.

las en situaciones riesgosas y a la vez frías, como cuando a Patricia Bernardi le tocó encontrar los restos del Che Guevara en Bolivia o cuando cumplió que el 70 por ciento de las víctimas de los masacres en Guatemala eran niños. "Uno se acostumbra con los años, pero encontrar ropa y zapatos de chicos me sigue resultando duro".

Según ellas, nadie las discrimina por ser mujeres, aunque reconocen que llama la atención. "En una misión previa en Chile para una misión -recuerda Mimi- fuimos tres mujeres. Cuando nos presentaron como los forenses, todos miraban encima nuestro buscando al equipo, es que ninguna tenía cara de ser un ser humano de verdad".

El tema higiénico es un tema difícil. buena parte del trabajo transcurre en las excavaciones entre polvo y sol, lejos de las comodidades de la ciudad. "En Europa tenemos que compartir tres baldes de agua entre cinco mujeres, después agudizado el ingenio y recurrimos, por ejemplo, a la lluvia para bañarse", cuenta Anahí.

Aunque si hay algo que marca la diferencia del equipo, los límites que tienen hoy con los hombres. "Este trabajo es siempre -explica Patricia-, si estás en el país, si quieres tener hijos, las mujeres vamos en desventaja, las parejas se rompen, yo no puedo poner a mis hijos a trabajar. Pero se trata de una elección de vida." Y ya se sabe, las decisiones, todas, siempre dejan de lado una opción.

MARÍA LAURA BENTLEY

## SUS RAZONES

Con las únicas antropólogas forenses de la Argentina, se formaron con profesionales de todas las disciplinas, porque la especialidad no se enseñaba así. Ninguna tenía hijos. Los cuatro se sumaron al equipo mientras cursaban los últimos años de sus respectivas carreras en la UBA. Desde entonces, no parecen de recordar el mundo. Mimi Doratti tiene 30 años y es la única que vive en Buenos Aires, donde el equipo tiene una oficina. "Cuando me conocieron fue un desafío difícil porque todos los miembros graduados se negaron, pero al final todos aceptaron", cuenta Patricia Bernardi. "A veces resulta desafiante -agrega Mimi-, gente con la que comparto una situación tan intensa y después no los veo más, pero tiene que ser así." Llegar ese distanciamiento resulta difícil. Pero se aprende. Señalando con la mano que se pone.