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Spanish Judge Sends Argentine to Prison on Genocide Charge

By EMMA DALY

MADRID, June 29 — The former Argentine naval officer extradited from Mexico was jailed without bail today pending his trial here on charges of genocide and terrorism relating to the years of Argentina's military dictatorship.

In an unusual act of international judicial cooperation, and a victory for the Spanish judge Baltasar Garzón, Mexico's Supreme Court ruled this month that the former officer, Ricardo Miguel Cavallo, could be extradited to Spain for crimes reportedly committed in a third country, Argentina.

Judge Garzón failed three years ago to have Gen. Augusto Pinochet, the former Chilean dictator, extradited to Spain on similar charges, and human rights activists hailed the Cavallo decision as a vindication of the principle of "universal jurisdiction" for very serious crimes.

Mr. Cavallo is accused of kidnapping, torturing and murdering hundreds of people, including several Spaniards, at the School of Naval Mechanics, known as ESMA, in Buenos Aires, which functioned as a clandestine torture center.

As many as 30,000 people were killed or disappeared in Argentina from 1976 to 1983, part of a policy to wipe out opposition to the military dictatorship. Many were tortured, drugged and thrown from aircraft into the River Plate or the Atlantic Ocean, or buried in mass graves.

This systematic pursuit of opponents prompted the charges of genocide and terrorism, although the Mexican court ruled that Mr. Cavallo could not be tried on the charge of torture because the statute of limitations had expired.

When ordering Mr. Cavallo's imprisonment today, Judge Garzón wrote, "All the structures of the Argentinian state were put at the service of one purpose: to end all subversion."

Judge Garzón interviewed Mr. Cavallo twice in his office at Spain's National Court in Madrid. At their first meeting, in the morning, the 51-year-old Argentine said he had not seen the charges, and was handed an indictment that runs to almost 200 pages. In the afternoon, Mr. Cavallo refused to make a statement, maintaining that, as an Argentine Navy captain, doing so would violate his country's rules.

A Spanish state prosecutor, Pedro Rubira, whose office argued against legal efforts to have General Pinochet extradited, asked for Mr. Cavallo's release, saying that Spain did not have jurisdiction in the case. Judge Garzón disagreed.

In the ruling ordering that Mr. Cavallo be sent at once to Soto del Real Prison outside Madrid, Judge Garzón wrote, "It should not be forgotten that he is accused of the international crimes of genocide and terrorism, which assault the very essence of humanity, and whose victims are not only those directly affected but also the international community."

Outside the court, a small crowd of protesters carried banners recalling the 30,000 who "disappeared" in Argentina's so-called dirty war.

On Jan. 12, 1977, Malou Cerruti watched helplessly as soldiers seized her husband, Omar Masera, at their home, along with her father, Victorio Cerruti.

"I never heard anything from them again," she said. "I found out from human rights groups that they were in ESMA. I don't know how long they were kept there alive." But within weeks they had signed over the family fortune, estimated then at \$10 million, to their torturers.

"Now I want Cavallo to tell us where they were killed, if they are buried in mass graves or if they were thrown out of planes," said Ms. Cerruti, one of 23 witnesses set to testify against Mr. Cavallo. "And where the money went."

Marcelo Hernández, a left-wing activist, was kidnapped along with a colleague and benefactor, Conrado Gómez, and held at the School of Naval Mechanics for two years. He was released, but Mr. Gómez, who was forced to turn over his cars, property, race horses and cash to his torturers, was never seen by his family again.

"This is a good sign to the world," said Mr. Hernández, who will testify at Mr. Cavallo's trial. "But I will not sing with joy because I still have those memories — one can never be happy again after that. I'm not seeking vengeance, but justice for the thousands of Conrados."

He, Ms. Cerruti and Federico Gómez, son of Conrado, say that Mr. Cavallo and his military comrades used the money stolen from their victims to set up a network of businesses across Latin America.

At the time of his arrest in 2000, Mr. Cavallo, who went by the name of Miguel Ángel Cavallo, was living in Mexico, where he ran the private National Registry of Motor Vehicles. He has acknowledged being a member of the Argentine military, but denied involvement in torture.

After Judge Garzón closes his phase of the case, it will be sent to a three-judge tribunal. Lawyers for the prosecution said Mr. Cavallo's trial was not likely to start before 2004.

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