



# INTERNATIONAL COMMISSION OF JURISTS

Commission internationale de juristes - Comisión Internacional de Juristas

" dedicated since 1952 to the primacy, coherence and implementation of international law and principles that advance human rights "

## PRESS RELEASE - COMMUNIQUE DE PRESSE

Geneva, 17 June 2005

### **P** *Argentina: International Jurists Applaud Ruling against Impunity Laws*

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The International Commission of Jurists (ICJ) welcomes the ruling by the Supreme Court of Argentina that declared unconstitutional the amnesty laws that shielded human rights violators. The ruling reaffirmed that laws that grant impunity to perpetrators of gross human rights violations - such as enforced disappearances, torture and extrajudicial executions- and crimes against humanity, violate international human rights law and principles of justice.

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"This long-awaited ruling is a triumph for the tireless struggle of victims, families and campaigners", said Federico Andreu-Guzmán, ICJ Deputy Secretary-General (Legal Affairs). "It also proves that human rights and the rule of law can prevail over impunity".

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The ruling, passed by a 7-1 majority, declared the "full stop" (1986) and "due obedience" laws (1987) unconstitutional. The first of these laws set a 60-day deadline for the initiation of new prosecutions for human rights violations carried out during Argentina's military dictatorship from 1976 to 1983. The second granted immunity from prosecution to all members of the military except top commanders. These laws effectively impeded the prosecution of numerous human rights violations committed during Argentina's "dirty war". Rape and theft of babies born to "disappeared" mothers were expressly excluded from the laws.

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"This landmark ruling unequivocally reaffirms that all laws or decisions that restrict prevent responsibility for human rights violations are unacceptable", added Mr. Andreu-Guzmán. "The obligation to effectively prosecute and try suspects is unalterable, and we call on the Argentinean authorities to fulfil this obligation".

### **E** Background

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The Supreme Court ruled in a case brought in 2000 by the Centre for Legal and Social Studies (CELS), an Argentinean NGO and ICJ affiliate. After favourable rulings from a Federal judge and the Federal Court of Appeals, the case went to the Supreme Court. The ICJ and Amnesty International presented a legal memorandum to the Supreme Court detailing the incompatibility of the amnesty laws with the obligations of the State under international human rights law and calling on the Government to investigate, try and punish the perpetrators of gross human rights violations.

The legal memorandum is available at:

[http://www.icj.org/news.php3?id\\_article=3250&lang=en](http://www.icj.org/news.php3?id_article=3250&lang=en)  
[http://www.icj.org/news.php3?id\\_article=3246&lang=en](http://www.icj.org/news.php3?id_article=3246&lang=en)

The ICJ is an international non-governmental organisation comprising sixty of the world's most eminent jurists and has a worldwide network of national sections and affiliated organisations

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