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Session:	Forty-Fifth Session (2 - 18 November 1978)
Title/Style of Cause:	Patrick Rice and Fatima Cabrera v. Argentina
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Decided by:	Chairman: Dr. Carlos A. Dunshee de Abranches; Vice Chairman: Professor Tom J. Farer; Members: Dr. Andrés Aguilar, Dr. Gabino Fraga, Dr. Carlos García Bauer, Dr. Marco Gerardo Monroy Cabra; Dr. Fernando Volio Jiménez
Dated:	18 November 1978
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BACKGROUND:

1. In a communication of May 1977, the Commission received the following denunciation:

"Patrick Rice, a catholic priest, and a citizen of Ireland, was kidnapped by security forces as he was walking with a young women in the streets of La Plata. They were both brutally tortured. Father Rice was finally released, as a result of influence exercised by the Irish Government.

The fate of the young woman is unknown. The arrest and imprisonment occurred between October and November 1976."

2. In a note of December 7, 1977, the Commission transmitted the pertinent parts of this denunciation to the Government of Argentina and requested it to provide the corresponding information.

3. In a note dated January 9, 1978, the Government of Argentina replied to the Commission's request in the following terms:

...

C. Persons on whom there is no record of detention and who are the subject of a police search conducted by the Ministry of the Interior:

Rice, Reverend Patrick (2450)."

4. The pertinent parts of the Government's reply were transmitted to the complainant in a letter dated May 16, 1978, and he was invited to make observations on the reply.

5. In a letter dated April 9, 1978, Father Patrick Rice sent the Commission a detailed report on his detention, as follows:

"On October 12, 1976, as I as walking with Fatima Edelmira Cabrera, an Argentine citizen, 21 years old,

living in the Villa Soldati apartments on Mariano Acosta, who had come to me for help because her younger sister was ill, we were stopped at 8.00 o'clock in the evening by a man with a pistol, who got out of an old car. He threatened us, fired at the ground and asked us for our documents. After we had given them to him, he fired into the air and another man came to help him. They put us into the car and took us to Federal Police Headquarters of Villa Soldati. Hoods were immediately put over our heads. They took down all the information about me, and when I asked them why they had detained me, they said that they would see. They checked all my clothes, put handcuffs on me, sat me down on a chair and began to beat me about my head, face, testicles, and they stamped on my feet. When I cried out, they whistled and made a noise to cover up my shouts. Then they took me to the cell, and after a while, some other men came to tell me that I was going to see the military, that I was going to see that the Romans who persecuted the early Christians had nothing on Argentina soldiers. That some 30 soldiers had arrived from Tucuman, and that they were going to have fun with the Cabrera girl. So they took me out, still with a hood over my head and put me in the trunk of a car. Since I am a big man, they had something of a problem in getting me in. I heard Cabrera crying in the back seat but we arrived very quickly.

The car began to make a lot of very abrupt turns, and then it stopped. They took me out, and because I was very beaten up, one of them asked if I had been given electricity, and the other said that he didn't know.

They took me inside a building, and put on more handcuffs, chaining me to the wall at floor level with my arms outstretched. I could hear a lot of traffic, so much so that it seemed that the house was in the middle of a highway. But the traffic was going very fast. The lights were always on. Two individuals came to me very shortly, untied me and took me to a room next door, and sat me down on a little bed that had a thick foam mattress on it. They took off the rags that had been my hood, warned me not to look, and covered me with a yellow canvas hood, which fell down to my waist and had a rope around the throat. They began to interrogate me, accusing me of collaborating with the terrorists, and asking me about people involved with these groups, in Villa and other places. I explained to them that I was a priest, that I did my pastoral work there, but that I spent most of the day working on a construction project on the Avenida La Plata/Estados Unidos, and that I didn't know anything about what they were taking about. One of them then told me to lie down (my handcuffed hands were behind my back). As soon as I got into this position, one of those who had been sitting at the side began to beat me all over my body, and to put something hard like a pistol against me, and so on. I asked them who they were, to be treating me this way, and they told me that they were the Triple A. Then they told me that they were going to wash out my mouth, and one grabbed hold of my head and nose and they began to pour water into my mouth from a hose or a kettle until they choked me. Then after a long time (I don't know whether I had lost consciousness), they put handcuffs on my feet as well. They made me stand up and tried to make me walk but I fell down and they dragged me back to the room. This time, they simply tied my handcuffed feet to the wall. I was kept like that all day long. I asked them if I could go to the bathroom, and they bathed me in cold water and they kept beating me and throwing water over me.

They finally came and untied me, which was a great relief, and they once again took me into the room. They made me lie down on the bed with all my wet clothes on. They tied my hands and feet which they connected to some cables. They took off my hood and put on a very small blindfold and suddenly my body was twitching uncontrollably, with lots of sparks coming off like a welding torch. It was so strong that I was flung off the bed. Then they tied me down very firmly and went on giving me electricity and saying that I should tell them what I knew. Then they left me. I heard Fatima Cabrera crying out in the same room, and they were giving her electricity too. After a time, they called a woman who was a doctor, and told her to check Fatima because it seemed that she had stopped breathing. She prescribed some medicine, and one of the people sent another to find it, saying that they were near the medical school. Meanwhile, they began to interrogate the doctor, who seemed to have come from Cordoba to Buenos Aires to apply for work with the police force. They particularly wanted to know whether she had relatives or friends who were in the army and when she said that she had few contacts, they began wondering about her motives. They asked her what she thought about human rights and democracy. She replied that she felt that they ought to be respected, although her family had no political affiliation, and that she was in

agreement with democracy.

Then they called on a Chilean medical student, and asked him the same thing, why was he looking for work with the police, etc. They seemed to be more satisfied with him.

Then they said that they were tired of us. They gave a pill to Fatima, and began to throw water over me and to give me a lot of electricity, and this time, it was all over my body. There was a smell of burning in the room. They brought in Fatima in a chair, she was very small, and they began to give us electricity together. Then they put one cable on top of my head and I felt as if I were paralyzed. They told me that I was very strong, that I had a lot of resistance, but because of me, they were going to destroy Fatima. They left me tied up, while one of them swept the floor and prepared coffee. They always had music playing very loudly, as if from a car radio. Finally, they untied me, they made me stand up, and between the two of them, I walked back to the other room, leaning on a piece of rubber. They tied me up again, but they left me for a long time with the small blindfold and I was able to look at the room. There were some seven people there, all of them with yellow hoods, with a number on them. There were small high windows so I could see the daylight outside. Then, they put the hood over me again, and shortly afterwards, I began to hear Fatima's cries. This went on for the whole day at intervals. These cries made me desperate, and I lifted the hood to see where she was, and when they saw me, they tied me down with a cord, strangling me. I think that I lost consciousness, because I don't remember when they took off the rope. Finally, they let me go to the bathroom, they gave me a little water to drink, after making sure that in the previous 24 hours they had not given me electricity.

Then they came to get me. They sat me on the bed and offered me some cigarettes. I was hardly able to inhale. One of them told me that he was a military officer and that it had been 8 hours since I had been detained (this was Thursday). They repeated their accusations, and I denied them. They told me that this was worse for me, but that he would report to his superior officers. Then they took me away again and tied me up. Then two men came and in a very kindly way, took me out and put me in the trunk of a car and drove away,

While we were in the car, they were talking and whistling and they seemed happy. Before we left, somebody told them that they should bring the hood back because recently they had been losing a lot of them.

After some time, we arrived. We took an elevator. I later found out that this was the Coordinacion Federal on Moreno Street. Somebody interrogated me when I arrived and hit me very hard in the stomach, so hard that I fell down. They put me in a cell, and there were 6 prisoners along the same passageway in other cells, 4 young men in a large cell and about the same number of women in yet another large cell and there was swastika painted on the wall (with a finger-print board). The other prisoners assured me that I had nothing to fear. The following day, Fatima arrived. She told me that they had beaten her up a lot with sand bags, that her back felt very bad, that she had asthma, and that they were giving her medicine for this. But she also told me that they had taken her out a total of 4 times to give her electricity, and other times they had taken off all her clothes. Finally, they got an order that 'because the United Nations was asking for her', they had to make her recuperate quickly so they gave her a lot of medicine.

There I was examined by a doctor, who prescribed some antibiotics. Everyone had to be blindfolded. Then an individual interrogated me and asked me how I had received my wounds. I told him everything that had happened to me, and he said that henceforth, I would say that I had fallen down the stairs. If I didn't say this, I would end up at the bottom of the river in a block of concrete. Then they got out of me a statement that I signed. On Monday, October 19, they took me out, shaved me (with a straight razor), put cologne on my hair and took me to see my Ambassador, Mr. Lennon (Ireland). Just before I went in to see him, they took off my blindfold and he and his Secretary (Justin Harmann) were very happy to see me, but were frightened to see the state I was in. I explained everything that had happened, but said that perhaps it was not in my best interest for this to be made public at that time. He assured me that I would soon be free, and we said goodbye.

The food in Coordinacion Federal consisted of mate tea without milk or sugar, and a little bread in the morning, boiled pasta, sometimes without salt and bread at mid-day, and polenta (also without salt), and bread at night. Sometimes, they added salt and a sauce, but very rarely. There were two pregnant women

who asked for permission to go to the bathroom. They told me that some guards abused the women there. There were two types of prisoners, the legal prisoners and the illegal. One illegal prisoner, Guillermo Lopez, who was a medical student living in the western part of the capital, was taken out one morning when a large group of us was being transferred to Villa Devoto, but he never got there. Some people had been imprisoned for 80 days, and somebody said that they used to take people out in order to kill them. One man even told me that the night before they found 30 corpses in Pilar, they had taken 30 prisoners out of Coordinacion Federal.

I wasn't kept for very long in Villa Devoto, more or less a week, and then I was transferred to La Plata (Unit 9). There were 3 prisoners from Santa Fe (transferred from Coronda, 2 priests, Raúl Troncoso and Rafael Yacuzzi and another men, Osvaldo Cambiasso), who had been so badly beaten that they were refused entry to La Plata. Cambiasso in particular had been beaten all over his body.

Just as in Villa Devoto, in La Plata they did many things to prisoners to humiliate them and to punish them. The so-called punishment system (which was very hard in La Plata, with cold baths, beatings with rubber, etc.), and the inspection system was particularly humiliating in Villa Devoto. As a priest, I was denied, or it was made practically impossible for me to have access to the Bible or religious books, although in La Plata there was a good chaplaincy organized by the prison. In all the prisons, I was checked out by doctors when I entered. Particularly in Villa Devoto, they saw all my wounds, but seemed not at all surprised by the use of electricity. It appeared to be a routine matter.

Although I had a number of serious wounds, particularly one on my foot, they have me no medical attention for a whole month. The food in Devoto was very bad and very greasy. In La Plata, it was much better and was adequate.

On December 3, they took me out of the prison, by car, to the train station. I was accompanied by two policemen to Constitution Station. Then I went by taxi to the Coordinacion Federal. This time, they held me on the 9th floor, which was for foreigners, and not on the third floor where I had been before. But they gave me nothing to eat and nothing to drink for more than 24 hours until I left for Ezeiza Airport in a car escorted by two policemen. From conversations with other prisoners, it seemed to me that the place where I had been kidnapped and tortured might have been the Guemes Brigade, which is on the Camino de Cintura at the Richieri Highway, and in fact, when I went past it, I thought that the could be it. because of the location of the windows, the fact that the highway was very close, the interior garages, etc.

At Ezeiza Airport, I was handed over to Air Force personnel who put me on a British Caledonian flight for London. However, the flight authorities did not let me off throughout the whole flight (23 hours), until I got to Heathrow Airport. There they gave me my passport.

On December 8, 1976, I fell ill and was hospitalized in a psychiatric hospital in north London. Dr. Daly (Southern Health Authority, Sarsfield's Court, County Cork) later treated me. He received a medical report from the doctors in the jails in Argentina (Villa Devoto and La Plata, but not from Coordinacion Federal).

Finally, I was discharged in March."

(signed) Patrick Rice

NOTES

"Fatima Cabrera disappeared for a long time. Then she reappeared in detention under PEN in Villa Devoto. She was released on parole on December 24, 1977, along with another 30 or so prisoners. There is some reason to fear that she may be the subject of action by para-military groups.

While we were being kept in secret detention, an official came to us one morning and let one group go, telling them that he did not want to find them again in the street. It appeared that they took a lot of people there for interrogation, and then released them."

6. The pertinent parts of the foregoing information were transmitted to the Government of Argentina in a note dated June 9, 1978. This communication asked for information about the case, with particular reference to the reply given by the government of Argentina to the Commission in its note dated January 9, 1978.

7. During the 44th session of the Inter-American Commission, held in June, Father Rice gave the following testimony:

"I should like to share with the Inter-American Commission on Human Rights my observations on the most recent response by the Argentine Government, dated January 9, 1978 with respect to my case Ne 2450.

According to the Argentine Government, there is no record of my detention, and I am the object of a police search conducted by the Ministry of the Interior.

I am attaching not only a copy of the entire denunciation but also as evidence of my kidnapping, I would present the news item that appeared in the Newspaper LA NACION on Thursday, October 14, 1976, page 18. On October 18, 1976, the Foreign Minister of Argentina, Rear Admiral César A. Guzzetti, acknowledged that I had been 'arrested by the police' (see the copy of LA NACION). There is also a cable from Buenos Aires on October 14, 1976, in which the Secretary of the Irish Embassy reports that I was 'detained in an office of the Federal Police Force.

My complete report on the events, which I have already presented to the Commission, and which I now attach in a more complete form, gave testimony as to the many acts of maltreatment to which I was subjected along with Fatima Edelmira Argentina Cabrera. As proof of this, and as proof also of the fact of my detention, I attach a medical report by Argentine doctors who looked after me in jail. This was sent to the psychiatrist who looked after me in Ireland, Professor R. J. Daly, who has the original in his possession.

One of the doctors, Dr. Real, admits that I had wounds when I was admitted to Unit 9 (La Plata). 'Because there were wounds present, the corresponding report was drawn up'. There was another report for the wound on my right foot. This was a wound received when they tortured me with electricity and my foot hit the part of the bed that I was tied down to,

From all the evidence, I am reasonable certain that I was tortured in the Guemes Brigade.

Although in case 2450, only my name is mentioned, the other person detained with me was Fatima Cabrera, who is now on parole (see the copy of LA NACION, and a short report of my own on the situation). The Commission could perhaps take a look at her actual health status and ask for her full release.

As I explained in my report, there was a prisoner, Julio Guillermo Lopez (a medical student from Villa Lugano, Buenos Aires), who was imprisoned in the Coordinacion Federal as an 'illegal' prisoner.

On October 18, 1976, he was taken out of the jail to an unknown destination. I do not know whether he has turned up in any legal prison, but the fact that there were the two categories, 'legal' and 'illegal' shows that in fact, the Federal Police handles many prisoners who have disappeared under the latter category.

FATIMA EDELMIRA ARGENTINA CABRERA

She was born in the Province of Tucuman (Argentina) in May 1958. Her family went to Buenos Aires to live in about 1965, in the YPF section of Villa Retiro, in the Federal Capital. In 1974, they were assigned an apartment in the Soldati I and II buildings, Villa Soldati, in the Federal Capital, along with many other families from the same section of Villa Retiro, during a program to eliminate the slums in Buenos Aires.

Kidnapping and detention

She was detained with me on the same afternoon, October 11, 1976. After several hours in the Federal Police Headquarters 36, she was also taken with me to the Brigada Guemes, to be tortured and interrogated. On Friday October 15, she was transferred to the Coordinacion Federal Calle Moreno, Buenos Aires. She was subjected to 4 sessions of torture, by electricity, in addition to the many other forms of abuse to which she was treated. About Christmas 1977, I learned through the Irish Embassy, which had followed her case closely, that she had been detained in Villa Devoto since approximately April 1977. There are unconfirmed rumors that she was again tortured between October and April 1977 in Headquarters 36.

On December 23, 1977, she was allowed to return to her house under the new system of 'parole' (libertad vigilada). She is now in fact in a totally defenseless situation. She does not go out of her house, and has serious health problems (she is asthmatic and has back problems) as a result of the physical abuse, and so

on. Because of the family poverty (they were on the point of being thrown out of their apartment because they had not paid the rent) she is unable to receive proper medical attention."

Father Rice handed over the documents to which he refers in his testimony, and these are now in the possession of the Commission.

8. In its Note SG 192 of August 8, 1978, the Government of Argentina replied to the request for information by the Commission, but failed to refer to the events specifically denounced that had been transmitted to it, and merely reported as follows:

"RELEASED AND DEPORTED:

4. CABRERA, Fatima: Detained by order of the National Executive because of her involvement with the subversive Montoneros band, released on parole by Decree Ne 3891 of 27-12-77, authorized to travel freely within the Federal Capital, with the Federal Police of Argentina acting as the supervising authority.

5. RICE, Patrick Michael: Deported by Decree 2665 of 27-10-76 under the charge of violation of law 21.259, which prohibits activities affecting the peace and security of the Nation. The above named maintained links with elements of the subversive Montoneros band (Case 2450)."

9. In a communication dated August 16, 1978, the Commission transmitted to the Argentine Government the additional information provided by Father Rice in his testimony before the Commission. The Argentine Government has not yet replied.

10. On August 31, 1978, the persons filing the complaint were forwarded the Government's reply of August 8, 1978, and were invited to submit their observations.

11. The Commission has in its possession the medical report provided by Dr. R. J. Daly, Clinical Director of St. Stephen's Hospital (Ireland), who attended Father Rice during his recuperation.

WHEREAS:

1. In light of the above-mentioned background information, it is deduced that Father Patrick Rice and Miss Fatima Cabrera were "illegally" detained on Monday, October 12, 1976 and brutally tortured by agents of the Argentine Government;

2. The Government of Argentina has failed to refer to the contradiction between its communication dated January 9, 1978 and that of August 8, 1978, and has failed to refer to the specific events denounced, which were transmitted to it by the Commission.

3. Article 51, paragraph 1) of the Regulations of the Commission states as follows:

Article 51:

"The occurrence of the events on which information has been requested will be presumed to be confirmed if the Government referred to has not supplied such information within 180 days of the request, provided always, that the invalidity of the events denounced is not shown by other elements of proof."

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS, RESOLVES

1. To declare that the Commission has in its possession unequivocal proof that Father Patrick Rice and Miss Fatima Cabrera were illegally detained by agents of the Argentine Government on October 12, 1976; and in application of Article 51, paragraph 1) of the Regulations, to presume to have been

confirmed the facts denounced related to solitary detention, cruelty during interrogation, torture and the conditions of the detention.

2. To observe to the Government of Argentina that these events constitute very serious violations of the right to life, liberty and personal security (Art. I); the right to a fair trial (Art. XVIII) and the right to protection against arbitrary detention (Art. XXV) of the American Declaration of the Rights and Duties of Man.

3. To recommend to the Government of Argentina:

- a) that it order a complete and impartial investigation to determine responsibility for the events denounced;
- b) that in accordance with the laws of Argentina, it sanction those responsible for these events;
- c) that it take measures to end the parole of Fatima Cabrera; and
- d) that it inform the Commission within a maximum of 30 days as to the measures taken to put into practice the recommendations contained in the present Resolution.

4. To communicate this Resolution to the Government of Argentina and to the person filing the denunciation.

5. To include this Resolution in the Annual Report of the General Assembly of the Organization of American States, pursuant to Article 9 (bis), paragraph c, ii of the Statute of the Commission.

(Approved at the 605th meeting of November 18, 1978 (45th session) and transmitted to the Government of Argentina).