

CHAPTER ONE

DETENTION

Throughout history, despotic governments have imprisoned dissidents and denied them the opportunity to challenge their arrest. Criticism of prolonged arbitrary detention became one of the first rallying cries that allowed the emergence of a truly international human rights movement. The designation of a victim of arbitrary arrest as a “prisoner of conscience” allowed Amnesty International, an organization that works to protect the human rights of people all over the world, to put a human face to the injustice and to recruit common men and women to fight it. I was an early beneficiary of this emerging movement; my case illustrates the arbitrariness and unfairness of prolonged detention without trial.

The first time I was detained was in 1974 in my hometown of Mar del Plata, Argentina, in front of the Catholic University Law School where I was teaching. At the time, I was known for my involvement with highly visible political cases, but I was also known for activism from my student days during the tumultuous 1960s. I tried to use my legal skills to help the poor and defend the rights of others. I was newly married to another law student, and we had two young children.

One evening I had just finished meeting with some students who had peacefully taken over the law school building. The school was across a passage from the cathedral, and both overlooked San Martin Street, the city’s main commercial artery. The street was bustling

with late shoppers and people going home from work. Because of the demonstration, there were even more people out than usual. Classes had been canceled due to the peaceful occupation, but the students appreciated that I, a faculty member, had gone in to talk to them about their grievances.

General Juan D. Perón was once again the president, after spending eighteen years in exile in Spain. After ten years as a democratically elected president (1946–1955), he had been deposed by a military coup d'état in September 1955. After some skirmishes between loyalist and rebellious forces, the coup plotters gained control of the situation and Perón resigned. He took refuge on a Paraguayan gunboat and was allowed to go into exile, first to Paraguay and then to several other Latin American destinations. Eventually he settled in a tony neighborhood of Madrid, where he spent most of his years in exile. His followers, the Peronistas, remained active at home, even though their political party was banned from participating in elections. In 1973, the country held its first free and fair elections since 1955, and the Peronist candidate, Dr. Héctor Cámpora, won overwhelmingly. Later the same year, pressures from the party's right wing forced Cámpora's resignation and, in September 1973, after having returned permanently in June, Perón was elected president with his wife, María Estela ("Isabel") Martínez de Perón as vice president. By then, however, the struggle between the left and right wings within the Peronist movement was becoming violent. The left wing of the party included large numbers of young people from all walks of life, highly organized and mobilized by the Peronist Youth (Juventud Peronista). The Peronist Youth street demonstrations were peaceful, although their rhetoric was extreme. They sympathized openly with Montoneros, an urban guerrilla group that between 1970 and 1973 had isolated the military dictatorship and forced its rulers to grant the first truly democratic election in decades and allow Perón's return. Perón, however, after favoring different factions depending on the circumstances, was now clearly siding with the right, including thugs employed by the larger trade unions and small fascist student groups. By 1974, there were early signs that these right-wing groups were beginning to enjoy support from the police and the military, as they had during the military dictatorship.

Because of the atmosphere of threatened violence, some of the students occupying the law school had concealed weapons and organized regular lookout shifts. As I walked outside that evening with three friends who were political activists in the youth movement of the Peronist Party, some of the lookouts were discreetly posted at the perimeter of the block and some yards into the main square, where we were going. Fortunately, their instructions were to respond only to firearms attacks from provocateurs, so when the four of us were stopped by plainclothesmen shouting “Federal Police, hit the ground!” they did not react and simply left the area; if they had tried to defend us, there could have been many casualties.

The plainclothesmen pointed their machine guns at us as we lay on the sidewalk and then handcuffed us. They searched us, took our handguns, and asked for identification. Many of us, including me, carried guns at the time for protection. The police had no warrant and no probable cause to arrest us, as we were not breaking the law. But by 1974 the police were already aggressively and threateningly displaying weapons and flaunting the laws. Dozens of people were passing by. It all happened out in the open, as if it were something ordinary. Eventually, they piled us into the floor of their cars, then sat on us. Although they were verbally abusive and threatening with their weapons, they did not use physical violence. Since my handgun was registered and legal, I thought that I would quickly clarify the situation and we would be released. Within minutes, they took us away to the local federal police headquarters in their unmarked cars.

Upon arrival, they put us in individual cells. Each of us was taken separately to see the head of the police for interrogation. We were threatened, and my three friends were roughed up a bit. Back in our cells, I tried to give my friends legal advice through the windows, telling them to refuse to make statements and insist on seeing a lawyer. Unbeknownst to me, a uniformed cop was listening in; my words only reinforced the police’s notion that I was a ringleader. We spent three nights in jail. The second night we could hear a raucous demonstration in the street; our friends in the Peronist Youth had decided to make our arrest a mobilizing event, and hundreds of young people were marching and chanting to demand our release. It was heartening