

Patrick Rice — A Friend and Relentless Defender of Human Rights in Latin America

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Justin Harman served as secretary of the Irish Embassy in Buenos Aires from 1975 to 1978. He has worked as Ambassador to the OSCE in Vienna, to the Council of Europe in Strasbourg and from 2003 to 2009 as Ambassador to the Russian Federation. He is currently serving as the Irish Ambassador to Spain.

As the newly arrived junior diplomat at the two-person Irish Embassy in Buenos Aires that sweltering summer of 1975, I was struck by the prevailing sense of despair. With rampant inflation, increasing signs of labour and social unrest, and relentless campaigns by left-wing subversives and right-wing counter-attacks, the enfeebled civilian Government of Estela de Peron, Peron's widow and president since his death in 1974, seemed unable to cope. The increasingly menacing attacks by militant left-wing groups (well-funded through extortion, high-profile kidnapping and even external funding) against military and also civilian targets threatened the stability of the state, especially with highly offensive actions in provinces such as Tucuman. In response, the Government allowed increasing free rein to right-wing death squads, which were conducting a vicious retaliatory campaign. Deepening fissures within the Peronist movement, which had been so tragically revealed in the killings at Ezeiza on Peron's return from exile, further destabilised the situation. The civilian population found itself a target from both sides and seemed gripped by a fear of imminent economic and political collapse. There was an escalating demand for the restoration of stability.

Given the role the armed forces had played in Argentine politics, and the depth of the economic and political crisis, there were few doubts as to who would take the initiative. Indeed, that summer there was even impatience by some that the military had not yet made its move. In the event, the day did not arrive until after the southern hemisphere summer. On 24 March 1976, confirmation that the *coup d'état* was underway proved almost anticlimactic. There was no sense of what was to come or that that fateful intervention by the armed forces would ultimately constitute 'the worst and most savage tragedy of Argentine history', in the words of the Sabato Commission established by President Alfonsín in 1983. That savagery was accompanied by repeated claims by the *de facto* regime that its actions were necessary to defend the principles and values of western Christian civilisation.

Argentina was not, of course, the only state to be convulsed by right and left-wing terrorist attacks in the course of the 1970s. Italy and other countries suffered similar attacks but nowhere were the principles of law and basic human rights violated in such a systematic way as occurred under the military regime in Argentina.

In the days and weeks immediately after the coup, there were few clues as to what was actually taking place. An eerie silence prevailed, broken only by anecdotal accounts of individual disappearances. As the days passed, these word-of-mouth reports increased. Victims 'disappeared' without trace. Families and friends seeking information were stonewalled. Only gradually did a sense develop of the scale and depth of what was occurring, with thousands of individuals, mostly young and some even adolescents, disappearing leaving no clue as to their whereabouts. No



Patrick Rice at a Boca home match, 2006. (Clare Keogh collection)

information was forthcoming as to who had kidnapped them, or why, or where they were being held; the authorities claimed to have heard nothing of them, they were not being held in the prison system, the justice system was incapable of responding, and requests for *habeas corpus* fell on deaf ears. With notable exceptions, including the *Buenos Aires Herald* and *The Southern Cross* of the Irish-Argentine community, the national media was effectively stifled. Embassies in Buenos Aires were surrounded by the military in the early days to prevent the large numbers of Argentines of European descent from seeking external assistance.

At first, when hearing of a disappearance, a response frequently heard from people was '*algo habrán hecho*' or '*por algo será*' ('they [the disappeared] must have done something' or 'it must have been for some reason'). This denial reflected the depth of popular despair at the economic and political crisis that Argentina had undergone from the beginning of the decade. However, this response sustained even as the scale of disappearances intensified. Victims ranged from political activists to socially conscious adolescents visiting shanty towns to assist their inhabitants, trade union leaders who fought for basic increases in salary, youths attending student centres, journalists, psychologists and sociologists, simply because they belonged to what were seen as suspicious professions, pacifists, and members of religious orders. Even friends of such people became victims for no other reason than because of their friendship. The majority were innocent of subversion or terrorism.

From the moment of their disappearance, the victims lost all rights and any communication with the outside world. They were held in unknown detention centres, subjected to cruel torture, with many subsequently executed, and some dumped offshore.

During official investigations of the actions of the military following the return of democracy in 1983, a defence frequently heard was that the violations were the result of unauthorised excesses by individuals and that no systemic plan had been laid down in advance. That this was not the case is now abundantly clear, as confirmed in the sequence of judicial proceedings, which have led to many convictions. Through these proceedings, Argentina has made strides in understanding and dealing with that terrible past. When I last met Pat Rice in Buenos Aires months before his death, he was actively involved in the latest series of trials.

Pat had lived through the tumult of Argentina in the early 1970s. When he left behind his pastoral work with the Divine Word Missionaries, he joined the Little Brothers of Charles de Foucauld and began to work with agricultural labourers and others in Santa Fe province. Having moved to Buenos Aires in 1974, he got a job as a carpenter and worked and lived with other members of the congregation in Villa Soldati, a shanty town on the outskirts of Buenos Aires. He was working there at the time of the *coup d'état* in March 1976. As reports of disappearances multiplied, we in the Irish Embassy grew increasingly concerned both for the small number of Irish citizens (some vulnerable because of their professions) but also for the wider Irish-Argentine community with whom we maintained close relations, a number of whom made discreet requests for assistance. The savage killing of three members and two seminarians of the Irish Pallotine Order on 4 July 1976 shocked the community, deepening the sense of foreboding.

The news of Pat's abduction from Villa Soldati in the company of a young catechist, Fátima Cabrera, was alarming. Reports suggested they had been taken in a manner now familiar to us; armed men arriving in unmarked cars, hooding both and taking them to an unknown detention centre. Our immediate demands for information to the authorities evoked no response. However, we were aware of the acute sensitivity of the military regime over Argentina's image abroad. It was important for us to ensure the disappearance would be covered in the foreign media. Fortunately, following a press contact in Buenos Aires, a short media report was carried in London that was reported to the Argentine Foreign Ministry. Within days, we were officially informed of Pat's detention. This was of course a major step since the regime, which now admitted it was holding him, could not claim he had disappeared. When we finally met Pat at Police HQ in Buenos Aires, roughshod attempts to improve his appearance could not disguise the ruthless psychological and physical ill treatment to which he had been subjected. Cigarette burns were clearly visible on the backs of his hands. He was severely disorientated but managed to convey a sense of calm dignity.

Shortly later, he was transferred to Unidad 9 of a prison in the city of La Plata. My almost daily visits to La Plata until we secured his release formed the basis of a friendship which lasted for the rest of his life. During those visits, I frequently found myself speaking to Pat in Spanish and sometimes in Irish. For some reason his command of English had been affected by the severity of his treatment. The day I accompanied Pat, overwrought and under military escort, onto his plane at Ezeiza airport remains etched on my mind. He was relieved to be free but deeply distressed at leaving so many friends and companions in such dire conditions.

One friendship Pat had developed in La Plata was with a prisoner in an adjoining cell by the name of Jorge Taiana who, after the return of democracy, went on to a political career and served until mid-2010 as Argentina's Foreign Minister. They maintained contact over the years. I met Taiana at a conference in Madrid in May 2010 when he spoke warmly of that friendship, and Pat's extraordinary commitment to the cause of the 'disappeared'. That conversation took place weeks before Pat's untimely death.

After his release, the fight for human rights engaged Pat throughout the rest of his life. He developed an acute understanding of the importance of effective international human rights systems. He had seen the impact of the Inter-American Commission of Human Rights, which visited Argentina in 1979 and whose report, despite energetic opposition by the *de facto* regime, highlighted the scale and depth of the violations that had

taken place and were still occurring.¹ That report did much to break the sense of impunity and silence which surrounded the violations in those years. The regime refuted the report's conclusions, even attempting to replace them with a spurious alternative version of the facts. The report was fundamental in crystallising international concern. In his foreword to a recent new edition of the report, the Argentine Foreign Minister said it continued to be 'a fundamental document to understand the past...to underline the importance of strengthening the inter-American and global systems of human rights in order to ensure effective vindication of those rights'.

Pat's experience as a 'disappeared person' in Argentina in the 1970s and our friendship in later years influenced me over the course of my career, particularly the vital need for effective international human rights instruments. When serving as Ireland's Ambassador to the Council of Europe in Strasbourg, I chaired a group charged with identifying ways of guaranteeing the continued effectiveness of the European Court of Human Rights which remains a unique body unprecedented in the history of international law. It has acted as a nerve centre of human rights protection, radiating through domestic legal orders of European States. When national protection fails, individuals can and do bring their complaints to Strasbourg, triggering international scrutiny of the effectiveness of national human rights protection. This system, now deeply entrenched in the legal and moral fabric of most European States, is crucial in securing the peaceful development of greater Europe. Citizens' confidence in the democratic method of government is strengthened by the knowledge that their rights will be protected in an effective way, if necessary at the level of the European Court. The Court upholds pluralist democracy by securing and protecting core democratic principles. It is a model that is being applied elsewhere, including in the Americas. In this context, it is worth noting the conclusions of the Sabato Commission '*Nunca Más*' ('*Never Again*') in 1984 that only democracy is capable of ensuring that such horrors, as occurred in Argentina, can never again take place.²

Pat Rice was never someone to say 'task completed'. He was nominated by Ireland to a UN Working Group, which led to the International Convention for the Protection of All Persons from Enforced Disappearance. He played a key role in the negotiation and drafting of the text and would have been hugely proud of the fact that the Convention has now come into force. But, he would also have seen this as a starting

¹ <http://www.cidh.org/countryrep/Argentina80eng/toc.htm>

² *Nunca Más (Never Again): Report of Conadep (National Commission on the Disappearance of Persons) 1984* http://www.desaparecidos.org/nuncamas/web/english/library/neveragain/neveragain_001.htm

point and would have continued his tireless advocacy for all states to ratify the Convention. While the Committee on Enforced Disappearances to monitor implementation of the Convention will be a landmark event, Pat would have also lobbied for ratifying states to issue the necessary Declaration accepting the competence of the committee to deal with communications from or on behalf of victims of enforced disappearance.

The Committee of Ministers of the Council of Europe demonstrated strong support for the adoption by the United Nations of a binding international instrument for the protection of all persons from enforced disappearance. Later, it also expressed concern at the slow pace of ratifications by member states of the UN Convention.

Pat's days as a worker priest gave him a strong knowledge of what was involved in defending and promoting human rights, not as an abstraction but in his direct experience of the suffering of people not knowing where to turn for help. This was why, after his release, his work in London and Washington for human rights in Argentina had such an impact. It was also why he was able to work with Senator Chris Dodd in organising a US senate hearing on the 'disappeared' in Argentina and why he was able to play a powerful central role in the establishment of FEDEFAM, the Latin American Federation of Associations of Relatives of Disappeared Persons.

Whether on the ground in Asia or Central America or Africa or the Balkans, or lobbying in European capitals, Pat became a champion for the rights of the 'disappeared'. His work in bringing cases to the UN Working Group on Enforced or Involuntary Disappearances helped shine a light at a time when there was no wider international protection and when too many capitals chose to argue complexities when he, and others with him, demanded action.

Ireland supported the adoption of the Convention on Disappearances by the UN General Assembly in 2006 and became a signatory state the following year. While Pat was under no illusions that the Convention would definitively address the crisis of enforced disappearances, still happening in far too many places, he knew, however, that in time it will provide a firm scaffolding of protection and will place beyond the pale those who embrace or practice this evil.

Pat Rice believed firmly in the importance of international human rights law; that is why he fought so fiercely for the Convention on Disappearances. However, he also saw human rights as a mosaic that involves much more than governments signing treaties or issuing declarations. He knew that strengthening respect for human dignity is an unending process and is the bedrock foundation on which everything else

rests. Last year I visited the house near Constitución in Buenos Aires that was home to Pat, his wife Fátima and their three children. Pat's skill as a carpenter, a trade he learned as a worker priest, is clearly evident in a house, which has welcomed so many visitors and human rights activists from Argentina, Ireland and from around the world. A long conversation with Fátima, herself the victim of illegal detention and torture, brought back Pat's courage, quiet dignity, and gentleness combined with an unrelenting commitment to human rights. With his death, a strong and guiding light in the campaign for the rights of the 'disappeared' was extinguished. However, speaking to his children, Amy, Blanca and Carlos, it was a great joy to see Pat's legacy alive in their active commitment to pursuing their father's work.