

JUDICIAL CORRUPTION IN
ARGENTINA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 1999

Mr. TOWNS. Mr. Speaker, I would like to submit the following remarks to the attention of my colleagues. These remarks were delivered on July 22nd, at a congressional human rights caucus members' briefing on corrupt practices in Argentina's judicial system. While Argentina has made some strides toward democratization, the information shared with members at this briefing suggests that much work still remains to be done with their judicial system.

STATEMENT OF MS. VIRGINIA GOLAN, DIRECTOR OF HUMAN AFFAIRS, BUENOS AIRES YOGA SCHOOL FOUNDATION (BAYS)

Honorable Members of Congress, staff members, concerned activists, friends, ladies and gentlemen, thank you with all my heart for the opportunity to share with you our story. It is a sad one . . . but with your help, I hope that there may still be a happy ending for us and for democracy in Argentina.

My name is Virginia Golan. I am 28 years old. I am from Argentina. I am a member of a small institute and school of philosophy, the Buenos Aires Yoga School (BAYS). I should be in Buenos Aires today studying, but I can't because of government oppression. I should be with my friends, but I'm not because they are in hiding. Today, I spend as much time as I am able in the United States because I am afraid to go home. In fact, I haven't spent very much time at home since I was badly beaten four years ago by agents of the Argentine judiciary. The first time, late one evening when leaving a meeting of my school, I was attacked. They threw me against a wall, told me not to look back, and threatened to kill me if I did not stop my lobbying efforts in the BAYS case. The next time, in broad daylight, after I left the Argentine Legislature, a strange car pulled next to me. They beat me while shouting, "Stop causing trouble for the judges, you whore, or we'll kill you." The attackers concentrated on hitting my face, leaving me with black eyes and grotesque bruising of my face. Fearing for my safety, soon after I left my home and my friends to bring our story to America. And this is our story.

Six years ago, a member of BAYS, Maria Valeria Llamas, was subjected to rape, sexual abuse and psychological torture by her stepfather, Sommariva, he countersued by accusing our school of being a cult that brainwashed and corrupted his 24 year-old stepdaughter.

The judicial nightmare that ensued has consumed the last six years of my life and the lives of the 300 families of BAYS. It is about abuse of power. It is about greed and corruption. It is about fear, and violence and hate. It is about all those things that the Argentine government would rather were never mentioned. It is about a small struggle for freedom that has come to symbolize the greater struggle for democracy and justice throughout my country. And today, in these chambers, it is becoming a story of hope.

Since that fateful day, the many tentacles of the Argentine Judiciary have harassed the members of our school, especially the women. Our homes have been illegally searched, our property illegally confiscated, our phones illegally tapped, careers ruined and our reputations stained. Even our youngest members have been subjected to the ter-

ror that is Argentine justice. Such as minor, Celeste Fain (whose brave mother is here today) a young Jewish girl, who was physically violated and raped by a member of the Argentine judiciary, the first criminal trial judge handling our criminal prosecution, Judge Mariano Berges. Other BAYS members have been detained, separated from their families and forced to submit to psychiatric and psychological tests. While in judicial detention, Dr. Maria Eugenia Rossi and Carmen Graciela Alarcon, two of our more prominent members, were vaginally and anally violated, and subjected to inhumane conditions while in the court's jail for up to 16 days.

Most recently, the Argentine judiciary appointed a third criminal trial judge to investigate the BAYS case, a procedural duplication that is highly unusual even under Argentina's bizarre judicial system, as admitted by Argentine Supreme Court Justices Moline O'Connor and Adolfo Roberto Vazquez. The third criminal trial judge, Corvalan de la Colina, has escalated the terror, authorizing new criminal cases to be filed, based on the same meritless facts. Such is the situation with my 27 year-old friend, Carla Papparella. Her parents have mistreated her all her life. As any sane person would do, she left that life of abuse as soon as she was of age. Now her parents continue harassing her by accusing BAYS of forcing her into involuntary servitude. Carla went to see Judge Corvalan to show what a farce this is, but he would not meet her. She filed a document, which I submit as evidence for the record, stating that she is of sound mind and that her parents are lying. She is here with us today. To make matters worse, Maria Valeria Llamas' mother launched a new case based on the same unproven accusations that Maria's stepfather Sommariva initiated 6 years earlier.

The Argentine judiciary is now using a new, dangerous strategy to attack BAYS by declaring that some women are mentally incompetent, thereby allowing their parents to sue BAYS on their behalf and against their will. Criminal Trial Judge Corvalan has violated Argentine law by declaring, without legal authority nor professional psychological assessments, that BAYS members Maria Valeria Llamas and Maria Veronica Cane are mentally incapable. The court has stripped these two young women of their civil rights, while terrorizing them with the ever present concern that they can be picked up anytime to be locked away in primitive mental institutions specializing in electroshock therapy. They live in constant fear, and the message to the rest of us at BAYS is that we can be next.

The truth is that the official psychological examination and test done on Carla Papparella, Maria Veronica Cane and Maria Valeria Llamas, as well as many others in BAYS who were tested, document they are all sound, stable, normal people. I submit for the record the forensic reports on these BAYS members. I further submit an affidavit by Dr. David Preven, a foremost expert on cults whose practice is in New York. Dr. Preven extensively investigated into the allegation that BAYS is a cult. Dr. Preven's findings directly refute this lie. The Argentine judiciary, however, does not want to deal with reality.

In March 1995, the Argentine Court of Appeals instructed the Lower Court criminal trial judge to close the BAYS investigation in 45 days and resolve the case. Incredibly, the judicial decree was ignored and the investigation continues today, a blatant violation of the Argentine Penal Code. The flaunting of Appellate Court decisions by Argentina's criminal trial judges dangerously undermines the foundation of rule of law in

Argentina. It is the respect for and enforcement of rule of law that distinguished true democracies from those that pretend to be.

All these years, one thread of evidence of corruption, involuntary servitude or brainwashing has been produced in a court of law. But the Argentine judiciary refuses to close the case and all BAYS members are stigmatized by a cloud of suspicion. We are treated as corrupters and corrupt people. We are condemned as mentally incompetent or called prostitutes. We have no possibility of clearing our reputation. We are stripped of our livelihoods, our sense of personal safety and well being, and our very dignity as individuals.

Now, some will tell you that this is simply the way of Argentina, which is cursed with an inefficient and belabored judicial system. I do not believe this. Evidence how swiftly our judiciary issues orders of detention, puts people in jail, authorizes searches and taps telephones. Witness how quickly they strip us of our rights and destroy lives. These are not the actions of a moribund institution. On the contrary, the Argentine judiciary can be a brutally efficient and destructive body. It needs direction and reform. It is crying out for help. We are asking for your help in steering our institutions of justice down a better brighter path.

Some will tell you that this is not America's concern. I am here to say that it does concern you. Not only are several members American, but as long as the people of America sell weapons to my government, sign contracts and extend debt service and support American business to make profits there, and encourage U.S. citizens to travel and spend money there—you are investing in Argentina's rule of law. The same rule of law that can put me in jail on a whim, can steal and turn on you. The same judge who has stripped me of my rights for a dollar, will rob you blind through a miscarriage of justice. The same soldier who beats me today, may kill me tomorrow with an American gun. Today, more than ever, I beg that you understand this should be of concern to you and all Americans. Although we were over 1,000 strong in membership, today, after 6 years of constant judicial persecution and violation of our human rights, only 300 remain. The Directors and students of BAYS have seen their honor and their dignity publicly soiled through denigrating accusations of crimes. After 6 years, we know the baseless charges will never be proven in a court of law, as they are blatant lies.

Ladies and gentlemen, every evening when we return to our homes, we are afraid to find them ransacked. We are scared to find our names and reputations further denigrated with scurrilous attacks in the yellow press. We are falling deeper and deeper into the despair of an unending hell. We are sick. We are tired. And I'm sorry to say that we are losing. We fear, that this is a never-ending prosecution, haunting us day after day, year after year—it seems forever. The specter of jail and mental institutions threatens our lives daily, while we continue postponing our dreams. I am very afraid because I do not know how much longer we will have the strength to continue this fight against oppression—a fight for our very survival, a fight for freedom for the Argentine people. I wonder, how long can we and must we endure? We beg of your great Nation, America, that you help us make our dreams of a democratic Argentina come true some day. I cannot thank you more deeply from my heart for your help.