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TO

TO (b)(3):50 USC 3024(i)

DTG

102115Z JUL 87

FROM

FM (b)(3):10 USC 424

TO

TO RUEKJCS/DIA WASHDC

RUEOEHA/USCINCSO QUARRY HEIGHTS PN/ (b)(3):50 USC 3024(i)

CONTROLS

~~CONFIDENTIAL~~ SECTION 01 OF 02 (b)(3):10 USC 424

(b)(3):10 USC 424

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SERIAL: (U) IIR (b)(3):10 USC 424

BODY

(b)(3):10 USC 424;(b)(3):50 USC 3024(i)

COUNTRY: (U) ARGENTINA (AR)

SUBJECT: IIR (b)(3):10 USC 424 FORMER LTC ((RICO)) TO BE

- REINSTATED? (U)

WARNING: (U) THIS IS AN INFO REPORT, NOT FINALLY

- EVALUATED INTEL

DOI: (U) 870708, 870710

REQS: (U) (b)(3):10 USC 424

SOURCE: (U) A. BUENOS AIRES HERALD, ONLY ENGLISH

- LANGUAGE NEWSPAPER IN ARGENTINA. CIRCULATION

- APPROXIMATELY 8,000.

- B. CLARIN, LEADING DAILY INDEPENDENT NEWSPAPER.

SUMMARY: (U) ACCORDING TO SOURCE, FORMER LTC ALDO

- ((RICO)) WILL LIKELY BE REINSTATED TO HIS

- RANK SO THAT HE CAN BE TRIED BY A MILITARY

- COURT.

T EXT: 1. (U) ACCORDING TO SOURCE A, THE MINISTRY OF DEFENSE (MOD) WILL REINSTATE FORMER LTC ALDO ((RICO)) TO HIS RANK SO THAT HE CAN BE TRIED BY A MILITARY COURT FOR THE CRIMES OF "USURPATION OF COMMAND, ABANDONING HIS ASSIGNED POST AND DISREGARD OF AN ARREST ORDER." HOWEVER, RICO WILL BE TRIED FOR THE CRIME OF REBELLION IN A FEDERAL COURT.

2. (U) SOURCE B REPORTS THAT SAN ISIDRO FEDERAL JUDGE


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ALBERTO DANIEL ((PIOTTI)) SUBMITTED TO THE MOD THE "ANNULMENT" OF THE "IN CONTEMPT OF COURT" CHARGE AGAINST RICO FOR FAILING TO APPEAR AT HIS CITATION, AT THE SAME TIME NULLIFYING THE RESOLUTION WHICH DISCHARGED RICO. RICO WAS DECLARED "IN CONTEMPT" BY JUDGE PIOTTI AFTER HAVING BEEN CITED ON FRIDAY OF EASTER WEEK 1987 AND FAILING TO APPEAR BEFORE THE COURT ON THAT SAME DAY. PIOTTI THEN INFORMED DEFENSE MINISTER JOSE H. ((JAUNARENA)), WHO THEN DISCHARGED RICO. HOWEVER, RICO NEVER RECEIVED THE COURT SUMMONS. ACCORDING TO SOURCE A, RICO'S SUMMONS WAS ERRONEOUSLY DELIVERED TO ANOTHER OFFICER AND FINALLY GIVEN TO RICO ONLY HALF AN HOUR BEFORE HE WAS DUE TO TESTIFY, THUS MAKING IT "MATERIALLY IMPOSSIBLE" FOR HIM TO ATTEND.

3. (U) PIOTTI'S DECISION TO ANNUL RICO'S DISCHARGE WAS BASED ON TESTIMONIES BY SECRETARY EDUARDO ((LARREA)), LTC ENRIQUE ((VENTURINO)), WHO RECEIVED THE SUMMONS AND NEVER GAVE IT TO RICO, AND RICO HIMSELF. THIS DECISION, HOWEVER, DOES NOT SIGNIFY THE END OF RICO'S TRIAL ON "REBELLION" CHARGES. IT CONCERNS TWO COMPLETELY DIFFERENT SITUATIONS, ALTHOUGH THEY ARE RELATED. SOURCE POINTS OUT THAT THE REBELLION CASE CONTINUED, IN SPITE OF THE FACT THAT RICO WAS DECLARED "IN CONTEMPT".

4. (U) THE CASE IS NOW IN THE HANDS OF SAN MARTIN FEDERAL JUDGE RODRIGUEZ ((BASAVILBASO)) AND THE QUESTION OF COMPETENCE BETWEEN THE MILITARY AND FEDERAL COURTS IS BEING CONSIDERED BY THE SUPREME COURT. THE SAN MARTIN COURT CANNOT PROCEED TO THE NEXT STAGE, WHICH INCLUDES AN ORAL AND PUBLIC TRIAL, UNTIL THE SUPREME COURT RULES ON THE COMPETENCE QUESTION. IF THE COURT GIVES THE CASE TO THE MILITARY COURT, THE REBELLION CASE WILL CLOSE. FOR NOW, ALTHOUGH RICO MIGHT BE REINSTATED, HIS CASE CONTINUES.

(b)(1);1.4 (c)



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Withheld pursuant to exemption

(b)(1);1.4 (c)

of the Freedom of Information and Privacy Act

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(b)(1);(b)(3):10 USC 424;(b)(3):50 USC 3024(i)
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