

# DEPARTMENT OF DEFENSE INTELLIGENCE INFORMATION REPORT

~~CONFIDENTIAL~~  
~~SECRET~~  
~~TOP SECRET~~

~~SECRET~~

Classification/Control Markings

This report contains unprocessed information. Plans and/or policies should not be evolved or modified solely on basis of this report.

1 COUNTRY ARGENTINA (AR)	2 REPORT NUMBER (b)(3):10 USC 424
3 TITLE (U) HUMAN RIGHTS DEVELOPMENTS- FORWARDING OF 19 EMBASSY CABLES AND MINOS OF CONVERSATION	4 PROJECT NUMBER N/A
5 DATE OF INFORMATION 790110-790405	6 DATE OF REPORT 790418
7 DATE & PLACE OF ACQUISITION 790110-790405, Buenos Aires	8 REFERENCES (b)(3):10 USC 424
9 ASSESSMENT SOURCE A INFO	10 ORIGINATOR (b)(3):10 USC 424
11 REQUEST EVALUATION OPO (country)	12 PREPARING OFFICER
14 SOURCE (b)(3):10 USC 424	13 APPROVING AUTHORITY (b)(3):10 USC 424

279

15 SPECIAL INSTRUCTIONS <del>ADVANCE REPORTS - FOR OFFICE USE ONLY</del>	D YES I R C NO X
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16 SUMMARY

(U) This IR forwards nineteen Embassy telegrams and memorandums of conversation concerning human rights developments in Argentina.

17 DETAILS: (U) The following telegrams and memos are enclosures to this IR:

Encl.	Description	DTG/Date	No. Pages	No. Copies	Classification
1	Telegram	081343Z F	3	1	Confidential
2	"	121930Z F	10	1	Secret
3	"	272000Z F	1	1	Confidential
4	"	061422Z M	20	1	Confidential
5	"	301519Z M	1	1	Confidential
6	"	022048Z A	3	1	Confidential
7	"	022114Z A	5	1	Confidential

17 SUBJECT AND AREA CODES

18 DISTRIBUTION BY ORIGINATOR DIA (original)	19 DOWNGRADING AND DECLASSIFICATION DATA  CLASSIFIED BY: [REDACTED], [REDACTED] 5 DEC 78 REVISED ON: 18 APR 1999  DECLASSIFIED IN FULL Authority: EO 13526 DIA FOIA & Declassification Services Offices Date: Oct 18, 2018  <del>SECRET</del> Classification/Control Markings	20 ENCLOSURES  19 Enclosures (See Details Section)  ENCLOSURE # [REDACTED] HAS NOT BEEN REPRODUCED IN PARTIAL REQUEST ENCL(S) FROM (b)(3):1 MICROFILMED BY RDS-3D1  21 This IR contains 2 pages
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# DEPARTMENT OF DEFENSE INTELLIGENCE INFORMATION REPORT

Continuation Sheet

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Report No. (b)(3):10 USC 424

Page 2 of 2 Pages

Originator (b)(3):10 USC 424

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Encl.	Description	ETC/Date	No. Pages	No. Copies	Classification
8	Telegram	021943Z A	2	1	Confidential
9	"	031700Z A	2	1	LOU
10	"	061515Z A	12	1	Confidential
11	Yemcon	790110	4	1	Confidential
12	"	790126	1	1	Confidential
13	"	790126	2	1	Confidential
14	"	790201	1	1	Confidential
15	"	790202	3	1	Confidential
16	"	790262	4	1	Confidential
17	"	790302	5	1	Confidential
18	"	790321	1	1	Confidential
19	"	790328	1	1	Confidential

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Authority: EO 13526

DIA FOIA & Declassification Services Offices

Date: Oct 18, 2018

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Classification Control Markings



# TELEGRAM

081343Z FEB 79

INDICATE  
☐ COLLECT  
☐ CHARGE TO

ENCL 9)  
 (b)(3):10 USC 424

FROM  
 AMEMBASSY BUENOS AIRES

CLASSIFICATION  
~~CONFIDENTIAL~~

12065

EO: 12812X

TAGS:

SUBJECT:

ACTION:

~~XDS 1 2/8/99 (CHAPLIN, MAXWELL) OR-M~~  
 SHUM PINT ELAB AR

~~(G)~~ SOURCES EXPECT IMPROVEMENT IN HUMAN RIGHTS PICTURE  
 AND SOME DEGREE OF GRADUAL LABOR OPENING  
 SECSTATE WASHDC

~~CONFIDENTIAL~~ BUENOS AIRES 1080

REF: BUENOS AIRES 0897

1. ~~(G)~~ Entire Text).

Results of our

2. ~~Our~~ initial contacts with trade union and political  
 accord with (reftel)

party sources/~~confirm~~ our preliminary estimate that the  
 recent reassignments in the Army add up to a potentially  
 significant strengthening of President Videla and Army  
 Commander Viola's hold over the government and the Army.  
 There is an air of expectancy in labor and political  
 circles that the removal of General Suarez Mason from  
 command of the Army's First Corps and his replacement  
 by General Galtieri, a Viola loyalist, will lead to a  
 significant reduction in the number of disappearances  
 in this Corps area (comprising Buenos Aires City and  
 environs) where the greatest number of such human  
 rights violations have occurred in the past.

AMB  
 DCM  
 POL 3  
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 ECOM  
 USICA

RF  
 CHRON

(b)(3):10  
 USC 424

AFIED BY:

DL: AGFreeman:jk

ARANCES

DRAFTING DATE

2/8/79

TEL EXT.

276

CONTENTS AND CLASSIFICATION APPROVED BY:

POLCOUNS:WHHallman

DCM:MChaplin

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 Authority: EO 13526  
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 Date: Oct 18, 2018

BA-17  
 4-12-76

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3. Col. Carlos Cerda, the head of President Videla's legal staff in the Casa Rosada, explicitly predicted to Emboff in a conversation February 6 that there will be a marked improvement in the human rights picture in Argentina in 1979 as a result of the recent Army personnel changes and the strengthening of the Videla-Viola axis.

4. Seconding statements recently made to the press by Junta member and Air Force Chief, Brigadier Graffigna, Cerda stated that the Junta is seriously working on coming out this year with a new trade union law which will permit at least a limited renewal of collective bargaining by labor union organizations. (The press reported that the Junta last week approved new, modified guidelines for drafting a union law which would begin to be applied next year.) Reversing what Casa Rosada sources have said in the past to the effect that the trade union law could not be issued until the government was ready to put into effect the new political parties law, Cerda said that the government now saw the need to begin labor-management bargaining and permit greater union freedom in order to rationalize the labor and economic situation in the country and head off possibly serious social agitation.

5. Cerda also said that President Videla intends

to engage in greater political dialogue with the political parties this year and that progress is being made in <sup>"compatibilizing"</sup> ~~the papers drafted~~ the papers drafted by the three armed services last year looking towards a government blueprint for eventually normalizing the political situation in the country. (Note: This accords with publicity recently given the plans of three services, but we still believe there is much to be done.)

6. Cerda affirmed his belief that it is General Viola's intent to step down from his position in the Army at the end of this year, suggesting that Viola's ambition is to succeed Videla as President at the end of the latter's mandate in March, 1981. Cerda doubted that Suarez Mason would be selected to succeed Viola as Army Commander.

7. COMMENT: While we have been hearing this same tune from Videla-Viola loyalists for a long time without concrete results, the removal of Suarez Mason is a dramatic event which could have a significant effect on the human rights picture.

CASTRO

BA-17  
12-12-79

# TELEGRAM

INDICATE  
☐ COLLECT  
☐ CHARGE TO

ENCL(2)

~~12065~~  
O. K. 12065  
TAGS:  
SUBJECT:

ACTION:

INFO:

FROM  
AMEMBASSY BUENOS AIRES

CLASSIFICATION

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(b)(3):10 USC 424

~~XDS-1/2~~

~~XDS-2-12-09 (CASTRO, RAUL H.) OR~~  
PINS, SHUM, AR

HUMAN RIGHTS ROUNDUP - SEPTEMBER 78 - FEBRUARY 79

SECSTATE WASHDC IMMEDIATE

AMEMBASSY ASUNCION  
AMEMBASSY SANTIAGO  
AMEMBASSY MONTEVIDEO  
AMEMBASSY BRASILIA  
USUN  
USCINCSO  
US MISSION GENEVA

~~SECRET~~ BUENOS AIRES

1189

REFS: A) 78 BA 5656; B) 78 BA 6527; C) 78 BA 7693;  
D) 78 BA 9110; E) 78 BA 9209 (ALL REFS NOTAL)

1. (~~SECRET~~ - ENTIRE TEXT)
2. SUMMARY: This report resumes the human rights round-up series, which the reporting plan now schedules every six weeks. The last report in this series was ref b, which was followed by refs c, d and e on outlook, right of option, and disappearances.

Large numbers of the most elemental human rights abuses continue to occur. The expectations expressed in ref c have not been met, neither has the situation retrogressed. While there have been a number of positive

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DCM:MChaplin:jm

DRAFTING DATE

2-12-79

TEL. EXT.

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CONTENTS AND CLASSIFICATION APPROVED

AMB:RHCastro

LEARANCES:

POL:WHallman  
POL/R:JDiferano  
(draft)

USICA:JCorr (draft)

(b)(3):10 USC 424

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developments over the past five months, we have yet to see the heralded basic changes in the operational methods and role of the security forces - the source of the most crucial violations. The attention of the military and the public over most of this period was riveted on the Beagle Channel dispute, the mobilization and near-war. Next important as a diversion were the year-end military promotions and assignments, the final results of the year's military politics.

This report covers significant developments in six areas of top interest. These developments show some signs of improvement in the human rights picture -- clearly better than one year ago, but portray a situation in which grave violations continue to be common. END SUMMARY.

### 3. Security Force Operational Practices.

Sec. 3.3(b) (1)

In July-August 1978 we received reports from [redacted]

[redacted] Political sources that police and military counter-subversive practices were to be cleaned up and more closely controlled. Many counter-subversive units were reportedly to be closed down. While the latter seems borne out in several cases, we see no evidence of major reforms of the system by which individual security units can abduct suspects who never reappear. The total number of these events appears to have declined/ but the practice continues despite reports by senior security officers and statements

by Junta members Viola and Agosti that the war against terrorism is over. The Embassy continues to receive reports that torture of subversive suspects is common.

The trend of disappearances is clearly down, though the data is extremely slippery. (Our data improves over time, there is a lag in reporting disappearances, this lag may be shrinking according to one human rights source, and there is a completely unknown percentage error resulting from unreported cases.) Despite the many uncertainties, we are satisfied that the number of disappearances declined from approximately 80/month at the end of 1977 to approximately 50/month during the first half of 1978. ~~40/month at the end of 1978~~ The latter ~~figure~~ figure is so far from zero as to be of mostly academic interest; caution should be used in drawing conclusions from it.

Of interest

~~More xxxxxxxxxx xxxxxx xxxxxxxxxx xxxxxxxxxx~~ were a number of reappearances reported over the past several months, especially the journalist Esteban who was finally surfaced and charged (BA 7797, BA 7966), Alfredo Smith (BA 9133) and others (BA 9111, BA 0029). The handling of these <sup>few</sup> ~~not~~ <sup>not necessarily</sup> cases does indicate an improvement in security force practices. A number of Embassy sources report optimism about reduction of disappearances in First Corps area with the appointment of General Galtieri as Commander. During his tenure as Second Corps Commander,

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security forces procedures there were relatively far better, with suspected subversives usually being presented to the courts and charged. At the sametime disappointment is expressed over the appointment of General Sasiain as Chief of Federal Police.

Summary executions are continuing, some evidence being the reports of bodies washed ashore in December 78 (BA 0530). This kind of report brings <sup>horror and</sup> drama to the situation, but we continue to believe that the best <sup>is</sup> indicator of what ~~is~~ actually happening is the net number of disappearances. Apparently some in the GOA use the same measures; note the statement to the Ambassador by the SecGeneral of the Air Force that January disappearances should not exceed ten (BA 1084). Summary execution of abducted suspects is an integral part of the system by which individual security units are permitted to operate without accountability to the courts. It seems unlikely they can be stopped without overhaul of the system.

Pressure for change of the system jumped sharply in December with the abduction and murder of FonOff official Elena Holmberg (BA 436). The murder of Holmberg, a staunch conservative from one of Argentina's most distinguished families seems to have rocked the establishment profoundly. La Nacion, which had heretofore been able to ignore the problem, editorialized about the murder with genuine outrage.

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#### 4. Courts and the Rule of Law

A major indicator of normalization is assertion by the courts of their authority, and the Government's responsiveness to that authority. In the area of treatment of subversive suspects, the government continues to ignore the courts. For their part, the courts and bar associations ~~have become~~ <sup>are becoming</sup> increasingly assertive <sup>the Ambassador's initiatives and by</sup> (encouraged by/Embassy programming). In a small but growing number of subversive cases the executive is charging suspects before civil judges (BA 7966 is an example). We have received ~~unconfirmed~~ <sup>a number of</sup> reports that ~~some~~ prisoners are tried by military courts, but no data on numbers is available. ~~(XXXXXX Deleted XXXXXX Space and Code XXXXXX)~~ Other instances of the courts' assertion of authority were reported in BA 8212, BA 8796 and BA 1097. The significance of these events grows with their frequency.

#### 5. Prisoner Treatment

This appears to be one area in which the GOA is making a real effort to impose consistent central government control over prisoners who have received widely varying treatment. It appears to be in preparation for the IAHR visit, and in response to ICRC urgings. PEN prisoners throughout the country are being transferred to six prisons run by the Ministry of Interior. Also in anticipation of the IACHR visit there is an effort to charge



or release PEN prisoners (Memcons with MinInterior [redacted])

[redacted] officials 1-10 and 2-2-79).

Sec. 3.3(b) (1)

In recent months a number of prominent prisoners have been released, such as Alfredo Bravo (BA 0066) or put under house arrest (BA 7098). While these actions show the authorities can reverse arbitrary detention, they have only a small effect on the total prisoner population.

#### 6. Right of Option

This aspect of prisoner treatment merits separate attention because of the detainee parole program. After months of arguments and pressure, the GOA finally agreed in November 1978 to permit our Consular Officers to interview parole applicants. (Apparently there are mixed feelings within the GOA about this program - see BA 8869 and BA 9110). Two lists of applicants for parole to the U.S. have been reviewed by the Ministry of Interior, and while approving some, many interviews have been disapproved: first because the applicant has been charged or sentenced on a criminal charge, second because his application for right of option has recently been disapproved, and third because he has either been released or granted right of option to ~~xxx~~ go to another country. We believe that over the next few months our program will permit a modest number of detainees to go to the US. This will never [redacted]

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~~DO NOT XXXX THE XXXX XXXX HAS XXXX ESTABLISHED CREDITABILITY WITH  
THE XXXX XXXX OF THE XXXX WHICH RESPONDS IN VARYING  
DEGREES TO ITS REPORTS AND RECOMMENDATIONS.~~

~~UNUSXXX Relations are antagonistic XXXX through other  
GOALxxx seeking xxx seat xxx the Commission xxx this xxx probably  
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with xxx xxx xxx xxx xxx xxx xxx xxx xxx xxx xxx~~

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a visit, which was bitterly opposed by elements in the Foreign Office. Despite the opposition the President persevered ~~persevered~~ and the visit was announced in October, accompanied by rumblings of dissent from the Foreign Office (BA 8171 and BA 8248). While the visit seemed remote during the Beagle Channel crisis, we now have increasing reports that the government is concentrating on remedial actions to be taken before the visit takes place (BA 0592, 0627, 0850, 1084). The visit is a decision and action-forcing event which can have significant effects on GOA practices in security and prisoner treatment. Though we cannot account for it, the GOA seems to be able to contemplate the visit of the IAHRC, where any dealing with the UN counterpart would be unthinkable from their view.

#### 8. Attitudes - Tolerance of Dissent

In our expression of guarded optimism (BA 7693) we expressed some cautious hopes based on a visible changing of attitudes towards violation of human rights, and willingness ~~greater~~ to speak out against abuses.

These trends have continued and increased, though the government response to them has been barely visible.

Most obvious is the fact that newspaper coverage of and comment on disappearances, once taboo, is now almost common. We commented on this in September (BA 7625), and the

trend has been gathering momentum. The most notable coverage related to the death of Elena Holmberg in December, which seems to have struck a sensitive spot. Human Rights groups now regularly place paid advertisements in the press asking for redress of their grievances, and Supreme Court decisions critical of the government are no longer given kid-glove treatment.

Another example of hesitation to resort automatically to force is the case of Jehovah's witnesses. (BA 0461, 0577 and previous). The GOA seems to be aware that it is incurring international disfavor by placing heavy penalties on the refusal of the witnesses' children to salute the flag and bear arms. They seem to be impressed by the Ambassador's arguments that the USG went through the same problem, and they should learn by our mistakes.

Some confirmation of this appeared in the [redacted] [redacted] which states that the concept of alternative military service is now being seriously explored.

Having noted these straws in the wind, it must be stated that tolerance of dissent, novelty or unconventional views is minimal.

9. Conclusion: There are some positive events and trends ~~and~~ amidst continuing violations. Quantitatively the violations have declined and qualitatively the GOA's performance has improved a little, but it is still

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far short of international standards.

CASTRO

A large, stylized handwritten signature, possibly reading 'R. R.', is written over the word 'CASTRO' and extends downwards and to the left.

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272030Z FEB 79

# TELEGRAM

 INDICATE  
☐ COLLECT  
☐ CHARGE TO

(b)(3):10 USC 424

FROM	AMEMBASSY BUENOS AIRES	CLASSIFICATION	<del>CONFIDENTIAL</del>
12065:	CDS 2/26/85 (HARRIS, F. ALLEN) OR-P		(b)(3):10 USC 424
TAGS:	SHUM AR PINS		
SUBJECT:	(U) PRESIDENT REPLIES TO SUPREME COURT'S DEMARCH		
ACTION:	SECSTATE WASHDC		
INFO:	USCINCSO QUARRY HTS CZ	1618	
	<del>CONFIDENTIAL</del> BUENOS AIRES		
	REF: BUENOS AIRES 1097		
	1. (U) On February 16 the text from President Videla's letter addressed to Supreme Court President Gabrielli was released by the Casa Rosada replying to a number of points made in the recent Supreme Court decision in the Smith III case (see reftel). President Videla's letter stated that he shared the high court's preoccupation over the deprivation of justice in Argentina. The letter said that without judging the merits of the facts contained in the 1542 disappearance cases before the court, which only the judiciary has the competence to judge, the President could only share the court's preoccupation regarding the matter.		
	2. (U) The President's letter went on to point out that		
REF BY	DRAFTING DATE	TEL EXT.	CONTENTS AND CLASSIFICATION APPROVED BY:
POL:FAHarris/WHHallman:jk	2/26/79	277	POLCOUNS:WHHallman

REFERENCES:

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DCM:MChaplin

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 USC 424



the national reorganization process proposed to normalize the country in all areas with full and effective juridical processes and pledged to use all his forces to reinstate the real exercise of the constitutional rights and guarantees. The President also pointed out the grave emergency and crisis situation which had set back the country generating chaos, disorder and distortions which had compromised Argentina's condition as a society based on Justice.

3. (U) The President's letter ended saying "the rational government is making every effort to install the true exercise of constitutional rights and guarantees, and trusts that the Supreme Court considers this the case."

4. ~~(C)~~ Embassy Comment: The Presidency took some, if not most, of the sting out of the Supreme Court's denunciation of the Executive Power's responsibility for the deprivation of justice prevailing in Argentina by using again the tactic of recognizing the validity of critics' assertions, blaming the problems on the crisis situation in the last several years and pledging the Executive to work to rectify the acknowledged bad situation in the future. President Videla often seeks to disarm criticism in this way.

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The response elicited some editorial opinion. (See especially Prensa's editorial reported para 3 of Buenos Aires USINFO of Feb. 26.) The statement reiterates the President's unequivocal intention to put Argentina's legal system into proper working order -- but leaves in abeyance the question of when and whether the specific complaints the Court has registered will be answered.

CASTRO *RM*

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## TELEGRAM

301422Z MAR 79

INDICATE  
☐ COLLECT  
☐ CHARGE TOENCL 411  
(b)(3):10 USC 424

FROM:	AMEMBASSY BUENOS AIRES	CLASSIFICATION:	<del>CONFIDENTIAL</del>
12065 110333Z TAGS: SUBJECT:	<del>RDS 4 3 27 99 (Castro, Raul H) OR P</del> SHUM AR (U) HUMAN RIGHTS ROUNDUP -- February-March 1979  SECSTATE WASHDC <del>EXIMEX</del> IMMEDIATE  INFO: USCINCSO QUARRY HTS CZ AMEMBASSY ASUNCION AMEMBASSY BRASILIA AMEMBASSY GENEVA AMEMBASSY MONTEVIDEO AMEMBASSY SANTIAGO  <del>CONFIDENTIAL</del> BUENOS AIRES 2501  PEF: Buenos Aires 1189 PENDING  1. <del>(e)</del> ABDUCTIONS/HALTED -----  A. Reports of abductions received by human rights organizations and this Embassy show a sharp drop in 1979.  Our files list nine disappearances in January, none in (see BA 2490 para. 4) and a possible three February/and three in March (see Ambassador's report of his March 28 talk with General Viola regarding these (See also final para.) three disappearances which Viola is investigating). /  This trend of the data on disappearances tends to confirm numerous reports reaching all elements of the Embassy to the effect that the GOA has ordered a halt to extra-legal abduction of suspected subversives and has		
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FAHarris:jm/jk	3-29-79	277	POLCOONS:WHHallman
ANCES:			

CONS:KSackett (draft)  
ECOM:JAmott (substance)  
(b)(3):10 USC 424;(b)(6)  
POL/R:JDiStefano (draft)DECLASSIFIED IN FULL  
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~~has been~~ disbanded many counter-subversive squads.

Senior military and Presidencia sources state that operations against subversives henceforth will be carried out through normal police procedures. Junta member General Viola has stressed this point several times in recent meetings with Ambassador Castro. Brig. General Lepori, an Army Commander in Mendoza, recently confirmed to the [ ] he had received instructions that all detentions were to be made legally and that he was strictly following these orders. An Army Major in the Presidencia told

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(b) (1)

[ ] that both the Presidencia and Army Headquarters had issued instructions to all security force commanders to insure that no further illegal operations took place within their zones of responsibility.

#### B. GOA PREPARATIONS FOR IACHR VISIT -----

A governmental task force headed by the Ministry of Interior is reported to be actively preparing for the May 28-June 9 visit of the Inter-American Commission on Human Rights (IACHR). In addition to producing a thick briefing book on the visit, governmental and other sources indicate that the decline in disappearances and other activities reported below are related to some degree to the imminence of the Commission's visit.

#### C. PRISON CONDUCT STANDARDS -----

Senior Ministry of Interior (MinInt) official has [ ]

told the Embassy that the Presidential decree establishing uniform rules of conduct and treatment for all Argentine prisoners is being typed in final and is expected to be issued by the President in the first week of April. This decree reportedly will establish for the first time written rules of conduct and norms for the treatment of all Argentine prisoners -- both criminal and political.

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## D. REMOVALS FROM PEN STATUS -----

The Ministry of Interior's effort to reduce the number of persons being held by the Poder Ejecutivo Nacional (PEN) Presidential decrees is continuing. Since the beginning of 1979 through March 25, according to the press, 208 persons have had their PEN status removed and only 24 new cases have been added to the PEN rolls. By Embassy count /the total number of persons presently publicly recorded under PEN is 2,689. MinInt Internal Security Director San Roman told the Embassy this week that he hoped that by the end of May the PEN prisoner population would be in the neighborhood of 1,800 persons. San Roman said his earlier goal of less than 1,000 PEN prisoners prior to IACHR visit does not now seem possible due to "problems with the Armed Forces."

According to San Roman, MinInt officials are consulting the judiciary regarding each indicted PEN prisoner to verify that the supervising judge will not release the "dangerous prisoner" if his or her PEN status is removed. As soon as the Ministry receives such assurances, the PEN decree is removed, and the prisoner remains detained during subsequent judicial proceedings.

MinInt and FOWG sources <sup>have</sup> ~~has~~ told us that special <sup>those</sup> attention is being focused on /persons held under the

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PEN since 1974 or 1975. Many of these persons have completed their / criminal sentences and continue to be held only under the PEN. According to San Roman, the MinInt wishes to release those cases which they considered to be "small fry" (perejil). (Comment: Presumably Presently those who are considered in the "more dangerous" category will simply remain under PEN.)

This may now be easier as the Presidential Advisory Panel, created by the Right of Option law, has adopted according to MININT source / new working procedures eliminating the veto power of the arresting agency over the release or option of PEN prisoners. Prior to 1979, the approval of the original arresting agency was needed for any removal of PEN status. The rationale of the arresting agency for the continuing the PEN detention was never questioned or reviewed. However, according to the MinInt under the new 1979 guidelines, the Presidential Advisory Commission may now overrule the arresting agency's decision not to release a prisoner if it finds the arresting agency's justification insufficient.

Another step to reduce the number of PEN detainees, according to San Roman, is to place new subversive for processing cases/directly under the jurisdiction of the military or civil criminal court system, instead of placing them automatically under the PEN. (XXXXXXXXXX)

DETENTION

Human rights and released detainee sources have indicated that a number of well-known detention facilities have been closed. In some cases, this has been confirmed by government sources. Among those facilities reported closed are the Navy Mechanics School, the Campo de Mayo, the Bridge No. 12 facility on the Tablada Army Garrison, La Perla Estancia outside of Cordoba, La Arana Estancia outside of La Plata (mixed reports), the facility at the Famaillá Army Base in Tucuman. The Embassy has been told by a FOWG source that arrangements can be made for the IACHR commissioners to visit any place in Argentina during their visit and they will be encouraged to visit the Navy Mechanics School and the Army's Campo de Mayo.

F.Exx PRISON REORGANIZATION -----

On April 20 the GOA expects to inaugurate the new Caseros model prison in Buenos Aires. The Ministry of Interior plans to transfer 490 PEN prisoners from

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Sierra Chica, 220 PEN prisoners from Resistencia, and over 300 PEN prisoners from Coronda to the new Buenos Aires facility by mid-May. These moves will complete those prison changes possible before the arrival of the Commission in the government's planned prison reorganization. Several hundred PEN prisoners have already been moved to La Plata from prisons in the III Corps area and from small provincial jails.

PEN prisoners will be concentrated in the Villa Devoto ~~city~~ <sup>as</sup> as PEN holding facility (women --/ slated for closing /ultimately), Rawson ("very dangerous men"), La Plata and Caseros Prisons. Three prisons -- Coronda, Sierra Chica and Resistencia -- which are regarded by the IRC and human rights organizations as the worst of the Argentine prisons -- will no longer be used for PEN prisoners.

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2. ~~(C)~~ HRO PREPARATIONS FOR IACHR VISIT -----

Argentine Permanent Assembly for Human Rights Vice President Emilio Mignone ~~(starting by XXXXX)~~ ~~REDACTED~~ spent a week in late February in Washington working with the IACHR staff preparing for the Commission's site visit. Mignone informed the Embassy that Dr. Edgardo Paz Barnica, a Honduran staff lawyer, has been appointed to prepare the Commission's report. Mignone said that he spent six full days working with Dr. Paz Barnica providing the Commission detailed information regarding the Argentine legal system and the operations of the GOA's anti-subversive forces. According to Mignone, the Commission has a detailed outline of its report in hand and is now focusing on those areas which the site visit can be used to supply information for the report.

The IACHR is receiving numerous documents regarding disappearances sent by families and groups who want to insure that their complaints -- dating from early in this military government to the present -- are also registered in that forum. Mignone said that the Commission had over 1,500 cases registered when he was in Washington in late February and was receiving 50 to 60 ~~XXX~~ letters daily.]

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A later report from a Buenos Aires Herald Washington stringer reported that the Commission had over 2,500 cases and was now receiving 80 letters a day. According to Permanent Assembly sources, the Inter-American Human Rights Commission is especially interested in help from Argentine HRO's in identifying disappearance cases in which there is substantial evidence of the involvement of government security forces. The Assembly has created a small task group headed by Dr. Conte-MacDonald to identify and document these hard evidence cases for the Commission.

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Reasonableness of PEN ~~Detentions~~ Detentions-----

The Supreme Court issued a series of decisions on January 12, 1979 in the Yañez, et al. habeas corpus petitions which according to human rights and Bar Association sources calls into question the "Zambrano doctrine" which was the basis of the Federal Court of Criminal Appeals decision in late 1978 ordering over 160 PEN prisoners freed because of the vague and unsupported nature of the government's justifications for detaining them under the Poder Ejecutivo Nacional (PEN). The Zambrano doctrine, first enunciated by Criminal Appeals Court in 1977, holds that the Executive power may only detain persons under its Constitutional State of Siege authority for specific charges related to the imposition of the State of Siege. The doctrine further holds that PEN detentions are subject to review by the judiciary to ensure that each detention is a reasonable exercise of the State of Siege power. However, in the Yañez, et al. decisions the Supreme Court overturned the Federal Criminal Appeals Court's previous orders freeing over 100 PEN prisoners. The Supreme Court in <sup>A</sup>similar two sentence decision<sup>A</sup> in each case found no circumstances "to disqualify the exercise of the right of the executive power to continue to detain the<sup>2</sup> individual<sup>2</sup>." Most of the persons whose cases were before the Supreme Court were being held

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under PEN for reasons such as suspicion of association with subversive organizations, etc. The Supreme Court's decision is seen by HRO's as a serious weakening of the "Zamarano doctrine," and lowering the "reasonableness" standard so that ~~the~~ the government has <sup>only to</sup> ~~assert~~ assert that the detention is related to "subversion" and not to a specific crime. The Buenos Aires Bar Association in a March 16, 1979 statement praising the Supreme Court's handling of the Giorgi Case chided the Court for accepting "unreasonable answers" to habeas corpus writs filed on PEN prisoners.

Following the "Yañez, et al." Supreme Court decisions, two new PEN prisoner habeas corpus petitions have been decided by the Court of Criminal Appeals. The press reported on March 20, 1979, that the Criminal Appeals Court had held in a split decision in the case of Sara Adamchuck that the reason given by the Ministry of Interior for the PEN imprisonment of Ms. Adamchuck was "insufficient." The MinInt told the Court that Ms. Adamchuck was being held under PEN detention "for her connections with subversion." The Court's majority said that "it is necessary to demand the evidence to determine whether the behavior of the detained is punishable by law." The dissenter said that "given the historic moment the country is going through" the Adamchuck

detention is not reviewable by the Judicial Branch.

The case was, as usual, appealed to the Supreme Court.

In the cases of Garcia, et al. reported in the press on February 22, 1976, a different panel of the Criminal Appeals Court found that the generic explanations that Ms. Garcia, et al. were being held "for links with subversion that affects the country" were sufficient to maintain the petitioners under PEN detention.

COMMENT: Personnel changes on the recently reorganized 2 panel - 6 judge Court of Criminal Appeals appear to be the explanation for these divided and contrary decisions.

Smith III Repercussions-----

The Supreme Court's December 21, 1978 decision in the Smith III case in which the High Court admitted the inability of the habeas corpus procedures to deal with the large number of reported disappearance cases indicated a definite privation of justice has led to a number of repercussions. The court's call to President Videla for the Executive to take steps to remedy this situation triggered a Presidential reply in an open letter. The President stated that he agreed with the court that there had been a serious deprivation of justice in

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Argentina in recent years but noted the difficult period which the country had gone through and stated that one of the priorities of the military's national reorganization plan was to reestablish a strengthened judicial system. The Videla letter occasioned fulsome positive comments from the press and legal community. However, Emilio Mignone, one of the petitioner's lawyers in the Smith III case presented the Supreme Court with a <sup>legal</sup> ~~short~~ memorandum on February 21, 1979 stating that if the Judiciary could not properly function as the court had stated in the Smith III case, ~~xxx the Executive was making the exercise of the Judiciary's function impossible~~ the Supreme Court members had an obligation to resign.

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## 4. MISTREATMENT OF PRISONERS REPORTED -----

The disappearance of a prisoner named Juan Carlos Jullo from La Plata prison in February 1979 was reported by other prisoners to International Red Cross officials (~~prisoners~~), who relayed the story to the Embassy. Neither the Red Cross nor, apparently, the Ministry of Interior has been able to determine whether or for what purpose he was transferred. La Plata prison officials say now that Jullo is not being held there, and the Red Cross is continuing its investigation. The Red Cross has recently received an assurance from MinInt Harguindeguy that PEN prisoners would not be released from jail to anti-subversive units for interrogation. This promise was prompted by the Red Cross' complaint that Horacio Alejandro Micucci, a former La Plata University science professor, was transferred from La Plata prison on August 4, 1978 and returned five days later after having been interrogated and tortured with an electric picana.

from inmates at La Plata prison  
Stories of severe beating of a prisoner called Ortiz during February also came to the Red Cross, and in addition to that agency's interest the Nunciatura here is looking into allegations <sup>that</sup> Ortiz <sup>mis</sup> was not given adequate medical care after his/treatment caused internal injuries. A beating that

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Also) by prisoners  
resulted in a prisoner's death was reported to the  
International Red Cross Prison Inspection Team  
REDCROSS/as having occurred at La Plata prison.  
February.  
during/REDCROSS. Alberto Pinto, the victim, was an  
elderly Jewish doctor from Cordoba held at PEN dis-  
position for "several years." Pinto, an epileptic,  
was badly treated in Cordoba by guards who thought  
his condition was feigned and an act of "insubordination."  
Transferred by military plane to La Plata in October  
along with some 100 other Cordoba prisoners, Pinto  
by the guards  
was "worked over"/upon his arrival at La Plata along  
with the other new prisoners and died subsequently  
of a perforated intestine. Treated for his injuries  
first at the prison hospital, Pinto was later put  
HOSPITAL  
into an outside/prison for treatment, where he died in  
late February.

5. (U) ROCKEFELLER SUPPORTS U.S. HUMAN RIGHTS POLICY -----  
According to Rockefeller associates here,  
/in his meetings with President Videla and Minister  
of Economy Martinez de Hoz, David Rockefeller, who  
during private conversations  
visited Buenos Aires March 8-9 stated his support for  
the Administration's human rights policies -- though  
he expressed reservations about ways in which these  
policies were being carried out. His reservations  
concerned overlaps into business and economics. Also  
present for these discussions was Rockefeller's legal  
advisor, who offered legal argument and questions about  
the status of the detained and disappeared. Videla



and his advisors replied that legal measures would be restored, but that in cases where there was strong suspicion of terrorist associations but no proof the suspect's release would be difficult. Martinez de Hoz added his belief that proof of terrorist associations would be hard to present because often it derived from security force penetration of organizations that could not be made public.

6. (U) OPERATIONS AGAINST HRO FAMILIARES DE DESAPARACIDOS Y DETENIDOS -----

Spot reports over several weeks/ from family and FDD source  
Reports received/ by the Embassy/ now can be read  
to indicate <sup>A</sup> pattern of operations directed against the leadership of the Partido Comunista Argentina linked human rights organization -- Familiares de Desaparecidos y Detenidos por Razones Politicas (FDD). Since late September 1978, twenty-one FDD leaders and associates have been abducted -- fourteen were subsequently released, six remained detained under PEN, and one, a Chilean, was killed. On October 14, 1978, a busload of Santa Fe FDD members was prevented by security forces from attending a memorial mass for the disappeared in Rosario. The mass itself was broken up when several unidentified men entered the church and detonated teargas grenades.

The bombing on February 28, 1979 of the house of

Daniel Zapp, the FDD's Rosario leader (his car was  
EARLIER  
bombed/on October 17, 1978) and the fire bombing  
of the automobile of Mr. and Mrs. Lucas Orfano, the  
FDD's Buenos Aires secretary and treasurer respectively  
further indicate the nature of the anti-FDD campaign.  
Mr. and Mrs. Orfano had recently returned to Buenos  
Aires from Puebla, Mexico where they headed the FDD's  
lobbying efforts during the Latin American Bishops'  
Conference. The couple also reportedly has two  
disappearance case investigations underway within the  
IACHR.

Permanent Assembly,  
The/FDD and the League for the Rights of Man have  
issued protests against these actions and have called  
on the Presidency and the Army Corps Commanders for  
protection against this continuing intimidation.

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7. ~~(C)~~ Operations Against the Partido Socialista de  
Trabajadores (PST)-----  
Reports from relatives and PST party members/indicate  
who have reported reliably in the pa  
that Argentine security forces have targeted the PST  
leadership and members in several areas. The recent  
~~maxxxxfxxvxxvxxf~~ actions against the PST began in late  
October and early November, 1978 when 13 PST members  
were legally arrested by provincial police/~~and~~ <sup>in</sup> the  
Province of Santa Fe. According to PST sources, 12 of  
the arrested members were beaten but not further mis-  
treated. However, the PST provincial leader, Eduardo  
Lopez  
Oscar/~~kixpaz~~, was removed from Rosario central police  
station for three days and hostilely interrogated. PST  
party members here in Buenos Aires have told us that he  
was badly beaten and scalded with water during his  
interrogation. After his return to the provincial  
police, he was held incommunicado for two weeks while  
he recovered. All 13 of the Santa Fe PST members have  
been charged with illegal political activity and  
possession of subversive literature--one is freed on  
bail, five are held under the PEN, and the other  
seven are under a judicial detention order.

Two PST members were abducted in La Plata on  
January 19, 1979. According to a report by a family  
member of one of the abductees, both were interrogated

with use of an electric picara before being turned over to the civil criminal justice system. Both have been charged with illegal political activities and have been freed on bail.

Eight PST members were abducted in Mar del Plata in early January, 1979. According to PST party leader sources, those abducted were party activists and student leaders in three Mar del Plata high schools prior to the 1976 coup. Late on March 24, 1979, according to a PST source, three PST members were abducted in Tigre (a northern suburb of Buenos Aires). There has been no information regarding the whereabouts of these individuals.

Ambassador Castro raised these three cases - the first since January -- with General Viola ~~xxxx~~ on March 28, providing the names and circumstances of the abduction as reported to us. General Viola said he could not believe the report, would investigate and inform the Ambassador of the results.

8. After this cable prepared by 3/30 General Viola's office telephoned assuring us that three "March disappearances" are persons in fact held at Tigre police station and their cases have been submitted to judge for trial.

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ENCL (5) IN

CN 2513

(b)(3):10 USC 424

301519Z MAR 79

INDICATE

(b)(3):10 USC 424

## TELEGRAM

FROM:	AMEMBASSY BUENOS AIRES	CLASSIFICATION:	<del>CONFIDENTIAL</del>
DATE:	3/30/85 (Raúl H. Castro) OR M		
TAGS:	AR, SHUM		
SUBJECT:	GENERAL VIOLA REPORTS ON MISSING PERSONS AND VISIT TO TIMERMAN		
LOCATION:	SECSTATE WASH DC - IMMEDIATE		
	<del>CONFIDENTIAL</del> BUENOS AIRES 2513		
	Ref: Buenos Aires 2490		

1. (C) All text.

2. In keeping with his promise to report to me on three possible missing persons, General Viola told me this morning (March 30) that Eddie Juan Barrionuevo, José Sosa and Jorge Alberto Stessor, reported missing since March 24, were not actually missing but were in custody in the El Tigre Precinct under the Court's jurisdiction. The nature of the charges against these persons was not revealed. (See reftel).

3. In the same conversation Viola told me that authorization had been granted for Rabbis Friedman (father and son) to visit Jacobo Timerman. These visiting Rabbis are from New Jersey. They will be visiting Timerman sometime today. I had previously made the request from Min Interior, but in view of not having had a reply in two days I later contacted General Viola, who

EL BY:	ASSADOR Castro:nmp	DRAFTING DATE:	3-30-79	TCL. EXT.:	200	CONTENTS AND CLASSIFICATION APPROV. BY:	Ambassador Castro
ANCES:							

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apparently gained the authorization.

4. Comment: I'm extremely pleased Viola continues to be accommodating to our requests. In my last interview he was not in a happy frame of mind towards USG attitude, but I believe he will continue to cooperate with our human rights inquiries.

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Encl (6)

(b)(3):10 USC 424

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# TELEGRAM

 INDICATE  
☐ COLLECT  
☐ CHARGE TO

12065 E-ON 1232 TAGS: SUBJECT:	FROM Amembassy BUENOS AIRES	CLASSIFICATION <del>CONFIDENTIAL</del>
(U) Delivery of Disappearance Lists	GDS 4/2/85 (HARRIS, F. Allen) OR P SHUM AR	
ACTION:	Secstate WASHDC IMMEDIATE	
INFO:	USCINCSO QUARRY HTS CZ	
AMB DCM POL 3 ECOM POL/R	<del>CONFIDENTIAL</del> BUENOS AIRES 2592 REF: (A) State 6617 (B) State 62967 1. <del>C</del> entire text.	
ICA CHRON RF	2. Human rights case lists prepared by AISC, Argentine Permanent Assembly for Human Rights, and Anti-Defamation League were presented to head of Foreign Office Working Group on Human Rights (FOWG) on March 30th. Embassy Poloff made points suggested in reftel A to FOWG Head Arlia. (Emboff later, in a "corridor conversation" with MFA /North American Affairs Director Espeche Gil, went over same ground).	
(b)(3):10 USC 424	3. Minister Arlia dutifully received the lists and after responding with a pro forma statement regarding "interference in Argentine internal affairs," made three comments: -- (A) Neither the Foreign Office nor the Ministry of	

FTED BY: <i>[Signature]</i> POL:FAHarris:sz	DRAFTING DATE 4/2/79	TEL. EXT. 278	CONTENTS AND CLASSIFICATION APPROVED BY: POLCOUNS:WHHallman
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ARANCES

DCM:MChaplin

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 BA-17  
 12-76

Interior have the manpower necessary to review this amount of information. Requests from the Foreign Office to the Ministry of Interior to review all of this material would be flatly turned down. The GOA's information is not on computers; each case must be searched manually.

-- (B) The AISC list is an inaccurate compendium of information. The AISC list contains information not only regarding disappeared persons, but about persons who were arrested or detained legally, and about persons who were released. Many of the sources cited in the AISC document are directly or indirectly linked with terrorist organizations. Specifically information from "El Autentico", a Montonero newspaper published in the mid-70's, is suspect and unacceptable.

-- (C) The Permanent Assembly's list appears however and to be a "serious document,"/the Foreign Ministry will undertake to have the Ministry of Interior review that single document.

4. COMMENT: It seems likely that the Ministry of Interior has previously reviewed the Permanent Assembly's list of 4,497 disappearance cases which appeared in late 1978. The MinInt reviewed the Assembly's earlier May 17, 1978 list of some 2,500 cases and publicly announced that 67 of those cases had, according to

Ministry's records, had been released.

5. This Embassy has presented to the three armed services and the Ministry of Interior (San Roman) our own list of 547 [1978] disappearance cases and also those disappearances reported to the Embassy for 1979 earlier. To date we have received clarifications (explaining that listed persons were arrested and under charge) / from the Army on four cases reported to the Embassy in February and March 1979. END COMMENT.

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(b)(3):10 USC 424

# TELEGRAM

INDICATE

☐ COLLECT☐ CHANGE TO

FROM

Amembassy BUENOS AIRES

CLASSIFICATION

~~CONFIDENTIAL~~

+2065

GDS 4/2/85 (HARRIS, F. Allen) OR P

TAGS: SHUM AR OAS

SUBJECT: IACHR Visit: Reports of Possible Postponement

ACTION: Secstate WASHDC IMMEDIATE

INFO: USCINCSO QUARRY HTS CZ

AMB

DCM

POL 3

ECOM

POL/R

ICA

CHRON

RF

~~CONFIDENTIAL~~ BUENOS AIRES 2593

1. (U) SUMMARY: Vague reports which began circulating late last week regarding a possible postponement of the May 28-June 9 Inter-American Commission on Human Rights (IACHR) site visit to Argentina have surfaced in the press. END SUMMARY.

(b)(3):10 USC 424

(U) Press Accounts -----

Sunday's (4/1) "La Nacion" weekly political review, written usually by press insider Claudio Escribano, stated that the IACHR Commissioners would find progress not only in human rights area but also an improved atmosphere of political dialogue. Escribano noted that the possibility of the Commissioners' seeing both these developments would be firmer if their visit came in August. The column went on to suggest that the internal

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POL:FAHarris:sz

DRAFTING DATE

4/2/79

TEL. EXT.

278

CONTENTS AND CLASSIFICATION APPROVED BY:

POLCOUNS:WHHallman

REFERENCES:

DCM:MChaplin

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procedures of the Inter-American Human Rights Convention might cause a delay of ten to twelve weeks.

3. (U) La Nacion on Monday (4/2) ran an AP wire story datelined Washington April 1 stating that IACHR has not modified its plan to begin its "investigation of the Argentine situation" this May. The AP story went on with extensive quotations from an IACHR spokesman that the Commission had made arrangements which assured the success of the mission. The Commission, according to the press account, planned to speak with government authorities, visit political prisoners, and conduct investigations regarding persons reported as disappeared. The spokesman said, according to the story, that the information appearing in the Argentine press regarding the postponement of the investigation to August was based on a series of hypotheses. If during the OAS's upcoming extraordinary meeting the question of the election of new members to the IACHR was put forward and the proposing country demonstrated that such an election was an urgent matter in light of the Human Rights Convention and the new members were approved by a two-thirds majority, then the IACHR would be forced to consider the delay of its Argentine visit in order to incorporate the new members into the Commission. The

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spokesman said that at present the Commission is working under an OAS resolution of September 20, 1978 authorizing the Commission to continue to act in accordance with its old regulations in cases of countries, such as Argentina, that have not signed the new convention.

4. ~~(C)~~ Initial Reports -----

Late last week, the Embassy received two reports that the postponement of the scheduled OAS visit was under consideration within GOA.

5. ~~(C)~~ Emilio Mignone, Vice President of the Argentine Permanent Assembly for Human Rights, reported to the Embassy on March 29 that a colleague of Raúl Alfonsín, a Radical Party political ~~party~~ leader, had called at the Mignone house at midnight the previous night to inform him that Alfonsín had been told by an Air Force Brigadier that the government of Argentina "was going to decide to cancel the IACHR visit." Mignone noted that this was the first report he had received regarding GOA reconsideration of the visit. Mignone said that Alfonsín appeared to regard the account as an urgent matter.

6. Former Argentine ambassador Gerardo Schamis, informed Embassy on March 30th that a Foreign Office official "who will be named the next Argentine



ambassador to the OAS\* had told him that the GOA was considering a one to two month postponement of the IACHR visit.

7. (C) Foreign Office Reactions -----

Emb Poloff raised subject with FOWG Head Arlia and FOWG staffer Martin on March 30. Arlia stated that he had no information regarding any consideration of a postponement of the IACHR visit, but added that one never knows what is going on at the level of "the Mondales and the Videlas." In a separate conversation FOWG Staffer Martin said that he knew nothing of plans to postpone the visit. Martin then went on to present a detailed analysis of the impact of the postponement of the visit until August. According to Martin any slippage in the IACHR timetable would make it impossible for the IACHR to review and approve the Argentine report in time to have it presented to the November OAS General Assembly. If that happened, according to Martin, the IACHR report on Argentina would not come up within the OAS until the late 1980 General Assembly meeting.

(C) 8. EMBASSY COMMENT: While we are concerned  
that GOA may be waffling on timing of the IAHRC visit  
there might be advantages to postponement. As we  
have reported, GOA is seriously concerned about actions

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it can take

~~it can take~~ before the visit takes place to correct human rights problems it can. ~~take~~ This has built up considerable impetus--that just might be dissipated in the post-visit doldrums. Escribano is right in suggesting that a delay until August would find the country in even better condition, a prospect we must balance against the long delay in publishing a report that the FOWG's Martin suggested. ~~END COMMENT~~

Despite the rumors of postponement, there have been no suggestions in the ~~CASTRO~~ Ambassador's recent meetings with President Videla and General Viola that they were considering any delay. END COMMENT

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# TELEGRAM

INDICATE  
☐ COLLECT  
☐ CHARGE TO

12065- E.O. 12958 TAGS: SUBJECT:  ACTION:	FROM AMEMBASSY BUENOS AIRES	CLASSIFICATION <del>CONFIDENTIAL</del>	(b)(3):10 USC 424
	<del>RECEIVED</del> GDS 4/2/85 (HALLMAN, WILLIAM) SHUM AR (C) RABBIS VISIT TIMERMAN  SECSTATE WASHDC PRIORITY  <del>CONFIDENTIAL</del> BUENOS AIRES 2585  REF: BUENOS AIRES 2513  1. (C - Entire Text).  2. Rabbi Theodore Friedman of South Orange, New Jersey (presently residing in Jerusalem) and his son Rabbi Hillel Friedman of Spring Valley, New York, visited Jacobo Timerman on the afternoon of March 30. They found him in reasonably good spirits but determined to begin a hunger campaign on April 16 if he is not released. The visitors and Rabbi Marshall Meyer, who was with them, tried to dissuade him. (Embassy Comment: They generally share Embassy view that if indeed the Argentine Government is about to free Timerman action to force this quickly might lead to a negative decision -- rather than GOA's appearing to bow under pressure.)  3. Theodore Friedman said he planned to telephone Pat		

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ARRANCES:

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DIA / DLD-152 at

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Derian on his return to New Jersey (he left 4/1) to discuss his visit and the Timerman case further. Timerman commented during visit he would also like to see Ambassador Castro.

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*R/No*

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OPTIONAL FORM 10  
(Formerly FS-41)  
January

Encl 9 IR (b)(3):10 USC 424

2621  
031700Z APR 79

# TELEGRAM

INDICATE  
☐ COLLECT  
☐ CHARGE TO

(b)(3):10 USC 424

FROM  
AMEMBASSY BUENOS AIRES

CLASSIFICATION  
~~LIMITED OFFICIAL USE~~

11652: N/A  
TAGS: AR, SHUM  
SUBJECT: COURTS CONTINUE TO DEMONSTRATE INDEPENDENCE  
ACTION: SECSTATE WASH DC - PRIORITY

MB ~~LIMITED OFFICIAL USE~~ BUENOS AIRES  
CM  
OL

HRON

1. ~~(LOU)~~ All of text.
2. Another demonstration of court's independence from GOA took place yesterday (Apr 2) when a Federal Court ruled for the reinstatement of former Judge Salvador Maria Lozada, a law Professor at Univ of Buenos Aires, and further mandating payment of back wages to him in sum of one million pesos in damages.
3. Key point in court's decision was its annulment of two resolutions issued by the military delegate at the university on April 21 and 30, 1976, dismissing Lozada for being "a real or potential factor in the disruption of the normal functioning of the institution".
4. Comment: Univ of Buenos Aires is a creature of GOA, which fully sponsors and supports it. A ruling by the Federal Court was tantamount to ordering GOA to pay damages for dismissing an educator on apparent flimsy and groundless evidence of

PREPARED BY: Ambassador Castro: mmp	DRAFTING DATE 4-3-79	TEL. EXT. 200	CONTENTS AND CLASSIFICATION APPROVED BY: Ambassador
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REFERENCES:

Page determined to be Unclassified  
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IAW EO 13526, Section 3.5  
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being linked to disruptive movements. It appears courts continue to flex their muscles, leaving fear to the winds. It is not known if GOA will appeal.

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(U) Weekly Human Rights Roundup (April)

(b)(3):10 USC 424

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Amembassy LA PAZ

Amembassy MONTEVIDEO

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~~CONFIDENTIAL~~ BUENOS AIRES 2737

REF: Buenos Aires 2501

PART I - NEW EVENTS AND INDICATORS

1. (U) New York City Bar Association Visit

Five attorneys representing the Bar Association of the City of New York and the American Bar Association began a week long inquiry into the Argentine human rights situation on April 1. The delegation, whose visit is financed by the Rockefeller and Ford Foundations through grants to the Lawyers' Committee for International Human Rights, is headed by the former President of the New York City Bar Association, Orville Schell. Other members of the delegation are: Harold Healy, President-elect of the International Union of Lawyers (IUA), Judge Marvin Frankel, Scott Greathead, and Stephen Kass.

DRAFTED BY:

POL:FAHarris:sz

DRAFTING DATE

4/5/79

TEL. EXT.

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CONTENTS AND CLASSIFICATION APPROVED BY:

POLCOUNS:WHHallman

CLEARANCES:

DCM:MChaplin

POL/R:JDiStefano

(b)(3):10 USC 424

CONGEN:KSackett

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Date: Oct 18, 2018

Although the group had received assurances in Washington from Argentine Ambassador Aja Espil that the GOA would make arrangements for them to meet with senior government officials, no appointments were made on their behalf. Ambassador Castro made appointments for the American members with General Viola, Minister of Justice Rodriguez Varela, Supreme Court President Gabrielli, and Presidential Legal Advisor Colonel Cerda. Other arrangements for the visit were made by the Permanent Assembly and the Colegio de Abogados (FACA). A complicating factor was the simultaneous visit of IUA President Zerflug, who was unacceptable to the GOA on grounds of his correspondence and contacts with the Liga Para Los Derechos Humanos, an organization linked to the Argentine Communist Party. Zerflug's visits were independently arranged.

The New York group has also held meetings with Ambassador Castro, the directors of FACA, the Permanent Assembly, Buenos Aires Herald editor Robert Cox, constitutional law expert and Timerman's attorney Genaro Carrio, the College of Lawyers of the City of Buenos Aires, a group of defense lawyers plus individual meetings with professional legal contacts. The group is scheduled to meet the Jewish Community leadership (DAIA), and representatives of the Mothers of the Plaza de Mayo.

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FORM 4-64

The Embassy has received no additional reports regarding the possible postponement of the IACHR visit to Argentina (see Buenos Aires 2593). The rebuttal by an IACHR spokesperson which was carried on the AP wire quenched the rumors triggered by last Sunday's "La Nacion" weekly political column that the IACHR ~~(xxx)~~ was considering a postponement. Minister of Justice Rodriguez Varela in his meeting with the New York City Bar delegation talked about the IACHR visit as an event firmly inscribed on the Argentine human rights calendar. We continue with our fingers crossed, but our ears to the ~~gmm~~ ground.

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4. ~~(C)~~ Abrales Reported Dead -----

The wife of former Peronist writer and successful businessman, Hector Antonio Abrales (804/79/1) has informed human rights organizations that her husband has been killed. Mrs. Abrales reportedly received this information from a retired colonel who had been authorized to inform the family by First Corps authorities. The source said that if asked, the First Corps would ~~mm~~ deny the report. Mr. Abrales was abducted on January 22, 1979 in downtown Buenos Aires and has not been heard from since.

5. ~~(C)~~ Right of Option Developments -----

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The Ministry of Interior in an unusual press announcement reported that the PEN prisoner situation was the topic of a special March 29 meeting of the Minister of Interior and the members of a special commission which reviews the requests for the option to leave the country.

In response to several of this Embassy's initiatives, the Ministry of Interior has begun to distinguish in its periodic PEN prisoner press announcements between those persons whose PEN status has been removed and who remain in prison under judicial detention and those who will be freed. Ministry of Interior Director of Internal Security San Roman ~~had~~ suggested to Emboff recently that the Ministry would take this step in the future. However, San Roman continues to be non-committal regarding providing this information to the Embassy for past PEN removal cases.

6. (U) Sentences Announced -----

A number of sentences have been handed down by judicial authorities in 1979 against persons accused of terrorist or subversive activities. Seventeen such decisions and one acquittal have been announced by Courts in the city and Province of Buenos Aires. There have been five cases in Rosario and three in Santa Fe. In all the cases in which there is detailed information, the persons

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OPTIONAL FORM 15  
(Formerly FS-41)  
January 19  
Dept. of St

were arrested and indicted prior to the military takeover in March 1976.

7. ~~(C)~~ CONAREPA Information Request -----

On March 24, the National Council of the Commission of Patrimonial Responsibility published an official announcement requesting those persons who had received possessions from a list of persons being investigated under the Acta Institucional to contact the Commission within 30 days. Included on the list were Jacobo

Timerman, members of the Gelbard and Graiver families, former President Campora and many former Peronist

government officials. This is the first indication this year that the CONAREPA is actively working on these cases.

8. ~~(C)~~ HRO ACTIVITIES: Further Resume of Recent

Activities -----

(C) Mothers of the Plaza de Mayo -----

The four mothers of the Plaza de Mayo who recently traveled to the Latin American Bishops conference in Puebla, Mexico, and then on to Washington and New York, met with Ambassador Castro on March 30 to report on their trip. The Mothers recounted their extensive meetings in the U.S. with Administration, Congressional, United Nations, church and human rights officials. The Mothers characterized their reception in the United States as one of great warmth and concern.

The government continues to prohibit use of the



Plaza de Mayo on Thursday afternoons to the Mothers.

The Mothers have adopted the practice of meeting in a different church at 5:00 p.m. each Thursday to say a rosary together for the reappearance of their children. At the conclusion of their prayers, the Mothers hold a short informal information session, decide on the site of the next week's meeting and then file out of the church together, generally to a nearby plaza which they circle once or twice in a silent demonstration for their disappeared children.

~~(C)~~ Permanent Assembly Activities -----

The Argentine Permanent Assembly<sup>9</sup> is continuing its efforts to document disappearance and detention cases for presentation to the IACHR. Assembly members have expressed satisfaction to the Embassy over the wide publicity and lack of GOA disavowal of its recently published list of 4,497 disappearance cases (see Buenos Aires 2592 re acceptance of list by Ministry of Foreign Affairs official Arlia).

(U) Journalists HRO Formed -----

A new human rights organization--a spinoff of the Familiares de Desaparecidos y Detenidos--called the "subcomision de familiares de periodistas desaparecidos y detenidos," was announced in the press during the week of March 19. The subcommission was reported

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January 19  
Dept. of St

preparing a special report regarding 61 Argentine journalists who have disappeared or been detained over the past several years.

~~(C)~~ FDD Activities -----

The FDD is undertaking an initiative to petition the IACHR members upon their arrival in Argentina in late May. The petition will request reestablishment of normal police and judicial practices (guarantees), trial or freedom for the PEN prisoners, improved prison conditions, and clarification of the status of the disappeared.

The FDD sent a five person delegation to the recent Puebla conference. The FDD members reportedly met with 43 of the Bishops attending the conference and made numerous press contacts.

~~(C)~~ Regional HRO's -----

In March a human rights organization was organized in La Plata, the capital of the Province of Buenos Aires and one of the major areas of the government's anti-subversion program. An organizational committee is at work and links have been established with the Permanent Assembly for Human Rights. The organization's leadership estimate that there have been a total of about 1,500 disappearance reports from the city of La Plata.

Another human rights organization has been operating in Mar del Plata. Two masses have been held in

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(Formerly FS-413)  
January 19  
Dept. of State

1979 commemorating the disappeared. A group of 15 to 25 mothers have been meeting in the Plaza San Martin each Thursday afternoon since November, 1978. In addition, 60 to 70 family members of desaparecidos meet on Sundays at the Capilla Santa Ana.

Another human rights group called Familiares de Desaparecidos de Lanus ran a paid advertisement in "La Prensa" on March 10. Lanus is a southern suburb of Buenos Aires.

9. ~~(C)~~ Reaction to UNCHR Meeting -----

Human rights activists have expressed disappointment to the Embassy that the March meeting of United Nations Human Rights Commission in Geneva failed to pass a resolution regarding Argentina. Those contacts noted that the human rights situation in Argentina was considerably worse than other countries which had been the focus of UNCHR's attention. Australian Embassy DCM also expressed ~~extreme~~ disappointment at failure of the USG to support the Australian-Canadian initiative.

10. ~~(C)~~ Update on Important Cases -----

Horacio Saragovi Detention (269/78/1) -----

Mrs. Saragovi called at the Embassy on March 23 to seek Embassy assistance regarding the commutation of the military sentence issued against her son in

November, 1976. Mrs. Saragovi reported that the Supreme Court on December 9, 1978 refused to accept jurisdiction on procedural grounds of her appeal alleging a number of irregularities in the military trial of her son. Mrs. Saragovi filed a formal commutation petition on March 9, 1979 and has been meeting with officials in the Argentine government to gain support for its acceptance.

-- Disappearance of Antonio Eduardo Czainik (225/77/11) --  
Mr. David Czainik, subject's father, met with Ambassador Castro on February 20 to discuss his son's disappearance and to inform the Ambassador that he has received information that his son is being detained secretly by the SIDE. Ambassador Castro undertook to raise Czainik's case with GOA officials.

--The Lokman Case (90/78/11) -----  
The decision on March 29 by the Federal Court of Criminal Appeals in Cordoba denying all four complaints contained in the habeas corpus petition filed on behalf of Jaime Lokman, received wide press coverage both in the Cordoba provincial newspapers and in the national press. (See H pass septels for detailed discussion of decision.) The Cordoba Court's decision is the first unanimous court of appeals decision in a habeas corpus case since the Supreme Court issued its series of decisions in the Yañez et al cases. (See Buenos Aires 2501, para 3).

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OPTIONAL FORM 153A  
(Formerly FS-413A)  
January 1975  
Dept. of State

✓ The Cordoba appeals court offered narrow interpretation of the Zamarano, Tizis, and Tinoguan Supreme Court decisions, stating that assertive and unequivocal affirmations from the executive that a person is linked with subversion, obligates the judicial power to respect the reserved sphere of the political power and not subject such decisions to judicial review during periods of State of Siege. In addition to this clear statement of the separation of powers doctrine, the court added that links with subversion could not always be proven in the convincing form that the judicial process required and in such cases the executive was entitled to continue the detention of dangerous persons by virtue of its constitutional powers of its State of Siege powers.

Buenos Aires Editor Robert Cox reported to the Embassy that he had received a phone call from the Ministry of Interior asking that the Herald cease its campaign on behalf of Jaime Lokman's release.

#### 11. (U) Villa Devoto Prison Riot Investigation

Continues -----

In mid-February the Supreme Court ruled that Federal Judge Valerga must continue probing into the March 14, 1978 Villa Devoto Prison riot in which 70 inmates died and another 70 badly injured.

The Supreme Court's decision puts an end to a

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jurisdictional conflict between Judge Valerga and Judge Rivarola. Judge Rivarola made a preliminary investigation early in 1978 and announced that none of the victims had died from gunshots fired by the guards. In making that decision, Judge Rivarola decided that further investigation did not come within his jurisdiction as a Federal judge and he passed the voluminous dossier to his colleague, Judge Valerga, who declined to continue the probe. The Supreme Court has now put an end to <sup>a</sup> ~~the~~ controversy, the basis of which has not been made clear.

12. (U) Prison Release Hour Changed -----  
In late January the Ministry of Justice <sup>formalized</sup> ~~initiated~~ a change in the Argentine penal code regarding the hour for releasing Federal prisoners at the conclusion of their sentence. Previously, prisoners were released at midnight the day their sentence expired. In February and March, 1978, four prisoners who were judicially freed from La Plata Prison disappeared immediately after their midnight release. This led to a movement by the "Freed Prisoners' League" to change the ~~xxxx~~ criminal procedural code to allow prisoners to be released at midday instead of midnight. This measure has now been adopted by both the Federal government and by the provincial prison system in Buenos Aires.

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(Formerly FS-413)  
January 1971  
Dept. of State



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## MEMORANDUM OF CONVERSATION

January 10, 1979.

PARTICIPANTS: Colonel (Ret.) Vicente San Roman, Assistant Secretary for Internal Security, Ministry of Interior

Charles Brayshaw, ARA/ECA, Department of State, Washington, D.C.

Kenneth Sackett, Vice Consul, American Embassy Buenos Aires

F. Allen Harris, Political Officer, American Embassy, Buenos Aires

PLACE : Ministry of Interior, Buenos Aires

SUBJECT : Human Rights

COPIES TO : ARA/ECA - Mr. Bumpus AMB  
 HA/HR - Mr. Flood DCM  
 HA/REF - Ms. Chavchavadze POL/R  
 INR/RAR - Mr. Buchanan USICA  
 ARA - Mr. Lister ECOM  
 INR/OIL/NFAC/ - Mr. Schwab ☒ CONS  
 ORPA/LAD

(b)(3):10 USC 424

Objectives for 1979

Colonel San Roman stated that he had identified several objectives to improve the GOA's handling of its Poder Ejecutivo Nacional (PEN) prisoners which he hoped would be implemented by March, 1979.

The first objective is to transfer all PEN prisoners to six major prisons -- La Plata, Sierra Chica, Villa Devoto, Rawson Resistancia and Caseros. The last facility will be used only for transit prisoners. The responsibility for the PEN prisoners in these institutions would reside with the Ministry of Interior, not with the Ministry of Justice or provincial penal authorities as is now the case.

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The second objective is to remove those prisoners from PEN status who have been charged with crimes in the civilian or military justice systems. San Roman added that over half of the current PEN prisoners fall into this category. He noted that he did not expect to be 100 percent successful in this effort, but if he could transfer 85 percent of the charged prisoners he would be satisfied.

The third objective is for the Ministry of Interior to control the right of option process. San Roman said that with the Chile problem, the Min Int was not receiving timely replies on the right of option cases. This made meeting the 120-day legal deadline very difficult. San Roman stated that the greatest obstacle to the approval of right of option applications to leave the country was the negative attitude of the Tri-Service Presidential Commission which San Roman said turned down almost every case. He hoped that the Ministry could change the burden of proof in these cases so that if a Presidential Advisory Commission member or a military unit did not respond on time the decision of the Ministry of Interior would be final.

The fourth objective is to issue a statement to the Argentine public demonstrating that no clandestine prisoners are being held by the Armed Services. San Roman suggested that the government would take the necessary actions to make this statement convincing so that individuals who were not accounted for (i.e. disappeared) at the time of the statement would be legally presumed to be dead.

COMMENT: Presidential and Foreign Ministry sources have indicated that the GOA has developed an action program in preparation for the late May visit of the Inter-American Human Rights Commission (IAHRC). The objectives outlined by San Roman and the time frame for their accomplishment strongly suggest that these constitute the government's preparations for the OAS' group's visit.

San Roman's comments about a credible governmental assurance that it has recognized all its prisoners and about creating a legal presumption that all those remaining disappeared should tacitly be acknowledged to have died in confrontations with the security forces echoes reports we have recently heard from well placed Church sources of an Army/Air Force proposal of last April. This proposal reportedly had three phases: resurface the clandestine prisoners, announce that those still disappeared were probably killed, and change Argentine civil laws to shorten the time periods for presumptive death.

END COMMENT.

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### PEN Prisoner Population

San Roman noted that all the PEN prisoners are placed in three categories, which are reviewed monthly. Category I receives the best treatment. The categorization depends on both a prisoner's past record and his/her adjustment to prison life. San Roman noted that some persons who were held on minor charges, rebelled in detention and were dangerous prisoners. These individuals would be placed in category III. While others charged with serious crimes, might adapt well to prison life and would be placed in categories I or II.

San Roman stated that the majority of the PEN prisoners were between 22 and 32 years of age. He said they had one prisoner of 16. He had ordered a special study on this young man because of his age. The psychologist found that the youth was "incorrigible." San Roman noted that a number of older "ideologues" are detained; the oldest being 80.

San Roman said that most of the PEN prisoners were former students at universities in La Plata, Cordoba, Rosario and Bahia Blanca. He noted ominously that there were not many former Buenos Aires University students under PEN.

In response to a question, San Roman said that there was no relationship between a person's chances to receive approval for his right of option application and his jail category.

COMMENT: San Roman's statement regarding the effect of prisoner's category and his optionability was not convincing. We imagine that a prisoner's prison department is a major factor in the Ministry of Interior's consideration regarding that person's release. END COMMENT.

### Lokman Case

San Roman went on at great length about how ungrateful Mrs. Lokman was. He said that as soon as her husband was removed from the Third Corps area, Mrs. Lokman had immediately demanded his release under the right of option program. San Roman stated that Lokman was guilty of "economic subversion" which was one of the most dangerous forms of subversions as money was true power. He characterized Lokman as the "Lopez Rega of Cordoba." After our comments about his exaggeration, San Roman got serious and said that Lokman was an unpopular figure and the best thing would be to allow six months to

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go by for the waters to quiet before pushing for a right of option certificate for him.

Mothers of the Plaza de Mayo

San Roman stated flatly that the government had decided to prevent any future demonstrations by the Mothers. He said that Ministry of Interior sources who had infiltrated the Mothers' group had reported that the group was strongly influenced by Communist and Socialist Party members. He cited a Mrs. Israel as one of the PCA members in the group and noted that she was a dangerous natural political leader.

Disappearance Cases

In a reply to a question regarding a Min Int statistical study on disappeared cases, San Roman said that in rough numbers the Ministry had received 3,000 disappearance reports for 1976, 1800 for 1977, and 400 through the first ten months of 1978. (Note: San Roman's figures jibe with a Foreign Ministry source for 1976 and 1977, but understate by half of the 1978 ten month number.) San Roman noted that in general individuals who disappeared in 1976 and in the first half of 1977 were disappeared for good. He stated that in the latter half of 1977 and in 1978, anti-subversive policy had changed and more people were placed under the PEN and allowed to reappear.

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POLCOUNS:WHHallman  
DCM:MChaplin  
CONS:KSackett

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Date: Oct 18, 2018

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ENCL (12)

IR (b)(3):10 USC 424

MEMORANDUM OF CONVERSATION

DATE: January 26, 1979

SUBJECT : Politics and Human Rights

PARTICIPANTS: Mr. Robert Cox, Editor of the Buenos Aires Herald  
Mr. F. Allen Harris, Politican Officer  
American Embassy, Buenos Aires

(b)(3):10 USC 424

: ARA/ECA - Mr. Brayshaw AMB  
HA/HR - Mr. Flood DCM  
INR/RAR - Mr. Buchanan POL/R  
ARA - Mr. Lister POL  
INR/OIL/NFAC/ USICA  
ORPA/LAD - Mr. Gresham ECOM  
CONS

(b)(3):10  
USC 424

Is Martinez de Hoz Willing to Step Down?

Mr. Cox mentioned that he had recently met with Economy Minister Martinez de Hoz. During their discussion of the economy, Martinez de Hoz spoke about the pressures against his economic program and himself. Martinez de Hoz told Cox that he continued to have the strong personal support of President Videla for the economic program. However, Martinez de Hoz noted the strong and growing pressures against the Videla Presidency and said that he might be asked to step down from his post as a political gesture to maintain the Videla Presidency. Cox commented that Martinez de Hoz said he was prepared to do this, if necessary, to support the Videla Presidency. (COMMENT: The Buenos Aires Herald has been an unequivocal supporter of the present economic plan.)

The Holmberg Case: Unidentified Bodies

Mr. Cox noted that the handling of the recent reappearance in the Lujan River of the body of Argentine Foreign Service Officer, Elena Holmberg was an example of the cavalier acceptance and quick disposal of bodies by the Argentine police. According to family reports, a member of

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the Lanusse family (related to the Holmbergs) was rowing in the Lujan River when the body of a woman was found. He passed this information on to the Holmberg family, who made an inquiry with the local police authorities. The police denied that any cadavers had been found in the river. The family became suspicious and brought pressure on the local police, which led to a judicial order to produce the body. The local police dug up the body of another person taken from the river, a male, for inspection by the Holmberg family. When Judge Marquardt learned of this, he ordered the detention of 17 or so individuals involved with the discovery and burial of the bodies. The woman's body was then produced which was determined by a forensic expert to be the cadaver of Miss Holmberg.

Mr. Cox emphasized that this grizzly story indicated the lack of investigation by police authorities when they find cadavers. The bodies are presumed to be victims of anti-subversive actions and are promptly buried in unnamed graves with no more than a cursory attempt to identify the bodies. At most, fingerprints are taken from the corpses and sent to Buenos Aires or La Plata for identification.

#### Political Rumors

Cox reeled off a number of current political rumors, indicating the ascendancy and decline of all the various factions within the armed forces. He opined that the variety of the stories indicated that Argentina was probably in for a period of political stability under its current leadership for at least the next year.

CLEARANCES:  
DCM: MChaplin  
POLCOUNS: WHHallman

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MEMORANDUM OF CONVERSATION

DATE: January 26, 1979

SUBJECT : Military Politics and Human Rights

PARTICIPANTS: Mr. Oscar Cardozo, Political Reporter,  
Clarín Newspaper  
Mr. F. Allen Harris, Political Officer,  
American Embassy, Buenos Aires

:	ARA/ECA	- Mr. Brayshaw	AMB
	HA/HR	- Mr. Flood	DCM
	INR/RAR	- Mr. Buchanan	POL
	ARA	- Mr. Lister	POL/R
	INR/OIL/NFAC/		USICA
	ORPA/LAD	- Mr. Gresham	ECOM

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Human Rights Situation

Mr. Cardozo observed that although the human rights situation was improving quantitatively, it was worsening qualitatively. He mentioned that he, as a former Peronist and as a political reporter, was becoming increasingly concerned about his personal safety in Argentina. He opined that two or three years ago his name would not be on any operating group's list. These groups were targeting individuals involved with terrorists or active political subversives. The situation has now changed and the persons being "sucked up" (chupado) by the anti-subversive operations are increasingly leftists and intellectuals who hold or have held ideas contrary to those of the government. Cardozo cited the morning's news of the disappearance of Hector Abrales, a Peronist intellectual, successful engineer and prominent businessman.

COMMENT: Cardozo's concern, as well as his quantity and quality comment are of interest. As anti-subversive operations begin to target softer ideological targets, especially those who are well-known leftist "intellectuals" and professionals, the operations begin to worry a greater

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percentage of Argentina's professional class, who begin to see themselves as possible targets of the anti-subversive campaign. Recently, an Army intelligence officer informed the Embassy that the 601 Intelligence Battalion had just taken over another floor at its Buenos Aires headquarters to expand "intelligence activities" on "communist and socialist targets."

#### Peronist Ideology

Cardozo boasted that he was a member of a Peronist study group. Although none of the group had "qualifications" as an intellectual, they were meeting to try and formulate an ideological basis for a modern Peronist movement. Cardozo noted that the previous strength of Peronism had been its personalistic and non-ideological approach to issues which gave it its enormous broad popular base. It was a party for everyone from professors to street cleaners. The problem that the group was grappling with was that Peronism has always been adamantly anti-communist and anti-marxist but that expressing the ideological basis of Peronist policies could only adequately be done in marxist terms.

#### MIGs for Argentina?

In response to a question, Cardozo said that his Air Force contacts often discussed the pros and cons of purchasing MIG-23s. Many of his friends did not like the plane, but more were concerned with the reliability of spare parts delivery from "another great power supplier." Cardozo said that the Argentines might "in the future" buy some MIGs, but the reasons would be related more to politics and balance of payment reasons than the Air Force's desire to have that particular plane in its inventory.

CLEARANCES:  
DCM: MChaplin  
POLCOUNS: WHHallman

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MEMORANDUM OF CONVERSATION

DATE: February 1, 1979

PARTICIPANTS: Joaquim Morales Sola, Assistant Managing  
Editor of Clarin and APO John Corr

SUBJECT: Martinez de Hoz, Holmberg Case, USSR  
Influence

PLACE: American Club, Buenos Aires

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IR*

*SM*

*A* | Morales Sola said that Presidential Adviser Moyano, a friend, had told him that Moyano had accepted his post on the condition, accepted by Videla, that Martinez de Hoz must go. Moyano had talked with Frigerio and Pugliese, among others, asking them for two things: a national economic plan and the name of a successor to Martinez de Hoz. Morales Sola said he expected changes in the economic policy in March.

Morales Sola further said that labor unrest was spreading because of inflation. He said that the metal workers, textile workers and state employees unions were talking of independent and perhaps national strikes soon. He knew nothing of a possible link between militant unionists and military factions and thought Suarez Mason to be "without power".

Morales Sola, who knew Holmberg well, said he spoke a few days ago with Holmberg's father, who said the family believed Massera was behind his daughter's death. The father said that Holmberg had spoken out on her return from Paris about Massera's activities and had in her possession tapes of Massera's interview with Firmenich. He added that he thought Massera was guilty of having introduced violence into politics following the coup and was responsible for the Hidalgo Sola kidnapping.

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Re USSR influence, Morales Sola said that he believed the Russians sent technicians to help survey the Parana Medio project to support Argentina in her argument with Brazil and Paraguay over Itaipu. The Argentines, he said, were trying to tell the Paraguayans that they could do without Corpus (Argentine-Paraguayan hydro-electric project) and develop the Parana Medio project by themselves.

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DIA FOIA & Declassification Services Offices

Date: Oct 18, 2018

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ENC (15)

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(b)(3):10 USC 424

MEMORANDUM OF CONVERSATION

DATE: February 2, 1979

SUBJECT : PEN Prisoners and Human Rights

PARTICIPANTS: Col. (ret.) Vincente San Roman, Director General for  
Internal Security, Ministry of Interior  
Mr. Kenneth Sackett, Vice Counsel, American Embassy,  
Buenos Aires  
Mr. F. Allen Harris, Political Officer, American Embassy,  
Buenos Aires  
Mr. Peter Reyes, TDY INS Officer, Department of State

COPIES TO : ARA/ECA - Mr. Brayshaw  
HA/HR - Mr. Flood  
INR/RAR\* - Mr. Buchanan  
ARA - Mr. Lister  
INR/OIL/ORPA - Mr. Gresham  
HA/ORM - Ms. Chavchavadze

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USC 424

A call was made on Col. San Roman specifically to introduce TDY INS Officer Reyes and to resolve a number of issues regarding the right of option program.

Right of Option Problems

In response to Mr. Sackett's requests, San Roman made the following decisions:

- Granted permission for Mr. Reyes to interview PEN detainees applying for parole into the United States.
- Promised to reply on February 6 or 7 to the Embassy's latest request to interview some 91 PEN prisoners who have applied for the US parole program.
- Stated that he would check with the Federal Security Service to confirm that parole documents for PEN prisoners departing for the United States may be delivered to the detainee at the Federal Police Headquarters while the prisoner is being held there for final out-processing.

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(b)(3):10 USC 424

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- Stated that to speed the processing of the PEN applications his office would treat as "optionable" for the U.S. Embassy, those PEN prisoners who had six months or less to serve of a civil or military sentence.
- Stated that as a special procedure, he personally would change the final destinations of detainees to the United States if those persons were acceptable for the U.S.G. parole program and if the family presented a letter stating that the detainee wished resettlement in the United States instead of the country originally listed on the person's right of option application. San Roman emphasized this ad hoc procedure, was preferable than beginning the entire application de novo in cases where the detainee wished to change his country of final destination.
- Affirmed that persons under house arrest or conditional liberty (libertad vigilada) are eligible to apply for the right of option program. San Roman noted that these persons had a good chance of having their PEN status completely removed and consequently should weigh carefully whether they wanted to leave Argentina under the right of option program as they would not be able to return until the state of siege had been lifted.

#### Disappearances

San Roman remarked that he was now responding to inquiries on disappearances that had been received by the Ministry of Interior prior to his becoming Director General of Internal Security. He noted that his predecessor had not replied to the many letters and telegrams asking for help in locating disappeared relatives. San Roman said that that policy was wrong, that Argentine citizens deserved to know that the government had in fact received their reports of disappearances and was seeking information regarding the whereabouts of the missing person.

#### PEN Prisoner Program Improvements

We discussed the interest in the right of option program among U.S. Congressmen and human rights groups in the United States. San Roman commented that the Embassy's references to the right of option program, especially during Ambassador Castro's meetings with President Videla and Junta members, were very useful. San Roman said that if the U.S. continued to push from the top and he continued to push from the bottom, the right of option program might improve.

San Roman mentioned that at the most recent Presidential Right of Option Advisory Council meeting, the panel had approved over twenty-five right of



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option cases. He said that generally at such meetings, the panel only approves two or three option cases. He said this was an excellent sign. San Roman noted that eight of the cases involved prisoners who still had to complete their court imposed sentences before they would be allowed to leave Argentina.

San Roman said that with both Chile and the major command reassignments now settled, the processing of the right of option applications through the various military commands had improved markedly.

San Roman said that the procedures had been completed for transferring all the PEN detainees to six penal facilities which would be run by the Ministry of Interior. He also mentioned that the Inter-Agency Working Group preparing a "new law" on prisoner treatment (to apply to both ordinary criminal and PEN prisoners) was working well.

#### Anti-Subversive Activities

During a discussion of recent disappearance cases, San Roman noted that in the January abduction of engineer Abrales it was still unclear whether it was an "independent operation" conducted by an official group or an extortion attempt. He noted that he had met with Mrs. Abrales yesterday and that the Ministry's inquiries had not turned up any information regarding the disappearance.

San Roman said that the Ministry's policy was to provide all the information available regarding disappearances to the concerned families. He joked that "because he did not have enough to do," Minister Harguindeguy had appointed him as chairman of an Inter-Agency Committee to improve the "coordination" between the government's security forces. In a back and forth conversation, San Roman stated that responsibility for conducting anti-subversive operations would remain as it has been under the Army Corps Commanders, the Military Services and the Federal Police. Each would continue to have their area of normal responsibility. The focus of the Inter-Agency Committee was to establish procedures for the operational units to provide information regarding operations conducted to the Ministry of Interior and to turn prisoners over to the central government. He said that the anti-subversive units had to be forced to provide information on persons detained and at some point turn these prisoners over to the central government, instead of detaining prisoners in their own facilities.

#### CLEARANCES:

DCM: MChaplin

POLCOUNS: WHHallman

CONS: KSackett

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Date: Oct 18, 2018

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## MEMORANDUM OF CONVERSATION

DATE: Feb

SUBJECT : Human Rights

PARTICIPANTS: Dr. Emilio Mignone, Vice President, Permanent Assembly for Human Rights  
Mr. F. Allen Harris, Political Officer, American Embassy, Buenos Aires

COPIES TO : ARA/ECA - Mr. Brayshaw  
HA/HR - Mr. Flood  
INR/RAR - Mr. Buchanan  
ARA - Mr. Lister  
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### Supreme Court Decision in Smith III

Mignone enthusiastically read sections of the just-released Argentine Supreme Court Decision in the Smith III case. Mignone, one of the principal organizers of the Permanent Assembly-sponsored case, characterized the Supreme Court's decision as a direct admission by the Court that it was powerless under the present circumstances to protect the rights guaranteed to the Argentine citizenry by the Constitution. Mignone stated that his first reaction to the Supreme Court's decision was to call on the members of the Court to resign "en banc" to protest against the usurpation of the judiciary's powers by the present government.

### Operation Against "Casa de la Juventud" Members

Mignone reported that Father Herrera Gallo, the Catholic Church's "youth pastor" and a close friend of Cardinal Aramburu, informed him last week of Cardinal Aramburu's intervention with First Corps Commander Suarez Mason to obtain the release of 64 abducted former members of a Christian socialist youth organization called the "Casa de la Juventud." This Church-run recreation-social center, was organized and run by an activist priest in the early 70's. It was closed in 1974. In mid-December, 1978, a large-scale anti-subversive operation was run against the Casa de la Juventud's former members by the First Army Corps. Operatives called at the old addresses listed for the Casa's membership and in many cases pressured the parents and neighbors for the current address of the former Casa's members. Seventy persons were rounded up, including many couples who had met at the Casa and later married. In several cases, the apartment doors of those taken were closed with First Army Corps' seals.

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Father Herrera Gallo had photo enlargements made of these seals. The priest then convinced Cardinal Aramburu to call on First Corps Commander Suarez Mason to present the photographs of the seals, and seek the release of the individuals. Suarez Mason admitted that the individuals had been picked up in a First Corps operation and promised to expedite their release.

Gallo told Mignone that as of the end of January 64 of the 70 individuals abducted had been freed. Cardinal Aramburu has ordered church members to maintain strict silence about the Army operation against the Casa de la Juventud and his intervention. The father said that the Casa members were tortured immediately after their "arrests" and were held blindfolded at a military facility which they believe was on the Campo de Mayo.

Father Gallo assured Mignone that the Casa de la Juventud had no connection with any subversive activities and expressed concern that the Army was now persecuting Church-related groups which they believe represented dangerous ideologies. The priest said that an Army contact had told him that the Church's intervention saved the group's members "from going to the farms (granjas) from where it is very hard to leave." Life on the granjas was described as "very difficult, as the farms are self-sufficient."

Father Herrera Gallo said that during Cardinal Aramburu's recent meeting with the President, General Videla told him that Videla hoped that before the Inter-American Commission on Human Rights came to Argentina, perhaps in March, the government would have some significant information to release regarding the disappearance cases. Gallo noted that in contrast General Suarez Mason had adopted a very hardline attitude toward the "desaparecidos" during his meeting with Cardinal Aramburu.

Mignone, whose own daughter disappeared in May, 1976, was understandably interested in the report regarding the "work farms." Mignone noted that several long term reappearance cases reported that they had been held on work farms in the campo.

(COMMENT: The Nunciatura has received only a partial report of the disappearances of the former members of the Casa de la Juventud. We are checking further on Father Herrera Gallo's report. There have been several reports to human rights groups from long term "reaprecidos" that they were held on work farms in the interior of the country. END COMMENT)

#### Human Rights at Puebla

Mignone said that he had received a call from Mexico last night informing him that the delegation of the Mothers of the Plaza de Mayo had been received by the Puebla Conference President, Cardinal Aloisio Lorscheider. The mothers presented the Permanent Assembly's recently issued list of 4,382 disappearances and discussed the Argentine human rights situation with the Brazilian Cardinal. The Cardinal promised to inscribe the Argentine disappearances on the conference's agenda.

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Mignone noted that the mothers' meeting with the cardinal was "providential." Doctora Westerkamp (she and her husband are both active in the Permanent Assembly) flew from Buenos Aires to Mexico on an Air France flight which stopped in Rio. Cardinal Lorscheider boarded the plane there and sat near her. She was able to have a long discussion with the Cardinal and interest him in the plight of the families of the desaparecidos in Argentina.

#### Operations Against the Partido Socialista de Trabajadores

Mignone stated that the Assembly has received nine reports of disappearances of members of the Partido Socialista de Trabajadores (PST) in January. Seven of the abductions took place in La Plata, the capital of Buenos Aires Province, and two abductions took place in Buenos Aires. Mignone described the PST as a party of Second International ideologues who specifically rejected terrorism on doctrinal grounds as they believed that spontaneous uprisings of the masses are the "midwives of history," not individual terrorist acts. Mignone noted that the party had been prohibited and dissolved by law in 1976 and had ceased to function as an entity. Operations had been conducted against its members in 1976, but had been sporadic and rare in the last two years, until recently.

#### Human Rights Gains

Mignone said that although the government's policy of using "terrorist tactics" against subversives had not changed, 1978 had seen some gains for the human rights efforts in Argentina. The human rights organizations had obtained increased public acceptance. Families were becoming less suspicious about reporting disappearance cases to the Assembly. More old cases were being reported each day. New cases were being reported with less of a time lag. The Assembly's "La Prensa" advertisement in May 1978 listing over 2,500 "desaparecidos" had been perhaps the most significant event for the Assembly during the year. This event had sparked a more open attitude towards human rights among the Spanish-language press which now accepted human rights advertisements and published small stories regarding disappearances, legal decisions, and the activities of the human rights organizations. The Spanish-language press had recently begun to editorialize against the continuation of illegal anti-subversive operations. "La Prensa," "La Nacion," and "Clarín" had all editorially issued the call for the return to legal procedures.

Mignone said that the human rights organizations still had a long way to go. Debate for example within the Assembly, was characterized by fear of pushing the government too hard and provoking a counter reaction. He said that with the exception of the Mothers of the Plaza de Mayo, all the human rights groups in Argentina were extremely timid in pressuring the government for progress in the human rights area.

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### Military Reassignments

Mignone commented that, on balance, the recently announced military reassignments could be helpful for human rights in that some of the major hardliners had been removed from key troop command positions. Suarez Mason's leaving the First Corps, General Riveros' leaving the Campo de Mayo, and Admiral Chamarro's leaving the Navy Mechanics School, would all be helpful.

Mignone noted however, that the appointment of General Sasiain as the head of the Federal Police was a serious threat, especially if anti-subversive activities were transferred to the Federal Police. Mignone noted that General Sasiain was of Lebanese extraction. His sister and brother-in-law, General Caceres Monié, a former Army general and chief of the Federal Police in the Lanusse Administration, were both killed on their retirement chicken farm by Montoneros in Entre Rios Province in 1976. Mignone described Sasiain as an extremely bitter man whose Tenth Army Regiment in La Plata had run one of the severest anti-subversive campaigns in the country. The campaign was directed primarily against the leftist students and faculty of the formerly mammoth (200,000 students) University of La Plata.

### More Floating Bodies

Mignone said that the Assembly had received several reports that the bodies of a man and a woman were found floating in the new port area of Buenos Aires on January 22 around 1:30 p.m. The bodies were reportedly in good condition. Both individuals had been shot in the head. Mignone said that the Assembly planned to make an inquiry to see if the police had identified the bodies. If not, the Assembly would file petitions to force the police officials to conduct an investigation into the murders.

CLEARANCES:  
DCM: MChaplin  
POLCOUNS: WHHallman

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of the Freedom of Information and Privacy Act

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Date: Oct 18, 2018

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MEMORANDUM OF CONVERSATION

DATE: March 21, 1979

Mr. Robert Cox, Editor, Buenos Aires Herald  
Mr. F. Allen Harris, Political Officer, American  
Embassy, Buenos Aires

Human Rights

ARA/ECA - Mr. Brayshaw

HA/HR - Mr. Flood

INR/OIL/B

S/P - Messrs. Feinberg, Walker, Blaney

ARA/PPC - Messrs. Bruce, Schreiber

INR/RAR - Mrs. Buchanan

ARA - Mr. Lister

AMB

DCM

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USC 424

The Timerman Detention

Mr. Cox said that he had been "called in" by the Secretary General of the Presidency, General Crespi, regarding his recent "Newsweek" story on Jacobo Timerman. Cox noted that in earlier times he had adopted "I was a naughty boy and won't do it again," attitude during these meetings, but that he was now too old for that ploy. He said that he was surprised that Gen. Crespi was poorly prepared for the interview. The meeting started in the usual friendly Argentine fashion and finally got around to "the damage done to the country."

Cox said that he replied directly that the damage being done to Argentina was not caused by the article but was caused by the military's continuing detention of Timerman in the face of the Supreme Court's decision declaring Timerman's PEN detention illegal. To Cox's astonishment, Crespi denied any knowledge of either the Supreme Court's decision or the decision by the Army's Special Tribunal which had cleared Timerman of any connection with subversion. Crespi reportedly fell back on a weak attack against the Supreme Court: Crespi maintained that if Miguel Lorenzo or Isabelita were brought before the Supreme Court, the court would find their detention illegal also.

Cox said that there were two barbs in the "Newsweek" article which the Casa Rosada especially objected to. First was the Videla quote that Timerman's being a Jew didn't help his case. The second was the impression that Videla was a weak President who did not control events in Argentina. Cox noted the irony that externally the military wish to project an image of strong executive but internally

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wished to project the image of a weak President who needs the support of all thinking people against the hardliners arrayed against him. Cox said that the government really could not have it both ways.

"Washington Post" Reporter to be "Called In"

Cox said that the Washington Post's local girl Friday had told him that the Argentine Navy has requested Charles Krause to meet with Navy officials when he returns from a Jonestown massacre book promotion tour to London. Cox believes that the reason for Krause's being called in is related to his early March story on the murder of Argentine Foreign Service Officer Elena Holmberg.

Confirmation of Deaths - Trial Balloons

Cox related stories--which also had begun to come to the Embassy--regarding the Interior Ministry's Office of Internal Security informing a few families recently that their sons had been killed in confrontations with the military forces. Cox opined that these were trial balloons by the Ministry's officials to see what the reaction of the family members would be.

Cox said that the disappearance problem was a real dilemma for the GOA, as the families would never cease searching until they had hard information on the fate of their children. On the other hand, the majority of the officers in the military felt that the policy of denial of information had to be continued out of loyalty to the military service and its members, who had undertaken to do this dirty job to save their country from the communist threat. Cox noted that even those who felt genuine sympathy for the plight of the parents within the military had an overriding concern to protect the military reputation as an institution--it was a question of institutional loyalty.

Trip to U.S.

Cox mentioned that he will be attending seminars on Argentina in the U.S. in early May at Georgetown and Harvard Universities. Cox noted that he was beginning to worry about becoming the "liberal justifier of the GOA."

CLEARANCES: AMB:RCastro  
DCM:MChaplin  
POLCOUNS:WHHallman

 POL:FAHarris:sz

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UNITED STATES GOVERNMENT

# memorandum

DATE:

March 28, 1979

REPLY TO  
ATTN OF:

POL:FAHarris

SUBJECT:

Foreign Minister's Proposal on "the Disappeared"

TO:

FILE

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FR

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On November 3, 1978, FOWG Chief, Juan Carlos Arlia, said that in May, 1978, Foreign Minister Montes made two proposals to the Junta regarding resolving the disappearance question:

(1) Foreign Minister Montes proposed that the time period for presumption of death in disappearance cases be shortened to two years from the present three. Arlia commented that this would probably affect over 50% of the disappearance cases.

(2) Adm. Montes also suggested that the GOA publish lists of all those persons being held and then affirm that the government was not holding any other prisoners. This would encourage families to accept the fact that if their children were still "disappeared," they probably died in "confrontations with the security forces."

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