

~~CONFIDENTIAL~~

TO

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

DTG

131304Z AUG 87

FROM

FM (b)(3):10 USC 424

TO

TO RUEKJCS/DIA WASHDC

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

CONTROLS

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

(b)(3):10 USC 424 ~~CONFIDENTIAL~~

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

BODY

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

COUNTRY: (U) **ARGENTINA (AR)**

SUBJECT: IIR (b)(3):10 USC 424 LEGAL STATUS OF REBELLION

- PARTICIPANTS (U)

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

- EVALUATED INTEL.

DOI: (U) 870812

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

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

SUMMARY: (U) LTC RICO AND MAJOR BARREIRO HAVE BEEN

- DISCHARGED FROM ARGARM. BOTH, HOWEVER, COULD
- BE REINSTATED, RICO FOR AN INCORRECT "SUBPOENA"
- AND BARREIRO BECAUSE OF THE DUE OBEDIENCE LAW.

(b)(1);1.4 (c)

2. (U) RAMAYO SAID THE ARGENTINE CODE OF MILITARY JUSTICE REQUIRES ALL MILITARY TO PRESENT THEMSELVES TO ANY CIVILIAN COURT THAT IS INVESTIGATING A CRIMINAL CHARGE AGAINST THAT MILITARY PERSON. IF THE PERSON FAILS TO REPORT AFTER BEING SERVED A DULY EXECUTED

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The next 2 pages are denied in full per FOIA exemption b1 and b3

(b)(1);1.4 (c)

3. (U) RAMAYO SAID THIS HAS HAPPENED IN THE CASES OF BOTH RICO AND BARREIRO. THEY FAILED TO REPORT TO COURT; THE JUDGE NOTIFIED THE MOD; AND THE MINISTER OF DEFENSE DISCHARGED THEM. THE CONFUSION ARISES NOW BECAUSE SAN ISIDRO JUDGE ALBERTO ((PIOTTI)) HAS DETERMINED THAT RICO NEVER PERSONNALLY SIGNED HIS SUBPOENA AND THEREFORE COULD NOT FAIL TO REPORT IF HE WAS NEVER TOLD TO REPORT. PIOTTI HAS NOTIFIED THE MOD, BUT NO ACTION HAS BEEN TAKEN YET TO REINSTATE HIM AS A LIEUTENANT COLONEL.

4. (U) BARREIRO, ON THE OTHER HAND, IS A DIFFERENT CASE. THE DUE OBEDIENCE LAW HAS EXONERATED HIM. BARREIRO HAS ASKED THAT HE BE REINSTATED. RAMAYO SAYS BARREIRO HAS BEEN TOLD TO FILE AN APPEAL WITH THE CORDOBA FEDERAL COURT ON THE GROUNDS THAT HE WAS INNOCENT AND SHOULD NEVER HAVE BEEN REQUIRED TO GO TO COURT. RAMAYO ADDED THE REINSTATEMENT PROCESS BELONGS TO THE MOD AND NOT THE ARGARM.

5. (U) RAMAYO ADDED THE MILITARY CODE ALSO ALLOWS THE SERVICES THE RIGHT TO REINSTATE A DISCHARGED PERSON TO ACTIVE DUTY AT THE GRADE PREVIOUSLY HELD SOLELY FOR THE PURPOSE OF COURTS MARTIAL. THEREFORE, SHOULD THERE BE A COURTS MARTIAL OFFENSE FOR WHICH THE ARGARM WISHES TO TRY EITHER RICO OR BARREIRO, THEY CAN RECALL THEM.

(b)(1);(b)(3):10 USC 424;1.4 (c)

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Withheld pursuant to exemption

(b)(1);1.4 (c)

of the Freedom of Information and Privacy Act

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Withheld pursuant to exemption

(b)(1);(b)(3);10 USC 424;(b)(3);50 USC 3024(i);1.4 (c)
of the Freedom of Information and Privacy Act