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

/***** THIS IS A COMBINED MESSAGE *****/

BODY

COUNTRY: (U) ARGENTINA (AR).

//IPSP: (U) (b)(3):10 USC 424

SUBJ: IIR (b)(3):10 USC 424 ARMY'S REACTION TO CHARGE IT
HAS RECORDS OF DISAPPEARED PERSONS (U)

WARNING: (U) THIS IS AN INFORMATION REPORT, NOT
FINALLY EVALUATED INTELLIGENCE. REPORT CLASSIFIED

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DEPARTMENT OF DEFENSE

DO I: (U) 990115-990121.

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

SOURCE: A. (U) DAILY NEWSPAPER, "CLARIN," BUENOS
AIRES, ARGENTINA, 990120 AND 990121,(U), IN SPANISH.
AN INDEPENDENT-MODERATE NEWSPAPER WITH NATIONALIST
ORIENTATION WHICH PRESENTS A WIDE RANGE OF VIEWS AND
INFORMATION. CRITICAL OF THE MENEM ADMINISTRATION,
PARTICULARLY IN ECONOMIC AND SOCIAL MATTERS.
INFLUENTIAL WITH TOP POLICY MAKERS, POLITICIANS AND
CONGRESSMEN.

B. (U) DAILY NEWSPAPER, "PAGINA 12," BUENOS AIRES,
ARGENTINA, 990115-990120,(U), IN SPANISH. A CENTER-LEFT NEWSPAPER WHIC
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REPRESENTS LEFT-LIBERAL AND
INTELLECTUAL SECTORS OF ARGENTINE SOCIETY. OFTEN
CRITICAL OF THE ARMED FORCES AND THE MENEM
ADMINISTRATION AND EXPRESSES SOME OPPOSITION TO U.S.

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Authority: EO 13526

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Date: Oct 19, 2018

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FOREIGN AND ECONOMIC POLICY.

SUMMARY: (U) PROSECUTION FOR ABDUCTION OF BABIES BORN TO POLITICAL PRISONERS IN THE "DIRTY WAR" ERA OR FOR COVERING UP SUCH ACTIONS IS THE LEGAL ACHILLES HEEL OF FORMER MILITARY LEADERS. ATTEMPTS BY AN EX-ARMY COMMANDER TO INVOLVE CURRENT ARMY LEADERSHIP BACKFIRES.

TEXT: 1. (U) FORMER MILITARY LEADERS DURING THE ARGENTINE MILITARY DICTATORSHIP AND THE FIGHT AGAINST SUBVERSIVES IN THE "DIRTY WAR" ERA (1975-1983) HAVE LARGELY BEEN FREE OF PROSECUTION DUE TO VARIOUS AMNESTY LAWS OR PARDONS BY THE CONSTITUTIONAL GOVERNMENT. HOWEVER, A WAVE OF INVESTIGATIONS AND PROSECUTIONS OF FORMER MILITARY MEMBERS HAS BEGUN BASED ON THE FACT THAT BABIES BORN TO MANY FEMALE POLITICAL PRISONERS WHO WERE HELD BY THE MILITARY DURING THE "DIRTY WAR" AND WHO LATER "DISAPPEARED" WERE ILLEGALLY WITHHELD FROM THEIR RIGHTFUL FAMILIES AND WERE GIVEN FOR ADOPTION TO MILITARY AND OTHER FAMILIES WHO WERE THOUGHT TO BE ABLE TO RAISE THEM IN A "GOOD CHRISTIAN WAY." THIS ILLEGAL ABDUCTION AND ADOPTION OF BABIES WAS NOT COVERED IN ANY OF THE AMNESTIES OR PARDONS FOR FORMER MILITARY MEMBERS CHARGED WITH HUMAN RIGHTS ABUSES. BECAUSE OF THIS, AND THE FACT THAT EVERYONE NOW REPUDIATES SUCH A POLICY OF ILLEGAL ABDUCTION AND ADOPTION OF BABIES, FORMER MILITARY LEADERS ARE FINDING THEMSELVES LIABLE FOR PROSECUTION AND IMPRISONMENT FOR THEIR ROLES IN SUCH ACTS.

2. (U) IN THE INITIAL STAGES OF LEGAL INVESTIGATIONS AND PROSECUTIONS OF SUCH ACTS THE EMPHASIS WAS ON THE OCCURRENCES IN THE NOTORIOUS CLANDESTINE **DETENTION** CAMP IN THE NAVY'S MECHANICAL SCHOOL IN BUENOS AIRES. PROSECUTION OF MEMBERS OF THAT ORGANIZATION AND OF THE LEADERS OF THE MILITARY JUNTAS THAT ARE CHARGED WITH AUTHORIZING SUCH A POLICY OR WHO HAD GIVEN ORDERS TO DESTROY DOCUMENTATION AND HAD THUS HELPED TO COVER UP SUCH ACTIONS WERE THE TARGETS OF FEDERAL INVESTIGATING JUDGES. UP TO THE PRESENT NINE FORMER MILITARY MEMBERS ARE PRESENTLY IMPRISONED AFTER TESTIFYING TO THEIR ROLE IN SUCH CASES. COMMENT. MOST OF THOSE UNDER **DETENTION** ARE HELD UNDER CONDITIONS OF HOUSE ARREST DUE THEIR ADVANCED AGE AND ARGENTINE LAW WHICH PROVIDES FOR HOUSE ARREST FOR PERSONS SEVENTY YEARS OLD AND ABOVE.)

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A KEY ELEMENT OF THE INVESTIGATIONS HAS BEEN THE FACT THAT RATHER THAN CONCENTRATE ON LOWER LEVEL INDIVIDUALS WHO MAY HAVE CARRIED OUT SUCH ACTS, THE FEDERAL JUDGES HAVE CONCENTRATED ON THE HIGHER LEADERSHIP WHO HELD POLITICAL RESPONSIBILITY FOR THESE ACTS OR WHO ORDERED THE DESTRUCTION OF DOCUMENTS THAT SERVED TO COVER UP THE CRIMES.

3. (U) UNTIL THE PREVIOUS WEEK FORMER SENIOR ARMY MEMBERS WERE NOT THE FOCUS OF THE INVESTIGATIONS, EXCEPT FOR THOSE WHO HAD BEEN MEMBERS OF THE RULING MILITARY JUNTAS. HOWEVER, THE INVESTIGATION PROVIDED CLEAR EVIDENCE THAT THE ABDUCTION AND ILLEGAL ADOPTION OF BABIES OF POLITICAL PRISONERS WAS CARRIED OUT AT IN AT LEAST ONE MAJOR ARMY HOSPITAL. AS A RESULT FORMER ARMY COMMANDERS AND OTHER SENIOR RETIRED ARMY GENERALS ARE NOW BECOMING KEY TARGETS OF INVESTIGATING JUDGES

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FORMER CHIEF OF STAFF OF THE ARMY BEING HELD IN **DETENTION**; DTG 221708Z JAN 99). THE FIRST SUCH OFFICER TO BE QUESTIONED AND DETAINED WAS A FORMER ARMY CHIEF OF STAFF, RETIRED GENERAL CRISTINO ((NICOLAIDES)). THE MAJOR CHARGE AGAINST HIM WAS DUE TO HIS 1983 ORDER TO INCINERATE ALL DOCUMENTS HELD BY THE ARMY AND POLICE THAT RELATED TO DETAINED POLITICAL PRISONERS. THIS HAS BEEN SEEN AS A DIRECT EFFORT TO COVER UP THE ILLEGAL REPRESSION CONDUCTED BY THE ARMY DURING THE MILITARY DICTATORSHIP.

4. (U) GENERAL (R) NICOLAIDES DEFENDED HIS ORDER TO DESTROY SUCH DOCUMENTS AS BEING A LEGAL ADMINISTRATIVE ACTION TAKEN TO REORDER DOCUMENTATION THAT WAS CHAOTICALLY ARCHIVED IN ARMY FILES. THIS WAS NOT WELL RECEIVED BUT CAUSED NO PARTICULAR REACTION. HOWEVER, THE RETIRED ARMY CHIEF OF STAFF WENT ON TO STATE THAT THERE SHOULD BE WITHIN THE ARMY AN INVENTORY RECORD OF THE DOCUMENTS THAT WERE DESTROYED. HE ADDED THAT THERE SHOULD ALSO BE OTHER DOCUMENTS RELATING TO "DISAPPEARED PERSONS" STILL REMAINING IN THE ARMY'S FILES SINCE HIS ORDER WAS SUPPOSED TO APPLY ONLY TO DOCUMENTS THAT UNITS HAD RECEIVED FROM HIGHER HEADQUARTERS AND NOT THOSE RECEIVED FROM SUBORDINATE ELEMENTS. GENERAL (R) NICOLAIDES'S LAWYER WENT FURTHER TO STATE THAT "NOW IS THE TIME FOR GENERAL BALZA" TO RESPOND TO THIS. HE WAS ALSO REPORTED TO HAVE STATED THAT "BALZA IS AN

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UNDOCUMENTED ONE BECAUSE WITHOUT TAKING TOO MUCH EFFORT TO CHECK IT OUT HE DENIED THE EXISTENCE OF THE DOCUMENTATION THAT NICOLAIDES LEFT IN THE ARMY."

5. (U) THE STATEMENTS FROM GENERAL (R) NICOLAIDES AND HIS LAWYER THAT INDICATED THAT THE ARMY SHOULD STILL HAVE DOCUMENTS PERTAINING TO "DISAPPEARED PERSONS" IN ITS FILES WAS A STARTLING ONE THAT IMMEDIATELY DREW NOTICE BOTH FROM THE LOCAL PRESS AND FROM THE CURRENT ARMY LEADERSHIP WHICH HAD PREVIOUSLY DENIED THE EXISTENCE OF SUCH DOCUMENTATION IN THE ARMY.

6. (U) ON 19 JANUARY GENERAL MARTIN A. ((BALZA)), THE CURRENT ARMY CHIEF OF STAFF, BROKE OFF FROM HIS VACATION AT A BEACH RESORT, RETURNED TO BUENOS AIRES, AND CONVENED A MEETING OF THE ARMY'S SENIOR GENERALS AT THE **CAMPO DE MAYO** MILITARY BASE ON THE OUTSKIRTS OF BUENOS AIRES. FOLLOWING THE MEETING THE ARMY ISSUED AN OFFICIAL STATEMENT STRONGLY REJECTING GENERAL (R) NICOLAIDES'S CLAIM THAT THE ARMY HAD DOCUMENTS IN ITS ARCHIVES PERTAINING TO "DISAPPEARED" PERSONS OR TO ILLEGALLY ADOPTED BABIES. THE STATEMENT WAS TITLED "THE ARGENTINE ARMY REJECTS THE CLAIMS OF NICOLAIDES."

A. (U) "THE ARMY RECONFIRMS THAT IT DOES NOT HAVE ANY ARCHIVE RELATED TO THE FIGHT AGAINST SUBVERSION ...SINCE 1986 THE ARMY HAS REPEATED THAT NO SUCH DOCUMENTATION EXISTS. FURTHERMORE, IN 1994 IT ASKED THE CONTRIBUTION OF ALL PERSONNEL WITHIN THE INSTITUTION WHO MIGHT HAVE LISTS OR WHO COULD RECONSTRUCT SUCH LISTS FROM THEIR MEMORIES."

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COMMENT. IN 1994 THE QUESTION OF POSSIBLE DOCUMENTATION HIDDEN IN ARMY FILES ON "DISAPPEARED" PERSONS CAME UP. AT THAT TIME GENERAL BALZA RESPONDED BY ISSUING AN ORDER FOR ANYONE IN THE ARMY WHO HAD EVIDENCE OF THE FATE OF ANY "DISAPPEARED" PERSON TO TURN IN THAT EVIDENCE SO THAT IT COULD BE PROVIDED TO THE CIVILIAN COURTS AND TO THE FAMILIES OF THE "DISAPPEARED." THIS WAS TO BE DONE ON A NON-ATTRIBUTION BASIS TO PRECLUDE ANY NEGATIVE ACTION AGAINST ANYONE WHO PROVIDED ANY DOCUMENTS AND THUS TO ENCOURAGE COMPLIANCE. HOWEVER, NO DOCUMENTS WERE UNCOVERED.)

B. (U) IN THEIR STATEMENT, THE ARMY'S SENIOR GENERALS QUALIFIED AS "UNACCEPTABLE" THE DECLARATIONS ATTRIBUTED

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TO GENERAL (R) NICOLAIDES AND TO HIS LAWYER WHICH CLAIMED THAT "THE ORDER TO BURN THE DOCUMENTS WAS BASED ON THE CONCEPT THAT THE FIGHT AGAINST SUBVERSION HAD ENDED AND IT WAS SOUGHT TO GATHER AND INVENTORY THE DOCUMENTATION THAT EXISTED IN DIVERSE AREAS AND TO SYSTEMIZE THE ARCHIVES." THE ARMY'S 19 JANUARY STATEMENT NOTES SARCASTICALLY THAT "TO DESTROY ALL TYPE OF BACKGROUND MATERIAL DOES NOT EXACTLY CONSTITUTE THE WAY TO ORGANIZE ARCHIVES." THE STATEMENT GOES ON TO UPHOLD GENERAL BALZA'S POLICY OF ADMITTING TO PAST ERRORS BY AFFIRMING THAT "WE ASSUME PART OF THE RESPONSIBILITY FOR THE ERRORS OF THE FRATRICIDE BETWEEN ARGENTINES THAT STILL UPSETS US TODAY. WE ARE NOT CONCERNED THAT OTHERS DO NOT ACCEPT RESPONSIBILITY FOR THEIR ERRORS. THOSE OF US WORE THE UNIFORM HAD AN INSTITUTIONAL RESPONSIBILITY THAT THE TERRORISTS IN REBELLION DID NOT HAVE."

C. (U) FINALLY THE STATEMENT AGAIN CALLS ON ANY ARMY MEMBER WHO MIGHT HAVE OR MIGHT FIND DOCUMENTATION ON "DISAPPEARED" PERSONS OR ON THE POLICY OF ILLEGAL ADOPTION OF THE BABIES OF "DISAPPEARED" PERSONS TO COME FORWARD AND PROVIDE THAT EVIDENCE.

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COMMENTS: 1. ~~(C)~~ COMMENTS. THE "STOLEN BABIES" ISSUE HAS PROVED TO BE THE LEGAL ACHILLES HEEL OF FORMER MILITARY MEMBERS ACCUSED OF ILLEGAL REPRESSION DURING THE PERIOD OF MILITARY DICTATORSHIP. BECAUSE OF PREVIOUS AMNESTIES AND PARDONS FOR CRIMES COMMITTED BY THE MILITARY DURING THE PERIOD OF MILITARY GOVERNMENT AND THE "DIRTY WAR" THERE WAS NO WAY FOR HUMAN RIGHTS GROUPS, OR EVEN THOSE SIMPLY WANTING TO SETTLE OLD SCORES, TO PUSH THE PROSECUTION OF THE FORMER MILITARY LEADERSHIP FOR REPRESSIVE ACTIVITIES UNDERTAKEN DURING THE 1970'S AND 1980'S. HOWEVER, THE ILLEGAL ABDUCTION OF BABIES BORN TO POLITICAL PRISONERS AND THEIR PROVISION TO FAMILIES FOR ILLEGAL ADOPTIONS RATHER THAN THEIR RETURN TO THEIR FAMILIES MAY NOT COVERED IN THE AMNESTIES AND THE PARDONS GIVEN TO FORMER MILITARY MEMBERS.

2. ~~(C)~~ THE PUBLICITY AND ALMOST UNIVERSAL REPUDIATION OF THE POLICY OF CHILD ABDUCTION/ILLEGAL ADOPTION THAT WAS CARRIED OUT BY FORMER MILITARY OFFICERS DURING THE MILITARY DICTATORSHIP COULD BE

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EXPECTED TO HAVE AN OBVIOUS NEGATIVE IMPACT ON POPULAR OPINION OF THE ARMY AS AN INSTITUTION TODAY--SOMETHING THAT THE CURRENT ARMY LEADERSHIP HAS BEEN TRYING TO TURN AROUND FOR THE PAST SEVEN YEARS. PARADOXICALLY HOWEVER, UP TO NOW THE RESPONSE HAS BEEN LARGELY POSITIVE FOR THE MODERN DAY INSTITUTION AND ESPECIALLY FOR ITS CURRENT CHIEF OF STAFF.

3. ~~(C)~~ FOR GENERAL BALZA THE CHARGES MADE BY GENERAL (R) NICOLAIDES, AND ESPECIALLY THOSE ATTRIBUTED TO HIS LAWYER, SERVE TO GENERATE SUPPORT FOR HIM FROM AMONG HIS PRINCIPAL SUBORDINATES AND AT THE SAME TIME THEY SERVE TO DIMINISH THE IMPACT OF CRITICISM HE HAS HABITUALLY RECEIVED FROM MANY RETIRED GENERALS WHO HAVE SPOKEN OUT AGAINST THE POLICIES OF THE CURRENT ARMY CHIEF OF STAFF. THIS IS ESPECIALLY TRUE OF GENERAL BALZA'S POLICY OF ACCEPTING INSTITUTIONAL RESPONSIBILITY FOR ERRORS COMMITTED BY THE ARMY DURING THE "DIRTY WAR," A POLICY THAT WAS EXTREMELY CRITICIZED BY MANY RETIRED SENIOR OFFICERS, BUT ONE THAT HAS GENERATED A GREAT DEAL OF ACCEPTANCE AND CREDIT FOR HIM AND FOR THE ARMY AMONG THE CIVILIAN POPULATION.

A. ~~(C)~~ IN ATTEMPTING TO DEFEND HIMSELF FROM PROSECUTION GENERAL (R) NICOLAIDES MADE A STATEMENT THAT DIDN'T JUST THREATEN GENERAL BALZA; RATHER IT THREATENED THE REST OF THE CURRENT LEADERSHIP OF THE ARMY AS THEY HAD PREVIOUSLY REPORTED A NEGATIVE RESULT IN CONDUCTING SEARCHES FOR DOCUMENTATION WITH THE FILES OF THEIR STAFFS OR SUBORDINATE UNITS. IT ALSO THREATENED THE INSTITUTIONAL PROGRAM TO REBUILD THE ARMY'S PLACE IN ARGENTINE SOCIETY. AS A RESULT THE ARMY'S SENIOR GENERALS APPEAR TO HAVE HAD LITTLE TROUBLE IN UNITING IN AN OFFICIAL STATEMENT RECONFIRMING GENERAL BALZA'S LONG STATED POLICY REPUDIATING THE MISTAKES OF THE PAST AND REJECTING THE PUBLIC CLAIMS OF A FORMER ARMY CHIEF OF STAFF.

B. ~~(C)~~ GENERAL (R) NICOLAIDES'S STATEMENT ALSO SPLIT OPINION AMONG GENERAL BALZA'S RETIRED GENERAL OFFICER CRITICS. WHILE IT IS ALRIGHT TO CRITICIZE THE CURRENT CHIEF OF STAFF, IT IS AGAINST THE ACCEPTED NORMS TO DO SOMETHING THAT MIGHT DISCREDIT THE ARMY AS AN INSTITUTION. THIS IS A BLESSING FOR GENERAL BALZA WHO HAS LONG HAD TO ENDURE CRITICAL PRONOUNCEMENTS FROM A

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SELF PROCLAIMED "FORUM OF RETIRED GENERALS."

C. ~~(C)~~ FINALLY, IT APPEARS THAT CHARGES FROM GENERAL
(R) NICOLAIDES CAN (AT LEAST INITIALLY) ONLY HELP TO
DISTINGUISH BETWEEN HIMSELF AS A REPRESENTATIVE OF THE
OLD GUARD MILITARY CONCEPTS AND THE "NEW BREED" OF ARMY
OFFICER WHO IS RESPECTFUL OF CIVILIAN CONTROL.

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5. (U) QUESTIONS REGARDING THIS IIR SHOULD BE
FORWARDED TO THE

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ADMIN

INSTR: (U)

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PREP: (U)

ACQ: (U) BUENOS AIRES, **ARGENTINA** (990115-990121).

DISSEM: (U) FIELD: USEMB, BUENOS AIRES AR.

WARNING: (U) ~~REPORT CLASSIFIED CONFIDENTIAL~~

DRV FROM: DHS SCG, OCTOBER 97.

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