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REVIEW AUTHORITY: Richard Zorn,
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E.O. 11652: GDS
TAGS: SHUM, AR
SUBJECT: ARGENTINE HUMAN RIGHTS DEVELOPMENTS

INTRODUCTION AND SUMMARY:

RECENT HUMAN RIGHTS DEVELOPMENTS IN ARGENTINA ARE MIXED. THE GOVERNMENT'S RECENT ANNOUNCEMENT OF A RESTRICTED RIGHT OF OPTION PROGRAM TO ALLOW PERSONS HELD UNDER EXECUTIVE DETENTION TO LEAVE THE COUNTRY, ALTHOUGH POINTED TO BY THE GOA AS A SIGNIFICANT ADVANCE, IS SEEN BY PERSONS SEEKING THE "OPTION" TO LEAVE AS NO ESSENTIAL CHANGE OVER PAST PROCEDURES. THE GOVERNMENT STILL RETAINS THE RIGHT TO RELEASE ONLY THOSE PERSONS THAT IT CHOOSES TO. LOCAL BAR MEMBERS WITH DETAINED CLIENTS HAVE DUBBED THE NEW PROGRAM AS "THE RIGHT TO PETITION". THE REAL TEST WILL LIE IN THE ADMINISTRATION OF THE PROGRAM. PERMANENT ASSEMBLY AND
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LEAGUE FOR THE RIGHT OF MAN MEMBERS STATE THAT THEY HAVE BEEN RECEIVING ABOUT THE SAME NUMBER OF REPORTED DISAPPEARANCES OVER THE LAST FEW MONTHS. THE POSITIVE NEWS IS THAT HUMAN RIGHTS ORGANIZATIONS ARE GAINING IN STRENGTH. THE RECENT "MOTHER'S DAY" PETITION AND DEMONSTRATION ARE VIEWED AS HAVING NOT ONLY SENT A SIGNAL TO THE JUNTA REGARDING THE SERIOUSNESS OF THE DISAPPEARANCE PROBLEM, BUT ALSO HAVING STRENGTHENED THE COMMITMENT OF THOSE WHO PARTICIPATED. THE MOST SOBERING DEVELOPMENT IS THE EXPECTED RETENTION AND IN SOME CASES PROMOTION OF SENIOR ARGENTINE HARD-LINE MILITARY OFFICIALS CLOSELY ASSOCIATED WITH THE ANTI-TERRORIST AND ANTI-SUBVERSIVE CAMPAIGNS. HUMAN RIGHTS ACTIVISTS HAD HOPED EARLIER THAT THIS YEAR'S CYCLE OF PROMOTIONS AND RETIREMENTS WOULD SEE NEW, MORE MODERATE OFFICERS MOVING INTO POSITIONS OF RESPONSIBILITY RELATING TO THE ANTI-SUBVERSIVE PROGRAMS. END SUMMARY.

1. UNION HUMAN RIGHTS SURVEY -----
IN AN EFFORT TO "DIALOGUE" AND SHOW THAT THE GOVERNMENT IS

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RESPONSIVE TO WORKER PROBLEMS, THE GOVERNMENT-INTERVENED NATIONAL TRADE UNION CENTRAL (CGT) HAS ESTABLISHED A SUBCOMMITTEE OF TRADE UNION LEADERS TO DEAL WITH THE QUESTION OF TRADE UNION DETAINEES AND DISAPPEARED. AS A FIRST STEP THE MILITARY OFFICER PRESIDING OVER THE COMMITTEE ASKED ITS MEMBERS TO PREPARE A LIST OF ALL LABOR LEADERS AND WORKERS WHO HAVE EITHER DISAPPEARED IN RECENT YEARS OR ARE BEING DETAINED. WHETHER THIS IS A SERIOUS EFFORT TO ASSESS THIS PROBLEM OR LABOR MINISTRY EYEWASH REMAINS TO BE SEEN. THIS DEVELOPMENT TAKES PLACE AGAINST A BACKDROP OF HEIGHTENING WORKER DISCONTENT AND STRIKES OVER ECONOMIC CONDITIONS AND A GOVERNMENT RESPONSE WHICH SEES THE PROTEST AS AT LEAST PARTIALLY INSPIRED BY LEFTIST AND TERRORIST AGITATORS.

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2. POSSIBILITY OF DISBANDMENT OF JOINT SECURITY FORCES -----
ARGENTINE FOREIGN OFFICE POLICY COORDINATOR, CAPT. RAUL NELSON CASTRO (WHO HAS JUST BEEN TRANSFERRED BACK TO THE NAVY) INDICATED TOEMBOFF IN EARLY OCTOBER THAT AS PART OF THE PRESIDENT'S "PEACE BY CHRISTMAS PLAN", THE GOA WAS CONSIDERING DISBANDING ITS JOINT SECURITY OPERATIONS UNITS. THESE UNITS ARE COMPOSED OF POLICE AND MILITARY ELEMENTS, AS WELL AS SPECIAL CONTRACT PERSONNEL. ACCORDING TO CASTRO, IT IS THE GOVERNMENT'S WISH TO RETURN ALL SECURITY OPERATIONS TO THE REGULAR POLICE AND MILITARY INTELLIGENCE UNITS BY YEAR'S END. HE INDICATED THAT THE DISBANDMENT OF THE JOINT SECURITY UNITS WOULD ALLOW GREATER CENTRAL CONTROL OVER THE GOA'S ANTI-SUBVERSIVE ACTIVITIES. EMBASSY IS SEEKING MORE INFORMATION ON THIS.

3. FALSE DENIAL OF HABEAS CORPUS PETITION -----
THE ARGENTINE PERMANENT ASSEMBLY FOR HUMAN RIGHTS IS CONSIDERING A LEGAL CHALLENGE TO THE FALSE -- OR AT BEST "PREMATURE" REPLY GIVEN TO A HABEAS CORPUS PETITION FILED FOR ITS KIDNAPPED CO-PRESIDENT ALFREDO BRAVO. IMMEDIATELY AFTER BRAVO'S KIDNAPPING, A HABEAS CORPUS PETITION WAS FILED AND JUDICIAL INQUIRIES WERE SENT TO A NUMBER OF POLICE AND MILITARY UNITS WHO MIGHT BE HOLDING THE ARGENTINE LABOR AND HUMAN RIGHTS LEADER. THE FIRST ARMY CORPS FORMALLY REPLIED THAT BRAVO WAS NOT BEING DETAINED. HOWEVER, A WEEK LATER WHEN THE MINISTRY OF INTERIOR ANNOUNCED THE "REAPPEARANCE" OF BRAVO, IT STATED THAT HE HAD BEEN HELD UNDER DETENTION BY ORDER OF GENERAL SUAREZ MASON, COMMANDER OF THE FIRST CORPS. THE ASSEMBLY MAY DELAY ACTION UNTIL BRAVO IS RELEASED, BUT THE CASE IS AN IMPORTANT DEMONSTRATION OF THE FUTILITY OF THE PRESENT HABEAS CORPUS PROCEEDINGS.

4. DANISH UNDERTAKE HUMAN RIGHTS CASE WORK -----
ON SEPTEMBER 29 AN OFFICER OF THE DANISH EMBASSY ASKED FOR U.S. ASSISTANCE IN LOCATING TWO "DISAPPEARED" ARGENTINE

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COUPLES -- DR. IGNACIO IKONICOFF AND MARIA BEDOYAN; HAROLD LOGITURATO AND LILIANA GALLETTI. ALTHOUGH DENMARK, LIKE ITS EC COLLEAGUES, HAS DECIDED NOT TO MAKE GENERAL BILATERAL HUMAN RIGHTS DEMARCHES, ITS EMBASSY HERE IS UNDERTAKING "QUIET INVESTIGATIONS" ON BEHALF OF HIGH INTEREST CASES.

5. GOVERNMENT'S VOLUNTARY SURRENDER PROGRAM CONTINUES -----
WEEKLY PRESS PUBLICITY IS BEING GIVEN TO THE REDUCED SENTENCES BEING LEVIED AGAINST FORMER SUBVERSIVES WHO HAVE VOLUNTARILY SURRENDERED. THE SENTENCES OF THOSE SURRENDERING WHO HAVE NOT PARTICIPATED IN ACTS OF VIOLENCE ARE GENERALLY REDUCED BY ONE HALF TO TWO THIRDS. IT IS ALSO PRESUMED THAT THE DEGREE OF COOPERATION IN PROVIDING INFORMATION TO THE AUTHORITIES IS ANOTHER FACTOR TAKEN INTO ACCOUNT. THE EMBASSY UNDERSTANDS THAT THERE ARE SEVERAL SECRET AND WELL PROTECTED "REHABILITATION CENTERS" IN SOUTHERN ARGENTINA WHERE THESE PRISONERS SERVE THEIR TIME, WELL PROTECTED FROM THEIR FORMER TERRORIST COLLEAGUES. SOME MAY EVEN BE LISTED AS CONFIDENTIAL

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"DISAPPEARERS". THE GOVERNMENT HAS LASO ANNOUNCED THAT COUPLES SURRENDERING WILL BE ALLOWED TO LIVE TOGETHER AND YOUNG CHILDREN WILL BE ABLE TO REMAIN WITH THEIR MOTHERS.

6. HUMAN RIGHTS GROUPS INCREASE ACTIVITIES -----
LOCAL HUMAN RIGHTS ACTIVISTS ARE CLAIMING THAT THE OCTOBER 14 MASS DEMONSTRATION STAGED BY THE "FAMILIARES DE DETENDIDOS Y DESAPARECIDOS" AND THE MOTHERS OF PLAZA DE MAYO WAS A SIGNIFICANT ACT CALLING ATTENTION TO THE GRAVE "DESAPARECIDO" PROBLEM. (SEE BA 7700.) OVER 200 PERSONS PEACEFULLY ALLOWED THEMSELVES TO BE ARRESTED, RAPPORT WAS ESTABLISHED WITH THE POLICE UNITS, SYMPATHETIC PRESS ACCOUNTS WERE GENERATED AND MOST IMPORTANTLY THE MOTHER'S RESOLVE TO CONTINUE THEIR CIVIL DISOBEDIENCE (THERE IS AN OFFICIAL BAN ON DEMONSTRATIONS) HAS BEEN STRENGTHENED. THE MOTHERS ARE BEGINNING TO TALK ABOUT A PEACEFUL DEMONSTRATION DURING SECRETARY VANCE'S VISIT SIMILAR TO THE ONE HELD DURING ASSISTANT SECRETARY TODMAN'S AUGUST TRIP. THE "FAMILIARES DE DETENIDOS Y DESAPARECIDOS" GROUP (WHICH IS LINKED TO A GROUP WITH COMMUNIST PARTY ASSOCIATION) CLAIMS THAT 24,000 PERSONS THROUGHOUT ARGENTINA SIGNED ITS PETITION TO THE MILITARY JUNTA WHICH CALLED FOR A SEARCH FOR MISSING CITIZENS, THE APPEARANCE OF DETAINED CITIZENS, THE FREEING OF

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THOSE DETAINED WITHOUT CHARGES, THE REESTABLISHMENT OF THE CONSTITUTIONAL RIGHT OF OPTION AND TRIAL ACCORDING TO NATIONAL LAW OF PERSONS PROPERLY CHARGED. THREE OTHER PETITIONS ON THE PROBLEM OF THE "DESAPARECIDOS" APPEARED AS NEARLY FULL PAGE ADVERTISEMENTS IN LA PRENSA IN RECENT WEEKS. TWO OF THE ADS WERE FUNDED BY THE "FAMILIARES DE DETENIDOS Y DESAPARECIDOS" AND THE OTHER WAS FUNDED BY THE CONTRIBUTIONS OF THE MOTHERS OF THE PLAZA DE MAYO. A COUNTER ADVERTISEMENT APPEARED IN CLARIN SIGNED BY "COORDINATOR FEDERICO VOLPE". ITS MAJOR CAPTION WAS "HUMAN RIGHTS FOR ALL AND HUMAN DUTIES FOR ALL". THE TEXT POINTED OUT THAT SUBVERSIVES ARE THE FIRST TO CALL FOR HUMAN

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RIGHTS, BUT ARE ALSO THE FIRST TO VIOLATE THEM BY KILLING INNOCENT MEN, WOMEN AND CHILDREN.

A RELIGIOUS GROUP ALSO IS PLANNING TO UNDERTAKE HUMAN RIGHTS ACTIVITIES. A CATHOLIC, PROTESTANT, JEWISH ORGANIZATION -- THE INSTITUTE FOR HIGHER RELIGIOUS STUDIES -- IS STARTING TO PLAN A MASS DEMONSTRATION DURING THE CHRISTMAS SEASON IN BUENOS AIRES TO PRAY FOR PEACE.

7. HIGH INTEREST CASES -----

WITH THE EXCEPTION OF THE RELEASE OF MRS. DEUTSCH AND HER TWO ELDEST DAUGHTERS, THERE HAS BEEN LITTLE MOVEMENT AMONG THE HIGH VISIBILITY CASES.

ALTHOUGH THE SUBVERSION INVESTIGATION AGAINST FORMER LA OPINION PUBLISHER TIMERMAN HAS BEEN DROPPED "FOR LACK OF MERIT" (I.E. INSUFFICIENT EVIDENCE), HIS FAMILY'S KEEN EXPECTATION OF HIS EARLY RELEASE HAS NOT MATERIALIZED. (SEE BA 7716.) THE FAMILY HAS NOW DECIDED TO PURSUE LEGAL REMEDIES THROUGH A PETITION FOR HABEAS CORPUS. THIS IS THE FIRST TIME THE FAMILY HAS GONE PUBLIC. ON OCTOBER 31, THE FEDERAL COURT OF APPEALS ASKED THE FIRST ARMY CORPS TO AFFIRM THAT TIMERMAN IS NO LONGER BEING HELD FOR INVESTIGATION OF SUBVERSION BY THE SECOND SPECIAL MILITARY COURT. AT THE SAME TIME, THE COURT REQUESTED THE MINISTRY OF INTERIOR TO PROVIDE THE REASONS FOR THE CONTINUED EXECUTIVE DETENTION OF MR. TIMERMAN. THE FAMILY'S LAWYER TOLD THE EMBASSY PRIVATELY THAT HE WAS OPTIMISTIC FROM A LEGAL POINT OF VIEW, BUT HE FEARED THAT DECISIONS IN THE CASE WOULD CONTINUE TO BE MADE ON POLITICAL GROUNDS. (A POSITIVE PRECEDENT WAS ANNOUNCED ON NOVEMBER 1, WHEN A FEDERAL JUDGE ORDERED IMMEDIATE FREEDOM FOR A BUSINESSMAN HELD UNDER EXECUTIVE DETENTION FOR ILLEGAL SUGAR TRANSACTIONS. THE JUDGE HELD THAT THE EXECUTIVE'S STATE OF SIEGE POWERS RELATED ONLY TO PRESERVING LAW AND ORDER, NOT ILLICIT MARKETING.) IN THE ALFREDO BRAVO, CASE, NEWSPAPER ADVERTISEMENTS AND PETITIONS HAVE FAILED TO END THE EXECUTIVE DETENTION OF THIS IMPORTANT LABOR AND HUMAN RIGHTS LEADER.

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THE DISAPPEARANCES OF EDGARDO SAJON, ENRIQUE RAAB, RODOLFO FERNANDEZ PONDAL AND JUAN RAMON NAZAR WERE RECALLED TO PUBLIC ATTENTION BY THE ARGENTINE PUBLISHERS ASSOCIATION (ADEPA). ON SEPTEMBER 24, ADEPA ISSUED A STATEMENT THAT FULL FREEDOM OF THE PRESS DOES NOT EXIST IN ARGENTINA. THE ASSOCIATION POINTED

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TO THE MANY DISAPPEARANCES AND DETENTIONS OF EDITORS AND JOURNALISTS, THE GOVERNMENT'S INTERVENTION OF LA OPINION AND SEVERAL INTERIOR PAPERS, AND THE MURDER OF SEVERAL JOURNALISTS AS DAMAGING THE FREEDOM OF EXPRESSION IN ARGENTINA. THE ORGANIZATION QUESTIONED THE UTILIZATION OF THE STATE OF SIEGE AUTHORITY IN CURTAILING THE FREEDOM OF THE PRESS AND CALLED FOR THE RELEASE OF THOSE JOURNALISTS BEING HELD UNDER EXECUTIVE DETENTION. A DELEGATION OF THE MOTHERS OF THE PLAZA DE MAYO MET WITH THE ADEPA LEADERSHIP TO URGE THEM TO GIVE MORE ATTENTION TO THE GENERAL DISAPPEARANCE PROBLEM; ADEPA REPLIED THAT ITS FIRST CONCERN WAS IN LOCATING MISSING JOURNALISTS.

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THE DISAPPEARANCE OF FORMER ARGENTINE AMBASSADOR TO VENEZUELA HECTOR HIDALGO SOLA WAS BROUGHT AGAIN BEFORE THE PUBLIC'S FADING ATTENTION BY GOA'S ANNOUNCEMENT ON OCTOBER 27 THAT IT WILL FILL HIS VACANT POST IN CARACAS WITH CAREER DIPLOMAT CARLOS FEDERICO BARTFELD. MOST LOCAL OBSERVERS BELIEVE THAT BY NOW SOLA HAS PROBABLY BEEN ELIMINATED BY HIS CAPTORS.

8. UK REJECTS SMALL ARMS SALE --
IN LINE WITH A RECOMMENDATION FROM THEIR EMBASSY IN BUENOS AIRES, THE BRITISH GOVERNMENT TURNED DOWN THE SALE OF TWO DOZEN SOUND SUPPRESSED SUBMACHINE GUNS TO ARGENTINA. THE PURCHASING ORGANIZATION OF RECORD WAS THE BUENOS AIRES PROVINCE PRISON AT LA PLATA. BRITISH EMBASSY SOURCES INDICATE THAT THERE WAS NO JUSTIFICATION FOR "PRISON AUTHORITIES" ORDERING COMMANDO TYPE WEAPONS. THE BRITISH ARE PREPARED TO SUPPLY LARGE WEAPON SYSTEMS TO THE ARGENTINES, SUCH AS THE SMALL GUIDED MISSILE DESTROYER RECENTLY
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DELIVERED, BUT HAVE DECIDED AT PRESENT NOT TO PROVIDE ARMS FOR INTERNAL SECURITY PURPOSES.

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