

**RELEASE IN FULL**~~CONFIDENTIAL~~

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ACTION HA-06

INFO OCT-01 ARA-12 EUR-12 IO-14 ADS-00 LAB-04 SIL-01  
EB-08 CIAE-00 DODE-00 PM-07 H-01 INR-10 L-03  
NSAE-00 NSC-05 PA-01 SP-02 SS-15 ICA-11 SPRS-02  
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FM AMEMBASSY BUENOS AIRES  
TO SECSTATE WASHDC PRIORITY 7482  
INFO AMEMBASSY ASUNCION  
AMEMBASSY BRASILIA  
AMEMBASSY BRUSSELS  
USMISSION GENEVA  
AMEMBASSY LA PAZ  
AMEMBASSY MONTEVIDEO  
AMEMBASSY ROME  
AMEMBASSY SANTIAGO  
USMISSION USUN NEW YORK  
USCINCSO QUARRY HTS  
USCINCLANT NORVA

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USEEC; ROME FOR VATICAN; CINCSO FOR INTAFF; CINCLANT FOR POLAD

EO 12065: GDS 11/14/86 (RUSER, CLAUS W.) OR-M  
TAGS: SHUM, AR  
SUBJECT: HUMAN RIGHTS SUMMARY: NOVEMBER 1-14, 1980

REF: BUENOS AIRES 8736

1. (U) SUMMARY. PEREZ ESQUIVEL TAKES SOME SWINGS AT GOA ECONOMICS AND POLITICS. PRISON RELEASES ANNOUNCED. SEVERAL IMPRESSIVE COURT DECISIONS DEMONSTRATING APPARENT JUDICIAL INDEPENDENCE. END SUMMARY.

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2. (U) PEREZ ESQUIVEL ACTIVITIES: HUMAN RIGHTS ACTIVISTS WERE FINALLY ABLE TO HOST AN HOMAGE TO PEREZ ESQUIVEL. AFTER NUMEROUS RESTAURANTS TURNED DOWN THE OPPORTUNITY TO BE THE SITE OF THE CEREMONY, A HALL BELONGING TO A RELIGIOUS ORDER WAS ARRANGED. ON NOVEMBER 13, 500 GUESTS, INCLUDING HUMAN RIGHTS ACTIVISTS, DIPLOMATS, SOME LOCAL POLITICIANS (THE MOST PROMINENT WAS EX-PRESIDENT ILLIA) AND INTELLECTUALS GATHERED TO HONOR THE LAUREATE.

3. (U) IN HIS REMARKS PEREZ ESQUIVEL FOCUSED ON THE THEMES OF



REVIEW AUTHORITY: Stephen Worrel, Senior  
Reviewer

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PEACE AND SOCIAL JUSTICE. HE DENOUNCED INEQUITIES IN THE WORLD ECONOMIC ORDER, AND PARTICULARLY THE ROLE OF MULTINATIONAL CORPORATIONS. HE STRONGLY CRITICIZED THE ARGENTINE GOVERNMENT'S ECONOMIC PERFORMANCE AND ITS LIMITATIONS ON FREEDOM AS MAINTAINING AN UNJUST SOCIAL ORDER IN THE COUNTRY, CALLING FOR AN END TO HUMAN RIGHTS ABUSES AND A RETURN TO DEMOCRACY. HIS STATEMENT THAT UNIONS MUST BE GIVEN FREEDOM TO ORGANIZE, INCLUDING THE RIGHT TO RECONSTITUTE THE OUTLAWED NATIONAL LABOR CONFEDERATION, THE CGT, WAS PARTICULARLY APPLAUDED BY HIS AUDIENCE. WHILE CALLING ON ARGENTINES TO STRUGGLE FOR SUCH CHANGES, HE REJECTED AND CONDEMNED TERRORISM, SUBVERSION AND PREPRESSION ALIKE AND ENJOINED HIS AUDIENCE TO EMPLOY ONLY NONVIOLENT MEANS. HE ALSO CALLED FOR A PEACEFUL SETTLEMENT OF THE BEAGLE CHANNEL DISPUTE BETWEEN ARGENTINA AND CHILE.

4. (C) COMMENT: LOCAL POLITICIANS ARE STILL UNEASY WITH PEREZ ESQUIVEL. ILLIA'S APPEARANCE AT THE CEREMONY IS INTERESTING. THE ABSENCE OF LEADING PERONISTS IS AT LEAST NOTEWORTHY. THE PERONIST LEADERSHIP MET WITH HIM IN AN UNPUBLICIZED CEREMONY BUT DID SO WHEN THE PARTY'S STANDARD BEARER, DEOLINDO BITTEL, HAPPENED TO BE OUT OF TOWN.

5. (C) ESQUIVEL, ACCOMPANIED BY HIS SON AND MR. AND MRS.  
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EMILIO MIGNONE, TRAVELS TO THE UNITED STATES NOVEMBER 15 TO ATTEND THE OASGA. REPORTEDLY, PRIOR TO THAT MEETING HE WILL BE RECEIVED BY UN SECGEN WALDHEIM IN NEW YORK, AMONG OTHERS. AFTER THE OASGA HE WILL MOVE TO EUROPE ON HIS WAY TO RECEIVE THE PRIZE. WE ARE TOLD THAT HE WILL BE RECEIVED BY THE POPE AFTER THE AWARD IS MADE.

6. (C) PEREZ ESQUIVEL'S HIGHLY POLITICAL REMARKS AT THE CEREMONY IN HIS HONOR WILL ONLY INCREASE THE GOA'S CONVICTION THAT THE AWARD WAS MADE AS PART OF AN INTERNATIONAL EFFORT TO PUT PRESSURE ON DESIGNED TO DESTABILIZE THE GOVERNMENT HERE. END SOMME.

7. (U) CHANGE IN PRISON POPULATION: THE MINISTER OF INTERIOR ANNOUNCED THE FOLLOWING CHANGES IN THE NUMBERS OF PRISONERS BEING HELD ON OTHER THAN COMMON CRIMINAL CHARGES IN THE PERIOD JULY 8 - NOVEMBER 12, 1980:  
NEW ARRESTS UNDER PEN: 8  
RELEASED ON SUPERVISED LIBERTY: 60  
OPTIONS TO LEAVE THE COUNTRY: 5  
DETAINED FOREIGNERS EXPELLED: 5  
DROPPED FROM PEN: 160

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P 142009Z NOV 80  
FM AMEMBASSY BUENOS AIRES  
TO SECSTATE WASHDC PRIORITY 7483  
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8. (LOU) COMMENT: THERE ARE NO STATISTICS PRESENTLY AVAILABLE FOR THE NUMBER OF THOSE DROPPED FROM PEN WHO ACTUALLY WERE FREED. AT THE TIME OF THE ANNOUNCEMENT IT WAS STATED THAT SOME OF THOSE DROPPED FROM PEN WERE ON TRIAL OR ACTUALLY SERVING SENTENCE AND WOULD NOT BE RELEASED. WITH THESE ANNOUNCEMENTS AND, BEASED ON PAST EXPERIENCE, ASSUMING THAT ABOUT HALF OF THOSE DROPPED FROM PEN WERE ACTUALLY FREED, THE TOTAL NUMBER OF THOSE JAILED ON OTHER THAN COMMON CRIMINAL CHARGES IS NOW PROBABLY BETWEEN 1480-1680. THE NUMBER IS PROBABLY CLOSER TO THE LOWER OF THE TWO FIGURES, ACCORDING TO MOST RECENT REPORTS. THE TOTAL UNDER PEN IN ALL CATEGORIES IS NOW ABOUT 1050. THE GOVERNMENT ANNOUNCEMENT OF  
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CONTINUED RELEASES UNDER PEN WAS PROBABLY MADE WITH AN EYE ON THE UPCOMING OASGA. WE UNDERSTAND THAT THE VARIOUS GOA REVIEW COMMITTEES ARE CONTINUING THEIR WORK ON IDENTIFYING PRISONERS WHOSE RELEASE WILL BE ANNOUNCED LATER THIS MONTH OR IN DECEMBER.

9. (7) COURT CASES: TWO INTERESTING COURT DECISIONS, EVIDENCE OF JUSIDICAL INDEPENDENCE, WERE ANNOUNCED IN THE PAST WEEK:



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A) (U) MENEM ORDERED RELEASED: FEDERAL JUDGE PEDRO NARVAIZ ORDERED THE GOVERNMENT TO FREE PERONIST LEADER CARLOS MENEM WHO WAS PLACED UNDER PEN AND BANISHED TO THE INTERIOR EARLIER THIS YEAR (BUENOS AIRES 7831). MENEM'S ARREST WAS OSTENSIBLY BASED ON SOME BITTERLY CRITICAL PUBLIC REMARKS HE MADE ABOUT THE GOA. THE JUDGE'S DECISION WAS A BIT CONVOLUTED BUT CAME DOWN TO THE OPINION THAT MENEM'S REMARKS WERE NO STRONGER THAN THOSE MADE BY OTHER ARGENTINES WHO WERE NEVER ARRESTED. THE JUDGE REPORTEDLY WROTE THAT IF AUTHOR LUIS BORGES, PROTESTING FARM LEADER HUMBERTO VOLANDO AND LABOR LEADER LORENZO MIGUEL ARE NOT IN JAIL THERE IS NO REASON FOR MENEM TO LANGUISH UNDER PEN. THE GOVERNMENT IS APPEALING.

10. (C) JUDGE NARVAIZ'S ORDER IS QUITE A CHALLENGE TO THE GOVERNMENT. THE GLOW FOR HUMAN RIGHTS GROUPS IS SOMEWHAT DIMINISHED BY THE TERMS ON WHICH HE MADE THE CASE. IT COULD WELL BE AN IMPORTANT PRECEDENT -- DEPENDING ON WHETHER IT IS UPHELD.

11. (U) PEN PRISONER GIVEN OPTION: A THREE-MAN APPEALS COURT, UPHOLDING THE OPINION OF A LOWER COURT, ORDERED THE GOA TO GIVE THE RIGHT OF OPTION TO A PEN PRISONER, AGUSTIN CONRADO LOPEZ, WHO HAS BEEN HELD FOR MORE THAN FIVE YEARS. LOPEZ WAS ARRESTED AS A MEMBER OF ERP BUT THE GOVERNMENT REFUSED TO TURN OVER THE EVIDENCE AGAINST HIM ON THE GROUNDS THAT TO DO SO WOULD COMPROMISE SENSITIVE SOURCES. THE COURT CONSIDERED THAT IN THE ABSENCE OF SUCH EVIDENCE THE PRISONER SHOULD BE FREED SINCE CONFINEMENT UNDER CONFIDENTIAL

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PEN FOR FIVE YEARS CONSTITUTES, IN AND OF ITSELF, CORPORAL PUNISHMENT WHICH IS PROHIBITED BY THE CONSTITUTION. THE GOVERNMENT IS EXPECTED TO APPEAL THIS DECISION.

12. (C) COMMENT: THIS IS THE FIRST SUCH CASE TO BE UPHELD BY AN APPEALS COURT AND COULD CONSTITUTE AN EXTREMELY IMPORTANT PRECEDENT IF UPHELD BY THE SUPREME COURT. THIS IS THE VERY DECISION THAT LAWYERS HAVE BEEN SEEKING IN THE CASE OF MANY OF THOSE HELD UNDER PEN WITHOUT TRIAL OR CHARGES. A WELL-INFORMED SOURCE IN THE GOVERNMENT TOLD US THAT THE DECISION HAS ALSO CAUSED SERIOUS CONCERN IN SOME MILITARY CIRCLES. THE SECURITY FORCES HAVE LONG FEARED THAT PRISONERS WHO THEY "KNOW" TO BE TERRORISTS OR SUBVERSIVES BUT CANNOT PRESENT THE "SENSITIVE" EVIDENCE TO THE COURTS TO PROVE IT WILL BE FREED BY THE COURTS. OUR SOURCE SAID, HOWEVER, THAT HE EXPECTED THE MILITARY REACTION WOULD BE MANAGEABLE.

13. (U) DURING THE WEEK, COURTS ANNOUNCED SENTENCES FOR EIGHT PEOPLE ACCUSED OF TERRORIST AND SUBVERSIVE ACTIVITIES IN THE PAST. SENTENCES RANGED UP TO FOURTEEN YEARS. AT THE SAME TIME, SEVERAL DEFENDANTS IN THESE CASES WERE RELEASED AFTER BEING DETAINED UNDER PEN FOR SEVERAL YEARS WHILE AWAITING TRIAL, ON THE GROUNDS THAT THEY HAD ALREADY SERVED THEIR SENTENCES.  
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