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**TELEGRAM**

9/30/76 HUMAN RIGHTS REPORT

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	FROM <b>Embassy BUENOS AIRES</b>	CLASSIFICATION <b>[REDACTED]</b>
E.O. 11652: TAGS: SUBJECT:  ACTION:   REF	CBS MASS, YFCB, SHER, AR, US Human Rights Observance Report  Secstate WASHDC <b>IMMEDIATE</b> [REDACTED] BUENOS AIRES <u>6494</u>  State 241180	
	ARGENTINA PROJECT (S200000044) U.S. DEPT. OF STATE, A/RPS/IPS Margaret P. Grafeld, Director (X) Release ( ) Excise ( ) Deny Exemption(s): _____ Declassify: ( ) In Part (X) In Full ( ) Classify as __ ( ) Extend as __ ( ) Downgrade to __ Date _____ Declassify on _____ Reason _____	
	Following is submitted in response to refal. Refal was received noon, Sept 29 with indication that Embassy should respond by COB Sept 30. Here it is. Response is in four parts:	
AMB+ DCM POL-3 POL/R ECON UBIS DAO MIIGP SCIAT LEIAT RF CROH	<ol style="list-style-type: none"> <li>1. Summary;</li> <li>2. Embassy's Comments on Report Prepared by Department;</li> <li>3. Steps Taken by Embassy to Advance Respect for Human Rights in Argentina;</li> <li>4. Update of Embassy's Overview of Human Rights Situation</li> </ol> <p>1. <u>SUMMARY</u>: Embassy is in basic agreement with report on human rights prepared by Department in response to Congressional request. Embassy has consistently—even before March 24 change of government—pressed issue of human rights observance to GOA. Approaches have been made at all levels and have included series of approaches</p>	

DRAFTED BY: POL:WSSmith:ESSSteven:YThayer:cc	DRAFTING DATE 9/30/76	TEL. EXT. 128	CONTENTS AND CLASSIFICATION APPROVED BY: AMB:RCH11
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since March on part of Ambassador to top levels of GOA.

Despite these approaches and despite recent release of detained American citizens, Embassy is not optimistic regarding significant improvement in human rights situation in Argentina.

2. EMBASSY'S COMMENTS ON REPORT PREPARED BY DEPARTMENT: Rather than give series of line by line changes, Embassy submits below its suggested revised text of Department's report. It will be noted that we have deleted, among other things, paragraph on Jehovah Witnesses. In our view, while this may or may not involve human rights, <sup>we believe</sup> it dilutes our case to include it.

Begin Text:

A. Political Situation. Argentina is the most politically violent country in Latin America today. Historically, modern violence in Argentina dates to the late sixties and the formation of the People's Revolutionary Army (ERP) and the Montoneros, both Marxist organizations dedicated to the overthrow of the government via a war of liberation. These organizations worked closely with Marxist guerrillas in Uruguay, Chile and Bolivia. When guerrilla organizations were defeated or ousted in these three countries, many of their members fled to Argentina, beginning in the early 1970s with the defeat of the Tupamaros in Uruguay. In the three years of the Peronist administration (1973-76) preceding the March 24 coup that brought General Jorge Rafael Videla to power, over 2,000 Argentines died

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as a result of left and right-wing terrorism. Since the coup, political violence has claimed at least 1,000 lives.

Serious mismanagement of the economy under Peron contributed to the climate of political instability in Argentina and vice versa. At the time of the coup, the consumer price index was increasing at a 566 annual rate with a rising trend, there was deepening recession, and an external payments crisis threatened an Argentine default on foreign debts.

The new government's first priorities were to contain inflation, refinance the foreign debt and fight leftist terrorism, the latter perceived as the greatest threat to the government's economic and political plans. In this climate, right-wing terrorism grew at an alarming rate. While Argentina's immediate economic problems are being dealt with, recession and labor discontent over falling real wages continue.

The security forces have taken strong action against leftist terrorists, killing hundreds and arresting thousands. It is clear that counter or right-wing terrorism, which first appeared under Peron in 1974, has involved elements of the Argentine security forces. Whatever Videla's personal views and wishes may be (and he has promised to respect human rights), effective steps to control this kind of terrorism have not yet

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been taken. Under Peron, right-wing terrorists attacked the regime's political opponents as well as terrorists on the left. Since March 1976, a wide spectrum of leftist and progressive individuals, and even ordinary citizens, have been victimized, including priests and foreign political refugees.

Leftist terrorism dates to 1969 and has been responsible for hundreds of political assassinations and kidnappings. Police-  
men, military personnel, and businessmen have often been shot at random. In 1975, the consular agent in Cordoba, John Patrick Egan, was murdered by leftist terrorists, while USIA officer Alfred Laza narrowly escaped death in the same city.

B. Legal Situation. The Argentine Constitution of 1853 is technically in effect, but, in practice, the decrees and laws promulgated by ~~the military~~ <sup>the military</sup> government take precedence even over constitutional provisions. This principle has been consistently upheld by the Argentine Supreme Court. The Argentine Constitution is closely patterned after the United States Constitution and provides most of the legal guarantees that ours does. The major exception is a "State of Siege" provision, which gives the federal government power to suspend habeas corpus temporarily, hold suspects indefinitely and to move accused persons from place to place within the country without consent. Arrested persons are supposed to

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have recourse to trial eventually or be released. The State of Siege has been in effect since November 6, 1974.

C. Observance of Internationally-Recognized Human Rights:

1. Integrity of the Person:

Article 3: Life, Liberty and Security of the Person.

This Article is violated regularly by elements of the GOA security forces, whether operating in an on-duty or off-duty status. Their method of operation is well known: civilian clothes, movement at night in unmarked cars, kidnappings, torture and even murder. There are no statistics on ~~the~~ the atrocities/ but the number of victims is in the hundreds and included many foreign refugees.

In the most notorious episode, on August 20 thirty leftist prisoners were executed / in part as a retaliation for the murder of General Actis and in part as a warning to leftist extremists before anticipated actions to mark the anniversary of the Tralaw massacre of 1972. The government confessed the mass murder as a "barbaric episode," although there is no doubt that the GOA's own security forces were responsible.

Article 5: Torture, Cruel, Inhuman, Degrading Treatment or Punishment.

Torture is undoubtedly used by the security forces to extract information from prisoners, particularly suspected or proven terrorists. Once they are actually "hooked," however, prisoners apparently receive more or less reasonable treatment.

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**Article 9: Arbitrary Arrest, Detention or Exile.**

The security forces have detained numerous persons for investigation and questioning under the provisions of the State of Siege or other laws, e.g., arms control laws. Some are held indefinitely but others are freed after a short time and still others passed on to the procedures of the regular courts or to military courts martial when this is prescribed by law. An estimated 3,000 to 5,000 persons are now detained under the provisions of the State of Siege. The Argentine government has released no total or list of those detained, and as various individuals are released others are detained; hence, it is impossible to determine how many prisoners are being held or for how long.

**Article 11: Fair Trial.**

Argentine courts function normally in most cases. The exception applies to individuals held under the State of Siege. Some of these are freed, some passed on to the procedures of the regular courts, others to courts martial and still others held without charges or acknowledgment of their detention. Right-wing intimidation of lawyers and judges makes it very difficult for prisoners accused of subversion to receive a "fair trial." Before March, it was the left wing which threatened court officials thereby influencing decisions.

**2. Other Important Freedoms:**

**Article 18: Thought and Religion.**

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Anti-Semitism, a recurrent problem in Argentina for decades, was recently manifested anew by right-wing attacks against Jewish synagogues and shops. There have been no reports of deaths or injuries as a result of anti-Semitic incidents. The UOI has condemned such actions and moved to ban anti-Semitic literature.

**Article 19: Expression and Opinion.**

Some right-wing and left-wing extremist publications in Argentina have been banned by the Videla government. This includes Marxist as well as anti-Semitic literature. The Argentine press is required to exercise self-censorship, and is specifically prohibited from mentioning terrorist and anti-terrorist operations unless officially authorized by the government. On August 21, the Argentine Newspapers Owners Association, representing over 100 editors and publishers, complained to President Videla about press restrictions. There is, nevertheless, criticism of human rights abuses in the Argentine press. Few journalists have suffered arrest and only for short periods. Foreign correspondents file their stories freely.

**Article 20: Assembly.**

Upon taking power in March, the military Junta dissolved the parliament and banned political and labor activity. Some labor unions were intervened and, on September 8, a law was passed providing up to ten years in prison for strike organizers.

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D. Available Non-USG Human Rights Reporting by Multilateral and Non-Governmental Organizations and Media. Many organizations, including Amnesty International, have denounced human rights violations in Argentina. However, comprehensive reports on the situation in Argentina since March 24, 1976 are not yet available.

3. STEPS TAKEN BY EMBASSY TO ADVANCE RESPECT FOR HUMAN RIGHTS

IN ARGENTINA: The Embassy made the military aware of the USG's concern with respect for human rights even before the change of government in March. In a conversation before the coup took place, the Ambassador took up the human rights issue with Navy CINC Massera and was assured that "if it took power" the military would scrupulously respect human rights. As an indication of ~~the~~ military's early awareness, President Videla himself was careful to assure the Argentine public and international observers shortly after the coup that human rights would be fully observed.

Since March the Embassy has constantly stressed to the GOA the potential danger to US-Argentine relations if the GOA did not adhere to a policy of respect for human rights. The Ambassador has frankly and frequently discussed this issue with such top-ranking officials as President Videla, Interior Min Harguindeguy, Foreign Min Cossatti, and Economy Min Martinez de Hoz. (Reports of these approaches are on file with the Department. Most are classified secret,

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[Enlis or Lánis. We leave it to the discretion of the Department as to whether or not they should be referred to in a report to Congress.) In addition to the Ambassador's approaches, Embassy officers at all levels have taken every opportunity to express US concern over human rights and possible consequences with their colleagues and contacts in the govt and with religious, professional and business leaders. Human rights has been a recurring topic at both social and official gatherings. The Economic Counselor has discussed human rights at periodic meetings with prominent Argentine businessmen and officials of the Economy and other ministries. In an Aide Memoire to the Foreign Ministry Sept 23, the Embassy reviewed the specific US legislation which makes the provision of economic, developmental and security assistance dependent on the recipient govt's observance and practice of internationally-recognized human rights standards. Texts of the pertinent provisions of the new security assistance legislation and the Hurkin amendment were also supplied to the ForMinistry. Visiting Department officials, including ~~Robert Zimmerman~~, Robert Zimmerman, Fred Hodson and Jim Buchanan have conveyed firsthand or been present when Emboffs conveyed to GOA officials US concern over human rights abuses.

Besides its representations in cases involving American citizens, Emboffs have frequently made informal inquiries to ForMinistry

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officials on behalf of missing and arbitrarily detained non-US citizens, such as the five seminarians arrested with Father Weeks in Cordoba, Juan Manuel, Ilizama Navarro and Jacobo Hoffenberg, the last two of whom were subsequently released. (These cases have been reported and are on file at the Department.) In these necessarily unofficial efforts, efforts have emphasized the personal concern expressed by members of Congress.

b. UPDATE OF DEBARTH'S OBSERVATION OF HUMAN RIGHTS SITUATION: Our last general survey and judgment on human rights situation in Argentina was submitted one month ago in Buenos Aires 5637. At that time, we were in hopes that the highest levels of the GCA might soon be in a position to begin to get the human rights situation in hand. Among other things, sanctions had been promised against those responsible for the mass murder at Pilar, and President Videla seemed to be moving to consolidate his position against the harder liners. Such hopes now appear forlorn. Detained Americans--Father Weeks, Gracia Mae Lohan, <sup>and</sup> and Patricia Erb--have either been released and expelled or in the process of so being. This indicates a greater responsiveness on the GCA's part to our denunciations concerning American citizens (probably flowing from the dawning realization that unresponsiveness could seriously jeopardize Argentine relations with the US). We do not see any such responsiveness, however, in terms of the overall human rights situation. No significant measures



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Have been taken to curb excesses on the part of the security forces. No sanctions were taken against those responsible for the Pilar massacre. On the contrary, it is clear that there was very high level authorization for those killings.

Finally, the shifts in the military which were originally designed to contribute to the consolidation of Videla's position are now expected to produce nothing of the sort. Instead, they may not even materialize for another several months. Rather than improvement, what is seen increasingly is that Videla is either unwilling or unable to curb excesses on the part of the security forces. The Embassy's prediction, then, is that human rights violations will continue in Argentina with little if any amelioration for the foreseeable future. The struggle against left-wing terrorism (which the military see as a battle of World War III against international communism) has become such an all-pervading goal of the GCA that it does and will take precedence over everything else, including human rights or even relations with the United States.

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