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HUMAN RIGHTS, DEMOCRATIC LIBERTIES,
AND U.S.-ARGENTINA RELATIONS

a report prepared by

Washington Information Bureau
of the
Argentine Commission for Human Rights
Comision Argentina por los Derechos Humanos
(CADHU)

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INTRODUCTION

The Argentine Commission for Human Rights is an organization whose main purpose is the defense of human rights and the restoration of democratic liberties in Argentina. It was originally formed by a group of lawyers who through the practice of their profession became increasingly aware of the need for a permanent national and international organization capable of compiling and distributing all the information concerning human rights in Argentina. The Commission has access to a variety of Argentine and international sources.

The purpose of this report is not merely to present a list of already well-documented violations of human rights existing in Argentina, rather an attempt to present the context within which these violations can be better understood. In light of the nature of the recent State Department Report on the human rights situation in Argentina, we felt compelled to provide additional information to those involved in the decision-making process of the U.S. Government, in order that they may have all the possible resources which will aid them in making their decisions. We feel that a contribution of this sort is particularly crucial at this time when the new Carter Administration will be facing important decisions regarding U.S. policy towards Argentina.

Concurrent with the growing concern of the American people for the critical Argentine situation, and joining with them in their mounting repudiation of the practices of the Argentine military government, we are circulating this document among representatives of the State Department, Congress, as well as among groups concerned with human rights and Argentina, both in the United States and in other countries.

SYNOPSIS OF REPORT

1. Political situation

The military junta headed by General Videla came to power in Argentina by overthrowing the constitutional government of President Isabel Martinez de Peron. Mrs. Peron's government was characterized by a permanent state of political and economical crisis as well as by widespread violations of human rights. The general ineptitude of Mrs. Peron's government as well as its unpopular policies led to an unsuccessful effort to impeach her and a subsequent agreement to advance the date of the next presidential elections. This was done in order to guarantee the continuity of constitutional rule and to avoid a new period of military governments such as the one which had been massively rejected in the 1973 elections. These new elections were set for December 1976. The argument whereby the Argentine military had to seize the government in order to prevent the collapse of the political institutions is therefore invalid.

2. Legal definition of current regime

The Argentine military junta is in direct violation of the principles of the Argentine Constitution of 1853. The current Argentine government can only be recognized as a "de facto" military dictatorship which justifies and gives itself legitimacy only by virtue of its hegemonic possession and use of military force.

3. Government Responsibility for the kidnappings, torture, and assassinations

Available evidence indicates that the actions of the so-called "right wing squads" are compatible with the Argentine government's policies and supplement the repressive activities of the legal security agencies. In fact, they are indistinguishable. In this

context, to attempt to justify the Argentine government's policies and to continue to provide it with military assistance is to condone the actions of its more extreme elements and to support the structures which provide them with the logistical support and permit them to operate with impunity.

4. Due process of law, the right to a fair trial, and the right to legal redress for government abuse

The following have become norms and standards of the judicial process under the military regime:

- a) The right to habeas corpus guaranteed by the Argentine Constitution is not respected by the authorities.
- b) The overwhelming majority of detainees never come before a court of law.
- c) Prisoners have little or no possibility of getting a fair trial, as lawyers will not take cases for fear of government retaliation. Judges are either military men or have been appointed by the military.
- d) The government does not allow prisoners detained under State of Siege regulations to leave Argentina for exile as guaranteed by Article 23 of the Constitution.

5. A consistent pattern of internationally recognized human rights

On the basis of the overwhelming evidence accumulated, the Argentine Commission for Human Rights concludes that the present Argentine government is consistently and flagrantly violating the most basic, internationally recognized human rights, through the systematic use of torture, the inhumane prison conditions prevailing, the execution of political prisoners and persecution and assassination of relatives of political activists and prisoners.

6. The situation of political refugees in Argentina

It is widely recognized and thoroughly documented that political refugees in Argentina have been killed, arrested, tortured, and deported to their countries of origin where they received similar



treatment. What needs to be stressed, however, is the active complicity and ensuing responsibility of the Argentine military government in these events. The cooperation between the security forces of Chile, Uruguay, and Argentina proves yet another instance of human rights violations by the Argentine government and its total disregard for the rights of refugees. This shared responsibility among the three countries also evidences the strong similarities of their political perspectives and common methodological guidelines which the U.S. Congress has found incompatible with the interests of the U.S. Military assistance to Chile and Uruguay has been discontinued on this basis. The U.S. should now act accordingly and consistently in the case of Argentina.

7. The Trade Union Movement under the Military Regime

The Argentine Trade Union Movement has been severely suppressed under the current military government. Tradeunionists became important targets for the security forces. Thousands have been arrested, many were killed, others simply disappeared. Government legislation also reflects its efforts to curtail the significant gains achieved by the labor movement in recent years and reflects the intension of the current government to prevent any participation of labor unions in affecting the economic and social policies of the government.

In spite of the limitations imposed by the government and the obvious risks involved, the Argentine labor movement has been in the forefront of the opposition to government economic and social policies. The first week of January representatives of unions still legal made public a document addressed to the

military government in the name of all organized labor. The nature of its demands and the fact that the document represents the minimal aspirations of some 8 million organized workers suggests that the Argentine Trade Union Movement remains a significant political force the government will have to contend with.

8. Human Rights and democratic liberties: the political alternative

The Universal Declaration of Human Rights and its Covenants recognize that respect for human rights can only be effectively guaranteed -n the context of political and trade union freedom, and just social and economic policies. In the case of Argentina, full respect for human rights is unattainable without a return to Constitutional government with the full participation of all political forces, including the trade union movement. Anything short of this seems deceitful and unrealistic.

It is the viewpoint of the military rulers that Argentina has to choose between their laws and orders, however painful these might be, and the chaos ensuing from corrupt and inoperative political parties and the persistent presence of organized subversion. Unfortunately, this apocalyptic, either-or, and manichean vision of the Argentine reality has gained some credibility in otherwise sensitive sectors of the U.S. Government's decision makers. Perhaps the principal shortcoming of this interpretation is that it leads to the dismissal of political alternatives, and encourages the attempt to apply military solutions to essentially political problems.

The United States should carefully consider the extent of the discredit of the Argentine Armed Forces in the eyes of the

people, it should accurately weigh the extent and impact of the opposition and it should adequately evaluate the significance of the new developing democratic alternative.

In the short run, the legitimacy that the U.S. Military Assistance gives to the military regime in Argentina may contribute to its stability and survival. But clearly, over an extended period of time, unpopular governments which use the methods described in this report, must fall.

9. Military Assistance Program intended to strengthen the Internal Security of the Argentine military regime

The Congressional Presentation Document for FY 77 released March 8th 1976 states: "The FMS credits being proposed for Argentina will support their program of armed forces modernization, particularly their counter insurgency and sea control capabilities."

The material being supplied to the Argentine Armed Forces through this program indicates that it is intended for counter insurgency in both urban and rural situation. This is consistent with the general objectives of the Military Assistance program for Latin America through the last decade but is not in line with the changes that have taken place there and in the dominant attitudes of the U.S. population.

1. Political situation

A proper characterization of the current government is necessary to provide adequate background and context to the violations of human rights taking place in Argentina, and to evaluate accurately the possible consequences of continued Military Assistance to it. The State Department report is misleading in its characterization. The report suggests that the Argentine Armed Forces had no other recourse but to seize power through a military coup on March 24 1976 to prevent the collapse of political and economic institutions, and to control the widespread violence which marked the previous government. Unfortunately, this point of view was reaffirmed by press coverage of these events in the United States.

The Military Junta headed by General Jorge Videla came to power in Argentina by overthrowing the constitutional government of President Isabel Martinez de Peron. General Juan Peron and his wife Isabel had been elected President and Vice President respectively in late 1973 receiving approximately 67% of the popular vote. Mrs. Peron assumed the presidency on July 1st 1974 after the death of her husband.

Most observers of Argentina agree that the government of Mrs. Peron was in a state of permanent political and economic crisis. The government was also consistently accused of corruption and ineptitude. Amnesty International, and the International Commission of Jurists, among others, also recognize that this government allowed right wing terrorist groups to function with impunity, that torture was commonly practiced, and that, at the time of the coup there were some 5,000 political priso-



ners in Argentina's jails.

Mrs. Peron's reffusal to resign under pressure led to an unsuccessful attempt to impeach her. Eventually, political forces reached an agreement to advance the date for the next presidential elections to guarantee the continuity of constitutional rule and to avoid a new period of military governments such as the one which the Argentine people massively rejected in the 1973 general elections. The elections were set for December 1976. A constitutional procedure had therefore been agreed upon to allow the people to change their government. The argument whereby the Argentine Military had to seize the government to prevent the disintegration of the political institutions of the State is therefore invalid. It is important to note that some political observers argued that one of the factors that precipitated the military takeover was precisely the scheduled elections which could have reversed the trend of increasing influence of the Armed Forces in all the affairs of the State. Given the statements being made only weeks before the military takeover by political parties representing the majority of the electorate, the new government would have had political and economic policies drastically different from the ones being implemented under the current regime.

The State Department report refers to the level of violence which characterized Argentina during Mrs. Peron's administration as one more justification for the Military takeover. It says: "In the three years of the Peronist Administration (1973-1976), over 2,000 Argentines died as a result of left and right wing terrorism." This statement is misleading in that it overstates

left wing violence and underestimates right wing activity. As the Amnesty International report points out: "...the Triple A has carried out more than 2,000 political assassinations since 1973." The Triple A, or Argentine Anti-communist Alliance, is of course a right wing terrorist group closely identified with the Police and the Armed Forces. The State Department also ignores that the forms of violence which characterized the Triple A have become even more widespread, and the groups involved function with greater impunity now than during the previous government.

2. Legal definition of current regime

The first legal measures adopted by the military regime annulled the mandate of all elected officials at the national, provincial and municipal levels of government. Thus the new military government dissolved the National Congress, all Provincial Assemblies, and Municipal Councils. The government also deposed the members of the Supreme Court, and all Superior Provincial Tribunals. It also suspended for an unlimited time all trade union activities and all organized activities of members of any profession. In the words of Representative Robert Drinan upon his return from an investigative visit to Argentina sponsored by Amnesty International: "Argentina has now a Junta that has a greater concentration of power than any government in Argentina within living memory."

The Argentine Constitution establishes that "...the people only govern through their legitimate representatives elected according to the procedures prescribed by this Constitution."

and "Those who assume the rights and prerogatives belonging to persons invested by this Constitution shall be considered traitors to the country and shall be judged according to the laws in effect." These brief quotes should suffice to invalidate, from a strictly legal point of view, the measures taken by the military according to procedures they themselves instituted. The current Argentine Government can only be recognized as a "de facto" military dictatorship which justifies and gives itself legitimacy only by virtue of its hegemonic possession and use of military force. It is this force, and this force only which allows the new regime to substitute its own order for that of the government it replaces.

3. Government responsibility for kidnappings, torture and assassinations

The State Department report acknowledges that active duty and retired military and police personnel are reportedly members of such squads responsible for kidnappings, torture, assassinations, and other blatant violations of human rights. However the State Department attempts to disassociate the Argentine Government and its leaders from the actions of their subordinates. The report states that :Argentine leaders have stated that as a matter of policy they do not condone and are seeking to curb violations of human rights, but that in the present atmosphere of terrorism, they cannot yet control the situation." If the Argentine Government's official policy statements were sincere, it would be difficult to imagine how a large number of semi-clandestine commando groups made up of military and police officers could escape detection by the authorities, specially under the present conditions of

extreme concentration of political and military power in the hands of the Armed Forces Commanders.

Father James Weeks, an American born priest who lived in Argentina for 11 years and was kidnapped on August 3rd, 1976 in the city of Cordoba, testified before the House Subcommittee on International Organizations on September 23th, 1976:

In summary, from my own experience and that of others with whom I have personally spoken, there appear to be certain common occurrences experienced by each of the victims throughout their ordeal:

First of all, all the kidnapppers were identified by their captives as police or military men. They were specifically addressed as "Chief," "Captain," "Colonel," "Lieutenant," etc.

Third, all the kidnap victims were taken to predetention centers, police stations or military headquarters."

Additional testimony from U.S. citizens kidnapped by such groups and available to the State Department indicates that the captors were in permanent communication with the highest levels of the government. The military officers in charge of the predetention camps learned within hours of the inquiries made about specific prisoners by the State Department and the U.S. Embassy and also learned of the need to release them unharmed as soon as possible which in some cases they did.

It is widely accepted among most observers of Argentina, including those in the State Department, that the present military government's two major priorities are to stabilize the economy and to wipe out "subversive" elements of the left. In that latter task, the present government, as did the government of Isabel Peron, encourages the actions of semi-clandestine, well disciplined squads of military and police personnel. This is

done not only because these often capture and/or assassinate suspected left-wing guerrillas, but also because they intimidate the general population keeping it from opposing the government's other policies. As reported in Amnesty International's 1975-76 report, the present government as the one before, "has made remarkably few arrests in connection with AAA (Argentine Anti-communist Alliance), a (right wing) organization which has carried out more than 2,000 political assassinations since 1973."

In summary, the actions of the so called "right wing death squads" are compatible with the Argentine Government's policies and supplement the repressive activities of the legal security agencies. In fact they are indistinguishable.

In this context, to attempt to justify the Argentine Government's policies and to continue to provide it with Military Assistance, is to condone the actions of its most extreme elements in the Armed Forces and to support the structures which provide them with the logistical support and permit them to operate with impunity.

4. Due process of law, the right to a fair trial, and the right to legal redress for government abuses

A thorough analysis of documents and testimonies supplied by prisoners still in detention or already released at the time of their testimonies, by kidnap victims released by their captors (including U.S. citizens), relatives of prisoners or relatives of disappeared persons, as well as reports from international investigative commissions, and international press reports, indicate that the following have become norms and standards for

the judicial process under the military regime:

- a) The right to habeas corpus guaranteed by the Argentine Constitution is not respected by the authorities. The authorities do not answer any inquiries as to the whereabouts of detainees. The government has explicitly refused to make public any list of detainees claiming that such information is a military secret. There have been numerous cases of friends or relatives of prisoners being arrested while attempting to inquire about particular prisoners.
- b) The overwhelming majority of detainees never come before a Court of Law. Detainees are generally interrogated, judged and sentenced unofficially by those who arrested them or kidnapped them or by their military superiors in pre-detention camps. Most detainees have no formal charges against them. It should be noted that officially there have not any prisoners sentenced to death while the unofficial figure of those executed could be as high as several hundreds.
- c) Should a case come before a civilian or military tribunal the prisoner would be unable to get a fair trial. The prisoner would be unable to get a defense lawyer particularly for political cases. Lawyers who were willing to defend such cases have been killed, kidnapped, their homes destroyed, with explosives, forced into exile, or their families threatened and even killed. Judges believed to have been too lenient with suspected political activists have been threatened and forced to resign their posts.
- d) Judges are either military men or have been carefully screened by the military authorities.



e) The government does not recognize the right of persons detained under State of Siege regulations to choose to leave the country for exile as guaranteed by the Argentine Constitution in its Article 23.

5. A consistent pattern of gross violations of internationally recognized human rights

The State Department report acknowledges that torture, cruel, inhuman or degrading punishment take place in Argentina. The report however implies that these are exceptional occurrences and therefore do not constitute sufficient evidence to warrant an interruption of the Military Assistance Program to Argentina. These exceptions are usually associated with cases involving prisoners suspected of having been involved in what the government defines as "subversive activities." In this respect it is important to note the context in which these phrases are used by the Argentine Government.

Firstly, the military regime's concept of subversion includes such activities as encouraging or organizing a strike for higher wages, or teaching certain subjects in political or social sciences at a college or university. The concept has been recently broadened to include all activities which can be construed to be contrary to government policy. In fact, there is no "legal" criteria for defining subversive activities. The ultimate decision therefore is left to the police or military officer in charge of the prisoner.

Secondly, the persons subjected to torture or to inhuman treatment are at the time merely suspects, since no tribunal has

yet found them guilty of any crime. Furthermore, the evidence and confessions extracted through the use of torture are then used as proof of the fact they were in fact "subversives."

Thirdly, Even if we were to accept the possibility that the suspect had engaged in subversive activities, however these might be defined, this would not justify under international law any of the practices attributed to the Argentine military government. These practices are condemned by the International Declaration of Human Rights and its Covenants, and by the Geneva Convention for cases of war between States, as well as for cases of civil war within any State. The infamous precedents set by certain States in attempting to justify practices verging on genocide on the basis of the political, ideological, religious, or racial characteristics of an insurgent group within or without its boundaries must be condemned and exposed as an illegitimate justification for the violations of human rights.

The following are four of the most relevant aspects of human rights violations currently taking place in Argentina.

a) Use of torture, cruel, inhuman or degrading treatment or punishment

Amnesty International's assessment of this issue is as follows: "Torture is allegedly a routine practice in many local police and military headquarters throughout the country."

Representative Robert Drinan who visited Argentina in a fact finding tour sponsored by Amnesty International said upon his return: "...torture goes on and these people who said they do not practice it were very familiar with the consequences of torture



and knew exactly how long the marks stay from an electric shock. They have to prove to the world that they are not condoning torture. And torture goes on..."

The report prepared by three Canadian Members of Parliament after their visit to Argentina last October says on the same subject:

"Murders, arrests, torture and military intervention have touched too many sectors of national life, and too many families."

The same report adds, characterizing the victims of this wave of terror:

"...most of the political violence has been directed upon the working people of Argentina. Those active in trade unions, peasant associations and those active in community work among the poor have been specially vulnerable. Students have come under regular attacks. Professors and professionals in the social sciences and in medical fields have also been victimized."

The above mentioned report from the Canadian InterChurch Committee for Human Rights includes a number of testimonies on torture and general mistreatment. They constitute a small sample of the material available on the subject. A compilation and analysis of those available documents allows us to reach the following conclusions:

First, that torture has become a routine practice on victims of kidnappings, detention under State of Siege regulations, formal arrests, and following prison transfers of recognized prisoners.

Second, that the methods used by the torturers include beatings, suffocation by drowning and the use of plastic bags, burning live prisoners to death, electric shock, simulated executions, maiming and mutilation (usually followed by death), rape of women and men.

Third, torture is not limited to political activists. It is practiced on all detainees and is often not performed for the purpose of obtaining information from the prisoners. Torture is also intended to intimidate and terrorize the population at large.

Fourth, torture is practiced in predetention centers, military garrisons (Army, Navy and Air Force), police stations and prisons. With rare exceptions, torture was performed by, under the supervision of, or as a result of orders from military or police officers.

b) Prison conditions

"The prisons of the Nation shall be healthy and clean, for the safety and not for punishment of those in them detained, and all steps taken under the pretext of precaution which might inflict pain or suffering to the prisoners shall make the judge who authorizes such practices responsible for them."

Article 18, of the Argentine Constitution, 1853

"We political prisoners, are totally isolated from the world and from our most beloved relatives. Since March 24, 1976, all visits have been prohibited and not even the letters which are sent to us from our relatives reach us. We are totally ignorant of their situation. In addition, the common prisoners have been prohibited from coming close to our pavillions during the 24 hours of the day. On July 15th, 1976 one of us, Mr. Moyakarzel, was talking with a common prisoner and was caught doing so by the guards. As a consequence he was brutally beaten. Then he was stripped and staked in the open, to suffer the intense cold of the weather in such conditions. He died within 24 hours while still staked in the open."

"Members of the army, we insist, enter our pavillion daily, wielding hard rubber sticks. They perform requisitions and beat the prisoners on their backs and in the most sensitive parts of their bodies. On July 5, 1976, an army man brutally beat a prisoner until the prisoner fainted. Then he threw his body out of the pavillion. The army man drew his pistol and fired several shots at the head of the fallen prisoner in the presence of several astonished prisoners. One of the prisoners tried to intervene in order to prevent the assassination. However, another officer intervened by killing this second prisoner as well."

Excerpts from a letter written by political prisoners of the Cordoba Penitentiary jail in September 1976, received as testimony in the recent visit of the Canadian Church, and Parliamentary team to Argentina.

This testimony from the Cordoba Penitentiary is not exceptional and the conditions it describes in such dramatic detail have not changed since September. The Argentine Commission for Human Rights (CADHU) in Argentina has gathered at great risk to the writers and to the members of the Commission, similar testimonies from the prisons in Sierra Chica, Villa Devoto, various penitentiaries and military garrisons in the Tucuman Province, the Prison of Coronda, and others. One of the most recent ones, dated December 18th, 1976, explains how the beating sessions are carried out regularly by prison officials and military officers now in charge of the prisons. The letter also relates how certain prisoners are selected for more rigorous treatment which involves various forms of torture, physical and psychological, intended to break the prisoners' morale and weaken them physically through exposure and starvation.

In the context of the prison conditions described above, we underline the seriousness of the State Department's underestimation of the number of political prisoners. The State Department's estimate places that number at less than 4,000 in direct contradiction to reliable estimates of 17,000 to 20,000 from Amnesty International, the Permanent Assembly for Human Rights (Argentina), the Inter Church Committee for Human Rights (Canada), and our own Commission.

c) Execution of political prisoners

On May 19th, 1976, the Argentine daily La Nacion repor-

ted the death of 6 political prisoners during an escape attempt while being transferred from the Cordoba Penitentiary to the Police Department for "further questioning". That same week, the Archbishop of Cordoba, Monsignor Primatesta, received a letter from political prisoners at the Cordoba Penitentiary where they describe the specific circumstances surrounding the deaths of Miguel Angel Mosse, Jose Alberto Svagusa, Eduardo Alberto Fernandez, Luis Ricardo Veron, Luis Alberto Young, and Diana Beatriz Fidelman. According to the letter the prisoners had been executed within prison walls. These were the same prisoners reported by La Nacion of May 19th as having tried to escape.

In that same letter, the prisoners denounce the condition of one prisoner, Raul Augusto Bauducco, who was in critical condition due to the tortures suffered in the prison. The following week, he and another prisoner from Cordoba are reported killed while being transferred "for further interrogation." It is important to note that in this case as well as in the others mentioned above, a second group was reported as attacking the military convoy, attempting to free the prisoners. In the cross fire the prisoners were killed. A total of 16 deaths occurred in similar unusual circumstances and were reported by the daily La Nacion from May to August 1976. The Canadian Inter Church Committee for Human Rights in its recent report on Argentina estimates that these deaths were premeditated killings many of which took place within prison facilities. There are 28 such cases documented from March 1976 to January 1977. La Opinion of January 2nd, 1977 reports that security forces killed two political prisoners during a transfer to the Olmos prison in

similar circumstances as those described above. The prisoners were Rufino Uriz, and Darío Cabo who had been detained under executive power since April 1975.

d) Persecution and assassination of relatives of political activists and prisoners

Argentine military leaders have repeatedly characterized the situation in Argentina as a "dirty war against subversion." In the military's conception of this war, the "subversives" are a small minority which should be simply eliminated. In this same conception, the "subversives" are protected and aided by a larger group of "supporters" or "sympathisers". This larger group, in their view, must be intimidated into withdrawing their support and thus be forced to contribute to the isolation and annihilation of the small core of activists.

In this framework of analysis it becomes clear why people without any connection to subversive activities such as scientists, lawyers, university professors, church people of all denominations, medical doctors and psychologists, among others, have been so consistently victimized by security forces. Within this largely undefined group, relatives of political prisoners, and relatives of people suspected of being active in opposition to the military regime, are among those most sought after by the security forces. Hundreds of such families have suffered various forms of violence including mass killings, kidnappings, house bombings, arrests, torture, and forced exile under threats to their lives. Young children are not spared such violence: the Argentine League for Human Rights reported last November that

at least 130 children had been killed in the preceding 9 months in alleged confrontations with suspected subversives.

It is important to emphasize that family ties cannot be construed to imply ideological or political coincidences with the family member whose activities or beliefs are used to justify these most brutal acts of indiscriminate terrorism.

6. The situation of political refugees in Argentina

The State Department report all but ignores this aspect of the Human Rights situation in Argentina. The report makes only a passing reference to the refugees implying or suggesting that they are members of defeated guerrilla organizations in their countries of origin. A more adequate description is given by the Inter-Church Committee report:

"Caught in the escalating violence are the 20,000 Latin American refugees and political exiles in Argentina. These threatened people are those who have had to flee from repressive political and economic policies in Bolivia, Brazil, Chile, Paraguay, and Uruguay. Among them are many union and peasant leaders, former students and community workers. They represent an important part of the opposition forces against the military dictatorships in Latin America. Some of the refugees and exiles have resided in Argentina for many years. Many more have arrived

during the past three years, fleeing increasing militarism and repression in Uruguay and Chile. More arrive in Argentina each day."

It is widely recognized and thoroughly documented that political refugees in Argentina have been killed, arrested, tortured, and deported to their countries of origin where they received similar treatment. What needs to be stressed however, is the active complicity and ensuing responsibility of the Argentine military government in these events. The Washington Office on Latin America (WOLA) expressed this quite succinctly in its Legislative Update of May--June 1976.

"Both abductions occurred in the presence of numerous witnesses, including (Argentine) police and military personnel whose failure to intervene can only indicate that they had received orders to that effect. In the three days that followed, the Argentine authorities showed total disinterest in the matter: relatives of the victims were refused permission to lodge official complaints; investigations were promised but not undertaken: no one even came to collect fingerprints left by the abductors at the scenes of both crimes. On the evening of May 21, the bullet-ridden bodies of Michelini and Gutierrez were discovered in an abandoned car..."

The Canadian Parliamentarians found additional and more recent evidence that security agents from Uruguay and Chile are officially acting in Argentina against the refugee communities:

"The refugees are not safe from the intervention of the agents of the repressive military governments from which they have taken refuge. The Argentine military allow, and appear to cooperate with, security agents from the neighboring countries to work within Argentina seeking out political refugees. The Uruguayan police, for example, occupy a whole floor of the Federal Police building in Buenos Aires..."

The cooperation between the security forces of Chile, Uruguay, and Argentina proves yet another instance of human rights violation by the Argentine government and its total disregard for the rights of refugees. However, the shared responsibility of

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these governments in the assassination of refugees in Argentina also underlines the similarities of their political perspectives, their common philosophical, ideological, and methodological guidelines, their shared long term objectives and short term policies, their identical moral bankruptcy. The U.S. Congress also found it not to be in the best interest of the United States to continue to extend Military Assistance to Chile and Uruguay. The United States should now act accordingly and consistently in the case of Argentina.

7. The Trade Union Movement under the Military Regime

The Argentine Trade Union Movement, one of the oldest and best organized in the continent, has been a decisive factor in political developments, particularly in the last quarter century. Unified under a single trade union federation, the Confederacion General del Trabajo (CGT), the Trade Union Movement achieved important gains for its membership, and came to play an active role in government in recent years.

From the very first day after the military takeover of March 24, the new government tried to curtail the political and economic power the unions had accumulated. Thus, the CGT and 36 of the largest and most influential unions were put under the control of the military administrators. All union activities, such as collective bargaining, the free election of union officers, branch and plant meetings, etc. were prohibited. Strikes were banned and strikers could face up to 10 years

in prison. Laws regulating lay offs and indiscriminate firings were annulled. Political or ideologically motivated firings became a routine practice. Factories and workplaces were declared "military targets" and military personnel occupied the plants to "encourage higher productivity". In many cases the work week was increased to 48 hours from 44. The minimum wage and in fact all wages were not adjusted according to cost of living increases resulting in a 56% reduction in the purchasing power of wages during the first 9 months of military rule.

Union activists, shop stewards, plant delegates, even high ranking union leaders became important targets for the security forces. Thousands were arrested, many were killed, others simply disappeared. Last December a few of the best known Trade Union leaders were released as a result of international pressure from the international labor movement, including the United Auto Workers in the United States, whose sister unions in Argentina SMATA and UOM were among the principal victims of the military government's policies.

In spite of the limitations imposed by the government and the obvious risks involved, the Argentine labor movement has been in the forefront of the opposition to government economic and social policies. Since mid-september there has been a series of uninterrupted, unauthorized, and incontrollable strikes affecting auto workers, longshoremen, and utility workers, among others.

The first week of January 1977 representatives of unions still legal made public a document addressed to the military government in the name of all organized labor. Their demands

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were:

- 1) A substantial wage increase above present government guidelines to compensate for cost of living increases since the military take over.
- 2) The right to collective bargaining through the workers' freely chosen trade union organizations.
- 3) Lifting of all restrictions to trade union activity imposed since the March 24th military coup. Withdrawal of all military administrators from unions seized by the military.
- 4) Release all trade unionists without formal charges against them. Publish a list of all prisoners and their places of detention.
- 5) Annull the law decree which allows for indiscriminate lay-offs and which is being used for ideological and political purges.
- 6) Annull law # 21476 which voids protective legislation which in some cases had been in effect for 30 years.
- 7) Implement substantial changes in the economic policies of the government and re-orient the economy to reduce the severe unemployment.

We decided to include these demands in this report, first of all because they represent the minimal aspirations of over 8 million organized workers in Argentina. Secondly, because they make reference to and confirm the seriousness of the situation and are pertinent to the comprehensive characterization of the human rights situation in Argentina. Finally because they attest to the government policies' unpopularity and the general discontent existing in Argentina.

8. Human Rights and democratic liberties: the political alternative

The Argentine Commission for Human Rights (CADHU) upholds the principles expressed in the Universal Declaration of Human

ment's decision makers. Perhaps the principal shortcoming of this interpretation is that it leads to the dismissal of political alternatives, and encourages the attempt to apply military solutions to essentially political problems.

In the last 25 years, every time the Armed Forces thwarted the democratic process and seized the government of the Nation, they contributed not to the peaceful economic and social development of the country but to an extended period of stagnation and crisis and to a long and uninterrupted escalation of political violence. On the other hand, whenever the leading political forces in Argentina succeeded in gaining full access to the electoral process, the Argentine people voted massively and enthusiastically. The elections of March 1973 are a recent and particularly relevant example. In these elections the people voted overwhelmingly against 7 years of military dictatorships and for democratic rule. The political parties and trade union organizations who supported that process continue to be active and are now in opposition to the military regime. Their political influence cannot be dismissed.

In its attempt to justify continuing military assistance to Argentina, the U.S. State Department says that military assistance offers "the U.S. the possibility of improved communication with the Argentine Military who have always influenced events in their country and are now the dominant sector." The United States should carefully consider the extent of the discredit of the Armed Forces in the eyes of the Argentine people, it should accurately weigh the extent and impact of the opposition to current government policies, and it should

Rights of the United Nations and its Covenants on Economic, Social, and Cultural Rights, as well as those on Civil and Political Rights. In these documents it is recognized that respect for human rights can only be effectively guaranteed in the context of political and trade union freedom, and just social and economic policies. In the case of Argentina, full respect for human rights is unattainable without a return to constitutional government with the full participation of all political forces, including the trade union movement. Anything short of this seems deceitful and unrealistic.

Three military regimes, to mention the most recent examples, those of Generals Onganía, Levingston and Lanusse (1966-1973), were unable to govern and were subsequently forced out of government because they attempted to prevent or condition the participation of political parties and trade unions in the affairs of the Nation. The political and military "subversive" organizations against which the current military regime is fighting its war of extermination, emerged and developed under regimes whose social, economic and political perspectives did not differ in essence from the ones which characterize the current regime.

It is the viewpoint of the military rulers that Argentina has to choose between their laws and orders, however painful these might be, and the chaos ensuing from corrupt and inoperative political parties and the persistent presence of organized subversion. Unfortunately, this apocalyptic, either-or, and manichean vision of the Argentine reality has gained some credibility in otherwise sensitive sectors of the U.S. Govern-

adequately evaluate the significance of the new developing democratic alternative.

In the short run, the legitimacy that the U.S. Military Assistance gives to the military regime in Argentina may contribute to its stability and survival. But clearly, over an extended period of time, unpopular governments which use the methods described in this report to maintain their power, will fall.

9. Military Assistance Program intended to strengthen the Internal Security of the Argentine military regime

The U.S. has been concerned with strengthening the capabilities of the Latin American Armies to defend the internal security of their countries since the early sixties. In 1964, the Director of Military Assistance General Robert J. Wood announced that "the primary purpose of the proposed fiscal year 1965 Military Assistance Program for Latin America is to counter the threat to the entire region by providing equipment and training which will bolster the internal security capabilities of the recipient countries." A few years later Secretary of Defense Robert Mc Namara asserted that "the primary objective (of the MAP program) in Latin America is to aid, where necessary, in the continued development of indigenous military and paramilitary forces capable of providing, in conjunction with police and other security forces, the needed domestic security."

The dominant rationale for 1977 has not changed although it is apparent that the Latin American reality has not remained

unchanged. The U.S. public, however, has been highly sensitized to the possible implications of such U.S. involvement in support of unpopular regimes around the world. Thus, the State Department report on Human Rights in Argentina states: "U.S. military credits have little or no bearing on the counter terrorist capability of the Armed Forces." This statement is directly contradicted by the Congressional Presentation Document on the Security Assistance Program (released March 8, 1976) which states: "The FMS credits being proposed for Argentina will support their program of armed forces modernization, particularly their counter insurgency and sea control capabilities."

Further evidence to this effect is provided by the type of military equipment being purchased with Foreign Military Sales and Credits for FY77 by the Argentine Military:

- 1) 12 "Huey" helicopters of the type commonly used in Vietnam for airmobile assaults and for insertion of combat troops into the country side. These helicopters are usually rigged for carrying high caliber machine guns. According to the Amnesty International report on torture of 1975, Guatemalan security forces used helicopters to dispose of dead bodies that bore the marks of torture and mutilation. The report says: "it is alleged that the bodies are transported by helicopters and thrown into the sea or the crater of volcanoes". Similar allegations have been made over the past year in Argentina where bodies were being thrown into the River Plate basin, or in the northern jungle mountains in Tucuman Province. Similarly, these helicopters equipped with Xeon spotlights and special landing gear have been used in urban situations. On December 23rd, 1975, combined

forces of the Argentine Air Force and Army carried out a counter insurgency operation in the outskirts of Buenos Aires which was widely reported in the Argentine and world press. In this operation helicopters were widely used for lighting and strafing. The operation resulted in the death of 48 insurgents and between 50 and 100 uninvolved civilians.

Moreover, the State Department admits in its Congressional Presentation Document that such helicopters would contribute to improve the counterinsurgency capabilities of the Colombian, Panmenian, and Nicaraguan Armed Forces.

2) Other equipment in which the Argentine Military have shown interest are, 10 105mm Howitzer guns also used in close range combat, between large armies. Argentina is under no threat of attack by any foreign military power. 50 Tactical Radios of a model not available in Argentina, this equipment is specially pertinent to urban and rural counterinsurgency warfare.

3) The FY 77 Military Assistance Program includes \$700,000 for Military Training. The United States government assigns a high priority to training programs as underscored by Secretary Mc Namara: "I need not dwell upon the value of having in positions of leadership men who have first hand knowledge of how Americans do things and how they think. It is beyond price to us to make such friends of such men." The record shows that General Augusto Pinochet Ugarte of Chile, and General Jorge Rafael Videla of Argentina were among those who were able to take advantage of these training programs.

The State Department offers five reasons for continuing Security Assistance to Argentina:

- 1) Security Assistance demonstrates our desire to cooperate militarily with a country which has 1,000 miles of coastline on the South Atlantic reaching to Cape Horn."
- 2) "Security Assistance offers the United States the possibility of improved communication with the Argentine military who have always influenced events in their country and are now the dominant sector."
- 3) "Argentina is already a middle power in terms of development..."
- 4) "...it has substantial uranium deposits, well-trained physicists and ambitious plans for nuclear power development."
- 5) U.S. trade and investment are significant and "we have a credit exposure of \$2.7 billion."

None of these reasons cite a vital U.S. interest. None of these reasons point to an external threat to Argentina. They are the kind of flimsy reasons that have caused the U.S. Security Assistance Program to come into such disrepute among the American people.

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