

REPORTS SUBMITTED BY THE DEPARTMENT OF STATE CONCERN-
 ING THE OBSERVANCE OF INTERNATIONAL HUMAN RIGHTS AND
 THE IMPLICATIONS FOR U.S. POLICY December, 1976

ARGENTINA

A. HUMAN RIGHTS INFORMATION

1. POLITICAL SITUATION

Argentina is a federal republic headed by President Jorge Rafael Videla, who came to power on March 24, 1976, after a coup overthrew the administration of President Isabel de Peron.

The March 1976 coup was precipitated by serious political and economic instability which fed upon each other. In March the Consumer Price Index was increasing at a 566-percent annual rate (on an accelerating curve). There was deepening recession and an external payments crisis threatened default on foreign debts. Violence was rampant. In the 3 years of the Peronist administration (1973-76), over 2,000 Argentines died as a result of left- and right-wing terrorism. Since March political violence has claimed at least 1,000 lives.

The current cycle of violence in Argentina began in the late sixties with the formation of the People's Revolutionary Army (ERP) and the Montoneros, both terrorist organizations dedicated to violent revolution and working closely with guerrilla groups 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 1970's with the defeat of the Tupamaros in Uruguay. Significant rightist counterterror commenced under the Peron regime and with the sponsorship of his confidant Lopez Rega.

2. LEGAL SITUATION

The Argentine Constitution of 1853 is in effect. In practice, however, the decrees and laws promulgated by the military government take precedence in case of conflict. This principle has been consistently upheld by the Argentine Supreme Court.

The Argentine Constitution is closely patterned after the U.S. Constitution and provides most of the same legal guarantees. The major exception is a "State of Siege" provision contained in articles 23, 67, and 86 of the Constitution. These articles provide for the suspension of habeas corpus temporarily, the detention of suspects indefinitely and the moving of accused persons from place to place within the country without their consent.

The State of Siege was invoked by the Peronist government and has been in effect since November 6, 1974.

This "status" report on human rights in Argentina was requested by the House International Relations Committee on September 15, 1976. The request was made under section 502B(c) of the Military Aid law, the so-called "human rights clause".

The report was submitted to the Committee in November, 1976 but on a classified basis. A non-classified version, printed here, was released on December 27, 1976. Presumably this version has been edited to remove controversial materials.

It should be kept in mind that this report was prepared by the State Department with the view in mind of justifying continued U.S. aid to the Argentine junta.

1. INTEGRITY OF THE PERSON

The rights of life, liberty, and security of person are particularly by terrorists at both ends of the political spectrum. Current and predecessor administrations have reportedly in violations attributable to persons associated with the legal security forces have reportedly killed detainees terrorism. Right-wing terrorism or counterterrorism has out by vigilante squads operating with apparent impunity. and retired military and police personnel are reportedly such squads. Their victims have included a wide variety is, suspected terrorists, other leftists, priests and foreign es. There are no reliable statistics on the number of victims ups, but a reasonable estimate would be in the hundreds. Notorious episode took place on August 30 when 30 leftist are allegedly executed in Pilar, in part as retaliation for of a retired general, and in part apparently as a warning extremists. (The Amnesty International Report 1975-76 600 political assassinations since 1973 to the AAA, Argentinian Communist Alliance, a vigilante organization initially as the Peron government.) It should be noted that reported rightist violence have declined in recent weeks, but it is too any conclusions at this time.

Terrorism continues and has been responsible for hundreds assassinations and kidnappings. Many policemen, mili- and businessmen have been murdered at random. Ar- tives of American business firms have been frequent vic- American and foreign executives in considerable numbers gentina to escape kidnapping and/or murder. In 1975 the nsular Agent in Cordoba, John Patrick Egan, was mur- Montoneros, while a USIA officer, Alfred Laun, was kid- rowly escaped death in the same city.

While torture, cruel, inhuman and degrading treatment at have not been a general practice in Argentina, such reportedly used by the security forces to extract informa- ne prisoners, particularly suspected or proven terrorists. questioning prisoners of this type apparently receive normal treatment. Olga Talamante, an American released the March coup, has alleged that she was tortured; the on was made by American Gwenda Mae Loken Lopez, from April to September 1976. (Father James Weeks, isoned in Argentina from August 3-17, testified about ent of prisoners in Argentina on September 28 before ittee on International Organizations of the Committee and Relations of the House of Representatives. Father most atrocities are carried out by rightwing extremist up of police and paramilitary personnel." Amnesty In- 1976, "Testimonies on Prisoners, Torture and Detention" describes several cases of reported torture.)

Legal redress for governmental abuse of basic rights available in Argentina but may well be denied in cases ges of subversion.

Article 9.—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 controls laws. Some are held indefinitely, others are freed after a short time, and still others are passed on to the regular courts or to military courts as prescribed by law. An accurate estimate of persons detained under the State of Siege is impossible to calculate. At the time of the March coup. The Amnesty International Report 1975-76 estimated that over 4,000 people were under detention without trial for unlimited periods. The figure is currently lower in all probability. In October 1976 during a visit to the United States, the Argentine Foreign Minister told the press there were 1,000 prisoners as of that date. He reportedly said that 300 persons had been released a few days earlier. We have no independent information to corroborate any of the above statistics.

Article 10.—The right to a fair hearing. In Argentina, preliminary investigations are conducted by judges. The right of habeas corpus is not honored in cases arising under the State of Siege.

Article 11.—Argentine courts function normally in most cases, insuring the right to a fair trial. The exception applies to individuals held under the State of Siege. In such cases the Argentine Supreme Court has ruled that the jurisdiction of the military justice system over subversion and arms control cases applies only when it is clear that the offense is actually linked to the security of the nation. Right- and left-wing intimidation of lawyers and judges has made it difficult to insure fair trials in cases of alleged subversion and/or terrorism. (The Amnesty International Report 1975-76 states that lawyers formed one of the largest categories of prisoners held under the State of Siege in 1975 because they defended political prisoners.) The report notes accurately that lawyers are refusing to defend political prisoners.

2. OTHER FREEDOMS

Argentines are treated equally before the law regardless of race or religion. Freedom to leave the country and return is the general rule. Freedom of thought and religion are generally respected in Argentina. The Jehovah's Witnesses, however, are encountering problems, as they have elsewhere in Latin America, because of their refusal to serve in the armed forces or salute the flag. In August 1976 the Argentine Government banned the Witnesses. This ban is being appealed in Argentine courts by the Witnesses.

Anti-Semitism has been a recurrent phenomenon in Argentina's modern history. In mid-1976 there were a series of bombings of synagogues and machinegun attacks against store fronts. This was accompanied by the appearance on Argentine newsstands of numerous anti-Semitic publications. The Government responded by closing down the publishing house responsible for most of this material. On September 29 President Videla met with a leader of the Jewish community in Buenos Aires, as well as with leading Christian figures. After the meeting, the rabbi who attended reportedly stated that he hoped that "the peace and understanding we found at the President's table are a reflection of what is to come for Argentina." On October 7 Foreign Minister Guzzetti met with representatives of the American Jewish Committee in New York. We were informed

by the committee that the Foreign Minister gave strong reassurances that anti-Semitism would not be allowed to become a problem. The committee also reported to us, however, that some of the suppressed anti-Semitic publications have reappeared under different press names. (In testimony before the Subcommittee on International Organizations of the Committee on International Relations of the House of Representatives on September 28, Mr. Burton Levinson of B'nai B'rith discussed the banning of anti-Semitic literature, noting it was a partial ban but a significant first step in dealing with the problems of anti-Semitism. Mr. Levinson stated that the Jews had not suffered physical injuries as a result of right-wing actions.)

Freedom of expression and opinion in Argentina has been somewhat restricted by the banning of some rightwing and leftwing publications. The Argentine press is required to exercise self-censorship, and is specifically prohibited from mentioning terrorist and antiterrorist operations unless officially authorized by the Government. 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 stories freely. On August 21 the Argentine Newspapers Owners Association, representing over 100 editors and publishers, complained to President Videla about press restrictions.

Upon taking power in March, the military junta dissolved the parliament and banned political labor activity. Some labor unions were taken over temporarily by the Government and, on September 8, a law was passed providing for up to 10 years in prison for strike organizers.

C. U.S. GOVERNMENT ACTION IN HUMAN RIGHTS AREA

1. PROMOTION OF OBSERVANCE OF HUMAN RIGHTS

The subject of human rights has been raised repeatedly with representatives of the Government of Argentina during 1976 by the Department of State and our Embassy in Buenos Aires. Aware of our interest in this matter, Argentina officials have themselves broached the subject with us on a number of occasions. In fact, no other substantive subject has been discussed more often with the incumbent Argentine Government than human rights. The Ambassador has personally explained at length our view of the problem to President Videla, to other members of the junta and to most members of the Cabinet, including the Minister of Foreign Relations, the Minister of Economy, the Minister of Interior, the Minister of Justice, and the Minister of Labor. Senior officials of the Department of State have reviewed with the Foreign Minister and various of his colleagues in the United States reports of violations in Argentina. The subject has been discussed often with Argentina's Ambassador in Washington and with officers of the Argentine Embassy. In addition, Embassy officers and visiting American officials discuss human rights regularly in conversations with their Argentine counterparts. Officials at the Department of Defense, including the Director of the Inter-American region, have discussed the subject with resident and visiting Argentine military officers. Our military attachés in Buenos Aires also consistently raise the problem of human rights with their Argentine counterparts in an effort to make

them aware of United States views. In these discussions the following topics have been raised repeatedly by American officers:

- Access to and the treatment of American prisoners held on political charges;
- Deep concern over reports of mass murders, and the indiscriminate killings of political refugees and priests;
- The urgent need to control vigilante groups and punish terrorism of both the left and the right;
- The safety of political refugees;
- Anti-Semitism;
- The need to bring to trial or release alleged subversives; and
- The need to publish the names of prisoners.

The Government of Argentina has stated that the current situation is temporary and that normal conditions will be restored within a short time.

At the behest of Congress and American citizens, we have also inquired about Argentina and other non-American nationals held in detention. While most of our diplomacy has been private, the Ambassador did raise the subject of human rights in an interview published in July by Argentina's leading business publication, Mercado. The Ambassador noted that human rights violations had disturbed United States relations with other countries and expressed the hope that this would not happen with Argentina, noting President Videla's promise to respect human rights.

The U.S. Information Service reprinted in pamphlet form and distributed to key Argentines and to the media Secretary Kissinger's speech in Santiago last June. USIS also provided all media with copies of then Assistant Secretary Rogers' speech on "Human Rights and U.S. Policies in Latin America." La Opinion, one of the most important Argentine newspapers, published the complete text of the Rogers' article. Our Embassy also sent the text of both the Secretary's speech and the Rogers' article to the Foreign Ministry and to the Office of the Presidency. In addition, USIS officers have given numerous briefings to Argentine journalists in an effort to explain the U.S. position on human rights.

2. DISASSOCIATION OF U.S. SECURITY ASSISTANCE FROM VIOLATIONS OF HUMAN RIGHTS

In September our Embassy in Buenos Aires outlined the human rights provisions of the International Security Assistance and Arms Export Control Act of 1976 to high-level Argentine officials, giving a copy of the law to the President and Foreign Ministry on September 12. The commander of the U.S. Military Group at the same time raised the subject with the Minister of Defense and provided him with a copy of the same legislation.

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.

D. U.S. SECURITY ASSISTANCE PROGRAM

1. JUSTIFICATION FOR CONTINUATION OF PROGRAM

The amount of U.S. security assistance to Argentina proposed for fiscal year 1977 is \$48.4 million in foreign military sales credits and less than \$700,000 in grant military training. These sums were justified to Congress and approved soon after the Videla government came to power.

The United States does not extend aid to the Argentine police, except to control and interdict the flow of narcotics.

U.S. military credits are used almost exclusively for major investment items, such as ships and aircraft. They have little or no bearing on the counterterrorist capability of the armed forces.

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. Our assistance orients the Argentine military professionally toward the United States, exposing them to our technology and methods. In return, it 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. This helps promote and protect our various interests and helps insure that we will get a hearing on matters of concern to the United States.

Argentina, it should be noted, is already a middle power in terms of development. It has a high rate of industrialization and is one of the world's leading exporters of foodstuffs. In addition, it has substantial uranium deposits, well trained physicists and ambitious plans for nuclear power development. U.S. direct investment in Argentina totals \$1.4 billion; U.S. exports were \$628 million in 1975; our imports were \$215 million; and we have a credit exposure of about \$2.7 billion, of which almost \$600 million is owed to the Eximbank and the balance to commercial banks.

2. NATIONAL INTEREST DETERMINATION

In order to preserve a professional relationship with the Argentine Armed Forces and demonstrate our interest in constructive overall relations with Argentina, thereby promoting the U.S. policy objectives outlined above, the Department of State is of the opinion at this time that it is in the national interest of the United States to provide continued security assistance to Argentina. The Department is monitoring the situation closely.