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1/23/79

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SECTION 1 OF 2 BUENOS AIRES 0627

INFO: 12065: GDS 1/22/85 (HARRIS, F. ALLAN) DR-P
TAGS: SHUM, AR
SUBJECT: (U). PREPARATIONS FOR IAIRC VISIT

ENTIRE TEXT).

SUMMARY: PREPARATIONS FOR THE INTER-AMERICAN HUMAN RIGHTS COMMISSION (IAIRC) ARE UNDER WAY IN THE MINISTRIES OF INTERIOR AND FOREIGN RELATIONS. GOA OFFICIALS SEE THE ARGENTINE HUMAN RIGHTS RECORD MOST VULNERABLE ON THE ISSUES OF TORTURE, MISTREATMENT OF PRISONERS, AND LONG-TERM DETENTION OF EXECUTIVE ("PODER EJECUTIVO NACIONAL") PRISONERS WITHOUT CHARGES. THE GOA IS TAKING STEPS ON THE LATTER POINT TO IMPROVE THE TREATMENT AND THE PROCEDURES FOR DEALING WITH ITS PEN PRISONERS. THE MINISTRY OF INTERIOR HOPES TO REMOVE FROM PEN DETENTION ALL PRISONERS WHO ARE ALSO UNDER CHARGES BY THE CIVIL MILITARY JUSTICE SYSTEM. MOST NEW CASES ARE NOT BEING PLACED UNDER PEN, BUT UNDER THE JURISDICTION OF MILITARY COURTS. A FOREIGN MINISTRY OFFICIAL TOLD US HE DOES NOT SEE A GREAT THREAT COMING OUT OF AN GAS INVESTIGATION OF THE "DESAPARECIDOS". WITH NO HARD EVIDENCE OF GOA INVOLVEMENT AVAILABLE, THE ISSUE BECAME A QUESTION OF THE GOVERNMENT'S WORD AGAINST THE WORDS OF THE MISSING PERSON'S RELATIVES OR FRIENDS. END SUMMARY.

THE FOREIGN OFFICE WORKING GROUP ON HUMAN RIGHTS (FOWG) HAS BEGUN WORK TO PREPARE FOR THE DATE-MAY IAIRC VISIT TO ARGENTINA. AS A START, THE FOWG HAS PRODUCED A TWO-INCH BRIEFING BOOK FOR THE VISIT FOR THE FOREIGN MINISTER AND HIS NEW AIR FORCE TEAM. IN RECENT CONVERSATIONS, FOWG HEAD ARLIA ADMITTED THAT THERE ARE THREE PRINCIPAL AREAS WHERE THE ARGENTINE HUMAN RIGHTS RECORD IS VULNERABLE TO THE IAIRC INVESTIGATION. THE FIRST IS THE "BAD TREATMENT" RECEIVED BY PEN PRISONERS AND PERSONS "BEING QUESTIONED", AS ARLIA PHRASES IT. A NUMBER OF FIRST-HAND REPORTS OF SUCH MISTREATMENT WILL BE FORMALLY PRESENTED TO THE COMMISSION DURING ITS VISIT, AND ARLIA BELIEVES, THAT THE GOA CANNOT SUCCESSFULLY DISAVOW THOSE TESTIMONIES. THE SECOND AREA OF VULNERABILITY IS THE FAILURE OF THE GOVERNMENT TO TRY LARGE NUMBERS OF PRISONERS IN THE JUDICIAL SYSTEM. THE THIRD, AND COROLLARY, PROBLEM IS THE LONG DETENTION WITHOUT CHARGES OF A LARGE NUMBER OF PEN PRISONERS--SOME CASES FOR PERIODS OF THREE TO FOUR YEARS. IN THESE AREAS, THE FOREIGN OFFICE SEES LITTLE THAT THE GOA CAN DO TO REBUT THE IAIRC REPORT.

MINISTER ARLIA ELUENTLY STATED THAT THE ISSUE OF THE "DESAPARECIDOS" WAS NOT AN AREA OF CONCERN AS THERE WAS NOTHING THE GOVERNMENT COULD DO TO RESOLVE

THIS PROBLEM. THE DISAPPEARANCE REPORTS WOULD BE A QUESTION FOR THE GOVERNMENT'S WORD THAT THEY HAD NO INFORMATION ON THE CASES AGAINST THAT OF PARENTS AND OTHERS CLAIMING THAT GOVERNMENT FORCES WERE RESPONSIBLE.

5. ARLIA WENT ON TO EXPRESS THE MINISTRY'S DISPLEASURE OVER THE IAIRC'S RECENT FINDINGS AGAINST THE GOA IN 14 HUMAN RIGHTS CASE INVESTIGATIONS.

6. ARLIA SAID THAT THE GOA'S ATTITUDE TOWARDS THE COMMISSION'S VISIT WOULD DEPEND ENTIRELY ON THE COMMISSION'S BEHAVIOR. IF THE COMMISSION MEMBERS COME TO ARGENTINA PREPARED TO INCLUDE "HEARSAY EVIDENCE" IN ITS REPORT, THEY WOULD MEET STRONG OPPOSITION FROM THE ARGENTINE GOVERNMENT. IF ON THE OTHER HAND, THE COMMISSION ARRIVED TO MAKE AN OBJECTIVE APPRAISAL OF THE ARGENTINE SCENE, TAKING INTO ACCOUNT THE TERRORIST ANTECEDENTS OF THE ARGENTINE HUMAN RIGHTS PROBLEM AND NOTING THE SIGNIFICANT IMPROVEMENTS WHICH HAVE TAKEN PLACE IN THE LAST YEAR, THE COMMISSION WOULD FIND THE ARGENTINE GOVERNMENT MOST COOPERATIVE.

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Margaret P. Grafeld, Director
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7. ACCORDING TO FOREIGN MINISTER PASTOR IN AN INTERVIEW WITH CLARIN PUBLISHED JANUARY 21, THE IAHRC WILL VISIT ARGENTINA "WITHOUT RESTRICTIONS" TO SEE THE "EVERYDAY REALITY" OF THE COUNTRY. THE COMMISSION WILL ALSO HAVE THE OPPORTUNITY TO OBSERVE THE FUNCTIONING OF ARGENTINA'S LEGAL INSTITUTIONS WHICH, ALTHOUGH THEY CAN BE IMPROVED, ARE NOT ONLY ADEQUATE BUT "COULD SERVE AS A MODEL FOR OTHER COUNTRIES," PASTOR SAID. PASTOR SAID THAT ALTHOUGH THE IAHRC'S "IN LOCO" OBSERVATION VISITS FOLLOW CERTAIN GUIDELINES, IN PRACTICE THESE RULES ARE NOT RIGID, AND THEREFORE THEY SHOULD BE ORIENTED BETTER TO CAPTURE THE PARTICULAR ELEMENTS THAT MAKE UP THE CURRENT ARGENTINE SITUATION." AS FOR THE HUMAN RIGHTS SITUATION IN THE COUNTRY, PASTOR REMARKED THAT ALTHOUGH THE SITUATION IS STILL NOT WHAT EVERYONE WOULD WANT, IT IS PROGRESSING TOWARD FULL REESTABLISHMENT OF GUARANTEES AND FREEDOMS CONTAINED IN THE CONSTITUTION, AS THE CAUSES OF THE PROBLEMS CONTINUE TO DIMINISH. EMBASSY COMMENT: WE STILL DO NOT KNOW WHAT JAIL AND OTHER FACILITIES THE IAHRC WILL BE ALLOWED TO SEE. TO US PASTOR'S COMMENT SAYS "WE'RE STILL PLAYING IT BY EAR." END COMMENT.

8. A SOURCE AT THE INTERIOR MINISTRY (SAN ROMAN-SEE SAN ROMAN/SACKETT-HARRIS MEMCON OF JANUARY 10, NOTAL) SPOKE RECENTLY OF A NUMBER OF IMPROVEMENTS BEING SOUGHT IN PRISONER TREATMENT AND IN THE ADMINISTRATION OF RIGHT OF OPTION PROGRAM. WITHOUT LINKING THESE IMPROVEMENTS DIRECTLY TO THE IAHRC VISIT, HE SPOKE OF CONCENTRATING PEN PRISONERS WITHIN SIX PRISONS, WITH RESPONSIBILITY FOR THEM TRANSFERRED TO THE INTERIOR MINISTRY AND AWAY FROM THE MINISTRY OF JUSTICE, AND OF REDUCING PEN NUMBERS BY REMOVING FROM THE LISTS THOSE CHARGED WITH CRIMES. SAN ROMAN SPOKE ALSO OF GETTING BETTER HOLD OF THE RIGHT OF OPTION PROCESS, WITH THE IDEA OF GETTING MORE PEOPLE OUT OF THE COUNTRY. FINALLY, HE MENTIONED THE IDEA OF HAVING THE ARMED FORCES DECLARE FLATLY THEY ARE NOT HOLDING CLANDESTINE PRISONERS--THUS CREATING A PRESUMPTION OF DEATH FOR THE DISAPPEARED AND RESOLVING AT LEAST IN PART THE ANXIETY AND LEGAL PROBLEMS FACED BY THE FAMILIES OF THE MISSING.

9. WHERE WE HAVE NOT BEEN ABLE TO DETECT THOROUGH PREPARATIONS FOR THE INTER-AMERICAN HUMAN RIGHTS COMMISSION IS AT THE CASES ROSADA. A PRESIDENTIAL ASSISTANT (MALLEA GIL, PROTECT) TOLD AN EMBASSY OFFICER JANUARY 10 THAT, BY CONTRAST, HE WAS BASICALLY RESIGNED TO THE COMMISSION'S WRITING AN "UNFAVORABLE REPORT" AFTER ITS MAY 29-JUNE 6 VISIT HERE.
CASTRO

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E.D. 11652: GDS

TAGS: OVIP PG0V PDIP AR

SUBJ: MEETING BETWEEN THE VICE PRESIDENT AND PRESIDENT VIDELA

REFS: A) STATE 226556; B) BUENOS AIRES 7065

1. I TOOK ADVANTAGE OF PRE-DEPARTURE MEETING WITH GENERAL VIOLA THIS EVENING TO DISCUSS SUBJECT OF PARAGRAPH EVEN REFTEL A.

2. GENERAL VIOLA RECEIVED ME SMILING BROADLY AND IMMEDIATELY VOLUNTEERED THE OBSERVATION THAT HE BELIEVED THE ROME MEETING HAD GONE VERY WELL AND THAT HE NOW BELIEVED THAT THE US DOES VALUE ITS RELATIONS WITH ARGENTINA. I ASSURED HIM THAT THIS HAD ALWAYS BEEN THE CASE BUT THAT OUR EFFORTS HAD NOT ALWAYS BEEN WELL UNDERSTOOD. I ASSURED HIM THAT WE ALSO WERE DELIGHTED WITH THE ROME MEETING.

3. WE MOVED IMMEDIATELY TO THE TOPIC OF A POSSIBLE VISIT OF THE IAHRC AND I ASKED HIM IF THIS WOULD RUN INTO TROUBLE IN THE JUNTA. VIOLA SAID ABSOLUTELY NOT, IT WAS AN INITIATIVE OF PRESIDENT VIDELA AND HE (VIOLA) FULLY SUPPORTED IT, WHEN I INQUIRED ABOUT THE TIMING

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OF A VISIT AND/OR ANNOUNCEMENT OF IT, HE SAID THAT THESE WERE MATTERS FOR THE PRESIDENT TO WORK OUT BUT HE BELIEVED THE PRESIDENT FELT HE COULD ARRANGE AN ANNOUNCEMENT OF THE VISIT BY MID-OCTOBER AND THAT THEY WOULD LOOK FORWARD TO A VISIT BY ASSISTANT SECRETARY VAKY TOWARD THE END OF OCTOBER.

4. VIOLA CLEARLY INDICATED HE HAD RECEIVED SOME POSITIVE SIGNALS FROM THE USG, REFERRING TO THE RELEASE OF FMS PURCHASES. HE SAID THAT THIS WAS SOME INDICATION THAT THE US WAS SERIOUS ABOUT WISHING BETTER TIES WITH ARGENTINA. HE THEN OBSERVED THAT WE WOULD DEFINITELY SEE CHANGES AND IMPROVEMENTS IN THE HUMAN RIGHTS FIELD SOON. (WE UNDERSTAND ANOTHER LIST OF ABOUT 65 PRISONER RELEASES IS SCHEDULED FOR THIS WEEKEND AND THAT VIOLA IS PERSONALLY CLAMPING DOWN ON COUNTER-TERRORIST OPERATIONS IN THE 1ST CORPS.)

5. I TOLD VIOLA I HAD A HALF DOZEN FORMER ARGENTINE FOREIGN MINISTERS AND AMBASSADORS TO LUNCH AT THE RESIDENCE TODAY AND WE HAD A DETAILED DISCUSSION OF THE

IAHRC AND WHETHER A VISIT WOULD IMPROVE THE QUALITY OF REPORTING BY THE COMMISSION. THEY WERE UNANIMOUS IN THEIR VIEW THAT A COMMISSION VISIT WOULD ON BALANCE BE DESIRABLE. TWO OF THEM EVEN UNDERTOOK TO BUILD UP FAVORABLE PUBLIC OPINION TO THIS END IN THEIR PRESS AND MAGAZINE COLUMNS. VIOLA WAS INTRIGUED AT THIS NEWS. HIS STATEMENT THAT THE IAHRC WOULD VISIT WAS FLAT AND UNQUALIFIED.

6. WHEN WE TOOK UP THE MATTER OF A POSSIBLE WASHINGTON VISIT FOR LT. COLONEL CERDA, WHOM VIOLA DESCRIBED AS

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A BRIGHT LAWYER "IN WHOM WE HAVE GREAT CONFIDENCE" VIOLA SAID HE WOULD ASK CERDA TO GET IN TOUCH WITH ME IN WASHINGTON ON SEPTEMBER 10 WITH A VIEW TOWARD ARRANGING MEETINGS IN WASHINGTON THE FOLLOWING DAY, THOUGH THE NOTICE IS SHORT THIS COULD GIVE AN OPPORTUNITY FOR THE PRESIDENT TO GIVE CERDA MORE SPECIFIC INSTRUCTIONS ON THE TIMING OF ANNOUNCEMENT AND THE VAKY VISIT.

7. I WILL BE SEEING YOFRE LATER THIS EVENING TO FURTHER CONFIRM WHAT HAS BEEN REPORTED IN PROCEEDING CABLE ON THIS TOPIC (REFTEL B).
CASTRO

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8/10/79

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Buenos Aires

August 10, 1979

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Madison M. Adams, Esquire
Acting Director, East Coast
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Washington, D.C. 20520

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Dear Mac:

We noted in Claus' letter of August 3 an expression of concern that "the Argentines may be cranking up a campaign to try to bamboozle the IAHR." That, together with other indications of concern about the GOA attitude toward the visit prompt us to write in an attempt to clarify the situation.

The most important point to make is that there is no "GOA attitude" toward the visit. As you will recall, Videla told Newsom in May 1978 that he had decided to invite the Commission. In June, Montes and Allara torpedoed the effort in Washington. In August the Palace sent Cerda to Washington to work out the details of the visit. The commitment was reconfirmed during the Rome Videla-Mondale conversation and then the Foreign Office tried to torpedo it once again when instructed to draft a note to the Commission. Ultimately the Palace had to draft the note, which the Commission accepted. It was at this point that Minister Arlia went raging through the halls of the Foreign Ministry accusing Videla of treason. That bit of history should be enough to demonstrate that there are many within this government, and not just military, who are opposed to the visit. Despite La Prensa's good record on human rights that paper opposes the visit on grounds of national dignity. Somehow, over a substantial opposition within the military Videla has obtained a commitment to the visit. Given the opposition we know exists we are not at all surprised to see reports such as the one relating to an instruction

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to local officials to stall any Commission inquiries. The reported mutterings of General Menéndez that he could not permit the Commission to set foot on his territory is another example of the reaction of those who are unreconciled to the visit. This sort of response should be expected and not overemphasized.

Putting the visit into perspective, it is interesting to note that it took four months from the time Videla told Newsom of his decision until he could actually get a formal invitation issued. Three months later, in December 1978 the Armed Forces made major changes in their counter-subversive operations which resulted in an abrupt decline in disappearances. (We were always skeptical that the GOA could completely halt disappearances no matter how much it wanted to. We were also skeptical that Ambassador Aja Espil could make what were reportedly categorical promises to Newsom that there would not be a single additional disappearance and if one were to occur the perpetrator would be found and tried. Given recent history here these promises seemed frankly unrealistic.) In the January to May 1979 period, disappearances dropped to low levels and the new prison regulations were promulgated. In May six young people were abducted and it has subsequently been hinted to us that three of them may reappear. A number of sources have told us that the May abduction was an "out of control" operation, and yesterday Ricardo Jofre told us that operation had set off a real "bochinche" within the military and the First Corps. He mentioned that his friend and former boss, General Villareal, the new Deputy in First Corps, had found the Corps a real mare's nest upon taking command in January and had had a terrible time trying to establish order. In July and August the pace of releases, right of option and expulsions finally began to increase. Looking at it over the perspective of the past year, one can make an impressive argument that the prospect of the IAHRIC visit has been an important, if not major, cause of the most significant human rights improvements in almost four years. Seen in such a way, the success of the visit assumes the utmost importance.

We continue to receive indications that the Government is committed to the visit and will try to make it success-

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ful. Yesterday, we learned that Ambassador Listre who was rushed off to Costa Rica at the time of the Nicaraguan revolution, will return to Buenos Aires to coordinate the visit. Today's press reports that there will be frequent regular meetings of the Junta and top officials to review preparations for the visit. For me, all of these indications are conclusive there still exists a commitment to a successful visit and it is important that the positive elements in this situation be capitalized upon for support. Exactly what effect upon the politics of military succession the visit will have is still hard to tell. It is of more than passing interest that General Suarez Mason has been trying to improve his image with Ambassador Castro and General MacAuliffe. It may well be, as we are constantly told, that a successful visit will strengthen Videla's hand against the rabid right. What is not clear is what will be seen as "successful" by the various elements of the Argentine military. Some people seem to be telling us they want the visit to be an opportunity to close the door on the past and start over again with a clean slate. It seems unlikely that the Commission's mandate entirely fits in with these hopes.

We are under the clear impression that the Embassy is to maintain ample daylight between itself and the Commission so that the latter does not appear to be our creature. Apparently there was agreement to provide the Commission with the data relating to one presumed disappeared American. At this stage it seems unlikely that we will have data on any specific suspected clandestine prison to provide you, but Ken Sackett has several individual cases he believes are particularly tragic and we hope that means can be found to bring them to the Commission's attention without our hand appearing in it. The case information will be forwarded to you in a separate letter.

Best regards.

Sincerely,

Maxwell Chaplin