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CONTROLS
C O N F I D E N T I A L

LIMITED OFFICIAL USE BUENOS AIRES 12133

E.O: 12356: DECL: OADR

TEXT
TAGS: PHUM, AR
SUBJECT: UPDATE TO 1987 ARGENTINA HUMAN RIGHTS REPORT

REF: BUENOS AIRES 10972

1. SINCE TRANSMITTAL OF REFTEL COUNTRY REPORT ON HUMAN RIGHTS IN ARGENTINA, SEVERAL EVENTS WITH HUMAN RIGHTS IMPLICATIONS HAVE OCCURRED REQUIRING UPDATE OF REPORT. IN ORDER TO AVOID LAST MINUTE CONFUSION, WE OFFER THE UPDATES BEFORE DEPARTMENT TRANSMITS HA'S DRAFT TO EMBASSY FOR FINAL APPROVAL. PARAGRAPHS 2-8 BELOW IDENTIFY THE SECTIONS OF THE REPORT TO BE AMENDED AND THE REASONS THEREFORE. PARAGRAPH 9 PROVIDES AN UPDATED TEXT OF THE ENTIRE REPORT AS WE BELIEVE IT SHOULD NOW READ. THE ALTERED LANGUAGE IS MARKED BY DOUBLE PARENTHESES (()).

2. SECTION I: B. DISAPPEARANCE.

DECLASSIFIED AND RELEASED BY
CENTRAL INTELLIGENCE AGENCY
SOURCE METHODS EXEMPTION 3B2B
NAZI WAR CRIMES DISCLOSURE ACT
DATE 2001 2007

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COMMUNIST STUDENT ABDUCTION: THE ARGENTINE COMMUNIST PARTY CHARGES THAT THE SAME STUDENT ACTIVIST WHO WAS ABDUCTED AND RELEASED IN JULY WAS ABDUCTED AGAIN IN NOVEMBER. THE COMMUNISTS CLAIM THE ABDUCTIONS WERE CARRIED OUT BY MEMBERS OF THE SECURITY FORCES AS A RESULT OF THE STUDENT'S POLITICAL ACTIVISM.

3. SECTION I: B. DISAPPEARANCE.

RECALL OF ARGENTINE AMBASSADOR: AFTER A THREE MONTH RECALL TO PROTEST PARAGUAYAN NON-RESPONSIVENESS ON THE CASE OF THE MISSING ARGENTINE CHILDREN, THE ARGENTINE AMBASSADOR RETURNED TO ASUNCION IN LATE NOVEMBER.

4. SECTION I: B. DISAPPEARANCE.

NEW PARAGRAPH: IN OCTOBER-NOVEMBER, THE ARGENTINE FEDERAL POLICE BROKE A KIDNAP GANG THAT HAD OPERATED IN THE LATE 197S AND EARLY 1980S. SIX POLICE OFFICERS WERE ARRESTED (ONE SUBSEQUENTLY COMMITTED SUICIDE IN JAIL) FOR THE KIDNAPPINGS AND MURDERS OF BUSINESSMEN SIVAK, NEUMAN, AND OXENFORD. EVIDENCE SO FAR SUGGESTS THAT MOTIVES FOR THE KIDNAPPINGS WERE PURELY CRIMINAL -- NOT POLITICAL. THE FAMILIES OF THE VICTIMS AND AT LEAST ONE PROSECUTOR HAVE SUGGESTED THAT MEMBERS OF AN ARGENTINE ARMY INTELLIGENCE UNIT WAS ALSO INVOLVED IN THE RING.

5. SECTION I: E. DENIAL OF FAIR PUBLIC TRIAL.

POLITICAL PRISONERS: ANOTHER ALLEGED "POLITICAL PRISONER" WAS RELEASED IN NOVEMBER, LEAVING SIX IN PRISON. THE LATEST PRISONER RELEASED WAS THE SUBJECT OF AN INTER AMERICAN HUMAN RIGHTS COMMISSION REVIEW.

6. SECTION II: A. FREEDOM OF SPEECH AND PRESS.

INJUNCTION AGAINST POLITICAL AD: SEVERAL OF THE ENJOINED NEWSPAPERS CHALLENGED THE COURT INJUNCTION AGAINST PUBLICATION OF A PAID POLITICAL ADVERTISEMENT. THE APPELLATE COURT RULED IN NOVEMBER THAT THERE WAS A CONSTITUTIONAL RIGHT TO ISSUE THE INJUNCTION, BUT THE FACTUAL CIRCUMSTANCES OFN HIS CASE DID NOT JUSTIFY IT. THE NEWSPAPERS HAVE APPEALED THE CONSTITUTIONAL QUESTION TO THE SUPREME COURT.

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7. SECTION II: A. FREEDOM OF SPEECH AND PRESS.

NEW PARAGRAPH: AT ITS 1987 CONFERENCE, THE INTER-AMERICAN PRESS ASSOCIATION (IAPA) FOUND GENERAL RESPECT FOR THE PRESS IN ARGENTINA. IAPA WAS CRITICAL, HOWEVER, OF ARGENTINA'S "RIGHT OF REPLY" LAWS, THE INJUNCTION AGAINST A PAID POLITICAL
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AD, THE LAW PROHIBITING NEWSPAPERS FROM OWNING BROADCAST STATIONS, AND THE SPECIFIC CASE OF A PROVINCIAL EDITOR WHO WAS SUED FOR REFUSING TO REVEAL HIS NEWS SOURCES.

8. SECTION II: C. FREEDOM OF RELIGION.

JEWISH COMMUNITY CONCERNS: IN THE LAST MONTHS OF 1987 **ARGENTINA'S** JEWISH COMMUNITY EXPRESSED CONCERN AT SIGNS OF INCREASING ANTI-SEMITISM. THEY SPECIFICALLY CITED ANTI-SEMITIC REMARKS DURING A PUBLIC MASS IN SEPTEMBER, ANONYMOUS THREATS FOLLOWING THE NOVEMBER ARREST OF A SUSPECTED **NAZI** WAR CRIMINAL, AND A NOVEMBER SYNAGOGUE BOMBING.

9. SUGGESTED REVISED TEXT OF **ARGENTINA** HUMAN RIGHTS

- REPORT.

BEGIN TEXT.

IN THE FOURTH YEAR SINCE ITS RETURN TO CONSTITUTIONAL GOVERNMENT, **ARGENTINA** CONTINUED TO CONSOLIDATE DEMOCRACY AND THE RULE OF LAW IN 1987. **ARGENTINA** IS GOVERNED BY A CONSTITUTION WITH AN ELECTED PRESIDENT, BICAMERAL LEGISLATURE, AND AUTONOMOUS JUDICIARY. IN 1987, ARGENTINA HELD ITS THIRD SUCCESSFUL NATIONAL ELECTION IN FOUR YEARS, FOLLOWING AN EXTENDED CAMPAIGN, FREE AND OPEN DEBATE, DOZENS OF RALLIES, AND FULL PRESS COVERAGE. ALL ELEMENTS OF THE IDEOLOGICAL SPECTRUM ARE REPRESENTED IN ARGENTINE POLITICS. THE GOVERNMENT TOLERATES CRITICISM AND OPPOSITION.

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POLITICAL BOMBINGS INCREASED IN 1987, BUT NONE WERE ATTRIBUTED TO THE GOVERNMENT. THE GOVERNMENT RECEIVED GENERALLY HIGH MARKS FROM ALL OBSERVERS ON ITS RESPECT FOR THE BASIC HUMAN RIGHTS OF ITS CITIZENS.

A POLITICAL CRISIS ERUPTED IN 1987 CONCERNING PROSECUTION OF MILITARY PERSONNEL FOR ALLEGED ABUSES COMMITTED DURING MILITARY RULE. THE GOVERNMENT'S ATTEMPT TO BRING A DEFINITIVE END TO THE PROSECUTIONS THROUGH THE DECEMBER 1986 "PUNTO FINAL" LAW BROUGHT HUNDREDS OF CASES TO THE FEDERAL COURTS EARLY IN THE YEAR. FOLLOWING AN APRIL UPRISING BY A GROUP OF MILITARY OFFICERS, CONGRESS PASSED A "DUE OBEDIENCE" LAW THE PRACTICAL EFFECT OF WHICH WAS TO PROTECT ALL BUT AN ESTIMATED 50 RETIRED, AND PERHAPS ONE OR TWO ACTIVE DUTY, OFFICERS FROM PROSECUTION. SOME HUMAN RIGHTS ACTIVISTS AND OPPOSITION LEADERS CRITICIZED THE LAW, BUT ALL AGREE THAT IT WAS ADOPTED IN FULL ACCORD WITH CONSTITUTIONAL REQUIREMENTS. TENSIONS OVER HUMAN RIGHTS TRIALS LESSENE CONSIDERABLY IN THE LATTER HALF OF THE YEAR. THE EFFICIENCY OF THE JUDICIAL SYSTEM AND CONDITIONS IN ARGENTINE PRISONS PROVOKED SOME PROTESTS IN 1987, BUT REFORMS CURRENTLY BEFORE CONGRESS AND NEW CONSTRUCTION ARE EXPECTED TO AMELIORATE THE PROBLEMS.

SECTION 1 RESPECT FOR THE INTEGRITY OF THE PERSON, INCLUDING FREEDOM FROM:

- -----
A. POLITICAL KILLING
- -----

THERE WERE NO CREDIBLE REPORTS OF POLITICAL KILLINGS BY THE GOVERNMENT IN 1987. SOME HUMAN RIGHTS ORGANIZATIONS, POLITICAL MOVEMENTS, AND PRESS REPRESENTATIVES CRITICIZED POLICE -- PARTICULARL IN BUENOS AIRES PROVINCE -- FOR THE NUMBER OF DEATHS RESULTING FROM ARMED CONFRONTATIONS WITH CRIMINAL SUSPECTS. THE MOST WIDELY PUBLICIZED OF THESE INCIDENTS OCCURRED IN THE DISTRICT OF INGENIERO BUDGE, WHERE THREE MEN WERE SHOT AND KILLED BY LOCAL POLICE IN MAY 1987 WHILE ALLEGEDLY RESISTING ARREST. CRITICS CLAIM POLICE ROUTINELY SHOOT TO KILL. THE POLICE NOTE THAT MOST OF THE DISPUTED
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KILLINGS OCCUR IN DANGEROUS ZONES OF BUENOS AIRES WHERE OFFICERS FEEL THREATENED.

APPARENT POLITICAL BOMBINGS ROSE SUBSTANTIALLY IN 1987. MOST WERE SMALL EXPLOSIONS LATE AT NIGHT CAUSING LITTLE DAMAGE OR INJURIES. TARGETS COVERED THE POLITICAL SPECTRUM, INCLUDING THE RIGHT, LEFT, NATIONAL PARTIES, MILITARY, CHURCH, HUMAN RIGHTS GROUPS, PRESS, AND JUDICIAL OFFICIALS. THE INCIDENTS CLUSTERED AROUND HIGH PROFILE EVENTS, SUCH AS THE POPE'S VISIT IN EARLY APRIL, THE EASTER WEEK MILITARY CRISIS AND MILITARY TRIALS DEBATE, AND THE SEPTEMBER 6 NATIONAL ELECTIONS. THE PERPETRATORS NEVER CLAIMED FORMAL RESPONSIBILITY FOR THE BOMBINGS. THERE HAVE BEEN FEW ARRESTS.

B. DISAPPEARANCE

THERE WERE NO KNOWN ABDUCTIONS, SECRET ARRESTS, OR DISAPPEARANCES LINKED TO OR CONDONED BY THE GOVERNMENT DURING 1987. A NUMBER OF KIDNAPPINGS WERE REPORTED, MOST APPARENTLY CONNECTED TO CRIMINAL EXTORTIONS. NOT ALL WERE REPORTED TO THE AUTHORITIES; SOME ENDED IN RELEASE OF THE VICTIM WITHOUT IDENTIFICATION OF THE PERPETRATORS. IN AT LEAST ONE INSTANCE, THAT OF THE OVERNIGHT ABDUCTION OF A STUDENT MEMBER OF THE ARGENTINE COMMUNIST PARTY IN JULY 1987. ((AND HER SUBSEQUENT ABDUCTION IN NOVEMBER)), CRITICS CHARGED MEMBERS OF THE SECURITY FORCES WERE ACTING AS UNAUTHORIZED VIGILANTES AGAINST POLITICAL OPPONENTS.

THE UNDERSECRETARIAT OF THE INTERIOR FOR HUMAN RIGHTS ESTIMATES THAT 39 MINOR CHILDREN WHOSE PARENTS DISAPPEARED DURING MILITARY RULE HAVE BEEN IDENTIFIED SINCE 1984. EIGHTEEN WERE RETURNED TO THEIR FAMILIES, 11 REMAIN WITH ADOPTED FAMILIES, SIX CASES ARE BEFORE THE COURTS, AND FOUR WERE DETERMINED TO HAVE DIED. IN 1987, THE ARGENTINE GOVERNMENT IDENTIFIED FOUR CHILDREN LIVING IN PARAGUAY AS OFFSPRING OF ARGENTINE CITIZENS WHO DISAPPEARED DURING MILITARY RULE. THE ARGENTINE GOVERNMENT REQUESTED THEIR RETURN AND RECALLED ITS AMBASSADOR IN AUGUST ((FOR THREE MONTHS)) TO PROTEST THE OFFICIAL PARAGUAYAN RESPONSE.

((IN OCTOBER-NOVEMBER, THE ARGENTINE FEDERAL POLICE BROKE UP A KIDNAP GANG THAT OPERATED IN THE LATE 1970S AND EARLY 1980S. SIX POLICE OFFICERS WERE ARRESTED (ONE LATER COMMITTED SUICIDE IN JAIL) FOR THE KIDNAPPINGS AND MURDERS OF THREE ARGENTINE BUSINESSMEN. EVIDENCE SO FAR SUGGESTS THE POLICE OFFICERS OPERATED PURELY FOR EXTORTION, WITH NO

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POLITICAL OVERTONES. THE FAMILIES OF THE VICTIMS AND AT LEAST ONE PROSECUTOR HAVE SUGGESTED THAT MEMBERS OF AN ARGENTINE ARMY INTELLIGENCE UNIT WERE ALSO INVOLVED.))

IN AUGUST 1987, PRESIDEN ALFONSIN SVIGNED A DECREE ALLOWING PENSIONS TO SPOUSES AND MINOR CHILDREN OF VICTIMS WHO DISAPPEARED BETWEEN 1976-83.

- -----
C. TORTURE AND CRUEL, INHUMAN, OR DEGRADING
- -----

- -----
- TREATMENT OR PUNISHMENT
- -----

THE ARGENTINE CONSTITUTION PROHIBITS TORTURE. A 1985 CRIMINAL CODE REFORM PROVIDES PENALTIES FOR TORTURE SIMILAR TO THOSE FOR HOMICIDE. ARGENTINA HAS RATIFIED THE U.N. CONVENTION AGAINST TORTURE AND OTHER FORMS OF CRUEL, DEGRADING, OR INHUMAN PUNISHMENT. IN SPITE OF REFORMS AND RATIFICATION, SOME HUMAN RIGHTS GROUPS ACCUSE POLICE OF MISTREATING PRISONERS.

ARGENTINA'S PRISONS ARE GENERALLY OVERCROWDED AND OLD. THE CONDITIONS PROVOKED SOME PRISON PROTESTS, HUNGER STRIKES, AND RIOTS IN 1987. SOME PRISONERS AND WARDENS WERE INJURED. THE NUMBER OF PRISON DISTURBANCES IN 1987 WAS FEWER THAN THE YEAR
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BEFORE. GOVERNMENT OFFICIALS SAY THEY ARE IMPROVING PRISON CONDITIONS AND THE INTERIOR MINISTRY HOPES TO BEGIN CONSTRUCTION SOON ON A FEDERAL PENITENTIARY THAT WILL SOLVE SOME OF THE EXCESS POPULATION PROBLEM..

- -----
D. ARBITRARY ARREST, DETENTION, OR EXILE
- -----

ARGENTINA HAS A WELL-DEVELOPED LEGAL CODE CONTAINING EXPRESS PROTECTIONS OF INDIVIDUAL RIGHTS AND CONTROLS ON POLICE ARREST AND INVESTIGATORY POWERS. THE PENAL CODE ALSO GIVES THE COURTS AUTHORITY TO DETAIN INDIVIDUALS WITHOUT NOTICE OR CHARBES FOR UP TO EIGHT DAYS DURING INVESTIGATIONS. EVEN IN THE

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CASE OF MINOR OFFENSES, HOLDING SUSPECTS WITHOUT CHARGES FOR A FEW DAYS IS NOT UNCOMMON. FORCED OR COMPULSORY LABOR IS FORBIDDEN.

E. DENIAL OF FAIR PUBLIC TRAIL

ARGENTINA'S JUDICIAL SYSTEM IS WIDELY RECOGNIZED AS FAIR AND INDEPENDENT, IF SLOW AND CUMBERSOME. THE CONSTITUTION AND PENAL CODE PROVIDE FOR TRIALS BEFORE PROFESSIONAL JUDGES AND APPELLATE REVIEW OF ALL JUDICIAL RULINGS, INCLUDING THOSE OF MILITARY COURTS. FEDERAL COURTS INTERPRET CONSTITUTIONAL PROTECTION AGAINST "ARBITRARY" TRIAL PROCESS TO PERMIT WIDE-REACHING REVIEW OF CRIMINAL PROSECUTIONS. INADEQUATE RESOURCES AND TIME-CONSUMING PROCEDURES SERIOUSLY LIMIT THE EFFECTIVENESS OF THE ARGENTINE JUDICIAL SYSTEM. IN 1987, THE SECRETARY OF JUSTICE SUBMITTED DRAFT JUDICIAL REFORMS TO THE CONGRESS. THE REFORMS ARE DESIGNED TO STREAMLINE THE JUDICIAL SYSTEM THROUGH MORE EFFICIENT LEGAL PROCEDURES AND PROFESSIONAL PERSONNEL. THEY WOULD, FOR THE FIRST TIME, PERMIT ORAL (AS OPPOSED TO WRITTEN) TESTIMONY IN CRIMINAL PROSECUTIONS. AS IN MOST CIVIL-LAW COUNTRIES, TRIAL BY JURY DOES NOT EXIST; VERDICTS ARE RENDERED BY PROFESSIONAL JUDGES. THE POLICE HAVE LEGAL AUTHORITY TO JUDGE MISDEMEANOR CASES, WHICH ARE OFTEN SETTLED BY SENIOR POLICE OFFICIALS. THE LEGAL SYSTEM PROVIDES FOR PUBLIC DEFENDERS, BUT IN 1987 CASELOADS EXCEEDED WHAT THEY COULD HANDLE. THE RIGHT TO BAIL IS PROVIDED BY LAW AND OBSERVED IN PRACTICE.

SOME HUMAN RIGHTS GROUPS CLAIMED THERE WERE 12 POLITICAL PRISONERS INCARCERATED AT THE START OF 1987. THE GOVERNMENT ARGUED THE PRISONERS WERE CONVICTED FOR COMMON CRIMES BY CONSTITUTIONAL COURTS WHOSE VERDICTS COULD NOT BE SUMMARILY OVERTURNED BY THE EXECUTIVE. HUMAN RIGHTS GROUPS BELIEVE THE PRISONERS WERE CONVICTED UNDER PROCEEDINGS LACKING IN MINIMUM DUE PROCESS. THE PRISONERS CLAIM THEY CONFESSED UNDER TORTURE OR DURESS AND WERE DENIED FAIR TRIALS. ((SIX)) OF THE PRISONERS WERE RELEASED IN 1987 FOLLOWING JUDICIAL REVIEW OF THEIR CASES AND APPLICATION OF ARGENTINA'S 1984 LAW COUNTING ONE YEAR IN PRISON SINCE 1976 AS TWO. ((SIX)) REMAIN IN JAIL. ((THE INTER-AMERICAN HUMAN RIGHTS COMMISSION HAD AGREED TO REVIEW THE CASE OF ONE OF THOSE WHO HAS SINCE BEEN RELEASED.)) ARGENTINA'S BEST KNOWN FORMER GUERRILLA, MONTONERO LEADER MARIO FIRMEINICH, WAS CONVICTED AND SENTENCED TO LIFE IMPRISONMENT IN MAY 1987 FOR MURDER AND KIDNAPPING. HE HAS APPEALED THE CONVICTION.

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TENSION RESULTING FROM THE PROSECUTION OF MILITARY PERSONNEL FOR HUMAN RIGHTS ABUSES COMMITTED DURING MILITARY RULE ERUPTED INTO POLITICAL CRISIS IN 1987. FOLLOWING THE DECEMBER 1986 "PUNTO FINAL" LAW IMPOSING A 60 DAY STATUTE OF LIMITATIONS FOR MILITARY PROSECUTIONS, AS MANY AS 400 CASES WERE BROUGHT BEFORE THE FEDERAL COURTS BY MARCH 1987. IN APRIL, AN ARMY MAJOR REFUSED TO RESPOND TO A UBPOENA AND A LT. COLONEL GATHERED A GROUP OF SUPPORTERS AT THE CAMPO DE MAYO ARMY BASE TO DEMAND REDRESS ON PROSECUTIONS AND OTHER ISSUES. AFTER SEVERAL TENSE DAYS, THE OFFICERS RETURNED TO THEIR BASES. IN MAY, CONGRESS PASSED LEGISLATION LEGITIMIZING THE "DUE OBEDIENCE" PRINCIPLE BY WHICH VIRTUALLY ALL MILITARY PERSONNEL BELOW THE RANKS OF
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COLONEL OR NAVY CAPTAIN ARE PRESUMED TO HAVE ACTED UNDER ORDERS BETWEEN 1976 AND 1983 AND ARE NOT SUBJECT TO PROSECUTION. THE SUPREME COURT UPHELD THE CONSTITUTIONALITY OF THE PRINCIPLE OF "DUE OBEDIENCE." THE "DUE OBEDIENCE" LAW EFFECTIVELY REDUCED THE NUMBER OF POSSIBLE MILITARY HUMAN RIGHTS PROSECUTIONS TO AN ESTIMATED 50 RETIRED AND POSSIBLY ONE OR TWO ACTIVE DUTY OFFICERS.

SOME OF THE TENSION DISSIPATED AFTER PASSAGE OF THE "DUE OBEDIENCE" LAW. ISOLATED INCIDENTS OCCURRED AT INDIVIDUAL BASES IN LATE 1987, BUT NONE APPROACHED THE INTENSITY OF THE APRIL CRISIS.

F. ARBITRARY INTERFERENCE WITH PRIVACY, FAMILY, HOME, OR CORRESPONDENCE

FEW CASES OF ARBITRARY INTRUSION BY THE STATE INTO THE PRIVATE LIVES OF INDIVIDUALS WERE REPORTED IN 1987. A 1985 BILL PROVIDING CRIMINAL PENALTIES FOR ARBITRARY INTERFERENCE WITH PERSONAL PRIVACY, HOME, OR CORRESPONDENCE REMAINS PENDING IN THE CONGRESS.

SECTION 2 RESPECT FOR CIVIL LIBERTIES, INCLUDING:

A. FREEDOM OF SPEECH AND PRESS

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ARGENTINA ENJOYS A FREE PRESS ENVIRONMENT. CRITICISM OF THE GOVERNMENT IS FULLY TOLERATED AND OPPOSITION VIEWPOINTS FREELY EXPRESSED. AN ACTIVE AND INDEPENDENT PRESS COVERS THE POLITICAL SPECTRUM. NEVERTHELESS, THE STATE OWNS 40 PERCENT OF THE RADIO STATIONS AND CONTROLS THE FRANCHISES ON OTHERS AS WELL AS THE FRANCHISES FOR TELEVISION STATIONS IT DOES NOT ALREADY CONTROL. THE STATE OWNS OUTRIGHT THREE OF THE FOUR PRINCIPAL BUENOS AIRES TELEVISION CHANNELS WHICH ARE SYNDICATED THROUGHOUT THE COUNTRY. SOME OBSERVERS CRITICIZE GOVERNMENT DOMINATION OF THE NATIONAL NEWSPRINT INDUSTRY AND THE "RIGHT OF REPLY" LAW IN MANY PROVINCES. REPRESENTATIVES OF THE ARGENTINE PRESS CHARGED THE GOVERNMENT WITH PRIOR CENSORSHIP IN MAY 1987 WHEN IT SOUGHT AND OBTAINED A COURT ORDER PROHIBITING PUBLICATION OF A PAID ADVERTISEMENT DEFENDING A FORMER MILITARY JUNTA MEMBER CONVICTED IN 1985. ((AN APPELLATE COURT SUBSEQUENTLY OVERTURNED THE LOWER COURT'S INJUNCTION, BUT THE AFFECTED NEWSPAPERS HAVE APPEALED THE CASE TO THE SUPREME COURT FOR A DEFINITIVE RULING ON THE CONSTITUTIONAL RIGHT TO PUBLISH WITHOUT INJUNCTION.)) THESE ISSUES WERE FULLY DEBATED IN THE NATIONAL PRESS. CRITICS DID NOT ACCUSE THE GOVERNMENT OF LIMITING OR CONTROLLING DEBATE, ALTHOUGH SOME BELIEVE THE GOVERNMENT'S SECRETARIAT FOR PUBLIC INFORMATION INFLUENCES PRESS COVERAGE OF CERTAIN POLITICAL MATTERS.

((AT ITS 1987 CONFERENCE, THE INTER-AMERICAN PRESS ASSOCIATION (IAPA) WAS GENERALLY SATISFIED WITH RESPECT FOR THE PRESS IN ARGENTINA. IAPA WAS CRITICAL, HOWEVER, OF ARGENTINA'S "RIGHT OF REPLY" LAWS, THE INJUNCTION AGAINST A PAID AD, THE LAW PROHIBITING NEWSPAPERS FROM OWNING BROADCAST STATIONS, AND THE SPECIFIC CASE OF A PROVINCIAL EDITOR WHO WAS SUED FOR REFUSING TO REVEAL HIS NEWS SOURCES.))

ACADEMIC FREEDOM IS RESPECTED. STUDENTS AND FACULTY COMPLAIN ABOUT AND IN SOME CASES HAVE ENGAGED IN STRIKES TO PROTEST LIMITED GOVERNMENT RESOURCES DEDICATED TO PUBLIC EDUCATION.

B. FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION

ALL GROUPS AND POLITICAL PARTIES ARE FREE TO ORGANIZE AND ASSEMBLE. ARGENTINE LAW REQUIRES POLITICAL PARTIES TO SUPPORT THE CONSTITUTION AND A DEMOCRATIC, REPRESENTATIVE, REPUBLICAN AND FEDERAL
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FORM OF GOVERNMENT IN ORDER TO REGISTER FOR ELECTIONS. AT PRESENT, NO PARTY HAS BEEN DENIED REGISTRATION. DURING THE 1987 ELECTION CAMPAIGN, DOZENS OF PARTIES HELD MASS RALLIES. THE POLICE RECEIVED SOME CRITICISM FOR THE MANNER IN WHICH THEY BROKE UP A DEMONSTRATION AGAINST THE POPE'S VISIT IN APRIL 1987 AND THE ARRESTS OF SEVERAL MEMBERS OF THE "MOTHERS OF PLAZA DE MAYO" HUMAN RIGHTS ORGANIZATION FOR DEFACING A NATIONAL MONUMENT IN JULY 1987. IN NEITHER INSTANCE WERE THE POLICE ACCUSED OF TRYING TO STIFLE PEACEFUL ASSEMBLY.

THE LABOR MOVEMENT IS A MAJOR INDEPENDENT ECONOMIC AND POLITICAL FORCE. ABOUT ONE-THIRD OF THE WORK FORCE IS UNIONIZED. PREVIOUS MILITARY REGIMES SUSPENDED LAWS GOVERNING LABOR RELATIONS AND SYSTEMATICALLY BLOCKED MANY TRADE UNION RIGHTS. AFTER MONTHS OF DEBATE, THE CHAMBER OF DEPUTIES PASSED LEGISLATION RECASTING THE LEGAL CODES TO RESTORE NORMAL GROUND RULES FOR INDUSTRIAL RELATIONS AND TRADE UNION ACTIVITIES IN 1987. THE LEGISLATION IS PENDING IN THE SENATE.

ARGENTINA'S LARGEST LABOR ORGANIZATION, THE GENERAL CONFEDERATION OF WORKERS (CGT), WAS ACTIVE ECONOMICALLY AND POLITICALLY IN 1987. THE CGT AND MANY INDIVIDUAL UNIONS ENGAGED IN CONSULTATIONS WITH EMPLOYERS AND THE GOVERNMENT ON ISSUES AFFECTING LABOR AND THE ECONOMY. UNIONS HAVE THE RIGHT TO STRIKE IN ARGENTINA AND MANY EXERCISED THAT RIGHT IN 1987. THE CGT LED SEVERAL GENERAL STRIKES OF ONE DAY OR LESS. THE CONFEDERATION AND MEMBER UNIONS PLAYED AN ACTIVE ROLE IN THE SEPTEMBER 1987 NATIONAL ELECTION CAMPAIGN. ARGENTINE UNIONS ARE ACTIVE IN THE INTERNATIONAL TRADE UNION MOVEMENT.

- -----
C. FREEDOM OF RELIGION
- -----

ARGENTINA'S CONSTITUTION GUARANTEES THE FREE EXERCISE OF RELIGION, BUT ALSO ESTABLISHES ROMAN CATHOLICISM AS THE STATE RELIGION. THE GOVERNMENT PROVIDES FINANCIAL SUPPORT TO THE ROMAN CATHOLIC CHURCH AND THE CONSTITUTION REQUIRES THE PRESIDENT AND VICE PRESIDENT TO BE ROMAN CATHOLICS. OTHER RELIGIONS MUST REGISTER WITH THE GOVERNMENT TO OBTAIN LEGAL RECOGNITION. MISSIONARIES FROM ANY

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RELIGION ARE PERMITTED TO ENTER ARGENTINA AND PROSELYTIZE. THE NON-CATHOLIC POPULUATAION IS GROWING.

ARGENTINA'S JEWISH COMMUNITY (AT AN ESTIMATED 300,000, THE LARGEST SUCH COMMUNITY IN LATIN AMERICA) PRACTICES ITS RELIGION WITHOUT OFFICIAL RESTRAINT, ALTHOUGH THERE IS A CURRENT OF ANTI-SEMITISM IN ARGENTINE SOCIETY AND OCCASIONAL ANTI-SEMITIC INCIDENTS OCCUR. ((IN THE FINAL MONTHS OF 1987, ARGENTINA'S JEWISH COMMUNITY EXPRESSED CONCERN AT SIGNS OF INCREASING ANTI-SEMITISM. THEY SPECIFICALLY CITED ANTI-SEMITIC REMARKS DURING A PUBLIC MASS IN SEPTEMBER, ANONYMOUS THREATS FOLLOWING THE NOVEMBER ARREST OF A SUSPECTED NAZI WAR CRIMINAL, AND A NOVEMBER SYNAGOGUE BOMBING.)) A DRAFT BILL PROVIDING CRIMINAL PENALTIES FOR RACIAL, RELIGIOUS, AND OTHER FORMS OF DISCRIMINATION IS PENDING IN CONGRESS.

-

D. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN
- TRAVEL, EMIGRATION, AND REPATRIATION

INTERNATIONAL AND EXTERNAL TRAVEL AND EMIGRATION ARE UNRESTRICTED. NON-ARGENTINE EXILES ARE NOT FORCED TO RETURN TO COUNTRIES FROM WHICH THEY FLEE. LATE IN 1986, THE GOVERNMENT DECLARED AN AMNESTY FOR UNDOCUMENTED ALIENS RESIDING IN ARGENTINA.

SECTION 3 RESPECT FOR POLITICAL RIGHTS: THE RIGHT
----- OF CITIZENS TO CHANGE THEIR GOVERNMENT

ARGENTINA IS A FEDERAL REPUBLIC, GOVERNED BY AN ELECTED PRESIDENT, BICAMERAL LEGISLATURE, AND AN INDEPENDENT JUDICIARY. SINCE SEPTEMBER 1983,
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ARGENTINA HAS HELD THREE NATIONAL ELECTIONS ELECTING A PRESIDENT, VICE PRESIDENT, PROVINCIAL GOVERNORS, ALL NATIONAL DEPUTIES, PROVINCIAL LEGISLATURES, MAYORS AND MUNICIPAL COUNCILS. BY ALL ACCOUNTS, EACH ELECTION WAS FREE, FAIR, AND DEMOCRATIC. THE SEPTEMBER 1987 NATIONAL ELECTIONS RESULTED IN MAJOR GAINS FOR THE PRINCIPAL OPPOSITION JUSTICIALIST PARTY AND LOSSES FOR THE GOVERNING RADICAL PARTY.

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TWENTY POLITICAL PARTIES -- RANGING FROM LEFT TO RIGHT -- WILL BE REPRESENTED IN THE NATIONAL CONGRESS AS A RESULT OF THE SEPTEMBER 1987 ELECTION. OTHER PARTIES WON ELECTION IN INDIVIDUAL PROVINCES. FROM THE POWERFUL JUSTICIALISTS TO MINISCULE PROVINCIAL MOVEMENTS, ARGENTINA'S OPPOSITION PARTIES OPERATE OPENLY. WOMEN AND MINORITIES HAVE FULL POLITICAL RIGHTS AND ARE NOT EXCLUDED FROM POLITICAL LIFE.

SECTION 4 GOVERNMENTAL ATTITUDE REGARDING
----- INTERNATIONAL AND NONGOVERNMENTAL
- INVESTIGATIONS OF ALLEGED VIOLATIONS OF
- HUMAN RIGHTS

ARGENTINA COOPERATES WITH BOTH THE UNITED NATIONS
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ARGENTINA COOPERATES WITH BOTH THE UNITED NATIONS HUMAN RIGHTS COMMISSION AND THE ORGANIZATION OF AMERICAN STATES' INTER-AMERICAN HUMAN RIGHTS COMMISSION. THE GOVERNMENT HAS RATIFIED THE AMERICAN CONVENTION ON HUMAN RIGHTS (1984) AND THE U.N. CONVENTIONS ON TORTURE, CIVIL AND POLITICAL RIGHTS, AND ECONOMIC, SOCIAL AND CULTURAL RIGHTS (ALL IN 1986).

AMNESTY INTERNATIONAL, THE ICRC, AND A HOST OF INTERNATIONAL HUMAN RIGHTS ORGANIZATIONS ENJOYED FREE ACCESS THROUGHOUT ARGENTINA. ELEVEN DOMESTIC HUMAN RIGHTS ORGANIZATIONS OPERATED FREELY IN 1987, DESPITE OCCASIONAL BOMBINGS, DEATH THREATS, AND HARASSMENT FROM UNIDENTIFIED SOURCES. DURING JANUARY AND FEBRUARY 1987, THE ORGANIZATIONS BROUGHT HUNDREDS OF CHARGES TO THE FEDERAL COURTS RELATED TO DISAPPEARANCES DURING THE YEARS OF MILITARY RULE. MOST OF ARGENTINA'S HUMAN RIGHTS GROUPS ACTIVELY OPPOSED AND OPENLY LOBBIED THE GOVERNMENT AGAINST PASSAGE OF THE "DUE OBEDIENCE" LAW IN MAY 1987.

SECTION 5 DISCRIMINATION BASED ON RACE, SEX,
----- RELIGION, LANGUAGE, OR SOCIAL STATUS

ARGENTINE WOMEN ARE ACTIVE IN GOVERNMENT, THE PROFESSIONS, POLITICS, AND PRIVATE VOLUNTARY ORGANIZATIONS. ALTHOUGH THERE IS NO OFFICIAL POLICY OF DISCRIMINATION AGAINST THEM, WOMEN HAVE TO CONTEND WITH SOME DISCRIMINATORY MECHANISMS THAT ARE ROOTED IN CULTURAL, ECONOMIC, POLITICAL, RELIGIOUS, AND SOCIAL STRUCTURES. LEGISLATION BANNING SEX DISCRIMINATION IS PENDING IN THE CONGRESS. ARGENTINA ADHERS TO THE U.N. CONVENTION FOR THE

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ELIMINATION OF DISCRIMINATION AGAINST WOMEN. IN JUNE 1987, CONGRESS PASSED LEGISLATION RECOGNIZING DIVORCE IN ARGENTINA.

WOMEN PARTICIPATE FREELY IN ARGENTINE POLITICS. THERE WERE SCORES OF WOMEN CANDIDATES IN THE THREE NATIONAL ELECTIONS SINCE 1983. EFFECTIVE DECEMBER 1987, 13 WOMEN SIT IN THE NATIONAL CHAMBER OF DEPUTIES AND THREE IN THE NATIONAL SENATE. ABOUT 20 PERCENT OF ARGENTINA'S FULL PROFESSORS AND ABOUT 50 PERCENT OF THE ASSISTANT PROFESSORS ARE WOMEN. ONE PRIVATE UNIVERSITY HAS A WOMAN RECTOR. ALMOST 50 PERCENT OF THE MEDICAL AND LAW SCHOOL GRADUATES IN 1987 WERE WOMEN.

CONDITIONS OF LABOR

ARGENTINA OFFERS COMPREHENSIVE PROTECTION OF WORKERS' RIGHTS. THE MAXIMUM WORKDAY IS EIGHT HOURS; THE MAXIMUM WORKWEEK IS 48 HOURS. PREMIUMS MUST BE PAID FOR WORK BEYOND THOSE LIMITS. CHILDREN UNDER 14 YEARS OF AGE MAY NOT WORK EXCEPT IN THE
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FAMILY. MINORS BETWEEN 14 AND 15 MAY WORK, BUT NOT MORE THAN SIX HOURS A DAY OR 35 HOURS A WEEK. THE SAME LAW APPLIES TO MINORS BETWEEN 16 AND 18 YEARS OF AGE, ALTHOUGH COMPETENT AUTHORITY MAY ALLOW AN EXCEPTION. RULES GOVERNING VACATIONS, MINIMUM WAGES, AND OCCUPATIONAL HEALTH AND SAFETY ARE COMPARABLE TO THOSE IN OTHER WESTERN NATIONS.

GILDRED

ADMIN
END OF MESSAGE

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