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LIMITED OFFICIAL USE BUENOS AIRES 10742

E.O. 12356: N/A

TEXT
TAGS: PHUM, AR
SUBJECT: 1988 COUNTRY REPORT ON HUMAN RIGHTS IN
- ARGENTINA
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THERE FOLLOWS EMBASSY BUENOS AIRES' PROPOSED TEXT FOR
THE 1988 COUNTRY REPORT ON HUMAN RIGHTS IN ARGENTINA.

BEGIN PROPOSED TEXT:

ARGENTINA

ARGENTINA IS A FEDERAL, CONSTITUTIONAL DEMOCRACY WITH
A PRESIDENT ELECTED THROUGH AN ELECTORAL COLLEGE FOR
A SINGLE SIX YEAR TERM, A BICAMERAL LEGISLATURE, AND
AN INDEPENDENT JUDICIARY. WHILE THE CONSTITUTION
DOES NOT REQUIRE IT, TRADITIONALLY THE EXECUTIVE IS
THE DOMINANT BRANCH IN THE ARGENTINE GOVERNMENT.
SINCE THE END OF MILITARY RULE IN 1983, THERE HAVE
BEEN THREE NATIONAL ELECTIONS. THROUGH MOST OF 1988,
THE NATION DIRECTED ITS POLITICAL FOCUS TOWARDS
PREPARATIONS FOR THE 1989 PRESIDENTIAL AND
CONGRESSIONAL ELECTIONS. FAIR AND HARD FOUGHT PARTY

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PRIMARIES PRODUCED THREE MAIN PRESIDENTIAL CONTENDERS, REPRESENTING THE POLITICAL SPECTRUM FROM CONSERVATIVE TO CENTER-LEFT. ALL SIGNALS SUGGEST THE 1989 CONTEST WILL BE ANOTHER FREE AND OPEN ELECTION.

CIVILIAN-MILITARY RELATIONS DOMINATED THE HUMAN RIGHTS AGENDA FOR MOST OF THE YEAR. IN JANUARY, ARMY LT. COL. ALDO RICO LED A MUTINY FROM THE MONTE CASEROS MILITARY BASE AGAINST THE ARMY HIGH COMMAND. THE MUTINY INVOLVED MANY OF THE SAME MILITARY OFFICERS WHO PARTICIPATED IN THE EASTER WEEK UPRISING OF 1987. IT WAS REPPRESSED BY FORCES LOYAL TO PRESIDENT RAUL ALFONSIN, MOST OF ITS PARTICIPANTS WERE ARRESTED AND AWAIT TRIAL IN VILLA DEVOTO MILITARY PRISON. IN OTHER HUMAN RIGHTS DEVELOPMENTS INVOLVING THE ARMED FORCES, THE SUPREME COURT DISMISSED CHARGES FOR PAST ABUSES AGAINST ALL BUT 15 RETIRED GENERALS AND ADMIRALS PURSUANT TO THE 1987 "DUE OBEDIENCE" LAW RESCINDING LEGAL RESPONSIBILITY OF OFFICERS WHO DID NOT HAVE INDEPENDENT COMMAND. CIVILIAN AND MILITARY COURTS CONVICTED PARTICIPANTS IN ATTEMPTED TAKEOVER OF THE BUENOS AIRES DOMESTIC AIRPORT DURING THE JANUARY MUTINY. SIX RETIRED SENIOR OFFICERS WERE TRIED IN CIVILIAN COURT FOR NEGLIGENCE AND INCOMPETENCE IN THE 1982 SOUTH ATLANTIC WAR.

HUMAN RIGHTS CONCERNS IN 1988 FOCUSED MORE ON ACCOUNTING FOR PAST ABUSES DURING MILITARY RULE THAN CURRENT POLICIES OF THE ARGENTINE GOVERNMENT. POLITICAL POLLS SUGGEST THAT HUMAN RIGHTS RANK LOW ON THE PRIORITY LIST OF CONCERNS LIKELY TO DETERMINE THE VOTE IN THE 1989 ELECTIONS. CONGRESS PASSED AN IMPORTANT ANTI-DISCRIMINATION LAW IN AUGUST. POLITICALLY MOTIVATED BOMBINGS CONTINUED THROUGH 1988 AT A DISTURBING, BUT NOT DESTABILIZING RATE. IN GENERAL, DOMESTIC AND INTERNATIONAL OBSERVERS GAVE THE GOVERNMENT OF ARGENTINA HIGH MARKS FOR OBSERVATION OF HUMAN RIGHTS IN 1988.

RESPECT FOR HUMAN RIGHTS

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 1988. HUMAN RIGHTS ORGANIZATIONS, POLITICAL MOVEMENTS, AND PRESS CRITICIZED POLICE FOR SEVERAL DEATHS WHICH APPEARED TO INVOLVE EXCESSIVE USE OF FORCE IN CONFRONTING CRIMINAL SUSPECTS. THE CENTER FOR LEGAL AND SOCIAL STUDIES TWICE ISSUED PUBLIC DECLARATIONS CONDEMNING PROVINCIAL POLICE FORCES FOR SPECIFIC UNJUSTIFIABLE KILLINGS. CRITICS CLAIM POLICE ROUTINELY SHOOT TO KILL. THERE ARE NO ALLEGATIONS THAT THE KILLINGS ARE

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POLITICALLY MOTIVATED.

POLITICALLY MOTIVATED BOMBINGS CONTINUED AT DISTURBING LEVELS IN 1988. MOST WERE SMALL EXPLOSIONS LATE AT NIGHT, CAUSING LITTLE DAMAGE OR INJURIES, BUT DURING A MAJOR UPSURGE IN THE BUENOS AIRES AREA IN LATE MARCH-EARLY APRIL, THE BOMBERS SHOWED A WANTON DISREGARD FOR INJURY AND DAMAGE. TARGETS THROUGH THE YEAR INCLUDED THE EXTREME RIGHT AND LEFT, NATIONAL PARTIES, MILITARY, CHURCH, PRESS,
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JUDICIAL OFFICIALS, AND PUBLIC BUILDINGS. THE BOMBINGS KILLED AT LEAST TWO PEOPLE. FEDERAL POLICE ARRESTED SOME SUSPECTS DURING THE YEAR, PRINCIPALLY FROM THE RIGHT WING "ALERTA NACIONAL" ORGANIZATION, BUT HAVE NOT SOLVED MOST OF THE INCIDENTS. THE PERPETRATORS NEVER CLAIMED FORMAL RESPONSIBILITY FOR THE BOMBINGS AND THERE IS NO CONSENSUS ON THE IDENTITY OF THOSE RESPONSIBLE.

- B. DISAPPEARANCE

THERE WERE NO KNOWN ABDUCTIONS, SECRET ARRESTS, OR DISAPPEARANCES LINKED TO OR CONDONED BY THE GOVERNMENT DURING 1988. THERE WERE KIDNAPPINGS FOR CRIMINAL EXTORTION. SOME ALLEGEDLY INVOLVED ACTIVE DUTY POLICE OFFICERS. THE GOVERNMENT MADE PROGRESS IN BREAKING UP ONE KIDNAP GANG INVOLVING THE NATIONAL POLICE AND TWO INVOLVING THE PROVINCIAL POLICE OF BUENOS AIRES. EVIDENCE BEFORE THE COURTS IN BUENOS AIRES AND MAR DEL PLATA SUGGESTS THE ACCUSED POLICE OFFICERS OPERATED PURELY FOR ECONOMIC GAIN, WITHOUT POLITICAL OVERTONES.

THE "GRANDMOTHERS OF THE PLAZA DE MAYO" HUMAN RIGHTS ORGANIZATION REPORTS THAT 45 CHILDREN WHOSE PARENTS DISAPPEARED DURING MILITARY RULE HAVE BEEN IDENTIFIED SINCE 1984. TWENTY- ONE WERE RETURNED TO THEIR FAMILIES, 12 REMAIN WITH ADOPTED PARENTS, FIVE WERE DETERMINED TO HAVE DIED, AND SEVEN CUSTODY CASES ARE BEFORE THE COURTS. IN AUGUST AND SEPTEMBER, A FEDERAL COURT RENDERED A CONTROVERSIAL DECISION WHEN IT DETERMINED THAT JULIANA TREVINO, THE CHILD OF TWO PARENTS WHO DISAPPEARED IN 1977, SHOULD REMAIN WITH HER ADOPTIVE PARENTS RATHER THAN HER BLOOD RELATIVES. THE CASE PROVOKED TREMENDOUS PUBLIC INTEREST AND SEVERAL ARGENTINE HUMAN RIGHTS ORGANIZATIONS HAVE PROMISED TO APPEAL THE JUDICIAL DECISION.

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THE ARGENTINE GOVERNMENT CONTINUED TO PRESS THE GOVERNMENT OF PARAGUAY FOR THE RETURN OF FOUR CHILDREN TENTATIVELY IDENTIFIED AS OFFSPRING OF ARGENTINES WHO DISAPPEARED DURING MILITARY RULE. THE GOVERNMENT COOPERATED WITH UNHRC EFFORTS TO INVESTIGATE THE CASE IN ARGENTINA AND PARAGUAY. THE CASES ARE AWAITING PARAGUAYAN COURT DECISIONS ON ARGENTINE REQUESTS FOR RETURN OF THE CHILDREN AND EXTRADITION OF THEIR SUSPECT PARENTS TO FACE KIDNAPPING CHARGES.

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- C. TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT

THE CONSTITUTION PROHIBITS TORTURE. THE CRIMINAL CODE PROVIDES PENALTIES FOR TORTURE SIMILAR TO THOSE FOR HOMICIDE. ARGENTINA HAS RATIFIED THE U.N. CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT. SOME HUMAN RIGHTS GROUPS AND CRITICS ACCUSE POLICE OF PRISONER MISTREATMENT. THERE WERE ALLEGATIONS THAT IN THE CITY OF CORDOBA (VITELEO CASE) AND ROSARIO (MASSONE CASE), DETAINEES DIED IN POLICE CUSTODY UNDER SUSPICIOUS CIRCUMSTANCES. THERE ARE PROCEDURES FOR INVESTIGATION OF CLAIMS OF MISTREATMENT THROUGH THE UNDERSECRETARIAT OF INTERIOR FOR HUMAN RIGHTS AND THROUGH JUDICIAL REVIEW. ARGENTINA'S PRISONS ARE GENERALLY OLD, AND PRISON CONDITIONS PROVOKED PROTESTS, STRIKES, AND RIOTS IN A VARIETY OF FACILITIES, INCLUDING ONE FOR MINORS AND ANOTHER FOR WOMEN. GOVERNMENT OFFICIALS SAY PRISON CONDITIONS ARE IMPROVING. THE FEDERAL GOVERNMENT EXPECTS TO RESOLVE OVERCROWDING WITH CONSTRUCTION OF A NEW FEDERAL PENITENTIARY OUTSIDE THE CITY OF BUENOS AIRES.

- 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. ARRESTS REQUIRE PROBABLE CAUSE OR A JUDICIAL ORDER, AND THE LAW PROVIDES FOR A JUDICIAL DETERMINATION OF THE LEGALITY OF DETENTION. HOWEVER, THE PENAL CODE GIVES THE COURTS AUTHORITY TO DETAIN INDIVIDUALS WITHOUT NOTICE OR CHARGES FOR UP TO EIGHT DAYS DURING INVESTIGATIONS. EVEN IN THE CASE OF MINOR OFFENSES, HOLDING SUSPECTS WITHOUT CHARGES FOR SEVERAL DAYS IS
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NOT UNCOMMON. INVOLUNTARY EXILE IS NOT PERMITTED OR PRACTICED BY ARGENTINA.

- E. DENIAL OF FAIR PUBLIC TRIAL

ARGENTINA'S JUDICIAL SYSTEM IS WIDELY RECOGNIZED AS FAIR AND INDEPENDENT, ALBEIT SLOW AND CUMBERSOME. THE CONSTITUTION AND PENAL CODE GUARANTEE 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 IMPEDE THE JUDICIAL SYSTEM. PROPOSED JUDICIAL REFORMS SUBMITTED TO THE CONGRESS BY THE SECRETARY OF JUSTICE WOULD STREAMLINE THE JUDICIAL SYSTEM THROUGH MORE EFFICIENT LEGAL PROCEDURES AND PROFESSIONAL PERSONNEL. THE MOST IMPORTANT REFORM WOULD ALLOW ORAL RATHER THAN WRITTEN PROCEEDINGS IN CRIMINAL TRIALS.

AS IN MOST CIVIL LAW COUNTRIES, TRIAL BY JURY DOES NOT EXIST; PROFESSIONAL JUDGES RENDER VERDICTS. THE POLICE HAVE LEGAL AUTHORITY TO ADJUDICATE MISDEMEANORS, WHICH ARE OFTEN SETTLED BY SENIOR POLICE OFFICIALS. ANOTHER REFORM PENDING BEFORE CONGRESS WOULD CREATE SMALL CLAIMS COURTS FOR MINOR MISDEMEANORS INVOLVING SMALL FINES. THE LEGAL SYSTEM PROVIDES PUBLIC DEFENDERS, BUT 1988 CASELOADS EXCEEDED THEIR CAPACITY. THE RIGHT TO BAIL IS PROVIDED BY LAW AND OBSERVED IN PRACTICE.

AT THE BEGINNING OF 1988, HUMAN RIGHTS ORGANIZATIONS CLAIMED THERE WERE SIX POLITICAL PRISONERS INCARCERATED IN ARGENTINA. THE GOVERNMENT ASSERTS THAT THE PRISONERS WERE CONVICTED FOR VIOLENT CRIMES PRIOR TO THE 1976 MILITARY COUP, BY CONSTITUTIONAL COURTS WHOSE VERDICTS COULD NOT BE SUMMARILY OVERTURNED BY THE EXECUTIVE BRANCH. 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 AN ADEQUATE DEFENSE. ONE OF THE PRISONERS WAS RELEASED IN 1988 BY APPLYING THE 1984 LAW WHICH COUNTS ONE YEAR IN PRISON SINCE 1976 AS TWO YEARS SERVED. USING THE SAME FORMULA, THE REMAINING FIVE SHOULD BE RELEASED FROM PRISON BY THE END OF 1989. THE INTER-AMERICAN HUMAN RIGHTS COMMISSION REVIEWED THE CASE OF ONE PRISONER WHO HAD ALREADY BEEN RELEASED AND FOUND DEFICIENCIES IN THE JUDICIAL PROCESS BY WHICH HE WAS CONVICTED. THE HOMICIDE AND KIDNAPPING CONVICTIONS AND LIFE SENTENCE

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FOR ARGENTINA'S BEST KNOWN FORMER GUERRILLA, MONTONERO LEADER MARIO FIRMENICH, WAS UPHELD ON APPEAL IN 1988. HE HAS ASKED FOR REVIEW BY THE INTER-AMERICAN HUMAN RIGHTS COMMISSION.

IN THE COURSE OF THE YEAR, THE ARGENTINE SUPREME COURT RULED IN A SERIES OF SPLIT DECISIONS ON THE APPLICABILITY OF THE "DUE OBEDIENCE" LAW TO ALL CURRENT AND FORMER MILITARY PERSONNEL ACCUSED OF HUMAN RIGHTS ABUSES DURING MILITARY RULE. REVIEWING ALL PENDING CASES, THE COURT RULED THAT PROSECUTIONS AGAINST ALL BUT 15 RETIRED GENERALS AND ADMIRALS WERE EXTINGUISHED BY THE "DUE OBEDIENCE" DOCTRINE, THE "PUNTO FINAL" STATUTE OF LIMITATIONS, OR OTHER PROCEDURAL DEFECTS. THOSE CASES RULED STILL JUSTICIABLE WERE RETURNED TO THE FEDERAL APPELLATE COURTS FOR TRIAL. THE HUMAN RIGHTS COMMUNITY CRITICIZED THE COURT'S LIBERAL INTERPRETATION OF THE "DUE OBEDIENCE" LAW AS IT HAD EARLIER CRITICIZED PASSAGE OF THE LAW ITSELF. IN OTHER JUDICIAL ACTIONS, A CIVILIAN FEDERAL COURT TRIED SIX CIVILIANS ACCUSED OF PARTICIPATING IN THE ATTEMPTED TAKEOVER OF THE BUENOS AIRES DOMESTIC AIRPORT DURING THE JANUARY MILITARY MUTINY AND SENTENCED THEM TO VARYING LENGTHS OF INCARCERATION FOR ATTEMPTED REBELLION. A MILITARY COURT MARTIAL TRIED AND CONVICTED THE MILITARY PARTICIPANTS IN THE AIRPORT TAKEOVER ATTEMPT. A FEDERAL APPELLATE COURT TRIED SIX FORMER SENIOR OFFICERS FOR NEGLIGENCE AND PROFESSIONAL INCOMPETENCE DURING THE 1982 SOUTH ATLANTIC WAR. EARLY IN 1988, NAVY LT. ALFREDO ASTIZ WAS PROMOTED TO LT. COMMANDER OVER THE OBJECTIONS OF THE HUMAN RIGHTS COMMUNITY,
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WHO ACCUSED HIM OF SERIOUS VIOLATIONS DURING MILITARY RULE. AT THE TIME HE ACCEPTED THE PROMOTION, PRESIDENT ALFONSIN RECOMMENDED THAT ASTIZ BE SEPARATED FROM THE SERVICE. THE NAVY DECISION IS PENDING.

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

THERE IS CONSTITUTIONAL PROTECTION AGAINST UNREASONABLE SEARCH AND SEIZURE. FEW CASES OF ARBITRARY INTRUSION BY THE STATE INTO THE PRIVATE LIVES OF PERSONS WERE REPORTED IN 1988. THE ACTIONS BY ADMINISTRATIVE PROSECUTOR RICARDO MOLINAS IN OPENING INTERNATIONAL COURIER POUCHES AS PART OF AN

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INVESTIGATION WERE DECLARED AN UNREASONABLE VIOLATION OF PRIVACY BY A FEDERAL COURT IN 1988.

SECTION 2 RESPECT FOR CIVIL LIBERTIES, INCLUDING:

- A. FREEDOM OF SPEECH AND PRESS

ARGENTINA ENJOYS A FREE PRESS. AN ACTIVE AND INDEPENDENT PRESS COVERS THE POLITICAL SPECTRUM. CRITICISM OF THE GOVERNMENT IS FULLY TOLERATED, AND OPPOSITION VIEWPOINTS FREELY EXPRESSED. NEVERTHELESS, THE STATE OWNS 40 PERCENT OF THE RADIO STATIONS AND CONTROLS THE FRANCHISES ON OTHERS. THREE OF THE FOUR NATIONALLY SINDICATED BUENOS AIRES TELEVISION CHANNELS ARE GOVERNMENT OWNED. IN 1988, THE FIRING BY A GOVERNMENT OWNED TELEVISION STATION OF AN OUTSPOKEN CONSERVATIVE COMMENTATOR GENERATED CHARGES OF GOVERNMENT INTERVENTION. THE COMMENTATOR HAS SINCE SIGNED A CONTRACT WITH A PRIVATE STATION, WHERE HE CONTINUES TO SPEAK OUT ON PUBLIC ISSUES ON AN UNRESTRAINED BASIS.

ARGENTINA'S NATIONAL PRESS ASSOCIATION, ADEPA, PROTESTED PHYSICAL ASSAULTS BY GOVERNMENT SECURITY AGENTS ON MEMBERS OF THE PRESS AT THE NATIONAL CONGRESS IN JUNE AND AT A PRESIDENTIAL EVENT IN SEPTEMBER. THE CONGRESSIONAL AND PRESIDENTIAL PRESS OFFICES EXPRESSED REGRETS AT BOTH INCIDENTS. ADEPA ALSO CONDEMNED A JANUARY INCIDENT IN WHICH A UNIFORMED ARMY OFFICER POINTED A PISTOL AT A PHOTOGRAPHER COVERING EVENTS LEADING TO THE JANUARY MONTE CASEROS MUTINY. THE OFFICER WAS SUBSEQUENTLY IDENTIFIED AND PUNISHED ADMINISTRATIVELY WITHIN THE ARMY. FINALLY, ADEPA CRITICIZED THE GOVERNMENT'S PROPOSED BROADCASTING REGULATORY LAW, SINGLING OUT THE PROVISIONS THAT GIVE RIGHT OF REPLY TO ANY POLITICAL FIGURE WHO IS CRITICIZED ON RADIO AND TV AND A PROVISION PROHIBITING SIMULTANEOUS OWNERSHIP OF PRINT AND BROADCAST MEDIA. GOVERNMENT OWNERSHIP OF PART OF THE ELECTRONIC MEDIA IS NOW A HOTLY DISPUTED ISSUE WITHIN GOA CIRCLES. PRIVATIZATION WILL REQUIRE A POLITICAL DECISION, WHICH MAY BE MADE BEFORE THE UPCOMING PRESIDENTIAL ELECTIONS.

AT ITS MARCH EXECUTIVE COUNCIL MEETING, THE INTER-AMERICAN PRESS ASSOCIATION CALLED FOR NO FURTHER RADIO-TELEVISION LICENSING IN ARGENTINA UNTIL THE SIMULTANEOUS OWNERSHIP ISSUE WAS RESOLVED AND SUPPORTED ELIMINATION OF HIGH CUSTOMS DUTY ON NEWSPRINT. SUBSEQUENTLY, THE GOA ANNOUNCED TO THE SEPTEMBER ADEPA MEETING THAT NEWSPRINT IMPORT TAXES WOULD BE ELIMINATED. WHEN EFFECTIVE, MOST OF THE NEWSPAPERS IN ARGENTINA WILL BENEFIT CONSIDERABLY AS THEY CURRENTLY PAY A HIGHLY PROTECTIVE TARIFF. NEW NEWSPAPERS MAY EMERGE.

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ACADEMIC FREEDOM IS RESPECTED. THE NATION'S TEACHERS ENGAGED IN A LONG STRIKE IN 1988 FOR HIGHER SALARIES AND MORE 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 FORM OF GOVERNMENT IN ORDER TO REGISTER FOR ELECTIONS. AT PRESENT, NO PARTY IS DENIED REGISTRATION.

DURING THE CAMPAIGNS LEADING TO THE PARTY PRIMARIES IN 1988, ALL THE MAJOR POLITICAL PARTIES HELD MASS
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RALLIES. THE LABOR MOVEMENT, HUMAN RIGHTS ORGANIZATIONS, ETHNIC COMMUNITIES, AND OTHER POLITICAL GROUPINGS HELD FREQUENT DEMONSTRATIONS AND RALLIES WITHOUT INTERFERENCE OR INCIDENT. ON SEPTEMBER 9, A NATIONAL STRIKE AND LABOR RALLY IN BUENOS AIRES DEGENERATED INTO LARGE SCALE VIOLENCE. ORGANIZERS ACCUSED THE POLICE OF PRECIPITATING THE VIOLENCE AND THE GOVERNMENT ACCUSED EXTREMIST GROUPS IN THE CROWD. BOTH SIDES PRODUCED VIDEOS AND TESTIMONIALS TO SUPPORT THEIR POSITIONS.

FOR A DISCUSSION OF FREEDOM OF ASSOCIATION AS IT APPLIES TO LABOR UNIONS, SEE SECTION 6A.

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- C. FREEDOM OF RELIGION

THE CONSTITUTION PROVIDES FOR 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 COMPLETE A PROFORMA REGISTRATION WITH THE GOVERNMENT TO OBTAIN LEGAL RECOGNITION. MISSIONARIES FROM ANY RELIGION ARE PERMITTED TO ENTER ARGENTINA AND PROSELYTIZE. THE NON-CATHOLIC POPULATION IS GROWING. ARGENTINA'S JEWISH COMMUNITY (AT AN ESTIMATED 300,000, THE LARGEST SUCH COMMUNITY IN LATIN AMERICA) PRACTICES ITS RELIGION WITHOUT OFFICIAL RESTRAINT.

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

INTERNATIONAL AND INTERNAL TRAVEL AS WELL AS
EMIGRATION ARE UNRESTRICTED. REFUGEES ARE NOT FORCED
TO RETURN TO COUNTRIES FROM WHICH THEY HAVE FLED.
THE ARGENTINE CONSTITUTION AND LEGAL CODE DO NOT
RECOGNIZE INVOLUNTARY EXILE AS A LEGAL PENALTY.

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,
ARGENTINA HAS HELD THREE NATIONAL ELECTIONS TO CHOOSE
A PRESIDENT, VICE PRESIDENT, PROVINCIAL GOVERNORS,
ALL NATIONAL DEPUTIES, PROVINCIAL LEGISLATURES,
MAYORS, AND MUNICIPAL COUNCILS, BY ALL ACCOUNTS, THE
ELECTIONS WERE FREE, FAIR, AND DEMOCRATIC. THE
RADICAL PARTY CONTROLS THE EXECUTIVE BRANCH AND THE
RADICAL AND PERONIST PARTIES SHARE POWER IN THE
CONGRESS.

TWENTY POLITICAL PARTIES -- RANGING FROM LEFT TO
RIGHT -- ARE REPRESENTED IN CONGRESS AS A RESULT OF
THE 1987 ELECTIONS. ADDITIONAL PARTIES HOLD OFFICE
IN INDIVIDUAL PROVINCES. FROM THE POWERFUL PERONISTS
TO MINISCULE PROVINCIAL MOVEMENTS, ARGENTINA'S
OPPOSITION PARTIES OPERATE FREELY.

WOMEN AND MINORITIES HAVE FULL POLITICAL RIGHTS AND
ARE NOT EXCLUDED FROM POLITICAL LIFE. WOMEN
PARTICIPATE FREELY IN ARGENTINE POLITICS. THERE WERE
SCORES OF WOMEN CANDIDATES IN THE THREE NATIONAL
ELECTIONS SINCE 1983. THIRTEEN WOMEN SIT IN THE 254
MEMBER NATIONAL CHAMBER OF DEPUTIES AND THREE WOMEN
SIT IN THE 46 MEMBER SENATE.

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

AMNESTY INTERNATIONAL, THE INTERNATIONAL COMMITTEE OF
THE RED CROSS, AND A HOST OF INTERNATIONAL HUMAN
RIGHTS ORGANIZATIONS ENJOY UNRESTRICTED ACCESS IN
ARGENTINA. ELEVEN DOMESTIC HUMAN RIGHTS
ORGANIZATIONS OPERATED OPENLY IN 1988, DESPITE
OCCASIONAL AND ANONYMOUS BOMBINGS, DEATH THREATS, AND
HARASSMENT. SINCE 1983, THE DOMESTIC HUMAN RIGHTS
COMMUNITY HAS STRONGLY AND UNANIMOUSLY OPPOSED ALL
EFFORTS TO LIMIT MILITARY ACCOUNTABILITY FOR ABUSES
COMMITTED DURING MILITARY RULE. THE GOVERNMENT
ALLOWED FULL VENTING OF THE OPPOSITION, ALTHOUGH
OVERRIDING IT WITH THE "PUNTO FINAL" AND "DUE

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OBEDIENCE" LEGISLATION.

EXTRADITION AND CITIZENSHIP PROCEEDINGS AGAINST
SUSPECTED NAZI WAR CRIMINAL JOSEF FRANZ LEO
SCHWAMBERGER CONTINUED THROUGH 1988. ARGENTINE AND
INTERNATIONAL JEWISH ORGANIZATIONS EXPRESSED
SATISFACTION WITH THE 1987 ARREST, BUT QROWING
CONCERN AT DELAYS IN THE PROCEEDINGS.

ARGENTINA PLAYS AN ACTIVE ROLE IN BOTH THE UNITED
NATIONS HUMAN RIGHTS COMMISSION, WHERE IT CHAIRS AN
IMPORTANT SUBCOMMITTEE OF EXPERTS, AND THE OAS
INTER-AMERICAN HUMAN RIGHTS COMMISSION (IAHRC). THE
ARGENTINE GOVERNMENT HAS FACILITATED EFFORTS BY
DOMESTIC HUMAN RIGHTS ORGANIZATIONS TO ADDRESS BOTH
THESE INTERNATIONAL BODIES IN OPPOSITION TO THE
GOVERNMENT'S JUDICIAL POLICIES TOWARDS THE MILITARY.
ARGENTINA HAS ACCEPTED COMPULSORY JURISDICTION BY THE
IAHRC. IT HAS COOPERATED WITH UNHRC EFFORTS TO
INVESTIGATE CASES INVOLVING MISSING CHILDREN FROM THE
1976-83 PERIOD OF MILITARY RULE. 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).

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

CONGRESS PASSED A LAW IN 1988 THAT AUTHORIZES
CRIMINAL PENALTIES FOR DISCRIMINATION ON THE BASIS OF
RACE, SEX, RELIGION, AND OTHER CATEGORIES.

ARGENTINE WOMEN ARE ACTIVE IN GOVERNEMNT, THE
PROFESSIONS, POLITICS, AND PRIVATE VOLUNTARY
ORGANIZATIONS. ALTHOUGH THERE IS NO OFFICIAL POLICY
OF DISCRIMINATION AGAINST THEM, WOMEN HAVE TO CONTEND
WITH SOME BIAS THAT IS ROOTED IN CULTURAL, ECONOMIC,
POLITICAL, RELIGIOUS, AND SOCIAL STRUCTURES.

ARGENTINA ADHERES TO THE U.N. CONVENTION FOR THE
ELIMINATION OF DISCRIMINATION AGAINST WOMEN.

THERE IS A CURRENT OF ANTI-SEMITISM IN ARGENTINE
SOCIETY PRODUCING OCCASIONAL ANTI-SEMITIC INCIDENTS.
IN THE COURSE OF 1988, ARGENTINA'S UMBRELLA NATIONAL

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JEWISH ORGANIZATION DAIA CONDEMNED BOMBINGS AGAINST JEWISH TARGETS, ANONYMOUS THREATS, AND THREATENING PUBLIC STATEMENTS BY WELL KNOWN PUBLIC FIGURES. THEY HAVE ALSO CRITICIZED THE UNOFFICIAL BUT SYSTEMATIC EXCLUSION OF JEWS FROM IMPORTANT INSTITUTIONS SUCH AS THE ARMED FORCES.

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SECTION 6 WORKER RIGHTS

- A. RIGHT OF ASSOCIATION.

THERE IS FREE RIGHT OF LABOR ASSOCIATION IN ARGENTINA. THE ARGENTINE LABOR MOVEMENT IS A MAJOR INDEPENDENT, ECONOMIC, AND POLITICAL FORCE. ABOUT ONE-THIRD OF THE NATIONAL WORK FORCE IS UNIONIZED. PREVIOUS MILITARY REGIMES SUSPENDED LAWS GOVERNING LABOR RELATIONS AND SYSTEMATICALLY BLOCKED MANY TRADE UNION RIGHTS. CONGRESS PASSED LEGISLATION IN 1987 RESTORING FREE RIGHT OF LABOR ASSOCIATION.

- B. RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY.

LEGISLATION PASSED BY CONGRESS IN 1987 PROVIDED FOR FREE COLLECTIVE BARGAINING AND NORMAL GROUND RULES FOR INDUSTRIAL RELATIONS AND TRADE UNION ACTIVITIES. ARGENTINA'S LARGEST LABOR ORGANIZATION, THE GENERAL CONFEDERATION OF WORKERS (CGT) AND ITS 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 (INDEED, THEY HAVE THE RIGHT TO RECEIVE THEIR SALARIES WHILE ON STRIKE UNTIL THE LABOR MINISTRY ORDERS COMPULSORY ARBITRATION) AND MANY EXERCISED THAT RIGHT IN 1988. THE CGT LED SEVERAL STRIKES OF ONE DAY OR LESS, INCLUDING CONTROVERSIAL NATIONAL STRIKES ON SEPTEMBER 9 -- WHICH RESULTED IN VIOLENCE -- AND SEPTEMBER 12 -- TO PROTEST ALLEGED POLICE REPRESSION.

- C. PROHIBITION OF FORCED OR COMPULSORY LABOR.

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

LIMITED OFFICIAL USE SECTION 07 OF 07 BUENOS AIRES 10742

E.O. 12356: N/A

TAGS: PHUM, AR

SUBJECT: 1988 COUNTRY REPORT ON HUMAN RIGHTS IN

FORCED OR COMPLUSORY LABOR IS ILLEGAL IN ARGENTINA.

- D. MINIMUM AGE FOR EMPLOYMENT OF CHILDREN.

CHILDREN UNDER 14 YEARS OF AGE MAY NOT WORK IN ARGENTINA EXCEPT IN THE FAMILY. MINORS OF AGES 14

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AND 15 MAY WORK, BUT NOT MORE THAN SIX HOURS A DAY OR 35 HOURS A WEEK. THE SAME LAW APPLIES TO MINORS 16 TO 18 YEARS OF AGE, ALTHOUGH COMPETENT AUTHORITY MAY ALLOW AN EXCEPTION.

- E. ACCEPTABLE CONDITIONS OF WORK.

ARGENTINA OFFERS COMPREHENSIVE PROTECTION OF WORKERS' RIGHTS. THE MAXIMUM WORKDAY IS EIGHT HOURS; THE MAXIMUM WORK WEEK IS 48 HOURS. PREMIUMS MUST BE PAID FOR WORK BEYOND THOSE LIMITS. RULES GOVERNING VACATIONS, MINIMUM WAGES, AND OCCUPATIONAL HEALTH AND SAFETY ARE COMPARABLE TO THOSE IN OTHER WESTERN INDUSTRIAL NATIONS AND ARE RESPECTED IN PRACTICE.

SERVICE

ADMIN
END OF MESSAGE

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