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DEPARTMENT OF LABOR PASS ILAB/OFR- T. LINSENMAYER

E.O. 12356: N/A

TEXT

TAGS: PHUM, AR

SUBJECT: 1989 COUNTRY REPORT ON HUMAN RIGHTS (ARGENTINA)

REFS: (A) STATE 261720

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ARGENTINA  
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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. TRADITIONALLY, THE EXECUTIVE IS THE DOMINANT BRANCH IN THE ARGENTINE GOVERNMENT. SINCE THE END OF

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MILITARY RULE IN 1983, THERE HAVE BEEN FOUR NATIONAL ELECTIONS. ON MAY 14, 1989, THE CITIZENS OF ARGENTINA ELECTED JUSTICIALIST PARTY CANDIDATES CARLOS MENEM AND EDUARDO DUHALDE AS THE NATION'S PRESIDENT AND VICE PRESIDENT. A RAPIDLY DETERIORATING ECONOMIC SITUATION AND AN EVIDENT LACK OF PUBLIC CONFIDENCE DUE TO THE PROLONGED PERIOD BEFORE INAUGURATION CAUSED FORMER PRESIDENT RAUL ALFONSIN TO NEGOTIATE AN EARLY TURN-OVER OF THE REINS OF GOVERNMENT TO CARLOS MENEM. THE INAUGURATION OF MENEM ON JULY 8, WHILE FIVE MONTHS EARLIER THAN SCHEDULED, MARKED THE FIRST CONSTITUTIONAL TURN-OVER OF THE PRESIDENCY FROM ONE DEMOCRATICALLY ELECTED PRESIDENT TO ANOTHER FROM AN OPPOSING PARTY SINCE 1916. CANDIDATES IN THE MAY ELECTIONS REPRESENTED THE POLITICAL SPECTRUM FROM CONSERVATIVE TO FAR LEFT.

A CIVILIAN, DEMOCRATIC GOVERNMENT HAS BEEN IN PLACE SINCE DECEMBER 1983. THE PRESIDENT IS CONSTITUTIONAL COMMANDER-IN-CHIEF AND A CIVILIAN DEFENSE MINISTER OVERSEES THE ARMED FORCES. THE FEDERAL POLICE REPORT TO THE INTERIOR MINISTER; PROVINCIAL POLICE ARE ORGANIZED UNDER PROVINCIAL CONSTITUTIONS AND REPORT TO LOCALLY-ELECTED PROVINCIAL GOVERNORS.

ARGENTINA HAS SERIOUS ECONOMIC PROBLEMS. BY SOME ESTIMATES, REAL PURCHASING POWER HAS DROPPED BY AS MUCH AS 55 PERCENT SINCE 1983 AND ANNUAL INFLATION AVERAGED WELL OVER 100 PERCENT ANNUALLY DURING 1986-88. IN THE FIRST EIGHT MONTHS OF 1989, HOWEVER, THE NATION ENTERED A PERIOD OF HYPERINFLATION, WITH THE CONSUMER PRICE INDEX INCREASING BY 2,815.5 PERCENT. ARGENTINA HAS SIGNIFICANT ARREARS ON ITS EXTERNAL DEBT OF MORE THAN 60 BILLION DOLLARS AND REQUIRES FRESH INFUSIONS OF EXTERNAL CAPITAL. THE STATE-OWNED ENTERPRISES ARE GENERALLY UNPROFITABLE, FOREIGN INVESTMENT IS WEAK, AND CAPITAL FLIGHT IS A PROBLEM. THE MENEM ADMINISTRATION MOVED QUICKLY TO INTRODUCE STATE REFORM (PRIVATIZATION) AND ECONOMIC EMERGENCY LEGISLATION, AND A TAX REFORM BILL, WHICH ATTEMPT TO CONFRONT THE PROBLEMS OF DEFICIT FINANCING AND LACK OF INVESTOR CONFIDENCE. THESE AND OTHER MEASURES RESULTED IN A RAPID DROP IN THE LEVEL OF INFLATION BEGINNING IN AUGUST.

HUMAN RIGHTS CONCERNS IN 1989 FOCUSED MORE ON ACCOUNTING FOR PAST ABUSES DURING MILITARY RULE THAN ON POLICIES OF THE CIVILIAN GOVERNMENT. THE INDEPENDENT JUDICIARY CONTINUED TO FUNCTION WITHOUT POLITICAL INTERFERENCE, AND CARRIED OUT INVESTIGATIONS OF POLICE BRUTALITY AND THE USE OF UNNECESSARY FORCE. THE COURTS ALSO CONTINUED THE PAINFUL TASK OF DECIDING CUSTODY OF CHILDREN OF PEOPLE WHO HAD DISAPPEARED DURING THE MILITARY

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GOVERNMENT. IN GENERAL, THE GOVERNMENT BUILT FURTHER ON ITS GOOD RECORD FOR OBSERVATION OF HUMAN RIGHTS IN 1989. CIVILIAN-MILITARY RELATIONS DOMINATED THE HUMAN RIGHTS AGENDA. PRESIDENT MENEM TOOK STEPS IN HIS FIRST MONTHS OF OFFICE TO PARDON MILITARY OFFICIALS INVOLVED IN HUMAN RIGHTS VIOLATIONS OR ACTS OF MUTINY AGAINST THE ARMY HIGH COMMAND. HIS CONTEMPLATED ACTIONS WERE CRITICIZED BY A WIDE SPECTRUM OF HUMAN RIGHTS AND POLITICAL ORGANIZATIONS. AN ATTACK IN JANUARY BY  
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SUBJECT: 1989 COUNTRY REPORT ON HUMAN RIGHTS (ARGENTINA)

APPROXIMATELY 60 MEMBERS OF THE "MOVEMENT ALL FOR THE FATHERLAND" (MTP) AGAINST THE LA TABLADA MILITARY COMPOUND IN BUENOS AIRES RESULTED IN AN ESTIMATED 38 DEATHS AND 80 INJURIES. TWENTY INDIVIDUALS, SURVIVORS OF THIS ATTACK AND OTHER MTP MEMBERS IMPLICATED IN THE ATTACK, ARE BEING TRIED BEFORE A CIVILIAN COURT UNDER THE DEFENSE OF DEMOCRACY LAW, WHILE A SEPARATE CIVILIAN COURT IS CONDUCTING CRIMINAL INVESTIGATIONS INTO CHARGES THAT SOME ATTACKERS WERE KILLED OR DISAPPEARED AFTER THEY HAD SURRENDERED. IN LATE MAY A SERIES OF ATTACKS AGAINST FOOD STORES AND OTHER BUSINESSES TOOK PLACE IN SEVERAL ARGENTINE CITIES. POLICE EFFORTS TO CONTAIN AND CONTROL THESE RIOTS RESULTED IN 14 DEATHS, 80 INJURIES, AND HUNDREDS TEMPORARILY DETAINED. THE GOVERNMENT DECLARED A NATION-WIDE 30-DAY STATE OF SIEGE, WITH CURFEW AND OTHER RESTRICTIONS APPLIED TO THOSE AREAS WHERE RIOTING HAD OCCURRED. LEGAL CHALLENGES TO THIS STATE OF SIEGE WERE HEARD BY THE COURTS BUT EVENTUALLY REJECTED.

RESPECT FOR HUMAN RIGHTS

- SECTION 1 RESPECT FOR THE INTEGRITY OF THE PERSON,  
- INCLUDING  
- FREEDOM FROM:  
  
- A. POLITICAL AND OTHER EXTRAJUDICIAL KILLING

THERE WERE NO CREDIBLE REPORTS OF POLITICAL KILLINGS CARRIED OUT BY THE GOVERNMENT IN 1989. SURVIVORS OF

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THE JANUARY ATTACK AGAINST THE LA TABLADA MILITARY COMPOUND CHARGED THAT SEVERAL OF THOSE WHO CARRIED OUT THIS ATTACK WERE KILLED BY POLICE AND MILITARY FORCES AFTER THEY HAD SURRENDERED. A CIVILIAN JUDGE WAS ASSIGNED TO INVESTIGATE THESE CHARGES AND THIS INVESTIGATION IS STILL UNDERWAY. HUMAN RIGHTS ORGANIZATIONS, POLITICAL GROUPS, AND THE PRESS CRITICIZED POLICE FOR SEVERAL DEATHS WHICH APPEARED TO INVOLVE EXCESSIVE USE OF FORCE IN DEALING WITH CRIMINAL SUSPECTS. COURTS INVESTIGATING INSTANCES IN WHICH POLICE OFFICERS WERE CHARGED WITH SPECIFIC UNJUSTIFIABLE KILLINGS ORDERED THE ARREST AND SENTENCING TO PRISON OF SEVERAL POLICE OFFICIALS. CRITICS CHARGE THAT POLICE ROUTINELY SHOOT TO KILL.

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POLITICALLY MOTIVATED BOMBINGS CONTINUED BUT ON A MARKEDLY REDUCED SCALE. MOST WERE SMALL EXPLOSIONS LATE AT NIGHT, CAUSING LITTLE DAMAGE OR INJURIES. TARGETS THROUGH THE YEAR INCLUDED NATIONAL POLITICAL PARTIES, MILITARY, CHURCH, PRESS, JUDICIAL OFFICIALS, TRADE UNION LEADERS, POLITICAL FIGURES OF THE EXTREME RIGHT AND LEFT, AND PUBLIC BUILDINGS. THE PERPETRATORS NEVER CLAIMED FORMAL RESPONSIBILITY FOR THESE BOMBINGS.

- B. DISAPPEARANCE

THERE WERE NO KNOWN ABDUCTIONS, SECRET ARRESTS, OR DISAPPEARANCES LINKED TO OR CONDONED BY THE GOVERNMENT DURING 1989. SURVIVORS OF THE LA TABLADA ATTACK CLAIMED THAT 3 OR 4 OF THE ATTACKERS DISAPPEARED OR TURNED UP DEAD AFTER SURRENDERING TO THE POLICE. A CIVILIAN JUDGE IS INVESTIGATING THIS CHARGE. THERE WERE KIDNAPINGS FOR CRIMINAL EXTORTION. EVIDENCE BEFORE THE COURTS SUGGESTS THESE CRIMES WERE FOR ECONOMIC GAIN, WITHOUT POLITICAL MOTIVES.

THE INDEPENDENT JUDICIAL SYSTEM CONTINUED THE PAINFUL PROCESS OF DETERMINING CUSTODY OF CHILDREN WHOSE PARENTS DISAPPEARED DURING MILITARY RULE (1976-1983). THESE CASES PROVOKED INTENSE PUBLIC INTEREST AND PROVIDED A SAD REMINDER OF THE DIFFICULTIES INVOLVED IN RECOVERING FROM A PERIOD OF SEVERE HUMAN RIGHTS VIOLATIONS. IN A RELATED DEVELOPMENT, THE GOVERNMENT OF PARAGUAY RETURNED TO ARGENTINA CHILDREN TENTATIVELY IDENTIFIED AS  
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OFFSPRING OF ARGENTINES WHO DISAPPEARED DURING MILITARY RULE. THESE CASES REMAIN UNDER COURT INVESTIGATIONS. IN ONE INSTANCE A MEDICAL EXAMINATION FAILED TO CONFIRM THE PATERNITY OF TWO CHILDREN.

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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 WHICH ARE SIMILAR TO THOSE FOR HOMICIDE. ARGENTINA HAS RATIFIED THE U.N. CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT. HUMAN RIGHTS GROUPS AND CRITICS ACCUSE POLICE OF MISTREATMENT OF PRISONERS. THEY CHARGED THE POLICE WITH MISUSE OF FORCE AND AT LEAST 18 INSTANCES OF TORTURE LINKED TO EFFORTS BY SECURITY FORCES TO CONTROL THE LOOTING WHICH TOOK PLACE IN LATE MAY. COURTS CONTINUED TO INVESTIGATE THESE ACCUSATIONS. IN ONE INSTANCE A COURT SENTENCED 3 POLICE OFFICERS TO PRISON TERMS AFTER FINDING THEM GUILTY IN A 1986 TORTURE CASE. INVESTIGATIONS OF CLAIMS OF MISTREATMENT ARE HANDLED BY THE UNDERSECRETARIAT OF INTERIOR FOR HUMAN RIGHTS AND THROUGH JUDICIAL REVIEW. SEVERAL FORMAL CLAIMS OF MISTREATMENT WERE FILED IN 1989 BEFORE THE INTERIOR MINISTRY. COURTS HAVE DENOUNCED PRISON CONDITIONS ON SEVERAL GROUNDS, INCLUDING OVERCROWDING, INADEQUATE MEDICAL ATTENTION, POOR FOOD, AND UNACCEPTABLE LIVING CONDITIONS.

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- D. ARBITRARY ARREST, DETENTION, OR EXILE

ARGENTINA HAS A WELL-DEVELOPED LEGAL CODE CONTAINING EXPLICIT 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 8 DAYS DURING INVESTIGATIONS. EVEN IN THE CASE OF MINOR OFFENSES, HOLDING SUSPECTS WITHOUT CHARGES FOR SEVERAL DAYS IS NOT UNCOMMON. INVOLUNTARY EXILE IS NOT PERMITTED OR PRACTICED. WITH REGARD TO FORCED OR COMPULSORY LABOR, SEE SECTION 6.C.

HUMAN RIGHTS ORGANIZATIONS REPORT THAT THERE ARE ONE

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OR TWO POLITICAL PRISONERS INCARCERATED IN ARGENTINA. THE UNDERSECRETARIAT OF INTERIOR FOR HUMAN RIGHTS CONFIRMED THE EXISTENCE OF 1 POLITICAL PRISONER, BUT NOTED THIS CASE IS BEING REVIEWED BY AN APPEALS COURT IN BUENOS AIRES PROVINCE.

THE HUMAN RIGHTS COMMUNITY CONTINUED TO CRITICIZE THE SUPREME COURT'S BROAD INTERPRETATION OF THE "DUE OBEDIENCE" LAW AS IT HAD EARLIER CRITICIZED PASSAGE OF THE LAW ITSELF. COURT PROCEEDINGS AGAINST SEVERAL MILITARY OFFICERS NOT COVERED BY THE "DUE OBEDIENCE" DOCTRINE OR THE "PUNTO FINAL" CONTINUED IN THE FEDERAL APPELLATE COURTS.

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

THERE IS CONSTITUTIONAL PROTECTION AGAINST UNREASONABLE SEARCH AND SEIZURE. NO CASES OF ARBITRARY INTRUSION BY THE STATE INTO THE PRIVATE LIVES OF PERSONS WERE REPORTED IN 1989.

SECTION 2 RESPECT FOR CIVIL LIBERTIES, INCLUDING:

- A. FREEDOM OF SPEECH AND PRESS

UNDER THE NEW MENEM ADMINISTRATION, ARGENTINA HAS CONTINUED TO ENJOY A FREE AND RELATIVELY INDEPENDENT PRESS, WHICH COVERS A WIDE RANGE OF POLITICAL VIEWPOINTS. CRITICISM OF THE GOVERNMENT IS  
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TOLERATED, AND OPPOSITION VIEWPOINTS ARE VIGOROUSLY EXPRESSED. THE STATE OWNS 55 OF 170 AM RADIO STATIONS OUTRIGHT AND OTHER GOVERNMENTAL ENTITIES OWN 11 MORE, WHILE THE FEDERAL BROADCAST AUTHORITY LICENSES AND THUS CONTROLS THE FRANCHISES OF THE REMAINDER. ABOUT 700 "UNLICENSED" FM STATIONS SERVE MOSTLY MUSICAL PROGRAMS WITH VERY SHORT NEWS BROADCASTS. THE FEDERAL GOVERNMENT OWNS THREE OF THE FOUR NATIONALLY SYNDICATED BUENOS AIRES TELEVISION STATIONS, BUT PRESIDENT CARLOS MENEM HAS ANNOUNCED HIS INTENTION TO PRIVATIZE TWO OF THESE STATIONS

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ALONG WITH TWO STATE-HELD RADIO STATIONS. BUENOS AIRES PROVINCIAL GOVERNOR ANTONIO CAFIERO HAS DECLARED HIS INTENTION TO ESTABLISH A PROVINCIAL TELEVISION STATION. IN ADDITION, THE NEW ADMINISTRATION HAS PROPOSED THE ELIMINATION OF REGULATIONS FORBIDDING THE OWNERS OF NEWSPAPERS FROM OWNING TELEVISION CHANNELS. (ARTICLE 45, LAW OF RADIODIFUSION)

THE STATE PLANS TO CONTINUE RUNNING THE OFFICIAL NEWS AGENCY, TELAM, WHICH HAS MORE THAN 300 CLIENTS THROUGHOUT THE COUNTRY, AND WHICH HOLDS THE MONOPOLY ON OFFICIAL ADVERTISING. WITH MORE THAN 40 OF THE ARGENTINE ECONOMY IN THE HANDS OF THE STATE, TELAM WIELDS FORMIDABLE POLITICAL CLOUT TO AUTHORIZE OR REFUSE GOVERNMENT PUBLICITY TO PAPERS BASED ON THEIR PERCEIVED SUPPORT OF THE GOVERNMENT.

DURING THE 1989 ELECTORAL CAMPAIGN, ALL THE CANDIDATES FOR THE PRESIDENCY PROMISED TO RESPECT AND SUPPORT FREEDOM OF THE PRESS. (MOST NOTABLY DURING SPEECHES AT THE MARCH ADEPA MEETING.) NONETHELESS, SEVERAL LEGISLATORS IN THE LOWER HOUSE FORMULATED THREATS AGAINST JOURNALISTS BECAUSE OF AN INVESTIGATIVE REPORT INTO THE ROLE OF DEPUTIES.

THE ASOCIACION OF NEWSPAPER EDITORS OF ARGENTINA (ADEPA) AT BOTH ITS GENERAL ASSEMBLIES IN 1989 DECLARED THAT FREEDOM OF THE PRESS DID EXIST IN ARGENTINA, WITH THE EXCEPTION OF SOME ILLICIT ACTS COMMITTED INDIVIDUALLY BY CERTAIN FUNCTIONARIES, AS WELL AS CERTAIN LOCAL LEGISLATION. THE GROUP ISSUED A DETAILED REPORT OF THE VARIOUS LEGISLATIVE AND JUDICIAL ACTS WHICH HAVE IMPAIRED FREEDOM OF THE PRESS DURING THE REPORTING PERIOD. FOR EXAMPLE, AT BOTH SESSIONS, THE GROUP DENOUNCED THE HOUSE ARREST OF JOURNALIST RAUL L. D'ALTRI, EDITOR OF THE NEWSPAPER LA ARENA, OF SANTA ROSA, LA PAMPA, FOR HAVING REFUSED TO REVEAL A SOURCE OF INFORMATION.

AT ITS SEPTEMBER, 1989, MEETING ADEPA ALSO DEPLORED THE INSISTENCE OF THE LEGISLATURE OF THE PROVINCE OF JUJUY IN APPLYING LAW 4.444 DESPITE THE VETO OF THE EXECUTIVE POWER. THIS LAW MADE REQUESTS FOR INFORMATION SUBJECT TO PAYMENT OF A TAX, IN ADDITION TO THE NORMALLY REQUESTED ADMINISTRATIVE COSTS OF PHOTOCOPYING, ETC. ADEPA REQUESTED THE GOVERNMENT OF JUJUY TO END THE APPLICATION OF THIS LAW, WHICH CONTRAVENES THE THESIS THAT ACTS OF GOVERNMENT SHOULD NOT BE CONDUCTED IN SECRET BUT SHOULD BE IN THE COMMON POSSESSION OF THE CITIZENS.

ADEPA ALSO CONDEMNED THE EXISTENCE OF LAW 7078 IN THE CITY OF PARANA, WHICH IMPOSES A SANITATION OR HYGIENE TAX ON THE PUBLICATION, DISTRIBUTION AND

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SALE OF BOOKS, NEWSPAPERS AND MAGAZINES, AND RESTRICTS THE PRICES OF SCHOOL TEXTBOOKS AND NEWSPAPERS, WHICH SEVERELY HURTS THEIR DISTRIBUTION AND SALE.

THE SEPTEMBER, 1989, ADEPA REPORT ALSO MENTIONED THREE OTHER CASES OF JUDICIAL PROCEEDINGS IMPAIRING FREEDOM OF THE PRESS, INCLUDING THE PROHIBITION OF AN AD ON BEHALF OF FORMER DE FACTO PRESIDENT VIDELA. THE PUBLICITY GENERATED BY THESE CASES INDICATES THAT THE FEW EXCEPTIONS TO OUTRIGHT FREEDOM OF THE PRESS RECEIVE WIDE AND UNFAVORABLE PUBLIC ATTENTION. FAR MORE DANGEROUS IS PRESSURE  
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IMPOSED BY THE ECONOMIC CRISIS.

IN FACT, THE WORST CURRENT MENACE TO FREEDOM OF THE PRESS IN ARGENTINA IS NOT FROM EITHER RELIGIOUS OR POLITICAL PERSECUTION BUT FROM THE DISASTROUS ECONOMIC SITUATION. HYPERINFLATION CAUSED A HUGE INCREASE IN THE PRICE OF SUPPLIES, ESPECIALLY IMPORTED ONES, AND PROVOKED THE CLOSING OF AT LEAST FIVE SMALLER PROVINCIAL NEWSPAPERS. AS OF SEPTEMBER, THE SITUATION HAS IMPROVED, BUT MANY INTERIOR NEWSPAPERS AND EVEN ONE VENERABLE BUENOS AIRES PAPER HAVE HAD TO CUT OFF SUBSCRIPTIONS TO PRIVATE NEWS SERVICES, AND THUS RELY EXCLUSIVELY ON THE GOVERNMENT-OWNED TELAM SERVICE FOR NEWS OF ARGENTINA.

ACADEMIC FREEDOM IS RESPECTED.

- 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 PRESIDENTIAL ELECTIONS IN MAY, ALL MAJOR POLITICAL



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PARTIES HELD MASS RALLIES WITHOUT INTERFERENCE. THE LABOR MOVEMENT, HUMAN RIGHTS ORGANIZATIONS, ETHNIC COMMUNITIES, AND OTHER GROUPINGS HELD FREQUENT DEMONSTRATIONS AND RALLIES WITHOUT INTERFERENCE OR INCIDENT.

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

- 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, AND THE NON-CATHOLIC POPULATION IS GROWING. ARGENTINA'S JEWISH COMMUNITY (AT AN ESTIMATED 300,000, THE LARGEST IN LATIN AMERICA) PRACTICES ITS RELIGION WITHOUT INTERFERENCE. IN JUNE THE EXECUTIVE BRANCH INTRODUCED LEGISLATION WHICH WOULD MAKE THOSE FOUND GUILTY OF MOCKING OR RIDICULING RELIGIOUS CEREMONIES OPEN TO PRISON SENTENCES.

- 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.

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

SINCE SEPTEMBER 1983, ARGENTINA HAS HELD FOUR NATIONAL ELECTIONS TO CHOOSE PRESIDENTS, VICE PRESIDENTS, PROVINCIAL GOVERNORS, ALL NATIONAL DEPUTIES, PROVINCIAL LEGISLATURES, MAYORS, AND MUNICIPAL COUNCILS. THE ELECTIONS WERE FREE, FAIR, AND DEMOCRATIC, WITH UNIVERSAL SUFFRAGE. THE JUSTICIALIST (PERONIST) PARTY CURRENTLY CONTROLS THE EXECUTIVE AND LEGISLATIVE BRANCHS OF GOVERNMENT. POLITICAL PARTIES RANGING FROM LEFT TO RIGHT ARE REPRESENTED IN CONGRESS AS A RESULT OF THE 1987 AND 1989 ELECTIONS. ADDITIONAL PARTIES HOLD OFFICE IN  
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INDIVIDUAL PROVINCES. FROM THE POWERFUL RADICALS TO MINISCULE PROVINCIAL MOVEMENTS, ARGENTINA'S OPPOSITION PARTIES OPERATE WITHOUT HINDRANCE.

WOMEN AND MINORITIES HAVE FULL POLITICAL RIGHTS. WOMEN PARTICIPATE ACTIVELY IN ARGENTINE POLITICS. THERE WERE SCORES OF WOMEN CANDIDATES IN THE FOUR NATIONAL ELECTIONS SINCE 1983. THIRTEEN WOMEN SIT IN THE 254 MEMBER NATIONAL CHAMBER OF DEPUTIES AND 3 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 OTHER INTERNATIONAL HUMAN RIGHTS ORGANIZATIONS ENJOY UNRESTRICTED ACCESS IN ARGENTINA. ELEVEN DOMESTIC HUMAN RIGHTS ORGANIZATIONS CONTINUED TO OPERATE OPENLY IN 1989, 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 VOICE TO THE OPPOSITION, BUT PROCEEDED WITH CONSIDERATION OF A PARDON PROPOSED BY PRESIDENT MENEM.

IN SEPTEMBER, AN ARGENTINE FEDERAL APPEALS COURT ORDERED THE EXTRADITION OF SUSPECTED NAZI WAS CRIMINAL JOSEF FRANZ LEO SCHWAMMBERGER TO GERMANY. SCHWAMMBERGER IS EXPECTED TO BE EXTRADITED TO GERMANY IN EARLY 1990.

**ARGENTINA** PLAYS AN ACTIVE ROLE IN BOTH THE UNITED NATIONS HUMAN RIGHTS COMMISSION (UNHRC), WHERE IT CHAIRS AN IMPORTANT SUBCOMMITTEE OF EXPERTS, AND THE OAS INTER-AMERICAN HUMAN RIGHTS COMMISSION (IAHRC). THE GOVERNMENT HAS FACILITATED EFFORTS BY DOMESTIC HUMAN RIGHTS ORGANIZATIONS TO ADDRESS BOTH OF THESE INTERNATIONAL BODIES IN OPPOSITION TO THE GOVERNMENT'S JUDICIAL POLICIES TOWARDS THE

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MILITARY. 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). ARGENTINA HAS ACCEPTED COMPULSORY JURISDICTION BY THE INTER-AMERICAN COURT OF HUMAN RIGHTS.

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. VIOLENCE AGAINST WOMEN, SUCH AS WIFE BEATING, IS NOT TOLERATED BY THE GOVERNMENT AND LEGAL ACTIONS ARE TAKEN AGAINST THOSE WHO VIOLATE THE LAW. 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 BIAS ROOTED IN CULTURAL, ECONOMIC, POLITICAL, RELIGIOUS, AND SOCIAL STRUCTURES. WOMEN ARE UNDER-REPRESENTED, FOR EXAMPLE, IN SENIOR GOVERNMENT POSITIONS, POLICE, AND THE BUSINESS COMMUNITY. THEY ARE ALSO UNDER-REPRESENTED IN THE ARMED FORCES, WHERE NO WOMEN ARE PRESENT IN THE OFFICERS CORPS. WORKING WOMEN, WHO REPORTEDLY MAKE UP 37 PERCENT OF THE ACTIVE WORKFORCE, GENERALLY HAVE JOBS THAT PAY LESS THAN COMPARATIVE JOBS HELD BY MEN. ARGENTINA ADHERES TO THE U.N. CONVENTION FOR THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN.

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TAGS: PHUM, AR

SUBJECT: 1989 COUNTRY REPORT ON HUMAN RIGHTS (ARGENTINA)

THERE IS A HISTORY OF ANTI-SEMITISM IN ARGENTINE SOCIETY PRODUCING OCCASIONAL ANTI-SEMITIC INCIDENTS. IN THE COURSE OF 1989, THE DELEGATION OF ARGENTINE JEWISH ASSOCIATIONS (DAIA), ARGENTINA'S UMBRELLA JEWISH ORGANIZATION, CONDEMNED ANONYMOUS THREATS AND THREATENING PUBLIC STATEMENTS BY WELL

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KNOWN PUBLIC FIGURES (NONE OF THEM GOVERNMENT OFFICIALS). FOR EXAMPLE, AN INSTRUCTOR AT THE LA PLATA POLICE SCHOOL WAS DISMISSED FOR DISTRIBUTING ANTI-SEMITIC PAPERS TO STUDENTS. SENIOR GOVERNMENT AND POLITICAL OFFICIALS HAVE CONDEMNED SUCH ACTS. SYSTEMATIC EXCLUSION OF JEWISH ARGENTINES FROM IMPORTANT INSTITUTIONS SUCH AS THE ARMED FORCES.

SECTION 6 WORKER RIGHTS

A. THE RIGHT OF ASSOCIATION

THERE IS FREE RIGHT OF LABOR ASSOCIATION IN ARGENTINA. THE ARGENTINE LABOR MOVEMENT IS A MAJOR "FFNDENT ECONOMIC AND POLITICAL FORCE. ABOUT TRADE UNIONS ARE INDEPENDENT FROM THE GOVERNMENT. THE VAST MAJORITY OF UNION LEADERS ARE ALLIED TO THE RULING JUSTICIALIST PARTY AND ARE ACTIVE IN THE PERONIST MOVEMENT, BUT RETAIN THEIR FREEDOM OF DECISION-MAKING OUTSIDE OF PARTY CONTROL. CONGRESS PASSED LEGISLATION IN 1987 AND 1988 WHICH REINSTITUTED LAWS GOVERNING LABOR RELATIONS AND OTHER TRADE UNION RIGHTS WHICH PREVIOUS MILITARY GOVERNMENTS HAD SUSPENDED. THE RIGHT OF ASSOCIATION WAS ENHANCED BY THESE LAWS. TRADE UNIONS ENJOY FREE RIGHT OF ASSOCIATION WITH INTERNATIONAL ORGANIZATIONS, AND MANY ARGENTINE UNIONS ARE AFFILIATED WITH, AND ACTIVE IN INTERNATIONAL TRADE UNION GROUPS. THE GENERAL CONFEDERATION OF LABOR (CGT), ARGENTINA'S NATIONAL LABOR FEDERATION, PARTICIPATES ACTIVELY IN THE INTERNATIONAL LABOR ORGANIZATION IN GENEVA.

UNIONS HAVE THE RIGHT TO STRIKE, SUBJECT TO COMPULSORY CONCILIATION AND ARBITRATION BY THE LABOR MINISTRY. WORKERS HAVE THE RIGHT TO RECEIVE THEIR SALARIES WHILE ON STRIKE UNTIL THE LABOR MINISTRY ORDERS COMPULSORY CONCILIATION. STRIKES BY TEACHERS, STATE-OWNED ENTERPRISE EMPLOYEES, AND CIVIL SERVANTS DOMINATED THE STRIKE SCENE IN 1989.

- B. THE RIGHT TO ORGANIZE AND BARGAIN  
- COLLECTIVELY

LABOR AND MANAGEMENT HAVE A BINDING COLLECTIVE BARGAINING PROCESS WHICH SETS WAGE LEVELS ON AN INDUSTRY-WIDE BASIS. STATE INVOLVEMENT IN THIS PROCESS IS LIMITED TO RATIFYING THE AGREEMENTS, WHICH PROVIDES THEM WITH LEGAL STATUS. THE GOVERNMENT CONTINUES TO OFFER WAGE GUIDELINES UNDER ITS ECONOMIC EMERGENCY ADJUSTMENT PROGRAM, AND DIRECTLY SETS WAGES IN STATE-OWNED ENTERPRISES. ANTI-UNION DISCRIMINATION IS PROHIBITED BY LAW AND

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WELL-DEVELOPED MECHANISMS ARE IN PLACE, AND FUNCTIONING, TO RESOLVE COMPLAINTS. ARGENTINE LABOR LAW IS UNIFORMLY APPLIED THROUGHOUT THE COUNTRY. SOME PROVINCES PROVIDE RIGHTS AND OBLIGATIONS ADDITIONAL TO THOSE IN FEDERAL LEGISLATION. THERE ARE NO OFFICIALLY DESIGNATED EXPORT PROCESSING ZONES IN ARGENTINA. ARGENTINA'S LARGEST LABOR ORGANIZATION, THE CGT, AND ITS INDIVIDUAL UNIONS ENGAGE IN CONSULTATIONS WITH THE GOVERNMENT AND EMPLOYERS ON ISSUES AFFECTING LABOR AND THE ECONOMY.

- C. PROHIBITION OF FORCED OR COMPULSORY LABOR

FORCED OR COMPULSORY LABOR IS ILLEGAL IN ARGENTINA AND IS NOT PRACTICED.

- D. MINIMUM AGE FOR EMPLOYMENT OF CHILDREN

THE LAW PROHIBITS THE EMPLOYMENT OF CHILDREN UNDER 14 YEARS OF AGE, EXCEPT IN THE FAMILY. MINORS OF AGES 14 AND 15 MAY WORK IN RESTRICTED TYPES OF  
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EMPLOYMENT, BUT NOT MORE THAN 6 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. ENFORCEMENT OF THIS LAW IS REPORTEDLY HAMPERED BY ECONOMIC FACTORS, BUT VIOLATIONS ARE TRIED BEFORE THE APPROPRIATE COURTS.

- E. ACCEPTABLE CONDITIONS OF WORK

ARGENTINA OFFERS COMPREHENSIVE PROTECTION OF WORKERS' RIGHTS. THE MAXIMUM WORKDAY IS 8 HOURS; THE 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 WESTERN INDUSTRIAL NATIONS AND ARE RESPECTED IN PRACTICE.

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THE OFFICIAL MINIMUM WAGE IN ARGENTINA IS CURRENTLY SET AT ABOUT 30 DOLLARS PER MONTH (20,000 AUSTRALS). GOVERNMENT AND TRADE UNION OFFICIALS AGREE THIS IS NOT A DECENT WAGE, BUT DIFFER ON HOW SOON IT SHOULD BE CHANGED. WHILE IT WAS SUBJECT TO MONTHLY REVISION DURING THE FIRST SIX MONTHS OF 1989, IT HAS REMAINED STEADY SINCE JULY AS THE GOVERNMENT ATTEMPTED TO BRING INFLATION UNDER CONTROL. GOVERNMENT OFFICIALS ARGUE THAT FEW WORKERS ARE PAID AT THE MINIMUM WAGE LEVEL, AND THAT WAGES HAVE IMPROVED UNDER THE COLLECTIVE BARGAINING PROCESS, WITHOUT THE NECESSITY OF BOOSTING THE MINIMUM WAGE LEVEL. UNION LEADERS ACCEPT THE NEED FOR RESTRAINT ON WAGES BUT PUSH FOR AN INCREASE IN THE MINIMUM WAGE, TO PROVIDE PROTECTION, AND A WAGE FLOOR, TO LOWER PAID WORKERS.

TODMAN

ADMIN  
END OF MESSAGE

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