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SUBJECT: COUNTRY REPORT ON HUMAN RIGHTS PRACTICES
- FOR 1993: ARGENTINA

1. LOU - NOFORN - ENTIRE TEXT.
1993 HUMAN RIGHT REPORT - ARGENTINA

2. ARGENTINA IS A FEDERAL, CONSTITUTIONAL DEMOCRACY OF APPROXIMATELY 33 MILLION INHABITANTS. THE PRESIDENT IS ELECTED THROUGH AN ELECTORAL COLLEGE FOR A SINGLE 6-YEAR TERM. THE CONSTITUTION PROVIDES FOR A BICAMERAL LEGISLATURE, AND AN INDEPENDENT JUDICIARY. THE EXECUTIVE TRADITIONALLY IS THE DOMINANT BRANCH AT THE FEDERAL LEVEL. SINCE THE END OF MILITARY RULE IN 1983 THERE HAVE BEEN TWO NATIONAL PRESIDENTIAL ELECTIONS AS WELL AS NUMEROUS MID-TERM ELECTIONS FOR

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CONGRESS AND PROVINCIAL GOVERNMENTS, THE MOST RECENT IN OCTOBER 1993. THE CURRENT PRESIDENT, CARLOS SAUL MENEM, OF THE JUSTICIALIST (PERONIST) PARTY, IS NOT NOW ELIGIBLE FOR REELECTION IN 1995. HOWEVER, EFFORTS ARE BEING MADE TO AMEND THE CONSTITUTION TO, AMONG OTHER CHANGES, ALLOW FOR A SECOND CONSECUTIVE TERM. IN 1993 INCREASED ATTENTION WAS FOCUSED ON THE QUESTION OF JURIDICAL SECURITY AND THE SAFETY AND INTEGRITY OF JUDGES.

3. THE PRESIDENT IS THE CONSTITUTIONAL COMMANDER-IN-CHIEF. A CIVILIAN DEFENSE MINISTER OVERSEES THE ARMED FORCES, WHICH CONTINUE TO UNDERGO RESTRUCTURING, REASSIGNMENT OF TASKS, AND REDUCTION IN SIZE. AN IMPORTANT NEW AREA OF ACTIVITY FOR THE ARGENTINE ARMED FORCES IS INVOLVEMENT IN UN PEACE KEEPING EFFORTS IN CROATIA, CYPRUS, AND ELSEWHERE. THERE WERE NO INCIDENTS OF MILITARY INSUBORDINATION AGAINST CIVILIAN, CONSTITUTIONAL AUTHORITY IN 1993. THE FEDERAL POLICE REPORT TO THE INTERIOR MINISTER, THE BORDER POLICE AND THE COAST GUARD TO THE DEFENSE MINISTER, AND THE PROVINCIAL POLICE TO PROVINCIAL GOVERNMENTS. THERE WERE FEWER REPORTED ABUSES OF POLICE AUTHORITY IN 1993 THAN IN PREVIOUS YEARS.

4. ARGENTINA HAS A MIXED AGRICULTURAL, INDUSTRIAL AND SERVICE ECONOMY THAT CONTINUES TO UNDERGO SIGNIFICANT CHANGES. UNDER THE ECONOMIC REFORM PROGRAM LAUNCHED BY PRESIDENT MENEM, ARGENTINA'S ECONOMY IS GROWING RAPIDLY AND SHIFTING FROM ONE THAT IS CENTRALLY CONTROLLED TO ONE WHICH IS MORE RESPONSIVE TO MARKET FORCES. THE PROGRAM'S SUCCESS IN BRINGING THE LEVEL OF INFLATION DOWN DRAMATICALLY IS BASED ON A SHARP INCREASE IN REVENUE COLLECTION; FIXING THE EXCHANGE RATE AT PARITY WITH THE DOLLAR; THE PRIVATIZATION OF VIRTUALLY ALL MAJOR STATE ENTERPRISES; THE ELIMINATION OF MODQA COMPLEX NETWORK OF OFTEN CONTRADICTORY REGULATIONS; AND THE OPENING OF THE ECONOMY TO VIGOROUS COMPETITION FROM IMPORTS. THESE CHANGES HAVE FORCED THE BUSINESS COMMUNITY TO INCREASE PRODUCTIVITY IN ORDER TO STAY COMPETITIVE, OFTEN THROUGH SIGNIFICANT INVESTMENT IN LABOR SAVING TECHNOLOGY. AS A RESULT, UNEMPLOYMENT ROSE TO ALMOST 10 PERCENT IN MAY, ALTHOUGH THE NUMBER OF JOBS ALSO INCREASED. THE SUCCESS OF THE ECONOMIC REFORM PROGRAM AND THE HIGH COST OF LIVING HAVE ENCOURAGED MANY MORE TO SEEK WORK, SO THAT THE GROWTH IN THE LABOR FORCE HAS MOMENTARILY OUTSTRIPPED THE ECONOMY'S CAPACITY TO CREATE JOBS TO ABSORB THEM.

5. THE ARGENTINE CONSTITUTION PROVIDES A WIDE RANGE OF FREEDOMS AND GUARANTEES. THE GOVERNMENT IS ACTIVELY WORKING TO IMPROVE HUMAN RIGHTS PRACTICES, TRANSFORM INSTITUTIONS, AND CHANGE MENTALITIES. NEVERTHELESS, INSTITUTIONAL WEAKNESSES, POLITICAL PARTISANSHIP, AND THE LEGACY OF AUTHORITARIAN RULE SOMETIMES RESULT IN A FAILURE TO PROTECT INDIVIDUAL

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RIGHTS AND TO SANCTION THOSE WHO VIOLATE THEM. THIS WAS PARTICULARLY TRUE IN THE CASE OF THREATS AND AGGRESSION AGAINST THE MEDIA IN 1993, AND IN AN ATTEMPT TO MONITOR IDEOLOGICAL ACTIVITIES OF STUDENTS AND OTHERS. LOCAL HUMAN RIGHTS ORGANIZATIONS, INCLUDING THE INTERIOR MINISTRY'S HUMAN RIGHTS SECRETARIAT, CONTINUE TO MONITOR CLOSELY THE SITUATION, AND THE NUMBER OF REPORTED HUMAN RIGHTS ABUSES CONTINUES TO DECLINE. BUT NEW PROBLEMS -- SUCH AS THE GOVERNMENT'S FAILURE TO COMPLY WITH A LAW THAT CALLS FOR INDEMNIZATION OF THOSE WHO SUFFERED TORTURE OR DETENTION DURING MILITARY RULE -- OVERSHADOW ARGENTINA'S HUMAN RIGHTS RECORD. REPORTED INCIDENTS OF ANTI-SEMITISM HAVE DECLINED WHILE FREEDOM OF RELIGION HAS RECEIVED INCREASED ATTENTION AS A RESULT OF LEGAL CHARGES BEING BROUGHT AGAINST MEMBERS OF THE US-ORIGINATED SECT CALLED "CHILDREN OF GOD."

RESPECT FOR HUMAN RIGHTS

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

A. POLITICAL AND EXTRAJUDICIAL KILLING.-- THERE WERE NO CREDIBLE REPORTS OF POLITICALLY MOTIVATED KILLINGS CARRIED OUT BY GOVERNMENT FORCES IN 1993.

THE 1991 MURDER OF RADICAL PARTY POLITICIAN REGINO MADERS STILL HAS NOT BEEN RESOLVED. IN FEBRUARY AN EX-POLICE SERGEANT NAMED CARLOS GUIDONE WAS ARRESTED ON SUSPICION OF INVOLVEMENT IN THE CASE. ALTHOUGH THE EVIDENCE IS STILL INCONCLUSIVE, REPORTS PERSIST THAT MADERS WAS KILLED BECAUSE OF HIS ON-GOING INVESTIGATION INTO ALLEGED CORRUPTION IN THE PRIVATIZATION OF THE PROVINCIAL ELECTRIC UTILITY COMPANY. IN MARCH AN ALLEGED WITNESS IN THE CASE WAS FIRED UPON IN HIS CAR BY UNKNOWN INDIVIDUALS AND THREE OTHER CARS WERE FIREBOMBED IN INCIDENTS THAT THE LOCAL PRESS RELATED TO THE MADERS CASE. IN APRIL THE FEDERAL JUDGE INVESTIGATING THE CASE, GUILLERMO JOHNSON, ACCUSED CORDOBA GOVERNOR ANGELOZ OF INTERFERING IN HIS INVESTIGATION. THE GOVERNOR DENIED THE ACCUSATION. A PROVINCIAL RADICAL DEPUTY OPPOSED TO ANGELOZ WAS STRIPPED OF HIS IMMUNITY BY THE RADICAL-DOMINATED PROVINCIAL LEGISLATURE AND CALLED TO TESTIFY ON CHARGES THAT HE HAD INTERFERED IN THE INVESTIGATION. HE WAS SUBSEQUENTLY EXONERATED. IN A RELATED DEVELOPMENT, IN JUNE THE PRESIDENT OF THE ELECTRIC UTILITY AND TWO OTHER COMPANY OFFICIALS WERE ORDERED ARRESTED BY JUDGE JOHNSON ON FRAUD CHARGES. AT THE SAME TIME THE EX-POLICE SERGEANT ARRESTED IN FEBRUARY WAS SENTENCED TO 43 MONTHS IN PRISON FOR FALSIFYING PUBLIC DOCUMENTS AND POSSESSION OF DRUGS. THERE HAVE BEEN NO NEW DEVELOPMENTS ON THE CASE AFTER THIS ARREST.

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B. DISAPPEARANCES. -- IN CONTRAST TO 1992, THE MEDIA AND LOCAL HUMAN RIGHTS ORGANIZATIONS HAVE PROVIDED NO INFORMATION ON THE DEATHS OF PERSONS UNDER SUSPICIOUS CIRCUMSTANCES WHILE IN POLICE CUSTODY IN 1993. NOR WAS THERE ADDITIONAL PUBLIC INFORMATION ON THE DEVELOPMENT OF INVESTIGATIONS INTO THOSE CASES REPORTED LAST YEAR, WITH THE EXCEPTION OF THAT OF THE 1992 DISAPPEARANCE OF PABLO CRISTIAN GUARDATI, IN MENDOZA. THE GUARDATI CASE STILL HAS NOT BEEN RESOLVED, DESPITE A COMPLEX SERIES OF DEVELOPMENTS IN THE CASE.

IN OCTOBER 1992 THE INTERIOR MINISTER ASSIGNED A SPECIAL INVESTIGATIVE UNIT OF THE FEDERAL POLICE TO THE CASE, THE MENDOZA CHIEF OF POLICE RESIGNED, TEN OFFICERS OF THE INVESTIGATIVE BUREAU WERE REASSIGNED, AND THE FOUR POLICE OFFICERS MOST DIRECTLY INVOLVED WITH HIS INITIAL DETENTION WERE DETAINED FOR QUESTIONING IN LATE OCTOBER. SHORTLY THEREAFTER, TWO OTHER POLICE WERE FIRED AND CHARGED WITH TRYING TO BUY FALSE TESTIMONY ON BEHALF OF THE ORIGINAL FOUR DETAINEES.

IN MID-DECEMBER SIX UNIDENTIFIED BODIES WERE EXHUMED FROM THE MENDOZA CEMETERY FOR CREMATION. DESPITE THE ADVANCED STATE OF DETERIORATION OF THE CORPSES, GUARDATI'S MOTHER TOLD THE INVESTIGATING JUDGE THAT SHE BELIEVED ONE OF THEM TO BE THAT OF HER SON. THE REMAINS WERE SENT TO BUENOS AIRES FOR GENETIC TESTING WHICH REVEALED IN LATE JANUARY 1993 LITTLE OR NO GENETIC RELATIONSHIP WITH THE MOTHER. NEVERTHELESS, IN EARLY FEBRUARY THE FOUR DETAINED POLICE WERE CHARGED WITH HOMICIDE AND CONCEALMENT, BUT THEY WERE RELEASED IN MID-APRIL FOR LACK OF EVIDENCE.

THE CASE THEN TOOK ANOTHER TURN IN MID-JUNE, WHEN FURTHER STUDY OF THE GENETIC MATERIAL OF THE UNIDENTIFIED CORPSE REVEALED A HIGH CORRELATION WITH TISSUE SAMPLES TAKEN FROM GUARDATI'S BIOLOGICAL FATHER. THE JUDGE IN CHARGE OF THE INVESTIGATION ANNOUNCED THAT THE REMAINS HAD BEEN CONCLUSIVELY IDENTIFIED AS BEING THOSE OF GUARDATI. SHE DENOUNCED POLICE CONSPIRACY IN THE CASE, AND REVEALED THAT SHE AND HER SON HAD RECEIVED ANONYMOUS THREATENING PHONE CALLS. THE FOUR POLICE OFFICERS' DEFENSE ATTORNEY CALLED FOR A MISTRIAL AND THE JUDGE WAS REMOVED FROM THE CASE.

FURTHER TO THE IDENTIFICATION AND RESTITUTION OF CHILDREN WHOSE BIOLOGICAL PARENTS DISAPPEARED DURING THE 1976-83 MILITARY DICTATORSHIP AND WHO WERE -- EITHER INNOCENTLY OR FRAUDULENTLY -- ADOPTED BY OTHERS, IN NOVEMBER 1992 A NATIONAL COMMISSION ON THE RIGHT TO IDENTITY WAS CREATED IN THE INTERIOR MINISTRY, LARGELY AS A RESULT OF PRESSURE FROM THE "GRANDMOTHERS OF THE PLAZA DE MAYO" GROUP.

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NEVERTHELESS, ACCORDING TO THE "GRANDMOTHERS," THERE ARE STILL SOME 500 CHILDREN WHOSE TRUE IDENTITY HAS NOT BEEN ESTABLISHED OR RESTORED. IN THE CASE OF THE REGGIARDO-TOLOSA TWINS, FRAUDULENTLY ADOPTED BY POLICE OFFICER SAMUEL MIARA AND HIS WIFE AFTER THEIR BIOLOGICAL PARENTS WERE MURDERED, A FEDERAL COURT HAS NULLIFIED THE ADOPTION; CHARGED MIARA WITH FA/SIFICATION OF OFFICIAL DOCUMENTS; CANCELLED THEIR FRAUDULENT BIRTH CERTIFICATES AND OTHER DOCUMENTS; AND IN MAY ORDERED THAT THEIR TRUE SURNAME BE RESTORED. THE TWINS REMAIN BY THEIR OWN VOLITION, HOWEVER, IN THE CUSTODY OF MIARA'S WIFE, DESPITE THE INSISTENT DEMANDS OF THE "GRANDMOTHERS" AND THEIR BIOLOGICAL RELATIVES, THAT THEY BE TAKEN AWAY FROM HER OR, AT MINIMUM, BE PLACED IN A FOSTER HOME. FINAL CUSTODY HAS NOT BEEN RESOLVED FOR THE 17-YEAR OLD TWINS.

THE DISAPPEARANCE OF A 32-YEAR OLD ECUADOREAN NUN NAMED PIEDAD CORDERO IN LATE OCTOBER 1992 NEAR JUNIN, BUENOS AIRES PROVINCE, HAS NOT BEEN RESOLVED. THE BODY OF A TRAVELING SALESMAN NAMED LUIS MARIA KELLY, WHO HAD DISAPPEARED IN JANUARY 1993, WAS FOUND NEAR THE CITY OF VENADO TUERTO, BUENOS AIRES PROVINCE, THREE WEEKS LATER. THE CAUSE OF HIS DEATH WAS UNCLEAR. THE DISAPPEARANCE, IN MAR DEL PLATA IN AUGUST, OF JOURNALISM STUDENT MIGUEL BRU WHO HAD FILED A COMPLAINT AGAINST THE POLICE FOR AN ILLEGAL SEARCH BY THEM, HAS NOT BEEN RESOLVED. HIS FAMILY ASKED FOR AN INVESTIGATION, ALLEGING POLICE INVOLVEMENT, AND A JUDICIAL INQUIRY HAS COMMENCED.

C. TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT.-- THE CONSTITUTION PROHIBITS TORTURE AND THE CRIMINAL CODE PROVIDES PENALTIES FOR TORTURE WHICH ARE SIMILAR TO THOSE FOR HOMICIDE, 8 TO 15 YEARS IN PRISON. THE LEVEL OF REPORTED INCIDENTS OF POLICE BRUTALITY, PARTICULARLY DIRECTED AGAINST YOUNG MEN, HAS DECLINED SOMEWHAT OVER 1992. AT THE SAME TIME, DISCIPLINARY AND LEGAL ACTION AGAINST POLICE OFFICERS ACCUSED OF BEATING AND KILLING YOUTHS CONTINUE. IN MID-JULY THE SECRETARY FOR SECURITY OF BUENOS AIRES PROVINCE ANNOUNCED BROAD NEW MEASURES TO CONTROL THE POLICE AND IMPROVE THEIR IMAGE. ACCORDING TO A SURVEY TAKEN THE PREVIOUS MONTH, ONLY 34 PERCENT OF THE INHABITANTS OF THE PROVINCE HAD A POSITIVE IMAGE OF THE POLICE. AT THE TIME OF THE JULY ANNOUNCEMENT, THE PRESS SPECULATED THAT 1,200 POLICE OFFICERS WOULD BE EXPELLED DUE TO ACCUSATIONS OF A VARIETY OF CRIMES. AT LEAST 1,000 PROVINCIAL POLICE HAVE BEEN SEPARATED FROM THE FORCE. IN ROSARIO, SANTA FE PROVINCE, TWO POLICE OFFICERS WERE SUSPENDED FROM THE FORCE DURING THE INVESTIGATION OF CHARGES THAT THEY HAD TRIED TO EXTORT MONEY FROM TWO YOUTHS AGED 19 AND 15, AND FAILING IN THEIR OBJECTIVE, BEAT THEM AND SHOT AT THEM. IN ADDITION, AN INTERNAL POLICE

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INVESTIGATION OF THE TWO OFFICERS' ACTIONS WAS PURSUED. IN CORDOBA, AN INTERNAL INVESTIGATION OF THE DEATH IN 1989 OF A TAXI DRIVER REVEALED IN FEBRUARY THAT TWO POLICE OFFICERS WHO HAD TRIED TO EXTORT MONEY FROM THE DRIVER HAD KILLED HIM. THE TWO WERE ARRESTED AND REMANDED TO A CIVILIAN COURT PENDING TRIAL. AT VILLA CARLOS PAZ, NEAR CORDOBA, TWO POLICE WERE ARRESTED IN MARCH FOR TORTURING A SUSPECT DURING INTERROGATION AND A THIRD OFFICER WAS SUSPENDED FOR COVERING UP THE CRIME.

DESPITE THESE POSITIVE DEVELOPMENTS, AN OFF-DUTY POLICEMAN WORKING AS A SECURITY GUARD AT A DISCOTHEQUE KILLED A 14-YEAR OLD BOY IN HAEDO, BUENOS AIRES PROVINCE. IN NEAR-BY QUILMES, TWO BOLIVIAN BOYS WERE SHOT AND KILLED BY A POLICEMAN AS THEY EXITED A CHURCH. ALTHOUGH IT IS UNCLEAR WHY THE POLICE IN THESE CASES ACTED AS THEY DID, LEGAL ACTION WAS INITIATED AGAINST ALL THREE. THE EFFICACY OF LEGAL ACTIONS OF THIS NATURE VARIES WIDELY, HOWEVER, DEPENDING ON THE COURT WITHIN WHOSE JURISDICTION THE CASE FALLS, THE ATTITUDE OF LOCAL AUTHORITIES, AND THE EFFICACY OF POLICE INTERNAL REVIEW MECHANISMS.

PRISON CONDITIONS VARY WIDELY IN ARGENTINA, BUT ON THE WHOLE THEY ARE ACCEPTABLE. MANY OF THE FACILITIES ARE OLD, AND SOME ARE DILAPIDATED AND CROWDED, BUT THE U.S. CITIZEN PRISONERS IN THESE FACILITIES HAVE NO SERIOUS COMPLAINTS ABOUT TREATMENT OR FOOD, OTHER THAN THE LACK OF FRESH FRUIT AND VEGETABLES IN SOME FACILITIES. CONJUGAL VISITS ARE PERMITTED IN SOME FACILITIES, DEPENDING ON THE INFRASTRUCTURE AVAILABLE. ABUSE OF PRISONERS BY GUARDS IS PUNISHED IN AT LEAST SOME CASES. IN SANTA FE, IN APRIL, 12 GUARDS WERE SUSPENDED AND TRIED FOR ABUSING FOUR PRISONERS. THE WELL-KNOWN MARCH OF AN ITALIAN CITIZEN ACCUSED OF MURDERING A PRISON GUARD LED TO SUBSEQUENT CHARGES, BY THE INVESTIGATIVE JUDGE, THAT THE PRISONER HAD BEEN SEVERELY BEATEN IN THE HOLDING CELL OF THE COURT, AND THAT HIS DEATH WAS RELATED DIRECTLY TO THE INJURIES HE SUSTAINED.

D. ARBITRARY ARREST, DETENTION, OR EXILE. -- ALTHOUGH ARGENTINA'S PENAL CODE CONTAINS EXPLICIT PROTECTIONS OF INDIVIDUAL RIGHTS AND PLACES LIMITS ON THE ARREST AND INVESTIGATORY POWERS OF THE POLICE AND JUDICIARY, THE CASES CITED ABOVE SUGGEST THAT THERE STILL ARE PROBLEMS INVOLVED IN ENFORCING THESE LAWS. THE JUSTICE MINISTRY HAS ATTEMPTED TO EDUCATE THE PUBLIC ABOUT THE LEGAL RIGHTS OF DETAINEES. THE INTERIOR MINISTRY HAS CONDUCTED COURSES FOR PUBLIC OFFICIALS DESIGNED TO HEIGHTEN AWARENESS ABOUT HUMAN RIGHTS ISSUES. THE GOVERNMENT HAS CREATED AN OMBUDSMAN TO OVERSEE THE OBSERVANCE OF INDIVIDUAL

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RIGHTS IN THE PRISON SYSTEM. THE JUSTICE MINISTRY HAS PROPOSED LEGISLATION THAT WOULD SET A MAXIMUM OF TWO YEARS OF PRE-TRIAL DETENTION PRIOR TO CONVICTION, BRINGING ARGENTINE PRACTICE INTO LINE WITH THE SAN JOSE PACT ON HUMAN RIGHTS. MONETARY COMPENSATION FOR THOSE WHO WERE ILLEGALLY DETAINED AND HELD BY THE EXECUTIVE OR THE ARMED FORCES DURING THE MILITARY DICTATORSHIP (1976-83) WAS APPROVED BY LAW IN DECEMBER, 1991. THE INTERIOR MINISTRY IS CHARGED WITH REVIEWING THE 8,300 CASES OF THOSE WHO HAVE SUBMITTED REQUESTS FOR INDEMNITY PAYMENTS. THUS FAR SOME 4,000 HAVE BEEN APPROVED. THE SUPREME COURT WILL BE RESPONSIBLE FOR SETTling A DISPUTE OVER THE AMOUNTS, AND THE ECONOMY MINISTRY WILL PROVIDE THE FUNDS PAYABLE IN GOVERNMENT BONDS. THE PROCESS HAS BEEN LONG AND DRAWN OUT, GIVING RISE TO MANY COMPLAINTS FROM THOSE PEOPLE WHO BELIEVE THEMSELVES ENTITLED TO COMPENSATION.

E. DENIAL OF A FAIR PUBLIC TRIAL. -- THERE IS A GROWING AWARENESS OF THE NEED TO DEDICATE MORE RESOURCES TO IMPROVING THE EFFICIENCY OF ARGENTINA'S JUDICIAL SYSTEM, WHICH THOUGH INDEPENDENT AND IMPARTIAL IN THEORY, IS SLOW AND CUMBERSOME IN PRACTICE. UNSUBSTANTIATED ALLEGATIONS OF UNDUE INFLUENCE ON THE COURTS, INCLUDING PRESSURE FROM THE EXECUTIVE BRANCH, CONTINUE. GROWING PUBLIC AWARENESS OF THE SHORTCOMINGS OF THE SYSTEM HAS HAD AN IMPACT ON OFFICIAL ACTIONS. THE FIRST ORAL TRIBUNAL IN THE FEDERAL CAPITAL FREED A YOUNG MAN ACCUSED OF ROBBERY IN JUNE BECAUSE HE HAD NOT BEEN NOTIFIED BY THE PROSECUTOR OF HIS RIGHT TO REFUSE TO TESTIFY AGAINST HIMSELF. IN ONE NOTORIOUS CASE OF A PRISONER WHO WAS DETAINED FOR SEVEN YEARS WITHOUT EVER HAVING BEEN CONVICTED OF A CRIME, THE DETAINEE WAS RELEASED IN JULY. THE RIGHT TO BAIL IS PROVIDED BY LAW AND RECOGNIZED IN PRACTICE. THE CONSTITUTION AND PENAL CODE CALL FOR TRIALS BEFORE PANELS OF JUDGES USING WRITTEN PRESENTATIONS, AND FOR APPELLATE REVIEW OF ALL JUDICIAL RULINGS. THE SYSTEM OF ORAL PUBLIC TRIALS IN PENAL CASES, INSTITUTED IN SEPTEMBER 1992, IS NOW FUNCTIONING ON A PARTIAL BASIS. THE INITIAL RESULTS APPEAR TO JUSTIFY OPTIMISM THAT, ONCE FULLY IMPLEMENTED AND FUNDED, ORAL TRIALS WILL ACCELERATE SIGNIFICANTLY THAT ASPECT OF THE JUDICIAL PROCESS.

THE INDEPENDENCE AND PHYSICAL SAFETY OF JUDGES WAS ALSO AFFECTED BY THREATS AND ATTACKS ON THEIR PERSONS. A FEDERAL JUDGE IN LA PLATA WHO HAD BEEN INVESTIGATING THE INVOLVEMENT OF MILITARY PERSONNEL IN A BAND OF HIGHWAYMEN WAS THREATENED AND HIS DAUGHTER WAS ALMOST KIDNAPPED. UNKNOWN PERSONS ALSO SENT THE JUDGE A SERIES OF PHOTOGRAPHS SHOWING HIS MOTHER, HIS DAUGHTER AND HIS HOUSE. THE HOUSE OF A JUDGE IN LOMAS DE ZAMORA (BUENOS AIRES PROVINCE) WAS FIRED UPON MY

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UNKNOWN INDIVIDUALS IN JULY, AND PROVINCIAL AUTHORITIES ACKNOWLEDGED THAT VIRTUALLY ALL OF THE FEDERAL JUDGES WORKING IN THE PROVINCE HAVE RECEIVED THREATS AT ONE TIME OR ANOTHER. TWO FEMALE JUDGES, ONE IN PARANA (ENTRE RIOS PROVINCE) AND ONE IN ROSARIO, HAVE RECEIVED THREATS RELATED TO TRIALS OF CORRUPT POLICE OFFICERS AND NARCOTRAFFICKERS. THE GOVERNMENT'S RESPONSE TO THESE THREATS HAS BEEN TO OFFER POLICE PROTECTION WHILE INVESTIGATING THE INCIDENTS.

F. ARBITRARY INTERFERENCE WITH PRIVACY, FAMILY, HOME, OR CORRESPONDENCE. -- IN ACCORDANCE WITH THE CONSTITUTION, THE GOVERNMENT DOES NOT NORMALLY INTRUDE INTO THE LIVES OF PRIVATE CITIZENS. WITH THE PRIVATIZATION AND UPGRADING OF ARGENTINA'S TELEPHONE SERVICE, DENUNCIATIONS OF TELEPHONE TAPPING HAVE DIMINISHED. HOWEVER, REPORTS CONTINUE OF ILLEGAL MONITORING BY GOVERNMENT AGENCIES AND PRIVATE ENTITIES. IN ADDITION, THE GOVERNMENT RESERVES THE RIGHT TO MONITOR TELEPHONES IN SPECIAL CASES. BY VIRTUE OF A PRESIDENTIAL DECREE OF OCTOBER 1992, THE STATE INTELLIGENCE SECRETARIAT (SIDE) HAS BEEN CHARGED WITH SUPERVISION OF JUDICIALLY-ORDERED PHONE TAPS, REPLACING AN OFFICE THAT EXISTED IN THE FORMERLY STATE-OWNED PHONE COMPANY. A FEDERAL JUDGE HAS QUESTIONED THE DECISION TO PLACE THIS AUTHORITY WITHIN THE ORBIT OF THE NATIONAL EXECUTIVE.

7. SECTION 2. RESPECT FOR CIVIL LIBERTIES, INCLUDING

A. FREEDOM OF SPEECH AND PRESS. -- IN ITS SEPTEMBER 1992 PRESENTATION TO THE INTER-AMERICAN PRESS SOCIETY MEETING IN MADRID, ARGENTINA'S NATIONAL EDITORS AND PUBLISHERS ASSOCIATION (ADEPA) CHARACTERIZED THAT YEAR AS THE WORST YEAR FOR FREEDOM OF EXPRESSION SINCE THE RETURN OF DEMOCRACY IN 1983. 1993 WAS PROBABLY WORSE.

SOME PROBLEMS CAN BE RELATED TO THE PERSISTENCE OF AN AUTHORITARIAN MENTALITY IN SOME INSTITUTIONS AND INDIVIDUALS. FOR EXAMPLE, THE ENTIRE EDITION OF A SAN JUAN NEWSPAPER THAT CRITICIZED THE FORMER PERONIST GOVERNOR WAS STOLEN BY UNKNOWN ASSAILANTS. IN CATAMARCA A PROVINCIAL LEGISLATOR PETITIONED UNSUCCESSFULLY FOR THE ASSEMBLY TO ORDER THE ARREST OF A JOURNALIST WHO HAD OPENLY CRITICIZED HIM. THE HIERARCHY OF THE CATHOLIC CHURCH CONDEMNED AN INSTRUCTIONAL VIDEOCASSETTE ON AIDS PREPARED BY TWO FEDERAL ENTITIES AND ASKED THE GOVERNMENT TO BAN A TV SOAP OPERA DEPICTING THE LIFE OF A NUN IN UNFLATTERING TERMS. THE GOVERNMENT REFUSED THE CHURCH'S REQUEST.

ON THE OTHER HAND: A NATIONAL DEPUTY HAS INTRODUCED A BILL MAKING CENSORSHIP OF THE PRESS A

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CRIMINAL OFFENSE; A LAW WAS PASSED MAKING VIDEO RECORDINGS ADMISSIBLE IN A COURT OF LAW AS EVIDENCE; AND PRESIDENT MENEM ORDERED THE STATE TV STATION TO RESTORE A POLITICAL COMMENTARY PROGRAM, "LA TAPA," WHICH HAD BEEN CANCELLED BY STATION MANAGERS AFTER IT REVEALED UNFLATTERING ASPECTS OF THE GOVERNMENT'S PURCHASE OF A NEW PRESIDENTIAL AIRCRAFT. IN A SIMILAR VEIN, A FEDERAL COURT ABSOLVED THE PRODUCERS OF SATIRIC TV PROGRAM "PEOR ES NADA" OF LIBEL CHARGES BROUGHT BY A MILITARY OFFICER WHO ALLEGED THAT HE HAD BEEN DEFAMED BY A COMEDY PROGRAM ABOUT ARGENTINE PARTICIPATION IN THE PERSIAN GULF WAR. IN MARCH, IN A SUIT BROUGHT BY THE GOVERNMENT RELATED TO AN INVESTIGATION INTO THE ADULTERATION OF WINE, A FEDERAL JUDGE RULED THAT IT IS NOT UNLAWFUL FOR JOURNALISTS TO INTERVIEW A FUGITIVE FROM JUSTICE, AND THAT THE JOURNALIST WHO REFUSES TO REVEAL HIS SOURCES IS NOT GUILTY OF CONCEALMENT. FINALLY, IN MAY THE SENATE APPROVED THE LAW REPEALING A STATUTE (DESACATO) PENALIZING OFFENSES AGAINST THE DIGNITY OF A PUBLIC OFFICIAL.

THE MOST SERIOUS PROBLEM IN THE AREA OF FREEDOM OF EXPRESSION IN 1993 WAS THE HEIGHTENED LEVEL OF THREATS AND OVERT AGGRESSION AGAINST REPORTERS, RADIO AND TV STATIONS, MEDIA PERSONALITIES, UNION LEADERS, AND OPPOSITION POLITICIANS.

THE NUMBER OF REPORTED TELEPHONE THREATS INCREASED DURING THE JUNE-OCTOBER PRE-ELECTORAL TIME FRAME. FOR EXAMPLE: JOURNALISTS WORKING FOR THE NEWSMAGAZINE "SOMOS;" FOR BUENOS AIRES DAILY "LA NACION;" FOR A TV STATION IN QUILMES; FOR THE NEWSPAPER "LA MANANA" IN FORMOSA PROVINCE; FOR RADIO CONTINENTAL AND THE TV STATION "TELEFE" IN BUENOS AIRES; FOR "EL CRONISTA" IN BUENOS AIRES; AND DAILY "LA CAPITAL" IN ROSARIO, SANTA FE PROVINCE, ALL RECEIVED TELEPHONE THREATS. THE MOTHER OF A RADIO LA PLATA REPORTER WAS VERBALLY ASSAULTED BY AN UNIDENTIFIED MAN WHO SAID "T HER SON WOULD DIE IF HE XAGDN(XQ(SZN'UQHE "GRANDMOTHERS OF THE PLAZA DE MAYO" HUMAN RIGHTS GROUP; A LOCAL REPRESENTATIVE OF GREENPEACE; SEVERAL TALK-SHOW HOST/; TQQPRESIDENT MENEM HIMSELF, HAVE RECEIVED THREATENING MESSAGES. AUTHORITIES IN OCTOBER ARRESTED A PERSON, REPORTEDLY MENTALLY UNBALANCED WITH NO KNOWN POLITICAL AFFILIATION, WHO HAD MADE NUMEROUS THREATENING PHONE CALLS TO JOURNALISTS, POLITICIANS, AND OTHERS, OVER A PERIOD OF TIME.

A MOLOTOV COCKTAIL WAS THROWN AT AN FM STATION IN BUENOS AIRES, AND A SIMILAR TRANSMITTER IN SANTIAGO DEL ESTERO PROVINCE WAS DELIBERATELY BURNED. A FEMALE JOURNALIST IN SALTA WAS ARRESTED IN APRIL AND A TAPE THAT SHE HAD MADE DURING AN INTERVIEW WITH A PUBLIC

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OFFICIAL WAS CONFISCATED BY POLICE. A PRINT MEDIA JOURNALIST'S CAR WAS FIREBOMBED IN BUENOS AIRES IN MAY, AND A REPORTER FOR "CLARIN" HAD HIS CAMERA SNATCHED FROM HIM AND SMASHED BY AN UNIDENTIFIED PERSON IN JUNE.

IN THE SAME TIME PERIOD TWO JOURNALISTS HAVE BEEN ATTACKED PHYSICALLY, ONE ON TWO OCCASIONS. MARCELO BONELLI, A REPORTER FOR "CLARIN" AND RADIO MITRE WHO WAS INVESTIGATING THE ACTIVITIES OF GOVERNMENT DRUG "CZAR" ALBERTO LESTELLE WAS ASSAULTED BY TWO MEN ON HIS WAY TO THE RADIO STATION. THEN-DEPUTY INTERIOR MINISTER GERARDO CONTE GRAND ADMITTED THAT THE ATTACK WAS PROBABLY PART OF AN "INTIMIDATION CAMPAIGN," WHILE PRESIDENT MENEM CONDEMNED THE ATTACK, DENIED ANY OFFICIAL INVOLVEMENT, AND ATTRIBUTED THE INCIDENT TO THOSE WHO WANT TO MAKE THE GOVERNMENT LOOK BAD. THE PRESS GAVE PROMINENCE TO A STATEMENT BY THE AMBASSADOR CONDEMNING THE ATTACK ON BONELLI. TO DATE HIS ATTACKERS HAVE NOT BEEN IDENTIFIED.

THE SECOND CASE INVOLVED JOURNALIST HERNAN LOPEZ ECHAGUE OF BUENOS AIRES DAILY "PAGINA 12." LOPEZ ECHAGUE WAS INVESTIGATING REPORTS THAT A GANG OF THUGS OPERATING OUT OF BUENOS AIRES' CENTRAL MARKET WAS BEING USED TO MOBILIZE SUPPORT FOR PERONSISTS AND TO INTIMIDATE OPPONENTS. SOME REPORTS TRIED TO LINK CHAMBER OF DEPUTIES PRESIDENT ALBERTO PIERRI AND MENEM'S FORMER AMBASSADOR IN HONDURAS, ALBERTO BRITO LIMA, WITH THE CENTRAL MARKET GROUP. BOTH HAVE STRONGLY DENIED THE ACCUSATIONS. OTHER OBSERVERS SAW THE ATTACKS AS AN EFFORT TO DISCREDIT THE GOVERNMENT AND CREATE AN ATMOSPHERE OF INSTABILITY IN THE RUN-UP TO CONGRESSIONAL ELECTIONS IN OCTOBER.

LOPEZ ECHAGUE WAS FIRST ATTACKED BY TWO MEN AUGUST 25. ON AUGUST 30 INTERIOR MINISTER CARLOS RUCKAUF ANNOUNCED THAT TWO MEN HAD BEEN ARRESTED ON SUSPICION OF CARRYING OUT THE ATTACK. THEY WERE RELEASED TWO DAYS LATER, HOWEVER, AFTER LOPEZ ECHAGUE WAS UNABLE TO GIVE A POSITIVE IDENTIFICATION. IN STATEMENTS TO THE PRESS THEY DENOUNCED THE POLICE FOR HAVING PLANTED INCRIMINATING EVIDENCE ON THEM AT THE TIME OF THEIR ARREST. IN THE WAKE OF THE FIRST ATTACK ON LOPEZ ECHAGUE, TWO RADIO STATIONS THAT REPORTED

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EXTENSIVELY ON THE INCIDENT WERE SABOTAGED AND THE EDITORIAL CHIEF FOR "LA CAPITAL" IN ROSARIO, ALBERTO VILA ORTIZ, WAS THREATENED BY AN ANONYMOUS CALLER.

LOPEZ ECHAGUE WAS ATTACKED A SECOND TIME ON SEPTEMBER 9 IN A BUENOS AIRES SUBURB. TWO MEN FORCED HIM INTO A CAR WHERE, WITH THE HELP OF A THIRD, THEY BLUDGEONED HIM UNCONSCIOUS. HE WAS THEN DRIVEN

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SEVERAL BLOCKS AND DUMPED. PRESIDENT MENEM AND GOVERNMENT OFFICIALS STRONGLY CONDEMNED BOTH ATTACKS AND ATTRIBUTED THEM TO UNSPECIFIED ENEMIES OF THE GOVERNMENT ATTEMPTING TO UNDERMINE ITS SUPPORT PRIOR TO THE OCTOBER ELECTIONS. THE AMBASSADOR PUBLICLY CRITICIZED THE ATTACK. THE GOVERNMENT ALSO OFFERED POLICE PROTECTION TO THE JOURNALIST, WHO ACCEPTED IT ONLY AT HIS RESIDENCE.

AN ALLEGED WITNESS APPEARED SEVERAL DAYS LATER, ON A TV PROGRAM, AND PROVIDED THE LICENSE PLATE NUMBER OF THE VEHICLE. A SEARCH OF PROVINCIAL RECORDS REVEALED THAT A SIMILAR AUTOMOBILE WAS REGISTERED TO THE BUENOS AIRES PROVINCIAL GOVERNMENT. OFFICIAL RECORDS, HOWEVER, INDICATED THAT THE GOVERNMENT VEHICLE HAD NOT BEEN USED THE NIGHT OF THE ATTACK. A/SO, IT IS NOT UNCOMMON TO FIND FA/SE LICENSE PLATES ON VEHICLES HERE. THE CREDIBILITY OF THE WITNESS HAS BEEN QUESTIONED, INCLUDING BY GOVERNOR DUHALDE, WHO OFFERED A \$40,000 REWARD FOR INFORMATION LEADING TO THE ARREST OF THE ASSAILANTS. MENEM APPOINTED A SPECIAL PROSECUTOR TO INVESTIGATE THE CASE AND A NEW INTERVENTOR OF THE CENTRAL MARKET, BUT AS OF EARLY OCTOBER THE IDENTITY OF LOPEZ ECHAGUE'S ASSAILANTS WAS UNKNOWN.

IN THE WAKE OF THE SECOND ATTACK ON LOPEZ ECHAGUE, A REPORTER FOR AN FM STATION IN CORDOBA WAS ATTACKED BY TWO UNIDENTIFIED MEN, AND NEW PHONE THREATS WERE REGISTERED AGAINST A TV TALK SHOW HOSTESS, PRESIDENT MENEM, A REPORTER FOR A NEWSPAPER IN MENDOZA, AND A JOURNALIST WORKING FOR WEEKLY NEWSMAGAZINE "SOMOS."

IN JUNE, A GOVERNMENT INITIATIVE WAS WIDELY CONDEMNED AS AN EFFORT TO MUZZLE THE INDEPENDENT PRESS. AN OFFICIAL COMMUNIQUE JUNE 18 ANNOUNCED THE GOVERNMENT'S INTENTION TO SEEK A NEW RADIO BROADCASTING LAW; TO LICENSE NEW TV STATIONS; TO ENFORCE LEGAL PROVISIONS REGARDING RADIO AND TV TRANSMITTING; TO ENSURE EQUAL ACCESS TO NEWSPRINT; AND TO ENFORCE ANTI-MONOPOLY LAWS. THE COMMUNIQUE STATES, AS THE GOVERNMENT'S OBJECTIVE, TO PREVENT THE KIND OF MONOPOLY OVER INFORMATION THAT CHARACTERIZED ARGENTINA BEFORE THE RETURN TO DEMOCRACY IN 1983.

THE MEDIA REACTION WAS IMMEDIATE AND NEGATIVE. ADEPA AND THE INTER-AMERICAN PRESS SOCIETY EXPRESSED CONCERN. THE DAY AFTER THE COMMUNIQUE APPEARED, TWO OF MENEM'S MINISTERS DENIED THAT THE GOVERNMENT WAS SEEKING TO CONTROL THE MEDIA. ON JUNE 21 THE PRESIDENT RATIFIED HIS PLANS TO SEND LEGISLATION TO CONGRESS THAT WOULD IMPOSE LIMITATIONS ON RADIO BROADCASTING. AS OF EARLY OCTOBER, HOWEVER, THE BILL HAS NOT BEEN SENT TO CONGRESS.

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CLOSE ON THE HEELS OF THE CONTROVERSY OVER MEDIA CONTROL, AN APPARENT EFFORT ON THE PART OF SOME ELEMENTS IN THE GOVERNMENT TO MONITOR POLITICAL CORRECTNESS AMONG STUDENTS AND TEACHERS CAME TO LIGHT. IN LATE JUNE, ACCORDING TO PRESS SOURCES, THE QUILMES (GREATER BUENOS AIRES) REGIONAL HEADQUARTERS OF THE PROVINCIAL POLICE SENT ORDERS TO LOCAL POLICE STATIONS IN SEVERAL WORKING-CLASS SUBURBS ADJACENT TO THE FEDERAL CAPITAL, INSTRUCTING THEM TO COORDINATE WITH PUBLIC HIGH SCHOOLS TO GATHER INFORMATION ON STUDENT POLITICAL ACTIVITIES AND IDEOLOGIES. THE PRESS AND MEDIA DENOUNCED THE MEASURE AS REPRESSIVE, WHILE SOME ARGUED THAT THE ORDERS HAD BEEN MISINTERPRETED BY SUBORDINATES. ACTING QUICKLY, GOVERNOR EDUARDO DUHALDE SUSPENDED SEVERAL QUILMES OFFICERS AND DENOUNCED THE ATTEMPT TO GATHER INFORMATION ON STUDENTS AS HARKING BACK TO "AN OBSCURE AND PAINFUL ERA." A FEDERAL JUDGE CHARGED WITH INVESTIGATING THE QUILMES INITIATIVE TOLD THE PRESS THAT HE WAS OF THE OPINION THAT IT WAS A POLITICAL, RATHER THAN A POLICE, INITIATIVE, AND THAT THE QUILMES AUTHORITIES WERE ONLY OBEYING ORDERS. EVIDENCE OF SIMILAR ISOLATED ATTEMPTS TO GATHER INFORMATION ON STUDENT ACTIVITIES SUBSEQUENTLY SURFACED IN SEVERAL OTHER LOCALES OF BUENOS AIRES PROVINCE, AND IN THE PROVINCES OF NEUQUEN, CORRIENTES, MISIONES, CORDOBA AND TUCUMAN.

IN RESPONSE, THEN-INTERIOR MINISTER GUSTAVO BELIZ ANNOUNCED IN LATE JUNE THAT HE WOULD SEND A BILL TO CONGRESS TO ALLOW THE OPENING OF SECURITY ARCHIVES AND DISMISSED THE MATTER AS A "BUREAUCRATIC MISTAKE." HE LATER TESTIFIED IN A JUDICIAL INQUIRY INTO THE MATTER THAT THE ORDER TO UPDATE INTELLIGENCE FILES HAD BEEN ISSUED UNDER HIS PREDECESSOR.

B. FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION.
-- THE CONSTITUTION AND LAWS OF ARGENTINA GUARANTEE THE RIGHT OF GROUPS AND POLITICAL PARTIES TO ASSEMBLE AND DEMONSTRATE. RETIREES EXERCISE THIS RIGHT EVERY WEDNESDAY IN DEMONSTRATIONS IN FRONT OF CONGRESS TO PROTEST THE GOVERNMENT'S FAILURE TO MAKE UP BACK PAYMENTS ON PENSIONS. PUBLIC SCHOOL TEACHERS, STUDENTS, GAY RIGHTS GROUPS, FARMERS, POLITICAL ACTIVISTS, AND OTHER ORGANIZATIONS ALSO HAVE EXERCISED THIS RIGHT, GENERALLY WITHOUT INTERFERENCE. NEVERTHELESS, LOCAL AUTHORITIES SOMETIMES INTERPRET THESE CONSTITUTIONAL PROTECTIONS MORE RESTRICTIVELY, AS IN THE CASE OF 25 GOVERNMENT WORKERS UNION MEMBERS WHO WERE DETAINED BRIEFLY IN JUJUY PROVINCE IN SEPTEMBER FOR DEMONSTRATING IN DEMAND OF BETTER WAGES.

C. FREEDOM OF RELIGION. -- THE CONSTITUTION PROVIDES FOR THE FREE EXERCISE OF RELIGION BUT GIVES

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THE ROMAN CATHOLIC CHURCH A PRIVILEGED POSITION IN SOCIETY. ONLY A ROMAN CATHOLIC MAY BE ELECTED PRESIDENT AND MANY INSTITUTIONS ARE, IN PRACTICE, CLOSED TO JEWS. MISSIONARIES ARE FREE TO PROSELYTIZE IN ARGENTINA, PROVIDED THEY REGISTER WITH THE SECRETARIAT OF WORSHIP IN THE FOREIGN MINISTRY. THE NUMBER OF PROTESTANT AND EVANGELICAL GROUPS HAS RISEN. THE U.S.-BASED SECT KNOWN AS CHILDREN OF GOD ALLEGED RELIGIOUS PERSECUTION FOLLOWING THE ARREST IN SEPTEMBER OF SEVERAL MEMBERS ON CHILD ABUSE AND CHILD CUSTODY CHARGES MADE AGAINST THE GROUP BY SEVERAL EX-MEMBERS, INCLUDING UNITED STATES CITIZENS. THE PROSECUTION OF SECT MEMBERS IS SIMILAR TO ACTIONS TAKEN AGAINST THEIR COUNTERPARTS IN FRANCE, SPAIN, AND AUSTRALIA. THE CHARGES WERE BASED ON A LENGTHY INVESTIGATION. OTHER RELIGIOUS GROUPS CONTINUE TO

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ENJOY BROAD FREEDOM.

THERE WERE FEWER INCIDENTS OF OVERT ANTI-SEMITISM IN 1993 THAN IN PREVIOUS YEARS. A JEWISH CEMETERY IN FORMOSA PROVINCE WAS DESECRATED IN LATE IN 199/, AND IN SEPTEMBER 1993 THE LARGE CEMETERY AT LA TABLADA, BUENOS AIRES PROVINCE WAS VANDALIZED. SIMILARLY, IN APRIL 1993 A ROMAN CATHOLIC CHURCH IN THE AFFLUENT BUENOS SUBURB OF MARTINEZ WAS VANDALIZED. IMAGES AND FURNISHINGS WERE DESTROYED AND AN ANIMAL WAS SACRIFICED IN FRONT OF THE MAIN ALTAR. THE GOVERNMENT'S DECISION IN 1992 TO MAKE OLD FILES PURPORTEDLY DEALING WITH THE IMMIGRATION OF AN ESTIMATED 60,000 FORMER **NAZIS** TO **ARGENTINA** AFTER WORLD WAR II MADE THE NEWS AGAIN IN 1993, WHEN THE LOCAL JEWISH COMMUNITY AND OTHERS CRITICIZED THE GOVERNMENT'S FAILURE TO FOLLOW THROUGH WITH MEANINGFUL ACCESS TO RECORDS, INCLUDING CENTRAL BANK ARCHIVES THAT MAY CONTAIN EVIDENCE OF LARGE CURRENCY TRANSFERS TO ARGENTINE IN THE IMMEDIATE POST-WW II ERA.

D. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL, EMIGRATION, AND REPATRIATION. -- DOCUMENTED INTERNATIONAL TRAVEL, INTERNAL TRAVEL, AND EMIGRATION REMAIN UNRESTRICTED. THE GOVERNMENT IS WORKING ON A PROGRAM TO ALLOW THE REPATRIATION OF A SMALL NUMBER OF ARGENTINE-BORN ETHNIC UKRANIANS AND OTHERS FROM THE EX-SOVIET UNION. IN APRIL 11 UKRANIAN CHILDREN ARRIVED IN ARGENTINA FOR MEDICAL TREATMENT, THE FIRST TRANCHE OF THIS PROPOSED REPATRIATION PROGRAM. THE GOVERNMENT TRIES TO CONTROL ILLEGAL IMMIGRATION. IN EARLY 1993 AN AVERAGE OF 50 UNDOCUMENTED BOLIVIAN PEASANTS WERE EXPELLED MONTHLY FROM NORTHERN ARGENTINA ALLEGEDLY BECAUSE OF THE THREAT OF CHOLERA INFECTION, ACCORDING TO PRESS SOURCES.

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REFLECTING GROWING UNEASINESS OVER UNEMPLOYMENT AND THE INFLUX OF LEGAL AND ILLEGAL IMMIGRANTS, IN AUGUST THE GOVERNMENT ANNOUNCED THE CREATION OF A NATIONAL COUNCIL ON POPULATION TO COORDINATE IMMIGRATION POLICY AT THE FEDERAL LEVEL. THE GOVERNMENT IS ALSO CONSIDERING THE POSSIBILITY OF INTRODUCING CHANGES IN ARGENTINA'S IMMIGRATION LEGISLATION THAT WOULD MAKE IT ILLEGAL FOR EMPLOYERS TO HIRE ILLEGAL IMMIGRANTS. IN SEPTEMBER TWO PERONIST

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LABOR UNION-AFFILIATED DEPUTIES INTRODUCED A BILL THAT WOULD RESTRICT ACCESS TO JOBS TO NATIVE-BORN AND NATURALIZED ARGENTINES.

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

FOR OVER A DECADE ARGENTINA HAS HELD PERIODIC, FREE ELECTIONS TO CHOOSE FEDERAL, PROVINCIAL AND LOCAL OFFICIALS. UNIVERSAL, ADULT SUFFRAGE IS OBLIGATOR/ IN NATIONAL ELECTIONS. FOR THE OCTOBER 1993 ELECTIONS TO CHOOSE ONE HALF OF THE CHAMBER OF DEPUTIES THE 1991 LAW MANDATING THAT 30 PERCENT OF THE CANDIDATES ON PARTY LISTS BE WOMEN WAS IN FORCE. IN LATE SEPTEMBER THE SUPREME COURT RULED THAT A WOMAN CANDIDATE FOR THE CHAMBER OF DEPUTIES FOR ENTRE RIOS PROVINCE SHOULD BE RANKED HIGH ENOUGH ON THE PERONIST PARTY LIST OF CANDIDATES TO GIVE HER REASONABLE ASSURANCE, BASED ON THE NUMBER OF DEPUTIES THAT THE PARTY RETURNED IN THE 1991 ELECTIONS, THAT SHE WOULD BE ELECTED.

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

THERE HAVE BEEN NO REQUESTS BY INTERNATIONAL OR NONGOVERNMENTAL ORGANIZATIONS TO INVESTIGATE, IN SITU, HUMAN RIGHTS ABUSES IN ARGENTINA THIS YEAR. THE GOVERNMENT'S ATTITUDE IN THIS REGARD, HOWEVER, IS ONE OF OPENNESS AND COOPERATION. THE HUMAN RIGHTS SECRETARIAT IN THE INTERIOR MINISTRY HAS INVITED THE UN HUMAN RIGHTS RAPPORTEUR TO VISIT ARGENTINA TO STUDY THE INSTANCES OF VIOLENCE AND THREATS AGAINST THE MEDIA, AND HAS OFFERED TO HOST THE ANNUAL MEETING OF THE OAS HUMAN RIGHTS COMMISSION, SCHEDULED FOR DECEMBER.

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

THE LAW PROHIBITS DISCRIMINATION ON THE ABOVE CRITERIA. THE CONSTITUTION AND CIVIL CODE PROVIDE FOR

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FULL PARTICIPATION IN THE NATIONAL POLITICAL PROCESS, REGARDLESS OF SEX, ETHNIC BACKGROUND, OR NATIONAL ORIGIN. THERE IS NO EVIDENCE OF A SYSTEMATIC EFFORT TO ABRIDGE THESE RIGHTS BY THE FEDERAL OR LOCAL GOVERNMENTS, OR BY PRIVATE GROUPS OR INDIVIDUALS. THE IMPLEMENTATION OF THE LAW RESERVING 30 PERCENT OF THE PLACES ON ALL NATIONAL ELECTORAL BALLOTS FOR WOMEN IS DEALT WITH IN SECTION 3 ABOVE.

ARGENTINA'S INDIGENOUS POPULATION, ESTIMATED AT 100,000, IS CONCENTRATED AT THE NORTHERN AND SOUTHERN EXTREMITIES OF THE COUNTRY. THE PROVINCE WITH THE HIGHEST CONCENTRATION OF INDIGENOUS PEOPLES, CHACO -- IN THE NORTH -- HAS A POPULATION OF ABOUT 30,000 NATIVE PEOPLES DIVIDED INTO THREE NATIONS. LIKE MOST OF ARGENTINA'S INDIGENOUS PEOPLES, THEIR INDICES OF UNDERNOURISHMENT, ILLITERACY, TUBERCULOSIS AND OTHER DISEASES, AND UNEMPLOYMENT ARE HIGHER THAN NATIONAL AVERAGES. IN 1987 THE ARGENTINE CONGRESS PASSED A LAW DESIGNED TO RETURN INDIAN LANDS. IN 1990 PRESIDENT MENEM IMPLEMENTED A 1924 LAW GRANTING SOME 150,000 HECTARES OF LAND TO ONE OF THE CHACO NATIONS AND BUDGETED THE EQUIVALENT OF 150,000 DOLLARS TO UNDERTAKE A SURVEY AND DELIMITATION OF INDIVIDUAL PLOTS. BUREAUCRATIC AND POLITICAL PROBLEMS HAVE THUS FAR PREVENTED IMPLEMENTATION OF THIS MEASURE.

DISABLED PERSONS' RIGHTS ARE PROTECTED BY LAW, AND SOME PROVISIONS HAVE BEEN MADE (I.E. CURB RAMPS IN SOME URBAN AREAS) TO ACCOMODATE PERSONS WITH PHYSICAL DISABILITIES. THE MEDIA GENERALL/ HIGHLIGHT INSTANCES IN WHICH THE RIGHTS OF THE DISABLED APPEAR TO BE VIOLATED OR IGNORED, SUCH AS IN THE CASE OF A 19-YEAR OLD WOMAN IN BUENOS AIRES WITH DOWNS S/NDROME WHO WAS BANNED FROM VOTING IN THE OCTOBER ELECTIONS. SUCH REPORTS ARE INFREQUENT.

11. SECTION 6. WORKER RIGHTS

A. THE RIGHT OF ASSOCIATION. -- THE LABOR MOVEMENT IS ORGANIZED IN A LARGE, NATIONAL LABOR CENTRAL, THE GENERAL LABOR CONFEDERATION (CGT), AND REPRESENTS ABOUT ONE-THIRD OF THE WORK FORCE. EACH PROVINCE HAS A LOCAL CGT, AND SOME LARGE NATIONAL UNIONS (COMMERCIAL WORKERS, AUTOMOBILE WORKERS, METALLURGICAL WORKERS, LIGHT AND POWER WORKERS, ETC.) ARE SIGNIFICANT ECONOMIC AND POLITICAL POWERS. SOME FACTIONS OF THE CGT HAVE BEEN QUITE HOSTILE TO THE MENEM GOVERNMENT'S PROPOSED REFORM OF LAWS GOVERNING LABOR, SOCIAL SECURITY, AND SOCIAL WELFARE BECAUSE THEY WERE PERCEIVED AS A THREAT TO THE TRADITIONAL ECONOMIC AND POLITICAL POWER OF PERONIST LABOR. IN RESPONSE, AND WITH AN EYE TO THE OCTOBER ELECTIONS,

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THE GOVERNMENT HAS SOFT-PEDALLED THESE INITIATIVES, THUS HELPING TO SOLIDIFY MENEM'S SUPPORT AMONG TRADITIONALLY PERONIST ORGANIZED LABOR. UNIONS HAVE THE RIGHT TO STRIKE, SUBJECT TO COMPULSORY CONCILIATION AND ARBITRATION BY THE LABOR MINISTRY. SEVERAL UNIONS, ESPECIALLY EDUCATION WORKERS, EXERCISED THAT RIGHT IN 1993 WITHOUT GOVERNMENT INTERFERENCE. ARGENTINE UNIONS ARE FREE TO ASSOCIATE INTERNATIONALLY, AND SOME LEADERS PLAY AN ACTIVE ROLE IN REGIONAL AND INTERNATIONAL LABOR ORGANIZATIONS.

B. THE RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY. -- THESE RIGHTS ARE EFFECTIVELY PROTECTED BY FEDERAL LAW THROUGHOUT THE COUNTRY. COMPLIMENTARY PROVINCIAL LABOR LAWS OFTEN GO BEYOND THESE RIGHTS, AND ANTI-LABOR PRACTICES ARE PROHIBITED. LABOR AND MANAGEMENT ARE LEGALLY BOUND BY COLLECTIVE BARGAINING AGREEMENTS WHICH, IN THEORY, SET BASIC WAGE LEVELS AND WORKING CONDITIONS ON AN INDUSTRY-WIDE BASIS. IN PRACTICE, PARTICULARLY IN THE LAST FIVE YEARS, THESE AGREEMENTS HAVE TENDED TO BE LESS GLOBAL IN THEIR SCOPE, WITH THE CURRENT TREND IN BOTH PRACTICE AND THEORY MOVING TOWARD COMPANY- AND IN SOME CASES REGION-SPECIFIC AGREEMENTS. THE FEDERAL GOVERNMENT'S ROLE IN THIS PROCESS IS LIMITED TO RATIFYING THESE CONTRACTS TO GIVE THEM LEGAL STATUS.

WITH REGARD TO THE GOVERNMENT REFORM INITIATIVES MENTIONED IN 6A., THE FEBRUARY 1992 PROPOSAL TO CENTRALIZE GOVERNMENT CONTROL OVER PA/ROLL DEDUCTIONS FOR UNION-MANAGED SOCIAL WELFARE FUNDS AND TO ALLOW UNION MEMBERS FREE CHOICE IN SELECTING HEALTH CARE PROGRAMS HAS NOT BEEN IMPLEMENTED, PRIMARILY BECAUSE OF FIERCE UNION OPPOSITION TO THE IDEA. SOCIAL SECURIT/ REFORM, INCLUDING THE AUTHORIZATION FOR PRIVATE RETIREMENT FUNDS, WAS PASSED BY CONGRESS IN SEPTEMBER. THE GOVERNMENT ALSO INTRODUCED IN 1993 A BILL TO REFORM ARGENTINA'S COMPLEX AND RESTRICTIVE LABOR LAWS, TO GIVE EMPLOYERS MORE FLEXIBILITY IN HIRING AND FIRING WORKERS AS A MEANS OF INDUCING THEM TO CREATE NEW JOBS.

THERE ARE NO OFFICIALLY DESIGNATED EXPORT PROCESSING ZONES IN ARGENTINA.

C. PROHIBITION OF FORCED OR COMPULSORY LABOR. -- FORCED OR COMPULSORY LABOR IS ILLEGAL AND IS NOT KNOWN TO BE PRACTICED.

D. MINIMUM AGE FOR THE EMPLOYMENT OF CHILDREN. -- EMPLOYMENT OF CHILDREN UNDER 14 YEARS OF AGE, EXCEPT WITHIN THE FAMILY, IS ILLEGAL. MINORS AGED 14 TO 18

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MAY WORK IN RESTRICTED TYPES OF EMPLOYMENT WITH REGARD TO HOURS AND SAFETY/HEALTH CONDITIONS, ALTHOUGH EXCEPTIONS ARE ALLOWED IN CASE OF EXTREME NECESSITY. ALTHOUGH THERE IS NO CORROBORATING DATA, THE RECENT INCREASE IN THE LEVEL OF UNEMPLOYMENT HAS ENCOURAGED SOME FAMILIES TO SEND THEIR CHILDREN OUT TO SEEK WORK, OFTEN RESULTING IN THE ILLEGAL EMPLOYMENT OF MINORS. FEDERAL AND PROVINCIAL LABOR AUTHORITIES ARE NOT WELL-EQUIPPED TO COPE WITH THIS SITUATION DUE TO BUDGETARY AND PERSONNEL LIMITATIONS.

E. ACCEPTABLE CONDITIONS OF WORK. -- FEDERAL LABOR LAWS CONTAIN ELABORATE, ALBEIT SOMEWHAT INFLEXIBLE, PROVISIONS FOR GUARANTEEING ACCEPTABLE CONDITIONS OF WORK, ESPECIALLY WITH REGARD TO HOURS, REST PERIODS, SAFETY AND HEALTH, AND JOB SECURITY. THE MAXIMUM WORK DAY IS EIGHT HOURS, THE MAXIMUM WORK WEEK IS 48 HOURS. PREMIUMS ARE PAID FOR WORK BEYOND THOSE LIMITS, WHICH IS FREQUENTLY THE CASE NOW, AS EMPLOYERS SEEK GREATER PRODUCTIVITY WITHOUT HAVING TO ACQUIRE LEGAL OBLIGATIONS TO NEW WORKERS UNDER THE PRESENT SYSTEM. THE LABOR REFORM BILL INTRODUCED IN CONGRESS IN 1993 WOULD GIVE MANAGEMENT MORE FLEXIBILITY TO HIRE AND FIRE, MORE CONTROL OVER HOURS AND VACATIONS, AND WOULD FURTHER REDUCE THE GOVERNMENT'S ROLE IN LABOR-MANAGEMENT RELATIONS. IN THEORY, HOWEVER, THE PROPOSED CHANGES DO NOT APPEAR TO VIOLATE INTERNATIONALLY ACCEPTABLE CONDITIONS OF WORK.

FEDERALLY-LEGISLATED OCCUPATIONAL AND HEALTH STANDARDS ARE COMPARABLE TO THOSE OF INDUSTRIALIZED COUNTRIES, BUT THE FEDERAL GOVERNMENT AND MANY PROVINCIAL GOVERNMENT LACK THE RESOURCES AND TRAINING TO ENFORCE THESE STANDARDS, DESPITE UNION VIGILANCE AGAINST VIOLATIONS. WORKER LAWSUITS PROVOKED BY ON-THE-JOB INJURY OR JOB-RELATED DISABILITY ARE STILL A MAJOR INDUSTRY, AND THE PERCENTAGE OF ARGENTINE RETIREES ON DISABILITY, BOTH LEGITIMATE AND QUESTIONABLE, IS PROBABLY THE HIGHEST IN THE WESTERN HEMISPHERE. A LARGE PERCENTAGE OF THE WORK FORCE, INCLUDING CHILDREN, IS EMPLOYED IN SMALL OWNER-OPERATED ENTERPRISES, MAKING IT DIFFICULT FOR THE GOVERNMENT TO ENFORCE WORKERS' RIGHTS AS WELL AS HEALTH AND SAFETY STANDARDS.

CHEEK

ADMIN
END OF MESSAGE

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