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ACTION ARA-14

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-01 INR-07
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FM AMEMBASSY BUENOS AIRES
TO SECSTATE WASHDC 1260
INFO AMEMBASSY BONN

[REDACTED] SECTION 1 OF 2 BUENOS AIRES 5028

E.O. 11652: GDS
TAGS: PINT, PINS, SHUM, CASC, AR
SUBJECT: HUMAN RIGHTS ROUND-UP NO. 16

1. JEHOVAH'S WITNESSES: THE ARGENTINE COURT OF APPEALS RULED ON JUNE 16 THAT THE BANNING OF ACTIVITIES OF JEHOVAH'S WITNESSES IN ARGENTINA WAS UNCONSTITUTIONAL. (SEE BA 4870.) THE ARGENTINE GOVERNMENT HAD UNTIL JULY 4 TO APPEAL THE RULING WHICH IT DID IN THE LAST HOUR. THE WITNESSES HAVE ALSO FILED A BRIEF IN ANSWER TO THE GOVERNMENT'S APPEAL AND THE CASE WILL NOW GO TO THE ARGENTINE SUPREME COURT. IN OTHER SEPARATE DEVELOPMENTS CONCERNING THE WITNESSES, SEVEN MEMBERS OF THE RELIGIOUS SECT WHO WERE CHARGED FOR REFUSING TO HONOR THE ARGENTINE FLAG IN SCHOOL WERE ACQUITTED OF HAVING COMMITTED A CRIME BY A FEDERAL JUDGE IN BAHIA BLANCA ON JUNE 25. THE JUDGE RULED THAT THE STUDENTS COULD NOT BE HELD CRIMINALLY RESPONSIBLE FOR ACTIONS REQUIRED IN THE PROFESSION OF THEIR FAITH. ON JUNE 12, THE FIFTH ARMY CORPS ANNOUNCED IT HAD CONFISCATED LARGE QUANTITIES OF BOOKS AND PROPAGANDA PUT OUT BY THE WITNESSES IN SANTA CRUZ PROVINCE.

2. CHURCH-STATE RELATIONS: FATHER KEVIN MULLEN OF THE MUNCIATURA (PROTECT) TOLD EMBOFF THAT THE LAST WORKING PRIEST OF THE CHARLES

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ARGENTINA PROJECT (S200000044)
U.S. DEPT. OF STATE, A/RPS/IPS
Margaret P. Grafeld, Director

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Release Excise Deny

Exemption(s):

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Date _____ Declassify on _____ Reason _____

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DE FOUCAULD ORDER HAD RECENTLY DISAPPEARED AFTER HAVING APPARENTLY BEEN ABDUCTED BY UNIDENTIFIED PERSONS. MULLEN SAID THE PRIEST COULD HAVE BEEN KIDNAPPED FOR HAVING ASSISTED ARGENTINE CITIZENS TO FLEE THE COUNTRY. MULLEN ALSO SAID VERY CONFIDENTIALLY THAT THE ARGENTINE CHURCH HAS APPARENTLY DECIDED TO REFRAIN FROM INITIATING

NEW PUBLIC CHALLENGES TO GOA ON DISAPPEARANCE CASES AND THE GOVERNMENT'S HUMAN RIGHTS PRACTICES FOR THE TIME BEING IN ORDER NOT TO JEOPARDIZE PRESIDENT VIDELA'S HOLD ON THE GOVERNMENT. HE SAID THE CHURCH BELIEVES RIGHTIST ELEMENTS ARE TRYING TO PROVOKE A CONFRONTATION BETWEEN THE CHURCH AND THE VIDELA GOVERNMENT IN ORDER TO BRING ABOUT VIDELA'S FALL AND SUBSEQUENT REPLACEMENT BY HARDLINE ELEMENTS, A TRAP WHICH THE CHURCH HAD NO INTENTION OF FALLING INTO, HE SAID. THE CHURCH WOULD CONTINUE ACTIVE, PERSONAL BEHIND-THE-SCENES LOBBYING ON INDIVIDUAL HUMAN RIGHTS CASES, MULLEN SAID. IN ANOTHER DEVELOPMENT, ARGENTINE PRIEST JOSE MARIANO CZEREPAK, WHO WAS DETAINED IN APRIL, 1976, WAS AUTHORIZED TO LEAVE THE COUNTRY AND DEPARTED FOR EUROPE JUNE 30.

3. FEDERICO ALVAREZ ROJAS: PHYSICIST FEDERICO EDUARDO ALVAREZ ROJAS, WHO DISAPPEARED TOGETHER WITH HIS WIFE IN OCTOBER, 1976, WAS OFFICIALLY DISMISSED FROM HIS JOB WITH THE ARGENTINE ATOMIC ENERGY COMMISSION BY ORDER OF COMMISSION PRESIDENT CASTRO MADERO ON APRIL 21. CASTRO MADERO TOLD EMBOFF IN JUNE THAT SINCE NOTHING HAD BEEN HEARD FROM ALVAREZ ROJAS SINCE HIS DISAPPEARANCE LAST YEAR, HE WAS DISMISSED. CASTRO ADDED THAT ARGENTINE SCIENTIST ANTONIO MISETICH WAS ALSO STILL DISAPPEARED. EMBASSY SCIENCE COUNSELOR HAS PASSED ON ABOVE INFORMATION TO THE U.S. NATIONAL ACADEMY OF SCIENCES WHICH EXPRESSED INTEREST IN THE TWO CASES.

4. GRAIVER CASE: A SPECIAL COURT MARTIAL WAS ESTABLISHED JULY 4 TO DETERMINE WHETHER 29 PERSONS DETAINED IN CONNECTION WITH

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THE GRAIVER CASE WILL BE TRIED IN MILITARY OR CIVILIAN COURTS. (SEE BA 3260) REPORTEDLY THOSE CHARGED WITH ECONOMIC CRIMES WILL BE TRIED IN CIVILIAN COURTS AND THOSE CHARGED WITH CONSPIRACY TO SUPPORT SUBVERSION WILL BE TRIED IN MILITARY COURTS. ACCORDING TO PRESS REPORTS, GENERAL BARTOLOME GALLINO, WHO HEADED THE FIRST ARMY INVESTIGATION OF THE CASE, RECOMMENDED THAT OF THOSE ACCUSED, 18 BE TRIED IN CIVIL COURTS AND ONE BY A MILITARY TRIBUNAL. THE RECOMMENDATION WAS REJECTED BY FIRST

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CORPS COMMANDER SUAREZ MASON WHO ORDERED THE ESTABLISHMENT OF THIS LATEST COURT MARTIAL TO FURTHER INVESTIGATE THE CULPABILITY OF THE ACCUSED.

5. INTERIOR MINISTRY LISTS: THE INTERIOR MINISTRY ANNOUNCED JULY 1 THAT 114 PERSONS HAD BEEN PLACED AT THE DISPOSITION OF THE EXECUTIVE (PEN) UNDER STATE OF SIEGE PROVISIONS DURING THE PREVIOUS WEEK. DURING THE SAME PERIOD, FIVE PERSONS WERE RELEASED FROM PEN, ONE ARGENTINE CITIZEN WAS AUTHORIZED TO LEAVE THE COUNTRY AND URUGUAYAN CITIZEN JESUS BRAULIO LOPEZ AMORIN WAS DEPORTED. THE PEN DETAINEE LIST INCLUDED JUAN AND ISIDORO GRAIVER AND OTHERS CONNECTED TO THE GRAIVER CASE, WHO WERE LISTED AS DETAINED FOR ECONOMIC CRIMES.

6. OPTION TO LEAVE: THE INTERIOR MINISTRY ANNOUNCED JUNE 17 THAT IT HAD APPROVED AND FORWARDED TO THE EXECUTIVE BRANCH A BILL (ANTEPROYECTO) OUTLINING RULES FOR THE RIGHT OF OPTION TO LEAVE THE COUNTRY. THE OPTION IS A CONSTITUTIONAL PROVISION WHICH HAS BEEN SUSPENDED BY THE MILITARY GOVERNMENT SINCE MARCH, 1976. INTERIOR MINISTER HARGUINDEGUY ANNOUNCED THE BILL RESULTED FROM PRESIDENT VIDELA'S INSTRUCTIONS ON JUNE 14 TO ANALYZE THE POSSIBLE REINSTATEMENT OF THE CONSTITUTIONAL RIGHT. NOTHING MORE ON THE BILL OR THE OPTION HAS BEEN MADE PUBLIC SINCE JUNE 17.

7. RADICAL LETTER: FEDERAL JUDGE RAFAEL SARMIENTO ON JULY 1 DISMISSED THE GOVERNMENT'S CASE AGAINST 45 RADICAL PARTY LEADERS FOR SIGNING A LETTER CRITICAL OF GOVERNMENT POLICIES. THE
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JUSTICE MINISTRY REPORTEDLY INTENDS TO APPEAL THE RULING.

8. TERRORISTS RETURNED: THE BRAZILIAN ARMY HAS TURNED TWO ARGENTINE CITIZENS DESCRIBED AS MONTONEROS OVER TO ARGENTINA MILITARY AUTHORITIES, ACCORDING TO PRESS REPORTS. THE TWO WERE STOPPED IN PORTO ALEGRE, BRAZIL WHILE TRYING TO PURCHASE RAILWAY TICKETS WITHOUT PROPER VISAS AND IDENTIFICATION.

9. HABEAS CORPUS: MORE THAN 150 HABEAS CORPUS WRITS ON
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MISSING PERSONS WERE PRESENTED IN VARIOUS LAW COURTS IN BUENOS AIRES JUNE 29. THE BA HERALD SAID THAT THE HIGH CONCENTRATION OF WRITS ON ONE DAY SUGGESTS AN ORGANIZED MOVE BY RELATIVES OF MISSING PERSONS. 33 MORE WRITS WERE PRESENTED IN WHAT APPEARED TO BE ANOTHER ORGANIZED EFFORT BY FAMILIES ON JULY 1.

10. TERRORIST TRIALS: IN A RECENT SPATE OF MILITARY TRIALS REPORTED SINCE JUNE 23, 21 PERSONS HAVE REPORTEDLY BEEN SENTENCED FOR SUBVERSIVE ACTIVITIES AND FOUR HAVE BEEN ACQUITTED. MOST OF THE REPORTED TRIALS TOOK PLACE IN CORDOBA, SAN LUIS, AND ROSARIO. SENTENCES RANGED FROM TWO YEARS FOR ILLEGAL POSSESSION OF WEAPONS TO 25 YEARS FOR SERIOUS (AGRAVADA) POSSESSION OF ARMS, AMMUNITION AND BOMBS. OTHER SENTENCES INCLUDED FOUR YEARS FOR RESISTING ARREST AND 14 YEARS FOR ILLICIT ASSOCIATION WITH SUBVERSIVE GROUPS.

11. EXTREMIST SENTENCES REDUCED: THREE EXTREMISTS PREVIOUSLY CONVICTED FOR "ILLICIT ASSOCIATION WITH SUBVERSIVE GROUPS" HAD THEIR SENTENCES REDUCED BY TWO-THIRDS BY A SPECIAL MILITARY COURT, ACCORDING TO A FIRST CORPS ARMY COMMUNIQUE PUBLISHED JUNE 29. THE REDUCTION WAS THE FIRST SUCH AUTHORIZED UNDER ARTICLE 210 OF LAW 21.388 (A JULY 1, 1976 LAW MODIFYING THE PENAL CODE) WHICH PROVIDED FOR THE REDUCTION OF SENTENCES FOR

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EXTREMISTS WHO VOLUNTARILY SURRENDER AND RENOUNCE THEIR MARXIST

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BELIEFS. ONE OF THE THREE REPORTEDLY OFFERED TO PUBLICLY EXPLAIN HER DEFECTION FROM TERRORISM BUT AUTHORITIES SAID THE IDENTITIES OF THE THREE PERSONS WOULD REMAIN CONFIDENTIAL FOR THEIR OWN SAFETY FOR THE TIME BEING. THE COMMUNIQUE SAID THAT NONE OF THREE THREE HAD QUESTIONED OR APPEALED THE VERDICT AND NONE HAD REQUESTED AUTHORIZATION TO LEAVE THE COUNTRY. IT SAID THEY WILL BE KEPT IN A SPECIAL "MODEL CELL" AND WILL BE ABLE TO RECEIVE CONJUGAL VISITS AND TO CONTINUE THEIR STUDIES OR LEARN A TRADE WHILE IN PRISON. THE COMMUNIQUE ALSO NOTED THAT THE THREE WERE ACCOMPANIED AT THE TRIAL BY THEIR FAMILIES WHOSE "SUPPORT PLAYED AN IMPORTANT ROLE IN THEIR RECUPERATION." COMMENT: THE EMPHASIS AND DETAIL GIVEN TO THIS CASE SUPPORTS EARLIER REPORTS THAT THE SECURITY FORCES ARE ACTIVELY ENCOURAGING EXTREMIST DEFECTIONS AND ARE OFFERING SPECIAL CONSIDERATION TO PERSONS WHO VOLUNTARILY SURRENDER AND WHO HAVE NO "BLOOD ON THEIR HANDS."

12. GERMAN-ARGENTINE RELATIONS: THE ARGENTINE GOVERNMENT HAS AGREED TO PROCESS AN OFFICIAL WEST GERMAN REQUEST FOR THE EXTRADITION OF EDUARD ROSCHMANN, WHO IS CHARGED WITH MULTIPLE MURDERS OF JEWS DURING WORLD WAR II. THE ANNOUNCEMENT, WHICH WAS RELEASED A COMMUNIQUE FROM THE PRESIDENT'S OFFICE AND WIDELY PUBLISHED IN THE LOCAL PRESS JULY 5, SAID THAT ARGENTINA WILL CONSIDER THE WEST GERMAN REQUEST EVEN THOUGH NO EXTRADITION TREATY EXISTS BETWEEN THE TWO GOVERNMENTS. THE WEST GERMAN EMBASSY AND THE ARGENTINE FOREIGN MINISTRY WERE APPARENTLY BOTH TAKEN BY SURPRISE BY THE ANNOUNCEMENT. THE MINISTRY REPORTED IT HAD RECEIVED NO REQUEST FOR ROSCHMANN'S ARREST AND POLICE SOURCES CONFIRMED THAT HE HAS NOT BEEN ARRESTED. THE WEST GERMAN EMBASSY SAID THAT IT HAD INITIATED THE REQUEST FOR ROSCHMANN'S EXTRADITION IN OCTOBER, 1976 AND HAD REPEATED IT IN MAY OF THIS YEAR. COMMENT: THE PUBLIC AND UNDIPLOMATIC HANDLING OF THE

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ARGENTINE ANNOUNCEMENT CONCERNING ROSCHMANN RAISED SPECULATION THAT IT WAS A POLITICAL MOVE DESIGNED TO PLACATE THE WEST GERMANS OF HUMAN RIGHTS COMPLAINTS AND THROW OFF CHARGES OF ANTI-SEMITIC ATTITUDES WITHIN THE GOVERNMENT. (THE WEST GERMAN GOVERNMENT EARLIER HAD OFFICIALLY PROTESTED THE FAILURE OF ARGENTINE AUTHORITIES TO NOTIFY BONN OF THE DEATH OF GERMAN NATIONAL ELIZABETH KAZEMANN WHO ALLEGEDLY DIED IN A TERRORIST RAID MAY 24. ACCORDING TO PRESS REPORTS HERE (JUNE 22), THE WEST GERMAN GOVERNMENT SAID GOA DELAYED CONFIRMATION OF HER DEATH UNTIL JUNE 6

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AND NOTED DISCREPANCIES CONCERNING THE CIRCUMSTANCES OF HER DEATH. (SEE BA 4166.) IT ACCUSED GOA OF VIOLATING THE VIENNA CONVENTION ON CONSULAR RELATIONS ON THE KAZEMANN CASE AND OTHERS INVOLVING WEST GERMAN CITIZENS ARRESTED IN ARGENTINA. A GERMAN SPOKESMAN ALSO SAID THAT FOUR WEST GERMANS WERE CURRENTLY BEING TRIED IN ARGENTINE MILITARY COURTS FOR MANUFACTURING WEAPONS AND BOMBS.) ALTHOUGH THE TIMING OF THE ANNOUNCEMENT ON THE EXTRADITION CASE APPEARS TO BE AN EFFORT TO APPEASE AN IRATE WEST GERMAN GOVERNMENT, IT HAS ALSO BEEN NOTED THAT THE PUBLICITY SURROUNDING THE ANNOUNCEMENT WILL GIVE ROSCHMANN ACEQUATE TIME TO PREPARE FOR AVOIDING ARREST.

13. RELIABLE JOURNALIST SOURCE TOLD EMBOFF JULY 5 THAT FORMER LA OPINION DIRECTOR JACOBO TIMERMANN WAS MOVED FROM FEDERAL POLICE HEADQUARTERS TO AN UNDISCLOSED LOCATION PRESUMABLY WITHIN THE JURISDICTION OF THE FIRST ARMY CORPS ABOUT TEN DAYS AGO. HE IS REPORTEDLY BEING HELD INCOMMUNICADO AND HIS WIFE, WHO PREVIOUSLY WAS PERMITTED TO VISIT PERIODICALLY WHILE HE WAS IN POLICE CUSTODY, IS FEARFUL THAT HE MAY BE SUBJECTED TO ILL-TREATMENT.

14. A LETTER DRAWING ATTENTION TO THE PLIGHT OF DISAPPEARED PERSONS AND THEIR FAMILIES IN ARGENTINA WAS SENT TO VISITING U.S. SENTATOR WILLICAM SCOTT ON JULY 5. AN ARGENTINE SOURCE TOLD EMBOFF THAT THE LETTER WAS SPONTANEOUSLY PREPARED AND SIGNED THAT MORNING BY A LARGE GROUP OF ARGENTINES WHO WERE WAITING IN LINE TOGETHER OUTSIDE THE INTERIOR MINISTRY TO REQUEST INFORMATION ON DISAPPEARED RELATIVES. A COPY OF THE LETTER IS BEING POUCHED

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