MEMORANDUM FOR: DR. ZBIGNIEW BRZEZINSKI

FROM: Warren Christopher, Acting NC

SUBJECT: The President's Interest in Argentine Human Rights Improvements

Our Embassy in Buenos Aires has now responded to the instructions sent to it concerning the President's interest in human rights improvements in Argentina. The exchange of messages on this subject is attached. The Embassy concludes that recent steps have some substance, but recommends caution with respect to associating the President with any specific favorable developments. Nevertheless, our Charge in Buenos Aires did call the attention of the Minister of Economy, the key civilian in the Argentine government, to the President's statement at Yazoo City. According to the White House transcript of July 21, the President said, "We have seen recently in Argentina 342 political prisoners, who had been there for a long time, released."

I.

We can point to the following hopeful human rights developments:

- Prisoner releases. While the announcement of the release of 342 political prisoners is a positive sign, it should be noted that we can only confirm categorically that there have been four releases, and that we do not yet know what proportion of those released have actually been freed without charges and what proportion have been charged formally and must face trial. In the six weeks since, the Argentine government has reported 199 detentions and 77 releases.
-- Right of option. It seems likely that the Argentine government will restore a limited form of the "right of option," whereby state of siege prisoners may seek voluntary exile. This will be an important measure if it actually leads to prisoner releases.

-- Political tolerance and the courts. There are signs that President Videla may be gaining support from other generals for a greater ventilation of political ideas with civilian leaders. This has prompted Argentina's oldest party, the Radicals, to criticize the government's human rights record. The Radicals were accused of engaging in politics by the government, but rather than summarily punish the politicians, the government took the case to the courts. The lower courts ruled against the government, and the matter is under appeal. An Argentine government ban against the Jehovah's Witnesses is now in the Supreme Court, and there is hope that the court will declare the ban unconstitutional.

II.

On the other hand, the human rights situation remains very unsatisfactory in Argentina, particularly in the Buenos Aires region.

-- Eight lawyers or their wives were kidnapped at a sea resort near Buenos Aires in mid-July; one subsequently was found murdered brutally. It appears the others were later released. It seems likely that the security forces were responsible. (It is noteworthy that Argentina's most important newspaper, La Nación, which has not distinguished itself on behalf of human rights, called unequivocally on July 18 for the Argentine government to protect lawyers from barbarism.)

-- In mid-July, Argentina's Ambassador to Venezuela was kidnapped in Buenos Aires. He has not been found yet. It appears that the kidnapping reflected hard-line military resentment against President Videla, who made a very successful state visit to Venezuela in May.

-- The publisher of the only major Argentine newspaper, which has demonstrated consistent courage on behalf of human rights, is being held by the government on economic charges at a secret place of detention; he was tortured.
-- At least five labor leaders have been warned recently to leave Argentina. Earlier this month a prominent Jewish leader fled to the United States after being threatened.

Nearly all serious violations of human rights in Argentina are now taking place in the Buenos Aires military region. The commander of the region, General Suarez Mason, is a notorious hard-liner, and is viewed as one of Videla's principal rivals for power; Suarez is seconded by a retired general who acts as governor. These men are being held responsible by many for the latest round of violence.

Given the delicate political situation in Argentina, as well as the possibly hopeful but very uncertain human rights situation, I believe that we should await developments before further public comment. We will remain alert for favorable developments, as the President has directed, and for appropriate opportunities to express his gratification.

Attachments:
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1. The President has noted recent Argentine actions designed to improve their human rights image, including the release of persons from custody, the processing of cases in the courts, and the possibility that the right of option may be reinstated.

2. While these actions were acknowledged by the Secretary at Grenada and by our Director at the World Bank, we believe that a further effort should be made to make the Argentines aware of the President's interest in these and continuing steps toward the restoration of the rule of law. If it is determined that these 342 prisoners have been released and that the improvements in the human rights situation are real rather than cosmetic, then the President would like you to acknowledge this to the Argentine government and express his gratification.

3. You are requested, therefore, to approach the GGA at an appropriately senior level and note the considerable interest which the United States has in recently announced GGA steps and inquire whether further information could be provided concerning these steps. For example, it would be helpful to know how many individuals named in the list of 342 persons released from executive custody have been actually freed. For perspective, it would be useful to know how many individuals were arrested during the same period. Are the names of those processed by federal and military courts (i.e., the 1,000 cases) available? What are the charges and sentences? How soon can we expect a decision on the reinstatement of the right of option?

4. We leave it to your discretion how far to go in eliciting information. However, we do want the GGA to know that the President is very interested in the measures they have announced and would appreciate a much clearer indication of their significance to the overall human rights situation.
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Department of State

ACTION COPY

INCOMING

TELEGRAM

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RDR-85 NSC-08 CIA-08 SP-82 FRS-81 /004 U

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ON AMBASSADOR BUENOS AIRES

TO SECRETARY WASHDC IMMEDIATE 1334

BUENOS AIRES 5303

C/O 1653 405

TAGS: SHUN AR PDIP

SUBJECT: HUMAN RIGHTS IMPROVEMENTS IN ARGENTINA

EXHIBITS

REF: STATE 162292

1. WE ARE AWARE THAT HUMAN RIGHTS IMPROVEMENTS HAVE OCCURRED IN ARGENTINA IN RECENT YEARS. THIS IS A SUREファームアセスル FOR THE FUTURE. WE ARE ALSO AWARE THAT THE GOVERNMENT OF ARGENTINA HAS TAKEN STEPS TO IMPROVE HUMAN RIGHTS SITUATION IN THE COUNTRY. WE BELIEVE THAT THESE STEPS WILL LEAD TO A SUSTAINABLE IMPROVEMENT IN HUMAN RIGHTS PROGRESS.

2. WE AGREE THAT HUMAN RIGHTS VIOLATIONS HAVE DECREASED IN ARGENTINA. HOWEVER, WE REMAIN CONCERNED ABOUT THE SITUATION IN VARIOUS PARTS OF THE COUNTRY. WE WILL CONTINUE TO MONITOR THE SITUATION AND TAKE APPROPRIATE STEPS AS NECESSARY.

3. ON THE OTHER HAND, THERE IS CONCERN THAT HUMAN RIGHTS VIOLATIONS ARE ON THE RISE AGAIN. WE REMAIN CONCERNED ABOUT THE SITUATION IN VARIOUS PARTS OF THE COUNTRY. WE WILL CONTINUE TO MONITOR THE SITUATION AND TAKE APPROPRIATE STEPS AS NECESSARY.

4. ALL THIS LEADS US TO CONCLUDE THAT ARGENTINA IS ON THE RIGHT TRACK IN IMPROVING HUMAN RIGHTS. WE WILL CONTINUE TO MONITOR THE SITUATION AND TAKE APPROPRIATE STEPS AS NECESSARY.
PARTICULAR TREND, THE LACK OF A CLEAR POSITIVE TREND ON
PRISONER RELEASES, THE DISAPPEARANCE OF RICARDO SOLÍS, AND
THE HARASSMENT OF LABOR LEADERS CONTINUES TO ARGUE AGAINST
A CLOSE ASSOCIATION OF PRESIDENT CARTER WITH ANY
SPECIFIC FAVORABLE DEVELOPMENT.

4. THE ECONOMY MINISTER, MARTÍNEZ DE PÉREZ, WAS THE
OBVIOUS HIGH-LEVEL CHANNEL FOR EXPRESSION OF
USG INTEREST. IN A MEETING WITH HIM ON JULY 15 THE
CHARGE EXPRESSED OUR CONTINUING DEEP INTEREST IN
STEPS TOWARD RESTORATION OF RULE OF LAW AND OUR
INTEREST IN KNOWING ANY FURTHER DETAILS
RELATING TO THE STEPS ANNOUNCED JUNE 15. THE
MINISTER SAID HE WAS NOT IN A POSITION TO GO INTO DETAILS
ABOUT NUMBERS OR NAMES. BUT THAT HE WAS CONFIDENT THAT THE
PROCEDURES ANNOUNCED ON JUNE 15 WERE GOING FORWARD.

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CONFIDENTIAL
The following is based on a conversation I had with the President this morning:

1. As you know, the Argentine Government has stated its intention to release 342 political prisoners. The President would like you to acknowledge this and express his gratification to the Argentine Government when they have released the prisoners.

2. At the same time, the President would like the State Department, on background to the press, to acknowledge this action by the Argentine Government and express the President's gratification.

3. The President would like it to be a matter of policy to acknowledge and express gratification for improvements in human rights once it has been determined that these improvements are real rather than cosmetic. This should be done not only with the Government concerned but, on background, with the press.

Zbigniew Brzezinski
DEPARTMENT OF STATE

ACTION MEMORANDUM

S/S

8 AUG 1977

CONFIDENTIAL

TO: The Acting Secretary

FROM: ARA - William P. Stedman, Jr., Acting

SUBJECT: The President's Interest in Argentine Human Rights Improvements

ISSUE FOR DECISION

Whether to sign the attached memorandum to Dr. Brzezinski commenting upon the human rights situation in Argentina.

ESSENTIAL FACTORS

The President is interested in recent signs of human rights improvement in Argentina.

-- If these improvements were real rather than cosmetic, our Embassy in Buenos Aires was instructed to mention the President's interest to the Argentine government.

-- At Yazoo City on July 21 the President said, "We have seen recently in Argentina 342 political prisoners, who had been there for a long time, released."

-- Jody Powell was quoted in the New Yorker on July 18, as saying, "In January, Argentina began publishing a list of those persons arrested or detained under state of siege powers, and in April it released former Senator Hipolito Solari Irigoyen, who had been held without trial for eight months; it also has granted the International Committee of the Red Cross permission to visit its prisons."

The attached memorandum reports on recent human rights developments in Argentina and on how our Embassy handled its instructions.

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GDS
Recommendation:

That you initial the attached memorandum to Dr. Brzezinski.

Attachment:

Memorandum to Dr. Brzezinski.

Drafted: ARA/ECA:PERondon:jh
8/8/77:x29166

Concurrence: D/HA:MSchneider
P - Mr. Tice
S/P - Mr. Feinberg