Study Mission to Argentina by the Association of the Bar of the City of New York

Attached is a copy of the report of the New York Bar's study mission, led by Orville Schell, which visited Argentina in April. The report confirms many of the grim accounts we have received from many other sources about the human rights situation in Argentina.

The report reviews Argentina's State of Siege provision, concluding that extended PEN (National Executive Power) detentions are "highly questionable." It also states that the regime is without authority to deny prisoners the constitutionally guaranteed "right of option" -- the right to choose exile rather than political imprisonment. It discusses prison conditions and the role, so far quite limited, of the Argentine bar and judicial system in challenging or restricting abuses. It is generally pessimistic about future progress.

The most significant part of the report, however, is its review of the situation of Argentina's "disappeared," whose ranks include numerous lawyers:

"There is no question that since March 24, 1976, groups of armed people serving in military, police, or other state security forces have abducted thousands of people, subjecting most of the victims to torture, killing many, holding others in concentration camps or other secret places, and withholding from their families and all the world word either of their whereabouts or of whether they remain alive." (p. 26).

The report terms the fate of the "disappeared" "the most starkly brutal human rights violations in Argentina or, indeed, almost anywhere in the world that seeks to be
civilized." There has been no accounting on the missing, and the report sees few signs of progress in government circles toward curbing the practice or even facing the problem (pp. 31, 36). Disappearances continue (p. 27).

Attachment:

Report of the Mission
of Lawyers to Argentina
April 1-7, 1979

Drafted: HA: DMartin
x22741
1. "ENTIRE TEXT."

2. OCTOBER 4 EMBOFFS DISCUSSED THE PROPOSAL FOR THE ESTABLISHMENT OF AN INTERNATIONAL FUND FOR REFUGEE SETTLEMENT AND LEFT AIDE MEMOIRE WITH WORKING LEVEL CONTACTS AT THE FOREIGN MINISTRY. THE ARGENTINES WERE SYMPATHETIC, BUT NON-COMMITAL. THEY MENTIONED THE 5,000 INDOCHINESE REFUGEES RECENTLY ADMITTED BY ARGENTINA AS EVIDENCE OF THE GOA'S INTEREST IN THIS PROBLEM AND SUGGESTED THAT THIS SHOULD NOT BE FORGOTTEN WHEN THE UNHCR EXECUTIVE COMMITTEE MEETS NEXT WEEK.

CASTRO

[Declassified Case: LRT= 52829 Date: 1-12-2013]
THAT WOULD TAKE APPROXIMATELY TWO WEEKS TO COMPLETE. THE
HOUSE BELONGED TO A MAN NAMED JAIME VILLAMARIN. MR. PEREZ
DID NOT KNOW MR. VILLAMARIN BUT THOUGHT HE POSSIBLY WAS A
LABOR LEADER. MR. PEREZ-FERNANDEZ REPORTED TO WORK AT MR.
VILLAMARIN'S HOUSE ON DECEMBER 19, 1975. THAT SAME MORNING
THE HOUSE WAS RAIDED BY A GROUP OF ARMED MEN IN CIVILIAN
CLOTHING. MR. PEREZ-FERNANDEZ, MR. VILLAMARIN, MR.
VILLAMARIN AND MR. VILLAMARIN'S WIFE WERE ARRESTED, BLIND-
FOLDED AND TAKEN TO AN UNKNOWN LOCATION FOR QUESTIONING.
ALL FOUR WERE TORTURED FOR 21 DAYS. DURING THE TORTURING
MR. VILLAMARIN WENT INSANE AND HIS WIFE DIED FROM THE
MISTREATMENT. AFTER 27 DAYS MR. PEREZ WAS TRANSFERRED TO
LA PLATA PRISON. MR. PEREZ-FERNANDEZ HAD NEVER BEEN
ARRESTED BEFORE AND FELT HIS ARREST WAS DUE TO THE FACT
THAT HE HAD APPEARED AT MR. VILLAMARIN'S HOUSE WHEN IT
WAS RAIDED. HE COULD THINK OF NO OTHER REASON FOR HIS
ARREST.

7. MR. PEREZ-FERNANDEZ HAS TWICE REQUESTED OPTION, 1977 AND
1978, BOTH REQUESTS WERE REFUSED.

8. IF ALLOWED TO TRAVEL TO THE UNITED STATES, MR. PEREZ
WOULD LIKE TO TRAVEL WITH HIS WIFE AND TWO CHILDREN. THEY
HAVE NO FAMILY IN THE UNITED STATES AND DO NOT HAVE THE
MONEY FOR PASSAGE TO THE U.S. MR. PEREZ-FERNANDEZ APPEARS
MENTALLY AND PHYSICALLY HEALTHY.

9. THE CONSULAR OFFICER RECOMMENDS THAT A CERTIFICATE OF
ACCEPTABILITY BE ISSUED AND APPLICATION FOR PAROLE INTO THE
UNITED STATES BE APPROVED FOR MR. VICTOR MIGUEL PEREZ-FERNANDEZ. ALL
BACKGROUND CHECKS WERE NEGATIVE AND THE PERSONAL INTERVIEW
DEVELOPED NO DETERIORATING INFORMATION. UNQUOTE.

10. THE RECOMMENDATION OF THE CONSULAR OFFICER'S REPORT
WAS AFFIRMED BY HIS OFFICER P.A. REYES.

11. THE FOLLOWING "A" FILE NUMBERS HAVE BEEN ASSIGNED:
VICTOR MIGUEL PEREZ-FERNANDEZ A-24 499 410
ANA MARIA BEIRAC DE PEREZ A-24 499 411
VICTOR MIGUEL PEREZ A-24 499 412
ANA ALEJANDRA PEREZ A-24 499 413

AGENCY FROM NCAJ AND CABLE THE ASSIGNMENT AS SOON AS
POSSIBLE.

13. DECONTROL UPON RECEIPT. CASTRO
SUBSEQUENTLY TO THE AIRPORT IN HIS OFFICIAL ARMORED
VEHICLE. AT THE SAME TIME, EMBASSY WOULD MAKE A FORCEFUL
REQUEST TO PRESIDENT, GENERAL VIOLA AND MINISTER OF
INTERIOR TO PROVIDE MAXIMUM SECURITY TO RESIDENCE. WE
BELIEVE SUCH SECURITY WOULD BE PROVIDED.

6. WHILE WE REPEAT THIS CONTINGENCY SEEMS REMOTE,
AMBASSADOR WISHES REASSURANCE THAT DEPARTMENT DOES
NOT OBJECT TO HIS PROPOSED OFFER OF HOSPITALITY AND
REFUGE TO JACOBO TIMERMAN SHOULD THAT SEEM ADVISABLE.
CASTRO

FOR ASSISTANT SECRETARY VAKY FROM AMBASSADOR CASTRO

E.O. 12965: GDS 9-21-65 (CHAPLIN, MAXWELL) OR-M
TAGS: SHUM AR
SUBJ: GI TIMERMAN CONDITIONAL REQUEST FOR REFUGE

1. ENTIRE TEXT.

2. ON THE AFTERNOON OF SEPTEMBER 20 THE AMBASSADOR
RECEIVED A VISIT FROM RABBI MARSHALL MEYER, WHO
MINISTERS TO JACOBO TIMERMAN. HE SAID HE HAD
BRING HIM A TYPED MESSAGE FROM TIMERMAN WHICH THE LATTER
DELIVERED TO HIM DURING A VISIT THAT AFTERNOON.
THE MEMORANDUM IN TYPED FORM, SINCE TIMERMAN ASSUMES
HIS APARTMENT IS UNDER ELECTRONIC SURVEILLANCE, AND
HE CANNOT DISCUSS MATTERS OPENLY WITH HIS RABBI. THE
MEMORANDUM DEALS WITH THE POSSIBILITY THE GOA MAY
GRANT TIMERMAN LIBERTY BUT WILL NOT PROVIDE HIM
WITH A PASSPORT TO LEAVE THE COUNTRY. HE ANTICIPATES
THE POSSIBILITY THAT THE GOVERNMENT WILL SIMPLY
WITHDRAW POLICE PROTECTION FROM HIS APARTMENT WHICH,
HE BELIEVES, WOULD BE EQUIVALENT TO A SENTENCE OF DEATH.
HE OBSERVES THAT AS A MATTER OF FACT SINCE SEPTEMBER 17
WHEN THE ARMY LEARNED OF THE COURT’S DECISION, THE
GUARD ON HIS HOUSE HAS BEEN TRIPLED AND THE POLICE
COMMISSARIO TOLD HIS BROTHER THEY HAD RECEIVED INFORMATION
THAT HIS KIDNAPPING WAS BEING PLANNED BY SOME
GROUPE.

3. THE MEMORANDUM CONTINUES THAT IF HE IS FREED BUT
NOT GRANTED A PASSPORT, HE WILL HAVE TO LEAVE HIS
APARTMENT. HE SAYS HE COULD GO TO THE ISRAELI EMBASSY
BUT IT IS AN UNEASY PLACE WHICH WOULD BE DIFFICULT
FOR HIM AND HE WOULD PREFER TO STAY IN THE U.S. EMBASSY
RESIDENCE. HE SAYS SINCE HE WOULD BE A FREE MAN, IT
WOULD NOT BE A QUESTION OF ASYLUM BUT SIMPLY OF BEING
AN INVITED GUEST. THE NOTE INDICATES HE BELIEVES THAT
THE WASHINGTON ATMOSPHERE IS SUCH THAT U.S. OFFICIALS
WOULD LOOK FAVORABLY ON HIS TAKING REFUGE IN THE EMBASSY
RESIDENCE.

4. TIMERMAN STATES THAT IF HE IS GRANTED A PASSPORT,
THERE IS NO PROBLEM BECAUSE HE WOULD BE SENT TO THE
AIRPORT ACCOMPANIED BY AN ARMY OF POLICE.

5. AMBASSADOR CASTRO CONSIDERS THAT THE CONTINGENCY
FEARED BY TIMERMAN IS HIGHLY UNLIKELY, AT LEAST IN
THE NEXT FEW DAYS. THE JUNTA IS MEETING MONDAY AND
TUESDAY, ACCORDING TO VIOLA, AND WE ASSUME IT WILL
DISCUSS TIMERMAN THEN. AMBASSADOR HAS TENTATIVE
APPOINTMENT TO SEE VIOLA ON WEDNESDAY, SEPTEMBER 26.
DESPITE THE IMPROBABILITY OF THE CONTINGENCY, IT CANNOT
BE ENTIRELY DISCOUNTED. SHOULD TIMERMAN BE FREED AND
PROTECTION WITHDRAWN, AMBASSADOR PROPOSES TO INVITE HIM
TO REMAIN AT THE RESIDENCE AS AN INVITED GUEST AND
TO TRANSPORT HIM TO THE RESIDENCE (AND PRESUMABLY...
CONFIDENTIAL

Department of State

PAGE 01  GENEVA 13978  240443Z

ACTION HA-05

INFO OCT-01 ARA-11 10-14 ADS-00 RP-07 038 W

R 221627Z AUG 79
FM USMISSION GENEVA
TO SECSTATE WASHDC 7039
INFO AMEMBASSY BUENOS AIRES

CONFIDENTIAL GENEVA 13978

E.O. 12065: GDS 8/22/84 (HOYT, MICHAEL P.E.) OR-O
TAGS: SHUM, SREF, ICRC, AR
SUBJECT: USF FINANCIAL SUPPORT FOR ICRC PROGRAM IN ARGENTINA

REF: GENEVA 13486

1. (ENTIRE TEXT)

2. REQUEST REPLY TO REFTEL. SORENSON

Declassified Case: NX= 82123 Date: 12-02-2003
1. PER GUIDELINES CONTAINED IN REFTEL (D), IF A CASE IS CONDITIONALLY APPROVED BY THE CONSULAR OFFICER, THE APPLICANT IS GIVEN A LIST OF REQUIRED DOCUMENTS WITH CERTIFICATES, ETC. HE IS THEN INTERVIEWED BY AN IMMIGRATION OFFICER. IF THE IMMIGRATION OFFICER CONCURS WITH THE CONSULAR OFFICER’S RECOMMENDATION, THE CASE WILL BE APPROVED. HOWEVER, IF THERE IS A DIFFERENCE OF OPINION BETWEEN THE CONSULAR OFFICER AND IMMIGRATION OFFICER THEN, AND ONLY THEN, SHOULD A CASE BE SUBMITTED TO DEPARTMENT (S/RP) FOR CONSULTATION WITH THE DIRECTOR OF INS’ OFFICE OF REFUGEE AND PAROLE.

2. IN VIEW OF THE FOREGOING, DEPARTMENT IS UNABLE TO UNDERSTAND REASON EMBASSY HAS FORWARDED CASES OF MARIO DANIEL LORENZO, CARLOS OMAR RUDA, AND JUAN CARLOS FERRIOLO TO DEPARTMENT AND INS/CO FOR FURTHER PROCESSING. EACH OF THESE CASES HAS BEEN RECOMMENDED FOR APPROVAL BY BOTH OFFICERS.

3. EMBASSY IS REQUESTED TO REVIEW AGAIN GUIDELINES CONTAINED IN REFTEL (D) REGARDING PROCEDURES FOR PROCESSING REFUGEE PAROLE CASES. IF FURTHER GUIDANCE IS NEEDED, PLEASE CONTACT KEITH SACKETT OR CAROLLE BARRISH AT OUR EMBASSY IN BUENOS AIRES OR AILEEN ROBINSON (S/RP) IN THE DEPARTMENT.

4. DEPARTMENT HAS FORWARDED THE FILES OF MESSRS. LORENZO, RUDA AND FERRIOLO TO ACVA FOR ASSIGNMENT TO THE VOLUNTARY AGENCIES.

5. FOR ALL POSTS, PLEASE FOLLOW GUIDELINES CONTAINED IN...
P 101556Z AUG 79
FM USMISSION GENEVA
TO SECSTATE WASHDC PRIORITY 6780
INFO AMEMBASSY BUENOS AIRES

CONFIDENTIAL GENEVA 13486

E.O. 12065: GDS 8/10/84 (HOYT, MICHAEL P.E.) OR-O
TAGS: SHUM, SREF, ICRC, AR
SUBJECT: USF FINANCIAL SUPPORT FOR ICRC PROGRAM IN ARGENTINA

REF: STATE 168898

1. ( - ENTIRE TEXT)

2. MISSION CONFIRMED WITH ICRC THAT FIGURE OF 550,000 SWISS FRANCS REMAINS THE CURRENT SHORTFALL IN THIS YEAR'S ARGENTINE PRISONER VISITOR PROGRAM. ICRC WILL SHORTLY PROVIDE US AND DONORS WITH CURRENT REPORT OF PROGRESS AND STATUS OF EXPENDITURES.

3. WHAT IS STATUS OF FUNDS "HOPED" FOR IN REFTEL?
VANDEN HEUVEL