

File
Admission
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Declassified Case: NW 52966 Date: 1-31-2013

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ACTION ARA-18

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INFO OCT-81 ISO-86 ARAE-86 SSO-86 NSCE-86 INRE-86 USIR-86

SP-15 SP-04 SP-02 L-03 H-02 CER-01 SY-03 A-01 PER-01

NSC-05 CIAA-05 INR-07 NSAT-08 DODI-08 /057 W
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FM EMBASSY BUENOS AIRES
TO SECSTATE WASHDC IMMEDIATE 0073

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DEPARTMENT PASS DIA & USIS

R.O. 11672: USA

TASK: PFOR, PINS, RO, RW, L200

SUBJECT: VIOLATIONS OF DIPLOMATIC IMMUNITY

1. COMMENT BY RSO BECKETT: IN THE LAST FIVE DAYS A SERIES OF INCIDENTS HAVE OCCURRED WHICH POSED A THREAT TO MEMBERS OF THE STAFF. GDA INITIATED IMMEDIATE ACTION TO PRECLUDE REOCCURRENCE OF THESE INCIDENTS.

2. ON MARCH 25, 1976 AT 2000 HOURS COL. EMMETT A. NIBLACK, AIR ATTACHE, AND HIS WIFE WERE TRAVELING IN A U.S. GOVERNMENT VEHICLE EQUIPPED WITH DIPLOMATIC PLATES. THEIR CAR WAS STOPPED BY A GROUP OF SOLDIERS OPERATING A ROADBLOCK. COL. AND MRS. NIBLACK WERE ORDERED FROM THE AUTOMOBILE AND TOLD TO PLACE THEIR HANDS ON THE ROOF OF THE VEHICLE. COL. NIBLACK ORALLY IDENTIFIED HIMSELF AND HIS DIPLOMATIC STATUS. BOTH COL. AND MRS. NIBLACK WERE SUBJECT TO A BODY SEARCH (PAT DOWN). COL. NIBLACK INFORMED THE GDA THAT HE WANTED TO REACH INTO HIS POCKET FOR HIS DIPLOMATIC CARNET. THE GDA SHOWED THE .45 CAL. PISTOL HE WAS HOLDING INTO COL. NIBLACK'S BACK. THE AIR ATTACHE AGAIN ADVISED THE GDA HE WANTED TO REACH FOR HIS CARNET AND NOT A GUN. THE GDA CALLED A COMMISSIONED OFFICER.

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THIS OFFICER EXAMINED THE CARNET AFTER WHICH HE PERMITTED NIBLACK AND HIS WIFE TO DEPART.

3. ON MARCH 26, 1976 AT 2015 MICHAEL E. O'BRIEN, PRESS OFFICER (USIS) AND HIS WIFE WERE TRAVELING IN THEIR PRIVATE AUTOMOBILE EQUIPPED WITH DIPLOMATIC PLATES. THEY ENCOUNTERED A ROADBLOCK AND WERE ORDERED TO STOP THE VEHICLE AND DISMOUNT. THEY WERE DIRECTED TO PLACE THEIR HANDS ON THE TOP OF THE CAR. O'BRIEN WAS SUBJECT TO A BODY SEARCH. HIS WIFE WAS NOT PHYSICALLY SEARCHED BUT HER POCKETBOOK WAS EXAMINED. ON MARCH 26, 1976 AT 1600 AND 1700 HOURS THE O'BRIENS WERE AGAIN STOPPED BY ROADBLOCKS. THEIR CHILDREN WERE WITH THEM ON THESE TWO OCCASIONS. TWICE AGAIN THE SEARCH PROCEDURES WERE CARRIED OUT AS DESCRIBED WITH THE EXCEPTION THAT THE CHILDREN WERE NOT REQUIRED TO LEAVE THE AUTOMOBILE.

4. ON MARCH 28, 1976 AT 2015 CHARLES E. SIMONS.

COUNSELOR FOR ADMINISTRATION WAS TRAVELING IN A U.S. GOVERNMENT VEHICLE EQUIPPED WITH DIPLOMATIC PLATES. THE AUTOMOBILE WAS STOPPED AT A ROADBLOCK. WHILE MR. ENMONS WAS IDENTIFYING HIMSELF A WEAPON WAS (APPARENTLY) ACCIDENTALLY DISCHARGED BEHIND THE VEHICLE. NOTHING STRUCK THE VEHICLE AND THERE WAS NO INDICATION THE WEAPON HAD BEEN FIRED INTENTIONALLY.

5. ON MARCH 29, 1976 AT 1545 HOURS GEORGE O. NOEY, CONSUL GENERAL, WAYNE S. SMITH, COUNSELOR FOR POLITICAL AFFAIRS, FRANK ZAMBITO, SECOND SECRETARY, POLITICAL SECTION, LT. COL. WILLIAM P. JIGMA, STAFF JA, USAF SOUTHERN AIR DIVISION WERE TRAVELING IN A U.S. GOVERNMENT VEHICLE WHICH WAS EQUIPPED WITH DIPLOMATIC PLATES AND DRIVEN BY AN EMBASSY CHAUFFEUR. THIS AUTOMOBILE WAS SELECTED BY AN ARMED MEMBER OF OGA MILITARY FROM THE STREAM OF MAIN TRAFFIC AND DIRECTED INTO A SERVICE LANE WHERE A ROADBLOCK HAD BEEN ESTABLISHED. THE AUTOMOBILE WAS SURROUNDED BY MEMBERS OF THE OGA MILITARY POINTING WEAPONS AT THE VEHICLE. ALL INDIVIDUALS WERE ORDERED TO DISMOUNT THE AUTOMOBILE, WALK TO THE WALL AND ASSUME A SPREAD EAGLE POSITION. EACH INDIVIDUAL WAS THEN SEARCHED. DIPLOMATIC PERSONNEL VERBALLY IDENTIFIED THEMSELVES TO THE

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MILITARY AS MEMBERS OF THE DIPLOMATIC CORPUS. WHEN THE SEARCH WAS COMPLETED THE COUNSELOR FOR POLITICAL AFFAIRS ASKED FOR THE NAME OF THE FEDERAL POLICE SERGEANT WHO WAS PRESENT. THE CONSUL GENERAL ALSO ASKED FOR THE SERGEANT'S NAME. ONE OF THE GUARDS SHOWED A MACHINEGUN IN THE STOMACH OF THE CONSUL GENERAL. THE COUNSELOR FOR POLITICAL AFFAIRS INFORMED THE SERGEANT THAT HE WOULD NOT LEAVE THE PREMISES UNTIL HE HAD THE SERGEANT'S NAME. THE SERGEANT ELEVATED HIS WEAPON POINTING IT AT THE COUNSELOR FOR POLITICAL AFFAIRS HEAD AND TELLING HIM THAT IF HE DID NOT DEPART THE SCENE HE WOULD BE SHOT. THE GROUP RETURNED TO THE AUTOMOBILE AND DEPARTED.

AT 1548 A SECOND EMBASSY AUTOMOBILE WAS IN THE SAME TRAFFIC STREAM AS THE ONE MENTIONED ABOVE. PASSENGERS IN THE CAR OBSERVED THE SEARCHING OF THE INDIVIDUALS IN THE FIRST VEHICLE. THE OGA MILITARY SELECTED THIS CAR AND DIRECTED IT INTO THE ROADBLOCK. THE FOLLOWING WERE OCCUPANTS OF THE CAR: CHARLES E. ENMONS, COUNSELOR FOR ADMINISTRATION, GEORGE S. BUCKETT, ATTACHE (RSC) DAVID L. TANNER, ASSISTANT ATTACHE (ASSISTANT RSC) PETER LOWDON, COMMERCIAL ATTACHE AND AN EMBASSY CHAUFFEUR. AS IN THE CASE OF THE FIRST VEHICLE, MEMBERS WERE ORDERED FROM THE CAR AND SEARCHED. FOLLOWING THE TERMINATION OF THE WALL SEARCH THE COUNSELOR FOR ADMINISTRATION AND THE RSC ASKED THE POLICE SERGEANT FOR HIS IDENTIFICATION. ALL MEMBERS OF THE VEHICLE HAD IDENTIFIED THEMSELVES AS DIPLOMATS AND THE COUNSELOR FOR ADMINISTRATION THROUGHOUT THE COURSE OF THE EVENTS KEPT HIS DIPLOMATIC CARNET IN HIS HAND. THE SERGEANT INQUIRED THE COUNSELOR FOR ADMINISTRATION THAT THE SEARCH WAS A MILITARY MATTER NOT A FEDERAL POLICE MATTER, AND SHOULD HE HAVE ANY COMPLAINTS HE SHOULD TAKE THEM TO THE FOREIGN OFFICE.

6. FOLLOWING THIS STATEMENT THE FOUR U.S. DIPLOMATS WERE PERMITTED TO RETURN TO THEIR CAR AND DEPART.

IN FIVE OF THE SIX CASES DESCRIBED ABOVE THE VEHICLES CONCERNED WERE COMPLETELY SEARCHED WHILE THEIR OCCUPANTS WERE NOT ABOARD. IN ALL CASES DESCRIBED ABOVE THE OGA MILITARY MEMBERS WERE ADVISED BY U.S. PERSONNEL

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BEFORE THEY LEFT THEIR VEHICLES THAT THEY WERE MEMBERS OF THE DIPLOMATIC CORPUS.

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