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Department of State

INCOMING
TELEGRAM

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ACTION ARA-15

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R 271325Z DEC 78
FM AMEMBASSY BUENOS AIRES
TO SECSTATE WASHDC 8846
INFO AMEMBASSY ASUNCION
AMEMBASSY BRASILIA
AMEMBASSY MONTEVIDEO
AMCONSUL RIO DE JANEIRO
AMEMBASSY SANTIAGO
AMCONSUL SAO PAULO
USCINCSO QUARRY HTS CZ

~~CONFIDENTIAL~~ BUENOS AIRES 18058

E.O. 12065: GDS 12/26/84 (HARRIS, F. ALLEN) DR-P
TAGS: SHUM AR
SUBJ: CHRISTMAS PEN LIST ANNOUNCED

1. (U) THE GOA RELEASED LATE FRIDAY DECEMBER 22ND THE RESULTS OF THE GOVERNMENT'S CHRISTMAS REVIEW OF ITS APPROXIMATELY 3892 PODER EXECUTIVE NACIONAL (PEN) PRISONERS. THE MINISTRY OF INTERIOR ANNOUNCED THAT 192 PERSONS "HAD CEASED TO BE AT THE DISPOSITION OF THE NATIONAL EXECUTIVE POWER", 48 PERSONS HAD BEEN PLACED ON PAROLE ("LIBERTAD VIGILADA"), 4 PERSONS HAD BEEN TRANSFERRED TO HOUSE ARREST, 8 FOREIGNERS WERE TO BE EXPELLED FROM ARGENTINA AND 8 ARGENTINES WERE AUTHORIZED TO LEAVE THE COUNTRY UNDER THE RIGHT OF OPTION. THE TOTAL NUMBER OF RECOGNIZED PEN PRISONERS AFTER THE XMAS ANNOUNCEMENT NOW STANDS AT 2873.

192
40
232
252

2. (C) HUMAN RIGHTS ACTIVISTS WERE DISAPPOINTED BY THE SMALL AND AMBIGUOUS CHRISTMAS PEN LIST. RECENT PUBLIC AND PRIVATE STATEMENTS BY SENIOR ARGENTINE OFFICIALS HAD RAISED THE EXPECTATION THAT THIS YEAR'S LIST WOULD SIGNIFICANTLY REDUCE THE NUMBER OF THOSE HELD UNDER THE PEN. MINISTER OF INTERIOR HARGUINDEGUY'S DECEMBER 20TH STATEMENT TO THE PRESS THAT "NOT TENS BUT HUNDREDS OF PERSONS" WOULD HAVE THEIR PEN STATUS REMOVED, COUPLED WITH THE CASA ROSADA'S CHIEF OF SECURITY'S PROMISE ON DECEMBER 21ST THAT SEVERAL HUNDRED PEN PRISONERS WOULD ACTUALLY BE FREED HAD RAISED EXPECTATIONS LOCALLY. HUMAN RIGHTS ORGANIZATIONS ADVISED THE AP'S LOCAL OFFICE ON FRIDAY NOT TO RUN THE STORY AS THEY EXPECTED THAT ADDITIONAL LISTS WOULD BE ISSUED OVER THE WEEKEND. NONE WERE ISSUED.

3. (C) AT PRESENT ALL OBSERVERS ARE WAITING TO SEE HOW MANY OF THE 192 PERSONS WHO HAD THEIR PEN STATUS REMOVED WILL ACTUALLY BE SET FREE. THE PERMANENT ASSEMBLY'S PRISONERS COMMITTEE CHAIRMAN INFORMED US ON DECEMBER 26 THAT THE ASSEMBLY HAD NOT YET RECEIVED ANY INFORMATION OF CONFIRMED RELEASES.

4. (C) THE FOLLOWING FOUR U.S. INTEREST CASES WERE INCLUDED IN THE GOA'S LIST:

CASE NO.	NAME	US INTEREST
11777/8	BRAVO CONTE, ALFREDO PEDRO	WOLA AFL/CIO
28778/2	FERREIRA, ENRIQUE ABELARDO	AMCIT. REL.
62578/10	ALONSO, JUAN MANUEL	CONG. MCHUGH
(B) UNDER PEN - CONTROLLED LIBERTY:		
18877/9	MATHOT, HUGO ORLANDO	DEPT. OF STATE

5. (C) EMBASSY COMMENTS: ALFREDO BRAVO'S NAME ON THE LIST OF PERSONS WHOSE PEN STATUS IS BEING REMOVED SIGNALS THE TERMINATION OF HIS PAROLE STATUS. THIS MEANS THAT THE ROUND-THE-CLOCK GUARD PROTECTION WILL BE REMOVED FROM HIS HOME AND HE WILL BE FREE TO TRAVEL IN ARGENTINA AND ABROAD. HOWEVER, AS HIS TEACHING CREDENTIAL HAS BEEN SUSPENDED BY A SEPARATE ACTION, OF THE MINISTRY OF EDUCATION, HE IS UNABLE TO CONTINUE IN HIS PROFESSION. ALTHOUGH HE CAN NOW LEGALLY PURSUE HIS LABOR UNION AND HUMAN RIGHTS ACTIVITIES, THERE LIKELY ARE DE FACTO CONSTRAINTS AGAINST HIS DOING SO.

6. (C) EMBASSY COMMENT: IT SHOULD BE RECALLED THAT THE GOA REMOVED THE PEN DECREES AGAINST 389 PERSONS LAST DECEMBER 23 AS A CHRISTMAS GESTURE. MINISTRY OF INTERIOR OFFICIALS HAVE NEVER RESPONDED TO OUR REPEATED INQUIRIES ABOUT HOW MANY OF THE 389 PRISONERS WERE ACTUALLY SET FREE AS OPPOSED TO JUST HAVING THEIR EXECUTIVE DETENTION STATUS CONVERTED INTO DETENTION UNDER THE JUDICIAL SYSTEM. THE MUNCIATURA ESTIMATES THE NUMBER AT AROUND 80.

7. (C) WE HAVE RECENTLY RECEIVED TWO VERY DIFFERENT ASSESSMENTS ON THE NUMBER OF PEN DETAINEES WHO ARE CONCURRENTLY BEING HELD FOR CRIMINAL PROCEEDINGS. MINISTRY OF INTERIOR ASSISTANT SECRETARY FOR INTERNAL SECURITY SAN ROMAN BOASTED TO ENHOFFS IN LATE NOVEMBER THAT ONE OF HIS MAJOR ACCOMPLISHMENTS THIS YEAR HAS BEEN TO REMOVE THE PEN DECREES FROM MOST OF THOSE PRISONERS WHO WERE ALSO BEING TRIED BY THE CIVILIAN OR MILITARY COURTS. HOWEVER, [REDACTED] TOLD EMBASSY JUST FIVE DAYS AGO THAT THE MAJORITY OF PEN DETAINEES SEEN BY THE RED CROSS IN THEIR VISITS WERE DETAINED UNDER BOTH PEN DECREES AND JUDICIAL OR MILITARY COUNSEL RESTRAINING ORDERS.

8. (C) HOW MANY OF THE PEN DETAINEES ON THE DECEMBER 22 LIST WILL ACTUALLY BE SET FREE CANNOT BE ESTIMATED. WE WILL HAVE TO WAIT AND SEE. END COMMENT.

CASTRO Department of State, A/GIS/RS/SRP

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NSC Declassification Review [EO 13526]
DECLASSIFY IN PART
by John Powers on 2/20/2018

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