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April 27, 1979

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TO: ARA - Ambassador Viron Vaky

THROUGH: HA - Patt Derian *P*

FROM: HA - Mark L. Schneider

SUBJECT: Memcon: Lunch, Wednesday, April 25 - 12:30 p.m.

PARTICIPANTS: Mark Schneider, Senior Deputy Assistant Secretary for Human Rights

Col. Cerda, Secretary to President Videla

Marcello Huergo, Chief of Staff for Orfila

Arnuldo Listre, Member of the Argentine Mission to the OAS

Huergo set up the lunch with me and I was somewhat surprised to find the other members of the party when I arrived. However, previously he had asked me whether I would be interested in meeting with Col. Cerda and I said I would. The discussions ranged across the full spectrum of U.S. Argentine relations in the area of human rights. All emphasized the private and confidential nature of the lunch. The discussion was frank and dealt with the following subjects:

1. Disappeared: Huergo indicated that a continuing problem would be how to deal with the disappeared. Cerda informed me that the Argentine Government was probably likely to prepare legislation which would essentially declare dead many of the disappeared, if not all. This was aimed at closing issue and permitting families to resolve legal matters. I expressed the view that the family members would be unlikely to be satisfied with a general statement of that nature and would continue to press for some information on what had occurred to

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individuals. I noted both the Chilean case and similar cases in other parts of the world. Both Huergo and Listre supported me in that but emphasized they wanted to ensure that I was stressing information and humanitarian satisfaction of concerns for the family and not judging the individuals responsible for the disappearances. I concurred that the humanitarian motive was at the core of our concerns.

2. PEN Prisoners: Cerda said that he hoped that by the end of the year that there would only be a thousand left. He said those would be individuals who the military felt had been involved in subversive activities and could not prove it in court and did not intend to release. He said that the remainder of the 2,700 PEN prisoners now being held would be either released, permitted to use right of option or submitted to judicial procedures. He said that in all of last year however only some 35 PEN prisoners had been charged and transferred to the judicial process. He said that he expected a release of some 400 PEN prisoners shortly.

3. Clandestine Prisoners: He said that so far as he knew, there no longer were any clandestine prisoners. He said that they either had been transferred to PEN or they disappeared. I indicated that credible reports still were received from NGO sources that some prisoners still were held in that category.

4. Timmerman: We discussed Timmerman in the context of his statements that the military had succeeded in gaining control over the operations of security forces and this had finally resulted in reduction in disappearances but that the control was not complete and the Timmerman case evidenced that.

5. Right of Option: He said he was unfamiliar with the details of the situation. He could not explain why individuals who had been given access to the right of option in terms of permitting the U.S. Consular officers to see them were subsequently denied release.

6. Labor: He said that he anticipated that the labor union leaders arrested would in all likelihood be freed after a short period. He said the Argentine government viewed it as a challenge to the National Security Law and wanted to indicate clearly their willingness to

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accept such political acts. He also emphasized that the new law dealing with labor unions was an attempt to depoliticize labor in Argentina to the extent possible. It would regulate the use of strikes; restrict union leadership to two terms (three years apiece); bar unions from formally participating in any political activity such as support for Presidential candidacy or adherence to any political party. He concurred that some of the restrictions might present problems in terms of international human rights standards.

7. Inter-American Human Rights Commission Visit:  
He emphasized that the government was ready to receive the Commission whenever it was prepared to travel to Argentina.

8. Cerda is a bright thoughtful lawyer who states his desire to see a return to civilian democratic rule in Argentina but who sees it as a long process. He also asserts the civil war is justification for abuses which have occurred and believes that the need to restore public order justifies those actions. We did not agree on this overall assessment. He thought that a visit to Argentina by me would be useful some time after the Commission visit.

9. PS: I mentioned the case of Humberto Pollano (the father of an Argentine resident here) who has been detained for some time in La Rioja. He was released the next day. I wish I had given him a list of 100.

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