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DRAFTED BY ARA/ECA:CWRUSER:TR
APPROVED BY D:MR. CHRISTOPHER
ARA:WGBOWDLER
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IO:GDALLEY
HA:PDERIAN
S/P:JWALKER(SUBS)
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E.O. 12065: GDS 1/11/86 (CHRISTOPHER, W.)

TAGS: SHUM, AR

SUBJECT: CONSULTATIONS ON HUMAN RIGHTS

REF: BA 0163

1. C - ENTIRE TEXT

2. THE DEPARTMENT AGREES WITH EMBASSY'S RECOMMENDATION
THAT APPROACH TO GOA AT THIS TIME ON US POSITION AT
UNHRC PROVIDES OPPORTUNITY TO SEEK IMPROVEMENTS ON HUMAN

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RIGHTS. CHARGE SHOULD APPROACH APPROPRIATE HIGH-LEVEL
GOA OFFICIAL AS SOON AS POSSIBLE AND MAKE FOLLOWING
POINTS:

Department of State, A/GIS/IPS/SRP

Change to Release Excise Deny Declassify

Exemptions b () () E.O. 13526 25x () ()

Declassify after _____

With concurrence of: _____ obtained _____ not obt. _____

IPS by _____ Date 17-14-16

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-- US IS AWARE THAT GOA IS NOW FORMULATING ITS APPROACH TO THE FORTHCOMING MEETING OF THE UNHRC; USG IS DOING SO ALSO.

-- US DOES NOT SEEK PUBLIC CENSURE OF ARGENTINA BY THE UNHRC, AND HAS NO DESIRE TO SUPPORT RESOLUTIONS OF OTHERS TO THAT END.

-- USG WOULD BE INTERESTED IN CONSULTING WITH GOA IN ADVANCE OF THAT MEETING, TO COMPARE OUR RESPECTIVE POSITIONS AND SEEK TO FIND COMMON GROUND.

3. IN COMMENTING ON THESE THREE POINTS, CHARGE SHOULD NOTE THAT WE WOULD LIKE TO SUPPORT, IF POSSIBLE, A MODERATE APPROACH ON AGENDA ITEMS OF PRINCIPAL CONCERN TO ARGENTINA, AND THAT WE ARE PREPARED TO DO SO. HOWEVER, GOA WILL UNDERSTAND THAT IN ORDER FOR ARGENTINA'S GENUINE FRIENDS TO DO THIS IT WILL BE IMPORTANT FOR THEM TO BE ABLE TO POINT TO PROGRESS ON HUMAN RIGHTS IN SPECIFIC AREAS. WE THUS WOULD BE INTERESTED IN DISCUSSING SPECIFIC IMPROVEMENTS IN HUMAN RIGHTS AS PART OF THESE CONSULTATIONS. OUR ACTIONS IN THE FORTHCOMING UNHRC MEETING WILL, OF COURSE, ALSO HAVE TO BE GUIDED BY OUR CONCERN FOR THE INTEGRITY AND EFFECTIVENESS OF THE COMMISSION'S PROCEDURES.

4. IF GOA IS INTERESTED, CHARGE SHOULD PROCEED WITH CONSULTATIONS ON THIS BASIS, DRAWING ON PARAS BELOW.

A. HUMAN RIGHTS

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5. WE ARE INTERESTED IN A SPECIFIC STATEMENT FROM THE GOA TO RELEASE CERTAIN NUMBERS OF PEN PRISONERS BY A SPECIFIC DATE (IF POSSIBLE, A SCHEDULE OF RELEASES); A COMMITMENT TO ADDITIONAL RELEASES UNDER THE RIGHT-OF-OPTION PROGRAM; AND A REAFFIRMATION OF PREVIOUS ARGENTINE STATEMENTS (NOT HONORED TO DATE) THAT DISAPPEARANCES WILL CEASE DEFINITELY.

6. WITH REGARD TO INFORMATION ABOUT THE FATE OF THE DISAPPEARED, CHARGE SHOULD CONVEY OUR CONTINUING CONCERN THAT GOA FIND A WAY TO INFORM FAMILIES, NOTING THE VARIOUS PROPOSALS OFFERED FOR THAT PURPOSE.

B. AGENDA ITEMS OF CONCERN TO ARGENTINA

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7. THERE WILL BE TWO AGENDA ITEMS OF PRINCIPAL CONCERN TO ARGENTINA:

-- ITEM 12B: STUDY OF SITUATIONS REVEALING A CONSISTENT PATTERN OF GROSS VIOLATIONS OF HUMAN RIGHTS (ECOSOC RESOLUTION 1503). THE UNHRC'S SUBCOMMISSION HAS REFERRED TO THE FORTHCOMING SESSION OF THE FULL COMMISSION THE CASE OF ARGENTINA, TOGETHER WITH THAT OF SEVERAL OTHER COUNTRIES. THIS IS THE FIRST TIME THE COMMISSION HAS BEEN ASKED TO GIVE FULL AND FORMAL CONSIDERATION TO ARGENTINA UNDER THE CONFIDENTIAL 1503 PROCEDURES.

-- ITEM 10B: QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR THE QUESTION OF MISSING AND DISAPPEARED PERSONS. THIS ITEM WILL BE CONSIDERED IN PUBLIC SESSION

AND WILL BE BASED ON AN AUGUST, 1979 RESOLUTION OF THE SUBCOMMISSION REQUESTING THE HRC TO APPOINT A GROUP OF EXPERTS TO DEAL WITH THE QUESTION AND URGING THE SECRETARY GENERAL TO USE HIS GOOD OFFICES IN AN EFFORT

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TO SOLVE THE PROBLEM.

8. UNDER THE RESOLUTION 1503 PROCEDURE THE SUBCOMMISSION HAS FORWARDED THREE COMPLAINTS AS REPRESENTATIVE OF THE LARGE NUMBER RECEIVED AGAINST ARGENTINA; THE COMPLAINTS CHARGE THAT GOA SECURITY FORCES ARE ENGAGED IN A CAMPAIGN OF TERROR AND REPRESSION, INVOLVING DEATH, DISAPPEARANCE, AND ILLEGAL DETENTION, AND ASK FOR UN ACTION ON BEHALF OF PERSONS DETAINED WITHOUT CHARGE. THERE ARE FIVE POSSIBLE ACTIONS THE COMMISSION COULD TAKE ON THESE COMPLAINTS. (ALL THE PROCEEDINGS ARE CONFIDENTIAL, UNLESS THE COMMISSION DECIDES TO GO PUBLIC.) IN ORDER OF INCREASING SEVERITY, THEY ARE:

A. KEEP THE ARGENTINE SITUATION UNDER REVIEW (LAST YEAR'S ACTION ON BOLIVIA AND MALAWI);

B. REQUEST SECRETARY GENERAL TO ESTABLISH DIRECT CONTACTS WITH GOVERNMENT (ACTION TAKEN WITH PARAGUAY, URUGUAY, AND ETHIOPIA);

C. APPOINT RAPPORTEUR TO STUDY SITUATION (ACTION WITH RESPECT TO UGANDA);

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D. APPOINT INVESTIGATORY COMMITTEE TO MAKE ON-SITE INVESTIGATION WITH STATE'S CONSENT; AND

E. RECOMMEND PUBLIC CONSIDERATION BY ECONOMIC AND SOCIAL COUNCIL, I.E. PUBLIC CENSURE (ACTION TAKEN ON EQUATORIAL GUINEA).

9. WE BELIEVE STILL SERIOUS HUMAN RIGHTS SITUATION. PRECLUDES ADOPTION OF FIRST OPTION. FACT THAT ARGENTINA
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IS BEING CONSIDERED FOR THE FIRST TIME MAKES PUBLIC CENSURE A HIGHLY UNLIKELY OUTCOME AND ONE WE WOULD NOT SUPPORT. OPTION D WOULD NOT BE APPLICABLE TO ARGENTINE CASE, GIVEN RECENT IAHRG INVESTIGATION. OPTION B OR C, WOULD THEREFORE APPEAR TO BE APPLICABLE; BOTH ARE CONFIDENTIAL PROCEDURES, THUS MEET ARGENTINE CONCERN TO AVOID PUBLIC CENSURE.

10. WITH REGARD TO ITEM 10.B THE RESOLUTION WHICH WILL BE BEFORE THE COMMISSION MENTIONS NO COUNTRY BY NAME BUT WOULD ESTABLISH A UNIVERSAL PROCEDURE. THE US DOES NOT INTEND TO INTRODUCE A RESOLUTION REFERRING PARTICULARLY TO ARGENTINA IN THE CURRENT SESSION. WE ALSO DO NOT WISH TO SUPPORT RESOLUTIONS THAT MIGHT BE OFFERED BY OTHER COUNTRIES DEALING SOLELY WITH ARGENTINA. HOWEVER, WE WOULD EXPECT ARGENTINA NOT TO OFFER RESISTANCE OR LOBBY AGAINST RESOLUTION TO ESTABLISH EFFECTIVE UNIVERSAL PROCEDURE AND WOULD RESERVE FLEXIBILITY TO SUPPORT A RESOLUTION ON ARGENTINA IN THE EVENT OF ARGENTINE OPPOSITION.

11. WE ARE INTERESTED IN ARGENTINE VIEWS ON THESE AGENDA ITEMS AS WELL AS ANY OTHER CONCERNS THEY MIGHT HAVE ABOUT THE FORTHCOMING MEETING. ONCE WE RECEIVE CHARGE'S REPORT ON INITIAL CONSULTATIONS, DEPARTMENT WILL CONDUCT PARALLEL DISCUSSIONS WITH ARGENTINE AMBASSADOR IN WASHINGTON.

12. FYI. IN LIGHT OF IMPORTANCE OF ARGENTINE COOPERATION WITH RESPECT TO GRAIN SALES TO SOVIETS, FOREGOING SHOULD BE PRESENTED IN A POSITIVE WAY, AND YOU SHOULD MAKE CLEAR OUR WILLINGNESS TO DISCUSS ALL ASPECTS OF PROPOSAL WITH ARGENTINES IN SPIRIT OF COOPERATION AND FLEXIBILITY. END FYI. VANCE

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