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ACTION SS-30

INFO OCT-01 ADS-00 SSO-00 /031 W  
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FM AMEMBASSY BUENOS AIRES  
TO SECSTATE WASHDC IMMEDIATE 6889  
INFO USMISSION GENEVA  
AMEMBASSY LIMA  
AMEMBASSY ROME  
USMISSION USUN NEW YORK

~~CONFIDENTIAL~~ SECTION 1 OF 2 BUENOS AIRES 7745

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ROME FOR VATICAN OFFICE  
DEPT PLS PASS USCINCSO FOR INTAFF

E.O. 12065: GDS 9/19/86 (RUSER, CLAUS W.) OR-M  
TAGS: SHUM PINT AR  
SUBJECT: THE TACTIC OF DISAPPEARANCE

REF: BUENOS AIRES 7578

1. C - ENTIRE TEXT.

2. SUMMARY: DISAPPEARANCE IS STILL THE STANDARD TACTIC FOR THE ARGENTINE SECURITY FORCES IN DEALING WITH CAPTURED TERRORISTS. THE MILITARY'S COMMITMENT TO THIS METHOD IS PROFOUNDLY ROOTED IN ELEMENTS THAT RANGE FROM EFFECTIVENESS THROUGH EXPEDIENCY TO CULTURAL BIAS. WE DOUBT WHETHER INTERNATIONAL SANCTIONS AND OPPROBRIUM WILL, IN THEMSELVES, CAUSE THE GOVERNMENT TO CHANGE THE TACTIC AND GRANT CAPTURED TERRORISTS DUE PROCESS. GETTING THE AUTHORITIES TO ABANDON THIS TACTIC WILL BE AN UPHILL BATTLE. WE MUST TRY. THE VATICAN MAY BE THE MOST EFFECTIVE ADVOCATE IN THIS

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EFFORT WHICH SHOULD TRY TO CONVINCE THE LEADERSHIP THAT THERE ARE OTHER WAYS TO DEAL WITH THE PROBLEM--ESPECIALLY THROUGH THE ESTABLISHMENT OF MILITARY COURTS. END SUMMARY.

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3. THOUGH DRASTICALLY REDUCED IN NUMBERS FROM PREVIOUS LEVELS, DISAPPEARANCE CONTINUES TO BE THE STANDARD TACTIC FOR THE ARGENTINE SECURITY FORCES IN DEALING WITH PEOPLE THEY BELIEVE TO BE MEMBERS OF TERRORIST ORGANIZATIONS. DISAPPEARANCE IS A EUPHEMISM FOR THE UNACKNOWLEDGED DETENTION OF AN INDIVIDUAL BY SECURITY FORCES. BASED ON EVERYTHING WE KNOW, WE BELIEVE THAT DETAINEES ARE USUALLY TORTURED AS PART OF INTERROGATION AND EVENTUALLY EXECUTED WITHOUT ANY SEMBLANCE OF DUE PROCESS. AS WE UNDERSTAND IT, THE CURRENT GUIDELINES FOR THE SECURITY FORCES ARE TO USE THIS PROCEDURE ONLY AGAINST ACTIVE MEMBERS OF TERRORIST ORGANIZATIONS. THE RESULT HAS BEEN THAT VIRTUALLY ALL OF THOSE WHO DISAPPEARED THIS YEAR HAVE PROBABLY BEEN MONTONEROS.

4. THE ARGENTINE SECURITY FORCES WON THE "DIRTY WAR" AGAINST THE TERRORISTS TWO YEARS AGO. SINCE THAT TIME THE MONTONEROS HAVE BEEN ABLE TO CARRY OUT ONLY ISOLATED, IF OCCASIONALLY SPECTACULAR, ACTS FOR WHICH THE TERRORIST ACTORS HAVE OFTEN EVENTUALLY PAID WITH THEIR LIVES. THUS, EVEN IF ONE WERE TO CONCEDE THE CASE BEFORE, NECESSITY HARDLY CAN BE INVOKED BY THE MILITARY TO JUSTIFY THE USE OF DISAPPEARANCE AS A COUNTER-INSURGENCY TECHNIQUE. ON THE OTHER HAND, THE CONTINUED USE OF DISAPPEARANCE HAS A VERY HIGH INTERNATIONAL POLITICAL COST FOR THE GOVERNMENT. IT IS ON THE DEFENSIVE IN INTERNATIONAL ORGANIZATIONS. RELATIONS WITH THE UNITED STATES CONTINUE TO BE STRAINED BY THE ISSUE. THE PROBABLE INVOLVEMENT OF ARGENTINE SECURITY FORCES IN THE DISAPPEARANCE OF THREE ARGENTINE MONTONEROS

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IN PERU FORCED PRESIDENT VIDELA TO CANCEL A TRIP TO LIMA THAT HE WISHED TO MAKE TO SYMBOLICALLY EXPRESS HIS GOVERNMENT'S DEMOCRATIC INTENTION. AT THE POLITICAL LEVEL IN THIS GOVERNMENT, OUR CONTACTS, EVEN AMONG THE MILITARY, RECOGNIZE THESE COSTS AND EXPRESS THE HOPE THAT EVENTUALLY DISAPPEARANCES WILL CEASE.

5. BUT THEY DON'T THIS UNWILLINGNESS DOES NOT REFLECT SIMPLE BLOODY-MINDEDNESS BY UNTHINKING MILITARY MEN. IF IT DID THE PROBLEM MIGHT BE MORE SOLUABLE. RATHER THE ARGENTINES HAVE RECOURSE TO DISAPPEARANCE BECAUSE:

--IT WORKED. MORAL AND LONG TERM POLITICAL COSTS APPEAR LESS IMPORTANT THAN SECURITY CONSIDERATIONS TO THE GOA. ARGENTINE SECURITY FORCES DEFEATED ONE OF THE LARGEST

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TERRORIST ASSAULTS ON A MODERN SOCIETY USING THIS TACTIC. THE EXPERIENCE OF WEST GERMANY AND THE UNITED STATES IN USING THE LAW TO MEET A TERRORIST THREAT MAKES LITTLE IMPRESSION HERE SINCE THE MILITARY ACCURATELY EVALUATE THE THREAT THAT THEY BESTED AS BEING MUCH LARGER THAN THE ONE THE UNITED STATES AND THE FRG FACED. RATHER, ARGENTINES INVOKE ITALY'S CONTINUING TORMENT AS WHAT THEY MIGHT HAVE FACED IF THEY HAD STUCK TO THE LAW.

--IT CONTINUES TO BE EFFECTIVE. DISAPPEARED PRISONERS YIELD UP INFORMATION UNDER TORTURE. DISAPPEARED PREISONERS CAN BE TURNED AGAINST THEIR FORMER COMRADES. DISAPPEARED PRISONERS ARE BELIEVED TO BE A FRIGHTENING EXAMPLE THAT INHIBITS THE MONTONEROS' ABILITY TO RECRUIT NEW PERSONNEL.

NOTE BY OC/T: NOT PASSED ABOVE ADDRESSEE.

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--THE MILITARY ARE UNWILLING TO USE CIVILIAN COURTS TO PUNISH ACTIVE TERRORISTS. THEY ARGUE THAT THE COURTS WOULD SIMPLY LET THE TERRORISTS GO. IN VIEW OF THE

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STIFF SENTENCES HANDED OUT RECENTLY TO TERRORISTS CAPTURED IN EARLIER YEARS, THIS ARGUMENT IS NOT CONVINCING. WE BELIEVE THAT THE PROBLEM IS FOUNDED FIRST IN THE INABILITY OF THE MILITARY TO PRODUCE EVIDENCE FOR USE IN THE COURTS AGAINST MEN AND WOMEN FANATICALLY DEDICATED TO THEIR CAUSE--OTHER THAN THAT EXTRACTED FROM THE DETAINEES UNDER TORTURE. SECONDLY, THE SECURITY SERVICES ARE UNWILLING TO SURRENDER THEIR COMPLETE CONTROL OVER THE DETAINEES.

--THE MILITARY DOES NOT HAVE FULL CONFIDENCE IN THE FUTURE. THEORETICALLY A SYSTEM OF MILITARY JUSTICE WOULD HANDLE THE TERRORISTS, METING OUT CAPITAL SENTENCES IF THAT WERE TO ITS TASTES. HOWEVER, FOR SUCH A SYSTEM TO WORK, THERE WOULD HAVE TO BE OFFICERS OF RECORD WHO

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IN THE FUTURE COULD BE HELD ACCOUNTABLE FOR THEIR ACTIONS. AS ONE MAN, HIMSELF A MEMBER OF ONE OF THE MAJOR SECURITY FORCES, TOLD US, THERE IS VIRTUALLY NO ARGENTINE OFFICER WHO WANTS TO HAVE HIS NAME ON RECORD AS ORDERING THE EXECUTION OF A TERRORIST. UNDER THE CURRENT SYSTEM, THE MILITARY ARE RESPONSIBLE AS AN INSTITUTION BUT THE INDIVIDUAL IS FREE FROM ACCOUNTABILITY.

--AT BEST, THE RULE OF LAW IS A WEAK AND FRAGILE CONCEPT IN ARGENTINA. THE MILITARY DOES NOT OPERATE IN A VACUUM AND ITS DISREGARD FOR THE PRINCIPLES OF DUE PROCESS REFLECT WIDESPREAD ATTITUDES IN THIS SOCIETY. ARGENTINES WHO GENUINELY BELIEVE IN THE RULE OF LAW, SOME IN THE GOVERNMENT AND OTHERS OPPOSING IT, REMAIN A MINORITY.

--FORCING THE SECURITY FORCES TO ABNADON THE TACTIC WOULD INVOLVE CONFRONTATION BETWEEN THE POLITICAL LEVEL OF THE GOVERNMENT AND VERY POWERFUL ELEMENTSIN THE SECURITY FORCES. THE POTENTIAL COSTS OF SUCH A CONFRONTATION MAKE IT A VERY UNATTRACTIVE ALTERNATIVE TO A GOVERNMENT WHICH MUST COUNT ON A MILITARY INSTITUTION THAT IS MORE OR LESS UNIFIED.

--INTERNATIONAL SANCTIONS AND OPINION ARE GIVEN LESS WEIGHT BY THE MILITARY THAN THE NEED TO CLEAN UP THE REMANANTS OF THE ANTI-TERRORIST WAR. THEY WILL NOT EASILY CHANGE THEIR TACTICS TO MOLLIFY CRITICISM.

6. THE USE OF DISAPPEARANCE IS NOW RESTRICTED, WE BELIEVE, TO ACTIVE TERRORISTS. THUS, THE EXTENT TO WHICH DISAPPEAR-

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ANCES OCCUR DEPSNDS SOLELY ON THE NUMBER OF MONTONEROS WHO ARE ACTIVE AND GET CAUGHT. AS THE NUMBER OF ACTIVE MONTONEROS HAS DECLINED, SO HAVE THE NUMBER OF DISAPPEARANCES. THIS TREND WILL CONTINUE IF THE NUMBER OF ACTIVE MONTONEROS

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CONTINUES TO DROP, BUT DISAPPEARANCE AS AN ACCEPTABLE TACTIC WILL NOT END SOON.

7. AS THE WAR BETWEEN THE TERRORISTS AND THE SECURITY FORCES GOES ON; HUMANITARIAN VALUES AND US RELATIONS WITH THIS COUNTRY ARE CAUST IN A CROSSFIRE. WE OBVIOUSLY CAN DO LITTLE TO AFFECT THE TERRORISTS' CHOICE OF WHETHER OR NOT TO CONTINUE THEIR STRUGGLE. OUR ABILITY TO INFLUENCE THE GOVERNMENT'S DECISION ON TACTICS IT WILL USE IN THIS WAR IS NOT MUCH GREATER. IT WILL REMAIN DIFFICULT FOR US TO ARGUE AGAINST ARGENTINE "SUCCESS" IN ITS UNDELICATED WAR AGAINST TERRORISM AND PARA-MILITARY GUERRILLA ACTIVITIES. BUT WE BELIEVE THAT DESPITE THE OBSTACLES WE MUST MAKE THE EFFORT. WE SHOULD:

--MAKE IT CLEAR TO GOA OPINION MAKERS THAT WHILE WE HAVE NO SYMPATHY FOR THE TERRORISTS WE CANNOT CONDONE EXTRA-LEGAL ACTIONS GAINST THEM. SO LONG AS THE GOVERNMENT CONTINUES TO EMPLOY SUCH TACTICS THERE WILL BE AN IMPORTANT IMPEDIMENT TONORMAL RELATIONS.

--ENCOURAGE THE GOVERNMENT TO PONDER SERIOUSLY HOW THIS POLICY IMPEDES ITS EFFORTS TO MAKE ARGENTINA A RESPECTED MEMBER OF THE WESTERN FAMILY OF NATIONS.

--STIMULATE THE GOVERNMENT TO THINK ABOUT ALTERNATIVES TO THE TACTIC OF DISAPPEARANCE. WE BELIEVE THAT THE ESTABLISHMENT OF AN EFFECTIVE SYSTEM OF MILITARY JUSTICE MAY BE THE BEST ANSWER. IF THE MILITARY COULD BE SHAKEN OUT OF THEIR BELIEF THAT DEATH IS THE ONLY REASONABLE PUNISHMENT FOR TERRORISTS, THE ARMED FORCES MIGHT SEE ADVANTAGES IN USING THE MILITARY COURTS. THE BRAZILIANS RELIED ON THEM DURING THEIR SUCCESSFUL BOUT WITH TERRORISTS. THIS EXAMPLE MIGHT HELP CONVINCED THE ARGENTINES THAT THEY SHOULD SERIOUSLY CONSIDER THIS ALTERNATIVE.

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--ENCOURAGE THE VATICAN AND POSSIBLY THE ARGENTINE CHURCH TO INTERVENE WITH THE ARGENTINE AUTHORITIES. THE PAPAL NUNCIO HERE UNDERSTANDS THE ISSUES AND IS ALREADY INVOLVED IN TRYING TO GET THE GOA TO EXAMINE THE MORALITY AND WISDOM OF THE TACTIC OF DISAPPEARANCE (SEPTTEL). THE CHURCH AND THE POPE HAVE FAR MORE INFLUENCE HERE THAN THE USG AND CAN BE THE MOST EFFECTIVE ADVOCATES OF A FULL RETURN TO THE RULE OF LAW. WE WILL OF COURSE CONTINUE TO FOSTER RETHINKING OF THE POLICY OF DISAPPEARANCES WITHIN THE MILITARY AND THE GOVERNMENT.  
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