

TION 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 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 SOLVABLE. 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 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 PRISONERS CAN BE TURNED AGAINST THEIR FORMER COMRADES. DISAPPEARED

~~*****CONFIDENTIAL*****~~ COPY

PRISONERS ARE BELIEVED TO BE A FRIGHTENING EXAMPLE THAT
INHIBITS THE MONTONEROS' ABILITY TO RECRUIT NEW PERSONNEL.

BT

Declassified Case: LW# 57067 Date: 06-07-2013

PSN:039390 PAGE 03 OF 03 TOR:270/21:29Z DTG:260900Z SEP 60

NW 57067 DocId:33069290 ~~*****CONFIDENTIAL*****~~ COPY

OP IMMED /ROUTINE
 UTS551
 DE RUEBBA #7745/2 2701330
 C R 260900Z SEP 80
 FM AMEMBASSY BUENOS AIRES

TO SECSTATE WASHDC IMMEDIATE 6890

INFO USMISSION GENEVA 1345
 AMEMBASSY LIMA 3679
 AMEMBASSY ROME 892
 USMISSION USUN NEW YORK 1162

~~C O N F I D E N T I A L~~ SECTION 2 OF 2 BUENOS AIRES 7745

~~EXDIS-~~

ROME FOR VATICAN OFFICE
 DEPT PLS PASS USCINCSO FOR INTAFF
 --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
 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
 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

DocId:33069290 Case: NW 57067 Date: 08-07-2013

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 DISAPPEARANCES OCCUR DEPSNIS 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 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 UNDELCLARED 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 ESTABLISEMENT 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

*****C O N F I D E N T I A L*****E COPY

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 CONVINCING THE ARGENTINES THAT THEY SHOULD SERIOUSLY CONSIDER THIS ALTERNATIVE.

--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 (SEPTEL). 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.

RUSER
BT

Declassified Case: NW 57067 Date: 08-07-2013

PSN:039398 PAGE 03 OF 03 TOR:270/21:31Z LTG:260900Z SEP 80

NW 57067 DocId:33069290*****C O N F I D E N T I A L*****E COPY

Carter Library

RAC 1578 24

Box ~~XXXXXXXXXXXX~~ 91

~~PRR in Buenos Aires~~ ~~US Policy towards Latin Am.~~ ~~1962-8/1972~~
[Morales, Joan] Visit to Brazil + Venezuela (5/11-16/79) ~~Participation~~

~~Foreign trips~~ ~~visit to~~ ~~19/20/78~~ ~~Diplomatic~~

~~Cables~~ ~~10/11/78~~

VP's trip to Venezuela and Brazil, 11/16/79. Background
papers (5)

State visit: Venezuela Perez, Carlos Andres, 6/27-29/78

[Miss Ghera] Panama Canal Treaty - Bilateral with Canada
~~10/25/78-11/7/78~~

~~David Bonfili's Matter, 10/17/78~~

State subject: President's Visit to Brazil (8/19-21/78) 10/1, 3/78
and Venezuela (5/18) 10/1, 1/78
to Venezuela (3/28-29/78) 1, 2/78

State visit to La Paz Bolivia (10/20-21/78) 1, 10/29

Argentina, 3/79-12/80