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ARGENTINA

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I. POLITICAL SITUATION

Argentina is a federal republic headed by President Jorge Rafael Videla, who came to power on March 24, 1976, overthrowing Isabel de Peron, after a period of serious political and economic instability. The Consumer Price Index was increasing at a 566% annual rate. There was deepening recession, and an external payments crisis threatened default on foreign debts. Violence was rampant. Over 2,000 Argentines died in three years as a result of terrorism between the People's Revolutionary Army (ERP) and the Montoneros on the left and rightist counter-terrorist organizations, some sponsored by Peron's confidant, Lopez Rega.

The military government has made some headway on the economic front, and has attempted to eliminate terrorism, focusing primarily on the political left. Some effort has also been made to end official abuses. About 1,250 people have died since March.

II. LEGAL SITUATION

The Argentine Constitution of 1853 is in effect. In practice, however, the decrees and laws promulgated by the military government take precedence in case of conflict. This principle has been consistently upheld by the Argentine Supreme Court.

The Argentine Constitution is closely patterned after the United States Constitution and provides most of the same legal guarantees. The major exception is a "State of Siege" provision contained in Articles 23, 67 and 86 of the Constitution. These articles provide for the suspension of habeas corpus temporarily, the detention of suspects indefinitely and the moving of accused persons from place to place within the country. The State of Siege was invoked by the Peronist government and has been in effect since November 6, 1974.

III. OBSERVANCE OF INTERNATIONALLY-RECOGNIZED HUMAN RIGHTS

A. Integrity of the Person

Article 3: The rights of life, liberty and security of person are violated regularly by terrorists at both ends of the political spectrum. Both the current and predecessor administrations have evidently acquiesced in violations attributable to persons associated with the government. Right-wing

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Margaret P. Grafeld, Director

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terrorism or counter-terrorism has been carried out by vigilante squads operating with impunity. Active duty and retired military and police personnel are reportedly members of such squads. Their victims have included a wide variety of individuals, suspected terrorists, other leftists, priests and foreign political exiles. There are no reliable statistics on the number of victims of these groups but a reasonable estimate would be in the hundreds. The most notorious episode took place on August 30, when 30 leftist prisoners were allegedly "executed" in Pilar, in part as retaliation for the murder of a retired general, and in part apparently as a warning to leftist extremists. (The Amnesty International Report 1975-76 attributes 2,000 political assassinations since 1973 to the AAA, Argentine Anti-Communist Alliance, a vigilante organization initially associated with the Peron government.) It should be noted that reported instances of rightist violence declined toward the latter half of 1976, but it is too early to draw any conclusions at this time.

Leftist terrorism continues and has been responsible for hundreds of political assassinations and kidnappings. Many policemen, military personnel and businessmen are being murdered. Argentine executives of American business firms have been frequent victims in 1976. Most foreign executives had already left Argentina to escape kidnapping and/or murder. The number of American executives, for example, fell from an estimated 1,270 in 1972 to under 100 at present. In 1975, the American Consular Agent in Cordoba, John Patrick Egan, was murdered by the Montoneros, while a USIA officer, Alfred Laun, was kidnapped and narrowly escaped death in the same city.

Article 5: While torture, cruel, inhuman and degrading treatment or punishment have not been a general practice in Argentina, such methods are used by the security forces to extract information from some prisoners, particularly suspected or proven terrorists. After initial questioning, prisoners of this type apparently receive more or less normal treatment. Olga Talamate, an American released shortly after the March coup, has said that she was tortured; the same charge was made by American Gwenda Mae Loken Lopez, who was held from April to September 1976. (Father James Weeks, who was imprisoned in Argentina, from August 3-17, testified about the mistreatment of prisoners in Argentina on September 28, before the Subcommittee on International Organizations of the Committee on International Relations of the House of Representatives. Father Weeks said "most...atrocities are carried out by right-wing extremist groups made up of police and para-military personnel." Amnesty International's 1976, Testimonies on Persons, Torture and Detention in Argentina, describes several cases of reported torture.)

Article 8: Legal redress for governmental abuse of basic rights is normally available in Argentina but is frequently denied in cases involving charges of subversion.

Article 9: The security forces have detained numerous persons for investigation and questioning under the provisions of the State of Siege or other laws, e.g., arms control laws. Some are held indefinitely, others are freed after a short time, and still others are passed on to the regular courts or to military courts as prescribed by law. The Argentine government has not published a comprehensive list of those under detention by executive order, and families often cannot learn the whereabouts of next of kin. An accurate estimate of persons detained under the State of Siege is impossible to calculate. At the time of the March coup, the Amnesty International Report 1975-76 estimated that over 4,000 people were under detention without trial for unlimited periods. The figure is probably lower at present. In October 1976, during a visit to the United States, the Argentine Foreign Minister told the press there were 1,000 prisoners as of that date.

Article 10: The right to a fair hearing. In Argentina, preliminary investigations are conducted by judges. The right of habeas corpus is not honored in cases arising under the State of Siege.

Article 11: Argentine courts function normally in most cases, ensuring the right to a fair trial. The exception applies to individuals held under the State of Siege. In such cases the Argentine Supreme Court has ruled that the jurisdiction of the military justice system over subversion and arms control cases applies only when it is clear that the offense is actually linked to the security of the nation. Right and left wing intimidation of lawyers and judges has made it difficult to ensure fair trials in cases of alleged subversion and/or terrorism. (The Amnesty International Report 1975-76 states that lawyers formed one of the largest categories of prisoners held under the State of Siege in 1975 because they defended political prisoners.) The Report notes accurately that lawyers are refusing to defend political prisoners.

B. Other Freedoms

Argentines are treated equally before the law regardless of race or religion. Freedom to leave the country and return is the general rule. Freedom of thought and religion are generally respected in Argentina. The Jehovah's Witnesses, however, are encountering problems, as they have

elsewhere in Latin America, because of their refusal to serve in the armed forces or salute the flag. In August 1976, the Argentine government banned the Witnesses. This ban is being appealed in Argentine courts by the Witnesses.

Anti-Semitism has been a recurrent phenomenon in Argentina's modern history. In mid-1976, there were a series of bombings of synagogues and machine gun attacks against store fronts. This was accompanied by the appearance on Argentine newsstands of numerous anti-Semitic publications. The government responded by closing down the publishing house responsible for most of this material. On September 29, President Videla met with a leader of the Jewish community in Buenos Aires, as well as with leading Christian figures. After the meeting, the rabbi who attended reportedly stated that he hoped that "the peace and understanding we found at the President's table are a reflection of what is to come for Argentina." On October 7, Foreign Minister Guzzetti met with representatives of the American Jewish Committee in New York. We were informed by the Committee that the Foreign Minister gave strong reassurances that anti-Semitism would not be allowed to become a problem, and, indeed, acts of harassment against Jewish establishments have ceased. The Committee also reported to us, however, that some of the suppressed anti-Semitic publications have reappeared under different press names.

Freedom of expression and opinion in Argentina has been somewhat restricted by the banning of some right-wing and left-wing publications. The Argentine press is required to exercise self-censorship, and is specifically prohibited from mentioning terrorist and anti-terrorist operations unless officially authorized by the government. There is, nevertheless, criticism of human rights abuses in the Argentine press. Few journalists have suffered arrest and only for short periods. Foreign correspondents file stories freely. On August 21, the Argentine Newspapers Owners Association, representing over 100 editors and publishers, complained to President Videla about press restrictions.

Upon taking power in March, the military junta dissolved the parliament and banned political and labor activity. Some labor unions were taken over temporarily by the government and, on September 8, a law was passed providing for up to ten years in prison for strike organizers.

IV. OTHER HUMAN RIGHTS REPORTING

Many organizations, including Amnesty International, have reported and censured human rights violations in Argentina.

Some of Amnesty's reports and comments are included elsewhere in this paper. The Amnesty International Report 1975-1976 notes that, at the time of its preparation, it is difficult to assess the effects of the 1976 coup on the human rights situation in Argentina, but the initial moves of the new government are far from reassuring. The report states that Amnesty is beginning a large-scale adoption program in Argentina. Comprehensive reviews of the situation in Argentina since March 24 are not yet available.

In January 1976, Freedom House listed Argentina as "partially free."