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PAGE 01 BUENOS 05197 091911Z

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ACTION ARA-10

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ARGENTINA PROJECT (S200000044)
U.S. DEPT. OF STATE, A/RPS/IPS
Margaret P. Grafeld, Director
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[REDACTED] BUENOS AIRES 5197

E.O. 11652: N/A
TAGS: PINS, PINT, SHUM, AR
SUBJECT: PRISON SHIP EVACUATED, GOA CONSIDERS CITIZENS' OPTION
TO LEAVE COUNTRY

REF: (A) BUENOS AIRES 4171, (B) BUENOS AIRES 4272

1. SUMMARY. POLITICAL PRISONERS STILL ON BOARD THE PRISON SHIP 33 ORIENTALES WERE TRANSFERRED LAST WEEKEND (JULY 31-AUGUST 1) TO MILITARY AND FEDERAL PRISONS AMID CAUTIOUS BUT MOUNTING PRESSURE ON GOA TO SORT OUT THE CHARGES AND STATUS OF THOSE DETAINED FOLLOWING THE MARCH 24 COUP. ISABEL PERON, UNDER CRIMINAL INDICTMENT FOR MISUSE OF PUBLIC FUNDS, WILL APPARENTLY SOON BE MOVED TO VILLA DEVOTO PRISON NEAR BUENOS AIRES. GOA IS EXPECTED TO REQUEST EXTRADITION OF FORMER PRESS SECRETARY JOSE VILLONE ARRESTED AUGUST 4 IN URUGUAY AND FORMER SOCIAL WELFARE MINISTER LOPEZ REGA. GOA IS PREPARING GUIDELINES REGULATING THE CONSTITUTIONAL RIGHTS OF CITIZENS BEING HELD WITHOUT CHARGE UNDER STATE OF SIEGE TO OPT TO LEAVE THE COUNTRY. THE RIGHT WAS SUSPENDED BY THE JUNTA MARCH 24, BUT INVOKED LAST WEEK IN A FEDERAL APPEALS COURT DECISION. END SUMMARY.

2. ALL OF THE APPROXIMATELY 20 REMAINING PRISONERS ABOARD THE PRISON SHIP 33 ORIENTALES -- MOSTLY MEMBERS OF THE

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Current Class: [REDACTED]

Page: 1

UNCLASSIFIED

UNCLASSIFIED

Current Class: [REDACTED]
Current Handling: n/a
Document Number: 1976BUENOS05197

Page: 2

Channel: n/a

Case Number: 200000044

[REDACTED]

PAGE 02 BUENOS 05197 091911Z

DEPOSED PERONIST GOVT AND LABOR LEADERS -- WERE TRANSFERRED LAST WEEKEND TO MILITARY AND FEDERAL PRISONS. MOST OF THEM, INCLUDING SEVERAL WHO ARE AMONG THE 36 STRIPPED OF THEIR POLITICAL RIGHTS BY THE ACT OF INSTITUTIONAL RESPONSIBILITY (REF A) WENT TO THE MILITARY PRISON IN MAGDALENA; THE OTHERS WERE SENT TO VILLA DEVOTO PRISON NEAR BUENOS AIRES. THE GOVT HAS ANNOUNCED THAT THOSE WHO ARE STILL DETAINED ARE BEING CHARGED WITH MALADMINISTRATION OR EMBEZZLEMENT OF PUBLIC FUNDS, AND THAT NONE OF THEM ARE BEING HELD FOR "POLITICAL REASONS."

3. ISABEL PERON, UNDER CRIMINAL INDICTMENT FOR MISUSE OF PUBLIC FUNDS, WILL APPARENTLY BE MOVED SHORTLY TO VILLA DEVOTO FROM THE LAKESIDE MANSION IN NEUQUEN WHERE SHE HAS BEEN HELD SINCE THE MARCH COUP. GOA IS EXPECTED TO PRESS FOR EXTRADITION OF TWO OF SEVERAL FUGITIVES AMONG THE 36 SANCTIONED FORMER GOVT LEADERS: FORMER PRESS SECRETARY JOSE VILLONE, WHO WAS ARRESTED IN MONTEVIDEO AUGUST 4 WHERE HE APPARENTLY HAD SOUGHT POLITICAL ASYLUM, AND FORMER SOCIAL WELFARE SECRETARY LOPEZ REGA, RUMORED TO BE IN HIDING IN ITALY. IN THE CASE OF LOPEZ REGA, WHO FLED FROM SPAIN WHEN GOA REQUESTED HIS EXTRADITION FROM THERE MARCH 5, A BLANKET REQUEST WILL GO TO ALL COUNTRIES WHICH HAVE RECIPROCAL EXTRADITION AGREEMENTS WITH ARGENTINA.

4. THE PRISON SHIPS' POPULATION--THOUGHT TO NUMBER BE IN THE HUNDREDS IMMEDIATELY FOLLOWING THE MARCH 24 COUP--HAD DECLINED STEADILY IN RECENT WEEKS AS THE DETAINEES WERE EITHER RELEASED, TURNED OVER TO MILITARY PRISONS OR REMOVED TO FEDERAL PRISONS TO AWAIT TRIAL. AMONG THOSE RELEASED IN MID-JULY ARE EX LABOR MINISTER MIGUEL UNAMUNO, FORMER DEFENSE MINISTER JUAN LABAKE AND FORMER UNDER SECRETARY OF TOURISM AND SPORTS PEDRO ELADIO VAZQUEZ, WHO WAS ALSO MRS. PERON'S PERSONAL PHYSICIAN.

5. GOA, WHICH HAS BEEN UNDER INCREASING PUBLIC PRESSURE TO RESOLVE THE CASES OF DETAINED FORMER GOVT LEADERS, HAS, HOWEVER, ALSO BEEN CRITICIZED FOR BUNGLING THE CASES OF SEVERAL NOTORIOUS PERONIST FIGURES. SHORTLY AFTER PEDRO VAZQUEZ WAS RELEASED FROM THE PRISON SHIP, A WARRANT WAS ISSUED FOR HIS ARREST IN CONNECTION WITH "IRREGULAR USE OF [REDACTED]"

Current Class: [REDACTED]

Page: 2

UNCLASSIFIED

UNCLASSIFIED

Current Class: [REDACTED]
Current Handling: n/a
Document Number: 1976BUENOS05197

Page: 3
Channel: n/a

Case Number: 200000044

[REDACTED]

PAGE 03 BUENOS 05197 091911Z

PUBLIC FUNDS." HE, IN THE MEANTIME, HAD FLED WITH HIS FAMILY TO BRAZIL. FORMER JUSTICE AND INTERIOR MINISTER ANTONIO JUAN BENITEZ, WANTED IN CONNECTION WITH THE PERON CHECK AFFAIR AND ONE OF THE 36 SANCTIONED BY THE JUNTA, SURRENDERED VOLUNTARILY TO A FEDERAL JUDGE JULY 28 AND WAS RELEASED ON BAIL, ONLY TO BE HURRIEDLY PICKED UP SEVERAL HOURS LATER BY MILITARY AUTHORITIES AND DISPATCHED TO A MILITARY PRISON.

6. THE LOCAL PRESS HAS TAKEN THE GOVT TO TASK IN BOTH CASES, LA TARDE COMMENTING ON THE "TOTAL LACK OF COORDINATION AMONG RESPONSIBLE GOVT OFFICES" AND THE BA HERALD RAPPING THE GOVT FOR "DISORDER AND DELAY" IN DEALING WITH ALLEGED CORRUPTION CASES. THE HERALD ALSO TOOK THE OPPORTUNITY TO AGAIN URGE THE GOVT TO RELEASE THE NUMBER AND NAMES OF THE MANY OTHERS WHOM HAVE BEEN HELD WITHOUT CHARGE SINCE THE COUP.

7. IN A RELATED CASE, GOA HAS ANNOUNCED IT IS PREPARING LEGISLATION REGULATING THE RIGHT OF CITIZENS TO OPT TO LEAVE THE COUNTRY. (THE LEGISLATION SHOULD NOT BE CONFUSED WITH THE MARCH 24 DECREE-LAW WHICH AUTHORIZES THE JUNTA TO EXPEL FROM THE COUNTRY FOREIGNERS WHO IT CONSIDERS ARE A THREAT TO PUBLIC SECURITY.) THE ANNOUNCEMENT CAME SHORTLY AFTER A FEDERAL APPEALS COURT HANDED DOWN A DECISION JULY 27 INVOKING ARTICLE 23 OF THE CONSTITUTION WHICH GIVES CITIZENS DETAINED BY THE EXECUTIVE WITHOUT CHARGE UNDER STATE OF SIEGE THE RIGHT TO LEAVE THE COUNTRY. THE APPEAL WAS MADE ON BEHALF OF MARIA CRITINA ERCOLI, WHO HAS BEEN JAILED SINCE JANUARY.

8. THE MILITARY JUNTA SUSPENDED THE CONSTITUTIONAL RIGHT TO LEAVE THE COUNTRY IMMEDIATELY UPON TAKING POWER MARCH 24, BUT LATER REFERRED TO IT IN THE PENAL CODE REFORM JUNE 25 (REF B). THE REFORM PROVIDES SEVERE PENALTIES FOR ANYONE WHO EXERCISES HIS RIGHT OF OPTION TO LEAVE THE COUNTRY AND LATER RETURNS ILLEGALLY. IN ITS DECISION, THE COURT RULED THAT THE OPTION WAS IN EFFECT BECAUSE OF ITS MENTION IN THE LATER DOCUMENT, AND GAVE THE GOVT 20 DAYS TO PRESS CHARGES OR RESPOND TO THE WOMAN'S REQUEST TO LEAVE THE COUNTRY.

9. DRAFT LEGISLATION ON THE SUBJECT, WHICH THE GOVT CLAIMS

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Current Class: [REDACTED]

Page: 3

UNCLASSIFIED

UNCLASSIFIED

Current Class: [REDACTED]
Current Handling: n/a
Document Number: 1976BUENOS05197

Page: 4
Channel: n/a

Case Number: 200000044

[REDACTED]

PAGE 04 BUENOS 05197 091911Z

WAS BEING PREPARED LONG BEFORE THE COURT'S DECISION, WILL APPARENTLY ONLY EXTEND THE RIGHT OF OPTION TO THOSE CONVICTED OF "MINOR POLITICAL CRIMES" AND NOT THOSE BEING HELD UNDER THE ACT OF INSTITUTIONAL RESPONSIBILITY OR THOSE CONVICTED OF SUBVERSIVE ACTIVITIES. OFFICIALS ON THE INTERGOVERNMENTAL COMMITTEE ON EUROPEAN MIGRATION (ICEM) TOLD EMBOFFS YESTERDAY (AUGUST 4) THAT ICEM IS DISCUSSING WITH GOA ITS SERVICES IN RESETTLING ARGENTINE CITIZENS WHO MAY POTENTIALLY EXERCISE THE RIGHT TO LEAVE THE COUNTRY.

10. ALTHOUGH MOST ATTENTION IS FOCUSED ON THE MOST NOTORIOUS PERONIST AND LABOR LEADERS, WHOM MANY CLAIM ARE BEING HELD IN COMFORT OR CARELESSLY FREED WHILE GOA RUMMAGES FOR SUBSTANTIVE CHARGES TO BRING AGAINST THEM, GREATER BUT MORE CAUTIOUS CONCERN IS GROWING FOR THE MANY THOUSANDS SILENTLY HELD OR WHO HAVE MYSTERIOUSLY DISAPPEARED SINCE THE MARCH COUP. THE GOVT IS NOT EXPECTED TO INTERPRET TOO BROADLY THE CONSTITUTIONAL RIGHT TO LEAVE THE COUNTRY BUT THE FEDERAL COURT'S TEMERITY TO RAISE THE ISSUE ILLUSTRATES THE GROWING DISTRESS WITH THE CONTINUING ARBITRARY ARRESTS AND LONG DETENTIONS.

11. AS DISSATISFACTIONS INCREASE, THE JUNTA IS FINDING AGAIN THAT INJURED MEMORIES ARE SHORT AND THAT ITS LONG HARANGUES AND RIGHTEOUS SANCTIONS AGAINST THE DEPOSED PERONISTS ARE AROUSING LESS AND LESS SYMPATHETIC RESPONSE. EVEN MRS. PERON, LEFT ALONE IN SPLENDOR TO PLAY CANASTA WITH HER MAID OR READ SCIENCE FICTION, HARDLY EVOLVES THE OUTRAGE UPON WHICH THE JUNTA SAILED INTO POWER FOUR MONTHS AGO.

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Current Class: [REDACTED]

Page: 4

UNCLASSIFIED