

ARGENTINA PROJECT (S20000044)

U.S. DEPT. OF STATE, A/RFS/IFS

Margaret P. Grafeld, Director

Release Excise Deny

Exemption(s):

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STRATEGY TOWARD ARGENTINA

SHORT-TERM (FROM NOW UNTIL
IAHRC VISIT IN LATE MAY 1979)

GOAL NO. 1: Stop New Abductions / (Disappearances),
Torture, and Arbitrary Detentions

ACTION: Tell the Argentines we regard this as the immediate first priority step they can take toward an eventual resumption of normal bilateral relations. Suggest that the highest authorities issue strict new instructions to all military and police authorities to cease these practices under threat of swift prosecution for acts committed subsequent to the issuance of these orders. If a new case occurs, prosecute the official responsible to demonstrate that the GOA is serious about curbing and punishing future abuses.

GOAL NO. 2: Release, Try, or Exile Under Right-of-Option the Estimated 4,000 Political Prisoners Held Under PEN or in Military Custody

ACTION: Tell the Argentines that, concurrently with the measures outlined under Goal No. 1, we want them to establish an accelerated new program to release, try in civilian courts, or exile under the right-of-option

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procedures, all political detainees. Recommend that the program include:

- An amnesty for prisoners not yet formally charged with committing violent acts or common crimes.
- Transfer of all detainees from clandestine military camps to the regular prison system, and the notification to their families of their whereabouts.
- Begin immediately after the amnesty to try, release, or exile all non-amnestied PEN and former military detainees, at a rate sufficient to ensure the processing of all of these people by the time the IAHRC arrives in late May.

(Point out to the GOA that taking these measures will enable the GOA to receive the Commission with its house in much better order than would otherwise be the case, and to escape much of the international and domestic opprobrium that can be expected if these actions are not taken.)

ACTION: Respond to Argentine implementation of Goals 1 and 2 by releasing all pending Ex-Im transactions as soon as we are certain that the GOA has instituted the foregoing measures. For example, we could take this step soon after

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announcement of the amnesty if we had no credible reports of abduction or torture during the time between our presentation of this proposal and the announcement of the amnesty.

ACTION: When the political prisoner-processing program is 50% complete, switch from "ABSTAIN" to "YES" on votes for non-BHN loans for Argentina in the conventional-financing facilities of the IFI's. (This could occur as early as February or March if the GOA implements the program vigorously.)

ACTION: When the prisoner-processing program is 100% complete, switch from "ABSTAIN" to "YES" on non-BHN loan requests in the soft-loan windows of the IFI's.

(This could occur in May, just before the IAHRRC arrives. We should not take any additional positive actions until after the Commission visit.)

GOAL NO. 3: (Establish a Mechanism to Inform Families of the Fate of the Disappeared)

ACTION: Tell the Argentines that some accounting of the disappeared is essential to the resumption of normal relations with the U.S. We are not asking that the perpetrators of past killings and abductions be punished immediately, but we do not approve an amnesty for those who have killed and tortured. We are prepared to leave the

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question of possible prosecution to a successor government. What we seek now is information for the families, many of whom believe their disappeared relatives are alive. If they are, they should be told where to find them. If they are dead, they should be so informed and given the remains of the deceased and a death certificate explaining the cause of death, and the time and place. For these families, the Government should establish a procedure to indemnify them for their loss. Indemnification would not prejudice future criminal action against the perpetrators.

The establishment of such a mechanism should take place before the IAHRC visit.

ACTION: The U.S. should respond to the establishment of notification and indemnification procedures by taking positive steps, in addition to those already mentioned, in areas of interest to the GOA. For example, we could inform the Argentines we would be prepared to approve OPIC loans and guarantees once the mechanism is in full operation.

(However, this would depend also on whether the prisoner-processing program was on schedule. If the latter hogs down, we should delay action on licenses (for non-munitions list items) and OPIC, or at least approve them slowly until the prisoner program picks up speed.)

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MEDIUM-TERM: FROM THE IAHR
VISIT UNTIL THE END OF 1979

GOAL NO. 4: Restoration of Institutional Safeguards
for Individual Rights

PREFACE: Whatever we do in the last half of 1979 should be based largely on the report and recommendations of the IAHR after its visit. We pressed hard for the visit, so we should accord great weight to the Commission's findings. The latter, in turn, can constitute a valuable multilateral endorsement of U.S. policies. We do not, of course, know what the Commission will conclude. If however, the GOA has already taken steps to accomplish Goals 1, 2, and 3, and has cooperated with the Commission during the actual visit, it is likely that the Commission report will focus on measures to inhibit a recurrence of past abuses.

ACTION: We should tell the Argentines that abolition of the state of siege, restoration of habeas corpus for all offenses, guarantees for the independence of the judiciary, and the trial of civilians by civil courts are necessary to guard against future violations of the integrity of the person. We can say we would be prepared to respond to these measures by:

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- Opening discussions on a resumption of a small bilateral economic assistance program.
- Opening discussions on a possible resumption of FMS cash sales and IMET programs.

GOAL NO. 5: Restoration of Full Autonomy and Freedom of Action to Churches, Unions, and other Public Organizations including Political Parties and the Press, and a Public Commitment to Hold Elections in 1980

ACTION: Tell the Argentines that full restoration of effective legal safeguards for these organizations and a commitment to hold elections are prerequisites for the resumption of any substantial bilateral economic assistance program and for any significant progress toward the resumption of IMET and FMS sales. The latter would, of course, require repeal or modification of the Kennedy-Humphrey Amendment. If we would seek modification to permit FMS cash sales and IMET when the GOA fixes a date for elections to be held in 1979 or early 1980. Between the announcement of elections and the actual balloting, we would be prepared to approve sales of Munition List items except those destined for the police and other internal-security forces, providing there has been no retrogression in any areas covered by Goals 1-4 or in plans for the elections.

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GOAL NO. 6: Free Elections

ACTION: We would seek the outright repeal of permitting the re-establishment of an FMS credit program, when the Kennedy-Humphrey Amendment; elections are actually held.

As soon as a freely-elected government takes office, we would be ready to sign an FMS credit agreement.

FINAL NOTE: Where I say, "Tell the Argentines that...", I am advocating a graduated communication of our strategy. At each phase of the strategy, we should make our next step clear and precise, alluding only in general terms to "what we will do if the GOA does thus and so" at later stages. Tell them a little at a time, not all at once-- but tell them something (privately, of course) at each step along the way. The theme should be that we want to restore normal relations, and that certain Argentine actions will make a gradual resumption of these relations possible.

Drafted by: HA/HR:PJFlood:bdr
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