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PAGE 01 BUENOS 02890 201527Z
ACTION ARA-10

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FM AMEMBASSY BUENOS AIRES
TO SECSTATE WASHDC IMMEDIATE 0110

ARGENTINA PROJECT (S200000044)
U.S. DEPT. OF STATE, A/RPS/IPS
Margaret P. Grafeld, Director

Release Excise Deny
Exemption(s): DECRYTORAL
Declassify: In Part In Full
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Date _____ Declassify on _____ Reason _____

[REDACTED] BUENOS AIRES 2890

DEPARTMENT FOR ARGENTINE DESK OFFICER RONDON

E.O. 11652: N/A
TAGS: PINT, PINS, SHUM, AR

SUBJECT: GOA SANCTIONS GRAIVER FAMILY; ARMY CLARIFIES DETENTION OF JACOBO TIMERMAN **DECONTROL**

REF: BUENOS AIRES 2875

1. PRESIDENT VIDELA ANNOUNCED YESTERDAY (APRIL 19) THAT AN UNSPECIFIED NUMBER OF PERSONS CONNECTED WITH THE GRAIVER GROUP HAD BEEN INCLUDED IN THE ARMED FORCES ACT OF INSTITUTIONAL RESPONSIBILITY. HE SPECIFICALLY NAMED SIX PERSONS AND INCLUDED THE HEIRS AND STATUTORY BENEFICIARIES OF THE DAVID GRAIVER AND JORGE RUBINSTEIN ESTATES. THE ACT OF INSTITUTIONAL RESPONSIBILITY IS A FORM OF MARTIAL LAW PASSED JUNE 18, 1976, WHICH APPLIES TO PERSONS SUSPECTED OF PARTICIPATING IN TREASONABLE OR

SUBVERSIVE ACTIVITIES OR OF GROSS ECONOMIC DELINQUENCY. IT HAS EFFECT OF REMOVING POLITICAL RIGHTS AND FREEZING ECONOMIC ASSETS OF ACCUSED. ROUGH ENGLISH TRANSLATION OF THE MILITARY JUNTA'S RESOLUTION FOLLOWS:
GIVEN THE ACT OF INSTITUTIONAL RESPONSIBILITY ESTABLISHED 18

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PAGE 02 BUENOS 02890 201527Z

JUNE 1976 WHICH AUTHORIZES THE MILITARY JUNTA TO CONSIDER

Current Class: [REDACTED]

Page: 1

UNCLASSIFIED

UNCLASSIFIED

Current Class: [REDACTED]
Current Handling: n/a
Document Number: 1977BUENOS02890

Page: 2
Channel: n/a

Case Number: 200000044

THE CONDUCT OF PERSONS RESPONSIBLE FOR HARMING THE SUPERIOR INTERESTS OF THE NATION, THE MILITARY JUNTA RESOLVES: 1) TO APPLY THE SANCTIONS ESTABLISHED IN CLAUSES OF ARTICLE 2 OF SAID ACT TO THE FOLLOWING PERSONS: JUAN GRAIVER, ISIDORO MIGUEL GRAIVER, LIDDIA ELBA PAPALEO, RAFAEL IANOVER, FERNANDO BENJAMIN REINOSO, AND FRANCISCO FERNANDEZ BERNARDEZ. THE MEASURES ESTABLISHED IN CLAUSES OF ARTICLE 2 AND IN THE SECOND PART OF SAID ACT WILL ALSO APPLY TO THE HEIRS AND STATUATORY BENEFICIARIES OF DAVID GRAIVER AND JORGE RUBINSTEIN.

ARTICLE 2. THE EXECUTIVE POWER WILL SEE THAT THE MENTIONED MEASURES ARE CARRIED OUT.

ARTICLE 3. THE SANCTIONS ORDERED IN THE PRESENT RESOLUTION TAKE EFFECT AS OF THIS DATE.

ARTICLE 4. THE CLAUSES REFERRED TO IN ARTICLE 2 OF SAID ACT INCLUDE: (A) THE LOSS OF POLITICAL AND UNION RIGHTS; (B) THE LOSS OF RIGHT TO EXERCISE PUBLIC EMPLOYMENT, POSITIONS OR COMMISSIONS AND TO SERVE IN HONORIFIC POSITIONS; AND (C) DETENTION IN A PLACE DETERMINED BY THE NATIONAL EXECUTIVE POWER AT THE DISPOSITION OF THE EXECUTIVE, THE PROHIBITION OF ADMINISTERING OR DISPOSING OF ONE'S GOODS THROUGH ACTS OF LIVING PERSONS, UNTIL SUCH DATE AS THE LEGITIMACY OF ACQUISITION OF THOSE GOODS HAS BEEN JUSTIFIED AND THE PROHIBITION OF EXERCISING THE PROFESSION FOR FOR WHICH ONE HAS BEEN LEGALLY PREPARED DURING THAT PERIOD.

2. IN REPLY TO A WRIT OF HABEAS CORPUS PRESENTED ON BEHALF OF LA OPINION EDITOR JACOBO TIMERMAN, GENERAL SUAREZ MASON YESTERDAY (APRIL 19) INFORMED FEDERAL JUDGE MARQUARDT THAT TIMERMAN WAS BEING DETAINED AT THE DISPOSITION OF MILITARY AUTHORITIES IN ACCORDANCE WITH THE PROVISIONS OF LAW 21,460. THIS LAW DATES FROM 19 NOVEMBER 1976 AND COVERS NATIONAL SECURITY AND CRIMES OF A SUBVERSIVE NATURE. THE LAW PROVIDES THAT THE INVESTIGATION OF SUBVERSIVE CRIMES WILL BEGIN WITH A PRETRIAL UNDERTAKEN BY THE FEDERAL OR PROVINCIAL POLICE, THE ARMED FORCES, NAVAL PREFECTURA OR NATIONAL GENDARMERIE.

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[REDACTED]
PAGE 03 BUENOS 02890 201527Z

ONCE COMPLETED THE PRETRIAL CASE WILL BE TAKEN DIRECTLY TO THE CHIEF OF THE MILITARY UNIT OR ORGANISM EQUIVALENT TO THE COMMANDER OF THE ARMY CORPS WHO WILL AUTHORIZE A MILITARY COURT TO COMPLETE THE INVESTIGATION AND RULE ON THE INVESTIGATED CHARGES.

Current Class: [REDACTED]

Page: 2

UNCLASSIFIED

UNCLASSIFIED

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Document Number: 1977BUENOS02890

Page: 3
Channel: n/a

Case Number: 200000044

3. COMMENT: VIDELA IN HIS ADDRESS STATED IN EFFECT THAT GRAIVER GROUP WAS FOUND TO HAVE CARRIED ON ILLEGAL ECONOMIC ACTIVITIES AND TO HAVE HAD LINKS TO SUBVERSION; HE DID NOT QUALIFY THIS BY SAYING THAT THEY WERE ACCUSED OF, OR SUSPECTED OF, THESE CRIMES. IN ADDITION, JUNTA HAS ALREADY DECIDED TO SANCTION GRAIVER FAMILY MEMBERS AND OTHERS WITH PENALTIES OF ACT OF INSTITUTIONAL RESPONSIBILITY--IN ADVANCE OF ANY FORMAL TRIAL, CIVIL OR MILITARY.

4. IN VIEW OF THE HIGHLY CHARGED ATMOSPHERE HERE AND THE MANY UNANSWERED QUESTIONS AT THIS POINT, OUR ADVICE REMAINS TO MAKE NO EVALUATIVE JUDGMENTS AT THE NOONDAY BRIEFING.
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Current Class: [REDACTED]

Page: 3

UNCLASSIFIED