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ACTION DHA-05

INFO OCT-01 ARA-10 ISO-00 SS-15 PRS-01 INR-07 L-03
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FM AMEMBASSY BUENOS AIRES
TO SECSTATE WASHDC PRIORITY 2056
INFO AMEMBASSY ASUNCION
AMEMBASSY BRASILIA
AMEMBASSY LA PAZ
AMEMBASSY MONTEVIDEO
AMEMBASSY SANTIAGO

ARGENTINA PROJECT (S200000044)
U.S. DEPT. OF STATE, A/RPS/IPS
Margaret P. Grafeld, Director
 Release Excise Deny
Exemption(s): _____
Declassify: In Part In Full
 Classify as ___ Extend as ___ Downgrade to ___
Date _____ Declassify on _____ Reason _____

[REDACTED] SECTION 1 OF 2 BUENOS AIRES 6559

E.O. 11652: GDS
TAGS: SHUM, PFOR, AR
SUBJECT: DERIAN MEETING WITH MINISTER OF INTERIOR
HARGUINDEGUY

REF: (A) BAIREs 6221 (NOTAL) (B) STATE 193418 (NOTAL)

SUMMARY: HUMAN RIGHTS COORDINATOR MET WITH MINISTER
OF INTERIOR ON AUGUST 10. THERE SEEMED TO BE SOME
CONFUSION AS TO WHO HAD REQUESTED THE MEETING. THE
MINISTER STRESSED HIS DUTY IN PROTECTING THE MAJORITY
OF THE ARGENTINE PEOPLE IN A TIME OF WAR AGAINST
SUBVERSION, MRS. DERIAN STRESSED THAT THE TIME HAD
NOW ARRIVED FOR A RETURN TO DUE PROCESS.

1. MRS. DERIAN STARTED BY EXPLAINING TO THE MINISTER
THAT SHE WAS VERY CONCERNED WITH THE ENORMOUS NUMBER OF
PEOPLE WHO HAD DISAPPEARED, THE NUMBER IN JAIL
WITHOUT CHARGES, THE NUMBER WHO ARE SIMPLY LOST AND THE
NUMBER FOUND INNOCENT WHO REMAIN IN JAIL. SHE SAID IT
APPEARS THAT ONCE A PERSON IS PICKED UP IT IS IMPOSSIBLE

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TO GET RELEASED. SHE REFERRED TO THE HARD FIGHT AGAINST

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TERRORISM, STATING THAT SHE THOUGHT THE BACK OF THE TERRORISTS HAD NOW BEEN BROKEN. SHE WORRIED THAT WHEN A WIDE NET IS CAST MANY INNOCENT PEOPLE GET CAUGHT. SHE EXPLAINED THAT THE CHIEF OBSTACLE FOR RETURNING TO NORMAL RELATIONS WITH THE US IS OUR CONCERN FOR THE MASS OF PEOPLE CAUGHT IN THE SYSTEM WITH NOTHING HAPPENING. SHE CITED PARTICULAR CONCERN FOR JACOBO TIMMERMAN AS A PERSON WHO HAS BECOME A SYMBOL OF THIS PROBLEM. SHE NOTED THAT WHEN SHE TALKS WITH HIGH GOVERNMENT OFFICIALS THEY SPEAK OF REGULARIZING PROCEDURES, BUT THAT WHEN SHE TALKS TO INDIVIDUALS IT APPEARS THAT THESE PLANS AREN'T BEING CARRIED OUT IN PRACTICE.

2. THE MINISTER RESPONDED THAT HER PREOCCUPATION FOR THE RIGHTS OF THE PERSON ARE NO LESS THAN THE RESPONSIBILITY THE GOA HAS FOR INTERNAL SECURITY. HE SAID THE GOA WAS FIGHTING AN UNDECLARED WAR AND OPERATING UNDER THE EXCEPTIONS GRANTED BY THE CONSTITUTION. HE SAID THIS PERMITTED THE GOVERNMENT TO SHIFT PEOPLE FROM ONE PLACE TO THE OTHER UNLESS THEY EXERCISED THE RIGHT OF OPTION. HE ACKNOWLEDGED THIS RIGHT WAS SUSPENDED BECAUSE THE GOVERNMENT COULDN'T AFFORD TO LET 2,000 PEOPLE OUT TO GATHER AGAINST IT ON THE FRONTIER. MRS. DERIAN ASKED IF ALL THE DETAINED WERE TERRORISTS. THE MINISTER NOTED THAT THOSE WHO WERE DETAINED WITHOUT PROCESS WERE TERRORISTS AND THAT THESE ARE FEW. HE SAID MANY ARE GOING THROUGH CIVIL AND MILITARY COURTS.

3. MRS. DERIAN SAID THAT THE INSTINCTIVE REACTION TO TERRORISM IS TO DO WHAT THE GOA HAD DONE AND THAT IT MAKES THE PEOPLE VICTIMS OF THE STATE. SHE REFERRED TO THE MOTHERS AND WIVES WHO JOIN TOGETHER IN THE
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PLAZA EVERY THURSDAY AND CALL ON DIFFERENT OFFICES, INCLUDING THAT IN THE MINISTRY OF INTERIOR, SEEKING INFORMATION ON THEIR FAMILY MEMBERS. SHE ALSO REFERRED TO LABOR LEADERS IN JAIL SINCE 1975.

4. THE MINISTER SAID THAT HE TOO HAD TALKED TO WOMEN WHOSE FAMILY MEMBERS DISAPPEARED THAT THERE WAS AN OFFICE IN HIS MINISTRY TO DEAL WITH THEIR INQUIRIES. HE SAID, HOWEVER, THAT IF THESE WOMEN JOINTED TOGETHER IN CONCERTED ACTION

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AND, IN EFFECT, ARE DEMONSTRATING WITHOUT A PERMIT, THAT THIS WOULD BE AGAINST THE LAW. HE ASKED MRS. DERIAN TO CONSIDER THE CAUSES FOR DISAPPEARANCES.

5. SHE SAID SHE HAD HEARD THEM MANY TIMES AND HAD SEEN A BIG BOOK, THAT SHE UNDERSTOOD THE GOA'S PROBLEM WITH TERRORISM BUT DID NOT UNDERSTAND A GOVERNMENT WHICH WOULD NOT FURNISH THE NAMES OF THE TERRORISTS.

6. THE MINISTER REFERRED TO THE FACT THAT HOSE DETAINED WERE IN NORMAL JAILS AND THAT ARGENTINE JAILS WERE OPEN TO THE INTERNATIONAL RED CROSS (ICRC). HE HANDED HER COPIES IN SPANISH OF ICRC REPORTS. MRS. DERIAN SPECULATED THAT PRISONERS MIGHT BE HELD IN OTHER PLACES WHICH THE RED CROSS HAS NOT SEEN. THE MINISTER SAID THEY LET THE RED CROSS GO WHEREVER IT WANTS, INCLUDING TO MILITARY INSTITUTIONS. HE SAID THERE WERE NO CONCENTRATION CAMPS. ASKED ABOUT THE NAVY MECHANICAL SCHOOL, HE SAID PEOPLE MIGHT BE HELD FOR INTERROGATION IN SUCH PLACE BUT WOULD NOT BE JAILED THERE. HE SAID SUBVERSIVES ARE JAILED IN THE MAXIMUM SECURITY PRISONS.

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AMEMBASSY LA PAZ
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7. MRS. DERIAN ASKED THE MINISTER WHAT WERE THE NORMS FOR INTERROGATION. THE MINISTER RESPONDED THAT WHEN THE FIGHT

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AGAINST TERRORISM STARTED, THOSE CAUGHT WERE TOUGH AND HIGHLY DISCIPLINED AND HAD A HIGH MORALE. HE SAID THEY WOULDN'T CONFESS ANYTHING; BUT NOW THE FIRST THING THAT PEOPLE CAUGHT DO IS TO GIVE THE NAMES OF THEIR ACCOMPLICES. HE SAID THE SUBVERSIVES ARE NOW COOPERATING AND THE GOVERNMENT SHOWS CLEMENCY TO THOSE WHO TURN THEMSELVES IN AND IS STARTING TWO PENAL COLONIES TO REINTEGRATE THOSE WHO COOPERATE INTO SOCIETY. THE MINISTER SAID THAT ONCE IT IS DETERMINED THAT A PERSON HAS PROVIDED THE NEEDED INFORMATION HE PASSES INTO ONE OF THREE SITUATIONS. THE GREAT BULK, WHERE THE EVIDENCE AGAINST THEM IS SUFFICIENT, GO TO THE CIVIL OR MILITARY TRIBUNALS. THE OTHERS, WHO HAVE CONFESSED BUT WHERE EVIDENCE IS LACKING, OR WHO DON'T CONFESS BUT WHO ARE ACCUSED BY OTHERS BUT TANGIBLE EVIDENCE IS LACKING, ARE HELD UNDER ARTICLE 23 BY THE EXECUTIVE POWER. THESE ARE THE PEOPLE WHO COULD EXERCISE THE RIGHT OF OPTION AND, AT THIS TIME, THERE EXIST THE JUDICIAL INSTRUMENTS NECESSARY TO REINSTITUTE THE RIGHT OF OPTION.

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8. MRS. DERIAN OBSERVED THAT IT APPEARED AS IF THE GOVERNMENT USED THE CONSTITUTION WHEN IT WAS TO ITS BENEFIT AND SUSPENDED IT OTHERWISE. THE MINISTER OBSERVED THAT IN A STATE OF WAR ONE COULDN'T LET THE ENEMY GO. MRS. DERIAN OBSERVED THAT IN THE IDEOLOGICAL KIND OF WAR WHICH ARGENTINA FACED, THE GOVERNMENTS STRENGTH AND PUBLIC SUPPORT LAG IN ITS RESPECT FOR THE RULE OF LAW. SHE SAID THAT THERE WAS LIMITED TIME WHERE PEOPLE WOULD PUT UP WITH ALMOST ANYTHING TO RETURN TO DEMOCRATIC NORMS BUT THAT TIME WAS VERY LIMITED. SHE COUNSELED THAT IT WAS NOW TIME FOR THE GOA TO SHOW ITS STRENGTH BY RETURNING TO LEGAL NORMS AND PUBLISHING THE NAMES OF THOSE DETAINED.

9. THE MINISTER OBSERVED THAT MANY OF THOSE WHO HAVE DISAPPEARED WERE NOT HELD BY THE GOVERNMENT. HE POINTED TO THE CRIME FREE ATMOSPHERE OF ARGENTINA AND STRESSED IT WAS THE GOVERNMENT'S DUTY TO PROTECT THE MANY FROM THE FEW. MRS. DERIAN ASKED HIM ABOUT PEOPLE BEING ARRESTED FOR NOT HAVING AN IDENTITY CARD AND WONDERED IF THE SITUATION IN ARGENTINA WAS LIKE THAT IN SOUTH AFRICA WHERE ALL WERE EXPECTED TO CARRY IDENTITY CARDS. THE MINISTER SAID

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THIS WAS THE SYSTEM.

10. RETURNING TO THE TIMMERMAN CASE, WHICH MRS. DERIAN HAD MENTIONED EARLIER, THE MINISTER SAID THAT TIMMERMAN WAS AN OLD FRIEND, BUT THAT HE HAD HEARD TAPES AND SEEN A WRITTEN CONFESSION. MRS. DERIAN TOLD HIM THAT WE DID NOT HAVE CONFIDENCE IN ANY CONFESSION OBTAINED AS A RESULT OF TORTURE.

11. THE MINISTER SAID THAT TIMERMAN HAD BEEN IN HIS

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OFFICE AND LIED TO HIM ABOUT GRAVIER'S INTEREST IN HIS NEWSPAPER. HE SAID HIS CASE WAS BEING PROCESSED AND INVITED MRS. DERIAN OR THE CHARGE TO VISIT TIMERMAN. MRS. DERIAN RESPONDED THAT SHE WOULD LIKE THE MINISTER TO SEE HIM, THAT SHE HAD SEEN HIM ON A PREVIOUS VISIT BECUASE HE REPRESENTED A DIFFERENT AND RESPECTED POINT OF VIEW, THAT HE HAD DEFENDED THE GOVERNMENT AT THAT TIME AND THAT HIS EDITORIALS MANIFESTED THAT SUPPORT. THE MINISTER AGREED. MRS. DERIAN ADDED THAT NOT TEN DAYS AFTER SHE SAW TIMERMAN HE WAS ARRESTED, THAT CHARGES HAVE NOT YET BEEN BROUGHT AGAINST HIM AND THAT HE HAS BEEN MOVED FROM JAIL TO JAIL AND HIS HEALTH HAS SUFFERED GREATLY.

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