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FM AMEMBASSY BUENOS AIRES
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ARGENTINA PROJECT (S200000044,
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CINCSO FOR INTAFF; CINCLANT ALSO FOR POLAD; ROME ALSO FOR
THE VATICAN OFFICE

E.O. 12356: DECL:OADR
TAGS: SHUM, AR
SUBJECT: ARGENTINE GOVERNMENT'S REPORT ON "THE
DIRTY WAR"

REF: A) FBIS ASUNCION 282145Z APR 83 (NOTAL); B) BUENOS
AIRES 2679

1. SUMMARY: THE JUNTA RELEASED ITS "FINAL" REPORT
ON THE "DIRTY WAR" AGAINST SUBVERSION ON APRIL 28. THE
REPORT WAS LESS THAN MOST PEOPLE EXPECTED, BEING UNRE-
MORSEFUL IN TONE AND PROVIDING NO NEW MATERIAL.
OF COURSE, IT ALSO DUCKED IMPORTANT ISSUES SUCH AS

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WHO WAS RESPONSIBLE FOR THE ADMITTED EXCESSES COM-
MITTED WHILE COMBATTING TERRORISM. THE REPORT ALSO

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STATED THAT THE ARMED FORCES WOULD NOT GIVE OUT ANY MORE INFORMATION, THAT THE ACTIONS OF MEMBERS OF THE ARMED FORCES DURING OPERATIONS CONDUCTED IN THE WAR SHALL BE CONSIDERED AS "ACTS OF SERVICE" AND THAT "IT WAS THE CONSTITUTIONAL GOVERNMENT OF FORMER PRESIDENT MARIA ESTELA MARTINEZ DE PERON THAT IN 1975 GRANTED THE MILITARY THE POWER TO CARRY OUT WHATEVER ACTION WAS NECESSARY IN ORDER TO ANNIHILATE SUBVERSIVE ELEMENTS NATIONWIDE." REACTION TO THE REPORT WAS OVERWHELMINGLY NEGATIVE, WITH RADICAL LEADER LUIS LEON COMPARING THE MILITARY REGIME TO PONTIUS PILATE. HUMAN RIGHTS ORGANIZATIONS, OTHER POLITICIANS, AND TRADE UNIONISTS ALSO HARSHLY CRITICIZED THE REPORT. WE BELIEVE THAT THE REPORT WAS ISSUED NOW IN AN ATTEMPT TO CALM CONCERN IN MILITARY RANKS, WHERE THERE IS CONSIDERABLE FEAR OF POSSIBLE PUNISHMENT UNDER A CIVILIAN GOVERNMENT. TO TAKE CARE OF SUCH CONCERN, AN "INSTITUTIONAL ACT" WAS ALSO ISSUED ON APRIL 28 THAT MAY BE USED TO MAKE A CASE FOR GIVING MILITARY COURTS EXCLUSIVE JURISDICTION OVER ALL MILITARY PERSONNEL ACCUSED OF CRIMES COMMITTED DURING THE "DIRTY WAR". END SUMMARY.

2. (U) THE ARGENTINE MILITARY JUNTA RELEASED ITS LONG-AWAITED "FINAL" REPORT ON THE SO-CALLED "DIRTY WAR" AGAINST SUBVERSION ON APRIL 28. THE 23-PAGE REPORT (SEE REFERENCE A FOR COMPLETE TEXT) WAS BROADCAST OVER NATIONWIDE RADIO AND TELEVISION DURING 45 MINUTES OF PRIME TIME THURSDAY EVENING, WITH IMAGES OF TERRORIST ACTS SHOWN ON TELEVISION TO GO ALONG WITH THE TEXT OF THE REPORT. THE

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APRIL 29 NEWSPAPERS MADE THE REPORT AND REACTION THE LEAD STORY ON ALL FRONT PAGES, ALMOST TO THE EXCLUSION OF OTHER NEWS. THE REPORT FAILED TO PROVIDE ANY NAMES OF ALLEGED TERRORISTS OR ARMED FORCES PERSONNEL WHO ALLEGEDLY COMMITTED EXCESSES IN THE FIGHT AGAINST THE TERRORISTS. INSTEAD, THE REPORT CITED PRESS REPORTS ACCORDING TO WHICH 2,050 PEOPLE DIED IN THE 742 CLASHES REGISTERED BETWEEN 1973 AND 1979".

(U) EXCERPTS:

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-- "IN THE APOCALYPTIC CONTEXT OF THE FIGHT AGAINST SUBVERSION," THE MILITARY ADMITTED THAT "MISTAKES WERE MADE, WHICH MAY HAVE GONE BEYOND THE LIMITS OF RESPECT FOR THE MOST FUNDAMENTAL HUMAN RIGHTS, AS IN THE CASE IN EVERY ARMED CONFLICT."

-- THE REPORT ADDED THAT "IT WAS UP TO GOD AND THE CONSCIENCE AND UNDERSTANDING OF MEN TO JUDGE" THE EXCESSES COMMITTED, WHILE CLAIMING THAT "THOSE KNOWN (TO HAVE BEEN) RESPONSIBLE FOR THE USE OF CERTAIN IRREGULAR METHODS TO COMBAT THE TERRORISTS HAVE BEEN TRIED AND SENTENCED BY WAR COUNCILS."

-- THE JUNTA ALSO CLAIMED THAT "THERE ARE NO SECRET DETENTION CENTERS OR PEOPLE UNDER ILLEGAL ARREST IN ARGENTINA," WHILE BLAMING "THE TERRORISTS' METHODS OF OPERATION (E.G. NO IDENTIFICATION CARDS; USE OF

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NOM DE GUERRE') FOR 'MANY' OF THE THOUSANDS OF UNIDENTIFIED PERSONS AMONG THE DEAD."

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-- "IN CONSEQUENCE, IT MUST REMAIN DEFINITELY CLEAR THAT THOSE WHO APPEAR ON LISTS OF MISSING PERSONS AND WHO ARE NOT IN EXILE OR HAVE GONE UNDERGROUND ARE, FOR JUDICIAL AND ADMINISTRATIVE PURPOSES, CONSIDERED DEAD, EVEN IF NEITHER THE CAUSE AND OCCASION OF THEIR EVENTUAL DEATHS NOR THEIR PLACE OF BURIAL CAN YET BE ASCERTAINED."

-- ALTHOUGH THE ARMED FORCES' ANTI-GUERRILLA DRIVE REACHED ITS PEAK FROM 1976 TO 1979, THE JUNTA REMINDED PEOPLE THAT "IT WAS THE CONSTITUTIONAL GOVERNMENT OF FORMER PRESIDENT MARIA ESTELA MARTINEZ DE PERON THAT IN 1975 GRANTED THE MILITARY THE POWER TO
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CARRY OUT WHATEVER ACTION WAS NECESSARY IN ORDER TO ANNIHILATE SUBVERSIVE ELEMENTS NATIONWIDE."

-- THE JUNTA ALSO ANNOUNCED THAT IT WAS MAKING AVAILABLE FOR CONSULTATION BY RELATIVES OF MISSING PERSONS A LIST OF "MEMBERS OF TERRORIST ORGANIZATIONS TRIED BY MILITARY OR CIVILIAN COURTS OR AT THE DISPOSAL OF THE EXECUTIVE BRANCH" (SO-CALLED PEN PRISONERS).

4. (U) "FINAL CONSIDERATIONS" OF THE REPORT:

IN THE FINAL PARAGRAPHS OF THE REPORT, THE JUNTA STATES:

- A. "THAT THE INFORMATION AND EXPLANATIONS GIVEN IN THIS DOCUMENT ARE ALL THAT THE ARMED FORCES ARE PREPARED TO GIVE TO THE NATION CONCERNING THE RESULTS AND CONSEQUENCES OF THE WAR AGAINST SUBVERSION AND TERRORISM.
- B. "THAT WITHIN THIS FRAME OF REFERENCE, NOT WANTED BY THE ARMED FORCES AND INTO WHICH THEY WERE IMPELLED IN ORDER TO DEFEND THE NATION'S WAY OF LIFE, ONLY THE JUDGMENT OF HISTORY CAN DETERMINE WITH PRECISION WHO SHOULD BEAR THE DIRECT RESPONSIBILITY FOR THE UNJUST METHODS USED OR THE INNOCENT LIVES LOST.
- C. "THAT THE ACTIONS CARRIED OUT BY MEMBERS OF THE ARMED FORCES IN THE OPERATIONS CONDUCTED IN THE WAR THAT WAS WAGED SHALL BE CONSIDERED AS ACTS OF

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SERVICE.

D. "THAT THE ARMED FORCES TOOK ACTION AND WILL DO
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SO AGAIN WHENEVER IT IS NECESSARY TO CARRY OUT A MANDATE FROM THE NATION'S GOVERNMENT, MAKING USE OF THE EXPERIENCE ACCUMULATED IN THIS PAINFUL SITUATION IN THE NATION'S LIFE.

E. "THAT THE ARMED FORCES PLACE BEFORE THE PEOPLE AND THE JUDGMENT OF HISTORY THESE DECISIONS THAT REFLECT A STANCE WHOSE END WAS TO DEFEND THE COMMON GOOD, IDENTIFIED IN THIS INSTANCE WITH THE SURVIVAL OF THE COMMUNITY AND WHOSE SUBSTANCE THEY ASSUME WITH AUTHENTIC PAIN OF CHRISTIANS WHO RECOGNIZE THE MISTAKES THEY MIGHT HAVE COMMITTED WHEN ACCOMPLISHING THE MISSION ASSIGNED TO THEM."

5. (U) REACTION

A. POSITIVE

THE ONLY STATEMENT THAT CAME CLOSE TO SUPPORT FOR THE REPORT WAS ISSUED BY FEDERAL PARTY LEADER FRANCISCO MANRIQUE, WHO SAID THAT HE THOUGHT IT WAS PERHAPS THE "MOST THAT CAN BE SAID ABOUT THIS TERRIBLE QUESTION."

B. NEGATIVE

HUMAN RIGHTS ORGANIZATION SPOKESMEN, OTHER POLITICIANS, AND TRADE UNIONISTS HARSHLY CRITICIZED THE REPORT. THE MOTHERS OF THE PLAZA DE MAYO BITTERLY REJECTED IT, ASKING IF "KIDNAPPING, TORTURING, LYING WITH BARE-FACED INSOLENCE" COULD BE CONSIDERED "ACTS OF SERVICE". RADICAL LEADER LUIS LEON COMPARED THE MILITARY REGIME TO PONTIUS PILATE. CHRISTIAN DEMOCRATIC LEADER NESTOR VICENTE DESCRIBED THE REPORT AS "IRRESPONSIBLE, ONE-SIDED, AND GROTESQUE". GOVERNMENT FOR INTEGRATION AND DEVELOPMENT LEADER
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ROGELIO FRIGERIO SAID THAT THE MILITARY STATEMENT
'LACKED THE MAIN ELEMENT THAT SHOULD HAVE INSPIRED
IT, THE TRUTH." FORMER PROVISIONAL PRESIDENT AND
JUSTICIALIST (PERONIST) LEADER ITALO LUDER SAID,
'I CANNOT HELP BUT POINT OUT THAT THE DOCUMENT
DOES NOT SATISFY THE EXPECTATIONS OF PUBLIC
OPINION WITH RESPECT TO THE EXPLANATION OF ACTIONS
THAT HAVE BEEN DENOUNCED AS VIOLATIONS OF THE
LAWS....I DO NOT BELIEVE THAT THIS FORMAL PLEA
(THE REPORT) CAN CLOSE SUCH A PAINFUL CHAPTER OF OUR
HISTORY, BECAUSE THE STATE CANNOT ADOPT THE
METHODS OF THE TERRORIST GROUPS THAT CIVILIZED COMMUNI-
TIES REJECT...." LABOR UNION LEADERS WERE EQUALLY
CRITICAL. RAILWAYMAN LUIS ETCHEZAR OF THE CGT-
AZOPARDO SAID THAT SUCH MATTERS AS ASSESSING RESPON-
SIBILITY "CANNOT BE LEFT TO THE JUDGMENT OF GOD".

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THE CENTER FOR LEGAL AND SOCIAL STUDIES (CELS) ACCUSED THE MILITARY REGIME OF NOT HAVING THE "MANLINESS" TO "FACE UP TO TRUTH WITHOUT HIDING BEHIND A LOT OF FALSEHOODS". THE ARGENTINE LEAGUE FOR THE RIGHTS OF MAN SAID THAT THE REPORT "IMPLIED THE RECOGNITION OF STATE TERRORISM" AND SHOWED CONTEMPT FOR THE OPINION OF ALL SECTORS, INCLUDING THE ROMAN CATHOLIC CHURCH.

6. [REDACTED] COMMENT: THE REPORT WAS EVEN LESS THAN MOST PEOPLE EXPECTED. IT SAYS LESS THAN EVEN GOVERNMENT SYMPATHIZERS WANTED AND LACKS THE HUMILITY, MUCH LESS THE REPENTANCE, THAT MANY OBSERVERS, PARTICULARLY THE CATHOLIC CHURCH, HAD CALLED FOR (BA 2810). AS EXPECTED, IT DOES NOT ADDRESS IMPORTANT ISSUES SUCH AS WHO WAS RESPONSIBLE FOR THE ADMITTED EXCESSES COMMITTED WHILE COMBATTING TERRORISM. SOME MILITARY OFFICERS STILL APPARENTLY ENTERTAIN HOPES THAT THEY CAN CLOSE THE BOOK ON THE DISAPPEARED. THAT SUCH WILL NOT BE THE CASE IS OBVIOUS. THE HEADLINE OF THE ONLY EDITORIAL IN THE APRIL 29 PRESS TO COMMENT ON THE REPORT (WHICH WAS, SIGNIFICANTLY, IN THE ENGLISH-LANGUAGE BUENOS AIRES HERALD) SAYS "ANYTHING BUT FINAL". THE FIRST SENTENCE OF THE EDITORIAL STATES THAT "IF THE LEADERS OF THE ARMED FORCES REALLY BELIEVE THAT THE STATEMENT ABOUT THE 'WAR AGAINST SUBVERSION' THEY RELEASED LAST NIGHT WILL BE THEIR FINAL WORD ON THE SUBJECT THEY ARE SURELY MISTAKEN."

7. [REDACTED] WHY WAS THE REPORT ISSUED NOW, WHEN THE MILITARY KNEW THAT ITS ISSUANCE WOULD STIR UP A [REDACTED]

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STORM OF CONTROVERSY? WITHIN THE MILITARY IT IS RECOGNIZED THAT THE ISSUE IS IMPORTANT BECAUSE IT COULD MEAN THE EVENTUAL TRIAL AND CONVICTION OF MILITARY MEN IF IT IS NOT STIFLED; BECAUSE THE ISSUE HAS BEEN "BLOWN OUT OF PROPORTION" BY THE PRESS; BECAUSE THE ISSUE CAUSES THE GOA DISCOMFORT AND EMBARRASSMENT IN ITS DEALINGS WITH OTHER NATIONS; AND BECAUSE THE ARMED FORCES SIMPLY DO NOT LIKE TO

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HAVE THEIR ACTIONS QUESTIONED BY CIVILIANS. OF THOSE PREMISES, THE FIRST IS BY FAR THE MOST IMPORTANT. THERE IS A REAL FEAR WITHIN MILITARY RANKS THAT THE SENIOR OFFICERS WHO MADE THE DECISIONS ABOUT HOW TO FIGHT THE "DIRTY WAR" WILL RETIRE LATER THIS YEAR, SOME TO LIVE ABROAD, AND WILL LEAVE THEIR ACTIVE-DUTY SUBORDINATES, WHO DID THE DIRTY WORK AFTER THE DECISIONS WERE MADE, TO PAY THE PRICE IF THERE EVER ARE ANY INVESTIGATIONS. IN ORDER TO TAKE CARE OF THIS INTERNAL CONCERN, THE MILITARY HAVE ISSUED THEIR "FINAL REPORT".

3. [REDACTED] ON THE SAME DAY THEY ISSUED AN "INSTITUTIONAL ACT" WHICH STATES THAT "IN VIEW OF THE DOCUMENT PRODUCED BY THE MILITARY JUNTA DATED APRIL 28, 1983, WITH REGARD TO THE ORIGIN, DEVELOPMENT, AND CONSEQUENCES OF THE FIGHT AGAINST SUBVERSION AND TERRORISM, THE MILITARY JUNTA DECREES THAT ALL OPERATIONS AGAINST SUBVERSION AND TERRORISM TAKEN BY THE ARMED FORCES AND BY THE SECURITY, POLICE, AND PENITENTIARY SERVICES UNDER THEIR OPERATIONAL CONTROL, IN COMPLIANCE WITH DECREES..., WERE CARRIED OUT IN ACCORDANCE WITH PLANS APPROVED AND SUPERVISED BY THE ARMED FORCES AND THE MILITARY JUNTA AS FROM THE MOMENT IT WAS FORMED." ALTHOUGH NO INTERPRETA-

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TION OF THAT ACT HAS BEEN GIVEN YET, IT WILL CER-
TAINLY BE USED TO TRY TO MAKE A CASE FOR GIVING
MILITARY COURTS EXCLUSIVE JURISDICTION OVER ALL
MILITARY PERSONNEL ACCUSED OF CRIMES COMMITTED
DURING THE "DIRTY WAR". WE ALSO THINK THAT THE
THIRD ITEM UNDER "FINAL CONSIDERATIONS" WILL BE
USED SO THAT JUST ABOUT EVERYTHING DONE BY MEMBERS
OF THE ARMED FORCES DURING THAT PERIOD WILL FALL
UNDER THE HEADING OF "ACTS OF SERVICE", MAKING, FOR
ALL INTENTS AND PURPOSES, ONLY THE HIGH COMMANDS
RESPONSIBLE FOR WHAT HAPPENED. THIS IS INTENDED,
OF COURSE, TO RELIEVE THE FEARS IN THE MIDDLE AND
LOWER LEVELS OF THE ARMED FORCES. WHETHER IT WILL
DO SO IS OPEN TO QUESTION. SHLAUDEMAN

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