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QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED
TO ANY FORM OF DETENTION OR IMPRISONMENT

Note verbale dated 1 February 1989 from the Permanent Mission of Argentina to the United Nations Office at Geneva addressed to the Centre for Human Rights, transmitting two statements by the President of Argentina and the texts of Decrees Nos. 32/89 and 83/89

The Permanent Mission of the Argentine Republic to the International Organizations at Geneva presents its compliments to the United Nations Centre for Human Rights and has pleasure in referring to the forty-fifth session of the Commission on Human Rights. In this connection, the Permanent Mission requests that the annexed texts should be circulated as official documents of the Commission under item 10 of the agenda as approved.

Annex I

Text of the statement made by Mr. Raúl Alfonsín, President of the Nation,
to the Legislative Assembly on 21 December 1988

A few days ago we celebrated, for the first time in decades, the fifth anniversary of a Government whose main responsibility was and is to rebuild the Republic and to ensure for posterity the representative and federal form of organization of our society. Nevertheless, that day, 10 December, which was to have been a day of rejoicing and a symbol of renewed hope, found Argentina distressed because, once again, threats of the destruction of its future had emerged. In the face of those threats, it is the responsibility of the President of the Nation to explain to the people, through its representatives, the depth of the crisis with which we are confronted.

Only the truth can provide the setting for the legitimacy of the power which the people's vote confers on a democratic Government, and the responsible exercise of that power can remove doubts and ambiguities that threaten to revive antipathy between Argentines, thereby rendering useless the harsh sacrifices which the people as a whole and its Government have had and will have to make in order to ensure coexistence.

Consequently, it would be very serious if we did not today rethink our ideas, and if we allowed confusion to lead us to irrational confrontation of the kind that kept the country backward and grieving for a long time.

Although the most recent uprising has ended, anxieties and questions remain, now in a way which appears to us to be even more dangerous, since confusion has grown.

The President of the Nation has, on innumerable occasions, called for the confrontation of ideas and the conduct of discussion within the framework of freedom. This is the texture of politics within the ethical limits of democracy. But a system comprising the coexistence of dissimilar positions, coexistence which is essential in any democracy, cannot be confused with unyielding antipathies which lead to destruction and death, antipathies such as those which today threaten to create a rift between civilians and the military. The person speaking to you is the President of all Argentines, whatever their political allegiance and whatever the ideas for which they are legitimately fighting within the framework of democratic rules - the President of all Argentines, whether or not they wear a uniform.

I have often spoken of the innumerable difficulties involved in the transition to democracy which it has been my responsibility to lead. Sometimes I have laid stress on the problems of political transition.

I have often, and indeed very recently, referred to the huge pitfalls in the way of economic transition, without which the successes gained in the political transition would suffer from a weakness that might endanger achievements brought about thanks to the maturity and participation of the people as a whole.

Today it behoves us to speak of the military transition; the gradual loss of our sense of lawfulness was the chief cause of our decline.

For many years, Argentina had a tendency towards direct action, attacks on lawfulness, explicit or implicit violence, and attempts to find sectoral ends outside the legal order.

It would be absurd to attribute this attitude to a particular sector, thereby relieving others of responsibility.

Even in coups d'état, the operational aspect of military responsibility should not blind us to the clear civilian responsibility for their ideological nourishment.

As we have already said before today, a coup d'état has always reflected society's loss of a sense of lawfulness, and not only the loss of a sense of lawfulness on the part of the military. The tendency for coups d'état to occur can be overcome only through a thorough self-examination by society.

The arbitrary nature of dishonesty, the abuse of power, authoritarianism, the subjugation of minorities and direct action in the form of coups, all components of a general climate of implicit or explicit violence, formed the destabilizing cultural context which, with practically the whole of Argentine society involved in it, served as an internal inducement for the growth of terrorism.

Combating terrorism without attacking this cultural context or, even worse, combating terrorism on the basis of this context is a fruitless task; it may end terrorism momentarily, but it will leave untouched the conditions for its re-emergence.

The struggle against terrorism, therefore, can bear fruit only if it is undertaken as a struggle within ourselves, within all of us - a struggle by the whole of Argentine society against the roots of its own cultural degradation.

Terrorism cannot be overcome by allowing the other expressions of lawlessness to remain standing. Either they all fall together or latent terrorism will continue in our midst.

There can be no greater mistake than to call for the survival of authoritarian structures, patterns of behaviour or practices as a form of prevention of terrorism. To do so would mean giving terrorism the conditions for its own reproduction.

The course to be followed is precisely the opposite one: there should be a huge cultural reform establishing among us general respect for standards of coexistence guaranteeing civil rights, spreading tolerance, protecting public freedoms and eliminating fear from Argentine society. The sole alternative to a culture of lawlessness is a democratic culture. If terrorism is combated on the basis of, and in support of, democracy, victory will be ensured without need for dramatic extremes, because it will have before it a form of terrorism that is weak, isolated and unnourished, lacking a lawless cultural context that provides it with justifications and strengthens its recruitment capacity.

Vast sectors of Argentine society have, in recent years, made the tragic mistake of believing that, by sacrificing democracy, better conditions were being created for combating the plague of terrorism. What was achieved by this means was a change in the hallmark of terrorism, and the extension to other areas of the cruelty, violence and disrespect for life which, it was claimed, were being combated in terrorism.

To set up the direct action of the State as an alternative to the direct action of terrorism inevitably entails copying, assimilating, absorbing and internalizing within the State itself and within those who control it the methodologies and culture of the violence which they theoretically hope to eliminate. To wage the struggle on these terms is to wage it at the cost of rendering it meaningless.

Consequently, the consolidation of internal security - to the extent that what is meant by this is security against violence, security against fear, and security against the abuse of power, arbitrariness and arrogance - can be guaranteed only through the full establishment of democratic lawfulness, not only in the internal institutional order of the State, but also in the conscience of the Argentine people. The lawfulness thus established cannot put down roots or achieve its necessary fullness if it begins to ignore itself in the judgement of the past.

We know perfectly well that there are persons who confuse justice with vengeance and that, in the still disjointed society of Argentina, disintegrating forces are being exerted which try to impose the view that the real men are not those who are in the dock, but the armed forces of the Nation. I want to leave it plainly on record that those who act in this way are undermining the institutions of the Nation and even the office of President, since under the Constitution the President is the Supreme Commander of the Armed Forces.

We are speaking of our armed forces, which even before they were instituted demonstrated, in August 1806, the ability to defend South America against invasion by the British - those forces which, when the last grenadiers returned from the campaigns in Chile and Peru, had won the gratitude of the whole of Latin America for having crossed the frontiers of the nascent independent State with no other intention than to ensure the freedom of our brother peoples.

But if the emergence of those tendencies that will never gain strength is serious within civilian society, it is extremely serious that, in the course of heaven knows what absurdities and in the grip of heaven knows what fantasies, men who cause identical confusion should come to the fore within our armed forces. Undoubtedly, they cannot remain in our midst. We must eradicate their detrimental and corrupting presence, because we all know that the many years that have elapsed since 9 July 1816 have been full of encounters and misfortunes, light and shade, joy and sorrow, but the desired objective and the means of action for attaining it continue to be, for the armed forces, the same as those inscribed in the Act of Independence: "To devote the depth of our talents and the rectitude of our intentions to the achievement of liberty, imbued with the holy order of justice".

Any further distortions must be prevented.

Our society entered a crisis a long time ago. It was its various political, economic and organizational components that gave rise to confrontation outside the precepts of the Constitution and outside the national institutions.

This process became more serious as time went by, and it is only natural that this should have occurred in a country where growth was gradually replaced by decline.

Naturally, the armed forces could not remain unaffected. From an armed branch in the service of the lawful State for the purpose of external defence, attempts were made to transform them into the armed branch of unlawful powers, to be used for purposes that had little or nothing to do with the defence of our Land.

Not only was the economy disrupted, but also the State and, even more so, the social fabric of the whole country. The armed forces cannot form a normal part of national institutions when those institutions lose their strength and do not perform their task. There is no question now of assigning blame and responsibility. This is not our job. Nor will it - I believe - be the job of the historians who will objectively have to reconstruct the relationship and meaning of the events which have occurred.

We all know that those turbulent and decadent periods of history, the incitement to the overthrow of the Constitution and authoritarianism, originated from various sectors of Argentine society.

In a country which, instead of advancing, retreated, all its institutions declined.

The members of the armed forces, instead of being the defenders of the national community, managed to transform themselves into its leaders and its administrators. This constitutes a negation of the very essence of the role of the armed forces.

In a civilized, modern and complex nation, even when a member of the armed forces is successful in government, he has necessarily become a politician and is no longer a member of the armed forces.

This could not be a valid proposal for the whole institution.

We can be and will be a modern and progressive country. In this framework, the armed forces, too, will have a modern and creative role. Never again will they be instruments of power that are used unlawfully; on the contrary, they will be complete institutions within the State, made up of citizens who, from among the various possible vocations and functions, have elected that of placing their lives in the service of the defence of the lives of all. And this offering of their lives must find a worthy counterweight in the rest of society - a free, democratic and growing society.

This is what every member of the armed forces who is prepared to defend that society deserves. How can a man be asked to risk his life for injustice, for authoritarianism or for impoverishment?

A human life is worth more than that. It is the supreme value of our civilization, and can be sacrificed only for social values and interests that are in keeping with the dignity of life.

This is what happens in the great, old countries of Western Europe, from which our cultural heritage and a substantial number of our compatriots originate.

The Constitution, our Land, progress, our homes, development and social solidarity - these are basic values for the military who have proudly undertaken the task of defending our noble national communities.

We must give our armed forces the same opportunity for pride and leave buried in history forever other times when decadence and tyranny did not furnish the opportunity of roles worthy of any Argentines, including the members of the armed forces.

Our modern armed forces were intended to be, as in every civilized country, a fundamental part of the apparatus of State. Our modern armed forces were daughters of the Constitution and the laws.

The Constitution and the laws of the Republic determined their existence, their functions and their meaning. When the Constitution does not prevail and when laws have only relative value, when there is a breach in the principle of the separation of powers and the popular representative character of leaders, the armed forces are no longer the armed branch of the Nation.

They may act for better or for worse, they may promote disruption or help to overcome it, but in practice they operate as independent groups of armed citizens.

The Constitution very wisely stipulates that the President of the Nation is the Supreme Commander of the Armed Forces, thereby establishing that the armed forces shall be fully incorporated as part of the State.

When there is no elected President of the Nation as provided for in the Constitution, the armed forces have no head and automatically lose their character as a State institution.

Consequently, the uncompromising defence of the Constitution must, for the armed forces, be the defence of their own dignity, of the ethical and social character of their function, of their role as a legitimate component of the community in the performance of a specific mission.

The history of misfortunes that we have suffered is a very long and very tragic one: division in the civil sector, ineptitude and lack of courage in leadership, and sometimes irresponsibility in those who gained the honour of leading a fundamental institution of the Republic and led it along paths which we Argentines should never have accepted. There was a lack of devotion to the law and the institutions, and there was subversion in the scale of values of our Nation.

And we have to assume that this deep moral crisis reached all of us, each of us having his own degree of responsibility.

It reached those who, seeking refuge in petty interests, sought the support of arms in order to impose their will and break the will of the people and its institutions.

It reached those who silently accepted the imposition of force and violence.

It reached those who used hatred and terror as a weapon for political struggle, thus besmirching ardently desired values and shedding the blood of our youth. It also reached those who use the same methods to combat it.

We Argentines have said "Enough!" to this nightmare. And we have closed an inauspicious chapter of our history, on the basis of justice, enlightenment and truth.

This is also the time for an appeal to the conscience of every Argentine, regardless of the position he took in the face of the sad experience which we have undergone, to undertake a searching exercise in self-criticism and moral cleansing.

After clearing away the rubble, we are laying the foundations of a modern Argentina. And to build a modern country is to rebuild our armed forces with their specific role and with their final allotted place within society.

There is no other way of thinking of a better future, of a new blueprint for the Nation on the path of growth and freedom. We shall only be able to attain this future through effective and definitive joint action, in which we shall all take part.

It is our responsibility, as leaders and as members of a generation that has suffered the onslaughts of violence and destruction, to shoulder responsibility for building a new Nation, reunited with the values that gave it birth.

It is our responsibility to reply satisfactorily to the demands of the younger generation, who refuse to accept ambiguous answers and prevarication in their desires for justice. We see them striding forward with determination towards a better future - determined to eliminate from our history once and for all fruitless confrontation and authoritarian conduct, the dominance of force over ideas, blind obedience, and the manipulation of their consciences and their acts. They have seen their fathers fight; they have received a long succession of errors, truncated plans and foiled hopes as the disruptive inheritance of an ill-treated country.

We did not know how to answer them, and they were sent off to experiences of hatred and terror that brought aggression and a paroxysm of violence.

Never has Argentina suffered so much.

Never was so much willingness abandoned to its fate, by dropping or crushing the arms of an Argentina that was struggling to be reborn.

Never has it been so necessary as today to recognize the truth, to admit mistakes, to reject forms and procedures which we must avoid for ever more.

Now there is no more room for that past.

We have done away for ever with the authoritarianism and unilateral decisions that subverted our institutional order, and we have restored the republican and democratic constitutional order, as the sole framework within which persons and institutions can flourish and fully develop their abilities.

As I have already said, we must rethink our ideas. The military transition must not be used as an occasion for a discussion about the dignity and honour of the armed forces or for power-grabbing between civilians and the military. The honour of the armed forces is not under discussion.

In a democracy, whenever anyone deviates from the law for any reason, the courts are the obvious place for evaluating his behaviour, determining its consequences, and deciding to what extent this affects his reputation and honour. This is the task of the Judiciary, and it is a crucial one. It is no less crucial than the obligation of the Executive not to interfere in the responsibilities of the other branches of State power.

It is obvious that these questions today are linked to the still unstaunched wounds caused by the divergent interpretation of the struggle against terrorism. The Government endeavoured to speak for society by clearly condemning, from the outset, the terrorist groups that committed the cruelest and most aberrant acts during the 1970s in their attempt to impose, through force and terror, ideologies which the vast majority of the people repudiate.

When we call for the vindication of the armed forces and security forces for their sacrifices, we are calling for what is already in the minds and hearts of the Government and the vast majority of the Argentine people. What neither the Government nor the people are prepared to allow is a vindication of State terrorism. To do so would be to act against the fundamental principles that give a democratic Government its legitimacy. These principles prohibit the use of coercion outside the law and due process in any circumstances, and prevent human beings from being turned into objects to be defiled or destroyed, whatever the alleged purpose.

I am emphasizing this conviction on the part of society not for purposes of vengeance, but in order to place it on record that no sector stands above the law and that human dignity imposes very strict limits on our actions, however praiseworthy they may be.

During our eventful history of recent decades, various attempts have been made to extract concessions from Governments through the threat or use of force. Now I would like to ask the vast majority of members of the Argentine armed forces, those who have a legitimate desire for self-respect and respect from others: "What type of respect can be obtained by force?"

Because we know our past, because we know that whenever the Nation has yielded, it has always lost, our society today will not let either fear or hatred conquer its determination to support the action of justice. It will not give way to threats to change its convictions and will not be dragged down by those who try to create a climate of collective despondency for purposes of disruption or for reasons of resentment.

The line separating those attacking order from those defending it cannot be blurred. There is a crucial difference between the armed forces of the Constitution and the rebels: complete submission to the law.

The armed forces, like other sectors of society, are having to face economic problems which are of deep concern to the National Executive Power, but can be tackled only through the measures available.

What is not open to doubt is the fact that the procedures for each sector's demands, whatever their basis, must be in conformity with the ground rules of the democratic system. To attempt to legitimize arrogance and the imposition of demands on the grounds that they are just is no less absurd than to suppose that the Government is prepared to negotiate when such methods are being used.

The tension between the armed forces and the Powers of the State is a problem that was bound to arise. The military transition is a responsibility incumbent on all.

It is the responsibility of the military leaders to make the necessary adjustments within the armed forces, and it is the responsibility of the political leaders to make provision for the permanent reincorporation of the military institutions within society. This is essential in order to ensure that the armed forces will be ruled by the spirit of General San Martín that made the army the author of the independence of Argentina and of Latin America.

Perhaps this is not the right moment to draw final conclusions from the events of the past decade which caused grief and discord among both the military and civilians. The place and significance of these events in history will be decided when time has provided sufficient perspective. In the meantime, we must assume that justice is an institution to which all Argentines are subordinate, whether or not they wear a uniform, and whether or not they hold political office.

This is how it will be while I am exercising the responsibilities entrusted to me by the people of the Nation, before whom I have made an express commitment to strengthen internal peace.

Only uncompromising respect for the law, mutual tolerance and the constant exercise of political ethics by all citizens, regardless of sector, will enable Argentines, when the Government changes hands on 10 December next within the framework of the constitutional rules, for the first time in many decades, to say what we want for our children and to say that we have saved the Republic from the risks of disintegration to which certain circles, in their confusion and arrogance, are trying to subject it. Because in a rapidly changing world, allowing them to hold us back jeopardizes the very existence of our Nation, and hence not only our future but that of our children.

Although we have made progress in the military transition, much remains to be done. The same ideologies that in the past plunged us into the chaos of authoritarianism, those that constantly refer to the "chaos of democracy", the same sectors of society that, when rejected by the people, always attempt to use the armed forces as the available means of gaining power, are now trying to do so once again. They are strong. They make considerable use of the media, invoke all the arguments and are heedless of methods. If fundamentalism is the path, then take it! This will be only a temporary stage, they suppose. For them, the important thing is to prevent democracy from being strengthened.

Consequently, today more than ever, it is essential that the extraordinary consensus for the maintenance of democracy reached by all political and social groups at the critical time should continue intact once the threat has ceased. I call on the opposition, too, to commit itself to ensuring that our consensus is respected and to avoiding confusion that will lead us into irrational confrontations, of the kind that held the country back and caused it grief for so long.

I feel it is my responsibility to make a respectful appeal to all political parties, including my own, to ensure that the dynamics of confrontation yields to the common need to preserve freedom in the face of this particular aspect of the national situation. I am convinced that our future depends on the response. Freedom or slavery, development or stagnation. Justice or marginality. International respect or isolation.

Civilized society in its entirety must be constantly prepared to mobilize in defence of democracy. That is to say, in defence of dignity itself.

There will always be people who will try to take advantage of the crisis, through psychological action or outright lies, by trying to weaken and undermine the people's will. They are the ones who make use of Argentina's suffering in order to seek power. These agents of uncertainty are every bit as responsible as the rebels. They are trying to dishearten us, and to drive us to despair.

Mark you well, when attempts are made to weaken our will, as on this and other occasions, it is not only the image of a Government that is harmed. Damage is done to society's confidence in its civil institutions and in democracy in general.

In my speech at the Armed Forces Dinner in 1985, I said that we must walk together from the very heart of society towards the permanent reconciliation of all Argentines, with an ennobling sense of justice based on social ethics.

It is of fundamental importance that there should be awareness and consensus about the following points: society itself, in an act of deep contrition and recognition of its identity, is learning from its past experience and deciding to face the future confidently, with a determined step, humbly and yet boldly.

Facing the future confidently means responding nobly and justly to the hopes of our youth, who never want to be cannon fodder again. It means not allowing anyone to weaken the will of our young people or set them on the path of scepticism and frustration.

It means giving the highest priority to courage, life, and coexistence among a reconciled people. It means establishing legal and moral responsibilities in the collective memory of our society. It means that every person, every sector must accept its share of repentance.

And then we can begin to work for the future. No more violence, no more taking the law into one's own hands. No more arrogance and intolerance in the Argentina of today.

We are doing no more or less than attempting to guide a united people towards the recovery of its dignity.

May God inspire us in our task.

Annex II

Statement made by Mr. Raúl Alfonsín, President of the Nation, following the events at Infantry Regiment No. 3 at La Tablada (24 January 1989)

Destiny has presented us with a new challenge, a challenge which, I believe, is the most serious and decisive that my Government has ever faced. We are being subjected to armed aggression by irregular elements connected with the far left. They have been identified and their affiliation will be revealed as soon as this is authorized by the courts.

Seven soldiers and one police officer from the Province of Buenos Aires have died. Thirty-eight soldiers, 19 police officers from the Province of Buenos Aires and 6 federal policemen have been wounded. Twenty-eight of the attackers have been killed, and there may be more bodies among the rubble. Fourteen are being held at the disposal of the Judiciary.

Proof of their delusion is the leaflet which was seized by the army and about which I was informed this morning. At noon today I went to La Tablada. Those of us who were there witnessed a horrifying sight: it was a nightmare, death and brutality, barbarity.

At every step we saw concrete proof of the extent of the aggression that had been suffered not only by a regiment, but by all Argentines. With each passing moment, we also saw more and more signs of the courage of those who today deserve their country's gratitude.

We have managed to repel this subversive act because there were men willing and determined to fight. To them I say, this is also my fight. No one here is going to pretend not to notice while others are risking their lives. This is my fight, and I will carry it on to the end, until society frees itself of this aggression. Only within the law, but with the full force of law and of popular legitimacy. We will not forget what we saw today. I ask you not to forget this: today there are families in mourning. Let us think of them, with gratitude.

There were Argentines who died so that we other Argentines could keep our freedom and preserve our lifestyles and our coexistence. May God prove me wrong, but it is not improbable that there is still much to be done, there are more lives to be given for Argentina.

So let no one be in doubt. We shall have not the slightest sign of weakness here. If anyone thought democracy was a defenceless system, he is now going to find out just how wrong he was. A challenge has been posed: to fight subversion within the framework of the rule of law. This is my Government's last great test, and we are not going to lose.

Society will tolerate no more violence, from whatever source. Society knows that, if we do not break this chain of violence, which creates more violence, we will run the most serious risks. A little over a month ago, when another decisive step had been taken towards the consolidation of democracy, I said in the Congress of the Nation: "The struggle against terrorism can only bear fruit if it is undertaken as a struggle within ourselves, within all of

us, a struggle by the whole of Argentine society against the roots of its own cultural degradation. Terrorism cannot be overcome by leaving other manifestations of lawlessness intact. All of them must fall at once, or latent terrorism will continue in our midst. These ideas are taking on renewed value today."

I know that, out of respect for these values, you will all be prepared to form a united front in this new situation, as the events of the past few hours have shown. The armed forces and the security forces, entrepreneurs, organized labour and political parties are prepared to defend freedom and coexistence.

Once again, the process of strengthening democracy and the Nation's institutions has been consolidated. Now democracy has stood firm against the madness and bloody deeds of those who resort to violence as a means of political action, even though this elitist, absurd and atrocious conduct has been clearly disavowed by all Argentines.

Democracy has been strengthened, but at a very high cost. Many lives have been given in order to affirm the commitment of Argentines to freedom, to tolerance and to the Constitution. We all feel pain and sorrow as we honour those who gave their lives to ensure peace for all. We feel amazement and indignation at the cruel and bloody action of these dealers in death, but at the same time we take legitimate pride in the fact that members of the army have once again given sterling proof of their valour, and of their unswerving determination to defend our independence and thereby safeguard the sovereignty of the people.

As President of the Nation and Commander-in-Chief of the Armed Forces, I express my congratulations to all those members of the army who have shown determination and courage in crushing this criminal action. I should also like to express my gratitude to the Security Forces, and in particular to the Province of Buenos Aires police force, as well as my sympathy, which is shared by all Argentines, for the families of those who have fallen.

In honour of their memory, and to share the grief of their loved ones and to raise our prayer to God, I propose to the citizens of Argentina that we declare next Sunday a national day of mourning, in order to reflect and mediate on our forthcoming responsibilities. This will undoubtedly be the best way of honouring those who have given their lives for democracy and freedom.

Because this is a challenge to us all, but above all a responsibility of my Government, I want to take this opportunity to announce that tomorrow two Decrees will be issued, designed to create what we are now seeking, namely, the most suitable environment and means of action in order to combat this aggression.

First of all, the National Security Council will be established. Its main aims will include the following: to advise the President on strategy to combat subversion, to organize security mechanisms so as to ensure they operate with maximum efficiency, to organize operational intelligence duties, and to co-ordinate activities with the various provincial governments.

Secondly, the seriousness and complexity of the recent events, whose ramifications may spread throughout the country, and the need to ensure that they are efficiently investigated make it essential that responsibility for the investigation be consolidated within a single entity. Consequently, I have decided to request the Attorney-General of the Nation to issue the necessary orders to ensure co-ordination of the measures taken by the Government Attorney, and I have ordered all departments of the National Public Administration to provide maximum assistance in this task.

We shall not be confused with the enemy. Let there be no mistake. Our constant advocacy of human rights in no way denotes weakness in the face of armed subversion. Nor should our determination to stand firm be confused with the indiscriminate use of force. Those who assail the Republic's institutions have once again chosen the way of the jungle. They have wounded our army and harmed the Nation.

The Republic, in its sovereignty, knows how to confront them and defeat them. Once again, we have received the challenge of violence, and we shall respond to it with all the vigour at our command. This is our opportunity to show the world and ourselves that we have learned the lessons of our past, that our democracy is not soft, that the Republic and its institutions can make the right response.

Annex III

TEXTS OF DECREES NOS. 82/89 AND 83/89

Decree No. 82/89

Buenos Aires, 25 January 1989

Whereas:

The attempt to occupy the base of the "General Manuel Belgrano" Third Infantry Regiment of the Argentine Army constitutes an extremely serious breach of law and order and reveals the existence of a violent terrorist plan to undermine institutions and coexistence among Argentines.

Violence is the natural enemy of democracy, since it is being used in an attempt to replace the sovereign will of the people by the use of force, whose Messianic purpose reaches beyond the ideological trappings in which it tries to conceal itself.

The consolidation of democracy in Argentina is driving the violent groups into isolation from which there is no return, thereby rendering them more desperate and cruel.

Occurrences such as these must meet with a rapid and vigorous response from the authorities, in the form of an investigation into the events which will make a contribution to the activities of the relevant judicial bodies, pursuant to Act No. 23.077, concerning the protection of the constitutional order and democratic life.

In order to give the requisite unity and coherence to the investigation into the events, whose impact and ramifications may extend to various places and jurisdictions in the national territory, it is appropriate to request the intervention of the Attorney-General of the Nation.

Consequently, it is also desirable to ensure that the various spheres and agencies of the State make available to the Office of the Government Attorney all possible means of clarifying events of the utmost complexity and seriousness from the institutional viewpoint.

The present Decree is issued under the powers conferred by article 86, paragraph 1, of the National Constitution.

Consequently,

the President of Argentina

DECREES

Article 1. The Attorney-General of the Nation is requested to issue the necessary instructions to organize a speedy and effective investigation of the events referred to in the introductory paragraphs of this Decree.

Article 2. All departments of the National Public Administration shall provide the Office of the Government Attorney with any information and technical support which may be required of them, as well as with any other information likely to be of assistance in rapidly clarifying the events.

Article 3. (formal).

Decree No. 83/89

Buenos Aires, 25 January 1989

In view of the provisions of paragraphs 1, 15, 17 and 20 of article 86 of the National Constitution, and

Whereas:

The serious events that occurred on 23 and 24 January, and which are matters of common knowledge, entail an unquestionable danger for the lives and freedom of the inhabitants of the Nation.

Consequently, the President of the Nation is required to exercise in full the powers vested in him by the National Constitution for the fulfilment of the objects that uphold it, namely constituting national unity, securing justice, ensuring domestic peace, providing for the common defence, promoting general welfare and guaranteeing the benefits of freedom for all the inhabitants of Argentina.

The exercise of his constitutional powers requires the president of the Nation to take decisions conducive to effectively preventing, controlling and subduing any possible repetition of events such as those mentioned above and, in the context of existing legislation, to guarantee dissuasion therefrom.

Without prejudice to the provisions of Decree No. 82/89, which makes provision for the measures necessary for investigating and elucidating as quickly as possible the above events, arrangements must be made for the proper co-ordination of decisions taken in all spheres.

The possibility of a foreign connection with the serious events that have taken place should not be discounted.

It is appropriate to recall that in December 1987, the Consensus Board, made up of 12 political parties, declared that "the political and legal nature of the State in which the rule of law prevails vests the constitutional authority with the power to have at its disposal all available human and material resources to consolidate domestic peace, safeguarding the lives, honour and heritage of all inhabitants".

In order to ensure the best use of available resources and to guarantee the efficacy of any measures which may be required it is essential for the President of the Nation to be able to avail himself of appropriate advice from the various organs of the National Administration in taking decisions.

Consequently,

The President of Argentina

DECREES

Article 1. The Security Council is established within the Office of the President of the Nation.

Article 2. The Council referred to in the previous article shall be composed of the Ministers of the Interior, Defence and Foreign Affairs and Worship, the Secretary of State for Intelligence of the Office of the President of the Nation as well as the Joint Chiefs of Staff and the General Staff of the Armed Forces.

The Council shall be the presided over by the President of the Nation, who shall appoint its Secretary.

Article 3. The purpose of the Council shall be to advise the President of the Nation on the issues submitted to it by him for consideration in connection with measures to be adopted in order to avert any act of organized violence directed against the security, lives, property or freedom of the inhabitants of the Nation or endangering any of its institutions or its heritage, and to provide the Federal Justice with any information which may be relevant in investigating and trying the acts. In particular, it will advise the President of the Nation on:

- (a) Strategy to counter subversive activities.
- (b) Co-ordination of security machinery to achieve greater operational efficiency.
- (c) Co-ordination of operational intelligence activities.
- (d) Co-ordination activities with the various provincial Governments.

Article 4. The President of the Nation may invite the Attorney-General of the Nation to participate in the Security Council.

Article 5. The President of the Nation may decide on the participation of other authorities or individuals whose knowledge or skills he considers useful in connection with the specific matters at hand. In addition, he may convene non-plenary sessions of the Security Council, in which case he shall specify which of its members are to participate.

Article 6. The President of the Nation shall notify the Congress of the issues to be considered as a matter of urgency, and shall appoint the Minister responsible for ensuring co-ordination, as appropriate.

Article 7. (Formal).
