

Human Rights First Urges the United States to Declassify Documents Related to the Argentine Dictatorship

As President Obama prepares for an historic visit to Argentina on March 23-24,¹ Human Rights First calls on the president to declassify U.S. government documents related to Argentina's military dictatorship.

The Argentine dictatorship, which lasted from 1976 to 1983, committed grave and systemic human rights violations.² The dictatorship kidnapped, tortured, and killed tens of thousands of political dissidents and suspected opponents.³ Family members of many of the dictatorship's victims are still searching for information about what happened to their loved ones.⁴

At least some U.S. government agencies supported and aided the Argentine dictatorship while it was in power.⁵ In 2002, the U.S. Department of State released 4,677 documents concerning U.S. activities in Argentina from 1975 through 1984.⁶ President Obama should order a similar declassification of relevant documents held by other U.S. agencies, including but not limited to the Central Intelligence Agency, the Department of Defense, and the Federal Bureau of Investigation. Argentine lawyers and victims' family members believe that these documents may contain valuable information about victims of the dictatorship whose fates are still unknown.⁷

Declassification presents an opportunity for President Obama to signal the United States' commitment to human rights in Latin America, to mark a new era of cooperation between the United States and Argentina, and to provide real and meaningful relief for victims of human rights violations and their families.

Declassification is Feasible and Consistent with U.S. National Security Interests

Past declassification projects provide a model for how U.S. documents on the Argentine dictatorship could be reviewed and released. One model is the release of State Department documents on Argentina, completed in 2002. Additionally, the Chile Declassification Project, completed in 2000, involved the release of over 50,000 pages of documents from the CIA, Department of Defense, Department of Justice, State Department, and White House.⁸ The Chile Declassification Project concerned U.S. documents related to the military dictatorship in Chile, which controlled the country

¹ The White House, "Statement by the Press Secretary on the President's Travel to Cuba and Argentina," February 18, 2016, available at <https://www.whitehouse.gov/the-press-office/2016/02/18/statement-press-secretary-presidents-travel-cuba-and-argentina>.

² Human Rights Watch, *World Report 2015: Argentina* (New York: Human Rights Watch, 2004), available at <https://www.hrw.org/world-report/2015/country-chapters/argentina>.

³ *Ibid.*

⁴ Representative Maurice D. Hinchey, Letter to President Barack Obama, November 2, 2011, available at <https://fas.org/sgp/congress/2011/hinchey110211.pdf>.

⁵ The National Security Archive, *Electronic Briefing Book No. 104* (Washington, DC: National Security Archive, 2003), available at <http://nsarchive.gwu.edu/NSAEBB/NSAEBB104/>.

⁶ U.S. Department of State, "Argentina: Declassification of Documents Related to Human Rights Abuses Occurring Between 1975-1984," press release, August 20, 2002, available at <https://foia.state.gov/Search/PressRelease.aspx?type=Argentina&type2=20020820>.

⁷ Hinchey, Letter to President Obama, <https://fas.org/sgp/congress/2011/hinchey110211.pdf>.

⁸ The National Security Archive, "Chile: 16,000 Secret U.S. Documents Declassified," press release, November 13, 2000, available at <http://nsarchive.gwu.edu/news/20001113/>.

from 1973-1990 and committed serious human rights violations.⁹ Like the Argentine dictatorship, the Chilean dictatorship enjoyed support from the U.S. government during much of that period,¹⁰ and declassification of the documents helped human rights and transitional justice advocates in Chile fill in gaps about the country's repressive past.¹¹

The Chile Declassification Project and the release of U.S. State Department materials on Argentina both show that declassification can be undertaken in a way that is consistent with U.S. national security interests. In both cases, information was redacted as necessary to protect individuals' privacy, national security and foreign relations interests, and law enforcement and intelligence information.¹² The documents from both projects have now been public for over a decade, and no one from the U.S. government has ever spoken out about adverse national security consequences.

President Obama Has Legal Authority to Order Mandatory Declassification

The U.S. documents most relevant to the Argentine dictatorship are all over 25 years old. Under Executive Order 13526, they are therefore subject to declassification review, and the president may order mandatory declassification.¹³

In 2011, Former Representative Maurice Hinchey of New York, who co-authored the bill that authorized the Chilean Declassification Project, noted that backlogs in the declassification review process made automatic declassification unlikely and called on the Obama Administration to use executive authority to order mandatory declassification.¹⁴

Declassification Will Yield Real Results for Victims of Human Rights Violations

The Argentine government committed systemic human rights violations against opponents, real or suspected, including murder, forced disappearance, torture, and the kidnapping of dissidents' infant children.¹⁵ Now, over 30 years later, relatives of many of the dictatorship's victims are still searching for information about what happened to their family members.¹⁶

Argentine advocates working for truth and accountability for the dictatorship's human rights abuses believe that U.S. documents may illuminate parts of Argentina's past that are still not fully known.

⁹ Central Intelligence Agency, "Chile Declassification Project," Press Statement, June 30, 1999, <https://www.cia.gov/library/chile-declassification-project.html>.

¹⁰ *Ibid.*

¹¹ The National Security Archive, "Chile: 16,000 Secret U.S. Documents Declassified," <http://nsarchive.gwu.edu/news/20001113/>.

¹² U.S. Department of State, Document Collections, available at <https://foia.state.gov/Search/Collections.aspx>.

¹³ The White House, "Executive Order 13526: Classified National Security Information," December 29, 2009, <https://www.whitehouse.gov/the-press-office/executive-order-classified-national-security-information>.

¹⁴ Hinchey, Letter to President Obama, <https://fas.org/sgp/congress/2011/hinchey110211.pdf>.

¹⁵ Human Rights Watch, *World Report 2015: Argentina*, <https://www.hrw.org/world-report/2015/country-chapters/argentina>.

¹⁶ Hinchey, Letter to President Obama, <https://fas.org/sgp/congress/2011/hinchey110211.pdf>.

Furthermore, additional information may help victims' family members find answers.¹⁷ In former Representative Hinchey's November 2011 letter to President Obama, he wrote:

Even a limited, measured release can make a significant contribution to bring closure to the families and children of the disappeared. ... This information can provide reconciliation and closure for millions of Argentines who are still struggling with the legacy of oppression by the military regime. ... Thousands of families have waited more than 30 years to learn the fate of their loved ones, and we have an opportunity to make a contribution to truth and justice by helping to bring this troubling chapter in Argentina's history to a close.¹⁸

Those words are just as true today. As the United States opens a new chapter in its relationship with Argentina, Human Rights First calls on the U.S. government to help provide closure to those still suffering from open wounds of the past.

President Obama's Visit Signals a New Era of Cooperation Between Argentina and the United States

President Obama's visit to Argentina will be the first by a U.S. president since 2005, when President Bush's visit to attend the Summit of the Americas was marked by anti-U.S. protests, and the first U.S. state visit to the country since 1990.¹⁹

Throughout the early 2000s, relations between Argentina and the United States, though generally cooperative, were marked by periodic tensions, particularly over U.S. demands following Argentina's 2001-02 financial collapse.²⁰ The new president, Mauricio Macri, has expressed a desire to strengthen relations between Argentina and the United States. President Obama's visit is intended to support deepening cooperation between the United States and Argentina, and to encourage the Argentine government to continue a commitment to human rights.²¹ Announcing declassification of U.S. government documents would demonstrate the United States' sincere commitment to strengthening its relationship with Argentina – not only with the government, but also with the Argentine people seeking closure on a painful chapter in the nation's history.

Declassification Serves the United States' National Interest by Repudiating Torture and Signaling the United States' Commitment to Human Rights in Latin America

Releasing all U.S. government documents on activities related to the dictatorship in Argentina would serve the United States' national interest in multiple ways.

¹⁷ "Organizaciones argentinas pedirán a Obama desclasificar archivos de dictadura," Miami Despierta, February 26, 2016, available at <http://miamidespierta.com/organizaciones-argentinas-pediran-a-obama-desclasificar-archivos-de-dictadura/>.

¹⁸ Hinchey, Letter to President Obama, <https://fas.org/sgp/congress/2011/hinchey110211.pdf>.

¹⁹ "Anti-U.S. Protests Flare at Summit," The Washington Post, November 5, 2006, available at <http://www.washingtonpost.com/wp-dyn/content/article/2005/11/04/AR2005110401724.html>.

²⁰ Congressional Research Service, "Argentina: Background and U.S. Relations," Report to Congress, p. CRS-10, available at <https://www.fas.org/sgp/crs/row/RL34734.pdf>.

²¹ The White House, "Statement on the President's Travel to Cuba and Argentina," <https://www.whitehouse.gov/the-press-office/2016/02/18/statement-press-secretary-presidents-travel-cuba-and-argentina>.

First, declassification of documents related to the military dictatorship would send a clear message that the United States repudiates any past participation in or support of regimes that torture. This is a particularly powerful message as the United States is coming to terms with its own recent use of torture. It is also a timely message, as President Obama will be coming to Argentina directly from Cuba, where he is likely to face questions about the United States' own human rights record – including, possibly, the use of torture at the United States' detention center at Guantanamo Bay.

Second, declassification allows the United States to position itself as a leader on human rights in Latin America. There is already significant controversy from Argentine human rights groups around the timing of the president's visit, which coincides with the 40th anniversary of the U.S.-backed coup that started the military dictatorship in Argentina. Civil society groups in Argentina, including the Abuelas de Plaza de Mayo (comprised of family members of people killed and disappeared during the dictatorship) and Centro de Estudios Legales y Sociales (a leading group of human rights lawyers in Argentina) have encouraged the U.S. government to declassify documents on the dictatorship.²² By announcing a commitment to declassification, President Obama would help to counter frustrations by human rights groups and would signal his administration's desire for real and meaningful progress on human rights in Argentina.

²² "Organizaciones argentinas pedirán a Obama," Miami Despierta, <http://miamidespierta.com/organizaciones-argentinas-pedir-an-a-obama-desclasificar-archivos-de-dictadura/>.