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BACKGROUND ON THE TIMERMAN CASE

Jacobo Timerman, publisher and editor of the Buenos Aires newspaper La Opinion, was detained by Argentine security forces in April 1977. He was held incommunicado for several months and severely tortured during that period. Although a military court found Mr. Timerman innocent of any wrongdoing, he remained in prison by executive order. The Argentine Supreme Court subsequently ruled last year that no legal basis existed under the state of siege powers of the Constitution for his continued detention. The Executive, however, used its powers under the Institutional Act of 1976 (under which the regime defined its powers) to continue his confinement and merely transferred Mr. Timerman from prison to house arrest. Armed guards occupied his apartment, and he was permitted few visitors or contact with the outside world other than his family and his rabbi. He was forbidden, of course, to leave the apartment and was unable to attend his son's wedding in Israel earlier this year or to accept the Hubert Humphrey Freedom Award from B'nai B'rith in New York this summer.

Because Jacobo Timerman had earned a reputation for excellence in journalism and for his honest and courageous portrayal of human rights abuses, his arrest and continued detention drew widespread criticism in international journalistic circles, as well as among Members of Congress and other important sectors of American opinion. His continued deprivation of liberty, after having been fully exonerated by the courts, clearly illuminated the Military Junta's arbitrariness as well as the impotence of the Argentine judiciary in the face of flagrant abuses. His case came to symbolize the plight of the thousands of Argentines who have been deprived of their liberty during the last 3-1/2 years, of whom about 1400 remain in executive detention.

Considerable Congressional and public interest developed in this case. Numerous articles appeared in the U.S. press, including countless editorials and an essay by Timerman's son this summer in Newsweek, and important nongovernmental organizations joined their voices in the general protest. His release last month was front-page news in the major dailies.

ARGENTINA PROJECT (S200000044)

U.S. DEPT. OF STATE, A/RPS/TPS

Margaret P. Grafeld, Director

Release Excise Deny

(Exception(S))

In Part In Full
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The President raised Mr. Timerman's case with President Videla when the latter was in Washington for the Panama Canal Treaties signing ceremony. Secretary Vance reviewed his case in detail when he visited Argentina in November of 1977. Under Secretary Newsom and Assistant Secretaries Todman and Derian and others reiterated our concerns in the interim. Ambassador Castro interceded energetically on every possible occasion with the highest levels of the Argentine Government in an effort to secure Mr. Timerman's release.

In a decision made public September 25, the Argentine Supreme Court ruling on Timerman's case a second time, found that Timerman's continued detention was illegal under the terms of the 1976 Act and ordered his release. On September 25, Timerman was expelled from Argentina by the military junta in accordance with a decree which also stripped him of his Argentine nationality. Timerman departed for Israel, where he was joined by his family.

Timerman's visit to the United States has serious political implications for the Argentine leadership; his release made the moderates within the regime more vulnerable to hardline criticism and pressures and thus possibly has reduced their ability to effect further progress on human rights. Army CINC Viola told Ambassador Castro the decision to release Timerman had precipitated serious dissension within the military ranks and that movement on other cases of U.S. interest, such as the continued detention of Jaime Lokman and Horacio Saragovi -- two cases raised frequently by U.S. Jewish groups here -- would be delayed until the discontent settled down. Senior military leaders originally voted 6-3 against Timerman's release; to reverse the decision, President Videla, the civilian Minister of Justice, and the entire Supreme Court threatened to resign. A few days later, hardline General Benjamin Menendez attempted a coup because, he said, the Videla government was compromising the goals of the "revolution". Evidence of such compromise, he suggested, included the release of Timerman, the failure to continue the war against subversives, the expansion of the rule of law, and toleration of court orders returning subversives to their jobs.

Timerman wishes to express his appreciation to the U.S. Government for its assistance in his case. At the same time, too high a profile for Timerman could make more difficult the release of some other

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prisoners in Argentina, complicate the position of the Jewish community there, as well as strengthen the position of hard-liners in the Argentine military leadership.

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