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TELEGRAM

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 CHARGE TO

FROM	AMEMBASSY BUENOS AIRES	CLASSIFICATION CONFIDENTIAL	
12065	GDS 6/18/85 (HARRIS, F. ALLEN) OR-P		
EO XXXX	SHUM AR		
TAGS:	(U) APPEALS COURT REJECTS TIMERMAN HABEAS CORPUS PETITION		
SUBJECT	SECSTATE WASHDC PRIORITY		
ACTION	USCINCSO QUARRY HTS CZ		
INFO:	C O N F I D E N T I A L BUENOS AIRES <u>4943</u>		
AMB	REF: BUENOS AIRES 3993, PARA 6		
DCM	(C) SUMMARY: THE WEEKEND PRESS REPORTED THAT THE FEDERAL		
POL 3	APPEALS COURT OF BUENOS AIRES REJECTED A HABEAS CORPUS		
ECOM	PETITION FILED ON BEHALF OF FORMER "LA OPINION" EDITOR		
POL/R	JACOBO TIMERMAN, WHO IS BEING HELD UNDER HOUSE ARREST		
DAO	THERE WAS EARLIER SPECULATION THAT		
ICA	AFTER TWO YEARS OF DETENTION, THE RECENT RETIREMENT OF THE		
SY	TWO LIBERAL JUDGES ON THE COURT OF APPEALS MADE THE DECISION		
CHRON	LIKELY. THE CASE MAY NOW GO TO THE SUPREME COURT.		
RF	XXXXXXXXXXXXXXXXXXXX END SUMMARY.		
1. (U) A HABEAS CORPUS APPEAL TO THE BUENOS AIRES			
FEDERAL APPEALS COURT WAS FILED BY MRS. TIMERMAN SOME			
MONTHS AGO SEEKING TO HAVE HER HUSBAND, JACOBO TIMERMAN,			
FREED PURSUANT TO A DECISION OF THE ARGENTINE SUPREME			
COURT WHICH FOUND MR. TIMERMAN'S DETENTION UNDER THE			
PODER EJECUTIVO NACIONAL IMPROPER, INASMUCH AS THE			

DRAFTED BY POL:FAHARRIS:SZ	DRAFTING DATE 6/18/79	TEL. EXT. 278	CONTENTS AND CLASSIFICATION APPROVED BY POLCOUNS:WHALLMAN
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CLEARANCES

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ADCM:JAROTT

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FORMER EDITOR HAD BEEN INVESTIGATED BY A MILITARY COURT AND FOUND NOT TO HAVE ANY CONNECTIONS WITH SUBVERSION.

2. (U) ACCORDING TO PRESS ACCOUNTS, THE RECENT APPEALS APPEARS ~~TO~~ NOT TO HAVE BEEN COURT DECISION ~~XXXXXX~~/A LEGALISTIC DECISION, BUT ARGUED THAT MR. TIMERMAN'S CONTINUED IMPRISONMENT WAS JUSTIFIED ON PRINCIPLES OF MORALITY, SUITABILITY, EFFICACY ~~XXXXXX~~/AND RESPONSIBILITY. ACCORDING TO THE PRESS THE JUDGES SAID THAT THE ARGENTINE NATION HAD FACED FORCES ORGANIZED, EQUIPPED AND DIRECTED BY ELEMENTS WHICH RESPONDED TO ALIEN IDEOLOGIES AND WITH THE PROCLAIMED INTENTION OF PROVOKING CHAOS AND "FOREIGNIZED" DESPOTISM. THE RULING WENT ON TO SAY THAT THERE WAS COMPLACENCY ON THE PART OF THE STATE, ENTITIES AND PERSONS WHICH "COULD HARM HEALTHY PUBLIC OPINION, FACILITATING PROMOTING THE DISASSOCIATIVE ACTION OF SUBVERSION." TO FACE THIS SITUATION THE MILITARY GOVERNMENT REQUIRED, ACCORDING TO THE COURT, A "SYSTEM STRONGER THAN THAT WHICH HAD THEORETICALLY RULED UP TO THEN AND WAS OBVIOUSLY INSUFFICIENT..." THERE WAS SPECULATION IN THAT

3. (C) COMMENT: ~~XXXXXX~~ JUDICIAL CIRCLES, THE RECENT RETIREMENT OF THE "TWO LIBERAL JUDGES" IN THE THREE MEMBER ~~COURT~~/BUENOS AIRES FEDERAL APPEALS COURT PANEL ~~XXXXXX~~ COURT ~~XXXXXX~~ SIGNALLED THAT THE/DECISION OF THAT COURT WOULD BE UNFAVORABLE TO MR. TIMERMAN. ALTHOUGH THE

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(Formerly FS 413A)
January 1975
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MRN

EMBASSY HAS NOT AS YET RECEIVED A COPY OF THE DECISION FROM
/THE NEWSPAPER ACCOUNTS MAKE IT APPEARS THAT THE COURT
DID NOT CLEARLY ADDRESS THE UNDERLYING LEGAL ISSUE, WHICH
IS WHETHER MR. TIMERMAN CAN BE HELD ON THE BASIS OF THE
INSTITUTIONAL ACT ITSELF AND NOT UNDER THE NATIONAL
EXECUTIVE POWER AUTHORITY GRANTED TO THE GOVERNMENT UNDER
SPECIAL CIRCUMSTANCES DURING THE STATE OF SIEGE. THIS
TYPE OF LEGAL DECISION WILL NOW BE FACED BY THE
SUPREME COURT. END COMMENT.

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