

Legal assault planned on Ibero-American armed forces

by Cynthia R. Rush

For the last several years, the Anglo-American political establishment has directed a propaganda campaign against Ibero-America's armed forces, harping on their supposedly "undemocratic" nature and demanding that the institution be completely dismantled. Now the Anglo-Americans are threatening to escalate this offensive by taking it into the realm of international law, in violation of the precept of national sovereignty.

A first indication of this strategy was seen in the annual report issued in late March by the Inter-American Commission on Human Rights, which functions under the aegis of the Organization of American States (OAS). The report warned that the Argentine government's laws which granted pardons and exemption from prosecution to military leaders involved in the 1970s war against communist subversion are "incompatible with its international treaty obligations under the American Convention on Human Rights." The commission also took issue with amnesties approved in Uruguay and more recently in El Salvador.

The amnesties in Argentina and Uruguay were passed in the late 1980s to help put an end to internal debate which threatened political stability in those countries, following an internationally orchestrated campaign portraying the armed forces as brutal murderers in their war against communist guerrillas. The amnesty in El Salvador was passed in March, following the issuance of the U.N. Truth Commission report, which accused the Armed Forces of carrying out Nazi-style atrocities over the past 12 years of the war and demanded both the punishment of officers and the dismantling of the military.

By comparison, the report absolved El Salvador's communist Farabundo Martí Liberation Front (FMLN) of all but a few crimes, insisting that the real culprit had always been "state-sponsored terrorism." The amnesty bars prosecution of Army personnel and FMLN leaders for crimes committed during the war.

International tribunals?

The OAS's Commission on Human Rights is not empowered to enforce its demand regarding Argentina. But judging from remarks on the Salvadoran situation made on March 22 by U.N. Deputy Secretary General Alvaro de Soto, granting such enforcement powers to supranational bodies is the An-

glo-Americans' next objective. De Soto warned that the conclusions of the Truth Commission report are "binding," *regardless* of the amnesty approved by El Salvador's National Assembly. In fact, he threatened, the U.N. intended to ignore the amnesty's impact and would "remind" both the government and the FMLN that they must comply with the commission's recommendations.

If the commission's recommendations are not backed by the force of law, U.S. Secretary of State Warren Christopher has indicated how they may become so. He told a House Appropriations subcommittee on March 25 that the United States was studying the possibility of thwarting El Salvador's amnesty law by prosecuting Salvadoran military officers *in U.S. courts* for alleged atrocities committed in their own country. Christopher argued that under international law, foreign nationals—in this case, American citizens whose family members may have been killed in El Salvador—might be able to bring Salvadoran officers to trial in the United States.

That this strategy is not limited to El Salvador was indicated by an article in the April 11 *New York Times* which reported that U.N. mediators dealing with the Haitian crisis are discussing the possibility of creating an "independent panel" in that country modeled on the El Salvador Truth Commission, which would serve the same purpose it has served in El Salvador.

A precedent for what Christopher is talking about is seen in the recent U.S. Supreme Court ruling that the Law of Foreign Sovereign Immunity cannot protect the Argentine government from prosecution in U.S. courts by citizens seeking indemnization for alleged torture by the 1976-83 military junta. While refusing to hear an appeal from the Argentine government, the court ruled in March that Argentine citizen José Siderman, now a U.S. resident, has the right to seek \$2.7 million in damages for alleged torture by the military in the mid-1970s.

The 'Big Lie'

Implied in this legal debate is the false premise that there is no difference between what the Armed Forces of El Salvador did over the past 12 years and the crimes of the Nazis prior to and during World War II, or what the Serbians are doing today in former Yugoslavia. In an interview with com-

mission member Thomas Buergenthal, a survivor of Auschwitz who is now a U.S. citizen, a reporter mused in the April 7 *Washington Post* how “describing all this for a visitor—San Salvador now, Birkenau then and now, how all the memories fit together.”

Moreover, the argument goes, these atrocities were *institutional*, and therefore the institution itself must be eliminated. The only conclusion to be drawn from these arguments is that like the Nazis, Ibero-American military officers, whether from El Salvador or Argentina, must be punished in Nuremberg-style trials for their “war crimes” and for participating in “state-sponsored terrorism.”

The glaring omission in these arguments is the truth: that beginning in the late 1960s, Cuban and Soviet-backed narco-terrorists threatened the very existence of several Ibero-American nations. These communist forces *began* and waged war against the nation-state, and in Colombia and Peru are still doing so. The militaries and governments had to either respond, or roll over and play dead. Were excesses committed in individual cases by government forces? Undoubtedly; but that is a far cry from the lying conclusion that institutional crimes against humanity were committed similar to those tried at Nuremberg. In fact, if anybody belongs in a Nuremberg-style docket, it is the narco-terrorist forces such as Peru’s Shining Path, El Salvador’s FMLN, and Argentina’s ERP, which are now being so stridently defended by the U.N. and the U.S. State Department.

But the Anglo-American establishment and allied think-tanks such as the Inter-American Dialogue (IAD), which dominate the Clinton administration’s Ibero-American policymaking apparatus, have an agenda other than the truth. In Ibero-America today, where military leaders are increasingly the opposition to the assaults on economic and national sovereignty perpetrated by the International Monetary Fund and other supranational agencies, Washington policymakers are desperate to remove the armed forces as an obstacle.

The first indication of a continental campaign geared toward punishment of military officers for alleged past crimes appeared as the cover story of the March 29 edition of the Spanish magazine *Cambio 16* under the dramatic headline “The Multinational of *Terror*—Exposed!” Never mentioning a word about the violent communist guerrilla offensive which threatened the southern part of the continent beginning in the late 1960s, *Cambio 16* describes the “Southern Cone’s repressive spiderweb,” which it says was responsible for thousands of deaths, disappearances, tortures, and other Nazi-style atrocities in five countries—Chile, Argentina, Uruguay, Paraguay, and Brazil.

The article’s authors assert that the recent discovery of secret files in Paraguay about the military and intelligence collaboration among the five countries, under the name Operation Condor, proves that “Chile invented the model of disappearances, Argentina made it its primary repressive weapon, such that in 1976, through the coup d’état which put Lt. Gen.

Jorge Rafael Videla and his junta in power, thousands of people . . . disappeared and were never heard of again.”

What most enrages the authors is the fact that Operation Condor “was an almost perfect machinery of liaison among the intelligence communities of different countries to carry out joint military missions.” Ignoring the coordination among communist guerrillas in these five countries, authors Carlos Amorín and Samuel Blixen lament that military coordination “imposed the doctrine of National Security”—the Anglo-American establishment’s bugaboo. Operation Condor “institutionalized the terrorism of the multinational state,” they shriek.

It is revealing that *Cambio 16* targets Chilean Gen. Manuel Contreras, former head of the intelligence agency DINA, as the mastermind behind Operation Condor’s “repression,” and reiterates the accusation that he was responsible for the 1976 murder of former foreign minister Orlando Letelier. Just a few weeks before *Cambio 16*’s exposé, Contreras charged that the CIA, working together with the Venezuelan political police DISIP, had murdered Letelier with the knowledge of then-President Carlos Andrés Pérez. *Cambio 16* dismisses Contreras’s accusation as a futile attempt “to elude justice’s punishment.”

Twisting the truth

Speaking on national television on March 24, El Salvador Defense Minister Gen. Rene Emilio Ponce accurately identified the strategy embodied in the Truth Commission report now being applied to the rest of the continent: “The Armed Forces also believes the early disclosure of the report clearly reflects the intention of discrediting the Armed Forces internationally and domestically. In drafting its report, the commission used biased criteria and sources to show . . . preconceived facts and ideas, with the purpose of staining the honor and dignity of the institution and making the public believe [that] the Armed Forces and its members systematically violated human rights.”

Moreover, Ponce added, “the report did not mention the horrors and sufferings that the communists so-called *prolonged people’s war* caused in all social groups. . . . The report does not remember the hundreds of children and young peasants mutilated by booby traps, and those killed during attacks on public transportation buses, health centers, and government buildings. It does not recall the damage caused to isolated communities where bridges were destroyed, the damage suffered by merchants and workers as a result of the so-called economic sabotage.”

The Armed Forces, he said, “cannot accept the fact that its constitutional duty, which is defending the Fatherland from any kind of aggression, was ignored in the report” and that the commission’s members, “in addition to being notoriously prejudicial, have not met any applicable judicial ethical criteria, are hiding unknown interests, and have jeopardized Salvadoran sovereignty.”