Operación Cóndor Trial in Argentina Has Far-Reaching Implications

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Four decades after the events in question, a trial for crimes against humanity began on March 5 in the Argentine capital Buenos Aires that is perhaps the most important in history, in the opinion of Miguel Ángel Osorio. Osorio is the federal prosecutor in the trial of those who carried out Operación Cóndor, the coordinated repression by the civilian-military regimes in the Southern Cone in the 1970s (NotiSur, June 19, 2009).

The trial for the cross-border repression will implicate the dictators of Argentina, Bolivia, Brazil, Chile, Paraguay, and Uruguay. It gathers and unites portions of various processes opened between 2008 and 2012 and includes the cases of 106 victims of Operación Cóndor. The largest number of victims are Uruguayans (48), followed by Paraguayans, Chileans, and Bolivians killed or disappeared in Argentina, but always with the participation of military or police in their country of origin. The cases of three Argentines killed in Brazil are also included.

The judges in the oral tribunal are expected to take at least two years analyzing the tens of thousands of pages of evidence and questioning the 450 persons of various nationalities who will be required to testify regarding the 25 accused.

"Permanent crime" keeps cases open
The case was first opened in the early 1990s when, after the trial of the Argentine military junta, the first calls for justice began. The group of lawyers who filed the complaint, including Raúl Zaffaroni, now a member of the Argentine Corte Suprema de Justicia (CSJ), presented twelve cases in which the bodies of persons kidnapped or detained had not appeared, and the process went forward based on the concept of "permanent crime," explained Osorio.

"Under this argument, when a person was kidnapped and what happened to them remains unknown, it must be presumed that the crime in ongoing," said Osorio. "Since the crime is continuing, it is impossible to grant amnesty or a pardon. The crux is that the state has the obligation to put an end to the crime, to locate the person or establish their whereabouts. After that, if the government so desires, it can grant the killers amnesty."

Luz Palmas Zaldúa, one of the lawyers in the complaint, said that the initial case—aimed at proving the existence of a systematic plan of collaboration among the South American dictatorships and criminalizing the forced disappearance of persons—was evolving. "As time went by and the coordinated repression was being proved, the new development was the introduction of the crime of conspiracy among governments, and that changed things from what was contemplated at the beginning," said the lawyer.

During the trial, along with the Argentine Secretaría de Inteligencia de Estado (SIDE) and similar agencies in the various branches of the armed forces, some bodies will be mentioned frequently such as Uruguay's Servicio de Inteligencia y Defensa (SID) and the Organismo Coordinador de...
Operaciones Antisubversivas (OCOA), Brazil's Departamento de Ordem Política e Social (DOPS), Chile's Dirección de Inteligencia Nacional (DINA), and the US Federal Bureau of Investigation (FBI) and Central Intelligence Agency (CIA).

But, in the two years that the process is expected to take, a key figure will be former US secretary of state Henry Kissinger, whom the Argentine prosecutor referred to as the "father of Operación Cóndor." In addition to accounts, as early as 1973, that attributed to Kissinger a central role in the Sept. 11, 1973, bloody coup against the government of Chile's Socialist President Salvador Allende (1970-1973), he is quoted in, he wrote, or he is the recipient of most of the US diplomatic documents declassified starting in 2001, which refer to the coordinated repression among the South American dictatorships (NotiSur, June 1, 2001, Oct. 5, 2001, and Jan. 9, 2004).

**Documents show Kissinger's involvement with Operación Cóndor**

Lawyers for the prosecution say that one of the most important pieces of documentary evidence in the investigation is a note kept in US State Department archives, which includes a precise definition of Operación Cóndor. It is a Sept. 28, 1976, cable, declassified in 2003, from the FBI's legal attaché in Buenos Aires Robert Scherrer to FBI headquarters, saying "Operation Condor is the code name for the collection, exchange, and storage of intelligence data concerning so-called 'leftists,' communists and Marxists, which was recently established between cooperating intelligence services in South America in order to eliminate Marxist terrorist activities in the areas. In addition, Operation Condor provides for joint operations against terrorist targets in member countries of Operation Condor."

Weeks before that FBI cable, a State Department document dated Aug. 18, 1976, revealed that Kissinger had been warned that the repressive cooperation "may extend beyond information exchange to include plans for the assassination of subversives, politicians and prominent figures both within the national borders of certain Southern Cone countries and abroad."

One month later, on Sept. 21, 1976, Orlando Letelier, Chile's foreign minister during the Allende government, was assassinated in Washington, DC, along with his assistant Ronni Moffitt, in one of the most notorious actions of the coordinated repression (NotiSur, Nov. 17, 1992, Nov. 19, 1993, and Oct. 27, 1995).

In August 2003, Inter Press Service (IPS) quoted a 1978 cable from then US ambassador to Paraguay Robert White to his superiors at the State Department. In it, he says that, according to the head of the Paraguayan armed forces, "they keep in touch with one another through a US communications installation in the Panama Canal Zone which covers all of Latin America (NotiSur, March 30, 2012)."

The cable says that the facility "is also employed to coordinate intelligence information among the Southern Cone countries....Obviously, this is the Condor network, which all of us have heard about over the last few years."

The cable quoted by IPS is one of the 4,677 documents declassified by the State Department during the first half of 2003, which directly implicate Kissinger and other senior US government officials in the crimes committed by the Argentine dictatorship. Most of the documentation consists of telegrams and cables exchanged between the US Embassy in Buenos Aires and the US State Department.

The documents, as is noted in the proceedings begun on March 5 in Buenos Aires, make it clear that three consecutive administrations—those of Presidents Gerald Ford (1974-1977), Jimmy Carter...
(1977-1981), and Ronald Reagan (1981-1989)—collaborated with the Argentine civilian-military dictatorship despite knowing about the crimes being committed in the country during the "fight against terrorism."

Prosecutor Osorio noted that the documents were declassified after a request from humanitarian organizations and then secretary of state Madeleine Albright during her visit to Buenos Aires in 2000. A request was also made for the release of CIA and Pentagon documents, but they remain classified.

Among the documents and papers proving the extent of the US government's knowledge of the situation in Argentina is an October 1976 cable from US ambassador in Buenos Aires Robert Hill saying that Argentina's then foreign minister Adm. César Guzzetti "went to US fully expecting to hear some strong, firm, direct warnings on his government's human rights practices, rather than that, he has returned in a state of jubilation, convinced that there is no real problem with the USG over that issue."

Hill wrote that Guzzetti was "euphoric" after meeting with Kissinger and Vice President Nelson Rockefeller in Washington. Guzzetti said US officials indicated to him that they "understood" that the Argentine dictatorship felt "obliged" to use repressive methods (practices consisting of state terrorism) and they only asked that Argentina "get the terrorist problem under control as quickly as possible."

The cable from the ambassador said that other senior US officials gave "friendly advice," warning Guzzetti to be careful with the Catholic Church and to rein in a substantial neo-Nazi faction in its ranks that engaged in blatant anti-Semitic attacks and hung swastikas and other fascist symbols in prisons and the torture chambers.

IPS said the "the declassified documents show that Kissinger and other senior US officials gave the green light to the heads of the Argentine military junta for them to carry out their crimes and were at all times well-informed regarding them."

Many of the declassified documents, widely disseminated by the South American media, include detailed descriptions of the various forms of torture used by the Argentine military against opposition detainees. In a 1979 memorandum, which is included in the documentation given by the prosecutor to the judges heading the Cóndor case, the assessment of the US Embassy in Buenos Aires includes: "cigarette burns, sexual abuse, removing teeth, fingernails, and eyes, burning with boiling water, oil or acid, and even castration."

The papers quoted by IPS also include a statement forwarded by the diplomatic mission in 1977, in which pregnant women said they were tortured with "electric prods, suffocation by immersion, violations by the torturers or by mechanical means, the introduction of rats and spiders into our vaginas, bitten by dogs, watching our relatives or our companions die by torture, losing the children in our wombs." Other reports spoke of mothers forced to watch their children being tortured.

"All this is what Kissinger and other members of the US governing class approved with the only condition that it all transpire as quickly as possible," one of the prosecuting lawyers in the Operación Cóndor told the Argentine daily Página 12.