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INR WEEKLY HIGHLIGHTS
OF DEVELOPMENTS IN HUMAN RIGHTS

No. 48, March 15, 1978

EAST ASIA AND THE PACIFIC

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China

Human Rights in the New Constitution (INR Review and Analysis). Reflecting the stress of China's leaders on "great order in the land," the new Chinese constitution provides the legal framework for more effective government and more rights and security for the individual. It gives broad and explicit powers to government and to a revived judiciary. At the same time, it carefully defines and limits the responsibilities of each organ of government and places strict requirements on state officials. This should reduce abuses of power and improve Peking's ability to coordinate and control the country's administrative machinery.

The constitution explicitly resurrects such rights of individuals as election by secret ballot, public trial, and defense in court. It also encourages intellectual activities and explicitly protects from discrimination formerly suspect groups (e.g., non-party intellectuals, returned overseas Chinese, and national minorities). In a clause found in neither previous constitution, citizens can appeal against infringements of their rights to organs of state at any level.

In actual practice, however, the rights granted by the constitution are still severely circumscribed by the continuing requirement that citizens must support the social system, the "leadership" of the Communist Party, and the dominance of "Marxism-Leninism Mao Tse-tung Thought." Moreover, reflecting the push for economic development, there is new stress on labor discipline and prohibition against economic crimes, as well as a notable absence of freedom concerning employment, residence, travel, and emigration. (LIMITED OFFICIAL USE)

Dept of State, RPS/IPS, Margaret P. Grafeld, Dir
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Student Protests Undermining Suharto's Position (INR
Review and Analysis). While President Suharto will
certainly be reelected president by the current People's
Consultative Assembly, his position is being undermined
by student protests. His tenure after the election will
depend on his ability to maintain the unity of the military
and damp down the protests. In Jakarta's present tense
atmosphere, overreaction by either the students or the
authorities could precipitate widespread violence.

Since January 21 the students have been sternly
suppressed by the military. Reacting to a call for
Suharto's ouster, the government has prohibited
publication of news of protests or criticism of the
government. Several hundred students have been arrested,
armed troops sent to university campuses and into high
schools, and student council activities banned.
Recently, security troops have acted roughly, and there
are rumors of injuries and even deaths.

The situation in Jakarta at this time is highly
volatile. Many students are reported to have infiltrated
from other areas to demonstrate while the Assembly is in
session. Protests in the form of poster-hanging and
pamphleteering in universities and high schools are
continuing. Student strikes have halted almost all academic
activity at the major colleges in Jakarta, Bogor, and
Bandung, and several well-known university rectors are
publicly siding with the students.

The authorities are determined to maintain order,
but their tough measures may prove counterproductive.
Some of the students are children of the military elite,
and harm to them could split the military, which
heretofore has been solidly behind Suharto.

The top military leaders do not want Suharto to
leave office under public pressure. They believe,
however, that his effectiveness has been diminished.
If dissidence increases, they may conclude that he
should be eased out of office in Javanese style--with
dignity and appropriate timing. (SECRET/NOFORN/NOCONTRACT)

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Philippines

Government Gives Aquino TV Time. The Philippine Government permitted imprisoned opposition leader Benigno Aquino to give a 90-minute televised interview on March 10 to reply to President Marcos' charges that he was a Communist sympathizer and a CIA agent. This was Aquino's first chance to take his case to the public on TV since the campaign for the Assembly elections began in mid-February. He used the occasion to score several points against Marcos and martial law. Although he feared that the government might edit the taped program, the interview reportedly was broadcast uncut. (CONFIDENTIAL, Manila 3940, March 11)

INR Comment: The fact that Marcos allowed Aquino this opportunity may temper some of the criticism Marcos has received over his handling of the Aquino case. (CONFIDENTIAL)

Detainee Reportedly Tortured. According to information provided to Embassy Manila last week by a staffer of the Catholic Church-sponsored Task Force on Detainees, two Filipinos arrested on December 12 in Manila reportedly were tortured in a safehouse before they were released on December 17. The staffer doubts that there were any official police records of their arrest since they were never taken to a detention center. (CONFIDENTIAL, Manila 3862, March 10)

INR Comment. This is the first report of alleged torture which INR has received since last December. (CONFIDENTIAL)

South Korea

Labor Day Demonstrations. Embassy Seoul reports that the KCIA blocked demonstrations by church groups scheduled for Korean Labor Day on March 10 by keeping the dissidents away from the demonstration site at Myongdong Cathedral. However, a surprise demonstration did break out at the official Labor Day commemorative meeting in Seoul hosted by the government and the Federation of Korean Trade Unions (FKTU). In the presence of the prime minister, the mayor of Seoul, and FKTU leaders, 20 young women textile workers -- apparently members of the Christian "Urban

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Industrial Mission" -- demonstrated vocally against government-sanctioned labor conditions. Police and FKTU guards forcibly removed the demonstrators, beating some in the process.

(LIMITED OFFICIAL USE, Seoul 2003, March 11; CONFIDENTIAL, Seoul 1824, March 7; SECRET/

INR Comment: Much of Korean labor - and most of its leaders - are content with Korea's current prosperity and do not want to get entangled in political protest. (CONFIDENTIAL)

SOVIET UNION AND EASTERN EUROPE

USSR

Tactical Preliminaries to Moscow Trials (INR Review and Analysis). The conclusion of the Belgrade CSCE conference removed one factor hindering the opening of the trials of dissidents Shcharanskiy, Orlov, and Ginzburg. Movement on the Shcharanskiy case is now stalled by his refusal to talk to his regime-appointed defense attorney. This should delay matters only briefly, however, since the regime can force him to accept an appointed counsel. The regime may be planning for a trial opening soon.

The regime attaches more importance to the Shcharanskiy case than to the Orlov and Ginzburg cases and will handle it differently. It now appears that the latter two will be tried on relatively narrow charges and may receive relatively light sentences. Ginzburg's participation in disbursing Solzhenitsyn's book royalties to needy families of imprisoned dissidents has evidently been dropped from the indictment. Quick trials with minimal publicity would reduce Soviet embarrassment over prosecuting these men, who are best known for acts of mercy and for observance of the CSCE concluding document.

The Shcharanskiy case, however, has been selected by the Soviets as a set piece to discredit ties between the dissidents and the foreign (specifically American) journalistic and diplomatic communities. Despite US

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admonitions, the Soviets appear determined to prosecute Shcharanskiy for treason and stage-manage the case for high publicity. This accounts, in part, for their insistence on hand-picking the defense attorney since an uncooperative lawyer might pick embarrassing holes in the prosecution's case and could leak discrediting information to the dissident community and thence to the foreign press. (CONFIDENTIAL/LIMDIS)

Czechoslovakia

Charter 77 Signatory Vaclav Havel Released. Reuter reports that three Czechoslovak dissidents held since January 28, when police prevented them from attending a railway workers' ball, were released on March 13. According to dissident sources, the police are continuing their investigation into charges that the three men obstructed police and attacked an official during the incident. Playwright Vaclav Havel, an original Charter 77 signatory, was one of these released. He is still under the cloud of an unexpired 14-month suspended sentence meted out in October 1977, however. (UNCLASSIFIED, Reuter 1855, March 13)

AFRICA

South Africa

Changes Affecting Prisoners Largely Cosmetic.
Minister of Justice James Kruger last week announced:

- the closing of Robben Island, the notorious prison colony off the Cape Town coast;
- a proposal to appoint "retired" legal men in each province to ensure the "proper protection" of all detainees. These appointees would report directly to the minister on the condition of each prisoner.
- the decision to release several prominent political detainees, including World editor Percy Qoboza, who was a victim of the October government

crack-down on its black critics and their sympathizers. (LIMITED OFFICIAL USE, Pretoria 1184, March 3; LIMITED OFFICIAL USE, Pretoria 1231, March 4; LIMITED OFFICIAL USE, Johannesburg 651, March 10)

INR Comment: These actions reflect the government's growing awareness of the abhorrence with which the world views its treatment of political prisoners, particularly in the wake of Steve Biko's death while in detention. None of these measures will significantly improve prison conditions, however. Many of the prisoners now held at Robben Island undoubtedly will be transferred to a new maximum security prison to be built north of Johannesburg. Dozens of less prominent detainees of the October crack-down are still in prison, furthermore.

The opposition parties and some members of the legal community criticize Kruger's prisoner welfare oversight plan for failing to remove the abuses of the present system. They call, instead, for substantive reforms which would provide for no detention without due process, immediate access to the prisoner by both his family and counsel, and laws rather than administrative orders to govern procedures affecting prisoners welfare. (LIMITED OFFICIAL USE)

Terrorism Trial to Reconvene in Secret. The trial of 17 members of the banned Pan African Congress (PAC) charged with terrorist acts has reconvened "in camera" at the request of the prosecution. The government had argued that its witnesses feared reprisals for their testimony. Only reporters with police press cards are allowed to attend court sessions. (LIMITED OFFICIAL USE, Cape Town, March 10)

INR Comment: The government seems particularly anxious to win this trial. Its desire to hold secret sessions may reflect its concern that public fervor in support of the defendants in an open trial could get out of hand, especially against the background of the recent death of the PAC's revered leader, Robert Sobukwe. The government may also fear that public discussion of its pre-trial "persuasion" tactics would provoke disruption of the court proceedings. (LIMITED OFFICIAL USE)

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LATIN AMERICA

Argentina

Rights Update. Recent Argentine human rights developments include:

- publication by the government of the fifth and sixth lists in a series designed to identify all persons acknowledged by the government as state-of-siege prisoners; the six installments name a total of 2,993 prisoners out of 3,747 currently held, according to government figures;
- Foreign Ministry notification of Embassy Buenos Aires on March 10 that nine persons who are of high interest to the US have not "disappeared" as was previously thought but are under state-of-siege detention in Cordoba (central Argentina); and
- the March 8 abduction of an internationally known medical specialist, Beatriz Rosalia Iparraguirre de Weinstein, who, according to Embassy Buenos Aires, was not a political activist.

(CONFIDENTIAL, Buenos Aires 1791, March 10; LIMITED OFFICIAL USE, Buenos Aires 1680, March 6; LIMITED OFFICIAL USE, Buenos Aires 1841, March 13)

INR Comment: When serial publication of the detainee list is completed, the government will come under heavy pressure to account for the thousands who have allegedly disappeared but failed to show up on the list. The coincidence of the Weinstein kidnapping with publication of the prisoner lists again emphasizes the absence of a consistent pattern in Argentine human rights matters.
(CONFIDENTIAL)

Chile

State of Siege Lifted. Chile's State of Siege, which had been in effect since September 11, 1973, was lifted on March but the State of Emergency has been extended for an additional six months. The government has given up the right to:

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- incarcerate people indefinitely;
- try dissidents in "time-of-war" courts martial;
- send dissenters into internal exile; and
- strip persons of their citizenship.

Under the State of Emergency, however, the government has retained a number of powers:

- the president can decree the arrest and detention of individuals for up to five days;
 - dissidents can still be expelled;
 - labor and political activities are prohibited; and
 - freedom of the press is limited.
- (CONFIDENTIAL, Santiago 1703, March 10)

INR Comment: The State of Siege had either to be extended or lifted on March 11. President Pinochet said that he had decided to lift it because the January 4 plebiscite had demonstrated the widespread support his government enjoys. However, it is likely that pragmatic political reasons played a more significant role in the decision. The UN Human Rights Committee is currently drafting another resolution on Chile, and Pinochet would like to soften that resolution. He probably sees the lifting of the State of Siege as one way to accomplish that goal.

The continuation of the State of Siege would have required unanimous approval by the junta. Air Force representative Leigh strenuously objected to its continuance last September, and according to clandestine sources, he agreed to the last six-month extension only after Pinochet promised that he would lift the State of Siege in December. Since Pinochet did not respect that promise, it is doubtful that Leigh would have consented to another extension.

Recent revelations concerning the Letelier-Moffitt assassinations have made Chile the target of a great deal of unfavorable publicity. Pinochet probably hoped that lifting the State of Siege would provide a counterweight (albeit a weak one) to that publicity. (SECRET/NOFORN/NOCONTRACT)

Uruguay

Information Office Created. On March 8, a government spokesman announced the creation of the Central Office for Information on Persons (OCIP), charged with responsibility for responding to queries and accusations concerning persons "linked to national security-crimes." Government sources claim that OCIP will emphasize prompt, written replies to all inquiries. Information requests from foreign governments and recognized international organizations must still be submitted to the Foreign Ministry. Government officials have confirmed, however, that the existing informal channel available to Embassy Montevideo will remain in effect.

OCIP has been on the drawing board for about a year, with President Mendez having mentioned such a facility to President Carter during their September 1977 meeting. Embassy Montevideo views its long-delayed emergence as the first concrete human rights accomplishment of the newly-installed Army Commanding General, Gregorio Alvarez. As such, according to the Embassy, it is an "important positive development" and may be a harbinger of things to come. (CONFIDENTIAL, Montevideo 0779, March 9; CONFIDENTIAL, DIA's IR 69000035, March 10)

NEAR EAST AND SOUTH ASIA

Iran

Prisoners Released; Demonstrations Rumored. The Tehran press reported on March 14 that 589 detainees were to be freed that day, including 26 political ("anti-state") prisoners, in commemoration of the 100th anniversary of the birth of the Shah's father, Reza Shah. (One of those released, it has been confirmed, was Mahmoud Mazaheri-Tehrani, the student-activist husband of an American citizen.) Some 322 of those to be freed are persons convicted in military courts of minor offenses involving sentences of less than three months.

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Embassy Tehran expects two more amnesties in the next few weeks: first, the traditional pardon of prisoners on the March 21 Iranian New Year's Day; and secondly, a general release of those covered by the amnesty bill recently passed by the parliament for which administrative arrangements are still being formulated. The Tehran press estimates that some 700 prisoners will be released on New Year's Day. Meanwhile, rumors have circulated in Iran that widespread anti-regime demonstrations will occur on March 15 in an attempt to disrupt the celebration of Reza Shah's birth centenary. (CONFIDENTIAL, Tehran 2464, March 12; Tehran 2522, March 12; LIMITED OFFICIAL USE, Tehran 2572, March 14)

INR Comment. The release of almost 600 prisoners on March 14 and the news of expected additional amnesties may have been calculated to take some of the steam out of the rumored demonstrations scheduled for March 15. On the other hand, on the face of it, the releases tend to reinforce the Shah's statements after the recent riots in Tabriz that he plans to continue the process of political liberalization despite the series of disruptions which began last November. Despite a rash of warnings from many sources about plans for widespread disorders on March 11, the day passed quietly in Iran. (CONFIDENTIAL)

Iraq

Collective Rather Than Individual Rights Stressed. Iraq will continue to oppose efforts to establish a High Commissioner for Human Rights, according to the Chief of the International Organizations Bureau at the Iraqi Ministry of Foreign Affairs. The official has told our Interests Section in Baghdad that, for reasons of sovereignty, Iraq desires to emphasize collective rather than individual rights. Iraq particularly wishes to avoid situations where individual complainants could enlist the aid of international organizations on behalf of their causes. He observed that the stress upon individual rights was of central concern during the days when the US dominated the UN, and implied that Third World countries in today's changed circumstances would handle the issue differently. (CONFIDENTIAL, Baghdad 463, March 4)

INR Comment. The Iraqis have traditionally displayed sensitivity to accusations that their human rights record contains serious blemishes. They probably view the

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High Commissioner proposal as an idea that would facilitate the efforts of those who wish to embarrass the Iraqi Government by focusing attention upon Baghdad's alleged human rights violations. (CONFIDENTIAL)

Pakistan

Regime Rounds Up Bhutto Supporters. Authorities arrested three editors of a pro-Bhutto newspaper in Lahore and confined Mrs. Bhutto to her home for 15 days on March 12 for violation of a martial law order banning all political activity. The Urdu-language newspaper belonging to Bhutto's Peoples Party (PPP) had published Mrs. Bhutto's charge that the military regime planned to transfer her husband's trial from a civil to a military court in order to deprive the former prime minister of the right of appeal to the Supreme Court. The government denied the charges.

In related moves, the government has arrested several hundred PPP activists since March 1, including a former federal minister and a former provincial governor. It has also brought charges against or temporarily suspended publication of two other newspapers. (CONFIDENTIAL, Islamabad 2528, March 14; UNCLASSIFIED, Reuter 1450 and 1117, March 12)

INR Comment: The government's clamp-down on political activities is widely seen as anticipating violence when a verdict is announced in Bhutto's murder trial, probably in the next day or so. Bhutto faces a possible death sentence if he is found guilty of conspiracy to murder a political opponent. He appears to have received a fair trial, but his involvement in the conspiracy rests on the testimony of one witness and the verdict could go either way.

Mrs. Bhutto's comments reflected the attitudes of most observers, who view the martial law authority's elaborate precautions as an indication of a guilty verdict which could prompt a violent reaction on the part of Bhutto's supporters. General Zia's "caretaker" regime has so far demonstrated a better human rights record than Bhutto's did. However, in its fumbling efforts to bring about Bhutto's political demise through a guilty verdict, the military authorities' record is likely to deteriorate sharply in coming days. (CONFIDENTIAL)

Syria

Assad Emphasizes Need for More Individual Freedom. In a March 8 inaugural address, President Assad pointed to excesses in the application of martial law and said that he had ordered these practices stopped. He also stressed that individual belief and expression will not be questioned as long as individuals exercise their rights within the framework of the law. Embassy Damascus considers that Assad takes his commitment to individual freedom seriously, and believes that additional progress can be expected so long as freedom does not upset the stability which has accompanied Assad's presidency. (CONFIDENTIAL, Damascus 1357, March 9)

INR Comment: Assad has managed to remain in power in part by exploiting the competition for influence among a host of internal security organizations while concomitantly displaying responsiveness to a popular desire for greater individual freedom. As a result of his successful efforts to enhance the regime's stability in recent months, Assad apparently feels sufficiently confident to shift the above balance slightly by curtailing some of the prerogatives of his security apparatus. (CONFIDENTIAL)

Tunisia

Many Union Officials Held Without Charges. In a March 9 conversation with Embassy Tunis, Dr. Zmerli, president of Tunisia's League for the Rights of Man, expressed pessimism about the human rights situation in Tunisia. He criticized what he considers to be the government's general disregard for individual rights, as seen in its continuing detention of 100 individuals--mostly labor union officials--arrested in the aftermath of the January general strike and riots. Zmerli claimed that the government has held them under very poor conditions, has not brought formal charges against them, and has not given them access to their attorneys. One of the detainees has died in custody. Furthermore, when League officials have attempted to bring these matters up with the government, they have been faced with a "wall of silence," according to Zmerli. (CONFIDENTIAL, Tunis 1755, March 10)

INR Comment: Tunisia's leaders clearly hold the union leadership responsible for the destructive rioting which left several hundred dead and wounded. The interest

and concern shown by various international labor organizations and governments friendly to Tunisia, however, may moderate its approach to the trials and soften the sentences of those found guilty. (CONFIDENTIAL)

UNITED NATIONS

UN Human Rights Commission Makes Some Headway (INR Review and Analysis). The recently concluded 34th session of the UN Human Rights Commission (HRC) was probably one of the least contentious on record. Thanks in large measure to the active and constructive role played by the African members under the leadership of Commission chairman M'Baye of Senegal, as well as the tactics of the US delegation, the HRC took a step toward a more even-handed treatment of serious human rights violations.

Uganda. For the first time, the HRC agreed that an "eminent African personality" would undertake a thorough study of the human rights situation in Uganda under the Commission's confidential procedures. In a significant reversal of the former African reluctance to single out a fellow OAU member, the Africans, spearheaded by Senegal and Nigeria, maintained a solid front in overriding Communist and some other Third World opposition.

Cambodia. Also for the first time, the Commission publicly decided to inquire about the human rights situation in Cambodia. Although the decision was a compromise on a UK-inspired resolution that called for an investigation, it ensures that the issue will be raised again by the HRC next year. It was given little chance of success at the start of the session.

Chile, Middle East, South Africa, Cyprus. The HRC adopted the usual public resolutions on Cyprus, Chile; human rights violations in the occupied Arab territories, South Africa's apartheid policies, Western assistance to South Africa, and for the first time, a resolution on Palestinian self-determination. The divisive debate on these issues which has severely disrupted past HRC sessions was absent for the most part.

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High Commissioner for Human Rights. The proposal for a High Commissioner for Human Rights was not voted on. Although the post is still strongly opposed by both Communist and Third World countries (among the latter are India, Nigeria, and Brazil), it received a new, though tenuous, lease on life by being listed among several suggestions for improving the UN human rights machinery to be considered at the ECOSOC this spring and the UNGA this fall.

National and Regional Commissions. In obvious moves to sidetrack the High Commissioner proposal, the Indians and Nigerians, respectively, came up with two proposals for the creation of national and regional human rights commissions. From these governments' standpoint, such commissions would be more manageable alternatives to either a High Commissioner or the investigatory procedures of the HRC itself.

It is unclear at this time whether the more even-handed treatment toward human rights exhibited by the Third World countries, particularly the Africans, stemmed from an African decision to be more forthcoming largely because an African was in the chair, or whether their attitude (and those of some of the other Third World countries) represents a stronger commitment to investigating violations of human rights wherever they occur. (CONFIDENTIAL)

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