

M. Schneider


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INR WEEKLY HIGHLIGHTS
OF DEVELOPMENTS IN HUMAN RIGHTS

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EAST ASIA AND THE PACIFIC

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Date 1/24/01 Declassify on _____ Reason 25X1

Philippines

Rights Activist Sees Fewer Abuses of the Person. Father James Reuter, Director of the Church's Office of Mass Media, and a leading Philippine human rights activist, has told Ambassador Newsom that US intervention has created a marked sensitivity in the Marcos government to the treatment of individuals. Reuter considers that there has been a decline in torture and arbitrary detention of Filipinos during the past few months. He does not believe that there has been any improvement in government restrictions on freedom of expression, however, and complained that the government has:

- closed down all the Office of Mass Media's publications;
- refused to act on applications for new publications; and
- banned 10 Easter week religious programs from television because they had been produced by the sister of Marcos' opponent, Benigno Aquino. (CONFIDENTIAL, Manila 4831, March 28)

South Korea

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SOVIET UNION

Soviet Union

Rights Update (INR Review and Analysis). Soviet repressive actions against dissidents continue with the trial of two more Helsinki Group members, retaliation against a noted physicist, and a warning to another:

- Ukrainian Helsinki Group members Marinovich and Matusevich went on trial in a small town south of Kiev on charges of anti-Soviet activity, with close relatives of the accused barred from attending.
- Dr. Polikanov of the Dubna Physics Institute was expelled from the Communist Party and faces probable dismissal from the Institute for telling foreign journalists last November that he had refused to accept a research assignment in Geneva because he was not permitted to bring his family;
- Authorities warned Sakharov that any repetition of his March 12 demonstration would result in prosecution.

Still No Shcharanskiy Trial. The latest warning on the damage a Shcharanskiy trial would do to Soviet-US relations was conveyed to Arbatov and responsible officials of the Soviet legal establishment by Orville H. Schell, former president of the New York Bar Association. We still have no firm indication when the trial will begin.

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Emigration Dips. Jewish emigration visas issued during the first half of March (883) dropped by 30 percent compared with the preceding two-week period. Thus far, total emigration still exceeds last year's corresponding period by almost 95 percent; the dip, therefore, is not yet a trend.
(CONFIDENTIAL)

LATIN AMERICA

Chile

Prospects for Mezvinsky Visit Good. Chile's Foreign Minister has invited US Representative to the UN Human Rights Commission (UNHRC) Mezvinsky to Chile to discuss with President Pinochet ways to break the impasse between Chile and the UN Human Rights Commission. Ambassador Mezvinsky cannot speak for the UNHRC, but the discussion could be the first step in arranging a visit to Chile by the Commission's ad hoc working group. (CONFIDENTIAL, Santiago 2105, March 23; CONFIDENTIAL, State 074811, March 23)

INR Comment: Current prospects for productive discussions are good. Chile's leaders are determined to improve their country's human rights reputation, and a resolution of the longstanding problems with the UNHRC's ad hoc working group would be a significant step forward. (CONFIDENTIAL)

Haiti

Trials Set Rights Precedents. Embassy Port Au Prince reports that a military court martial sentenced Army Lt. Ernst Remy to six years imprisonment on March 22, and discharged him from the Army for having murdered a civilian in the presence of several witnesses. Remy had escaped prosecution for two similar murders in the past due to his status as the son of Haiti's Ambassador to Venezuela, nephew of an Army colonel with an important command, and a member of the Army officer corps.

On March 21, a civil court sentenced two members of the para-military Volunteers for National Security (descendant of the notorious Tontons Macoute) to four months imprisonment for beating an editor whose newspaper had criticized the Volunteers.

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Both trials received extensive coverage in the press. Remy's sentencing was described as the only time "a member of the armed forces has been publicly judged for murdering a civilian." The sentencing of the two Volunteers was said to be the first time that members of the "Macoutes" had been brought before a court as defendants. The Embassy considers that the two precedent-setting trials demonstrate the government's increasing sensitivity to domestic and international human rights pressures. (UNCLASSIFIED, Port Au Prince 971, March 23)

El Salvador

Rights Criticism Moderates. Embassy San Salvador reports that the human rights front was quieter in February and notes a decrease in the frequency and bitterness of church attacks against President Romero. Archbishop Romero (no relation) is also reported ready to name high-level church representatives to a church-government "mixed commission" to investigate human rights incidents. Meetings of the commission may begin next week.

The Embassy also reports that President Romero told Ambassador Devine last week that he was not aware of any political prisoners being held by his government. He said that when he took office last July he had told security officials that political prisoners only bring problems, and he wanted no such complications in his administration. Romero also deplored the anachronistic attitudes of the older landowners and spoke of the urgent need for socio-economic change, especially in the countryside. (CONFIDENTIAL, San Salvador 1211, 1385, 1402, March 13, 22, 23, respectively)

INR Comment: Romero, who was dangerously isolated last fall, appears to have regained the support of the military and the wealthy elite. If, in fact, the church, his most adamant human rights critic, decides to relent and enter into a dialogue with the government, Romero will have won important support which could provide a bridge for him to moderate opposition groups. (CONFIDENTIAL)

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NEAR EAST AND SOUTH ASIA

Bangladesh

Political Prisoners Released. The government released 637 prisoners on March 26 to mark the seventh anniversary of national independence. While 336 of the prisoners were classified as "political," only two appeared to have some national stature. Embassy Dacca estimates that the number of political prisoners in Bangladesh is now less than 1,000. (CONFIDENTIAL, Dacca 1858, March 27)

Pakistan

Three Murderers Hanged In Public. Three convicted killers of a 12-year-old boy were hanged in Lahore on March 22-- the second public execution in Pakistan in the last 30 years. A crowd estimated at over 100,000 observed the hangings at the invitation of the Punjab state government, which declared, "We want the world to know of our dedication to Islamic law," and described the execution as an effort to "educate" the people in "the ways of Islam." The three men had been convicted of abducting, sexually assaulting, and murdering the child. (UNCLASSIFIED, The Washington Post, March 23)

INR Comment: The men evidently were tried in camera by a military court and not allowed to appeal their sentences. The government probably ordered the public hanging in order to:

--demonstrate its resolve and strength in the wake of the Bhutto death sentence;

--deter a recent "wave of lawlessness" in which several children have been kidnapped, held for ransom, and murdered; and

--test the waters for Bhutto's possible execution.

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Pakistan

Bhutto Appeal Alleges Court Bias. Former Prime Minister Bhutto filed a last-minute, 30-page appeal to the Pakistan Supreme Court on March 25. He alleged that the Lahore High Court judges who condemned him to death were prejudiced, and asserted that the conviction should be reversed on grounds of bias. Bhutto's lawyers indicate that they plan to file more appeals, and complain that, although the Constitution generally provides for 30 days to appeal, the Lahore Court gave Bhutto only seven days.

In a separate development, the government closed Musawaat, a Bhutto party newspaper, for an unspecified length of time for printing a letter from the former Prime Minister calling General Zia and the martial law administrators "pious and pompous" and saying they "stink to high heaven." (UNCLASSIFIED, New York Times, March 22; UNCLASSIFIED, Reuter, Mar 25)

INR Comment: Bhutto may have decided to appeal his case only when it became apparent by Zia's recent actions and statements--such as the interview in which he said he would not commute a death sentence if the Supreme Court upheld the lower court decision--that the General would not bow to international pressures at this stage. Bhutto's recent transfer from comfortable jail quarters to a death row cell may have helped trigger his decision. His lawyers will try to string out the legal process as long as possible, and have noted to the press that such actions can last for as much as a year in Pakistan. The Supreme Court, however, has announced that it will take up the cases of Bhutto and his four co-defendants on April 1, indicating that the Court may postpone its other business in order to move this politically sensitive case along expeditiously.

Bhutto is probably heartened by international appeals for clemency, calculating that, over time, they will have an effect on Zia. We would agree that, the longer the legal process lasts, the less likely it is that Bhutto will be executed. The same cannot be said for his fellow defendants, however. (LIMITED OFFICIAL USE)

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Egypt

Cairo Supports UN Rights Commission But Opposes High Commissioner. Embassy Cairo reports that Egypt assesses the 34th meeting of the UN Human Rights Commission in positive terms and believes that the non-aligned countries will continue to take a strong interest in the subject, largely because of the leadership being provided by the US. A senior Ministry of Foreign Affairs official says that the government strongly endorses the human rights programs and machinery of the United Nations and is officially encouraging the formation of a national Human Rights Commission in Egypt.

Egypt opposes the creation of a UN High Commissioner for Human Rights, however, because it considers that the proposal originated with non-governmental groups who have a particular interest in the emigration of Jews from the Soviet Union to Israel. Egypt also shares the concern of the Arab and most non-aligned countries that the post could be manipulated in a way that would denigrate the power of the UNHRC. (LIMITED OFFICIAL USE, Cairo 9410, March 27)

AFRICA

South Africa

Three Political Prisoners Released. Amconsul Johannesburg reports that three more of the 61 political prisoners incarcerated as a result of last October's corralling of critics of the South African Government were released on March 24. While a total of 12 have now been freed, 49 remain in detention. One of those released was Dr. Nthato Motlana, chairman of the Committee of Ten--a self-generated group of leaders from the black township outside of Johannesburg who had tried vainly to enter into a dialogue with the government on power-sharing prior to their imprisonment. (LIMITED OFFICIAL USE, Johannesburg 788, March 24)

INR Comment: Motlana's release was neatly timed to come just before the filing date for the Community Council elections scheduled for April 15. The government, particularly Cornelius Mulder, the new Minister of Plural Relations and Development, hopes that at least some of the Committee of Ten

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will become candidates. Participation by Motlana or his colleagues would legitimize the government's announced plans to devolve some authority for urban affairs to an elected black leadership. Motlana, on his release, seemed to keep his options open. He called for release of the other committee members before announcing his intentions about electoral participation. (LIMITED OFFICIAL USE)

Zaire

Executed Coup Plotters Denied Due Process. In a preliminary assessment, Embassy Kinshasa considers that the recent trial which resulted in the execution of 13 coup plotters did not conform to Zairian law in several important respects:

- The death sentence for those charged with military plots is applicable only in time of war or in certain circumstances clearly specified in the code of military justice (neither of which applied to this case).
- The President of the Court Martial Board did not respond, as required, to defense requests to follow-up on evidence having a clear bearing upon the guilt or innocence of the accused.
- The prosecution levied new charges and introduced new evidence during the trial in contravention of the code of military justice.
- The execution of the 13 men 14 hours after their sentencing deprived them of appeal procedures called for in the code of military justice. (LIMITED OFFICIAL USE, Kinshasa 2829, March 24)

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