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THE STATUS OF HUMAN RIGHTS IN SELECTED COUNTRIES AND THE U.S. RESPONSE

PREPARED FOR THE
SUBCOMMITTEE ON INTERNATIONAL ORGANIZATIONS

OF THE

COMMITTEE ON
INTERNATIONAL RELATIONS
U.S. HOUSE OF REPRESENTATIVES

BY THE

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JULY 25, 1977

Prepared for the use of the
Committee on International Relations

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FOREWORD

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
WASHINGTON, D.C., *July 25, 1977.*

The human rights reports contained herein were prepared by the Congressional Research Service at the request of Congressman Donald M. Fraser, chairman of the Subcommittee on International Organizations.

Given the wide interest in human rights, these reports are being printed to assist Members of the Congress in their consideration of legislation relating to human rights and U.S. foreign policy.

The findings and conclusions contained in these reports are those of the Foreign Affairs and National Defense Division, Congressional Research Service, Library of Congress, and do not necessarily reflect the views of the members of the Committee on International Relations.

CLEMENT J. ZABLOCKI, *Chairman.*

LETTER OF TRANSMITTAL

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
SUBCOMMITTEE ON INTERNATIONAL ORGANIZATIONS,
WASHINGTON, D.C., *May 10, 1977.*

HON. CLEMENT J. ZABLOCKI,
Chairman, Committee on International Relations, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I am submitting this series of reports on human rights conditions in 15 countries and the U.S. response. These reports were prepared at my request on behalf of the subcommittee by the staff of Foreign Affairs and National Defense Division of the Congressional Research Service.

These reports are being submitted as part of the ongoing human rights activities of the Subcommittee on International Organizations.

Sincerely,

DONALD M. FRASER,
Chairman, Subcommittee on International Organizations.

LETTER OF TRANSMITTAL

Board of Representatives
Committee on Foreign Relations
Department of State
Washington, D. C.

Dear Sirs:
I am enclosing for you a copy of the report of the Commission on the Status of Women, which was prepared at my request on behalf of the American people by the staff of the American and National Defense University in the Department of State. The report contains a number of recommendations which are being submitted to you for your consideration. I am sure that you will find the report of interest and value to you.

Very truly yours,
Dwight D. Eisenhower

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MEMORANDUM

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INTRODUCTION

As part of the subcommittee's ongoing activities in the area of human rights, I requested the Congressional Research Service to undertake an examination of human rights issues in 15 countries and the U.S. response to these issues. The subsequent reports prepared by the Congressional Research Service staff provide a useful insight into the various personalities, events, and policies that have shaped the human rights conditions in the countries concerned, as well as the U.S. response.

Since the completion of the reports toward the end of 1976, however, major events have altered situations in many of the countries and in some instances have led to changes in U.S. response.

Therefore, I am providing brief updates which appear following each country report.

DONALD M. FRASER,

Chairman, Subcommittee on International Organizations.

MAY 1977.

EXTRACT

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COUNTRY REPORTS

BRAZIL*

Human rights, as discussed in this paper,¹ refer to those rights which the U.N. Charter seeks to promote and which have been given further identification in numerous U.N. resolutions and treaties, including the Universal Declaration of Human Rights, adopted by the U.N. General Assembly in 1948. These rights have been given special attention in recent congressional legislation. Section 116(a) of the International Development and Food Assistance Act of 1975 (Public Law 94-161), and sections 301(a) and 406(b) (2) (A) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329) refer to the goal of promotion of "increased observance of internationally recognized human rights by all countries." In addition, they identify as among "gross violations of internationally recognized human rights", "torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges, or trial, or other flagrant denials of the right to life, liberty, or the security of person. * * *" This paper, although it summarizes human rights in Brazil, focuses primarily on American responses. Thus it should not be taken to represent a complete overview of human rights issues in Brazil.

Since the military took power through a coup in 1964, there has been growing concern over the status of human rights in Brazil. The regimes of the various military Presidents have been at different times characterized by mass arrests, violent clashes with student demonstrators, censorship of the press, and numerous reports of torture of political prisoners.² The United States, through Department of State officials, has expressed, both publicly and privately, its concern to the Brazilian Government over these conditions.³ Relations between the United States and Brazil have been historically close and friendly, but the United States was said to be increasingly careful not to become too closely identified with the nondemocratic regimes of Costa e Silva and Médici.

In 1974 Ernesto Geisel became President of Brazil, and the country made some progress toward a restoration of democratic procedures,⁴

*Prepared by Brenda Branaman, analyst in foreign affairs, Foreign Affairs and National Defense Division, Congressional Research Service, Library of Congress.

¹ Information in this report is current through June 30, 1976, unless otherwise noted.

² Sklar, Barry. The Status of Political and Religious Liberties in Aid-Recipient Countries: Brazil. Congressional Record [daily ed.], Dec. 17, 1973. pp. S23142-S23143.

³ Testimony of Stephen Low, Oct. 3, 1973. In Human Rights Hearings, pp. 201, 206; Partial Transcripts of State Department Press Briefings by Carl Barch, Apr. 21, and July 23, 1970. In Human Rights Hearings, pp. 820-822.

⁴ Sanders, Thomas C. Decompression in Brazil. American Field Staff Reports, vol. XIX, No. 1, 1975, p. 1.

although reports of arbitrary arrests and torture continued through 1974 and 1975.⁵

In 1971 the Brazilian police were charged as the major perpetrators of torture and repression in Brazil and the close association of the United States through AID's public safety program and its training of Brazilian police came under severe criticism in Congress. Hearings were held in May 1971, and in 1972 AID's program of training and equipment assistance to the Brazilian police was terminated.⁶ The United States has not suspended any other aid programs in Brazil.⁷ In December 1974 the U.S. Congress held hearings on torture and oppression in Brazil which indicated the continuing concern of many members for human rights in that country.

However, in February 1976, Secretary of State Kissinger signed an agreement on economic and political consultation between the United States and Brazil and in his public statements during his visit did not raise the subject of specific human rights violations.⁸

UPDATE*

On April 1, 1977, following the Congress refusal to pass the Government judicial reform bill, President Geisel dissolved Congress. Reasons for opposing the bill were that it lacked the right of habeas corpus for political prisoners and did not guarantee the independence of judges from Government pressure.

The Congress was later reinstated, but under changed electoral rules that entrench the power of the Government's political party and dissipate much of the opposition's power.

In the last few months, 1,000 intellectuals signed a petition calling on the Government to restore freedom of the press.

Relations between the military government and the Catholic Church have become increasingly strained. In November 1976 the National Conference of Bishops made its strongest condemnation of the Brazilian military since Geisel took office in 1974. The church's involvement in Indian affairs has also contributed to the strained relationship.

Brazil reacted negatively to (1) the State Department's 1977 report on human rights on Brazil prepared as a requirement under the Foreign Military Assistance Act of 1976, and (2) to U.S. pressure to block Brazil's plans of nuclear cooperation with West Germany. As a result, on March 11 Brazil canceled the 25-year-old mutual assistance pact with the United States after having rejected U.S. military assistance credits proposed for fiscal year 1978.

⁵ Ibid., p. 7; U.S. Congress. House. Committee on Foreign Affairs. Subcommittee on International Organizations and Movements. *Torture and Oppression in Brazil. Hearings*; 93d Cong., 2d sess. Washington, U.S. Government Printing Office, 1975, pp. 45-51.

⁶ Sklar, Barry. *Infringement of Human Rights in Brazil and the United States and OAS Response*, Oct. 5, 1973. (Library of Congress staff report.) In *Human Rights Hearings*, p. 911.

⁷ *Political Imprisonment in Selected Countries: Brazil*. Congressional Record [daily ed.], Aug. 6, 1974, p. S7778.

⁸ Omang, Joanne. *Brazil, U.S. Sign Consultative Accord*. Washington Post, Feb. 22, 1976, p. A23.

*Update provided by subcommittee staff.

CAMBODIA*

This is one in a series of studies on the status of human rights in individual countries and reactions within the United States to those conditions. Human rights, as discussed in this paper, refer to those rights which the U.N. Charter seeks to promote and which have been given further identification in numerous U.N. resolutions and treaties, including the Universal Declaration of Human Rights, adopted by the U.N. General Assembly in 1948. These rights have been given special attention in recent congressional legislation. Section 116(a) of the International Development and Food Assistance Act of 1975 (Public Law 94-161), and sections 301(a) and 406(b)(2)(A) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329) refer to the goal of promotion of "increased observance of internationally recognized human rights by all countries." In addition, they identify as among "gross violations of internationally recognized human rights", "torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges, or trial, or other flagrant denials of the right to life, liberty, or the security of person. * * *"

American reaction to the human rights situation in Cambodia† has consisted primarily of press coverage; national news organizations have provided fairly extensive coverage of accounts given by refugees of violation of human rights by the Communist government that came to power in April 1975. U.S. Government reaction has been much more muted. The Executive response has consisted of a few statements concerning the heavy loss of life. In Congress, a few Members have given speeches or inserted articles in the Congressional Record. But no hearings have been held, and Congress has not given serious consideration to any resolutions on the issue. Private organizations and church groups that involve themselves in human rights issues abroad have generally remained silent on Cambodia.

Several factors may explain the general lack of response of the U.S. Executive, Congress, and private groups to what appears to be systematic oppression of the Cambodian people by the new government. Undoubtedly, the national mood of "putting Indochina behind us" is one reason. The bitter divisions in the United States during the Indochina war, particularly the debate over the "bloodbath theory," may be another inhibiting factor. There may exist sentiment, in the Executive and in some quarters of the Congress, that a strong official U.S. position on the human rights situation would hinder prospects for future U.S. contacts with the Cambodian Government. Related to this

*Prepared by Larry A. Nicksch, specialist in Asian affairs, Foreign Affairs and National Defense Division, Congressional Research Service, Library of Congress.

† This paper discusses the situation in Cambodia since April 1975.

is the issue of acquiring information from that Government on the status of 24 American servicemen and 9 American civilians listed as missing in Cambodia. In short, there is knowledge of and concern over the human rights situation in Cambodia, but a number of emotional and political factors have weighed against a strong U.S. response.

Finally, U.S. officials may believe that a strong U.S. position on the human rights situation would have no impact on the Cambodian Government.

Since the Communist takeover in Cambodia in April 1975, that country has been largely closed to outside observers. Information on the status of human rights comes mainly from the following sources: (1) The accounts of the thousands of refugees who have fled to Thailand. Western officials and news correspondents generally accept the refugees' accounts because of the similarity of stories that are heard in widely scattered areas along the Cambodian-Thai border and also because the few Western correspondents remaining in South Vietnam in 1975 heard the same type of accounts from refugees who crossed into Vietnam. (2) The accounts of foreign correspondents who remained in Phnom Penh for several weeks following the Communist takeover. (3) Official Cambodian Government news releases covering the installation of a new constitution and a new government in 1976.

Since coming to power, the Communist government in Cambodia has imposed a life of strict regimentation on the individual in Cambodia in a rapid, fundamental, and often harsh fashion.¹ Three elements stand out in this process: (1) the mass, forced evacuations from the cities and the relocation of large elements of the population; (2) the establishment of a system of forced agricultural labor; and (3) the liquidation of elements of the society that were, in some fashion, associated with the Khmer Republic.

The first forced evacuation of Phnom Penh and other cities came immediately after the Communist victory. According to Western correspondents who remained in Cambodia after the Communist takeover, the Communists ordered as many as 3 to 4 million people (out of a total population of 8 million) to evacuate the cities and go on foot to far distant areas deep in the countryside. The authorities excluded no one from the order, including the very young, the very old, and the sick.² Also forced to evacuate their homes and relocate were many rural dwellers and people living in small towns.

A second forced migration reportedly took place during the last 3 months of 1975, with thousands shifted from one rural locale to another, again regardless of age or physical condition.

At the end of the forced march, local Communist officials organized into "exodus reception committees" assigned the evacuees tracts of rice-land to cultivate and plant. There, the Cambodians labored under the strict supervision of Communist guards, who often were highly indoctrinated teenagers. Refugees told of workdays of 12 hours or longer followed by political sessions on the same evening with emphasis on exhortation to work. Terror or the threat of violent punishment often was employed to insure work discipline. Refugees told of the pervasive

¹ Actually, from the accounts of refugees coming into Khmer Republic held areas during the war, it appears that the Cambodian Communists had imposed such a system in the areas it controlled as early as 1971 or 1972.

² See especially Sidney Schanbergs' account in the *New York Times*, May 9, 1975.

fear of Angka, the Communist organization. Individuals who consistently failed to fulfill their work schedules or quotas were ordered to appear before the local Angka organization, and according to refugee accounts, never returned.³

The system of rural forced labor allows no ownership of private property. People live on daily rations received from Angka. In many areas, the sexes have been segregated. Young children have often been taken away from their families for training. Marriages were generally prohibited throughout much of 1975, but the authorities reportedly have relaxed this. Extramarital sex is reportedly considered grounds for the death penalty.

The prevailing system in Cambodia appears to have three objectives. One is to establish a collectivist approach to agriculture organization. A second goal is that of economic leveling. The forced migrations and forced agriculture labor have involved all classes with few distinctions. Intellectuals, businessmen, and peasants have met the same fate. Finally, the system forces on the individual a complete break with his past life, his home, friends, and values. In this way, he is made more amenable to the demands and controls imposed on him by the Communist organization.

To help achieve this third objective, the authorities have forbidden the people from following the customs and traditions that were formerly such an important part of Cambodian life and culture. The relocated workers have not been allowed any religious observance; Buddhist monks have been defrocked, and pagodas have been turned into storehouses. The authorities also have banned traditional customs, songs, dances, and mode of dress. Holiday observances have been limited or done away with. In short, most observers believe that the regime intends to destroy traditional Cambodian culture and replace it with a radical Communist society.

Ever since the refugee flow out of Cambodia began in June 1975, there have been constant reports that the regime has liquidated thousands of individuals associated with the Khmer Republic, even including low ranking soldiers. Besides those directly involved with the old regime, the Communist government has apparently liquidated large segments of certain occupational groups. Prominent among these have been educators, upper level students, and the merchant class. This latter group has a large Chinese element in it.

Most observers believe that the total loss of life in Cambodia since the Communist takeover has been great. In addition to the actual liquidation campaign and summary execution of individuals, thousands have perished from malnutrition and disease connected with the forced migrations and harsh working conditions in the countryside. The list below gives estimates of the number who have died (of a total population of 8 million) as calculated or reported by Western correspondents and publications that have covered Cambodia since April 1975:

³ See, for example, Huller Christian, *Total Dictatorship in Cambodia*. *Swiss Review of World Affairs*, vol. 28, June 1970: pp. 16-18.

Denis D. Gray, Associated Press, August 20, 1976: over 1 million.

George McArthur, Los Angeles Times, April 17, 1976: 500,000.

Matt Franjola, Associated Press, April 23, 1976: at least 250,000.

Francois Ponchard, Le Monde, February 18, 1976: 800,000.

Time Magazine, April 19, 1976: 500,000 to 600,000.

Lewis Simons, Washington Post, May 4, 1976: 500,000.

The structure of Cambodia's Government is laid out in a constitution promulgated in January 1976. The constitution proclaims equality for the Cambodian people in a democratic society, but it contains no guarantee of fundamental rights such as freedom of speech, assembly, political activity, and the press. The court system has the function of "defending the people's democratic rights and liberties" and of "condemning all activities which are opposed to the people's state or which violate the laws of the people's state." The constitution calls for "constructive education" for those who engage in "activities regarded as dangerous and in opposition to and characterized by their systematic and dangerous attitude toward the people's state." It guarantees freedom of religion, on the one hand, but prohibits "reactionary religion" on the other hand. It signifies the radical alteration of Cambodian culture and tradition by proclaiming a new "culture of Democratic Cambodia" which "absolutely opposes the corrupt, reactionary culture of various oppressive classes and that of colonialism and imperialism in Cambodia."

In March 1976 Cambodia held its first elections under the Communist regime. The 250 members of the national legislature or "People's Representative Assembly" were chosen from 515 candidates. A central election committee had to approve all candidates. To receive approval, an individual had to have "a good record of revolutionary struggle for national peoples' liberation," must "absolutely respect and implement the Constitution of Democratic Cambodia in past, present, and future positive actions," and "must have good moral standards."⁴ Such qualifications suggested that all or most of the candidates were reliable party loyalists. It appears that none of the political parties that functioned under the Khmer Republic is permitted to operate under the new regime.

The regime claimed that 98 percent of the eligible voters cast ballots and that leading members of the Government won with 100 percent of the vote in their respective districts. However, Lt. Pech Lim Kuon, a pilot who flew Communist leaders around the country and then defected in May 1976, testified that the regime permitted no real election campaign and allowed only Communist supporters to vote.⁵

Moreover, if the actual operation of the Government follows the pattern of other Communist countries, the People's Representative Assembly—which is elected by and theoretically responsible to the individual citizen and which legally holds supreme legislative and executive power—will be essentially powerless and will serve only to ratify the

⁴ Radio Phnom Penh, March 9 and 17, 1976.

⁵ Simons, Lewis M. Cambodian Palace Bomber Defects. Washington Post, May 4, 1976.

acts of the Communist leadership. Real powers likely will reside in the Central Committee, or more likely the Political Committee of the Communist Party, or Angka (which the constitution does not mention), and this already appears to be the case.⁶

Also, membership in the People's Representative Assembly is based on a constitutionally provided strict quota system for farmers (150), laborers (50), and soldiers (50). In effect, this disqualifies certain social and economic elements within the society such as businessmen, small scale traders and artisans, educators, Buddhist monks, and possibly "rich" peasants. It would appear that an individual's social and economic background will determine, to a substantial degree, that individual's political rights and opportunities under the new regime.

UPDATE*

In May 1977, Congressman Donald M. Fraser, chairman of the Subcommittee on International Organizations, held a hearing on human rights in Cambodia to examine the allegations of extensive killings, and brutal treatment of the Cambodian people. Although the hearing testimony reflected a wide range of opinions with respect to the nature and extent of the occurring deaths, it was generally confirmed that human rights violations were taking place in Cambodia. The Government's continued policy of prohibiting foreigners to enter into Cambodia makes it difficult to obtain accurate information.

Different sources cite varying figures for the number of Cambodians who have died since the April 1975 takeover. In his March 31, 1977, article of New York Review of Books, Jean Lacouture indicated that the regime has eliminated one quarter of Cambodia's population (estimated at 7 million) since coming to power. In a letter to the editor of The Economist, March 26, 1977, written by a statistician who worked in Phnom Penh until March 1975, the author estimates the number of executions to be hundreds *or* thousands, as opposed to hundred *of* thousands.

One of the main concerns of the subcommittees members was U.S. future policy on Cambodia, both bilaterally and within the realm of possible international reaction to Cambodia's human rights problems.

The U.S. Government continues to have no diplomatic or commercial ties with the present Cambodian Government. The Carter administration has not commented on the human rights situation in Cambodia.

⁶ Lieutenant Pech, for example, testified that real power lay with a five-man group at the pinnacle of the Communist Party organization.

*Update provided by subcommittee staff.

CHILE*

Human rights, as discussed in this paper,¹ refer to those rights which the U.N. Charter seeks to promote and which have been given further identification in numerous U.N. resolutions and treaties, including the Universal Declaration of Human Rights, adopted by the U.N. General Assembly in 1948. These rights have been given special attention in recent congressional legislation. Section 110(a) of the International Development and Food Assistance Act of 1975 (Public Law 94-161), and sections 301(a) and 405(b)(2)(A) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329) refer to the goal of promotion of "increased observance of internationally recognized human rights by all countries." In addition, they identify as among "gross violations of internationally recognized human rights", "torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges, or trial, or other flagrant denials of the right to life, liberty, or the security of person. * * *" This paper, although it summarizes human rights in Chile, focuses primarily on American responses. Thus it should not be taken to represent a complete overview of human rights issues in Chile.

On September 11, 1973, the socialist government of Salvador Allende was overthrown by the military. The new government, headed by Gen. Augusto Pinochet, declared the legislature dissolved, suspended constitutional guarantees, censored newspapers, limited trade union activity, and allocated military courts to try civilians. In addition there were charges of widespread torture by a number of international agencies.² In response to these charges the U.S. Congress on December 17, 1973, included in the Foreign Assistance Act of 1973, section 35, which provides that the President (1) request Chile to protect human rights, (2) support United Nations and Red Cross activities to aid political refugees and investigate detention facilities, (3) support and aid voluntary agencies in emergency relief needs, and (4) request the Inter-American Commission on Human Rights to investigate "recent events in Chile."³

*Prepared by Brenda Branaman, analyst in foreign affairs, Foreign Affairs and National Defense Division, Congressional Research Service, Library of Congress.

¹ Information in this report is current through June 30, 1976, unless otherwise noted.

² U.S. Congress. Senate. Committee on the Judiciary. Subcommittee to Investigate Problems Connected with Refugees and Escapees. Refugee and Humanitarian Problems in Chile, pt. II. Hearings; 93d Cong., 2d sess. Washington, U.S. Government Printing Office, 1974, p. 82.

³ Public Law 93-189.

In 1974 there were reports by Amnesty International and by the International Commission of Jurists that thousands of political prisoners were being detained in Chilean prisons.⁴ These same organizations, together with the Catholic Church of Chile and the Human Rights Commission of the OAS, have reported the subjection of these political prisoners to torture.⁵ Early in 1974 General Pinochet invited the Subcommittee To Investigate Problems Connected With Refugees and Escapees of the Senate Judiciary Committee to send a study mission to Chile to investigate the alleged human rights violations. The trip was made in April and at a hearing before the subcommittee in July 1974, the members of the study mission reported that "torture and illegal detention continued to be systematically employed by the Chilean Government."⁶

In September 1974 Secretary of State Henry Kissinger criticized the U.S. Ambassador to Chile, David Popper, for discussing torture and human rights during a meeting on military aid with Chilean officials.⁷ Some State Department officials stated that this action indicated the administration's unwillingness to press the junta on human rights issues. Others in the Department denied this and stated that Mr. Kissinger's rebuke was not for pressing the human rights issue but for linking it with proposals for additional military aid to Chile.⁸

The State Department position in the past has been that the United States regularly informs the Chilean Government of U.S. concern on human rights matters and has discussed with Chilean officials the provisions of section 32 and section 35 of the Foreign Assistance Act of 1973.⁹ In addition State Department officials have stated that military aid to Chile is necessary to the stability of the area.¹⁰

In December 1974, Congress passed the Foreign Assistance Act of 1974 (Public Law 93-559). Section 25 of that legislation prohibited all military assistance to Chile and limited assistance to \$25 million during fiscal year 1975. According to committee reports submitted during the formulation of the act, section 25 "expresses the Committee's concern about continuing disregard for the protection of human rights in Chile."¹¹ The administration's position as expressed by President Ford in a statement at the time the act became law, was that cutting off military assistance to Chile was not an effective means for promoting human rights in that country.¹²

⁴ U.S. Congress. House. Committee on Foreign Affairs. *Chronologies of Major Developments in Selected Areas of International Relations*. (Cumulative ed., January-December 1974) 93d Cong., 2d sess. Washington, U.S. Government Printing Office, 1974, p. 68.

⁵ *Ibid.*, pp. 67, 68.

⁶ *Ibid.*, p. 70; *Refugee and Humanitarian Problems in Chile Hearings*, pt. II, op. cit., p. 3.

⁷ *Chronologies of Major Developments*, op. cit., p. 70.

⁸ Hersh, Seymour M. Kissinger Said to Rebuke U.S. Ambassador to Chile; Kissinger Anger Reported. *New York Times*, Sept. 17, 1974. In *Refugee and Humanitarian Problems in Chile Hearings*, pt. II, op. cit., p. 272.

⁹ U.S. Congress. House. Committee on Foreign Affairs. *Subcommittees on Inter-American Affairs and on International Organizations and Movements. Human Rights in Chile. Hearings*; 93d Cong., 2d sess. Washington, U.S. Government Printing Office, 1974, pp. 114, 116.

¹⁰ *Ibid.*, p. 117.

¹¹ U.S. Congress, Senate, Committee on Foreign Relations. *Foreign Assistance Act of 1974; report on S. 3394 to amend the Foreign Assistance Act of 1961, and for other purposes*, 93d Cong., 2d sess. Washington, U.S. Government Printing Office, 1974. (93d Cong., 2d sess., Senate Rept. No. 93-1299), p. 41.

¹² Ford, Gerald R. *Foreign Assistance Act of 1974. Weekly Compilation of Presidential Documents*, vol. 11, No. 1, Jan. 6, 1975, p. 3.

The Congress has continued its interest in the human rights problem in Chile through passage of (1) the International Development and Food Assistance Act of 1975 (Public Law 94-161) which is section 320 further restricts economic assistance to Chile, (2) the vetoed security authorization bill of 1976 (S. 2662) which would terminate military assistance to Chile, and (3) the International Security Assistance and Arms Export Control Act of 1976-1977 (Public Law 94-329) which in section 406 terminates military assistance to Chile, including a prohibition of military education and training, places a ceiling on economic assistance of \$27.5 million during the transition quarter and fiscal year 1977, and specifies conditions relating to human rights under which economic assistance may be increased by an additional \$27.5 million. Also, hearings were held on April 29, 1976, by the Subcommittee on International Organizations of the House Committee on International Relations on the Department of State compliance with the ceilings on economic assistance to Chile and section 116 of the Foreign Assistance Act (Human Rights and Development Assistance added by section 310 of Public Law 94-161 (1975)).¹³

In the last 2 years the State Department has on several occasions publicly shown increasing concern for human rights in Chile. On May 19, 1975, the United States voted affirmatively in the OAS General Assembly to direct the Inter-American Commission on Human Rights to continue investigation of human rights violations in Chile. The vote was made after consideration of the Commission's October 1974 report which indicated the continued existence of serious violations.¹⁴ Since approximately June 12, 1975, the State Department has been involved in a parole program which allows some Chilean political prisoners and their dependents to resettle in the United States as well as in other countries.¹⁵ On July 11 and 12, 1975, U.S. State Department officials strongly admonished the Chilean Government for denying entry to a U.N. panel scheduled to visit Chile earlier in the month to investigate charges of human rights violations.¹⁶ On November 11, 1975, the U.S. Delegate to the United Nations voted favorably for a General Assembly resolution condemning human rights violations in Chile.¹⁷ In December 1975, the United States abstained along with four other countries when the OAS approved a resolution to hold its 1976 General Assembly meeting in Santiago, Chile. U.S. officials indicated that the abstention was related to the issue of human rights in Chile. On April 20, 1976, the State Department expressed displeasure with the arrest and deportation of Jose Zalaquett, a Santiago civil-rights lawyer, and the general harassment of 100 Chileans, all of whom had been interviewed in March by a U.S. congressional delegation.¹⁸ In May 1976, Secretary of the Treas-

¹³ Congressional Record [daily ed.], Apr. 29, 1976, p. D562.

¹⁴ U.S. Congress, Senate. Committee on the Judiciary. Subcommittee to Investigate Problems Connected with Refugees and Escapees. Refugee and Humanitarian Problems in Chile, pt. III. Hearings; 94th Cong., 1st sess. Washington, U.S. Government Printing Office, 1975, p. 95.

¹⁵ Ibid., p. 27.

¹⁶ Binder, David. U.S. Aide Rebukes Chile for Barring U.N. Inquiry. New York Times, July 12, 1975, p. 7.

¹⁷ Refugee and Humanitarian Problems in Chile, pt. III, op. cit., pp. 106-107.

¹⁸ Binder, David. U.S. Warns Chile on a Rights Issue. New York Times, Apr. 21, 1976, p. 5.

ury William E. Simon met with President Pinochet and discussed Chile's human rights violations as an obstacle to economic cooperation with the United States. Secretary Simon, upon his return to the United States, said that he would ask Congress to continue economic aid to Chile without further cuts, on the basis of assurances from President Pinochet that human rights conditions would be improved. He earlier indicated that the release of 49 political prisoners just before his visit to Chile was a "very positive sign" that the Chilean Government would act on these assurances.¹⁹ It should be noted, however, that these prisoners were released on the condition that they seek exile in the United States or another foreign country agreeing to accept them.²⁰

In a statement at the sixth OAS General Assembly meeting in Santiago, Chile, on June 8, 1976, Secretary of State Kissinger said:

The condition of human rights [in Chile] as assessed by the Organization of American States Human Rights Commission has impaired our relationship with Chile and will continue to do so.

UPDATE*

In November 1976 the Government released some 300 political prisoners held, according to a Government official, under state-of-siege laws. A recent Catholic Church agency reported this year that political detentions, once averaging hundreds per month, have dropped practically to zero.

At the same time, however, a number of sources have cited the increased problem of persons disappearing. A report to the U.N. Human Rights Commission in February 1977 charged that the "rate of disappearance has considerably increased." It further stated that released prisoners confirmed that torture was still being practiced.

It was speculated that the release of political prisoners was motivated by desires of the Chilean Government to improve its image with the incoming Carter administration and also as a response to the past administration's urgings to the Chilean Government to discontinue detentions of political prisoners.

In November 1976 the Third Committee of the 31st General Assembly of the United Nations adopted a draft resolution calling for restoration of human rights in Chile.

Any gradual improvement in human rights took a step backwards in mid-March as the Government banned all political parties and strengthened the state of siege.

¹⁹ Simon Says He'll Ask U.S. Not To Cut Aid to Chile. *New York Times*, May 17, 1976, p. 15.

²⁰ 49 Prisoners in Chile Allowed Exile in United States. *Washington Post*, May 7, 1976, p. A20.

*Update provided by subcommittee staff.

INDONESIA*

I. INTRODUCTION

Indonesia is one of the several non-Communist countries associated with the United States through economic assistance, military assistance, trade, and political relations, that has sometimes been charged with the violation of human rights. As discussed in this paper, human rights refer to these rights which the U.N. Charter seeks to promote and which have been further identified in numerous U.N. resolutions and treaties, including the Universal Declaration of Human Rights, adopted by the U.N. General Assembly in 1948. These rights have been given special attention in recent congressional legislation. The International Development and Food Assistance Act of 1975 (sec. 116(a), Public Law 94-161) and the International Security Assistance and Arms Export Control Act of 1976 (sec. 301(a) and 406(b) Public Law 94-329) cite the goal of promoting "increased observance of internationally recognized human rights by all countries." They also identify "torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges, or trial, or other flagrant denials of the right to life, liberty, or the security of person," as examples of gross violations of internationally recognized human rights.

The prevailing charge against Indonesia is that the Government detains and maltreats tens of thousands of political prisoners. The Government is also accused of violating the freedoms of speech, press, and religion, and more generally, of depriving citizens of the right to take part in government directly or through representatives.

For background information, on September 30, 1965, a bloody but abortive coup was attempted against the Indonesian Army. It was apparently sponsored by the Indonesian Communist Party (PKI) which, with an estimated strength of 12 million members, was reported to be the largest Communist Party outside of the Soviet Union and China. Incredible violence followed the coup; not just a counter-coup and the killing and capturing of suspected insurgents and Communists, but the release of longstanding hatred between groups and factions within the population. Within a short time about a 100,000 Indonesians had been killed. When General Suharto assumed power in 1966 and began establishing the new order, the administration and the economy were in ruins and the society was badly divided. To gain stability, President Suharto structured the Government so that it would be dominated by the military and firmly under his control. Generally he kept tight reins on the population and particularly on political parties.

*Prepared by Robert Shuey, foreign affairs analyst, Foreign Affairs and National Defense Division, Congressional Research Service, Library of Congress.

Some analysts who condemn the disregard for the human rights of large numbers of Indonesians and the lack of democratic institutions and procedures, also indicate that perhaps the firm state being built is more indigenous to Indonesia, better suited to its circumstances, and better able to protect its citizens against internal and external threats than a liberal Western-style democracy.¹ It is argued that there is a higher degree of freedom in Indonesia now than there has been for decades, and that considering the country's history, economic conditions, and social structure, "Indonesia has done admirably well."²

II. THE STATUS OF HUMAN RIGHTS IN INDONESIA

A. FREEDOM OF POLITICAL PARTICIPATION

Article 21 of the 1948 Universal Declaration of Human Rights provides that:

Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

Everyone has the right of equal access to public service in his country.

The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

President Suharto has taken steps to make the Government structure somewhat less authoritative than in past years, but it still bears little resemblance to a Western democracy. Elections were held in 1971 (the first since 1955) for 360 of the 460 members of the House of People's Representatives (DPR). The remaining 100 members of this legislature were appointed by the Government. The nine political parties that were recognized at that time won only 124 seats while the remaining 236 elected seats were taken by the Golkar which is a mass organization based on occupations and sponsored by the Government. There were numerous charges that the Government restricted campaign activities of the political parties, pressured and intimidated voters, precluded many from voting, and provided massive support for Golkar.³ Of the 100 appointed positions in the DPR, 25 are assigned to the Sekber Golkar and 75 to the armed forces. Almost three-fourths of the legislature is closely aligned with the Government but its authority is still quite limited.

The People's Consultative Assembly (MPR) is designed to be the highest policymaking body in Indonesia. It consists of the 460 members of the DPR plus another 460 members appointed by the Government. It meets every 5 years and is responsible for electing the President and approving the Government's policy outline. The MPR and elections have not served to express the will of the people, observers believe, but to communicate the Government's policies and to legitimize the Government.

Since the 1971 elections, Indonesian political parties have been further weakened. The nine parties previously recognized have been

¹ Palmier, Leslie. The "New Order" in Indonesia. Round Table, No. 259, July 1975 p. 304.

² Brackman, Arnold C. Indonesia: the Critical Years 1976-78. Conflict Studies, No. 49 September 1974, p. 16.

³ Lee, Oey Hong. The New Order of Indonesia; Ten Years Later. Internationales Asienforum, vol. 7, No. 1/2, April 1971, p. 101.

merged into two and their activities in rural areas have been restricted. Elections are again scheduled for May 2, 1977, and will provide an indication of the Indonesian Government's legitimacy and the soundness of its constitutional structure. Charges of campaign abuses have already been made against the Government.⁴

B. 1965 COUP/PKI POLITICAL PRISONERS

The Indonesian Government acknowledges that it still detains approximately 35,000 persons suspected of being involved in the 1965 attempted coup or of supporting the Indonesian Communist Party (PKI). Other sources estimate there are as many as 100,000 people held in a system of prisons, concentration camps, penal colonies, or other forms of confinement throughout the island chain. Most of the prisoners have been held for years without specific charges and without access to legal counsel or the court system. Category A prisoners, for whom the Government claims to have strong evidence of involvement in the coup or membership in the PKI, number about 2,000. The Government has stated all these prisoners will be tried by 1978. Lawyers, such as Buyung Nasution, who have attempted to defend such prisoners, have been subjected to Government intimidation and even incarceration.⁵ The great bulk of prisoners are in category B. There is insufficient evidence to bring these individuals to trial, but they are considered a threat to the society. Some 1,200 category B prisoners were released in 1975; 2,500 are to be released this year, and according to the Government all are to be released (or possibly reclassified) by 1978.⁶ There are an additional 3,000-6,000 prisoners awaiting classification as A or B and temporarily classified in category X. The Government claims to have released 540,000 prisoners who have been arrested on suspicion of involvement in the Communist coup or related violations. The released prisoners who were never charged with any crime have often not been cleared of accusation. According to some reports they have been returned to society as third class citizens and have had difficulty obtaining jobs and providing for their families. Numerous charges have been made that the human rights of political prisoners were further violated by torture and inadequate medical care, food, and shelter.⁷ All camp conditions remain harsh, but they have reportedly been improved since 1972.⁸

C. FREEDOM OF SPEECH AND PRESS

In 1973 President Suharto called for a move toward a more open society with two-way communications between the Government and the people. The importance of a free press, academically free uni-

⁴ McDonald, Hamish. Moslems Pose New Challenge in Indonesia. *Washington Post*, Sept. 2, 1976.

⁵ Woolacott, Martin. Suharto Ready for the "Final Solution." *Manchester Guardian Weekly*, Nov. 23, 1975, p. 12.

⁶ Foreign Broadcast Information Service, Aug. 4, 1976.

⁷ U.S. Congress. House. Committee on International Relations. Subcommittee on International Organizations. *Human Rights in Indonesia and the Philippines*. Hearings, May 3, 1976.

⁸ McDonald Hamish. The Ghosts from "Gestapu." *Far Eastern Economic Review*, vol. 92. May 28, 1976, pp. 10-12.

versities, open political parties, and an active legislature were stressed. It is said that Indonesian newspapers became the freest in Asia and that economic strategies, democratic freedoms, and social priorities were openly debated.⁹ By 1974 press coverage had been given to some topics that had in previous years been considered taboo: Suharto family financial dealings, Government corruption, and abuse of foreign aid and investments.¹⁰

The period of openness ended on January 15, 1974, when riots broke out during the visit of Japanese Prime Minister Tanaka. The riots, which were aimed at Government authoritarianism as well as Japanese business and investment practices, caused the death of 11 people and injury of 137. Numerous people were arrested including some intellectual critics of the Government, publishers, and former political leaders. As a result of the protests, President Suharto acceded to a student demand that he dissolve his extra-constitutional cabinet of four generals (ASPRI), and he initiated steps to reduce corruption in business and Government.

However, the Government also closed several newspapers for reporting the riots or for printing student demands for reform. Criminal charges, including subversion, were made against 42 student leaders, intellectuals and politicians and some have been sentenced to long prison terms.

Since the riots President Suharto has stated that it is permissible to disagree with the Government, but that criticisms should be made through proper institutions. According to the *New York Times*, censorship of the press is part of the Indonesian way of life.¹¹ This is somewhat confirmed by the Amnesty International report that 21 journalists were being held in Indonesian prisons during the summer of 1976.¹²

D. RELIGIOUS FREEDOM

Religion is a very complex issue in Indonesia. Ninety percent of the population are Muslims of one form or another, but Islam is not a state religion and several minority religions are recognized. Problems most often arise not because of patterns of worship, but because of the political activities of religious organizations. Indonesian Protestants and Roman Catholics have competed in organized politics and have won seats in the legislature. Today their political activities are restricted as are those of other political parties.

The primary religious conflict is between modernist theocratic Muslims (*santri*) and secularly oriented nominal Muslims (*abangan*) who have different economic and political philosophies and different constituencies. Although the conflict is sometimes viewed as existing between the Government and the religion of Islam (for instance it was reported in June 1976 that several Muslim preachers had been ar-

⁹ Woolacott, *op. cit.*, p. 12.

¹⁰ Southerland, Daniel. Indonesian Press Put Under Tight Leash. *Christian Science Monitor*, Aug. 13, 1975.

¹¹ *New York Times*, June 27, 1976.

¹² *Ibid.*, May 10, 1976.

rested for abusing religious freedom by attempting to discredit the Government),¹³ the struggle is more appropriately seen as one between political factions representing conflicting approaches to the role of Islamic institutions in national politics.¹⁴

III. OFFICIAL U.S. RESPONSE

Although U.S. Government officials have said a good deal about the general issue of human rights in foreign countries and have specifically addressed the conditions in some countries on several occasions, they have said very little about the violation of human rights in Indonesia. On January 14, 1976, Assistant Secretary of State for Congressional Relations Robert J. McCloskey acknowledged "a serious human rights problem" stemming from the prolonged detention without trial of about 35,000 persons in Indonesia. He stated, "Indonesia's slow progress in dealing with this situation is unfortunate but understandable," and then explained some of the managerial, and administrative and economic problems plaguing Indonesia's judicial system.¹⁵ State Department officials indicate the U.S. Ambassador has, on a number of occasions, discussed the human rights problem with Indonesian officials and that such issues are considered in the U.S. allocation of economic and military assistance.¹⁶ For the last 5 fiscal years U.S. economic assistance to Indonesia has averaged \$149.6 million a year and military assistance has averaged \$27.7 million a year.

IV. CONGRESSIONAL RESPONSE

In August 1975, a delegation of 11 U.S. Congressmen, headed by Representatives Lester L. Wolff, chairman of the Subcommittee on Future Foreign Policy Research and Development, toured four Asian countries including Indonesia. In the study mission report two Congressmen referred to the existing human rights problem in Indonesia.¹⁷ The House Subcommittee on International Organizations held hearings on Human Rights in Indonesia and the Philippines on December 18, 1975, and May 3, 1976, receiving testimony from nongovernment witnesses who described the situation in Indonesia and the nature of the Indonesian Government's human rights policies from varying points of view. Mrs. Carmel Budiardjo, Director of the Committee for the Release of Indonesian Political Prisoners and a former member of the British Communist Party, was the most outspoken critic of the Indonesian Government. Col. George Benson, U.S. Army, retired, now associated with the Pertamina Oil Corp. of Indo-

¹³ Washington Post, Sept. 2, 1976.

¹⁴ Vreeland, Nena, et al. *Area Handbook for Indonesia*. 3d ed. DA Pam 550-39. Washington, U.S. Government Printing Office, 1975, pp. 197-211.

¹⁵ Luce, Don. *Unanswered Questions about Indonesia's Political Prisoners*. Win. vol. 12, Feb. 26, 1976, p. 10.

¹⁶ Telephone conversations with desk officer, Sept. 27, 1976, and officer in Human Rights Office, Sept. 29, 1976.

¹⁷ U.S. Congress. House of Representatives. Committee on International Relations. *Asia in a New Era: Implications for Future U.S. Policy*. Committee print, 94th Cong., 1st sess. Washington, U.S. Government Printing Office, 1975, pp. 40, 47.

nesia, tended to justify the actions of the Indonesian Government in his testimony. Mr. John Newmann of the Office for Asia and the Pacific Ford Foundation, Dr. George Otto of the Rocky Mountain Conference of the United Church, and Prof. Ben Anderson of the Cornell Modern Indonesia Project, also testified on the status of human rights in Indonesia.

On April 7, 1976, the Subcommittee on Future Foreign Policy Research and Development held a hearing on the future of Indonesia in which human rights were briefly discussed.

Assistant Secretary of State for East Asian and Pacific Affairs Arthur W. Hummel testified before the Special Subcommittee on Investigations of the House Committee on International Relations on September 28, 1976, regarding U.S. policies in Southeast Asia. In his prepared remarks, Mr. Hummel emphasized the strategic location and importance of Indonesia and the fact that Indonesia supplies about 8 percent of U.S. oil imports, but he did not mention human rights in that statement.

UPDATE*

In December 1976 the Indonesian Government announced the release over a 3-year period of approximately 21,000 of the 30,000 suspected Communists detained since 1965. However, they shall be settled on outlying islands unless they have jobs in Java. According to Radio Kuala Lumpur the Indonesian Government has decided to revoke in July 1977, the 3-year-old ban on student demonstrations.

The Subcommittees on International Organizations and on Asian and Pacific Affairs held hearings on human rights in East Timor to examine the allegations of mass killings of the East Timorese by the Indonesian Government.

In April 1977, members of a congressional delegation visited East Timor to gain more insight into the Indonesian-East Timorese relations.

The Carter administration has been essentially silent on the human rights situation in Indonesia.

*Update provided by subcommittee staff.

IRAN*

PREFACE

Human rights, as discussed in this paper, refer to those rights which the U.N. Charter seeks to promote and which have been given further identification in numerous U.N. resolutions and treaties, including the Universal Declaration of Human Rights, adopted by the U.N. General Assembly in 1948. These rights have been given special attention in recent congressional legislation, Section 116(a) of the International Development and Food Assistance Act of 1975 (Public Law 94-161), and sections 301(a) and 406(b)(2)(A) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329) refer to the goal of promotion of "increased observance of internationally recognized human rights by all countries." In addition, they identify as among "gross violations of internationally recognized human rights", "torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges, or trial, or other flagrant denials of the right to life, liberty, or the security of person.***"

SUMMARY

Iran is one of the oldest nations on earth, yet social heterogeneity has traditionally frustrated efforts to achieve effective political unity. For over 20 years the current Shah of Iran has pursued a policy of social and economic modernization aimed at making Iran a 20th century country. While the Shah's program has produced social and economic change beneficial to the Iranian people, the authoritarian methods employed by the Shah to maintain absolute control over the country have severely limited civil and political liberties. Excesses within this system of control have sometimes led to personal injury and even death to those who challenged the Shah's control. Over this period of time, U.S. policy has been supportive of the Shah for a combination of economic, security, and geopolitical reasons. That support has in recent years entailed large sales of modern military equipment to Iran. Those sales, combined with a greater congressional interest in the relationship of human rights to U.S. foreign policy, have increasingly focused congressional attention on restrictions on human rights in Iran.

HISTORY

Iran is one of the oldest countries in the world, dating back over 25 centuries to the ancient Persian Empire. For much of recent history, however, internal disunity resulting from social heterogeneity

*Prepared by Stanley E. Sloan, analyst in European affairs, Foreign Affairs and National Defense Division, Congressional Research Service, Library of Congress.

has severely weakened the country. This, among other factors, has led to a history of foreign interventions in Iranian affairs.

The current Iranian dynasty dates from 1923, when an Iranian army officer, Reza Khan, deposed his predecessor. Reza Khan's authoritarian rule suppressed Iran's competing tribal factions by disarming them, eliminating their leadership, and imposing territorial restrictions on them. The Shah's rule, while autocratic, brought a period of political and economic stability to Iran. But in 1941, the Shah's pro-German posture provoked a British and Soviet invasion. The Shah was forced to abdicate in favor of his son, Shah Muhammad Reza Pahlevi. The new Shah, under British and American influence, initially endorsed a more liberal political climate for the country. A series of elected governments ruled Iran through the 1940's and into the 1950's.

In August 1953, following a confrontation between the nationalistic government of Prime Minister Mohammad Mossadeq and the international oil companies operating in Iran, the Shah deposed Mossadeq with the support of the wealthy Iranian elite and the Iranian Army and reportedly with the clandestine assistance of the U.S. Government.

The Shah apparently had decided that in order to modernize the country and eliminate traditional foreign interference in Iranian affairs, he would have to impose an authoritarian system on the country. He declared martial law and carefully manipulated the operation of the Government which, at least in theory, remained founded on the 1906 Iranian Constitution. In 1957, martial law was discontinued, but the Shah then formed the National Intelligence and Security Organization (SAVAK) to detect and eliminate antiregime activities. SAVAK has the combined functions of a police and intelligence organization with some judicial powers. It operates inside and outside of Iran. Its powers are virtually limitless within the Iranian polity—SAVAK's chief answers only to the Shah.

The Shah's system of control throughout the 1950's has been described as "loose authoritarianism," within which a degree of free speech and political activity was tolerated. The Shah faced opposition, however, from both the left and right, ranging from Communist cells and student groups to ultraconservative religious extremists. In the early 1960's, a crescendo of antiregime activity, including kidnappings, assassinations, and protest strikes, was forcibly suppressed by SAVAK and the army. Since that time, the Shah has evolved a political system which does not tolerate dissent. In 1975, the Shah removed even the pretense of multiple parties, creating a single party devoted exclusively to the maintenance of the Shah's regime. The Shah explained the situation in these words:

A person who does not enter the new political party and does not believe in the three cardinal principles which I referred to will have only two choices. He is either an individual who belongs to an illegal organization, or is related to the outlawed Tudeh Party, or in other words is a traitor. Such an individual belongs in Iranian prison or if he desires, he can leave the country tomorrow, without even paying exit fees and can go anywhere he likes, because he is not an Iranian, he has no nation, and his activities are illegal and punishable according to the law.¹

¹ International Commission of Jurists. Human Rights and the Legal System in Iran. Two reports by William J. Butler, Esq., and Prof. Georges Levasseur. Geneva, Switzerland, March 1976. p. 7.

Ironically, just as the year 1963 marked the turn toward severe and occasionally brutal repression of political and civil liberties in Iran, it was also the year in which the Shah inaugurated a far-reaching program of social and economic reform, the so-called "White Revolution." That program has since improved health, education, and economic circumstances of the Iranian people, and in fact was designed to expand some personal rights, particularly for women. It is also ironic to note that the social and economic reforms (particularly the land-redistribution program) hit hardest at the very wealthy class which had helped bring the Shah to power.

HUMAN RIGHTS AND THE SHAH'S REGIME

The question of human rights in Iran is the source of heated disagreement between the Shah's regime and its critics. In testimony before the Subcommittee on International Organizations of the House Committee on International Relations on September 8, 1976, one noted critic of the regime, and a former political prisoner, Reza Baraheni, cataloged some of the charges against the regime:

Thousands of men and women have been summarily executed during the last 23 years. More than 300,000 people have been in and out of prison during the last 19 years of the existence of SAVAK; an average of 1,500 people are arrested every month. In one instance alone, American-trained counter-insurgency troops of the Iranian Army and SAVAK killed more than 6,000 people on June 5, 1963. According to Amnesty International's Annual Report for 1974-75: The total number of political prisoners has been reported at times throughout the year (1975) to be anything from 25,000 to 100,000. Martin Ennals, Secretary General of Amnesty International reports in his introduction to the above book: "The Shah of Iran retains his benevolent image despite the highest rate of death penalties in the world, no valid system of civilian courts and a history of torture which is beyond belief."²

The Shah has replied to such charges claiming that his opponents' estimates of the numbers of political prisoners are grossly exaggerated and that such prisoners are in any case either Marxists or terrorists. In May 1975, appearing on an American television show, the Shah dismissed such charges as "purely communistic propaganda" and said that those in prison were "not even political prisoners because they are all terrorists." He said that some of them "have come out in the streets with their machineguns, with hand grenades—they have even killed children 2 or 3 or 5 years old. You can believe me when I say we don't have even 3,000 people in jail * * * and a terrorist should not expect better treatment than what they are getting in my country."³

A dispassionate survey of the human rights situation in Iran published by the respected International Commission of Jurists in March 1976 credits the Shah's regime for producing social and economic change of benefits to the Iranian people.⁴ But the report also validates many of the claims made by the Shah's critics. In summary, the report concludes that:

Iran's one-party political system "is a severe limitation on the freedom of association and freedom of expression";

² Statement by Reza Baraheni on the Violation of Human Rights in Iran in the Subcommittee on International Organizations of the Congress of the United States. Sept. 8, 1976.

³ New York Times, May 19, 1975, p. 2.

⁴ International Commission of Jurists. Human Rights and the Legal System in Iran. Two reports by William J. Butler, Esq., and Prof. Georges Levasseur. Geneva, Switzerland, March 1976.

Penalties for dissent and Government control and/or censorship of the press and media are "serious limitations on freedom of the press and freedom of speech";

Arrest and detention procedures for political prisoners "deprive such persons of their right to be brought before an independent examining magistrate";

"There is abundant evidence showing the systematic use of impermissible methods of psychological and physical torture of political suspects during interrogation."; and

Political suspects, tried before Military Tribunals, are deprived of "accepted standards of due process of law."

U.S. POLICY

Since World War II successive U.S. administrations have considered Iran to be of economic and strategic importance to U.S. interests and have valued the Shah as a stable, anti-Communist ally. A recent congressional report⁵ has summarized Iran's importance to the United States in these terms:

It is a large, populous, resource-rich country located on the periphery of the Soviet Union and between the Near East and South Asia;

The flow of oil from the Persian Gulf is vital to the economies of Western Europe and Japan and to a lesser extent the United States itself;

A hostile presence or political instability in Iran or the lower gulf region could threaten access to this oil; and

U.S. trade with and investment in Iran is large and growing.

In testimony before the Subcommittee on International Organizations of the House Committee on International Relations on September 8, 1976, U.S. Assistant Secretary for Near Eastern and South Asian Affairs, Alfred L. Atherton, described as "a matter of public record" the U.S. "interest in our bilateral relations with Iran, and the ways in which Iranian policies are congruent with and supportive of ours in the Middle East, in South Asia and globally." The Assistant Secretary also urged that the question of political and civil rights in Iran be examined "in the perspective of Iran's historical experience and in the context of human rights in Iran in their broadest sense." His testimony emphasized the Shah's social and economic programs, the problems posed by terrorist activities which have claimed the lives of Americans in Iran, and the difficulty of verifying many of the charges lodged against the Shah's regime by its opponents.

The United States is not currently providing economic or military aid in the form of loans or grants to Iran. Direct economic assistance to Iran was terminated in 1969.⁶ In fiscal years 1971-75 (inclusive),

⁵ U.S. Congress. Senate. Committee on Foreign Relations. Subcommittee on Foreign Assistance. U.S. Military Sales to Iran; a staff report. Washington, U.S. Government Printing Office, 1976, p. 49.

⁶ Atherton testimony, Sept. 8, 1976. Addendum to statement, point 6.

according to figures published by the U.S. Agency for International Development, the United States spent an average of \$1.6 million per year on economic assistance to Iran, consisting almost entirely of expenditures for the Peace Corps presence there. In the same time period, military assistance in the form of loans and grants averaged \$3.22 million per year. Such assistance, however, was terminated in 1974. "Security assistance" to Iran now takes the form of sales on a cash basis, with sales of \$1.293 billion in fiscal year 1976 and an estimated \$1.2 billion in fiscal year 1977.⁷ It is this high volume of sales of sophisticated military equipment that has focused increased congressional attention on United States-Iranian relations.

CONGRESSIONAL ACTION

Although individual Congressmen have in the past expressed their concern about violation of human rights in Iran, the hearings in 1976 under the auspices of the House Committee on International Relations are the first concerted effort by Congress systematically to examine the question. On August 4, 1976, the Subcommittee on International Organizations heard testimony from William J. Butler, coauthor of a report for the International Commission of Jurists on human rights in Iran. The subcommittee also received a written submission from Amnesty International which corroborated the ICJ findings. On September 8, 1976, the subcommittee heard testimony from Assistant Secretary of State Alfred L. Atherton, who described the official U.S. position regarding human rights in Iran. The Department of State representative was followed by Prof. Reza Baraheni, a former political prisoner in Iran and honorary chairman of the Committee for Artistic and Intellectual Freedom in Iran. Professor Baraheni discussed political oppression in Iran, including his own experiences as a political prisoner of the Iranian Government.

In a related congressional development, on August 1, 1976, the Foreign Assistance Subcommittee of the Senate Committee on Foreign Relations issued a report⁸ strongly critical of the level of U.S. weapons sales to Iran. The report noted that Iran is and will remain an extremely important country to the United States and its allies because of its geographical location and oil. But the report warned that the arms sales and the necessary followup arrangements could lead to increasing entanglement in Iranian affairs and possibly end up dragging the United States into a military conflict in the region.

UPDATE*

There are continuing reports of Government suppression of political dissent, and harsh treatment of suspects and prisoners. While the Carter administration has not publicly pressured the Iranian Government on human rights, some sources have speculated that the new administration's focus on the issue was at least partly responsible for the Shah's action of pardoning or commuting the sentences of over 1,000 Iranians in February 1977.

⁷ Atherton testimony, Sept. 8, 1976. Addendum to statement, point 5.

⁸ U.S. Congress, Senate, Committee on Foreign Relations, Subcommittee on Foreign Assistance, U.S. Military Sales to Iran, op cit.

*Update provided by subcommittee staff.

NORTH KOREA*

This is one in a series of studies on the status of human rights in individual countries and reactions within the United States to those conditions. Whereas some other reports have emphasized human rights that have provoked American public interest and concern, this is not true of this study, because there has been no substantive reaction in the United States to human rights issues in North Korea. This is true of the Congress, the Executive, and private organizations and church groups which involve themselves in human rights questions overseas. Public indifference is not due to a lack of issues; for as the body of this study points out, a broad range of human rights—as conventionally defined in the West—are systematically denied citizens of North Korea.

Two factors may partially help to explain the general lack of public attention to North Korean human rights issues. First, the North Korean Government generally is recognized in this country as a highly totalitarian regime that exercises close control over the activities of its citizens. It is generally recognized, both inside and outside the country, that a high degree of conformity in political behavior and expression is required. Widespread compliance with those norms makes it possible for the Government in Pyongyang to argue that satisfaction with the regime explains the apparent absence of serious dissent. Second, the lack of communication in and out of the country, the absence of uncontrolled media, and the generally closed character of the society greatly limit the possibility that reports of overt challenges to the system and regime responses will reach American audiences.

Neither the systematic application of norms that severely limit the political and religious freedom as well as the legal rights of the individual nor the absence of expressed American concern about the status of human rights in North Korea should lead to the inference that there are no human rights issues requiring attention. Indeed, it is the purpose of this report to describe the features of the North Korean political system that systematically limit the human rights of its citizens.

Human rights, as discussed in this paper, refer to those rights which the U.N. Charter seeks to promote and which have been given further identification in numerous U.N. resolutions and treaties, including the Universal Declaration of Human Rights, adopted by the U.N. General Assembly in 1948. These rights have been given special attention in recent congressional legislation. Section 116(a) of the International Development and Food Assistance Act of 1975 (Public Law 94-161),

*Prepared by Larry A. Nicksch, specialist in Asian affairs, Foreign Affairs and National Defense Division, Congressional Research Service, Library of Congress.

and sections 301(a) and 406(b)(2)(A) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329) refer to the goal of the promotion of "increased observance of internationally recognized human rights by all countries." In addition, they identify as among "gross violations of internationally recognized human rights" "torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges, or trial, or other flagrant denials of the right to life, liberty or the security of person. * * *"

Viewed from the perspective of Western political values, individual liberties and democratic political practices are nonexistent in North Korea. North Korea today remains essentially what it was at the time of its creation in 1948: a highly centralized, Soviet style totalitarian state dominated by Communist ideology and the personality of Kim Il-sung, who holds the key posts of head of state and Secretary General of the Communist Party, officially named the Korean Workers Party. Concepts such as individual rights, individual preferences, individual expression, and the privacy of the individual are clearly subordinate to the views of the individual as part of an ideologically motivated and highly organized collective mass striving to achieve the national goals set by the Government and the Communist Party. In such a setting, the state strongly regulates the individual's life and circumscribes his liberties, by means of sophisticated party and governmental organizations that use modern technologically based mass mobilization techniques. One may view the denial of individual liberties and democratic political practices in North Korea from these standpoints: (1) the constitutional-government system and the role of the Korean Workers Party; (2) direct limitations on civil liberties and political participation; and (3) control over the individual by economic, educational, and social institutions.

North Korea's 1948 and 1972 Constitutions are based on the Soviet model. Theoretically, the present 1972 charter, like its predecessor, makes the national legislature or "Supreme People's Assembly" the highest organ of state power; but in reality it is a rubber stamp body. As far as is known, it has never rejected a measure submitted by Kim Il-sung. Actually, the Government at all levels is not a decision-making body but is officially described as a "transmission belt" for the policy decisions of the highest organs of the Korean Workers Party.

Article 4 of North Korea's 1972 constitution specifies the commanding and unchallengeable position of the Korean Workers Party in North Korean society:

The Democratic People's Republic of Korea is guided in its activity by the *chuche*¹ idea of the Workers Party of Korea which is a creative application of Marxism-Leninism to our country's reality.

The party has over 1.6 million members or about 10 percent of the total population of 15.5 million. It has some 60,000 cells located in every enterprise, organization, farm, school, military unit, and governmental organ in the country. This vast network exists to insure that party directives are fully carried out at every level by government agencies and other institutions. Policy decisions, however,

¹ "Chuche" is a doctrine developed by Kim Il-sung which stresses North Korea's identity, security, and self-reliance in the application of Communist principles to its society.

emanate from the top organ of the party, the Central Committee or, more accurately, from the Political Committee of the Central Committee in accordance with the Marxist-Leninist principle of "democratic centralism." The Political Committee is composed of Kim Il-sung and his leading associates. The Party Congress, in theory the highest organ of the party and based on interparty elections, always registers approval of proposals of the Central Committee on the infrequent occasions when the Congress does meet.²

Throughout the years, Kim Il-sung has successfully consolidated his power in the party. A number of purges during the 1950's eliminated rival leaders and factions from the Central Committee and the Political Committee, including those who criticized Kim's growing "personality cult." In 1966, Kim created a six-man Presidium within the Political Committee and a party secretariat. In recent years, his relatives increasingly have occupied important positions within both the party and the Government.

North Korea's 1972 Constitution purports to guarantee a wide range of civil liberties, including freedom of speech, assembly, religion, and the press. The Constitution also grants the right to freely elect public officials and to run for public office. However, it cancels out these guarantees in (1) article 67 which states that "citizens must strictly observe the laws of the state and the socialist norm of life and the socialist rules of conduct"; (2) article 68 which states that "Citizens must strictly display a high degree of collectivist spirit. Citizens must cherish their collective and organization and establish the revolutionary trait of working devotedly for the sake of society and the people and for the sake of the homeland and the revolution;" (3) articles 11 and 71, which describe opponents of the "socialist system" as "hostile elements" who engage in "subversive activities" and calls for "revolutionary vigilance" against them; and (4) article 136, which states that the courts are "to protect * * * the socialist system" and "guarantee that all state institutions * * * and citizens strictly observe the state laws and actively struggle against class enemies and all lawbreakers"—this in addition to protecting the rights of the citizens.

In practice, the spirit of these articles prevails decisively. No opposition to the regime is permitted, and the individual is required to give total loyalty to party and state. Individual expression through political organs, the communications media, or the visual and literary arts is required to emphasize Communist ideology and, particularly, the ideological themes exposed by Kim Il-sung. Viewpoints not in accord with directives and themes of the Korean Workers Party are excluded. Dissenters reportedly are incarcerated for "re-education," and this may include forced labor. The regime is known to operate at least two prison camps for "political criminals," but the number of "political prisoners" is not known.³ Government judges (procurators) rather than independent juries rule on legal and criminal cases. A defendant is denied independent, private counsel and must accept Government defenders. The law allows for up to 2 months of interrogation with additional time granted upon request to the procurator's office.

² The Congress is supposed to meet every 4 years, but meetings sometimes have been more infrequent.

³ Scalapino, Robert A. and Chong-Sik Lee. *Communism in Korea. Part II: The Society.* Berkeley, Los Angeles, and London, University of California Press (1972) p. 830.

The Government's Ministry of Public Security is responsible for protection against "anti-state" and "anti-revolutionary" activities and for the surveillance of all individuals in North Korea. As such, it maintains an elaborate network of security agents in every sphere of North Korean society (reportedly 30,000 agents in the mid-1960's).⁴ Security operations also are supervised by a network of security commissions, ranging from a national commission to commissions at the local administration level. Commissions are composed of the party leader of a corresponding level of administration, other party officials, the chief security officer for that level of administration, and the procurator. Specifically, a commission examines the evidence in each case, determines whether prosecution is to take place; and, if prosecution is determined, it fixes the penalty. In short, the commissions rather than the formal courts, hold real judicial power.

In addition to this continuing structure, the party has, on at least two occasions (1958-59 and 1965-66), conducted nationwide campaigns of security checks and interrogations and classifications for every North Korean citizen.

Travel also is under tight control. No one travels in North Korea—even a distance of a few miles—without carrying numerous passes and papers, which are checked frequently en route.

No real political opposition group exists in North Korea today. The Korean Workers Party claims that two other parties do function: the North Korean Democratic Party and the Korean Ch'ondogyo Young Friends Party (CYFP). In actuality, these organizations arose in the wake of the Japanese defeat in World War II. But during the Soviet occupation and after the establishment of the Communist government in North Korea, the leaders of these parties were arrested and replaced by Communists or nonentities, and their local organizations were disbanded in the late 1950's.⁵

The individual citizen in North Korea can engage in political activity only through the Korean Workers Party. However, the party limits its membership to those individuals who pass a system of evaluation and screening of their loyalty to the regime. The party generally reserves membership for school graduates, who have been evaluated in this way as they came up through the educational system. The party closely controls all elections. There is seldom more than one candidate for a political office, and party officials approve all candidates. Voters only have the right to vote "yes" or "no" for or against a candidate; in actual practice, candidates almost always receive 100 percent "yes" vote. The party selects candidates on the basis of ratios or quotas based on sex, age, socioeconomic background, and occupation; and the Supreme People's Assembly must have a certain quotient of workers, peasants, women, "revolutionary heroes," and other assorted categories.

Of special importance, however, since 1948, the percentage of members of the Supreme People's Assembly who are also members of the Korean Workers Party has risen from less than 50 percent to over 95 percent, as the regime has suppressed the other parties and has downgraded "united front" tactics.

⁴ *Ibid.*, p. 823.

⁵ When U.N. forces drove into North Korea in the fall of 1950, many lower level CYFP members turned against the Communists. Following the reestablishment of North Korean authority, the government retaliated with a massive purge of the CYFP and a second purge in 1958-1959.

No private, independent press or communications media are allowed to exist in North Korea. The Korean Central News Agency (KCNA), Government organization, is the sole distributor of news. The Government also operates the radio, television, and film industries. The news media are subject to prepublication censorship by the Government's Publication Guidance Bureau and, most importantly, by the party's Propaganda and Agitation Department. Foreign news sources are limited to the Soviet Tass, the Chinese New China News Agency, the press of other Communist countries, and other Communist news sources.

The Government and the Korean Workers Party closely directs and controls the activities of the intellectual and artistic community. This is done through censorship by government and party organs and also through the direction of the work of such individuals by party front organizations to which they are required to belong. The major front organization is the General Federation of Korean Literature and Arts Union, the parent organization of all literary and artistic organizations. Through these organizations, writers and artists are assigned projects, themes, quotas, and deadlines. Before a project is published or a presentation is given, it is screened by a review committee of the appropriate union, the Publication Guidance Bureau, and the party's Propaganda and Agitation Department.

There is no real freedom of religion in North Korea. The Government claims that Buddhist, Christian, and Ch'ondogyo (a native religion) organizations exist, but there is no evidence that they are permitted to propagate their faiths openly. To the contrary, in the 1950's the genuine leaders of religious groups were purged by the Government and replaced by individuals subservient to the regime. The Government has confiscated and looted most temples and churches in North Korea and did not permit the reconstruction of temples and churches destroyed during the Korean war. In short, the Government fully implements the antireligion doctrine of Marxist-Leninist ideology.

Government control over the individual through social, educational, and economic institutions begins with the institution of the family. The regime has deliberately broken up the extended family, which was the prevailing social unit until 1945. To this end, it burned all lineage records, which were essential to the continued existence of the extended family system. Moreover, the Government instituted a "Five Family System" in which a party cadre is assigned to each such unit for purposes of control, surveillance, and political indoctrination. Part of this indoctrination seeks to instill in children the belief that they are not merely sons and daughters of their parents but are also sons and daughters of the "Fatherland" and of the party. Indoctrination has been so intense and effective that children reportedly have disclosed the activities of their parents to the party organization.⁶ Other measures affecting family life were laws liberalizing divorce and giving women political and economic equality with men.

The first priority of North Korea's educational system is to instill "socialist patriotism" and create "a new Communist man." Therefore, there is intense ideological training in the schools, and no viewpoints

⁶ Foreign Area Studies, American University. Area Handbook for North Korea. Washington, U.S. Government Printing Office (1969), pp. 105-106.

contrary to party policy and ideology are permitted. The educational system is also expected to supply skilled workers, technicians, and scientists to meet the regime's economic goals. The party closely controls each educational institution to insure that it conforms to these standards and objectives. In each school, or sometimes, a group of schools, there is a party committee that screens both educational content and teaching methods. Party front organizations, such as the Young Pioneers and the Socialist Working Youth League, dominate student activities through compulsory membership.

With regard to higher education, the individual has no freedom of choice concerning the institution he might wish to attend. Applicants cannot send requests for admission directly to the institution of their choice but must send them to a "People's Committee" in the city or local administrative unit in which they reside. The People's Committee, which is composed of party cadres and Government and education officials, divide the applicants according to a fixed quota for each institution, although consideration of individual preference is given to the extent that the quotas permit. Once the People's Committee has determined an individual assignment, actual acceptance is determined by three factors: (1) an examination; (2) a review by the People's Committee of the individual's social status (peasant, worker, or intellectual), and (3) evaluation of the individual's ideological fitness and political attitudes. Beginning in 1961, the Government stopped sending students abroad, even to other Communist countries, except for a few engaged in highly specialized work.

Control over the individual is one objective of North Korea's economic institutions. In the rural areas, which contain about 50 percent of the population, the regime abolished private ownership of farmland in 1958⁷ and established a Soviet-style system of collective and state farms. Farmers on collective and state farms exist in a tightly regimented work atmosphere tinted with daily political meetings and military drill. However, as in the U.S.S.R., the Government allows a farm family to maintain a small plot of land for private production. In the nonagricultural sector, the state operates industries, mining, electric power, banking, transportation, communication, and domestic and foreign trade.

North Korea has no free labor market. Individual job preferences are subordinate to the Government's policy of placing school graduates in institutions where optional use can be made of their abilities. Once a person completes his schooling, he must submit records to the Labor Division of his city or local administrative unit. The Labor Division then assigns him to an institution in which a labor shortage exists. To change jobs, an individual must obtain a letter of approval from the Labor Division.

Once on the job, the individual is bound by rigid production quotas. Labor unions function in every institution, and membership is compulsory. However, their main goals are to insure the achievement of production quotas and to indoctrinate the workers in Communist ideology. Party officials occupy the key positions at all levels of labor union organization. Normally, a party official is chairman of the fac-

⁷ During the Soviet occupation big estates were broken up, and the land was divided among the peasants. Thus, collectivization ended the system of small, peasant-owned farms.

tory union, and the factory manager is vice chairman. The status of the individual worker is not a major consideration, and strikes are not permitted.⁸ The 1972 Constitution spells out this state of affairs. Article 28 states that "The state guarantees that the working hours are fully used through the proper organization of labour and the strengthening of labour discipline." Article 69 requires citizens to "strictly observe labour discipline and working hours."

Working conditions in North Korea reportedly are harsh. Fourteen- or fifteen-hour days reportedly are common, including political and union meetings and military drill, although the party claims that workers voluntarily assume extra working hours. North Korea's laws specify an 11-week maternity leave and a 2-week vacation, but the common practice reportedly is to allow 2 weeks for expectant mothers and to grant no vacation.⁹

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UPDATE*

The Subcommittee on International Organizations held hearings on human rights in North Korea in September 1976.

There has been no basic change in the internal situation in North Korea. Severe restrictions upon human rights continue to be pervasive. On March 4, 1977, elections were held for provincial, city, and county people's assemblies. The Government maintained that voter turnout was 100 percent. Earlier in 1977 the party's Central Committee chose Kim Chong-Il to eventually succeed his father, Kim Il-sung, as head of the party.

The Carter administration has no public position on the human rights status in North Korea.

⁸ So Hwi, head of the General Federation of Korean Trade Unions, one of North Korea's two major umbrella labor organizations, was purged in 1956 allegedly because he maintained that unions should have some autonomy from the Korean Workers Party. Since then, there has been no indication of union dissent.

⁹ Scalapino and Lee, *Communism in Korea*. Part II: *The Society*, pp. 1286-1288. *Foreign Area Studies*, American University, *Area Handbook for North Korea*, p. 349.

*Update provided by subcommittee staff.

SOUTH KOREA*

Human rights, as discussed in this paper,¹ refer to those rights which the U.N. Charter seeks to promote and which have been given further identification in numerous U.N. resolutions and treaties, including the Universal Declaration of Human Rights, adopted by the U.N. General Assembly in 1948. These rights have been given special attention in recent congressional legislation. Section 116(a) of the International Development and Food Assistance Act of 1975 (Public Law 94-161), and sections 301(a) and 406(b)(2)(A) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329) refer to the goal of promotion of "increased observance of internationally recognized human rights by all countries." In addition, they identify as among "gross violations of internationally recognized human rights," "torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges, or trial, or other flagrant denials of the right to life, liberty, or the security of person. * * *" This paper, although it summarizes human rights in South Korea, focuses primarily on American responses. Thus it should not be taken to represent a complete overview of human rights issues in South Korea.

During the early 1960's, the Rhee government in South Korea was becoming increasingly authoritarian. During student uprisings to protest election irregularities in March 1960, nearly 200 people were killed. The Rhee government, claiming Communist instigation of the riots, declared martial law. The Department of State issued a statement to the press declaring that—

this Government believes that the demonstrations in Korea are a reflection of public dissatisfaction over the conduct of the recent elections and repressive measures unsuited to a free democracy. * * *²

President Rhee resigned shortly thereafter on April 27, 1960.

Following the coup d'etat by Major General Park Chung Kee on May 16, 1961, the United States issued statements of support for the deposed civilian government of Chang Myon and urged the South Korean army to remain loyal to it.³ U.S. officials finally accepted the military government amid promises by Park to return to civilian rule in the summer of 1963.⁴

Park, however, decided in March 1963 to continue military rule for four more years.⁵ U.S. official displeasure with this decision was

*Prepared by Brenda Branaman, analyst in foreign affairs, Foreign Affairs and National Defense Division, Congressional Research Service, Library of Congress.

¹ Information in this report is current through June 30, 1976, unless otherwise noted.

² U.S. Department of State. *American Foreign Policy: Current Documents, 1960*. Washington, U.S. Government Printing Office, 1964, p. 680.

³ *New York Times*, May 16, 1961.

⁴ U.S. Department of State. *American Foreign Policy: Current Documents, 1961*. Washington, U.S. Government Printing Office, 1965, p. 975.

⁵ Oh, John Rie-chang. *Role of the United States in South Korea's Democratization*. *Pacific Affairs*, vol. 43, summer 1969, p. 175.

expressed by the State Department which let it be known that economic assistance to Korea was being reduced. On April 6, 1963 Park returned to his earlier decision to restore a civilian government.⁶

More recently, according to the views of most observers, Park has returned to earlier practices of violating human rights. In October 1972 he proclaimed martial law, suspended parts of the constitution, dissolved the National Assembly, and closed all universities. In the same month State Department officials expressed U.S. objections to the Korean Ambassador in Washington and to the Korean government regarding the suspension of constitutional rights and the declaration of martial law.⁷

Since late 1973 there have been demonstrations in opposition to Park's policies by students, political groups, and advocates of academic freedom. Under Park's Emergency Measures many of the dissenters have been arrested, tried by military court-martial, and convicted with heavy sentences. Several clergymen calling for the release of these political prisoners and demonstrating for political freedom have themselves been arrested and given similar sentences.⁸ The U.S. Congress has reacted by limiting military assistance to South Korea. Section 32 of the Foreign Assistance Act of 1973 (Public Law 93-189) stated the sense of Congress that the President should deny any economic or military assistance to the government of any foreign country which practices the internment or imprisonment of that country's citizens for political purposes. Section 26 of the Foreign Assistance Act of 1973 (Public Law 93-559) limited military assistance to Korea "until the President submits a report to Congress * * * stating that the Government of South Korea is making substantial progress in the observance of internationally recognized standards of human rights." In addition, section 411 of the vetoed security assistance authorization bill of 1976, S. 2662, required an annual report by the President to the Congress which would review the progress the South Korean Government has made toward military self-sufficiency and would report on prospects for a phased reduction in the stationing of U.S. Armed Forces in South Korea. The International Security Assistance and Arms Control Act of 1976-1977 (Public Law 94-329) contains in section 411 the same provisions found in S. 2662 and adds section 412 which expresses the concern of Congress for the erosion of civil liberties in South Korea and requests that the President communicate this concern in forceful terms to the South Korean Government.

The State Department responded to the arrests and trials by making private representations to the Park government,⁹ expressing disapproval of Korea's policies on human rights in testimony before congressional committees,¹⁰ and in August 1974 issuing statements disapproving the arrests and trials.¹¹ The State Department holds the position that limiting military aid, the approach urged by some Mem-

⁶ New York Times, Apr. 4, 1963; Oh, *Ibid.*

⁷ New York Times, October 18, 1972, p. 6.

⁸ Washington Post, Feb. 8 and 11, 1974, Mar. 29, 1974, and Aug. 13, 1974.

⁹ Nicksch, Larry. Republic of Korea: U.S. Military Aid and the Question of Human Rights. Washington, Library of Congress, Congressional Research Service, 1976, p. 6. (Issue brief 74115)

¹⁰ Testimony of Arthur W. Hummel before the House Foreign Affairs Subcommittee on International Organizations and Movements and Asian and Pacific Affairs, July 30, 1974. In Department of State, Bureau of Public Affairs, Office of Media Services. Human Rights in the Republic of Korea. Special Rept. No. 3, September 1974, p. 5.

¹¹ Nicksch, *op. cit.*, p. 6.

bers of Congress, is not the correct instrument for changing the situation.¹²

UPDATE*

In April 1977 a congressional delegation of members of the International Relations Committee made a trip to a number of East Asian countries including South Korea. Shortly after the group's departure, the South Korean Government arrested a number of persons soliciting signatures for a March 1977 declaration calling for the establishment of democracy in South Korea.

President Carter has been critical of the South Korean Government on human rights but the President apparently does not wish to link either security assistance or his plan to withdraw all U.S. ground troops with the Government's performance on human rights.

¹² Hummel statement, op. cit., p. 5.

*Update provided by subcommittee staff.

NAMIBIA*

Human rights, as discussed in this paper,¹ refer to those rights which the U.N. Charter seeks to promote and which have been given further identification in numerous U.N. resolutions and treaties, including the Universal Declaration of Human Rights, adopted by the U.N. General Assembly in 1948. These rights have been given special attention in recent congressional legislation. Section 116(a) of the International Development and Food Assistance Act of 1975 (Public Law 94-161), and sections 301(a) and 406(b)(2)(A) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329) refer to the goal of promotion of "increased observance of internationally recognized human rights by all countries." In addition, they identify as among "gross violations of internationally recognized human rights", "torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges, or trial, or other flagrant denials of the right to life, liberty, or the security of person. * * *" This paper, although it summarizes human rights in Namibia, focuses primarily on American responses. Thus it should not be taken to represent a complete overview of human rights issues in this territory.

In 1966 the General Assembly terminated South Africa's mandate of Namibia, formerly South-West Africa, and established the U.N. Council for Namibia to administer the area until independence.² However, South Africa has never permitted the Council to visit the territory or to assume administrative authority.³ The United States did not U.S. business firms doing business in Namibia to cooperate in the Council's activities as it has been the U.S. position that the Council is ineffective.⁴ Some critics have contended that the United States contributed to the difficulties of the Council in 1972 by refusing to encourage U.S. business firm doing business in Namibia to cooperate in the Council's investigations of labor practices.⁵ In 1974 the United States abstained on U.N. General Assembly Resolution 3295 (XXIX), December 13, 1974, which requested all states to comply with the provisions of Decree No. 1 (Sept. 27, 1974) of the U.N. Council for Namibia. This decree called for the protection of the natural resources of Nami-

*Prepared by Brenda Branaman, analyst in foreign affairs, Foreign Affairs and National Defense Division, Congressional Research Service, Library of Congress.

¹ Information in this report is current through June 30, 1976, unless otherwise noted.

² United Nations. Department of Political Affairs, Trusteeship and Decolonization. Decolonization: Issue on Namibia, vol. 1, No. 3, December 1974, p. 21.

³ Howle, Susan M. Infringement of Human Rights in Nations of Southern Africa, Oct. 5, 1973. (Library of Congress staff report.) In Human Rights Hearings, p. 952.

⁴ Statement of Julius Walker, Director of Regional Affairs, Bureau of African Affairs, Department of State, Sept. 27, 1973. In Human Rights Hearings, pp. 183, 184.

⁵ U.S. Congress. House. Committee on Foreign Affairs. Subcommittee on International Organizations and Movements. Human Rights on the World Community: A Call For U.S. Leadership. 93d Cong., 2d sess. Washington, U.S. Government Printing Office, 1974, pp. 32. (Committee print.)

bia by asserting that these resources cannot be exploited without the permission of the Council for Namibia and declaring that concessions granted by the South African Government in Namibia are null and void.

Furthermore, resources taken from Namibia without the Council's consent would be subject to seizure and persons or corporations in violation of the decree would be liable for damages by a future independent Namibian Government.⁶ The U.S. position toward the decree was that General Assembly Resolution 3295 contained a veiled call for chapter VII action by the U.S. Security Council and that enforcement jurisdiction regarding the decree rested not with the executive branch but rather with the U.S. courts and parties involved.⁷

Since May 1970 the United States has, according to the State Department, officially discouraged American investment in Namibia. At the same time the State Department announced that Export-Import Bank facilities for trade with the territory and any further investment there made on the basis of rights acquired from South Africa after 1966 would not receive U.S. Government protection against claims of a future legitimate government in Namibia.⁸

In its advisory opinion of June 1971, the International Court of Justice (ICJ) ruled that South Africa's occupation of the international territory is illegal, that it is under obligation to withdraw, and all other states have legal obligations to recognize the invalidity of the South African administration and to refrain from any action lending support or assistance to the illegal administration. The United States accepted the conclusions of the advisory opinion but in hearings critics have charged that the United States has made few proposals for implementing the ICJ opinion.

The State Department supported a renewal of talks between the U.N. Secretary General and South African Government officials to arrange for steps toward self-determination.⁹ However, the talks which were held in 1972 were discontinued by the Security Council on the recommendation of the Council on Namibia. The Council determined that the contacts were not only unsatisfactory but counter-productive.¹⁰

There have been unsuccessful attempts among Members of Congress to deny U.S. companies doing business in Namibia credit for taxes paid to South Africa. Representative Charles C. Diggs, Jr. made a suggestion to that effect in his Action Manifesto of 1972.¹¹ Senator Walter Mondale proposed the idea in the form of an amendment to the Trade Reform Act of 1973.¹² The amendment, however, was not adopted.¹³

⁶ Statement of Nathaniel Davis before the Subcommittee on International Resources, Food, and Energy of the House Committee on Foreign Affairs, June 10, 1975, pp. 6-7.

⁷ *Ibid.*, p. 7.

⁸ U.S. Congress. House. Committee on Foreign Affairs. Subcommittee on Africa. Critical Developments in Namibia. Hearings; 93d Cong., 2d sess. Washington, U.S. Government Printing Office, 1974, p. 46.

⁹ Scali, John. Statement in the Security Council on Consideration of Namibia, Dec. 17, 1974. [U.S. Mission to the United Nations] Press Release USUN-200(74).

¹⁰ Decolonization: Issue on Namibia, *op. cit.*, p. 24.

¹¹ Diggs, Charles C., Jr. Action Manifesto. Issue, vol. II, No. 1, spring 1972, p. 57.

¹² Mondale Proposes Denial of Tax Credits for Namibian Operations. Southern Africa, vol. VII, No. 7, July-August 1974, p. 30.

¹³ Office of Senator Walter Mondale. Mar. 17, 1973.

In 1973 hundreds of those opposed to South African control of Namibia, including leaders of the South-West Africa Peoples Organization (SWAPO) and the SWAPO Youth League, were imprisoned and detained incommunicado for varying lengths of time.¹⁴ In October and November of the same year and again in April 1974¹⁵ the Ovambo homeland authorities, sponsored and encouraged by the South African Government,¹⁶ publicly flogged some people of Ovamboland because of their political opposition to the South African administration of Namibia. On these occasions the U.S. Ambassador to South Africa officially registered U.S. concern over the reported incidents.¹⁷ Since that time the South African Supreme Court on February 24, 1975, prohibited such political floggings in Ovamboland. In 1974 the South African Government continued its campaign to curb the activity of the SWAPO organizations through the arrest of several hundred members during January and February. Many of those arrested were fined and some were removed to the Ovambo homeland for not having proper documents. In February 1974, 10 leaders and members of the SWAPO organizations, including SWAPO National Chairman, David Meroro, were arrested under the terms of the Terrorism Act.¹⁸ At this point the State Department asked South Africa for information on 15 of the members remaining in detention.

Included in the request were particulars such as: charges or planned charges against detainees; the legal basis for the detentions; access to counsel; places of detention; dates of trial or other proceedings. On June 25 the South African Government supplied answers to some but not all of the questions. The State Department continued efforts to obtain further information until 3 of the 15 detainees were brought to trial and the remaining were released without being charged.¹⁹

In January 1976, the United States voted in favor of U.N. Security Council Resolution 385 (1976) which demanded that South Africa accept elections for Namibia as a whole under U.N. supervision and called on South Africa to take specific steps toward Namibia's self-determination and independence.²⁰ Secretary Kissinger, in his speech at Lusaka, Zambia, on April 27, 1976, called on the South African Government to allow all Namibian groups "to express their views freely, under U.N. supervision, on the political future and constitutional structure of their country."²¹ The implication here is that the United States supports the view that SWAPO should be included in the constitutional talks currently being held in Namibia.²² Secretary Kissinger further urged the South African Government "to announce a definite timetable acceptable to the world community for the achievement of self-determination."²³

¹⁴ Critical Developments in Namibia Hearings, op. cit., p. 43.

¹⁵ Statement of Nathaniel Davis, June 10, 1975, op. cit., p. 3.

¹⁶ Brutal and Repressive Measures in Namibia. Objective: Justice, vol. 6, No. 3, July/August/September 1974, p. 27.

¹⁷ Statement of Nathaniel Davis, June 10, 1975, op. cit., p. 3.

¹⁸ Critical Developments in Namibia Hearings, op. cit., pp. 43-44.

¹⁹ Statement of Nathaniel Davis, June 10, 1975, op. cit., p. 2.

²⁰ Kissinger, Henry A. (Secretary of State) United States Policy on Southern Africa. Speech delivered at Lusaka, Zambia, Apr. 27, 1976. Department of State Bulletin, May 31, 1976, p. 676.

²¹ Kissinger Lusaka Speech, op. cit., p. 4.

²² Statement of Nathaniel Davis. In U.S. Congress. Senate. Committee on Foreign Relations. Subcommittee on African Affairs. U. S. Policy Toward Southern Africa. Hearings; 94th Cong., 1st sess. Washington, U.S. Government Printing Office, 1976, p. 336.

²³ Kissinger Lusaka Speech, op. cit. p. 676.

UPDATE*

The Subcommittee on International Organizations held a hearing in August 1976 on the question of Namibia in light of U.S. policy and U.N. actions.

As Secretary of State Cyrus Vance testified before the Senate subcommittee in February 1977, the Carter administration views the South African occupation of Namibia as illegal and supports elections in Namibia under U.N. auspices. He also stated that the administration considers it a high priority to help bring about a conference between South Africa and SWAPO to move toward Namibian independence.

In January 1977 a draft constitution was reportedly prepared for review by the delegates of the constitutional conference at Windhoek. The delegates have yet to approve the document. SWAPO opposes the provisions of the draft constitution on the grounds that it perpetuates white domination. Furthermore, SWAPO has denounced the conference in Windhoek as an activity orchestrated by the South African Government.

In April 1977 Amnesty International charged that South Africa was routinely using torture as part of the interrogation of political prisoners in Namibia. Similar charges were made in August 1976 by a white South African soldier and a number of clergymen in Namibia. The U.S. Government has not publicly responded or reacted to these charges.

*Update provided by subcommittee staff.

PARAGUAY*

Human rights, as discussed in this paper, refer to those rights which the U.N. Charter seeks to promote and which have been given further identification in numerous U.N. resolutions and treaties, including the Universal Declaration of Human Rights, adopted by the U.N. General Assembly in 1948. These rights have been given special attention in recent legislation. Section 116(a) of the International Development and Food Assistance Act of 1975 (Public Law 94-161), and sections 301(a) and 406(b)(2)(A) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329) refer to the goal of promotion of "increased observance of internationally recognized human rights by all countries." In addition, they identify as among "gross violations of internationally recognized human rights", "torture of cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges, or trial, or other flagrant denials of the right to life, liberty, or the security of person. * * *"

For the past 22 years, Paraguay has been under the control of President Alfredo Stroessner who rules through the combined instruments of the armed forces (including the police), the Colorado Party, and the ever-present state of siege. Stroessner came to power through a coup d'etat in 1954 and has maintained himself as chief of state through successive reelections to the presidency: in 1958 he was the only candidate; in 1963, he was reelected, although there was a reelection prohibition in the 1940 Constitution; in 1967, under a new Constitution, he was reelected as the opposition Liberal Party charged it was restricted in the campaign; in 1973, his reelection brought on charges of fraud by the opposition. The opposition's participation in the last three elections marked the first time since 1928 that such was permitted. Stroessner's desire to remain in office by way of election in 1977 is often cited as one reason for the most recent Government campaign against opposition groups.

The state of siege virtually has become institutionalized in Paraguay. Under its provisions, constitutional guarantees and civil liberties are suspended and therefore such rights as habeas corpus, trial by jury, freedom from censorship, and the necessity for search warrants are overridden. The state of siege has been in effect for the entire life of the Stroessner presidency, except for election days when it is rescinded. Stroessner has followed Paraguayan political tradition by which the state of siege has been imposed upon the nation almost without interruption since 1929 and continuously since 1947. Stroessner's perception of the threat of Communist subversion against his government as well as the fear that guerrilla activity in Argentina might spill over into Paraguay are the bases for its constant renewal.

*Prepared by Barry Sklar, specialist in Latin American affairs, Foreign Affairs and National Defense Division, Congressional Research Service, Library of Congress.

Within the conventional legal framework itself, there are provisions which allow the executive to restrict opposition elements. The state of siege is embodied in article 70 of the Constitution. The Law for the Defense of Public Peace and Liberty of Persons which entered into force in September 1970 provides for harsh sentences for activity classified as subversive or contrary to the prevailing order.¹

A major source of strength and support for Stroessner comes from the Paraguayan Armed Forces. Observers report that in recent years, Stroessner has placed emphasis on strengthening the police forces and enhancing their political role while relegating the once politically powerful army to a minor one. In addition to the traditional law enforcement and traffic control missions, the police have been utilized by the Government in political tasks; police organizations, especially the Investigations Police, have become the symbols of Stroessner's repressive system. One recent visitor described Paraguay as "much more a police dictatorship than a military dictatorship."² The army's principal role is in the civic action area where it is responsible for road building and other economic infrastructure projects. According to one source, however, the army is still used when massive arrests are made.³ The army also has been cited for raiding peasant cooperatives.⁴

The Colorado Party plays an important role in the legitimization and operation of the Stroessner government. The party was brought into Government by President Motinigo in 1944 and has been the ruling party ever since. Stroessner came to power as a Colorado but, under his regime, the composition and character of the party has been transformed into one of unconditional support for the President. Stroessner's role was solidified after he emerged victorious in a 1958-59 showdown with leaders of the traditional Colorado party. It is claimed by Paraguayan officials that 85 percent of the people belong to the Colorado Party. Since Colorado Party membership is a prerequisite for Government employment, appointment to judgeships and officer rank in the armed forces,⁵ it is the opinion of some observers that while many Colorados give undue loyalty to the President, many are members in order to keep their jobs and stay within the "system."⁶

The legal opposition operates on a limited scale, described by one observer as "tolerated" by the Government.⁷ The principal and largest of the formal opposition groups is the Radical Liberal Party (Partido Liberal Radical), which publishes the newspaper *El Radical*. The Liberal Party is smaller and confined mainly to Asuncion. The relatively small Febrerista Party did not participate in the last congressional elections on the grounds that they were rigged.

The legal opposition is guaranteed one third of the seats in the national legislature and exercises the freedom to criticize the Government. Recently, the opposition parties in the National Assembly have

¹ Amnesty International. *Paraguay in the 1970's: A Background Paper*, October 1971, p. 11.

² U.S. Congress. House. Committee on International Relations. Subcommittee on International Organizations. *Human Rights in Paraguay*. Hearing, 94th Cong., 2d sess., July 28, 1976. Transcript, p. 6. Hereafter cited as "Hearing."

³ *Ibid.*, p. 6.

⁴ Ben Stephansky and Robert Alexander. *Report of the Paraguayan Mission of the International League for Human Rights*. Aug. 5, 1976, p. 4. Submitted to the House Subcommittee on International Organizations. Hereafter cited as "League."

⁵ *Hearing*, p. 10.

⁶ *League*, p. 5.

⁷ Hobsbawm, E. J. *Dictatorship With Charm*. *New York Review of Books*, Oct. 2, 1975.

openly criticized the Government for violations of human rights and specifically referred to the charges of persecution raised in the June 12, 1976, pastoral letter by the Paraguayan Bishops Conference (Paraguayan Episcopal Conference).⁸

The Christian Democratic Party is not recognized as a legal party because it does not meet the membership requirement. The Communist Party, split into pro-Moscow and pro-Peking factions, is outlawed as are groups termed by both the Government and the legal opposition as "terrorist" or "subversive" inspired by the guerrilla activities of the Revolutionary Army of the People (RAP) and the Montoneros in neighboring Argentina.

The opposition press operates under generally understood self-imposed guidelines and refrains from direct criticism of Stroessner and the armed forces. The two major newspapers in Asuncion, *El Radical*, of the Radical Liberal Party, and *Sendero*, the bimonthly publication of the Paraguayan Bishops Conference is critical of the Government within these guidelines. These newspapers have reported human rights problems and have mentioned torture in articles.⁹ Editors of *El Radical* have come under harassment in recent times. A former editor is now serving a jail sentence and the present editor is under threat of legal action.¹⁰

Throughout the Stroessner years, Paraguay has often been the object of charges of political repression. The overwhelming number of Paraguayans living in exile (estimates range from 600,000 to 1 million) is evidence to some that those of the 2.4 million in the country live under less than ideal political conditions. Paraguay's economic situation is also recognized as a contributing factor, however. In recent years, in addition to the limited criticism within Paraguay, various humanitarian organizations have renewed the charges that the Stroessner government has carried out a program of repression and has violated the human and civil rights of Paraguayan citizens.

In their findings, and in testimony before the Subcommittee on International Organizations in July 1976, two noted authorities who prepared an on the scene report for the International League for Human Rights charged that Paraguay is now undergoing a wave of repression similar to those experienced in 1958-59, 1965, and 1969.¹¹ Those observers date this current wave from the end of 1974, when 200 people were arrested upon discovery of a plot to kill Stroessner. In December of a relatively quiet 1975, a large number of arrests were made on charges of Communist Party membership. In the period, March to May, 1976, a major roundup of Paraguayan citizens was made when the Government discovered a new guerrilla network, which it called the Politico-Military Organization.¹²

In their report, the observers from the International League for Human Rights charged that in this most recent wave of repression,

⁸ U.S. Department of State. Questions Addressed to the Department of State by Congressman Donald W. Fraser, Chairman, Subcommittee on International Organizations, and Answers Provided by the Department, July 1976. Hereafter cited as "State response."

⁹ *Ibid.*

¹⁰ Hearing, p. 24.

¹¹ Hearing, p. 11.

¹² Amnesty International U.S.A. cable to OAS General Assembly, June 4, 1976, in Congressional Record (daily ed.) June 17, 1976, pp. S9803-S9804.

numbers of those arrested ranged from 500 to 1,500 and included students and professional people from Asuncion as well as peasants, some of them Colorados, involved in church activities in the countryside.¹³

The Department of State believes that there are approximately 400 political prisoners held in Paraguay.¹⁴ Many of those in jail are not charged and have no knowledge as to why they are held. Some prisoners have been in jail for 18 years without formal charges brought against them.¹⁵ Recently, however, the Paraguayan Government has brought 13 prisoners to trial. Testifying before the same subcommittee, Edy Kaufman of Amnesty International characterized this period by speaking of arbitrary arrests, kidnappings, and incommunicado detention.¹⁶ Human rights organizations have further charged that torture has also characterized this period. They assert that there are documented cases of people who have died under torture.¹⁷ Kaufman stated that torture is not applied as systematically as in Chile. The Amnesty spokesman felt that torture is used as a means of terror to inhibit opposition activities rather than as a way to extract false confessions which are irrelevant since political prisoners rarely are brought to trial. In addition to suffering from brutal torture methods without benefit of medical attention, he stated, the political prisoners suffer from overcrowded conditions, maltreatment, malnutrition, and restriction of family visits.¹⁸

The observers from the International League concluded that among the principal targets of the Stroessner government were the increasing number of autonomous interest groups which have operated outside the Colorado Party/Government system. Various church related groups, especially those with Catholic and Protestant missionary affiliations, have been the object of Government displeasure in recent years.

Relations between the Stroessner government and the church began to show signs of strain in 1968 when the church adopted a critical stance toward the regime. The report of the International League for Human Rights cited recent large-scale attacks on the Peasant Leagues and Christian communities organized by the church. Peasant leaders have been killed, arrested, and have disappeared. Jesuit priests who have been arrested have been deported. In the past 2 years, the number of Jesuit priests in Paraguay has been reduced considerably.¹⁹

The Catholic Church responded to this situation through a pastoral letter dated June 12, 1976, issued by the Paraguayan Episcopal Conference, comprised of Paraguay's Bishops and headed by Archbishop of Asuncion Ismsel Rolon. The letter, titled "Between the Persecutions of the World and the Comfort of God" was read in all of Paraguay's Catholic Churches and listed nine points which "make up this hour of trial for Christians and all good citizens." The letter specifically cited "the revival of the practice of torture."²⁰

¹³ League, p. 25.

¹⁴ State response.

¹⁵ Hearing, p. 51.

¹⁶ Ibid., p. 44.

¹⁷ League, p. 26.

¹⁸ Hearing, p. 46.

¹⁹ League, p. 22.

²⁰ Ibid., Pastoral letter included as appendix to the report.

Activities of the Protestant Church in the rural areas have also come under attack. Leaders of the Friendship Mission (Mision de Amistad), a missionary organization of the Disciples of Christ and financed by various Protestant groups in the United States and Europe, have been expelled from the country and peasant groups which they have established have been subject to persecution by the police.²¹ The work of the mission which had concentrated on forcing peasant cooperatives, credit unions, and educating peasants as to their rights and duties as citizens came under attack in an official statement by Pastor Coronel, chief of the secret police. Leaders of the missionary organization have stated that charges against the Friendship Mission in the police official's statement titled, "Synthesis of the Process of Subversion That Has Sought To Break Loose in the Country," are false.²²

The churches in Paraguay have joined in an ecumenical effort similar to the Committee of Cooperation for Peace in Chile formed after the overthrow of Allende. The Committee of the Churches for Emergency Aid, a coalition of Roman Catholics, Lutherans, and Disciples of Christ, formed the interchurch committee to aid political prisoners, their families, and campesinos evicted from their lands on charges of political subversion. Its headquarters are located in the offices of the Paraguayan Episcopal Conference in Asuncion.²³

The situation involving the Indians in Paraguay has received much international attention. For the past few years, various individuals and international groups such as the International League for the Rights of Man charged that the Paraguayan Government has conducted a campaign of genocide against the country's indigenous population. Allegations were made that raids were conducted on Indian groups for the purpose of enslavement and for the use of young girls as prostitutes. It was also charged that Indians were hunted as if they were animals.²⁴ Also cited was a dramatic decrease in the Indian population from thousands to a few hundred in the last years.²⁵

In late 1974, Project Marandu was initiated, funded by foreign sources including the U.S. Government's Inter-American Foundation, and headed by Dr. Miguel Chase-Sardi, Director of the Department of Anthropology of the Catholic University of Asuncion. Dr. Chase-Sardi had been on record as denouncing the Paraguayan Government, private companies, and individuals for abuses against the Indians.²⁶ He formed the project in order to contact all of Paraguay's 17 major Indian groups, and to educate and organize them to defend their interests. Chase-Sardi's efforts culminated in the latter part of 1975 with the establishment of the Consejo Indigena, the central organization of all the Indian groups. Project Marandu personnel worked closely with the Indian Office of the Ministry of Defense, as well as with the semi-official Indian Association. In this period, the Government replaced the head of the Ache Indian National Indian Reservation and reorganized its handling of Indian affairs. However in December 1975, Project Marandu was halted as Chase-Sardi and his senior staff were

²¹ Hearing, pp. 39-41 ; League, p. 22.

²² Hearing, p. 39, statement included as appendix to the report.

²³ Washington Post, Sept. 3, 1976.

²⁴ League, p. 28.

²⁵ Abram, Morris B. Statement on Human Rights in Paraguay, Apr. 5, 1976, reprinted in Congressional Record (daily ed.). June 3, 1976, p. S8403.

²⁶ Ibid.

arrested, tortured, and detained from 7 to 8 months without charges. Chase-Sardi and some others have been released, but a few connected with the project were still in jail at the time of the writing of the report of the League.²⁷

The authors of the report of the International League for Human Rights, while acknowledging Government persecution of those connected with Project Marandu, concluded that Government action was not an aspect of genocide against the Indian population, and that there was not a deliberate Government policy to exterminate the Paraguayan Indians as charged by some. These observers, as well as those from Amnesty International, feel that Government opposition to the private efforts on behalf of the Indians is consistent with its violent opposition to any popular organization which is not under its control.²⁸

The Inter-American Commission on Human Rights has attempted to deal with cases involving charges of violations against the Government of Paraguay. Thus far, Paraguay has not responded to requests on the part of the Human Rights Commission for information on the cases which involve arbitrary arrests, prolonged detentions without trial, and torture. At its 31st session in October 1973, the Commission resolved to recommend to the Government of Paraguay that the persons mentioned be immediately freed. The Commission also resolved—

To call the attention of the Government of Paraguay to the fact that these acts constitute very serious violations of the right to liberty and personal security, the right of protection from arbitrary arrest, the right to a fair trial, and the right to due process of law.

as set forth in provisions of the American Declaration of the Rights and Duties of Man.²⁹

The most recent Paraguayan case was brought before the Inter-American Human Rights Commission in March 1974 and charged the Government with acts of genocide against the Ache Indians. After repeated unsuccessful attempts to obtain information from the Government of Paraguay, the Commission, at its 35th session in May 1975, had the rapporteur for the case prepare a report and recommendations which were transmitted to the Paraguayan Mission to the OAS in August 1975. The report adopted by the Commission, concluded that the policy of the Government was not aimed at eliminating the Ache Indians, although it recognized possible abuses by private citizens. It also noted that the Government had taken some positive steps in assisting the Indians. At its 36th session in October 1975, the Commission postponed its study of the case until the next session when information might be received from the Paraguayan Government.³⁰

The executive branch has not made a public policy statement with regard to human rights in Paraguay but has made representation to the Paraguayan Government regarding U.S. support for the respect of internationally recognized human rights. The Paraguayan Government also has been advised of the statutory restrictions on the provi-

²⁷ Ibid., pp. 21, 68-69.

²⁸ Ibid., pp. 29-30.

²⁹ Inter-American Commission on Human Rights. Report on the work accomplished by the Inter-American Commission on Human Rights at its 31st session (Oct. 15-25, 1973). Washington, D.C., Organization of American States, 1975. Washington, D.C., Organization of American States, 1975.

³⁰ Inter-American Commission on Human Rights. Annual report of the Inter-American Commission on Human Rights for the year 1975 to the General Assembly. Washington, D.C., Organization of American States, Apr. 19, 1976, pp. 206-208.

sion of U.S. economic and military assistance to governments which engage in gross violations of human rights.³¹ In response to congressional inquiries and various human rights organizations, the Department of State has consistently held to the line that the Paraguayan Government's action is an internal matter. This was stated in an October 23, 1973, letter to Representative Dante Fascell, from the Assistant Secretary of State for Inter-American Affairs. The letter stated that the Paraguayan Government has "denied even giving tacit approval for the systematic extermination or mistreatment of Ache Indians." It also indicated U.S. agreement with Paraguay's denial, declaring that "the unfortunate acts in remote areas seem to be individual ones" carried out by irresponsible ranch hands. The letter also stated that the U.S. Government "does not believe that there has been a planned or conscious effort on the part of the Government of Paraguay to exterminate, molest, or harm the Ache Indians in any way."³²

On April 5, 1976, Morris H. Abram, a former member of the U.N. Human Rights Commission and other members of the International League for the Rights of Man charged that the Department of State had evidence of violations of human rights in the *Project Marandu* case but was attempting to "distort the truth." A February 17, 1976, letter to Senator James L. Buckley from Assistant Secretary of State Robert McCloskey maintained that the project was "an exclusive Paraguayan responsibility." The McCloskey letter reported that the United States has been informed by Paraguay that Dr. Chase-Sardi was "well" and that arrests were directed not at the project but against Communists and that the Government maintained its policy of supporting the Indian population. In a telephone call to the Department of State's Paraguayan desk, Abrams was told that the State Department was not in a position to confirm or deny reports of torture received by the various human rights organizations.³³

The United States has given Paraguay a total of \$146 million in economic and military loans and grants in the 1962-75 period for an average of \$11.2 million per year. In the last 5 fiscal years, 1972-76, economic and military assistance amounted to \$40.4 million; economic assistance averaging \$6 million and military assistance averaging \$2 million.³⁴

UPDATE*

In mid-February of 1977 a constitutional convention approved an amendment which permits Stroessner to run for reelection in 1978. In January and February 1977 the Government released some political prisoners including three old-line Communist leaders who had been held for nearly 20 years.

Human rights activists in Paraguay credit Carter's human rights policy for any softening on political prisoners by the Government.

A report on the human rights situation in Paraguay has been prepared in the last few months by the Inter-American Commission on Human Rights of the Organization of American States.

³¹ State response.

³² Abram, op. cit.

³³ Ibid.

³⁴ U.S. Agency for International Development. U.S. Overseas Loans and Grants, Obligations and Loan Authorizations, July 1, 1945-June 30, 1975. Washington, U.S. Government Printing Office, 1976; AID, Fiscal Year 1977 Submission to the Congress—Latin American Programs, February 1976; State response.

*Update provided by subcommittee staff.

PERU*

Human rights, as discussed in this paper, refer to those rights which the U.S. Charter seeks to promote and which have been given further identification in numerous U.N. resolutions and treaties, including the Universal Declaration of Human Rights, adopted by the U.N. General Assembly in 1945. These rights have been given special attention in recent congressional legislation. Section 116(a) of the International Development and Food Assistance Act of 1975 (Public Law 94-161), and sections 301(a) and 406(b)(2)(A) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329) refer to the goal of promotion of "increased observance of internationally recognized human rights by all countries." In addition, they identify as among "gross violations of internationally recognized human rights", "torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges, or trial, or other flagrant denials of the right to life, liberty, or the security of person. * * *"

Three major factors should be taken into account when evaluating human rights conditions in Peru against the universal standards of international declarations: (1) a political history of Incan servitude, Spanish colonialism, and oligarchic exploitation wherein opposition to national power was frequently met by violent repression; (2) a large Indian population many of whom are unfamiliar with the national language and are living at a subsistence level, conditions which have made a commitment to, or structural capability for, the implementation of human rights a problem of greater magnitude; and (3) the 1968 assumption of power by coup of a leftist military regime which has seriously tried to alter the structure of Peruvian society in carrying out its revolutionary goals.

Most observers concede that the military, revolutionary government of President Velasco (1968-75) sharply reduced the power and wealth of Peru's historically powerful oligarchy, restrained the influence of foreign investors, brought much of the economy under Government control, and incorporated workers into the management of Government-controlled collective enterprises. These actions, combined with nationalistic appeals, contributed to the, at times, enthusiastic support of the new regime.

The Velasco government, however, appeared to be more accepted than popular, perhaps due to the restrictions on political and civil rights it apparently felt were necessary in carrying out its revolutionary programs. Upon assumption of office the government disbanded the Congress, suspended political parties and initiated rule by decree.¹

*Prepared by William N. Rafford, analyst in Latin American affairs, Foreign Affairs and National Defense Division, Congressional Research Service, Library of Congress.

¹ Copley News Service, September 19, 1975, p. 4.

After 7 years in office it was estimated that 1,000 politicians and newspapermen were living in exile, many having been forcibly deported. By mid-1974 the military regime had banned most popular magazines, stopped publication of all independent publications, assumed control of all national newspapers and initiated a policy designed to turn the newspapers over to "organized sectors" of society such as agrarian workers, professionals, educators, etc.²

Popular acceptance of the Government was momentarily shattered in February 1975 when President Velasco used tanks to break a strike for higher wages. This action catalyzed students and others to take to the streets for 2 days of rioting, which was forcibly repressed, but only after more than 100 persons had been killed and 1,300 arrested.³

Caretas, a respected Peruvian biweekly, editorialized that, "What happened in Lima was a spontaneous and variegated protest against the expropriation of the major newspapers and against the repressive strangulation of the regime."⁴

In August 1975, in a bloodless coup, Gen. Francisco Bermudez assumed the office of President, proclaimed a political amnesty and lifted the ban on popular magazines. For the past year journalists have reported both a diminution in revolutionary ardor on the part of the Government and a diminution in the denial of political rights,⁵ but some control of the press has continued. For example, in 1976 former President Belaunde returned after a 7-year exile, some of the restrictions on the party he led, Accion Popular, were lifted⁶ and amnesty was granted to 34 journalists and political prisoners.⁷ In March 1965, however, the Morales government imposed its will on an already heavily influenced press by appointing new editors to the six national daily newspapers in an act interpreted as a move to reduce the left-wing influence of the editors who had been appointed the previous year by the Velasco government.⁸ In sum, the human rights situation appears to have improved, though the record of the past year is a mixed one.

EXTERNAL REACTIONS

The Organization of American States (OAS), in its "Annual Report of the Inter-American Commission on Human Rights for the Year 1975, to the General Assembly," reported that it had received 289 communications which alleged human rights violations in 100 different cases. The annual report did not include details of any case involving Peru, as it did of some other countries, although it did list Peru as among the countries from which communications were received.⁹ The annual report also contained a list of legal acts which

² Goodsell, James Nelson. Most Peruvians Forced into Exile. *Christian Science Monitor*, August 13, 1975: 6; Last of Free Press is Crushed in Peru. *IAPA News*, October–November, 1974: 1–2. (Miami, Fla.; Inter-American Press Association).

³ Peru Starts Riot Trials of 1,300. *Washington Post*, Feb. 19, 1975: A24.

⁴ Caretas editorial reprinted in *Atlas Review*, Apr. 22, 1975. pp. 55–56.

⁵ Omang, Joanne. Peru Soft-pedals Revolution. *Washington Post*, Aug. 29, 1976, p. 10.

⁶ Copley News Service, op. cit., p. 2.

⁷ Peru Government Grants 34 Amnesty. *New York Times*, May 13, 1976, p. 9.

⁸ Peru Ousts 6 Major Editors in Apparent Move on Far Left. *New York Times*, Mar. 26, 1976, p. 20.

⁹ Annual Report of the Inter-American Commission on Human Rights for the Year 1975, to the General Assembly. Organization of American States. Sixth Regular Session, June 4, 1976. Santiago, Chile. GEA/Ser. P, AG.doc.632/87. Apr. 19, 1976, pp. 83–85.

"constituted progress in the realization of the goals set forth in the American Declaration of the Rights and Duties of Man."¹⁰ Three Peruvian "Decree-Laws" were noted in this section including one which "eliminates all discriminatory treatment limiting the opportunities or affecting the rights and dignity of women. To this end it revokes paragraph (d) of article 15 of Decree Law 14,222, which permitted lower salaries to be fixed for women on the basis of output."¹¹ An addendum to the report listed 13 additional Decree-Laws granting certain rights such as specific rights with respect to equality before the law. This information was received from the Peruvian Government after the preparation of the report.¹²

The U.S. Department of State has made no official representations to the Peruvian Government with respect to human rights in recent years.¹³ Nor have such concerns on the part of U.S. officials been noted in the nation's press. During his visit to Peru in February 1976, Secretary of State Henry Kissinger made a general statement that "the United States, itself committed to the ideal of equality of opportunity, is fully sympathetic with Peru's struggle to create a social democracy attuned to the needs of all its people."¹⁴ However, press reports gave no indication that he raised specific human rights issues in his meetings with Peruvian officials.

The U.S. Congress, based on an examination of the Congressional Index Service (1974-76), has not dealt specifically with the question of human rights in Peru. In November 1975 Congressman Larry McDonald, testifying on security assistance to Chile and Peru, made a negative reference to the human rights situation in the latter country but the reference was neither expanded upon nor responded to.¹⁵

U.S. Government economic assistance to Peru averaged \$22.2 million for the fiscal years 1972-76 and \$12 million for military assistance for the same period.¹⁶

UPDATE*

Although still operating under the emergency state of siege imposed July 1976, the Morales Bermudez government has taken a number of steps indicating moderation and a move away from the leftist policies of deposed President Velasco.

On February 6, 1977, the Government published its economic and political plan (Plan Tupac Amaru) which provides for constitutional reform and the holding of elections.

At the end of 1976, the Government granted an amnesty involving some 236 persons. In a move to reduce leftist influence, four retired military officers, prominent in the Velasco regime, were deported on January 8, 1977. On New Year's Day of 1977, the Government lifted a ban on seven private magazines.

¹⁰ Ibid., p. 10.

¹¹ Ibid., p. 13.

¹² Ibid., pp. 269-273.

¹³ Telephonic information. Department of State, Peru Desk, Aug. 19, 1976.

¹⁴ Kissinger, Henry. Major Statements on Latin America by Secretary of State Henry A. Kissinger, February 1976. Department of State Publication 8548. March 1976.

¹⁵ U.S. Congress. House. Committee on International Relations. Hearings on the International Security Assistance Act of 1976. November-December 1975 and January-February 1976. 94th Cong., 2d sess. Washington, U.S. Government Printing Office, 1976, p. 126.

¹⁶ Fiscal year 1977 Submission to Congress. Agency for International Development. Presentation Book, p. 279; U.S. Congress. Senate. Committee on Appropriations. Hearings on Foreign Assistance and Related Programs Appropriations, Fiscal Year 1976. 94th Cong., 1st sess. Washington, U.S. Government Printing Office, 1976, p. 1492. (The figures averaged in for fiscal year 1976 represent "proposed" figures.)

*Update provided by subcommittee staff.

PHILIPPINES*

Human rights, as discussed in this paper, refer to those rights which the U.N. Charter seeks to promote and which have been given further identification in numerous U.N. resolutions and treaties, including the Universal Declaration of Human Rights, adopted by the U.N. General Assembly in 1948. These rights have been given special attention in recent congressional legislation. Section 116(a) of the International Development and Food Assistance Act of 1975 (Public Law 94-161), and sections 301(a) and 406(b)(2)(A) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329) refer to the goal of promotion of "increased observance of internationally recognized human rights by all countries." In addition, they identify as among "gross violations of internationally recognized human rights", "torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges, or trial, or other flagrant denials of the right to life, liberty, or the security of person. * * *"

On September 22, 1972, President Ferdinand E. Marcos declared martial law in the Republic of the Philippines as a purportedly temporary measure to maintain order in the face of threats from Communist and Muslim insurgency movements, and to institute reforms in the political, social, and economic systems. Contrary to the democratic heritage of the Philippine Government, the representative legislature was suspended indefinitely, and the courts were subjected to executive oversight.

In January 1973, a new Constitution was ratified, and the convening of an interim National Assembly was voted down by new political structures (citizens assemblies or *barangays*) created for the occasion by decree.

Voting by the 42,000 *barangays* had not been limited to registered voters, no official ballots had been used (voting was done by acclamation or showing of hands), no regulations governing tabulation and counting of the votes were prescribed, and the Commission on Elections took no part in the implementing procedures.¹ Under the new Constitution, members of the court of appeals and judges of lower courts may be removed by the President by the mere appointment of their successors. In the July 27-28, 1973 referendum, the *barangays* gave 90 percent support to the martial law decree and the continuance in office of President Marcos beyond 1973. In a second referendum of

*Prepared by Marjorie Niehaus, analyst in international relations, Foreign Affairs and National Defense Division, Congressional Research Service, Library of Congress.

¹ Shaplen, Robert. Letter From Manila. *New Yorker*, May 3, 1976, pp. 83-85. U.S. Congress. House: Committee on International Relations. Human Rights in South Korea and the Philippines: Implications for U.S. Policy. Hearings, May and June 1975, 94th Cong., 1st sess. Washington, U.S. Government Printing Office, 1975, p. 150. (Hereafter cited as: 1975 Hearings.)

February 27, 1975, the *barangays* again endorsed martial law by 90 percent. (A former Philippine Cabinet Member testified before a U.S. congressional committee that according to his personal observations, these two referenda were "clean, honest, and orderly.")²

Although it was proclaimed as a temporary measure, the martial law decree has been in effect for 4 years, and according to a variety of reports and testimony has brought with it restrictions on human rights and innumerable instances of violations of human rights in the Philippines.

Treatment of political prisoners.—Immediately after martial law was declared, thousands of persons were reportedly arrested and detained, including leaders of the opposition, critics of President Marcos, publishers, editors, news reporters, university professors, student leaders, labor leaders, and priests involved in community development programs. President Marcos recently acknowledged that 50,000 persons have been detained at one time or another since martial law was proclaimed.³ The majority of detainees have been held without charges and without recourse to due process of law for 6 to 8 months. Some have been held for more than 2 years without charges and trials.⁴

According to extensive testimony received by the House International Relations Subcommittee on International Organizations from former missionaries to the Philippines, former Philippine officials, and other witnesses, political prisoners in the Philippines have been subjected to torture and cruel, inhumane, and degrading treatment.⁵

A report to the Philippines Government from Amnesty International, a nongovernmental worldwide human rights organization, said that torture of prisoners in the Philippines was widespread and part of a general approach designed to intimidate suspected political offenders. The Amnesty International mission's "unavoidable conclusion was that torture was used freely and with extreme cruelty, often over long periods. In particular, torture was used systematically against those who had no means of appeal to influential friends or established institutions."⁶

The details of 31 cases of alleged torture of Filipino prisoners were included in a document published in April 1976, by the Philippine Association of Major Religious Superiors, a liberal Catholic organization.⁷

Officials of the Philippine Government have acknowledged that a number of persons have been held in prison for over 2 years without trial.⁸ Although the Philippine Government has admitted to instances of torture and mistreatment of prisoners which it claimed were isolated, unauthorized, and illegal, it denies that torture and mistreatment of prisoners have been in widespread and authorized use.

² Ibid., p. 284.

³ Report of an Amnesty International Mission to the Republic of the Philippines. London, Amnesty International Publications [1976], p. 4.

⁴ U.S. Congress. House. Committee on International Relations. Human Rights in Indonesia and the Philippines. Hearings, December 1975 and May 1976, 94th Cong., 2d sess. Washington, U.S. Government Printing Office, 1976, pp. 61, 82. (Hereafter cited as: 1976 Hearings) Sharp Philippines Struggle. *Guardian*, May 26, 1976, p. 16.

⁵ 1975 Hearings, pp. 116, 117, 143, 144, 151; 1976 Hearings p. 63.

⁶ Report of an Amnesty International Mission to the Republic of the Philippines, pp. 10-11.

⁷ Catholic Group Lists Philippine Tortures. *The Times* (London), Apr. 24, 1976, p. 4.

⁸ 1975 Hearings, p. 311.

According to Philippine officials, those held responsible for the instances of human rights abuses have had charges filed against them by the Philippine Department of National Defense.⁹ On June 16, 1976, Mr. Carmelo Barbero, Philippines Under Secretary of Defense, ordered a court martial for a dozen military men on charges of having tortured detainees.¹⁰

On August 15, 1976, the Philippine Government announced actions to prevent torture, and declared that all arrests in Manila had to be reported to the Government within 24 hours, and within 48 hours if they took place elsewhere in the country.¹¹ Amnesty International's Secretary General, Martin Ennals, said in London on September 15, 1976, that "the Government of the Philippines is guilty of torture used frequently and with extreme cruelty toward martial law detainees, but has taken some steps to eliminate the practice."¹²

Censorship of free speech and free press.—All forms of the mass media were closed and placed under rigid control when martial law was declared. After thorough screening President Marcos allowed the reopening of newspapers, television networks and radio stations, and the operation of news media enterprises.

The former chairman of the Media Advisory Council, Government of the Philippines, 1973–75, has testified before a U.S. congressional committee that the reporting of stories on the referenda and other undertakings of the regime were orchestrated and designed to further the ends of the Marcos government.¹³ Other witnesses testified that the most prominent media executives have been in prison since September 1972, and that media facilities, including the television networks and newspapers, have been taken over by friends and relatives of President Marcos. Although the foreign press has some measure of freedom, according to the witnesses, the Filipino mass media are in the control of the Government. Editors and other media officials who are permitted to operate know and observe the limits beyond which they cannot go.¹⁴

Officials of the U.S. Department of State testified in June 1975 that there is limited freedom of expression in the Philippines. The media carry nothing critical of the Government, and are essentially controlled. The Government of the Philippines carefully monitors opposition rallies and peaceful assemblies and insures that they receive little or no media coverage.¹⁵

According to many observers, the Marcos regime has maintained a loose surveillance over what people say and do. Repressive measures are subtle and probably not recognized by the mass of Filipino society, but are deeply resented by members of the intelligensia, the opposition, and the clergy.¹⁶

Labor strikes outlawed.—Labor strikes "in vital industries" were banned by Presidential decree at the commencement of martial law

⁹ 1975 Hearings, p. 364.

¹⁰ Testimony of Thomas C. Jones, Jr., Amnesty International, before the House International Relations Subcommittee on International Organizations, Sept. 15, 1976, p. 11.

¹¹ Amnesty's Catalogue of Torture. *Far Eastern Economic Review*, Aug. 20, 1976, pp. 22–23.

¹² Manila Tortures Alleged. *Washington Post*, Sept. 16, 1976.

¹³ 1975 Hearings, p. 281.

¹⁴ 1975 Hearings, pp. 275–308.

¹⁵ 1975 Hearings, pp. 316–317.

¹⁶ Durdin, Tillman. *The Philippines: Martial Law, Marcos-Style*. *Asian Affairs*, vol. 8, November–December 1975, pp. 68–70.

government, and the right to organize became tightly controlled. For example, a January 25, 1976, workers march was blocked by the Government and over 50 people were arrested and detained.¹⁷ The Government has recognized only unions set up in separate, vertical industrial categories. Analysts have observed that collective bargaining amounts to forced collusion between management and the official unions. Most former labor leaders remain in jail.¹⁸

U.S. REACTION TO THE CURTAILMENT OF HUMAN RIGHTS IN THE PHILIPPINES

The U.S. reaction, in brief, has consisted of the administration making no public comment on martial law, and maintaining the traditional special, cooperative relationship with the Government of the Philippines. At the same time, some Members of Congress continue to question whether the U.S. special relationship with the Philippines is contributing to ends consistent with American democratic traditions or is, instead contributing to oppression within the Philippines. The history of United States-Philippines relations can contribute to the understanding of the U.S. reaction to martial law and the human rights situation in the Philippines.

Since the turn of the century, the Philippines has shared a special relationship with the United States, first, as an American colony, and, since 1946, as a close ally. The United States has a mutual security treaty with the Philippines which is of indefinite duration but subject to termination on 1 year's notice. U.S. military bases in the Philippines are important according to administration officials, both for Philippines defense and for the broader security interests of the United States. Although the lease for the bases runs until 1991, the United States and the Philippines have been renegotiating security arrangements since April 12, 1976, at the request of President Marcos.

American business investment in the Philippines is estimated to be at \$1.5-\$2 billion. In addition to U.S. Government economic and military aid programs (see below), the U.S. military presence, with 13,700 American military personnel and 54,000 Filipinos employed at American military installations, injects about \$160 million annually into the Filipino economy. Annually the U.S. Veterans Administration disburses \$10 million in benefits to 20,000 Filipino veterans of the U.S. Armed Forces and their 47,000 dependents. Thousands of Americans with deep attachments and, in some cases, with family connections among the Filipinos, live in the Philippines. There also has been a high level of Filipino emigration to the United States. In 1975, for example, 33,000 Filipinos emigrated to the United States.

U.S. administration reaction.—Since the establishment of martial law in the Philippines in September 1972, the U.S. administration has avoided any public comment either in condemnation or support of the declaration or continuance of martial law. According to U.S. officials, the administration supports the Philippine Government's avowed intention to promote improvement in the social, economic, and administrative areas, but does not believe that these ends justify or require the curtailment of human rights. Assistant Secretary of State Philip

¹⁷ Conroy, Rusty. Manila Protests Growing. *Guardian*, June 16, 1976, p. 16.

¹⁸ Shaplen, Robert. Letter From Manila, p. 89.

C. Habib has said that the U.S. Department of State has informed the Government of the Philippines of the concern in the United States over the continued detention of certain individuals without charge or trial. He said the Government of the Philippines is fully aware of the interest of the United States in this question. However, according to the perspective of this administration, the future of the Philippines and that of its form of government are for the Filipino people to determine.¹⁹

U.S. congressional reaction.—Congressional reaction to the human rights situation in the Philippines has been vociferous and persistent. Some Members of Congress have expressed the view that the United States has a moral obligation to the Filipino people to cut off support to the government of President Marcos, whose rule has curtailed human rights in the Philippines. The U.S. Senate nearly voted a military aid cutoff in December 1974, and was only dissuaded by the Philippine Government assurances that political detainees would be released. Subsequently, about 1,200 were released.²⁰

Congressional hearings held in June 1975, and May and September 1976, investigated the status of human rights in the Philippines, with the purpose of determining an appropriate U.S. policy response to the situation. Despite the questioning of the appropriateness of U.S. aid to the Philippines, neither military nor economic aid has been terminated since the declaration of martial law, as the following list²¹ indicates:

[In millions of dollars]

	Economic assistance	Military assistance
Fiscal year 1973.....	124.0	50.4
Fiscal year 1974.....	63.6	27.0
Fiscal year 1975.....	68.5	36.3
Fiscal year 1976 ¹ projected.....	50.3	37.6
Average 1973-76.....	76.6	37.825

¹ Information provided by the Department of State, Philippines Desk, via phone conversation Sept. 17, 1976.

UPDATE*

A referendum held in October 1976 resulted in 92 percent of the vote for continuation of martial laws and gave President Marcos the power to amend the constitution.

The Catholic Church's growing challenge to the Government over human rights culminated in a pastoral letter which criticized many issues including the arrests of priests and religious workers and the closing of Catholic-run radio stations and publications. The letter, issued in January 1977, was signed by 66 of the country's 82 bishops.

President Carter has expressed dissatisfaction with the human rights situation in the Philippines, but officials have asserted that the strategic importance of the country necessitates continued security assistance at previous levels.

¹⁹ 1975 Hearings, pp. 310-351.

²⁰ Asia 1976 Yearbook. Far Eastern Economic Review. Hong Kong [1976], p. 260.

²¹ Agency for International Development. U.S. Overseas Loans and Grants: July 1, 1945-June 30, 1975 [1975], p. 78.

*Update provided by subcommittee staff.

RHODESIA*

Human rights, as discussed in this paper, refer to those rights which the U.S. Charter seeks to promote and which have been given further identification in numerous U.N. resolutions and treaties, including the Universal Declaration of Human Rights, adopted by the U.N. General Assembly in 1948. These rights have been given special attention in recent congressional legislation. Section 116(a) of the International Development and Food Assistance Act of 1975 (Public Law 94-161), and sections 301(a) and 406(b)(2)(A) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329) refer to the goal of promotion of "increased observance of internationally recognized human rights by all countries." In addition, they identify as among "gross violations of internationally recognized human rights," "torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges, or trial, or other flagrant denials of the right to life, liberty, or the security of person. * * *"

The problem of majority rule in Rhodesia is one of the foremost concerns of the international community today. Rhodesia, with its 6 million Africans and 270,000 Europeans, came to the full attention of the United Nations in 1965 when Prime Minister Ian Smith issued the unilateral declaration of independence (UDI) of Rhodesia from the United Kingdom. While the British Government had been prepared to grant independence to Rhodesia, British officials insisted that self-determination for the majority of the Rhodesian people should precede independence.

The United Nations General Assembly quickly responded by condemning the UDI, and the U.N. Security Council subsequently called for selective voluntary sanction as authorized under chapter VII of the U.N.'s Charter. In 1966, with the support of the United States, the Security Council, having determined that the situation in Rhodesia was a threat to international peace and security, imposed selective mandatory sanctions in accordance with articles 39 and 41 of the charter. These sanctions banned the import and export of specific commodities and required the compliance of U.N. member states in accordance with article 25 of the charter. In 1968, the Security Council imposed comprehensive mandatory sanctions banning virtually all commodities originating from or destined for Rhodesia because previous sanctions had not proved effective.

The official policy of the U.S. Government with regards to Rhodesia has been to support the British position of self-determination for the Africans of Rhodesia through peaceful negotiations rather than by use of force. The United States has refused to recognize the Smith

*Prepared by Rosyln Roberts, analyst in foreign affairs, Foreign Affairs and National Defense Division, Congressional Research Service, Library of Congress.

regime and continues to accept British sovereignty over Rhodesia. The 1966 and 1968 mandatory sanctions imposed by the United Nations were voted for the United States and implemented by Executive Orders No. 11322 and No. 11419, issued by President Johnson under the authority of the 1945 United Nations Participation Act, as amended. The United States did not support U.N. resolutions calling for a ban on travel or communications. However, more recently in his April 1976 speech at Lusaka, Secretary of State Henry Kissinger urged Americans now in Rhodesia to leave and advised U.S. citizens against traveling to Rhodesia.¹

U.S. efforts to adhere to the mandatory sanctions of the United Nations against Rhodesia were curtailed by passage of the Byrd amendment in 1971. This legislation, section 503 of the Military Procurement Act of 1972, provided, in effect, for the importation into the United States of strategic minerals, such as chrome and nickel, from Rhodesia. The U.N. General Assembly has since 1972 condemned the United States for its violations of the sanctions. At the same time the executive branch has endorsed the efforts in Congress to repeal the Byrd amendment. Secretary of State Kissinger recently pledged to seek repeal of the Byrd amendment as well as to insure strict international compliance with U.N. sanctions.¹

In addition to the denial of the right to self-determination to the African majority, the Smith regime has also been charged with violating the more general human rights of the Rhodesian Africans.

Reginald Austin, in a report published by the U.N. Educational, Scientific and Cultural Organization (UNESCO), points out that "The political and economic subservience of the African population is directly linked with their dispossession of the land."²

The Land Tenure Act of 1969 divides the land into equal but separate parts for Europeans and Africans, 46.5 percent and 46.4 percent, respectively, although 95.5 percent of the population is African. This distribution of the land legitimizes segregation and cuts off the Africans from economic power that goes with the ownership of land. Africans have been, in effect, prevented from purchasing or owning land on an individual basis.³ Since the franchise is linked to land ownership, the African is politically disadvantaged.

Educational achievement is also a criteria for the franchise. Austin reports that restricting educational opportunities has been viewed as a means of oppressing the Africans. Rhodesian Government policy, according to Austin, is "to gear the African educational output to the job opportunities which Europeans are willing to offer to Africans".⁴ This policy ensures a large semiskilled labor market. The educational system consists of two departments—one for Europeans and one for Africans. The Government spends about 10 times more for the European child than for the African child, and approximately 75 percent of the funds allocated to African education goes to primary schooling.⁵ While the absolute number of Africans attending primary school increased between 1962 and 1972, there has been a decrease in the per-

¹ The Lusaka speech, Department of State Bulletin, May 31, 1976, pp. 674-675.

² Austin, Reginald. *Racism and Apartheid in Southern Africa: Rhodesia*. Paris, UNESCO Press, 1975, p. 31.

³ Clarke, D. C. *Land Inequality and Income Distribution in Rhodesia*. African Studies Review, vol. 18, April 1975, pp. 3-4.

⁴ *Ibid.*, p. 46.

⁵ *Ibid.*, p. 43.

centage of African children's receiving primary education—from 72.3 percent to 53.4 percent in 1972. John Day in a recent article explains that government spending in this area is not keeping up with the expanding African population.⁶

Various repressive tactics have been employed by the Smith regime in response to growing African nationalist developments. Laws have been created to ban meetings, to detain and restrict without trial, and to declare a state of emergency.⁷ Between 1959 and 1965, five African nationalist parties were banned, and the leaders of these parties have been either held in restriction, detention or prison since 1964. A state of emergency was declared in 1965 and with periodic renewal has become a state of normalcy in Rhodesia.⁸ Reported in excerpts from a paper prepared by the U.S. Secretariat published in "Objective: Justice" are charges of repressive measures against civilians aiding the guerrillas. Barbed wire camps used as interrogation centers are used to hold hundreds of Africans for months. Orders to close places in the interest of security have resulted in the shutting down of churches, businesses, and schools for indefinite periods of time.⁹ "Protected villages" established since December 1972 to protect African civilians from guerrilla attack have been criticized by the Catholic Commission for Justice and Peace on the grounds that people are there against their will. The "villages" have been compared to detention camps or army posts¹⁰ and described in the *New York Times* as a response by the Government to a rise in guerrilla activity.¹¹ They are viewed as a means of depriving the guerrillas of the support and aid of the civilian people.

Humanitarian efforts supported by the U.S. Government have mainly been in the form of educational and training assistance to Rhodesian students on a bilateral and multilateral basis. With funds from the Agency for International Development (AID), the African-American Institute (AAI) has trained 95 Rhodesians under the African Scholarship Program with American Universities (ASPAU) and four Rhodesians under the African Graduate Scholarship Program (AFGRAD). The State Department's Bureau of Educational and Cultural Affairs has funded training for 194 Rhodesians under the Southern African Students Program (SASP), while 300 Rhodesian students have been trained under the Southern African Refugee Education Program with funds from the Office of Refugee and Migration Affairs in the Department of State. The United States has also contributed to the U.N. Educational and Training Program for Southern Africa (UNETPSA), which sponsors training outside minority-rule countries in Africa for students denied educational opportunities in their own countries.¹²

⁶ Day, John. Rhodesia: the Political Problem. *World Survey*, No. 86, February 1976, p. 6.

⁷ *Ibid.*, pp. 6-9; Austin, *op. cit.*, pp. 76-80; Grant, G. C., *The Africans' Predicament in Rhodesia*. Minority Rights Group Report No. 8, (published London, January 1972), p. 13.

⁸ United Nations. *A Principle in Torment*. The United Nations and Southern Rhodesia. New York, 1969, pp. 28-30.

⁹ *Struggle and Repression in Southern Rhodesia*. *Objective: Justice*. vol. 6, No. 2, April/May/June 1974, pp. 38-45.

¹⁰ Wright, Robin. Rhodesians Hit Armed Villages. *Washington Post*, Feb. 26, 1976, p. A16.

¹¹ Kamm, Henry. Rhodesia Rules Resettled Blacks Rigidly. *New York Times*, Mar. 14, 1976.

¹² U.S. Congress. Senate. Committee on Foreign Relations, Subcommittee on African Affairs. *U.S. Policy Toward Southern Africa*. 94th Cong., 1st sess., June and July 1975. Washington, U.S. Government Printing Office, 1976. See pp. 66, 196-197, 202.

In early 1976, guerrilla activity increased along the Rhodesian/Mozambique border and Soviet and Cuban aid was reported. The United States urged the Smith regime to start realistic negotiations toward a peaceful settlement. In addition Secretary of State Kissinger warned that any Cuban interference would provoke a crisis.¹³ A dual policy toward Rhodesia was thus adopted by the executive branch—firm opposition to Soviet or Cuban intervention, and more active support for majority rule.

Secretary of State Kissinger in a major speech on April 27, 1976, in Lusaka, Zambia outlined a 10-point program for U.S. policy on Rhodesia.¹⁴ Kissinger pledged U.S. support for recent British proposals for independence for Rhodesia, preceded by majority rule which must be achieved within 2 years after the conclusion of negotiations. Kissinger indicated that he would request Congress to repeal the Byrd amendment and stated that the United States would approach other industrial nations to insure international compliance of U.N. sanctions against Rhodesia. Kissinger identified the following elements of U.S. humanitarian assistance:

(1) humanitarian aid through international organizations to refugees from Rhodesia;

(2) economic assistance to Mozambique and to neighboring countries to help relieve economic hardships suffered as a result of enforcement of sanctions;

(3) aid to assist the development of a constitution that would protect minority rights under majority rule; and

(4) economic assistance to Rhodesia once it becomes the independent state of Zambia.

Kissinger also indicated in Lusaka that U.S. officials would "communicate clearly and directly to the Salisbury regime" on the "urgency of a rapid negotiated settlement leading to majority rule."¹⁵ The Rhodesian question has been one of the subjects under discussion in talks between Secretary of State Kissinger and South Africa's Prime Minister Vorster in June and more recently in September 1976. While the talks have been described by the U.S. press as fruitful, no hard evidence of a settlement of the Rhodesian question has been seen.

THE CONGRESSIONAL RESPONSE TO HUMAN RIGHTS IN RHODESIA

Most legislative efforts on Rhodesia in the Congress during the 1970's have been directed towards the U.S. responsibilities in implementing the U.N. sanctions against Rhodesia. As noted earlier, the Congress in 1971 adopted legislation which in effect required that the United States import strategic minerals such as chrome and nickel from Rhodesia (the Byrd amendment). Trade in this area since 1972 has placed the United States in violation of its obligations to implement U.S. security Council actions pursuant to chapter VII of the U.N. Charter. Several members of the House and Senate have sought, since 1971, to correct the situation by legislation to repeal the Byrd amendment. On three occasions since it was enacted, legislation specifically to repeal the Byrd

¹³ See Department of State Bulletin, Mar. 22, 1976, p. 387 for statement by Kissinger; see also Schaufele, William E., Jr., Department Discusses Issues in Southern Africa. Department of State Bulletin, Apr. 12, 1976, pp. 493-495.

¹⁴ Kissinger, Henry. United States Policy in Southern Africa. Department of State Bulletin, May 31, 1976, pp. 512-579.

¹⁵ Ibid., p. 675.

amendment has been voted on in either House of Congress. While the Senate on May 31, 1972 voted, 36-40, to defeat repeal of the Byrd amendment, its vote on December 18, 1973 supported repeal. The House on September 25, 1975, defeated, by a vote of 187-209, repeal of the amendment.

In implementation of one of the points in the Lusaka program outlined by Kissinger in April, Congress authorized "not less than \$27,500,000" each in "security supporting assistance" to Zambia and to Zaire, countries which as neighbors to Rhodesia have been disadvantaged by their implementation of the U.N. sanctions.¹⁶ None of these funds may be used for military, guerrilla, or paramilitary activities in either country or in any other country.

While resolutions were introduced in both the House and Senate to express the support in Congress for the principles outlined by Kissinger in his April 27, 1976, speech in Lusaka, Zambia, none were brought to the floor for a vote.

In addition, the Subcommittee on African Affairs of the Senate Foreign Relations Committee held hearings during 1975 and started a new set of hearings on September 8, 1976, on U.S. policy toward southern Africa. The situation in Rhodesia was one of the issues before the subcommittee. Thus, nonlegislative actions indicate a limited measure of concern within Congress for the status of human rights in general in Rhodesia.

UPDATE*

A report released in March 1976 by the International Commission of Jurists documented methods of discrimination and repression used against the black Rhodesian population and methods of ill-treatment and torture employed against political prisoners. An Amnesty International briefing paper also released in March 1976 stated that "recent reports indicate that it [torture] is now employed, almost as routine practice by both police and security forces."

Following former Secretary of State Henry Kissinger's effort in September 1976 to reach a negotiated agreement, a Geneva conference was opened by the British on October 28, 1976, to work out a plan for transition rule in Rhodesia. Nothing was resolved when the conference was adjourned on December 14, 1976. In January 1977 the five African frontline states announced their support for the Rhodesian Nationalist Patriotic Front, an alliance of Robert Magabe and Joshua Nkomo.

Guerrilla warfare has continued in Rhodesia; Great Britain, the United States, and South Africa are working behind the scenes to reopen negotiations between Smith and the Rhodesian nationalists.

The Carter administration has stated that the United States rejects any "internal solution" proposed by the Smith regime which would exclude black Rhodesian nationalists.

In February 1977 the Subcommittee on International Organizations and on Africa held a joint hearing on H.R. 1746, a bill that in effect repeals the Byrd amendment in the case of Rhodesian chrome. After the legislation was passed in the House and Senate, President Carter signed the bill into law March 18, 1977, permitting him to reimpose the embargo against Rhodesian chrome, and placing the United States in compliance once again with U.N. economic sanctions.

¹⁶ International Security Assistance and Arms Export Control Act of 1976, Public Law 94-329, sec. 501.

*Update provided by subcommittee staff.

SOVIET UNION*

Human rights, as discussed in this paper,¹ refer to those rights which the U.N. Charter seeks to promote and which have been given further identification in numerous U.N. resolutions and treaties, including the Universal Declaration of Human Rights, adopted by the U.N. General Assembly in 1948. These rights have been given special attention in recent congressional legislation. Section 116(a) of the International Development and Food Assistance Act of 1975 (Public Law 94-161), and sections 301(a) and 406(b)(2)(A) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329) refer to the goal of promotion of "increased observance of internationally recognized human rights by all countries." In addition, they identify as among "gross violations of internationally recognized human rights", "torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges, or trial, or other flagrant denials of the right to life, liberty, or the security of person. * * *" This paper, although it summarizes human rights in the Soviet Union, focuses primarily on American responses. Thus it should not be taken to represent a complete overview of human rights issues in the Soviet Union. For example, emphasis is placed on the issue of Soviet Jewry because that has been the subject of most American concern.

Under the Brezhnev regime restrictions against Jewish religious and cultural life have included provision of inadequate religious facilities, pressures against synagogue attendance, lack of Yiddish or Hebrew language teaching, limited publishing and staging of Yiddish works, quota restrictions on university entrance, exclusion of Jews from careers considered sensitive or from important political jobs, and restriction of emigration.²

In 1970 and 1971 various U.S. officials made statements in support of freedom of emigration for Soviet Jewry.³ At the same time, support was also expressed for cultural and religious freedom within the Soviet Union. On January 22, 1971, Representative Annunzio introduced a resolution (H. Con. Res. 8) to express the sense of Congress against the persecution of persons by Soviet Russia because of their religion. In a letter on May 14 to the Chairman of the House Committee on Foreign Affairs, the State Department expressed support for the resolution, asserting that it was an excellent vehicle through

*Prepared by Brenda Branaman, analyst in foreign affairs, Foreign Affairs and National Defense Division, Congressional Research Service, Library of Congress.

¹ Information in this report is current through June 30, 1976, unless otherwise noted.

² Statement by Richard T. Davies, Deputy Assistant Secretary for European Affairs, Department of State, Nov. 9, 1971. In U.S. Congress. House. Committee on Foreign Affairs. Subcommittee on Europe. Soviet Jewry; hearings, 92d Cong., 1st sess. Washington, U.S. Government Printing Office, 1972, p. 295.

³ Ibid., p. 297.

which to convey concern over the plight of the Soviet Jews.⁴ However, the resolution was not passed.⁵

In June 1970, 12 Jews were arrested at a Leningrad airport for an alleged attempt to hijack an airplane out of the country. Eleven went on trial in December and were variously charged with attempted hijacking, promoting anti-Soviet activities, and treason.⁶ The 12th was understood to be a former army officer who would later stand court-martial.⁷ Of the 11, 2 were given the death sentence while the other 9 were sentenced to various terms of imprisonment. A personal appeal by Secretary of State Rogers to Soviet Foreign Minister Andrei Gromyko urged that the harsh sentences be reduced. The international public outcry against the sentences pressured the Soviet Union into commuting the death sentences.⁸

In May 1971, two trials were held. In Leningrad (May 11) 9 Jews were charged with being accomplices of the 12 persons arrested for the June 1970 hijacking attempt and convicted in December 1970. The nine accomplices were said to be involved in preparing the seizure of the plane and financing the operation. In Riga, the capital of Soviet Latvia, four Jews were tried on May 24 and charged with organized anti-Soviet activity, that is, printing and circulating anti-Soviet material, and transmitting anti-Soviet propaganda to Israel. The four in Riga were not connected with the hijacking plot.⁹

Following, the Riga trial State Department spokesman Charles W. Bray called the trials "abhorrent" and a violation of human rights. Bray noted that the court proceedings had been closed to impartial observers and foreign newsmen.¹⁰ He stated:

These trials and previous trials at Leningrad are abhorrent on three grounds: the denial of the right to an open trial; persecution of people for their beliefs; the denial of the right of people freely to leave any country and to travel or reside abroad in the country of their choice.¹¹

A response to this statement from Soviet Ministry of Foreign Affairs reprimanded the United States for interfering in the internal affairs of the Soviet Union and warned that such a statement complicated relations between the two countries.¹²

The United States, however, continued to show concern with the problem of Soviet Jewry. In November 1971 the Subcommittee on Europe of the House Foreign Affairs Committee held hearings on the "Denial of Rights to Soviet Jews."¹³ On November 9, Richard T. Davies, Deputy Assistant Secretary of State for European Affairs, testified before the committee. He indicated that the State Department made use of private diplomatic channels in addition to public statements made in support of emigration. He stated that an "official representation list of Soviet residents, including many Jews, who have

⁴ *Ibid.*, p. 298.

⁵ U.S. Congress. House. Committee on Foreign Affairs. Legislative Calendar [final edition] 92d Congress, 1st and 2d sess., Dec. 31, 1972. U.S. Government Printing Office, 1972, p. 86.

⁶ Mihalchenko, Barbara. *The Treatment of Jews in the Soviet Union: Developments During 1970-1971*. Library of Congress, Congressional Research Service, Nov. 10, 1971 (multilith 71-229F) p. 7.

⁷ *Washington Post*, Dec. 20, 1970.

⁸ Mihalchenko, *op. cit.*, pp. 6, 9-10.

⁹ *Ibid.*, pp. 12, 17, 20.

¹⁰ Mihalchenko, *op. cit.*, pp. 21-22.

¹¹ *Washington Post*, May 28, 1971.

¹² Mihalchenko, *op. cit.*, p. 22.

¹³ *Ibid.*, p. 23.

been refused permission to emigrate to join close relatives in the United States, has regularly been presented to Soviet officials at a high level.¹⁴

In the latter part of 1971, Attorney General John Mitchell declared his intention to use his parole authority to admit Soviet Jewish refugees to the United States without the normal quota limitation. He was supported by both the State Department and the Congress.¹⁵ As a result, the United States adopted an open-door policy on the admission of persons who are able to obtain exit visas from the Soviet Union and who designate the United States as their intended country of resettlement.¹⁶

Between 1969 and 1975 approximately 115,000 Jews were permitted to emigrate.¹⁷ However, in order to obtain an exit visa, a Soviet Jew was required to produce the consent of relatives in the Soviet Union and a character reference from the employer (which often brought immediate dismissal); pay an exit visa fee of \$480, another fee of \$600 for permission to renounce one's citizenship; and, for several months in the winter of 1972-73, an emigrant also had to pay an education tax, the average being about \$1,000.¹⁸

In 1976 there was a relaxation of some regulations including reduction of the exit visa fee of \$405, relaxation of the requirement for a character reference from the applicant's supervisor and party secretary at his place of work, provision for review of cases every 6 months instead of every year, and provision for appealing refusals within the state visa system. However, in December 1975 a regulation went into effect which prevented foreign benefactors from transmitting hard currency to Soviet citizens. Persons who have applied to emigrate were hard hit by this regulation since they are dependent upon gifts and donations from abroad in order to survive, their application to emigrate having resulted in the loss of their job.¹⁹

Many Members of the U.S. Congress claimed that more Jews would have emigrated had it not been for these restrictions. As a result, the Jackson-Vanik amendment was attached to title IV of the Trade Act of 1974.²⁰ The amendment prohibits the most-favored-nation (MFN) status for any "non-market economy country" which (1) denies its citizens the right or opportunity to emigrate; and (2) imposes more than a nominal tax on emigration or on the visas or other documents required for emigration. * * * (Public Law 93-618, title IV, sec. 402(a) (1) and (2)). Resistance to the amendment by the administration produced a compromise provision that the amendment may be waived for 18 months if the President reports that he has received assurances that free emigration practices would result (sec. 402(c) (1)). The Trade Act was signed into law on January 3, 1975.

¹⁴ Richard T. Davies, *op. cit.*, p. 298.

¹⁵ *Ibid.*

¹⁶ U.S. Congress. House Committee on the Judiciary. *Emigration of Soviet Jews*. Washington, U.S. Government Printing Office, 1976 (committee print), p. 3.

¹⁷ *Ibid.*, p. 1.

¹⁸ *The Soviet Union Today: Is Détente for Real?* In *Great Decisions 1975*. New York, Foreign Policy Association, 1975, p. 20.

¹⁹ Larrabee, F. Stephen. *Soviet Attitudes and Policy Towards "Basket Three" Since Helsinki*. Radio Liberty Research, Mar. 15, 1976, pp. 10-11.

²⁰ LaPorta, Carlo. *Jackson-Vanik Amendment Compromise*, Oct. 29, 1974. Library of Congress, Congressional Research Service (CRS report), p. 1.

On January 4, 1975, the Export-Import Bank Amendments of 1974 also became law. This legislation limits new loans to the Soviet Union to \$300 million unless Congress approves amounts above that ceiling; bans any loans to produce, process, or distribute Soviet fossil fuels; and limits loans for research or exploration involving fossil fuels to \$40 million (Public Law 93-646).

On January 14, 1975, the Soviet Union renounced the 1972 United States-Soviet trade agreement in which each country had agreed to grant most-favored-nation status to the other, and to reciprocal trade credits.²¹ The reasons for Soviet rejection of the agreement were dissatisfaction with conditions imposed by the Trade Act of 1974 and the ceiling of \$300 million placed on Export-Import Bank credits.²²

On August 1, 1975, the United States, the Soviet Union and 32 countries of Western and Eastern Europe signed the Final Act of the Conference on Security and Cooperation in Europe (Helsinki Agreement). The third major part of the agreement or "Basket III" is concerned with cooperation in humanitarian fields including: (a) pledges to "facilitate freer movement" across borders in general; (b) specific provisions on "reunification of families"; and (c) reaffirmation of other international instruments which stipulate the general freedom to leave one's country. The first major part or "Basket I" contained clauses which relate to freedom of religion and minority rights. It was hoped that the Basket I clauses would lead to better opportunities for Soviet Jews to live as Jews in the U.S.S.R. and that the Basket III clauses will aid those Soviet Jews who wished to emigrate to other countries.²³ Many Members of Congress have been concerned with the need for implementation of the Helsinki agreement.²⁴

As a result legislation (Public Law 94-304) to set up a commission to monitor adherence to the agreement was passed and signed into law by President Ford on June 3, 1976.²⁵

According to the State Department, in fiscal year 1972-75 period the United States furnished assistance to Israel for the resettlement of Jewish refugees from the Soviet Union and Communist countries in Eastern Europe. During that time the United States appropriated \$126.5 million for the program.²⁶ On July 12, 1976, the President approved the Foreign Relations Authorization Act, Fiscal Year 1977, section 105 which authorized \$20 million for a program of resettlement of refugees to Israel.²⁷

UPDATE*

Since 1976 there has been little measurable improvement in the situation of Soviet Jews or in the broader context of Soviet human rights.

²¹ White House Fact Sheet, Department of State Bulletin, Nov. 20, 1972, p. 593.

²² U.S. Congress, House, Committee on Foreign Affairs, Chronologies of Major Developments in Selected Areas of International Relations, January 1975 (94th Cong., 1st sess., committee print), p. 11.

²³ Roth, Stephen J. The Helsinki "Final Act" and Soviet Jewry. Congressional Record [daily ed.], Mar. 2, 1976, pp. E1487-E1488.

²⁴ U.S. Congress, House, Committee on International Relations, Commission on Security and Cooperation in Europe; report to accompany S. 2679, Washington, U.S. Government Printing Office, 1976 (94th Cong., 2d sess., House, Rept. No. 94-1149), p. 5.

²⁵ Law Signed To Create Helsinki Pact Monitor. Washington Post, June 4, 1976, p. A2.

²⁶ U.S. Assistance to Soviet Jews in Israel. Special Report No. 15, April 1975, Washington, Department of State Publication 8811, General Foreign Policy Series 294, p. 1. According to the House Committee on International Relations Rept. No. 94-1083, the amount appropriated was \$141.5 million.

²⁷ Public Law 94-350.

*Update provided by subcommittee staff.

The Soviet Government has responded to the increasingly vocal demand that the U.S.S.R. comply with the Helsinki accords on human rights, with a crackdown against dissent and a campaign to publicly defend its record of human rights.

In the last few months, however, there have been some individual cases involving persons who have been released and/or allowed to emigrate.

The Subcommittee on International Organizations held a number of hearings on human rights problems in the Soviet Union including the issues of religious persecution and political prisoners.

As a result of President Carter's public concern for human rights violations in the Soviet Union and other countries, the subject has become a significant issue in the United States-Soviet relations.

URUGUAY*

Recently U.S. aid to Uruguay has come under severe questioning in Congress as the tiny country has evolved slowly from a highly regarded democratic state (the "Switzerland of Latin America") to a country increasingly under military control and martial law, charged with widespread human rights violations.

Human rights, as discussed in this paper, refer to those rights which the U.N. Charter seeks to promote and which have been given further identification in numerous U.N. resolutions and treaties, including the Universal Declaration of Human Rights, adopted by the U.N. General Assembly in 1948. These rights have been given special attention in recent congressional legislation. Section 116(a) of the International Development and Food Assistance Act of 1975 (Public Law 94-161), and sections 301(a) and 406(b)(2)(A) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329) refer to the goal of promotion of "increased observance of internationally recognized human rights by all countries." In addition, they identify as among "gross violations of internationally recognized human rights," "torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges, or trial, or other flagrant denials of the right to life, liberty, or the security of person. * * *"

DEMOCRACY UNDER ATTACK

During the 1950's, Uruguay, previously a model of advanced social legislation and democratic practices, entered a prolonged period of economic stagnation, runaway inflation, and social unrest, followed by the emergence in the 1960's of the left-wing Tupamaro urban guerrilla movement dedicated to the establishment of a revolutionary regime to right the country's ills.¹ At first the Tupamaros engaged primarily in robberies to secure arms and funds, acquiring an image of invincibility and a Robin Hood-like concern for the poor. Later, beginning in 1968, they launched a series of political kidnappings.² Initially prominent Uruguayans were kidnaped, but in late 1970 and early 1971 a rash of diplomatic kidnappings were undertaken, the guerrillas seizing a Brazilian Consul (Aloysio Dias Gomide), an American police adviser (Dan Mitrione), an Agency for International Development agronomist (Claude Fly) and the British Ambassador (Geoffrey Jackson), along with various Uruguayans. After ransom demands

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¹ Alisky, Marvin. *Uruguay: A Contemporary Survey*. New York, Frederick A. Praeger, 1969; Weinstein, Martin. *Uruguay: The Politics of Failure*. Westport, Conn., Greenwood Press, 1975; Shapiro, Samuel. *Uruguay: A Bankrupt State*. *Current History*, vol. 56, January 1969, pp. 36-41.

² Moss, Robert. *Urban Guerrillas in Uruguay*. *Problems of Communism*, vol. 20, September-October 1971, pp. 14-23; Porzecanski, Arturo C. *Uruguay's Tupamaros: The Urban Guerrilla*. New York, Praeger Publishers, 1973.

were refused by the Uruguayan Government, Mitrione was killed in August 1970, the Tupamaros charging that he was teaching the police torture techniques. The others were released unharmed in time.

In response, President Jorge Pacheco Arco assumed emergency powers, with congressional approval, in June 1968 and again in June 1969, under the *Medidas Prontas de Seguridad* (Prompt Security Measures) permitting censorship and exceptional arrest and search procedures. Several newspapers were closed, news references to Tupamaros were prohibited, and thousands of suspected leftists were rounded up under these measures, which essentially remained in effect throughout the President's term. In addition, all constitutional guarantees were suspended, with congressional approval, on two occasions—once for 20 days following the assassination of Mitrione (August 1970) and again for 40 days after the kidnaping of Ambassador Jackson (January 1971). It was under these circumstances that charges of police brutality and torture appeared in 1970 and a bipartisan Uruguayan Senate Commission investigating the charges found torture to be a "normal, frequent and habitual occurrence."³

With most of the leadership in jail, the Tupamaro movement seemed to be under control by September 1971 when the guerrillas staged a dramatic comeback, engineering the escape of 106 members, including the movement's leaders, from Punta Carretas prison in Montevideo. Following their release of Ambassador Jackson shortly thereafter, the Tupamaros appeared to wait out the November 1971 elections, giving tactical support to the *Frente Amplio* (Broad Front),⁴ a coalition of leftist parties patterned after the coalition that had elected Salvador Allende in Chile.

INCREASING MILITARY CONTROL AND CHARGES OF HUMAN RIGHTS VIOLATIONS

After the third place showing of the *Frente Amplio* and the election of Juan Maria Bordaberry, President Pacheco's designated successor, guerrilla activity reappeared in earnest. On April 14, 1972, following Tupamaro attacks and the killing of Government officials, President Bordaberry requested and received congressional approval to declare a "state of internal war," placing the armed forces (rather than the police) in control of antiguerrilla activity, giving the military *de facto* martial law powers, and suspending constitutional guarantees.⁵ Under the "state of internal war," extended periodically by Congress, crimes against the state were tried in military courts, searches without court order and extended detention were permitted, and only Government releases on security operations were publishable. After an aggressive campaign, most Tupamaro members were rounded up, not, however, without charges of mistreatment of prisoners. In July 1972, the Uruguayan Senate demanded an investigation of charges of brutality—a demand rejected by the military⁶—and in October 1972 a World

³ Weinstein, p. 118.

⁴ McDonald, Ronald H. *Electoral Politics and Uruguayan Political Decay*. *Inter-American Economic Affairs*, vol. 26, summer 1972, pp. 25-45; and Shapiro, Samuel. *Uruguay's Lost Paradise*. *Current History*, vol. 62, February 1972, pp. 98-103.

⁵ McDonald, Ronald H. *The Rise of Military Politics in Uruguay*. *Inter-American Economic Affairs*, vol. 28, spring 1975, pp. 25-43; *Generals and Tupamaros: The Struggle for Power in Uruguay 1969-1973*. London, *Latin America Review of Books*, 1974; and *Keesings Contemporary Archives*, vol. 18, 1971-72, p. 25411.

⁶ McDonald, *The Rise of Military Politics in Uruguay*, pp. 38-39.

Council of Churches report cited "impressive evidence" of the use of torture and called for the cancellation of all U.S. police and military aid to Uruguay, which was said to "buttress the repression."⁷

Once the military became involved, they entered more and more into political arenas, at first launching an anticorruption campaign against prominent politicians. When Jorge Batlle (a leader of a faction of the President's Colorado party) objected, in late 1972, to military meddling and corruption charges, he was placed under preventive detention by the military. Later, in February 1973, when Senator Vasconcellos accused the military leaders of subverting constitutional institutions, the army and air force, after denouncing the attack, refused to obey orders from the President's newly appointed Minister of Defense, and seized radio stations to announce a 19 point military program of political and economic reforms for the country. President Bordaberry survived this "soft coup" only by agreeing to the military's program and the establishment of a National Security Council (COSENA) with predominant input from the armed forces. Still later, when the legislature refused to lift the immunity of Senator Enrique Erro, accused by the military of complicity with the Tupamaros, President Bordaberry, under military pressure, dissolved the Congress on June 27, 1973, and replaced it with an appointed Council of State. He also prohibited publication of information implying dictatorial motives, and empowered the military to take necessary measures to insure continued functioning of public services. When the National Workers Convention (CWT) called for a general strike to protest the military-backed Presidential coup, the union was disbanded and declared illegal, and opposition politicians, including the Frente Amplio Presidential candidate, were arrested. Later, to counter opposition, the National University in Montevideo was closed, several publications were temporarily closed for violating censorship rules, and on December 1, 1973, the Communist Party and 13 other left-wing groups were banned and leaders were arrested.⁸

As the Government came increasingly under military control, charges of mistreatment of prisoners and violation of human rights became common. In June 1973, Amnesty International charged that torture had become "a common method of interrogation" of political prisoners in Uruguay.⁹ After a joint investigative visit in April and May 1974, Amnesty International and the International Commission of Jurists released a report in June 1974¹⁰ charging "continued systematic torture," ill-treatment of at least 50 percent of the prisoners in military interrogation centers, and arbitrary arrest and delay without trial of suspects. The report called for a return to a full system

⁷ Hyer, Marjorie. Churchmen Fault Uruguay. *Washington Post*, Oct. 1, 1972, p. F23; Stockwell, Eugene L., *Uruguay: Do We Subsidize Repression? Christianity and Crisis*, vol. 32, Oct. 2, 1972, pp. 211-213; and Hyer, Marjorie, *World Church Group Urges Uruguay to Restore Rights*. *Washington Post*, Nov. 19, 1972, p. E2.

⁸ McDonald, *The Rise of Military Politics in Uruguay*; Weinstein, pp. 128-134; Keesings Contemporary Archives, vol. 19, 1973, pp. 25690-91, 25841-42, 25989-90, and vol. 20, 1974, pp. 26286-87.

⁹ Amnesty International News Release, June 25, 1973; and Amnesty International. *Report on Torture*. New York, Noonday Press, 1973, 1975, pp. 217-219.

¹⁰ International Commission of Jurists and Amnesty International Mission Report on Continuing Torture and Ill-Treatment of Political Suspects in Uruguay, June 17, 1974, in U.S. Congress. House. Committee on Foreign Affairs. Subcommittee on International Organizations and Movements. *Human Rights in Chile*, pt. 2. Hearings, 93d Cong., 2d sess., Nov. 19, 1974. Washington, U.S. Government Printing Office, 1975, pp. 33-40.

of civilian justice since the Tupamaro movement had been substantially overcome.

Toward the end of 1974, President Bordaberry indicated, in reply to concerted inquiries, that the ban on political activity would remain in effect, even though a number of prominent politicians under arrest were released. A new wave of anti-Tupamaro activity was stimulated, however, when Col. Ramon Trabal, Uruguayan military attaché, was assassinated in Paris on December 19, 1974, by the Raul Sendic International Brigade, allegedly a Tupamaro-linked group. The International Commission of Jurists issued a report in January 1975 charging the re-arrest of hundreds of persons conditionally released, a renewed wave of illegal arrests, and a general worsening of the conditions of detention.¹¹ Later, toward the end of 1975, after the disclosure by Uruguayan security forces of seizures of arms and records of the outlawed Communist Party, at least 300 party members were arrested,¹² and charges of repression mounted again. In January 1976 the International Commission of Jurists issued a second supplement report charging continued arbitrary arrest of suspects and confiscation of their property, mistreatment of prisoners leading to death in some cases, intervention in public education, lack of press freedom, and further extension of military jurisdiction to political offenses.¹³ In February 1976 Amnesty International launched a campaign against torture in Uruguay, charging that the country holds 5,000 to 6,000 political prisoners, the highest prisoner to population ratio in the world, and providing a list of 22 persons said to have died as a result of torture.¹⁴ Similarly, the Inter-American Commission on Human Rights' annual report for 1975 listed 22 complaints covering at least 290 individual cases of alleged arbitrary detention and mistreatment of prisoners in Uruguay from 1972 through 1975.¹⁵

When unidentified bodies began to appear in Uruguay and Argentina in April-May 1976, various groups expressed concern that the persons were Uruguayan exiles living in Argentina, killed as a result of collaboration between Argentine and Uruguayan security forces or right-wing paramilitary groups. The May 1976 abduction and killing in Argentina of two prominent Uruguayan politicians, Hector Gutierrez Ruiz, formerly president of the Chamber of Deputies, and Senator Zelmar Michelini, served as a dramatic example.¹⁶

Meanwhile, in early 1976, the President and the armed forces were debating an institutional formula for the gradual reestablishment of democracy in Uruguay. Unable to agree, when it became clear that President Bordaberry wished to institutionalize his own rule under a corporatist scheme, the military ousted him on June 12, 1976.¹⁷ Later,

¹¹ International Commission of Jurists. Supplement to report on Uruguay of June 17, 1974, in *Hearings on Human Rights in Chile*, pt. 2, op. cit., pp. 40-42.

¹² Keesings Contemporary Archives, vol. 20, 1974, pp. 26286-87.

¹³ International Commission of Jurists. Second supplement (dated January 1976) to the International Commission of Jurists report on Uruguay of June 17, 1974, pp. 1-9.

¹⁴ Amnesty International, *Tortured to Death in Uruguay: 22 Cases*, February 1976; *Uruguay Deaths*, Washington Post, Feb. 21, 1976; Laber, Jeri. *Torture and Death in Uruguay*. New York Times, Mar. 10, 1976, p. 39.

¹⁵ Organization of American States. Annual Report of the Inter-American Commission on Human Rights for the Year 1975, to the General Assembly. AC/doc. 632/76. Apr. 19, 1976, pp. 212-247.

¹⁶ Styron, Rose. *Uruguay: The Oriental Republic*. The Nation, vol. 223, Aug. 14, 1976, pp. 107-111; Lindley, Robert. *Seventeen Uruguayans Still Missing*. Washington Post, Aug. 3, 1976, p. A8.

¹⁷ Onis, Juan de. *Uruguay Regime Considers Relaxing Grip*. New York Times, Feb. 12, 1976, p. 18; *Military Ousts Uruguay's President*. Washington Post, June 13, 1976, p. A16.

they installed his 80-year old Vice President Alberto Demicheli for a temporary period until the military-dominated Council of State elected Aparicio Mendez to serve as President for a full term. Under the military's formula, Mendez would serve for 5 years, after which the two traditional parties would be reactivated to select a consensus President to serve for another 5 years. Only after that would openly contested elections be permitted.¹⁸ Upon taking office, on September 1, 1976, Mendez immediately canceled the political rights of leaders of all existing parties for 15 years,¹⁹ an action reminiscent of similar steps by the military-dominated Government in neighboring Brazil. Under the circumstances, an early return to full democratic practices seemed unlikely.

UNITED STATES EXECUTIVE AND LEGISLATIVE RESPONSES

Throughout the 1960's and 1970's relations between the United States and Uruguay were friendly, with U.S. economic and military aid to Uruguay, including police and counterinsurgency assistance, for fiscal years 1962-75, totaling \$195.6 million,²⁰ an average of \$13.97 million per year.

As the country came increasingly under military control and charges of repression and torture mounted, the executive branch nevertheless favored a continuation of assistance to Uruguay. The State Department argued in June 1976:

It is in our national interest to maintain good relations with Uruguay, in part because of the influence that Uruguay—in spite of its size—exerts in hemispheric and world affairs. Uruguay has been consistently friendly toward the United States and plays a moderating and constructive role in the Organization of American States and the United Nations. Last year, when most of Latin America was attacking our Trade Act, Uruguay's reaction was moderate and realistic. In the U.N. General Assembly Uruguay sided with the United States on such important issues as the anti-Zionism resolution and Korea.²¹

The Pentagon explained the need for security assistance similarly in March 1976:

Security cooperation with Uruguay serves to enhance military-to-military relations, sustain the traditional pro-U.S. stance of that country, assist Uruguayan modernization of their armed forces, and maintain an adequate counterinsurgency capability.²²

As a result, U.S. assistance to Uruguay has continued, roughly at previous levels. During the last 3 fiscal years (fiscal year 1974-fiscal year 1976) U.S. military aid to Uruguay totaled \$17.7 million, an average of \$5.9 million per year, while economic assistance has amounted to \$14.3 million, averaging \$4.8 million per year.²³

¹⁸ Kandell, Jonathan. Uruguay Awaits Form of Democracy Army Says It Will Eventually Restore. *New York Times*, June 15, 1976, p. 2.

¹⁹ New Uruguay Leader Ends Rights of Thousands. *New York Times*, Sept. 2, 1976, p. 3; Goodsell, James Nelson. Uruguay Suspends Rights. *Christian Science Monitor*, Sept. 3, 1976, p. 3.

²⁰ U.S. AID. U.S. Overseas Loans and Grants, Obligations and Loan Authorization, July 1, 1945-June 30, 1975, p. 60.

²¹ Letter of June 11, 1976, from Hewson A. Ryan, Acting Assistant Secretary for Inter-American Affairs, to Representative Edward I. Koch, in *Congressional Record* [daily ed.], June 16, 1976, p. H6020.

²² Congressional Presentation, Security Assistance Program, Fiscal Year 1977, p. 254.

²³ U.S. AID. U.S. Overseas Loans and Grants, Obligations and Loan Authorizations, July 1, 1945-June 30, 1975, p. 60 for fiscal years 1974 and 1975. Comparable fiscal year 1976 data from telephone interviews, Sept. 17, 1976, with Uruguay Desk of State Department, and with Data Systems and Reports Division, Defense Security Assistance Agency.

Meanwhile, the U.S. Congress has become increasingly critical of U.S. aid to Uruguay and other military regimes within the last few years. The first cause of concern was U.S. assistance to police forces through AID's public safety program, a concern given prominence in Uruguay by the Tupamaro's killing of AID police adviser Dan Mitrione in August 1970, charging that he was teaching Uruguayan police sophisticated torture and interrogation methods. While not directed specifically at Uruguay, the Senate Foreign Relations Committee concluded in 1973:

United States participation in the highly sensitive area of public safety and police training unavoidably invites criticism from persons who seek to identify the United States with every act of local police brutality or oppression in any country in which this program operates.

As a result, the Foreign Assistance Act of 1973 (Public Law 93-189, Dec. 17, 1973) prohibited police training in a foreign country (except on-going commitments), and also stated (sec. 32) the sense of Congress that no assistance should be provided to any country "which practices the internment or imprisonment of that country's citizens for political purposes." Later, the Foreign Assistance Act of 1974 (Public Law 93-559, Dec. 30, 1974) completely prohibited police training of foreigners, at home or abroad, after July 1, 1975, and stated the sense of Congress that aid should be substantially reduced or terminated to any country which engages in gross violation of internationally recognized human rights. After study, the General Accounting Office (GAO) concluded in February 1976, that AID's public safety program in Uruguay had been terminated as required, but noted that military assistance continued in an ambiguous area since the military increasingly exercised police functions after 1972 under martial law conditions.²⁴

The following year, Congress imposed even stronger restrictions on aid to countries charged with human rights violations. Section 116 of the International Development and Food Assistance Act of 1975 (Public Law 94-161, Dec. 20, 1975), section 301 of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329, June 30, 1976), and section 211 of the Inter-American Development Bank replenishment (Public Law 94-302, May 31, 1976) prohibited economic, military, and IDB assistance, respectively, to any country "which engages in a consistent pattern of gross violations of internationally recognized human rights."

As charges mounted, congressional attention, which focused on Chile during 1973 and 1974, turned to Uruguay, in part to insure compliance with the legislation mentioned above. On March 25, 1976, Representative Koch attacked U.S. aid to Uruguay on the floor of Congress, citing Amnesty International's report of 22 deaths from torture, later providing reports on repression of the churches, the trade unions, and the universities.²⁵ Shortly thereafter, on May 5, 1976, Mr. Koch offered an amendment in the Foreign Operations Subcommittee of the House Appropriations Committee—which passed 6-4—ending all military assistance to Uruguay, an amendment (sec.

²⁴ U.S. General Accounting Office. Comptroller General's Report to the Congress. Stopping U.S. Assistance to Foreign Police and Prisons. 1D-76-5, Feb. 19, 1976, especially pp. 34-37.

²⁵ Congressional Record [daily ed.] Mar. 25, 1976, pp. H2425-H2426; Apr. 5, 1976, p. E1810; Apr. 9, 1976, pp. E1924-E1925.

506) which was subsequently adopted by the committee (in its report of June 8)²⁶ and the entire House (on June 29, 1976), despite the opposition of the State Department. The Senate Appropriations Committee struck the Koch amendment from its bill, however, and the bill was subsequently passed by the Senate on September 10, 1976, with no provision on Uruguay.

Later, on September 15, 1976, House-Senate conferees accepted the Koch amendment, deleting the \$3 million in military aid requested for Uruguay.²⁷ Approval of the conference compromise by both Houses is still required.

Meanwhile, Congressman Fraser's Subcommittee on International Organizations held three hearings dealing with human rights in Uruguay. On June 17, 1976, the subcommittee heard testimony from Sr. Wilson Ferreira Aldunate, the leader of the National Blanco Party in Uruguay, one of the two traditional parties. On July 27, 1976, the subcommittee received statements from Prof. Martin Weinstein of the Department of Political Science at Peterson State College, the author of a recent book entitled, "Uruguay: The Politics of Failure", and from Dr. Edy Kaufman of Amnesty International. And on August 4, 1976, the subcommittee questioned witnesses from the executive branch, principally Mr. Hewson A. Ryan, Deputy Assistant Secretary of State for Inter-American Affairs.

All of the public witnesses concurred that there were 5,000 to 6,000 political prisoners in jail, that at least half had been tortured or abused, that unreasonable imprisonment was common, and that the United States, while downplaying known human rights offenses, was materially supporting the regime with economic and military assistance.

State Department spokesmen acknowledged that cases of serious violations of human rights have occurred and were continuing. However, they contended that the magnitude of the problem was less than charged (e.g., there were approximately 2,000 political prisoners rather than the higher figure reported by Amnesty International), that serious security threats exist, that violations that occur are contrary to the Uruguayan Government's policy, and that high level representations by the United States have strengthened the Uruguayan Government's resolve to improve its human rights record. While still studying the situation, the State Department had not determined that Uruguay had engaged in a consistent pattern of gross violation of internationally recognized human rights within the meaning of the congressional legislation.²⁸

Concern was also expressed at the hearings, particularly by Sr. Wilson Ferreira Aldunate, for the safety of Uruguayan exiles living in Argentina, a concern dramatized by the killing of two prominent

²⁶ U.S. Congress. House. Committee on Appropriations. Foreign Assistance and Related Programs Appropriations Bill, 1977. Rept. No. 94-1228. 94th Cong., 2d sess., pp. 48-60 on Uruguay in particular.

²⁷ Congress Conferees Cut \$3 Million Uruguay Aid. New York Times, Sept. 16, 1976, p. 19.

²⁸ See transcript of Aug. 4, 1976 hearing on "Human Rights in Uruguay and Paraguay"; a State Department document entitled "Questions Addressed to the Department of State by Congressman Donald M. Fraser, Chairman, Subcommittee on International Organizations and Answers Provided by the Department, July 1976"; and letters between State and various Congressmen (McCloskey-Nelson, McCloskey-Fraser, Rogers-Kennedy, Ryan-Koch, Guerriero-MacGuire), most of which were submitted for the record by Professor Weinstein in the hearing on "Human Rights in Uruguay" of July 27, 1976, pp. 2-10.

former legislators in May 1976. As a result, on June 15 and thereafter, Congressmen Koch and Fraser and Senator Kennedy submitted concurrent resolutions (S. Con Res. 120; H. Con Res. 656, 673, 674, 692) with a total of 37 signatories, urging the Attorney General to parole into the United States exiles from Chile and Uruguay living in Argentina, and Uruguayans within Uruguay who are in danger of losing their lives. This legislation was pending as of September 16, 1976, as was the appropriations ban on military assistance to Uruguay. Both are clear evidences of congressional concern for human rights in Uruguay.

UPDATE*

The congressional ban on military aid to Uruguay, incorporated in the House-Senate conference report on foreign assistance appropriations, became law on October 1, 1976, with the President's signature.

The Uruguayan Government reacted angrily to the military aid cutoff at the time. However, on December 21, 1976, the Council of State reduced penalties for crimes associated with subversion, and some political prisoners were apparently released, as a result.

In early 1977 the Carter administration, reflecting a concern for the human rights performance, requested no new military aid to Uruguay for fiscal year 1978. In March 1977, the Uruguayan Government announced its rejection of economic aid from the United States, stating that the U.S. action concerning military and economic aid was an "inadmissible intrusion into Uruguayan domestic affairs."

*Update provided by subcommittee staff.

VIETNAM*

This is one in a series of studies on the status of human rights in individual countries and reactions within the United States to those conditions. Human rights, as discussed in this paper, refer to those rights which the U.N. Charter seeks to promote and which have been given further identification in numerous U.N. resolutions and treaties, including the Universal Declaration of Human Rights, adopted by the U.N. General Assembly in 1948. These rights have been given special attention in recent congressional legislation. Section 116(a) of the International Development and Food Assistance Act of 1975 (Public Law 94-161), and sections 301(a) and 406(b)(2)(A) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329) refer to the goal of promotion of increased observance of internationally recognized human rights by all countries. In addition, they identify as among "gross violations of internationally recognized human rights", "torture, or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges, or trial, or other flagrant denials of the right to life, liberty, or the security of person. * * *"

American reaction to the human rights situation in Vietnam has consisted primarily of press coverage, with little television news coverage. Recently, a few individuals and organizations have taken note of the "re-education" camp system in what was South Vietnam; but by and large private organizations and church groups that involve themselves in human rights issues abroad have said little about Vietnam.

The executive branch has not spoken out on the question. In Congress, a few members have given speeches or inserted articles in the Congressional Record, but no hearings have been held, and Congress has not given serious consideration to any resolutions or legislation on the issue. In particular, the issue has not been discussed in the context of the debate over reconstruction aid to Vietnam, even though there has been congressional debate and legislation linking humanitarian aid and economic aid to human rights in other countries.

Several factors may explain the general lack of response of the U.S. Executive, Congress, and private groups to what appears to be serious violations of individual human rights by the Government of Hanoi. Undoubtedly, the national mood of "putting Indochina behind us" is one reason. The bitter divisions in the United States during the Vietnam war, particularly the debate over the "bloodbath theory," may be another inhibiting factor. Finally, there may exist sentiment, in the Executive and in some quarters of the Congress, that a strong official U.S. position on the human rights situation would hinder

*Prepared by Larry Nicksch, analyst in Asian affairs, Foreign Affairs and National Defense Division, Congressional Research Service, Library of Congress.

prospects for future U.S. normalization of relations with Vietnam. Related to this is the issue of acquiring information from the Hanoi Government on the status of 800 American MIA's. In short, there is knowledge of and concern over the human rights situation in Vietnam, but a number of emotional and political factors have weighed against a strong U.S. response.

North Vietnam's takeover of South Vietnam in April 1975 presents two ways of viewing the human rights situation in Vietnam which are pursued in this report. First, there is a brief examination of the situation in the north and the relationship between government and individual that has existed since the establishment of the Democratic Republic of Vietnam (DRV) in 1954. This is important because it is virtually certain that the Government in Hanoi eventually will impose this system upon the South with only minor modifications, although the timing of specific actions may vary. Second, there is an examination of the former South Vietnamese state since April 1975 and the evolution of government-individual relationships under the northern dominated regime.

I. NORTH VIETNAM

North Vietnam's 1960 constitution, which is still in force pending the drafting of a new constitution for the unified "Socialist Republic of Vietnam," defines the DRV as a "Peoples' democratic state, based on the alliance between the workers and peasants, and led by the working class." In reality, the DRV has been a highly centralized, Soviet style totalitarian state, dominated by Marxist-Leninist ideology and the Communist Party, known as the Lao Dong or Vietnam Workers' Party. Within this setting, Western concepts of individual liberties, individual preferences, individual expression, and individual privacy are subordinate to the view of the individual as part of an ideologically motivated and highly organized collective mass striving to achieve the goals set by the Government and the Communist Party. In terms of the DRV, these goals have been to reunify Vietnam under Hanoi's authority and move toward a more advanced stage of "socialism."

The 1960 constitution guarantees citizens of the DRV a broad range of democratic freedoms (the press, speech, assembly, association, demonstration, religion, and movement). However article 38 "forbids any person to use democratic freedoms to the detriment of the interests of the State and of the people."

The Constitution makes the National Assembly the highest organ of the state power, but in reality, it meets infrequently and never has opposed proposals placed before it by the Government. The Constitution states that the judiciary is "independent and subject only to law," but it also makes the Supreme People's Court responsible to the National Assembly and lower courts responsible to local "Peoples' Councils." In reality, the courts in the DRV never act contrary to the policies and directives of the party and the Government. The Communist leadership has specifically rejected the concept of "separation of powers" as "bourgeois" and instead asserts that all branches of government are responsible to party directives.¹

¹ American University. Foreign Area Studies. Area Handbook for North Vietnam. Washington, Government Printing Office (1967), p. 166.

The fundamental decisions of policy are made within the Political Committee of the Lao Dong Party. Members of the Political Committee also occupy the highest positions within the Government, and the party maintains a parallel organization within the Government running down to the lowest level of administration. In situations, especially at the lower levels of Government, where officials are not party members, the party maintains a network of highly indoctrinated cadres to insure that Government officials carry out party directives. The cadre system also operates within the armed forces. In 1970, the party claimed a membership of 1,100,000.² In the DRV, party membership appears to be mandatory for an individual to significantly advance politically, socially, and often economically.

The party also operates a number of front organizations to help mobilize the people and give the impression of popular support for and participation in Government programs. Most prominent is the Fatherland Front, which is the umbrella organization for "mass" organizations "representing" youth, women, workers, religions, lawyers, artists, journalists, and so forth. Party committees on the regional, provincial, district, and even village level have special sections that control and issue directives to these groups. Generally, party members hold the leadership positions within the Fatherland Front and its component organizations.³

The Fatherland Front selects virtually all candidates for elective office in the DRV. For example, in the 1971 elections for the National Assembly, the Fatherland Front approved 522 out of 529 candidates from nominations submitted to it by component organizations, including two political parties which the regime allows to exist.⁴ These organizations, the Vietnam Democratic Party and the Vietnam Socialist Party, have no real independent existence and, in fact, are member organizations of the Fatherland Front.⁵

The result of selective process has been that in few constituencies are there more than one candidate. In the 1964 National Assembly elections, less than one quarter of the candidates had any opposition. In the 1971 elections, 529 candidates ran for 420 seats.⁶ Individual campaigning does not take place, and the campaign is based on party organized mass meetings which discuss candidates and which, in cases where a constituency must choose between two candidates, give guidance as to whom the citizens should choose. Victorious candidates invariably obtain very high percentages of the vote of their constituents, and leading Government/party officials usually win 97-99 percent of the vote.

The DRV's single experiment with free speech occurred in 1956 and 1957 when the regime undertook its own version of "Let One Hundred Flowers Bloom." The criticism of party policies, particularly

² U.S. Department of State. Bureau of Intelligence and Research. *World Strength of Communist Party Organizations*. Washington, Government Printing Office (1973), p. 76.

³ Spinks, Charles N., John C. Durr, and Stephen Peters. *The North Vietnamese Regime: Institutions and Problems*. Washington, Center for Research in Social Systems (1969), pp. 15-19. American University. *Foreign Area Studies, Area Handbook for North Vietnam*, pp. 189-190.

⁴ *Washington Star*, Apr. 9, 1971. *New York Times*, Apr. 12, 1971. *China News Analysis*, June 18, 1971, p. 4.

⁵ Spinks, Durr, and Peters. *The North Vietnamese Regime: Institutions and Problems*, pp. 18, 32-33.

⁶ *New York Times*, Apr. 12, 1971. Turner, Robert F. *Vietnamese Communism: Its Origins and Development*. Stanford University, Hoover Institution Press (1975), pp. 215-216.

from intellectuals, was so intense that the regime responded by banning critical writings and arresting the critics.⁷ Since that time, the regime has considered dissenters as "counter-revolutionaries." In 1962, the National Assembly promulgated a law giving the People's Police the explicit power to apprehend counter-revolutionaries.⁸ When apprehended and imprisoned, dissidents are subjected to a process of "re-education" which involves indoctrination, self-criticism and self-denunciation.

Tran Quoc Hoan, Hanoi's Minister of Public Security, stated the regime's attitude toward dissenters in two lengthy articles published in the party's journal *Hoc Tap* in March and May 1972. Hoan called for "suppressive violence" against "counter-revolutionaries," whom he defined as any person who opposed the Vietnam war and "socialist construction" through either violence or "peaceful evolution." Hoan also called for vigilance and struggle against "bourgeois intellectualism."⁹

The North Vietnamese Army journal *Quan Doi Nhan Dan* echoed Hoan's pronouncements and voiced the regime's attitude toward dissent in a two part series entitled "Bourgeois and Proletarian Democracies," published in April 1976:

Of course, proletarian democracy does not bring democracy to the reactionary elements. On the contrary, it is determined to suppress and punish all opposition forces, strip them of all instruments of sabotage in the political, military, economic and cultural spheres and prevent them from using the press, arts and literature to distort the truth and poison public opinion.¹⁰

The end of the One Hundred Flowers campaign also marked the end of an experiment with a free press, as the critics had used several newspapers and journals to assert their views. Currently, all newspapers, journals, radio, television, and films are operated by the Government or the party. The publication or broadcast of material not cleared by the party is a criminal offense. The party's Propaganda and Training Department is the main control organization and exercises its control through a network of specialists (agit-prop workers) stationed throughout the communications media.

Toward religion, the regime has followed a policy of measured pressure and intimidation, but it has not totally prohibited religious observance. Many but not all of the country's Buddhist temples were demolished or converted to other uses after 1954. The regime has taxed the Roman Catholic Church heavily and has prevented church officials from maintaining working ties with the Vatican. It has abolished church schools, and clergymen reportedly have been subject to periodic harassment. The Lao Dong Party also has set up Catholic and Buddhist front organizations within the Fatherland Front.¹¹

Ideological indoctrination and political education are a major part part of education in the DRV. Textbooks must contain the "correct"

⁷ Turner, *Vietnamese Communism: Its Origins and Development*, pp. 147-161. Fall, Bernard B. *The Two Viet-Nams*. New York, Washington, London, Frederick A. Praeger (1964) pp. 188-190.

⁸ American University. *Foreign Area Studies. Area Handbook for North Vietnam*, p. 381.

⁹ *Hoc Tap*, March 1972 and May 1972. Hoan's articles are summarized in *Christian Science Monitor*, Aug. 2, 1972; *Washington Post*, Apr. 14, 1972; and in Pike, Douglas, *North Vietnam in the Year 1972*. *Asian Survey*, vol. XIII, January 1972, pp. 53-54.

¹⁰ *Radio Hanoi*, Apr. 22 and 23, 1976.

¹¹ Spinks, Durr, and Peters, *The North Vietnamese Regime: Institutions and Problems*, pp. 37-39. See also Hoan's remarks about "reactionary" Christians in *Hoc Tap*, March 1972. See also American University, *Foreign Area Studies, Area Handbook for North Vietnam*, pp. 112-114.

ideological and political line, and teachers are evaluated in large part on their political attitudes. Training of teachers emphasizes ideological indoctrination. In the schools, Lao Dong Party cells and youth groups ensure the "correct" political orientation of teachers and students.

II. SOUTH VIETNAM SINCE APRIL 1975

First hand information concerning events in South Vietnam has become increasingly limited since the North Vietnamese takeover. The small number of foreign correspondents stationed in Saigon have departed, and the Hanoi regime has allowed only a few, select journalists and other individuals to visit the city. Aside from these visitors, other sources of information are official Government and Lao Dong Party statements coming out of Hanoi and Saigon, the accounts of a few foreigners who remained in South Vietnam following the American evacuation and who since have been allowed to leave, and the accounts of a limited number of refugees who have fled the South since April 1975.

These accounts indicate that the Hanoi regime has been somewhat flexible on the timing of imposing a full fledged Communist system in the South. Saigon reportedly retains many of the features of the pretakeover period, particularly in terms of its economy and lifestyle of the people. The austere and puritanical atmosphere of Hanoi and other North Vietnamese cities has not, as yet, settled on at least some parts of the South. Economically, the regime has been selective in nationalization, and it has not yet moved to collectivize agriculture.¹²

Nevertheless, in terms of individual political and civil liberties, the Vietnamese Communists have imposed many of the same restrictions and sanctions that exist in North Vietnam. This has taken place despite the Vietnamese Communists' stated commitments during the war to democratic liberties (such as freedom of speech, the press and publication, assembly, association, freedom to form political parties and participate in elections, freedom to indulge in literary and artistic creation), pledges to insure no acts of reprisal or discrimination against those who sided with the anti-Communist forces, and promises to abolish all "concentration camps" and similar forms of constraint and coercion.¹³ The main features of the current situation are summarized below.

A. INCARCERATION OF POLITICAL "OPPONENTS"

The policy of the Government is to incarcerate in "re-education camps" or "re-education centers" for varying periods of time South Vietnamese who fall into certain classifications: (1) officers and non-commissioned officers of the former South Vietnamese Armed Forces, paramilitary organizations, and police and security organizations; (2) civil servants of the former Thieu government; (3) members of

¹² U.S. Congress. Senate. Committee on Foreign Relations. Vietnam: 1976. A Report by Senator George McGovern. 92d Cong., 2d sess., 1976. Washington, Government Printing Office, 1976, pp. 17-18. Austerlitz, Max. Vietnamizing South Vietnam. New York Times Magazine, Apr. 25, 1976.

¹³ See specifically, the National Liberation Front's political programs of February 1961 and August 1967; the Provisional Revolutionary Government's eight-point proposal of September 1970; the PRC's seven-point proposal of July 1971; and the letter of Mrs. Nguyen Thi Binh, PRC foreign minister, to the U.S. Congress of April 1972.

“reactionary political parties” during the former regime; and (4) people belonging to “professional branches” such as doctors, engineers, educators, and lawyers. According to a policy guideline announced on May 25, 1976, such individuals will be held until their political loyalty is insured (reportedly a period of just a few days for some) or for a maximum period of 3 years. However, those who show insufficient progress in “re-education” will be brought to trial and “severely punished.”¹⁴ The regime claimed in June that 95 percent of those who were subjected to “re-education” have been released. However, the policy guideline contains the explicit threat of re-incarceration for individuals who oppose the policies of the “revolution” in any manner. The exact number of people in the camps is unknown, but a number of estimates have been made and reported in the last few months:

Henry Bradsher, *Washington Star*, June 11, 1976: over 50,000.

George MacArthur, *Los Angeles Times*, September 19, 1976: 200,000.

Indochina Resource Center, “U.S./Indochina Report,” September 16, 1976: close to 100,000. This study was done by Cora Weiss, who visited Vietnam during July and August 1976. She repeated this estimate in a recent talk to congressional staff members.

Tiziano Terzani, *Der Spiegel*: 150,000–200,000 cited in *Los Angeles Times*, September 19, 1976, and *Time Magazine*, May 10, 1976.

Max Austerlitz, *New York Times Magazine*, April 25, 1976: 70,000.

Far Eastern Economic Review, May 7, May 14, and July 2, 1976: 200,000. Correspondent Nayan Chanda used the figure in an article of May 7; and on May 14, he quoted the vice chairman of the Saigon city administration as having used the figure. However, the July 2 issue of the *Review* ran a correction, stating that “The figure of 200,000 officers still in re-education camps was estimated by informed sources” and not by the vice chairman.

United Press International, June 10, 1976: As reported in the *Washington Post* on June 11. UPI quoted a Vietnamese radio broadcast as giving the figure of 40,000.

It currently is uncertain whether the number incarcerated includes only the very high ranking officers and civilian officials of the Thieu government or whether they include lower ranking officers, NCO's, civil servants, and members of opposition political parties and groups under the former regime. Theodore Jacqueney, a former official of the Agency for International Development and critic of the Thieu government's human rights policies, asserted in an article in the *New York Times*¹⁵ that South Vietnamese not associated with the Thieu government, but whose loyalty is suspect by the Communist authorities, have been arrested and imprisoned, including individuals in the anti-Thieu opposition. He identified as being in the detention camps Tran Van Tuyen, chairman of the old National Assembly opposition bloc, Bui Tung Huan, a prominent anti-Thieu Senator and An Quang Buddhist;

¹⁴ For the texts of official policy statements on the treatment of these groups, see Radio Hanoi broadcast, Jan. 29, 1976; and Radio Saigon broadcast of June 9, 1976. See also *Washington Post*, June 11, 1976; and *Washington Star*, June 11, 1976.

¹⁵ *New York Times*, Sept. 17, 1976.

Luong Truong Tuong, leader of Vietnam's 2 million member Hoa Hoa sect; Tran Ngoc Chau, a former member of the National Assembly whose arrest by the Thieu government in 1969 raised considerable protest in the U.S. Congress; and Father Tran Huu Thanh, leader of the "Anti-Corruption Movement" in the last 2 years of the Thieu government.

The number of camps are unknown. Ironically, one is reported to be on Con Son Island,¹⁶ where the Thieu government's penal facilities came under close scrutiny and criticism in the U.S. Congress and in the American press. Information on conditions in the camps is fragmentary. A few correspondents and individuals, whom the regime has permitted to visit some camps, have cited at least adequate conditions, while according to refugees who claim to have been in the camps, inmates face dawn to dusk labor, minimal rations, diseases, little medical care, and often death for the frail and the aged.¹⁷ Also, congressional staff sources have told the author that several Americans who left Vietnam in 1976 have stated that Vietnamese friends and acquaintances described to them similarly bad conditions in the camps.¹⁸

B. THE ONE PARTY STATE AND CONTROLLED ELECTIONS

Quickly after the North Vietnamese victory, Hanoi established a one party state in the South based on the Lao Dong Party. In June 1975, the regime banned the political parties that existed prior to the takeover, and it has allowed no others to operate. The authorities have required members of "reactionary political parties" to undergo "re-education" and have decreed that such individuals can have their rights of citizenship restored only when they demonstrate that they "have satisfactorily carried out all of the lines, policies and laws of the revolutionary administration."¹⁹ With the political parties banned, so-called "third force" groups such as the An Quang Buddhists quickly ended independent political activities.²⁰

In November 1975, the North Vietnamese Government announced that future elections in the South would follow the one party process that has existed in the North.²¹ On April 25, the people of North and South Vietnam elected a unified National Assembly, which was to complete the process of reunification. According to the Government, voter turnout was about 95 percent, and Communist leaders were elected with percentages of over 99 percent. All candidates were selected by the Fatherland Front in the North and by the National Liberation Front and the Vietnam Alliance of National, Democratic, and Peace Forces (VANDPF, another Lao Dong front organization established in 1968 in South Vietnam). In the South, 281 candidates ran for 243 seats, thus leaving the great majority of constituencies with only one candidate. In constituencies with more than one candidate, voters were required to attend street meetings (actually, a

¹⁶ Los Angeles Times, Sept. 19, 1976.

¹⁷ Ibid.

¹⁸ For accounts of visitors to the camps, see Nayan Chanda's article in the Far Eastern Economic Review, May 14, 1976, p. 20; and the transcript of Core Weiss' talk to Congressional staffers (which the author has in his possession). For refugee accounts, see George MacArthur's article in the Los Angeles Times, Sept. 19, 1976.

¹⁹ See the policy statements of Jan. 28, and May 25, 1976. Radio Hanoi. Jan. 29, 1976; and Radio Saigon. June 9, 1976.

²⁰ Far Eastern Economic Review, June 6, 1975.

²¹ Los Angeles Times, Nov. 19, 1975.

requirement for all constituencies) where the candidates were discussed and party and front officials indicated for whom the voters were expected to vote.²²

No opposition parties or individuals were allowed to stand for office. The election order of the PKG specified that "candidates must be patriotic people who advocate national reunification and socialism, who have recorded achievements during the resistance to imperialism and its henchmen and who have been recommended by the local NFL (National Liberation Front) and the VANDPF."²³ For example, in Saigon, 30 of the 44 candidates were clearly identified as members of one or more of the following groups: the Lao Dong Party, and PKG, the NPL, the VANDPF, the military, or other Lao Dong front organizations.²⁴ A list of 41 candidates in the provinces of the South, published in early April, showed 33 clearly identified as members of these groups.²⁵ A few former "third force" individuals who had cooperated with the Communist authorities since April 1975 were allowed to run, and some were elected.²⁶

During the pre-election period, official statements from Hanoi and Saigon made clear the regime's attitude toward the elections and particularly toward opposition groups participating in them. For example, Quan Doi Nhan Dan asserted on February 27, 1976, that "our National Assembly is a unified bloc that will have absolutely no factions representing private or regional interests, no conflicting viewpoints or opposition organizations." The newspaper further declared:

This national assembly will absolutely admit no political speculators or counterrevolutionaries of any hue trying to infiltrate it in order to undermine the interests of the fatherland and the people. This principle must be strictly applied to all activities in the course of the campaign and the elections for the national assembly and is clearly embodied in the electoral laws and regulations in both zones.²⁷

Pham Hung, a member of the Lao Dong Party Politburo and reputedly in charge of party affairs in the South, stated in a speech of April 10:

Persons to be chosen by the people in the forthcoming elections shall be truly worthy ones who have been tested by the flame of the revolutionary struggle, especially during the recent anti-U.S. national salvation resistance, who love the country and stand for national reunification on the basis of national independence and socialism. It is certain that our people will not allow counterrevolutionaries of any shade to infiltrate our National Assembly.²⁸

Nguyen Huu Tho, President of the PRG Advisory Council and President of the National Liberation Front's Central Committee gave a

²² Washington Post, Apr. 26, 1976. China News Analysis, June 11, 1976, pp. 1-2. Far Eastern Economic Review, Apr. 30, 1976, p. 13. Radio Saigon, Mar. 31, 1976. Ciai Phong, the government controlled Saigon newspaper, stated in a Mar. 31, 1976, editorial: "To help the voters be better informed about those they will elect, the NFL, the VANDPF and mass organizations should use all means as allowed by law to campaign for the candidates." Lao Dong Politburo member Pan Dong stated in an April 10 speech that "Voters have been helped and guided by the front and mass organizations to which they belong in choosing worthy representatives to the state apparatus." See Radio Saigon broadcast, Apr. 11, 1976.

²³ Radio Hanoi, Mar. 8, 1976.

²⁴ Radio Saigon, Mar. 31, 1976.

²⁵ Radio Saigon, Apr. 3, 1976.

²⁶ These included Mrs. Ngo Ban Thanh, Father Chan Tin, and Buddhist nun Huynh Lien. Mrs. Thanh, for example, has written articles supporting the establishment of "peoples courts" in the South; and Father Chan Tin participated in the Saigon reunification conference in November 1975. See Far Eastern Economic Review, Apr. 30, 1976, p. 13; and May 7, 1976, p. 6. See also China News Analysis, June 11, 1976, p. 5; and Mar. 12, 1976, p. 2.

²⁷ Radio Saigon, Feb. 27, 1976.

²⁸ Radio Saigon, Apr. 11, 1976.

similar description of the qualifications for candidates in a speech of March 3 and warned that: "It is inadvisable to stand for election for personal interests or in opposition to the present regime. * * *"²⁹ Finally, in mid-April, Radio Hanoi broadcast a two part article under the name of Vu Dinh Roe, which discussed the principle that "in our country the people go to the polls after a line has been determined":

Since there is unanimity regarding the line, the requirement of the general election is to select people and not a line. We select people to implement the approved line. That is quite different from the system in the capitalist countries where private ownership of production means and the decisive competition among the monopoly business cliques do not allow a single political party to lead the entire society, although this is the desire of every party. This cruel law is linked with the exploiting regime. For this reason, in a general election, many political parties advance different programs and policies, and the electorate must choose a certain party and policy. This is a bitter reality.

* * * Democracy does not mean offering a chance for the people to choose a certain policy, but implementing a policy and insuring first of all that everyone has sufficient food and clothing and can engage in his studies. Holding a general election must be aimed at selecting certain people to implement this policy.³⁰

C. CENSORSHIP AND CONTROL OF EDUCATION AND CULTURAL-INTELLECTUAL EXPRESSION

The Vietnamese Communists have given a high priority to education and cultural policies in the South since the takeover. As Le Duan, First Secretary of the Lao Dong Party, stated in the major policy speech before the new National Assembly on June 25, 1976, the regime's objective is to "actively step up the socialist revolution in ideology and culture, and train a new socialist type of man." In the South, this entails "a struggle to root out all ideological and cultural vestiges of the old regime, particularly to extirpate from South Vietnam all the poisons of U.S. neocolonialist ideology and culture," especially the "individualistic egotistic life of depravation" which "gave stimulation and encouragement to the basest instincts and most vulgar tastes." The creation of a new "socialist man," Le Duan declared, must be undertaken "permanently, continuously and perseveringly" and "in all fields" including "schools, kindergartens, research centres, in cultural, artistic, and physical education organizations. * * *"³¹

The North Vietnamese moved quickly following the takeover to establish their control over the press, literature, and the education system in the South. On May 1, the authorities "temporarily" suspended publication of all privately owned newspapers, magazines, and other printed matter. On May 4, the authorities announced the issuance of an official newspaper Saigon Gai Phong (Saigon Liberation). Foreign newspapers and magazines were removed from circulation by mid-May. The regime also took over radio and television broadcasts and banned foreign films. On May 22, the regime prohibited the sale or possession of any literature published "under the former regime," and closed down all bookstores and stalls in Saigon.³²

Gai Phong remains the dominant newspaper in Saigon, but the regime permits three other newspapers to be published, including a

²⁹ Radio Saigon, Mar. 6, 1976.

³⁰ Radio Hanoi, Apr. 13, 1976.

³¹ Radio Hanoi, June 25, 1976.

³² For accounts of these actions, see Washington Post, May 2, 5, 20, and 23, 1976. See also Far Eastern Economic Review, June 6, 1975, p. 13.

Roman Catholic weekly and a Chinese language daily. All apparently are subject to censorship, for they never print anything critical of the Government. Foreign literature reportedly is available in Saigon through a black market type system.³³ Little is known about conditions elsewhere in the South, but apparently the regime exercises controls and censorship in these areas. In April 1975, the regime arrested five Buddhist monks for operating a clandestine printing press in Quang Ngai City.³⁴

In October 1975, the Government banned the works of 56 Vietnamese authors who had published their writings in South Vietnam since 1954. Reportedly, testimony by Vietnamese who since left the country asserts that the works of these individuals have been removed from bookshops and libraries but that individuals own and exchange many of them clandestinely.³⁵

With regard to the schools in the South, the regime has brought them into conformity with the education system of North Vietnam. The authorities reportedly have burned all textbooks from the pre-April 1975 period and have shipped thousands of textbooks from North Vietnam.³⁶ The reeducation policy guidelines list teachers, professors, deans and principals of schools as subject to "reeducation" and also to "on-the-spot surveillance" from 6 months to 1 year after they return. An educator who "has not shown any progress in politics and ethics" may be dismissed, have his period of surveillance extended by 6 months, or be sent back to a reeducation camp for possibly 3 years.³⁷ Students at higher levels reportedly have undergone "reeducation;" and all secondary and university students are required to join the Ho Chi Minh Revolutionary Youth Movement.³⁸ The Government also has taken over more than 1,000 private schools that existed in the pre-April 1975 period.³⁹

UPDATE*

Thousands remain in the "re-education camps." Vietnam's Ambassador to France, in a statement on February 2, 1977, put the number in the camps at 50,000. The New York Times in February 12, 1977, reported that Communist officials in Vietnam used the figure of 200,000.

The resettlement scheme, which plans to move 4 million people from the cities to the countryside during the 1976-80 period, has also been criticized: Jean Lacouture, a French journalist, was quoted in the Los Angeles Times, February 17, 1977, as describing the conditions under which forced resettlement has occurred as "a prefabricated hell." Other sources including the Far-Eastern Review of February 11, 1977, describe good conditions in the resettlement schemes and some volunteerism.

The Carter administration has taken no position on the human rights situation in Vietnam and the Woodcock Commission apparently did not raise the issue during its visit to Hanoi.

³³ Austerlitz, *Vietnamizing South Vietnam*, p. 32. *China News Analysis*, Mar. 12, 1976, p. 6.

³⁴ *Far Eastern Economic Review*, May 7, 1976, p. 7.

³⁵ *China News Analysis*, Mar. 12, 1976, p. 6.

³⁶ *New York Times*, Jan. 28, 1976. *Far Eastern Economic Review*, Nov. 21, 1975, p. 21. *China News Analysis*, Mar. 12, 1976, p. 3.

³⁷ *Radio Saigon*, June 9, 1976.

³⁸ *China News Analysis*, Mar. 12, 1976, p. 4.

³⁹ *Ibid.* *New York Times*, Jan. 28, 1976.

*Update provided by subcommittee staff.









