

# LEGISLATIVE UPDATE

LATIN ★ ★ AMERICA

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## URUGUAY - SURVEY OF EVENTS AND CONGRESSIONAL ACTION

On the morning of May 18, two prominent Uruguayan parliamentarians former Speaker of the Chamber of Deputies Hector Gutierrez Ruiz and former Senator Zelmur Michelini--were abducted noisily and without haste from their respective places of residence in downtown Buenos Aires. The abductions occurred in the presence of numerous witnesses, including police and military personnel whose failure to intervene can only indicate that they had received orders to that effect. In the three days that followed, the Argentine authorities showed total disinterest in the matter: relatives of the victims were refused permission to lodge official complaints; investigations were promised but not undertaken; no one even came to collect the fingerprints left by the abductors at the scenes of both crimes. On the evening of May 21, the bullet-ridden bodies of Michelini and Gutierrez Ruiz were discovered in an abandoned car along with those of Mr. and Mrs. William Whitelaw, allegedly former Tupamaro guerrillas; papers found in the car attributed the murders to an Argentine guerrilla organization. A third prominent Uruguayan, former Senator Wilson Ferreira Aldunate, narrowly escaped the fate of his friends and colleagues when he managed to gain asylum in the Austrian Embassy.

It is clear that the abduction and execution of the two outstanding Uruguayan parliamentarians and human rights advocates was carried out officially by the Argentine government. Equally obvious is the complicity of the Uruguayan government, which instigated and ordered the assassination of its principal adversaries. Senator Michelini had left with a friend a note indicating that he had learned of plans to "remove him from Argentina"--plans that were discussed with the Argentines by Uruguayan Foreign Minister Juan Carlos Blanco shortly before Michelini's abduction. Evidence of serious splits existing at the time within the Uruguayan government, and the increasing political isolation of President Bordaberry suggest that the latter may well have decided to eliminate major opposition leaders at just that moment. Moreover, both men had been placed under a virtual death sentence by the Uruguayan authorities; for months the Uruguayans had been issuing communiques to the Argentines referring to Michelini and Gutierrez Ruiz as "dangerous Tupamaro leaders"; additional communiques?

**Editor's Note:** The Congress is now taking its 4th of July recess and will not reconvene until after the Democratic Convention. We are taking advantage of this brief respite to put together the UPDATE. As you will note, UPDATE has not come out since April. During the summer months, UPDATE will appear on a bi-monthly basis. We regret the interruption, but due to the demands on the office, it has been unavoidable.

ARGENTINA PROJECT (S200000044)  
U.S. DEPT. OF STATE, A/RPS/IPS  
Margaret P. Grafeld, Director  
 Release ( ) Excise ( ) Deny  
Exemption(s): \_\_\_\_\_  
Declassify: ( ) In Part ( ) In Full  
( ) Classify as ( ) Extend as ( ) Downgrade to \_\_\_\_\_  
Date \_\_\_\_\_ Declassify on \_\_\_\_\_ Reason \_\_\_\_\_

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Finally, by revoking Michelini's travel documents, they had made it impossible for him to flee to safety.

As US citizens, we feel obliged to point out an element of US responsibility through inaction for these tragic events. While the international press, human rights organizations, the UN High Commissioner for Refugees, the Pope, several foreign governments and numerous internationally-known public figures including many members of the US Congress--urged respect for the lives and safety of the two murdered parliamentarians; while it received numerous formal requests for prompt action; the US State Department made only token gestures on their behalf. Since the Argentine government, anxious for US criticism, is highly sensitive to pressure from the US on human rights, it is probable that swift and strong pressure at top diplomatic levels could at least have saved the lives of Michelini and Gutierrez Ruiz.

The murders of Michelini and Gutierrez Ruiz were followed only days later by the equally "official" execution of former Bolivian President Juan Jose Torres; by the theft of a list containing the names and addresses of thousands of aliens residing in Argentina; and by the subsequent abduction and torture of 26 individuals whose names figured on that list. All of these developments indicate dramatically that official violence in Uruguay and Argentina respectively crosses national borders, and that--notwithstanding the reassuring statements made by General Jorge Videla when he assumed the presidency of Argentina--human rights are in no better shape there than they were under the government of Isabel Peron.

Only weeks after the assassination of Michelini and Gutierrez Ruiz, the Uruguayan government announced the removal from office of President Juan Bordaberry, and his replacement on an interim basis by octogenarian lawyer Alberto Demichelli--appointed vice-president and head of the Uruguayan Council of State, which since the coup, has advised the President in the absence of parliament. The removal of Bordaberry from office marks the disappearance from Uruguay of the last vestiges of a constitutionally elected government. While the emotional shock caused by the death of Michelini and Gutierrez Ruiz has undoubtedly the factor which precipitated Bordaberry's downfall, it had been apparent for some time that the President had outlived his usefulness. In a top secret memorandum sent to the generals last fall and later leaked to the Mexican daily Excelsior, he had advocated the definitive demise in Uruguay of political parties and an electoral system. That Bordaberry should actually have said such a thing instead of simply delaying elections year after year was probably what made his removal inevitable; a cosmetic job was necessary to clean up the image of the regime. Consequently, the Uruguayan general reportedly backed by the US Embassy, have announced plans for what they euphemistically label "a return to democracy" in Uruguay; following several intermediate steps, including the replacement within a 70-day period of President Demichelli, "elections" are to be held in 1984. However, only the two traditional parties will be allowed to participate in those elections; and even they will only be able to vote for a single presidential candidate, previously designated by the Armed Forces.

A further sign that the Uruguayan government now includes murder in its arsenal of repressive weapons has been the discovery in recent weeks of at least 12 bodies on the Uruguayan shores of the River Plate. All of them were

horribly mutilated and had been underwater for prolonged periods of time. Although the authorities claim that the victims were of oriental stock (the had swollen their facial features, thus stretching their eyes), at least several have been identified as Uruguayans who had disappeared following arrest in Uruguay or Argentina. *Mr True*

The Uruguayan government's disregard for even the most sacred principles of international law was apparent last week when police invaded the Venezuelan Embassy in Montevideo, forcibly removed a woman who had sought asylum there and beat two Embassy officials who tried to intervene on behalf of the victim. While the Uruguayans deny any responsibility for this violation of Venezuelan sovereignty, the Venezuelan government has protested vigorously and threatened to break off diplomatic relations if the woman is not returned to the Embassy.

The US Congress has responded in several ways to continuing gross violations of human rights in Uruguay and to crimes perpetuated against Uruguayans and other foreigners in Argentina:

In mid-June, the Sub-Committee on International Organizations and Movements of the House Committee on International Relations (headed by Congressman Fraser), held preliminary hearings on human rights in Uruguay and heard testimony from Senator Wilson Ferreira Aldunate, sole survivor of the incident which took the lives of his two colleagues in Buenos Aires. Senator Ferrer Aldunate described the murder of his friends, as well as the wholesale violation of human rights for which the Uruguayan government is responsible, and raised the issue of US complicity in both. He accused *Arana* the US Embassy in Montevideo and the US State Department of intervening in Uruguayan affairs artificially stabilizing a tyrannical regime which, lacking popular support, could not survive without massive moral and material assistance from the United States. Evidence of US intervention on behalf of the Uruguayan dictatorship include State Department letters addressed to members of the US Congress, in which inaccurate statements and incorrectly quoted documents are used to deliberately misrepresent the human rights situation in Uruguay. Senator Ferrer Aldunate urged that in the future, the US government let the Uruguayan people fight their own battles". In supplementary hearings on human rights in Uruguay scheduled for late July, the Sub-Committee will receive testimony from representatives of the human rights organizations, the US academic community, and the Department of State.

Contained in the Appropriations Bill for FY 77 just approved by the House is an amendment sponsored by Congressman Edward Koch cutting off military aid to Uruguay. This amendment, which would deny the Uruguayan government a projected \$3,000,000 in military aid, is intended fundamentally as a sign of outrage over continuing violations of human rights. Since the Senate version of the Bill does not contain language pertaining to Uruguay, the fate of the Koch amendment will be decided in Conference some time after the July 4 recess. The State Department is planning to pressure in Conference for removal of the Koch amendment; it is therefore especially important that our constituents register their concern with the House and Senate Conferees, including Representatives Mahon (D.-Tx.), Cederberg (R.-Mich.), Passman (D.-La.), Long (D.-Md), Roush (D-Ind.), Obey (D.-Wisc.), Bevill (D.-Ala.), Chappel (D.-Fla.), Shriver (R.-Kan.), Conte (R.-Mass.) and Senators Inoye (D-Hawaii), Proxmire (D.-Wisc.), McGee (D.-Wyoming), Chiles (D.-Fla.), Johnston (D.-La.), Brooke (R.-Mass.), Hatfield (R.-Oreg)

d Mathias (R.-Md.). The Conference Committee will probably be meeting the first of July.

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#### EMERGENCY PAROLE PROGRAM FOR REFUGEES FROM ARGENTINA AND URUGUAY

On June 15, 1976, Senator Kennedy and Congressman Donald Fraser and Ed Koch introduced concurrent resolutions in the House and Senate. It states

"Resolved by the House of Representatives (the Senate concurring). That it is the sense of the Congress that the Attorney General, in accordance with existing law and US humanitarian tradition, should parole into the United States those aliens having fled to Argentina and those Uruguayans in Uruguay who are in danger of losing their lives because of their political beliefs

The fact sheet on the plight of South American refugees living in Argentina inserted into the Congressional record by Congressman Koch states:

The U.N. High Commissioner on Refugees has sent out an "urgent appeal" to member countries of the UN to accept 10,000 refugees living in Argentina. He referred to the "marked deterioration" of the situation. The UN is maintaining close contact with the Argentine government and pressing that government to protect the refugee centers, but stresses resettlement of refugees as the solution of "most pressing urgency". Three thousand (3,000) refugees living in Argentina have already been resettled in Western Europe and Communist bloc countries. The United States has to date done nothing.

The positive support of Senator James O. Eastland (D.-Ms.) and of Congressman Peter Rodino (D.-NJ), Chairman of the respective Judiciary Committees for this resolution is extremely important. Also important is the support of Congressman Joshua Eilberg (D.-Pa.), Chairman of the Subcommittee on Refugees. On June 23 he formally requested a report from both the Department of State and Justice on the possibility of the U.S. receiving refugees from Argentina and Uruguay. The State Department recommendation, if approved, will determine the extent and magnitude of the program.

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#### FOREIGN MILITARY AUTHORIZATION - HUMAN RIGHTS AND LATINAMERICAN INTERESTS

Sifting through the Conference Report on the Foreign Military Authorization Bill is like trout fishing. If you stay long enough you are bound to catch or at least snag something interesting. The House-Senate Conference concluded their work on June 16. Among the provisions that effect OLA's continuing concern for human rights are the following:

HUMAN RIGHTS - Congress went on record as declaring that the principle goal of U.S. foreign policy shall be to promote the increased observance of internationally recognized human rights. The language provides that no security assistance be provided to any country which engages in a consistent pattern of gross violations of human rights except in cases where extraordinary circumstances effecting the security of the country obtain.

Secondly, the position of Coordinator for Human Rights and Humanitarian Affairs within the Department of State was established. Furthermore, it required reports by the Secretary of State on human rights conditions in a particular country upon request by the International Relations Committee of the Foreign Relations Committee or of the Senate or House as a whole. The report is to contain: 1) overview of human rights practices; 2) remedial steps already taken by the United States; and 3) whether any extraordinary circumstances exist which necessitate continuing such assistance.

Finally, it allowed termination, restriction, or continuation of assistance by joint resolution of Congress.\*

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ANNUAL ARMS CEILING: The House has approved a \$9 billion ceiling on U.S. arms sales. The Conference could only agree that U.S. arms sales should not exceed the current level and that the President should examine the ramifications of a ceiling on arms sales and the possibilities of multilateral negotiations with other arms suppliers toward this end.

REPORTS ON COMMERCIAL LICENSES: Conferees agreed to a provision which required that all proposed licenses for the export of "major defense equipment" valued at \$7 million or more be reported to the Congress. A stipulation that Congress would have 30 calendar days to disapprove the issuance of the licenses by concurrent resolution was deleted.

EXTORTION AND ILLEGAL PAYMENTS: A report is required if the President determines that officials of a foreign country receiving security assistance have received illegal or otherwise improper payments from a U.S. corporation in return for a contract to purchase defense articles or services or that such officials extort money in return for allowing a U.S. citizen or corporation to conduct business in that country.

U.S. CITIZENS IMPRISONED IN MEXICO: The President is directed to communicate with the President of Mexico emphasizing the continuing desire of the U.S. to maintain friendly relations and the concern of the U.S. over treatment of U.S. citizens arrested in Mexico. The Secretary of State is directed to report every 4 months to both the House and the Senate on progress toward full respect for the human and legal rights of all U.S. citizens detained in Mexico.

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#### CHILE LEGISLATION - A REVIEW

On June 2 the House passed an amendment by Donald Fraser (D.-Minn.), which limited assistance to Chile to \$25 million and also a weak military amendment which permitted government and commercial cash sales.

On June 11 Senator Humphrey (D.-Minn.), brought to the Senate floor an

\* Ed. note: The House version read that aid could be cut off by a concurrent resolution. The joint resolution requires the President's signature.

amendment limiting economic aid to \$30 million. It won Senate approval. Kennedy's strong amendment prohibiting military assistance was also ratified.

In Conference, both houses met to reconcile their differences on provisions for economic and military assistance. The result looks like this:

A complete cut-off of all military assistance (including grants and credits) and government and commercial arms cash sales to Chile. Pipeline aid was not terminated.

A ceiling of \$27.5 million on economic assistance to the Chilean Junta includes AID development assistance, PL480 Food for Peace Title I loans, and Housing Guaranty loans. Eximbank, OPIC and Commodity Credit Corporation loans were included under this ban in the original House and Senate bills, but were deleted in the Conference report. There was also agreement on a rider provision which would free up to \$27.5 million if the President of the US certified to Congress that certain conditions had been met: a) that the Junta "does not engage in a consistent pattern of gross violations of internationally recognized human rights, including torture...." b) "has permitted the unimpeded investigation by internationally recognized commissions on human rights...." and c) "has taken steps to inform the families of prisoners of the conditions and charges against such prisoners."

Though the amendments were somewhat weakened in Conference, they will add to a powerful condemnation by Congress of the violation of human rights in Chile and should translate into strong pressure on the Junta to ease up somewhat.

For their substantial efforts in behalf of human rights in Chile, WOLA would like to urge letters of appreciation to Senators Kennedy, Humphrey, Musgrave, Case, Brooke and McGee and Representatives Fraser, Fascell, Whalen, and Hamilton.

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#### MULTILATERAL BANKS

Though much has been done by Congress, much remains to be done. The Junta is still receiving large amounts of US aid through the multilateral banks.

The Harkin Amendment, attached to the replenishment bills for the Inter-American Development Bank and the African Development Fund and signed into law on May 31, 1976, instructs the U.S. Executive Director to the Banks to vote against any loan to any country engaging in human rights violations, unless the loan would directly benefit the needy people. On June 17 the U.S. Executive Director to the IDB voted against a \$21 million industrial loan to Chile to comply with the Harkin Amendment. This is the first time this human rights legislation has been implemented and the first time the U.S. has ever voted against a loan in the Bank because of the violation of human rights. This is an important precedent.

Early in 1977 there will be two important issues for all individuals and groups interested in human rights. The replenishment bill for the World

ank comes up between January and May. Then OPIC comes up for Congressional action. The House Banking and Currency Subcommittee on International Development Institutions and Finance will begin hearings on the replenishment bill in January.

The Washington Office on Latin America will be carefully monitoring the issues and keep the readers of the Legislative Update informed. The U.S., as large voting shares in the multilateral banks, and if they are not made sensitive to human rights issues, they can counteract these positive congressional initiatives.

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CENTRAL AMERICA - CONGRESSIONAL ACTION AT LAST

Much of the interest of heretofore ignored Central Americanists the House International Relations Committee, Subcommittee on International Organizations recently held hearings on Nicaragua, Guatemala, and El Salvador.

The June 8 and 9, 1976, hearings focused on human rights violations and the relationship between U.S. military and economic assistance and the maintenance of military dictatorships in those three countries.

The hearings generated some controversy in diplomatic circles. In addition to provoking official denunciations of this "invasion into internal affairs" by the governments of Nicaragua and El Salvador, they motivated activists by both Nicaraguan dictator Anastasio Somoza and U.S. Ambassador to Nicaragua, James Theberge to Rep. Edward Koch (D-N.Y.), an outspoken critic of U.S. support of the Somoza regime. Ambassador Theberge told Mr. Koch that he knew of no pattern of human rights violations in Nicaragua, and begged him to be careful about alienating a strong friend and ally. Somoza so assured Koch that there were no human rights violations in his country and, in response to Koch's inquiry, he stated that all the Nicaraguans who had signed affidavits stating that they were victims of torture or prolonged detention without charges had perjured themselves!

The first day of hearings began with Representative Jack Murphy who had previously requested permission to testify. Characterizing Somoza as a peaceful civilian leader, Murphy went on to say that in Nicaragua there are political prisoners, no torture, and no government sanctioned assassinations. Under rigorous cross examination by Koch, Murphy revealed his long and enduring friendship with Somoza.

Following Murphy, Lic Rene de Leon Schlotter, Guatemalan Christian Democrat leader, Dr. Fabio Castillo, former rector of the National University of El Salvador, but now exiled in Costa Rica, and Father Fernando Cardenal,

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Footnote: On June 24, 1976, Senators Humphrey and Kennedy charged that the State Department is rushing through a new \$9.2 million commitment for the clean air force to beat a congressional ban on further weapons aid for Chile. Kennedy, author of the legislation banning aid to Chile, said, "It's outrageous. It's a clear total violation of the spirit" of the provision.

Nicaraguan Jesuit priest and university professor testified. They all reported that their governments are committing gross violations of human and political rights and that the U.S. aid programs serve to perpetuate the rule of military dictatorships in their countries. (Pedro Joaquin Chamorro, Nicaraguan newspaper publisher, had been invited to testify, but his government would not allow him to leave the country due to charges of slander which had been brought against him approximately six months earlier by a Somoza crony. After many months of judicial inaction, during the course of which Chamorro was not allowed to leave Nicaragua, judgment on his case was suddenly reached, within hours of the termination of the hearings.)

The second day of the hearings, the Rev. William Wipfler, Mission Director for Latin America of the National Council of Churches, Professor Miles Wolpin of the State University of New York at Pottsdam, Betty Sumner of Syracuse University, and Hewson Ryan, Deputy Assistant Secretary of State for Inter-American Affairs testified.

The testimony of Wipfler, Wolpin, and Sumner reinforced and complemented that of the national witnesses. Ryan, however, refused to comment on human rights violations in the three countries. He alternately claimed that the U.S. embassies had not been advised of these human rights violations, that they would not have enough staff to investigate the veracity of the charges they had been advised of them, that to attempt to investigate such charges would violate the sovereignty of the nation involved, and that each charge brought a counter-charge which cancelled it out.

Congresspersons Donald Fraser, Michael Harrington, and Koch showed impatience with the State Department's evasiveness. As Subcommittee Chairman Fraser adjourned the hearings, he expressed an interest in holding future hearings and requested that the State Department investigate each of the charges made by the witnesses. The State Department is currently working on that task.

The official hearing report, which will contain each of the witnesses' statements, the transcripts of the hearings, and material submitted for the record, should be available for distribution by the House International Relations Committee by the end of the summer.

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