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E.O. 12356: DECL:OADR

TEXT
TAGS: PHUM, UNHRC-1, PA
SUBJECT: 43RD SESSION OF UN HUMAN RIGHTS COMMISSION:
PARAGUAY

REF: GENEVA 1437

1. (C - ENTIRE TEXT)

2. SUMMARY: DESPITE SPIRITED, LEGALISTIC INTERVENTIONS BY PARAGUAYAN SENATE VICE PRESIDENT EZEQUIEL GONZALEZ ALCINA, ON FEBRUARY 27 THE UN HUMAN RIGHTS COMMISSION (HRC), RESPONDING TO CRITICISM OF THE PARAGUAYAN AUTHORITIES LEVELLED BY HRC EXPERT RAFAEL RIVAS POSADA (COLOMBIA) AND BY MANY HRC MEMBERS, UNANIMOUSLY ADOPTED, WITHOUT CHANGE, THE DRAFT RESOLUTION (TEXT REFTEL) PREPARED BY THE SUB-COMMISSION WORKING GROUP (WG) ON ECOSOC RESOLUTION 1503 SITUATIONS. THE RESOLUTION EXTENDS THE EXPERT'S MANDATE AND ASKS THAT HE LOOK INTO FIVE SPECIFIC AREAS IN WHICH RIGHTS ARE RESTRICTED OR REPORTEDLY ABUSED. PARAGUAYAN GENEVA PERMREP (PROTECT) TOLD POLCOUNS ON MARCH 30 THAT RIVAS WILL BE INVITED TO SPEND A MONTH IN PARAGUAY AND THAT STATE OF SIEGE COULD SOON BE LIFTED. (SINCE 1503 DELIBERATIONS AND DECISIONS

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ARE AT LEAST THEORETICALLY CONFIDENTIAL, SOME DISCRETION IN DISCUSSING THEM WITH HRC NON-MEMBERS IS ADVISED.)
END SUMMARY.

3. THE HRC CONVENED IN CLOSED SESSION ON FEBRUARY 27 (OBSERVER GOVERNMENT AND NON-GOVERNMENTAL ORGANIZATION REPRESENTATIVES WERE EXCLUDED) TO DEBATE AND REACH A DECISION ON SITUATION IN PARAGUAY. COMMISSION HAD BEFORE IT A REPORT BY ITS INDEPENDENT EXPERT, AMBASSADOR RIVAS OF COLOMBIA, BASED ON HIS JUNE 9-14, 1986 VISIT TO PARAGUAY (UN DOCUMENT E/CN.4/1987/R.3, POUCHED TO IO/HW AND EMBASSY ASUNCION). RIVAS HAD BEEN WELL-RECEIVED BY PARAGUAYAN AUTHORITIES AND WAS PERMITTED TO TALK WITH OPPOSITION FIGURES AND TO VISIT A PRISON. HE WAS PARTICULARLY CRITICAL OF RESTRICTIONS ON FREEDOM OF EXPRESSION AND ON TRADE UNION RIGHTS. HIS REPORT QUESTIONED THE FUNCTIONING OF THE JUDICIARY AND PARTICULARLY REGRETTED THE PRACTICE OF TORTURE.

4. THE WG DRAFT RESOLUTION (TEXT REFTTEL) CALLED FOR THE EXTENSION OF THE EXPERT'S MANDATE FOR ANOTHER YEAR. IT ASKED THAT HE INVESTIGATE SPECIFICALLY THE STATE OF SIEGE (ARTICLE 79 OF THE 1967 CONSTITUTION) AND ACT NO. 209 OF 1970 (FOR THE "DEFENSE OF LAW AND ORDER AND INDIVIDUAL FREEDOM"); THE JUDICIAL SYSTEM; RESTRICTIONS ON POLITICAL FREEDOM AND FREEDOM OF ASSEMBLY; RESTRICTIONS ON PRESS AND TRADE UNION FREEDOM; AND TORTURE AND INVOLUNTARY EXILE.

5. PARAGUAY HAD PREPARED FOR THE SESSION BY RESPONDING FORMALLY TO COMMUNICATIONS FROM INDIVIDUALS AND GROUPS, INCLUDING AMNESTY INTERNATIONAL, ALLEGING HUMAN RIGHTS ABUSES (UN DOCUMENT E/CN.4/1987/R.6, POUCHED TO IO/HW AND EMBASSY ASUNCION). THE GOVERNMENT'S WRITTEN RESPONSE DISMISSED MOST OF THE ALLEGATIONS AS VAGUE OR GROUNDLESS, OR CONTENDED THAT THE COURTS HAD RESOLVED THEM OR THAT THEY HAD NEVER BEEN PRESENTED TO THE COURTS.

6. SENATE VICE PRESIDENT GONZALEZ' INTERVENTION FOCUSED ON THE LACK OF NEW COMMUNICATIONS. HE URGED TWO SPECIFIC AMENDMENTS TO THE WG DRAFT RESOLUTION -- THAT THE EXPERT BE AUTHORIZED TO RECEIVE INFORMATION ONLY FROM THE GOVERNMENT AND THAT NO REFERENCE BE MADE TO THE "NATIONAL DIALOGUE", AS THAT REFERENCE CONSTITUTED INTERFERENCE IN THE DOMESTIC AFFAIRS OF PARAGUAY.

7. NOTEWORTHY INTERVENTIONS IN THE DEBATE INCLUDED THE FOLLOWING.

-- THE NICARAGUAN DELEGATE, WITH A STRAIGHT FACE, ASKED HOW THE APPLICATION OF ARTICLE 79 LIMITED POLITICAL PARTY PARTICIPATION.

-- THE NORWEGIAN REPRESENTATIVE ASKED ABOUT CAPTAIN ORTEGOZA (PHONETIC), SENTENCED TO 25 YEARS' IMPRISONMENT ON POLITICAL CHARGES.

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-- THE IRISH REPRESENTATIVE, AMBASSADOR FRANCIS HAYES, LIKE SENEGALESE AMBASSADOR ALIOUNE SENE, PROBED FOR THE LEGAL JUSTIFICATION FOR IMPOSING THE "PREVENTIVE" STATE OF SIEGE. HAYES QUERIED THE USE OF AN ACT AGAINST "PREACHING HATRED AMONG PARAGUAYANS" TO QUELL DISSENT. HAYES, AS DID THE UK REPRESENTATIVE, CRITICIZED THE C O N F I D E N T I A L SECTION 02 OF 02 GENEVA 03759

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SUPPRESSION OF RADIO NANDUTI, THE HARASSMENT OF RADIO CARITAS, AND THE CLOSURE OF THE NEWSPAPER "ABC COLOR".

-- SOVIET REPRESENTATIVE VLADIMIR LOMEIKO OPENED BY CONTENDING THAT THE ENTIRE 1503 PROCEDURE WAS IN VIOLATION OF THE CHARTER AND THAT THE USSR WOULD THUS NOT PARTICIPATE IN THE DEBATE. WERE IT TO DO SO, THE USSR WOULD HAVE CRITICIZED THE PARAGUAYAN GOVERNMENT FOR RESORTING TO ANTI-COMMUNISM AS ITS BASIS OF LEGITIMACY AND OF SHELTERING **NAZIS** WHILE PERSECUTING PARAGUAYAN COMMUNISTS SAID LOMEIKO. THE COMMUNICATIONS ALLEGING RIGHTS ABUSES WERE POLITICALLY MOTIVATED, LOMEIKO CONTENDED, AND THUS UNDER THE TERMS OF RESOLUTION 1503 SHOULD NOT HAVE BEEN FORWARDED TO ASUNCION.

-- THE BELGIAN, BRAZILIAN, ARGENTINE, AND ITALIAN REPRESENTATIVES MADE BRIEF INTERVENTIONS COMMENDING RIVAS AND THE GOVERNMENT OF **PARAGUAY** FOR RECEIVING HIM BUT STRONGLY URGING THE GOVERNMENT TO REDUCE RESTRICTIONS ON FREEDOMS, PARTICULARLY FREEDOM OF THE PRESS.

8. RESPONDING TO A FEW OF THE MEMBER STATES' QUERIES, GONZALEZ PRESENTED A LEGALISTIC DEFENSE. ACTIONS OF THE JUDICIARY WERE NOT AFFECTED BY THE STATE OF SIEGE. ONLY PARTIES, NOT FACTIONS THEREOF, COULD BE CONCEDED JURIDICAL PERSONALITY UNDER THE LAW. PUBLIC PARTICIPATION BY ALL PARTIES REGISTERED WITH THE GOVERNMENT WAS "FREE AND OPEN". POLICE BRUTALITY WAS A GLOBAL PROBLEM.

9. THE COMMISSION THEN PASSED THE WG DRAFT RESOLUTION (UN DOCUMENT E/CN.4/AC.41/1987/R.2) WITHOUT CHANGE AND WITHOUT A VOTE.

10. IN CONVERSATION WITH POLCOUNS ON MARCH 30, PARAGUAYAN PERMREP LUIS GONZALEZ ARIAS (PROTECT) SAID THAT HIS GOVERNMENT HAD INVITED RIVAS TO COME TO PARAGUAY FOR A MONTH IN SEPTEMBER, WHEN THE POLITICAL PARTY CONVENTIONS PREPARATORY TO ELECTIONS WOULD BE HELD. GONZALEZ ARIAS PREDICTED THAT THE STATE OF SIEGE WOULD BE LIFTED SOON AND CREDITED FOREIGN PRESSURE, PARTICULARLY FROM THE US AND THE FRG, WITH HELPING TO IMPROVE HUMAN RIGHTS OBSERVANCE GENERALLY. MANY

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DETAINEES HAD BEEN RELEASED; UNFORTUNATELY, CAPTAIN
ORTEGOZA APPARENTLY WOULD NOT BE FREED, ACCORDING TO
GONZALEZ ARIAS.FLACK

ADMIN
END OF MESSAGE

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