



DEPARTMENT OF STATE

Washington, D.C. 20520

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(X6)

March 17, 1976

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To: ARA Office Directors
 From: ARA - George Lister
 Subject: Human Rights Reports

The following three documents are attached: a March 16 D/HA memorandum requesting human rights reports from ARA; a March 8 memorandum from Under Secretary Maw, providing some background on that request; and State's 045319 of February 25. Specifically we are being asked to furnish human rights reports on the 18 ARA countries listed on page 8 of 045319. D/HA would like to have the reports by April 2. I would appreciate receiving your drafts by March 26.

A full set of documents is attached for the Desk Officer of each of the countries on which a report is required.

cc: Mr. Rogers
 Amb. Ryan
 Mr. Luers
 Mr. Bloomfield
 USOAS - Mr. White

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UNITED STATES DEPARTMENT OF STATE
 REVIEW AUTHORITY: SAM A. MOSKOWITZ
 DATE/CASE ID: 26 AUG 1998 199403559

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Alvin T. Brown
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DEPARTMENT OF STATE

Washington, D.C. 20520

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March 16, 1976

MEMORANDUM

TO: AF - Mr. Jack Whiting
ARA - Mr. George Lister
EA - Mr. Donald Harris
EUR - Mr. Daniel Goott
NEA - Mr. Sean Holly

FROM: D/HA:HR - Ronald D. Palmer *RP*

SUBJECT: Content and Format of Human Rights
Reporting for FY 1977 Security
Assistance Congressional Presentation
Document

REFERENCES: A) Under Secretary Maw's March 8,
1976 Memorandum
B) State 045319, February 25, 1976

As Mr. Maw's memorandum indicated, Senate hearings on the FY 1977 security assistance program will begin on March 25. Meanwhile, the House and Senate security assistance bills are in Conference. The human rights provisions of these bills are similar in most basic respects, particularly in their stringency and their requirement for mandatory country-by-country reporting on human rights observance by security assistance recipients. Therefore, the guidance in the legislation is sufficient to enable us to begin consultations with country desks on how to prepare to meet this reporting requirement. In this connection, reference B discusses Congress' intent at some length. You may wish to make certain country desks have copies.

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-2-

Clearly, the legislation basically calls for straightforward, factual reporting. As Mr. Maw has pointed out, the country-by-country reports should be non-judgmental and non-recommendatory. Since these reports will be UNCLASSIFIED, drafting guidance is: candor within the limits of classification procedures. Our goal should be to produce measured reports which will be able to stand up to reasonably critical comparison with available reporting by UN-related agencies (including Non-Government Organizations) and responsible media reports.

The attached draft outline for the first-stage country reports is keyed substantively to paragraph 12 of reference B and relevant articles of the UN Universal Declaration of Human Rights of 1948. (Second-stage country reports responsive to specific Congressional requests for additional information will be the subject of a future memorandum.)

Drafting officers should refer to last year's 502B reports and re-structure, update and supplement them, as needed, to make them sufficiently responsive to the new requirements.

I recommend that we seek to keep these reports to three pages or less if possible.

Draft reports should be ready for review by April 2.

Attachment:

Draft outline for human rights reporting

Clearances:

D/HA - JMWilson (draft)^{uip}
T - WLewis (draft)^{uip}
PM/SAS - DMcClintock (draft)^{uip}

CC:

T - Mr. Lewis
S/P - Mr. Austin
D - Mr. Pendleton
S - Mr. Covey
H - Mr. Goldberg
L/HR - Mr. Runyon
IO/UNP - Mr. Crawford
AID/PPC - Mr. Silverstone
AID/GC - Mr. Espinosa
AID/GC - Mr. Kessler

Drafted by:

D/HA:HR:RDPalmer:caf

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Draft Outline for Human Rights Reports

Country

- I. Brief Factual Description of the Political Situation

- II. Legal Situation

- III. Official Attitude Toward and Actual Observance Of Internationally Recognized Human Rights and Freedoms
 - A. Integrity of the Person
 - Article 3: Life, Liberty and Security of the Person
 - Article 4: Slavery, Servitude
 - Article 5: Torture, Cruel, Inhuman Degrading Treatment or Punishment
 - Article 9: Arbitrary Arrest, Detention or Exile
 - Article 10: Fair Hearing by Impartial Tribunal to Determine All Rights
 - Article 11: Fair Trial

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B. Other Important Freedoms

Article 2: Discrimination

Article 13: Movement

Article 17: Property

Article 18: Thought and Religion

Article 19: Expression and Opinion

Article 20: Assembly

IV. Available Non-USG Human Rights Reporting by
Multilateral and Non-Government Organizations
and Media

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13 (HR Reports)
fm NSA

Page: 1
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PAGE 01 STATE

71
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INFO OCT-01 ARA-06 ISO-00 L-03 H-02 PM-04 AID-05 IGA-02
SS-15 MC-02 CIAE-00 DODE-00 INR-07 NSAE-00 NSC-05
PA-01 PRS-01 SP-02 NSCE-00 SSO-00 USIE-00 INRE-00
TRSE-00 OMB-01 EB-07 COME-00 ORM-02 IO-13 CU-02 /083 R

DRAFTED BY D/HA:HKHILL:DI
APPROVED BY D/HA:JMWILSON, JR.
ARA - MR. LISTER (DRAFT)
L/PM - MR. MICHEL (DRAFT)
L/HR - MR. RUNYON (DRAFT)
H - MS. SWIFT (SUBS)
ARA/APU - MR. RONDON
ARA/CAR - MR. SANTAYANA
ARA/EP - MR. FULLER

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AMEMBASSY LIMA IMMEDIATE
AMEMBASSY PORT AU PRINCE IMMEDIATE

C O N F I D E N T I A L STATE 237752

E.O. 11652: GDS

TAGS: SHUM, MASS

SUBJECT: CONGRESSIONAL REQUEST FOR DETAILED HUMAN RIGHTS STATEMENT

REF: STATE 231122

1. THE DEPARTMENT RECEIVED ON SEPTEMBER 21 A LETTER FROM CHAIRMAN MORGAN OF THE HOUSE INTERNATIONAL RELATIONS COMMITTEE CONTAINING A REQUEST FOR A HUMAN RIGHTS CONFIDENTIAL

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Page: 1

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Page: 2
Channel: n/a

PAGE 02 STATE 237752

"STATEMENT" ON ARGENTINA, HAITI AND PERU BASED ON SECTION 502B(C) (1) OF THE FOREIGN ASSISTANCE ACT OF 1961 AS AMENDED BY THE INTERNATIONAL SECURITY ASSISTANCE AND ARMS EXPORT CONTROL ACT OF 1976. (FULL TEXT CONTAINED REFTEL).

2. THIS IS A FORMAL REQUEST UNDER THE NEW STATUTE TO WHICH DEPARTMENT MUST RESPOND WITHIN 30 DAYS, I.E. BY OCTOBER 21, OR ALL SECURITY ASSISTANCE DELIVERIES RPT DELIVERIES TO EACH COUNTRY ABOUT WHICH STATEMENT IS REQUESTED WILL BE CUT OFF UNTIL RESPONSE IS RECEIVED BY THE COMMITTEE. IN THIS REGARD, ADDRESSEES ARE REMINDED THAT SECTION 502B(D) (2) DEFINES SECURITY ASSISTANCE IN COMPREHENSIVE TERMS TO INCLUDE FMS CASH PURCHASES AND CERTAIN COMMERCIAL TRANSACTIONS.

3. AS INDICATED REFTEL "STATEMENT" ON THE COUNTRY CONCERNED MUST CONTAIN THE FOLLOWING INFORMATION:

-- ALL AVAILABLE INFORMATION ABOUT OBSERVANCE OF AND RESPECT FOR HUMAN RIGHTS AND FUNDAMENTAL FREEDOM IN THAT COUNTRY AND DETAILED DESCRIPTION OF HOST GOVERNMENT PRACTICES WITH RESPECT THERETO;

-- STEPS U.S. HAS TAKEN TO PROMOTE RESPECT FOR AND OBSERVANCE OF HUMAN RIGHTS, AND DISCOURAGE PRACTICES INIMICAL TO HUMAN RIGHTS IN THAT COUNTRY, AND TO PUBLICLY OR PRIVATELY CALL ATTENTION TO AND DISSOCIATE U.S. AND SECURITY ASSISTANCE PROVIDED COUNTRY, FROM SUCH PRACTICES;

-- WHETHER, NOTWITHSTANDING SUCH PRACTICES, EXTRA-ORDINARY CIRCUMSTANCES NECESSITATE CONTINUATION OF ASSISTANCE, AND ALL FACTS WHICH SHOW THAT IT IS IN THE NATIONAL INTEREST TO PROVIDE SUCH ASSISTANCE.

4. ONCE THE STATEMENT IS SUBMITTED, CONGRESS MAY AT ANY TIME THEREAFTER ADOPT A JOINT RESOLUTION ON WHETHER TO TERMINATE, RESTRICT OR CONTINUE THE PROVISION OF SECURITY ASSISTANCE TO THE COUNTRY CONCERNED.

5. PROMPT RESPONSE THIS MESSAGE IS CLEARLY ESSENTIAL.
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PAGE 03 STATE 237752

Current Class: CONFIDENTIAL

Page: 2

UNCLASSIFIED

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Current Class: CONFIDENTIAL
Current Handling: n/a
Document Number: 1976STATE237752

Page: 3
Channel: n/a

BY SEPTEL EMBASSY IS BEING SENT TEXT OF DRAFT REPORT ON HUMAN RIGHTS PRACTICES IN EACH COUNTRY PREPARED EARLIER FOR POSSIBLE SUBMISSION PURSUANT SECTION 502B(B) OF NEW ACT, BUT NOT YET FULLY CLEARED. YOUR RESPONSE IN FIRST INSTANCE SHOULD COVER FACTUAL UPDATE, COMMENTARY AND RECOMMENDATIONS ON THIS DRAFT.

6. IN ADDITION TO THE FOREGOING EMBASSY SHOULD REVIEW ALL APPROACHES MADE TO HOST GOVERNMENT AND ALL OTHER RELEVANT STEPS TAKEN OR CONTINUED SINCE SUMMER OF 1974 AND PROVIDE DETAILED FACTUAL REPORT, CITING APPROPRIATE CABLES, TO ENABLE US TO RESPOND TO SUBSECTION (C) (1) (B). REFERENCE IS MADE TO PARA 8 REFTTEL AND 75 STATE 182813. IN ADDITION CU PROGRAMS, ATTENDANCE TRIALS AND INDEPTH CONTACTS WITH IMPORTANT SECTORS OF SOCIETY DISCUSSED STATE 182813, POST SHOULD CALL ATTENTION TO ANY ELEMENTS OF U.S. ASSISTANCE PROGRAMS, INCLUDING BUT NOT LIMITED TO SECURITY ASSISTANCE, DESIGNED AT LEAST IN PART TO BE SUPPORTIVE OF HUMAN RIGHTS. POST SHOULD ALSO POINT OUT ANY INSTANCES (E.G., AT UN GENERAL ASSEMBLY, UN HUMAN RIGHTS COMMISSION, OAS GA OR IA HRC) WHERE HOST COUNTRY AND U.S. HAVE COOPERATED IN EFFORTS SUPPORTIVE OF HUMAN RIGHTS. DEPARTMENT WILL WELCOME

ANY SUGGESTIONS OR RECOMMENDATIONS FOR ADDITIONAL STEPS TO BE TAKEN BY EMBASSY BY DEPARTMENT OR BY POSTS ELSEWHERE.

7. POST SHOULD ALSO INCLUDE IN ITS RESPONSE FINAL SECTION CONTAINING RECOMMENDATIONS REGARDING JUSTIFICATION FOR CONTINUING OR MODIFYING PROGRAM INCLUDING EXPOSITION OF "EXTRAORDINARY CIRCUMSTANCES" AND U.S. INTERESTS CALLED FOR UNDER SUBSECTION (C) (1) (C).

8. ALL RESPONSES TO THIS INSTRUCTION SHOULD BE MADE BY PRIORITY TELEGRAM SO AS TO REACH DEPARTMENT NOT LATER THAN COB WASHINGTON SEPTEMBER 30.

9. CLASSIFIED INFORMATION WILL BE PROVIDED ON A CONFIDENTIAL BASIS FOR THE USE OF THE TWO CONGRESSIONAL COMMITTEES ONLY BUT PUBLIC DISCLOSURE CANNOT BE CONFIDENTIAL

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PAGE 04 STATE 237752

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Page: 3

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