

TELEGRAM

Foreign Service of the
United States of America

INCOMING

AMEMBASSY BRASILIA

*Paulo Rolo
see Web*

R 172355Z JAN 75
 FM SECSTATE WASHDC
 TO ALL DIPLOMATIC POSTS
 RUEHPCT/AMCONSUL CAPE TOWN 3374
 RUEHPCD/AMCONSUL DURBAN 1745
 RUMJDH/AMCONSUL HONG KONG 9213
 RUEHPCJ/AMCONSUL JOHANNESBURG 4968
 RUEHPCQ/AMCONSUL LOURENCO MARQUES 2598
 RUDKFDA/AMCONSUL LUANDA 2599
 RUEHBCU/AMCONSUL PORT MORESB 0166
 INFO RUFHGV/USMISSION GENEVA 7199
 RUEHDI/USMISSION USUN NEW YORK 1012
 BT
 UNCLAS STATE 012320

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CAPE TOWN ALSO FOR EMBASSY

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E.O. 11652: N/A
 TAGS: PEOR, PINT, PORG
 SUBJECT: HUMAN RIGHTS REPORTING

1. DEPUTY SECRETARY INGERSOLL, IN A LETTER TO CHAIRMAN MORGAN OF THE HOUSE FOREIGN AFFAIRS COMMITTEE DATED JULY 28, 1974, PROMISED UPDATED POST REPORTING ON SIGNIFICANT HUMAN RIGHTS DEVELOPMENTS GENERALLY, AND IN LIGHT OF SECTION 32 OF FOREIGN ASSISTANCE ACT OF 1973. THE DEPUTY SECRETARY FURTHER PROMISED TO EXTEND SUCH REPORTING TO COUNTRIES NOT RECEIVING ASSISTANCE. FACTS OBTAINED FROM THIS REPORTING WILL BE USED IN FORMULATING OUR POLICIES AND IN CONSIDERING, COUNTRY BY COUNTRY, WHAT WE SHOULD DO TO PROMOTE RESPECT FOR AND OBSERVANCE OF HUMAN RIGHTS BOTH FOR THEIR OWN SAKE AND IN RESPONSE TO INCREASING CONGRESSIONAL INTEREST, E.G. SECTION 46 OF THE FOREIGN ASSISTANCE ACT OF 1974. THE REPORTING WILL BE PARTICULARLY NEEDED TO BACKSTOP 1975 FAA PRESENTATIONS AND TO PREPARE THE U.S. FOLLOW-THROUGH ON THE U.S.-SUPPORTED INITIATIVE AGAINST TORTURE AT RECENT UN GENERAL ASSEMBLY.
2. POSTS WILL RECOGNIZE THAT INFORMATION PROVIDED CANNOT BE EXHAUSTIVE. MOREOVER, IN REGARD TO COUNTRIES WHICH ARE RELATIVELY EXEMPLARY IN THEIR CONCERN FOR HUMAN RIGHTS IT SHOULD SUFFICE TO INDICATE THE BASIC LEGAL GUARANTEES AND OTHER CIRCUMSTANCES THAT MAKE THEM SO, THEIR MOST RECENT POSITIVE CONTRIBUTIONS IN THE AREA (E.G., INITIATIVES IN THE UNGA, NEW LEGISLATION, ETC.) AND ANY PROBLEMS THAT AN OBJECTIVE STATEMENT MUST INCLUDE. THE DEPARTMENT EXPECTS THAT POSTS WILL REFER FREELY TO PRIOR REPORTING AND TO PUBLICATIONS WHICH ARE OR CAN BE MADE AVAILABLE TO THE DEPARTMENT. THE REPORTING REQUESTED IS NEEDED FIRST OF ALL FOR DEPARTMENT REVIEWS OF POLICY RELATING TO COUNTRIES IN WHICH THE POSSIBILITY EMERGES OF A PATTERN OF HUMAN RIGHTS VIOLATIONS. IN SUCH REVIEWS, AS DEPUTY SECRETARY INGERSOLL WROTE CHAIRMAN MORGAN ON JUNE 27, WE KEEP IN MIND OPTIONS RANGING FROM QUIET DIPLOMACY AND THE NORMAL PROCEDURES OF INTERNATIONAL ORGANIZATIONS ON TO OTHER POSSIBLE FORMS OF ACTION.
3. SUCH INFORMATION IS ALSO NEEDED TO RESPOND TO CONGRESSIONAL AND PUBLIC INQUIRIES. NATURALLY, IN SO DOING WE MUST AT ALL TIMES BE AS CANDID AS POSSIBLE AND AT THE SAME TIME BE SURE TO PROTECT OUR LEGITIMATE SECURITY INTERESTS. IN THE HUMAN RIGHTS AREA, SUCH BASIC INFORMATION AS THE NATURE AND OPERATION OF THE LEGAL SYSTEM IS LARGELY A MATTER OF PUBLIC RECORD AND CAN BE PRESENTED IN AN OBJECTIVE AND NON-POLEMICAL MANNER.

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4. IN LINE WITH ABOVE, POSTS SHOULD PROVIDE BY FRIDAY, FEB. 28, 1975, BY AIRGRAM, A DOCUMENTED AND UP-TO-DATE APPRAISAL OF THE RECORD, CURRENT STATUS AND PROSPECTS OF HOST GOVERNMENTS IN DISCHARGING THEIR OBLIGATIONS UNDER INTERNATIONAL LAW TO RESPECT HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING, OF COURSE, THOSE OF THEIR OWN NATIONALS. POSTS SHOULD ALSO REPORT WHETHER THOSE IN AUTHORITY IGNORE, CONDONE, ENCOURAGE OR DIRECT ACTIVITIES OF OFFICIALS TENDING TO VIOLATE THE HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS OF PEOPLE, ESPECIALLY THROUGH UNLAWFUL KILLING, ARBITRARY ARREST AND DETENTION, TORTURE, UNFAIR TRIALS, DENIAL OF FREEDOM OF MOVEMENT, RELIGION, OPINION, EXPRESSION, ASSEMBLY OR ASSOCIATION OR THROUGH DEPRIVATION OF RIGHT TO TAKE PART IN THE GOVERNMENT. REFERENCE SHOULD, OF COURSE, BE MADE TO PRIOR RELEVANT REPORTING TO AVOID DUPLICATION OR REPETITION.

5. THE DEPARTMENT IS AWARE THAT RELATIVELY BRIEF STATEMENTS COULD BE MADE FOR WELL-ESTABLISHED CONSTITUTIONAL DEMOCRATIC GOVERNMENTS, WHILE A MORE CAREFULLY ANALYTICAL STATEMENT, AS WELL AS DOCUMENTATION TO THE EXTENT AVAILABLE, WOULD BE REQUIRED IN OTHER INSTANCES.

6. PERTINENT BACKGROUND MATERIAL AND GUIDANCE IS BEING FORWARDED BY AIRGRAM. KISSINGER

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