

Human Rights Observer

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COMMITTEE TO PRESENT FOURTH ANNUAL ASYLUM PROGRAM

On Friday, April 7, 1989 from 8 a.m. until noon, the Minnesota Lawyers Committee will sponsor its fourth annual Asylum Training Seminar. The seminar will feature U.S. immigration judge Robert Vinikoor, lawyers from the Immigration and Naturalization Service, and local asylum experts including Karen Ellingson, Pat Mattos, Carol Merlin, Sam Myers, and Louis Smith. The seminar will be held in the Rare Books Room on the 3rd floor of the University of Minnesota Law School.

The 1989 seminar is designed to teach the fundamentals of asylum law and to review current developments in asylum practice based on case law since the 1987 landmark case, INS vs. Cardoza Fonseca. Lawyers with no prior immigration experience are encouraged to attend the seminar in preparation for volunteer work through the Committee's Pro Bono Asylum Project. Experienced attorneys or current pro bono volunteers are also urged to attend to keep current with recent asylum developments.

The Committee's Pro Bono Asylum Project was formed in 1985 to provide representation to low-income persons seeking asylum in the St. Paul District Office of the INS. The Project is co-sponsored by Legal Advice Clinics, Ltd. of Hennepin County and the Volunteer Attorney Program of Ramsey County.

Since it was established, the asylum project has

represented approximately 80 clients who have fled persecution in countries including Czechoslovakia, El Salvador, Ethiopia, Guatemala, Haiti, Honduras, Iran, Lebanon, Nicaragua, Nigeria, the Philippines, Poland, Romania, Somalia, and South Africa. Project lawyers have been successful in obtaining asylum in 11 of the 19 cases that have gone to hearing, including 2 Czechoslova-

Continued on page 3

RETURN MISSION TO TUNISIA SCHEDULED

The Minnesota Lawyers Committee will send its second mission to Tunisia from March 17 until March 25, 1989. The delegation, consisting of St. Paul attorney John Borman and University of Minnesota law student Inger Tangborn, will investigate changes in human rights conditions since the Committee's initial mission in July 1987.

The delegation will look at the extent to which the government has followed the recommendations from the Committee's report, Tunisia: The Human Rights Crisis of 1987, including the abolishment of preventive detention, the State Security Court, and governmental press censorship.

Since the delegation's first report, a dramatic change of government occurred when Habib Bourguiba, who had served as President since 1956, was removed from power in a constitutional coup in November 1987 and replaced in the presidency by Zine el-Abidine Ben Ali. The new government apparently has encouraged the passage of laws easing restrictions on political parties and the press. The government also claims to have put a stop to political trials and released many political prisoners.

The Committee's return mission is designed to document how far the reforms have gone to improve Tunisia's human rights performance. The mission will focus specifically on the freedom which human rights organizations have to operate within the country. The

Continued on page 3

IN THIS EDITION

Committee Sponsors Fourth Asylum Program	1
Return Mission to Tunisia	1
Calendar of Events / News Notes	2
MLC and MWL to Host S. Africa Program	3
Project Volunteers Needed	3
Upcoming Conferences	3
Apartheid Series Review	4
1989 Board of Directors Elected	5
Inter-American Court Rules Against Honduras	6
Openings Remain on Philippines Study Tour	7
From the Director's Desk	7
Job Opportunity	8

CALENDAR OF EVENTS

Sunday, March 5 - The Hesburgh Alumni Lecture, "International Human Rights in a Mid-Life Crisis?" featuring Notre Dame Professor George A. Lopez, Ph.D. Respondent: Barbara Frey, J.D., MLC Executive Director. 7:00 p.m., Humphrey Center Auditorium, University of Minnesota. Open to the public.

Monday, March 6 - The Minnesota Lawyers Committee and Minnesota Women Lawyers will co-sponsor a reception/program with three South African anti-apartheid activists. See article on next page.

Tuesday, April 4 - Attorneys Sam Verduci and Terri Farley will present a talk on "The Island of Truk's New Constitution and its Human Rights Provisions" at 12:15 p.m. at Lindquist & Vennum, 4100 IDS Center, Minneapolis. Verduci and Farley were recently involved in drafting the first state constitution of Truk, a small Micronesian island in the South Pacific, as part of their work for the Minneapolis law firm of Dorsey & Whitney. Bring a bag lunch.

Friday, April 7 - Fourth annual Asylum Training Seminar, featuring U.S. immigration judge Robert Vinikoor, lawyers from the INS, and local immigration experts, from 8:00 a.m. until noon in the Rare Books Room of the University of Minnesota Law School. The Committee is applying for 4 CLE credits for the seminar. The cost of the seminar is \$50. See article on page 1 and registration form on page 3.

PERSPECTIVES ON APARTHEID SERIES at noon in the Board Room of Faegre & Benson, 2300 Norwest Center, Minneapolis. By reservation only.

Remaining speakers:

Wednesday, March 1 - Justice Richard Goldstone, a progressive judge from South Africa. Justice Goldstone is currently a visiting scholar at Harvard University. (Note: This talk was previously scheduled for Tuesday, February, 28).

Tuesday, March 7 - Glaudina Kruger, Oko Mabasa and Fikele Molotshwa, three women anti-apartheid activists.

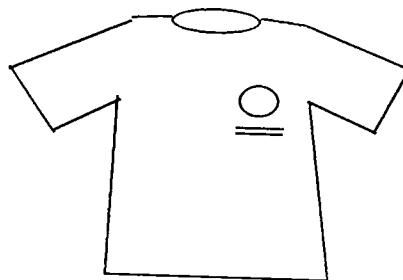
PLEASE NOTE

There will be a follow-up discussion to the series "Perspectives on Apartheid" on Monday, March 13 at 12:15 p.m. at the Board Room of Faegre & Benson law firm, 2300 Norwest Tower, Minneapolis.

NEWS NOTES

MLC T-SHIRTS AVAILABLE

T-shirts printed with the MLC logo on the front and an excerpt from the Universal Declaration of Human Rights on the back are now available for \$10. Send in your \$10 today and make a fashion statement tomorrow. T-shirts are white with blue ink, 100% cotton and are available in medium and large.



COMMITTEE RECEIVES GRANT FROM NORTHWEST AREA FOUNDATION

The Minnesota Lawyers Committee received a grant of \$3,000 from the Northwest Area Foundation to fund its long-term financial planning process. The Committee used the grant proceeds to evaluate potential sources of revenue and outline concrete steps needed to keep the level of funding constant for maintaining strong programming. The Board of Directors employed the Stevens Group to facilitate the financial analysis and prepare a written financial assessment for the use of the Board of Directors.

FREY SPEAKS AT UNIVERSITY OF WISCONSIN CONFERENCE

Executive Director Barbara Frey was one of the speakers at the Wisconsin International Law Society Ninth Annual Spring Symposium on Friday, February 17, 1989. The symposium, "International Human Rights: The Reagan Years and the Next Administration", also featured Professor Richard Lillich of the University of Virginia Law School and Professor Burns Weston of the University of Iowa College of Law. Frey spoke on "The Role of Nongovernmental Organizations in Promoting Human Rights."

The Minnesota Lawyers Committee wishes to express its thanks to Sam Rankin for his invaluable assistance with its computer setup.

SPEAKER SERIES EXPLORES THE MANY FACES OF APARTHEID

Three experts on South Africa have shared their information and experience with 50 Minnesota participants in the first three programs of a unique 5-part series, "Perspectives on Apartheid." The speaker series, sponsored by the Minnesota Lawyers Committee, the law firms of Faegre & Benson and Felhaber, Larson, Fenlon & Vogt, and the Congressional Human Rights Foundation, offers a look into the legal framework and social structures that support mandatory racial segregation in South Africa.

The series kickoff speaker was Gay McDougall, Director of the Southern Africa Project of the Lawyers Committee for Civil Rights under Law in Washington, D.C. McDougall discussed the criminal justice system in South Africa, explaining the legal and evidentiary tools available to defense lawyers in political trials. McDougall described the sweeping definition of treason in South Africa and the limited power of attorneys and judges to find discretion within the draconian provisions of the law. McDougall also suggested types of pressure that could be brought to bear by American lawyers interested in promoting legal change in South Africa.

The second speaker in the series, Henry Isaacs, is the Director of African Research and Communications in Washington, D.C. Isaacs, a black South African lawyer, discussed many of the domestic and international

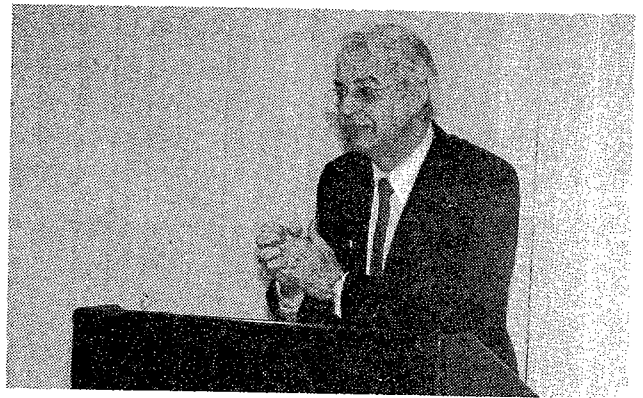


Henry Isaacs, Director of the Washington-based group African Research & Communications, spoke at the February 14 Perspectives on Apartheid program

economic policies that sustain the system of apartheid. Isaacs explained that, despite apparent divestment by many U.S.- and internationally-owned companies from South Africa, arrangements have been worked out for providing spare parts to customers and the successor owners of the companies. Isaacs also noted that many business operations of divested companies had been taken over by white South Africans who continue to run the businesses as usual.

Isaacs focused attention on U.S.-based philanthropy towards South Africa, noting that many "philanthropic" programs had been established without seeking the input of black South African leadership or determining what would be the most useful in developing the country's infrastructure during black majority rule.

The Committee's most recent speaker, Donald Woods, is a former editor of The Weekly Mail and biographer of Steven Biko. Woods' life was the subject of the recent film, "Cry Freedom!" Woods spoke to a large



Donald Woods, South African journalist and biographer of Steven Biko, spoke to large audience at the February 21 program

audience on February 21 in the conference room of Faegre and Benson law firm. He commented on the absurdity of the legal framework under which journalists are required to operate in South Africa. Newspapers are prohibited from quoting or referring to the actions of individuals who have been "banned" by the South African government for their political activities. The result of this limitation is that newspapers must program their computers to send out a signal any time they locate a reference to one of the hundreds of names punched into the program as banned.

Despite frustration at the legal and social barriers to change South Africa, all three speakers have shown



COMMITTEE ELECTS 1989 BOARD

The Minnesota Lawyers Committee elected its 1989 Directors at the January 18, 1989 meeting of the Board of Directors. The 1988 Officers were all re-elected to serve for 1989 with James E. Dorsey of the Minnesota Human Services Division as Committee President. Other officers include Jean M. Boler, Sprenger & Lang, Vice President; James V. Roth, Leonard, Street & Deinard, Secretary; and Louis P. Smith, Popham, Haik, Schnobrich & Kaufman, Treasurer. Along with Legal Counsel, University of Minnesota Professor David Weissbrodt, the officers serve as the Minnesota Lawyers Committee's Executive Committee.

The following individuals were elected as the 1989 Board of Directors:

Peter Ackerberg, *MN Attorney General's Office*

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R. Richard Boncy, *Honeywell, Inc.*

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Samuel D. Heins, *Tanick & Heins*

Don Johnson, *Hennepin County Attorney's Office*

Thomas Johnson, *Hennepin County Attorney*

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Judge Harriet Lansing, *Minnesota Court of Appeals*

Susan Lentz, *Phillips, Gross & Aaron, P.A.*

Raymond C. Meyer, *Mayo Clinic*

Michelle Miller, *Leonard, Street & Deinard*

Robert P. Sands, *Fredrikson & Byron*

Lisa Schiltz, *Oppenheimer, Wolff & Donnelly*

Anu Seam, *Attorney at Law*

Jack Setterlund, *Attorney at Law*

Judge Joanne Smith, *Ramsey County District Court*

Louis P. Smith, *Popham, Haik, Schnobrich & Kaufman*

Christine K. Solso, *Best & Flanagan*

Thomas Tinkham, *Dorsey & Whitney*

Michael Unger, *Hvass, Weisman & King*

Prof. David Weissbrodt, *University of Minnesota Law School*

APARTHEID SERIES *continued from page 4*

cautious optimism at the possibilities for significant improvements in the relatively near future. International pressure continues to dampen the zeal of the white minority in South Africa.

The remaining speakers in the series will include Justice Richard Goldstone, a South African judge who is known for his progressive rulings from the bench (March 1), and Gladina Kruger, Oko Mabasa and Fikele Molotshwa, grassroots women activists from South Africa (March 7).

Videotapes of the South Africa series will be available after March 15 from the Minnesota Lawyers Committee offices. Videotapes will be rented for \$3 apiece or \$10 for the series. For more information, contact Bob Halagan at 339-6321 or Paul Fraser at 341-3302.

INTER-AMERICAN COURT RULES AGAINST HONDURAS FOR THE SECOND TIME

by Mary C. Turck

On January 20, 1989, the Inter-American Court of Human Rights, in session in San Jose, Costa Rica, found the Honduran government responsible for a political disappearance. Honduras was ordered to pay damages to the family of the victim, Saul Godínez Cruz, a schoolteacher and union leader. This is the second finding by the Inter-American Court against Honduras in a "disappearance" case. The first, on July 29, 1988, found Honduras responsible for the 1981 disappearance of Manfredo Velásquez, a student.

In a pending case, the Court has ordered the Honduran government to exhume a body found in an unmarked grave in a clandestine cemetery. The body may be that of Francisco Fairen, a Costa Rican student who disappeared in Honduras in 1981 along with Yolanda Solís. The Court -- and Fairen's family -- have previously asked the Honduran government to exhume the body for autopsy, but Honduras had ignored the requests. This time, the government announced that it will comply with the Court's order.

These decisions are particularly significant because they are the first non-advisory rulings to come from the Court since it was founded ten years ago. The Court, and its associated Inter-American Human Rights Commission, are agencies of the Organization of American States. The Commission initially receives and investigates complaints brought to it by individuals or organizations. If it finds factual support for the allegations and jurisdiction, it then brings the cases before the Court for trial.

The entire procedure is lengthy. Godínez disappeared on July 22, 1982. A witness saw him detained by a man in a military uniform and others in plainclothes at about 6:20 a.m. The Godínez family filed various inquiries with the Honduran government, and on October 9, 1982 filed a formal accusation with the Inter-American Human Rights Commission. After various investigations and communications with the Honduran government, the Commission referred the case to the Court in 1986. The Court's decision was announced in 1989.

Requirements for exercise of jurisdiction by the Inter-American Court of Human Rights include:

- allegations of violation of the American Convention of Human Rights, either by commission (direct involvement) or by omission (failure to protect or to provide justice);

- submission to the jurisdiction of the Court by the government charged -- Honduras is one of a handful of countries yet to accept the jurisdiction of the Court;

- exhaustion of remedies -- the complainants must show that they have used all relevant domestic remedies, such as habeas corpus.

The seven justices sitting in the Godínez case included one from Honduras and one from the United States (Thomas Buergenthal). The Court heard testimony from a number of witnesses, one of whom, Miguel Angel Pavón, was then assassinated in Honduras. Another scheduled witness, Sgt. Jose Vilorio, was murdered before he could testify. The court rejected amicus curiae briefs from a number of organizations, including the Minnesota Lawyers International Human Rights Committee. In the end, its decision was unanimous.

The Court will maintain jurisdiction in the Godínez case in order to determine the amount to be paid to the family by the Honduran government. This is a change from the Velásquez case, where the Court ordered a negotiated settlement. (To date, no agreement has been reached in the Velásquez case.)

Families and organizations representing families of the disappeared are pleased that the guilty verdicts have been reached, but still unsatisfied with the remedy of monetary damages. They insist that problems remain: there has been no identification or punishment of the individuals responsible, no order for the dismantling of the apparatus of oppression, and no way to prevent recurrence of disappearances and other violations of human rights. But they agree that the Court has taken a major step forward in holding the government responsible for the entire system of disappearances.

The Court found that there was a systematic pattern of kidnappings and disappearances in Honduras between 1981 and 1984, and that these were acts of the military at least tolerated by the government. While the present Honduran government maintains that this is not true, recent events in Honduras point to a renewed climate of violence.

In the week following the Court's decision, two major political assassinations took place in Honduras. The first was the shooting of Carlos Diaz Lorenzana, attorney for reputed druglord Juan Ramon Mata, on January 23. Lorenzana was scheduled to go to the United States within weeks to testify on behalf of Mata.

continued on next page

LIMITED OPENINGS REMAIN ON PHILIPPINES STUDY TOUR

Minnesota Lawyers Committee members are gearing up for a 10-day study tour to the Philippines from March 27 to April 8. Mayor Donald Fraser will lead a group of lawyers and other professionals to examine the human rights situation in the Philippines after 1,000 days under President Corazon Aquino. St. Paul attorney Ron Rosenbaum is the organizer of the 1989 study tour. Board member Jim Roth and Executive Director Barbara Frey will also be part of the Committee's 12 to 15-person delegation to the Philippines.

The group will meet with military and political leaders including representatives of the Presidential Commission on Human Rights. The delegation will exchange experiences with lawyers' human rights groups and visit a rehabilitation center for torture victims. A meeting with U.S. Embassy officials about U.S. policy objectives in the Philippines will also be on the schedule.

Limited openings remain for the Philippines Study Tour. The cost of the trip is \$1,995 from Minneapolis, including all food and accommodations. The Minnesota Lawyers Committee will apply for approximately 15 Continuing Legal Education credits for the Philippines tour. The travel will be on Northwest Airlines and 17,500 frequent flyer miles will be awarded for the trip. Travelers may stopover in Tokyo, Seoul, or Hawaii on the return trip for no extra cost. Travel and study tour arrangements will be made by the Center for Global Education at Augsburg College. The Director of the Center, Joel Mugge, will lead the seminar to the Philippines. For more information, contact Ron Rosenbaum at 224-7687, Paul Fraser at 341-3302, or the Center for Global Education at 330-1159.

HONDURAS DECISION *cont'd from page 6*

General Gustavo Alvarez Martinez, head of the armed forces from 1982-84, was assassinated on January 25. According to some reports, he was killed by a left-wing guerrilla group, the Cinchoneros. Other reports say that he and Lorenzana were killed with the same weapon, and that Alvarez was targeted by the military because he was angry at being denied full military honors and was threatening to talk about drug trafficking.

In the same week the Alianza de Acción Anticomunista ("Triple A") issued a short death list which included the president and vice-president of the non-governmental human rights organization, Dr. Ramon Custodio and Oscar Anibal Puerto. Dr. Custodio's medical clinic was shot up during the night of January 31. The Coordinating Committee of Popular Organizations called for a national dialogue to end terror and repression. The

FROM THE DIRECTOR'S DESK

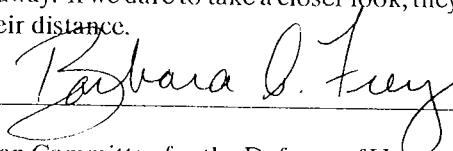
The speakers coming to town for the Committee's series, "Perspectives on Apartheid," are challenging us to see South Africa. The situation in South Africa is one that rises and fades from our view; when the cameras are there to capture the images of children being beaten and hosed with water cannons or worse, we pay attention. When the cameras are banished, even though the children continue to be beaten and hosed, we do not pay attention.

I expressed my concern to Gay McDougall, Director of the Southern Africa Project of the Lawyers Committee for Civil Rights under Law, at the feeling of being overwhelmed and frustrated at the human rights community's seeming inability to crack the system of apartheid. Her response was inspiring. She said that looking at the problem from far away, the ability to effect change seems impossible. Looking up close at South Africa, there are endless possibilities for making an impact, for causing change in the lives of individuals, and for improving respect for human rights.

In their presentations, McDougall, Henry Isaacs, a South African and the Director of African Research and Communications and Donald Woods, have provided us with mental images of South Africa. We envision black men hanging, their hands and feet tied to a stick that is extended out the 10th floor window of a police precinct. We envision what type of criminal punishment we would receive if we were attending the exact same seminar within the borders of South Africa.

The seminar is making us look up close at South Africa. We are looking at the faces of the young children who continue to demand their rights in the face of alarming military resistance. We are looking beyond the children, to the causes of the social, economic, and political imbalances between the races in South Africa. We are looking further, to other governments around the world who directly or indirectly prop up the South African government and its system of apartheid. We are looking further yet, to our own government and to ourselves and how our action or inaction is contributing to the systematic injustice in South Africa.

At first, international human rights issues seem very far away. If we dare to take a closer look, they do not keep their distance.



Honduran Committee for the Defense of Human Rights (CODEH) also asked for international support and for letters to Honduran President Azcona asking that they be protected from the attacks of Triple A and other right-wing death squads.

The Human Rights Observer is a publication of the Minnesota Lawyers International Human Rights Committee, a non-profit organization committed to promoting human rights and investigating human rights violations in the United States and abroad. The Minnesota Lawyers Committee advocates against individual human rights abuses, researches and investigates human rights conditions in other countries, encourages the adoption of international human rights standards by all countries, and educates the membership, the Bar, political leaders and the public about human rights issues.

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Carl Soderbergh, *Legal Fellow*
Paul W. Fraser, *Administrative Assistant*
Janet Liliemark, *Secretary*
Terri Theisen, *Intern*

JOB OPPORTUNITY

Amnesty International is seeking an Executive Assistant to work on the Central America region of its Research Department. The position is for one year, ending in April 1990. The Executive Assistant's primary responsibility is to develop, maintain, supervise and service membership structures and to assist in collecting information about victims of human rights abuses.

Candidates should have a background knowledge of the region, be fluent in Spanish and English, and the ability to type and systematically handle data and do own filing. Candidates must be able to work in a team, often under pressure, and use initiative.

The starting salary for the position is 12,603 British pounds per annum. Completed applications must be received by mid-March. Interviews are scheduled for early April. For further information and application forms please contact: Personnel Office, Amnesty International, International Secretariat, 1 Easton Street, London WC1X 8DJ, United Kingdom, tel. (01) 837 3805.

**MINNESOTA LAWYERS
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