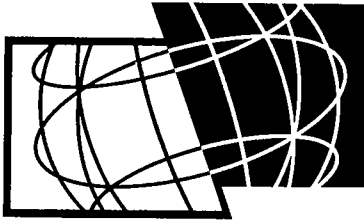


# HUMAN RIGHTS



FOR HUMAN RIGHTS

Volume VIII, Number 9  
February 1996

## OBSERVER

### 1996: FOCUS ON ACCOUNTABILITY FOR WAR CRIMES

Minnesota Advocates will focus its 1996 program year on investigating and prosecuting serious human rights violations, including war crimes. Two public programs will develop this theme in the coming year: the annual meeting, featuring Dr. Robert Kirschner of Physicians for Human Rights, and the Human Rights Awards Dinner, honoring Justice Richard J. Goldstone, the Chief Prosecutor for the International Criminal Tribunal for the Former Yugoslavia and Rwanda.

#### Kirschner to Discuss Experiences Excavating War Crimes Evidence

Dr. Kirschner, former Deputy Medical Examiner for Cook County, Illinois, has used his forensic skills over the past decade to investigate arbitrary killings in situations of conflict all over the world. He was one of the significant contributors to *The Minnesota Protocol*, standards published by the UN for adequate

investigations of arbitrary and summary killings. Most recently, Dr. Kirschner has led delegations conducting the exhumations and scientific analysis of mass grave sites resulting from the conflicts in Bosnia and Rwanda. He will speak about his work at Minnesota Advocates Second Annual Meeting on Monday, March 18. The event is free and open to the public.

Dr. Kirschner has been one of the most visible leaders of a group of international forensic experts working to investigate and testify about human rights abuses. Using anthropological, medical and dental technology, these investigators are able to piece together the cause and manner of death even long after the violence occurs. His enlightening but disturbing presentation at the Annual Meeting will include a slide show.

#### Justice Goldstone's Award Will Highlight June 3 Dinner

Justice Richard J. Goldstone, recipient of the Twelfth Annual Human Rights Award, is a South African jurist whose independence and drive is credited with transforming the International War Crimes Tribunal into an effective tool of justice against the perpetrators of some of the modern era's worst war crimes.

continued on p. 3

Second Annual Meeting  
for Members and Friends of  
Minnesota Advocates for Human Rights

#### "Giving Voice to the Dead"

Dr. Robert Kirschner,  
Physicians for Human Rights  
International Forensic Program

Kirschner, an author of the  
*Minnesota Protocol*,  
has most recently excavated graves  
in the former Yugoslavia and Rwanda  
for evidence in the prosecution of war  
criminals. His work highlights the  
growing importance of forensic evidence  
in human rights cases.

Monday, March 18, 1996  
4:00-6:00 p.m.  
Hennepin County Bar Association  
514 Nicollet Mall, 3rd Floor  
Minneapolis, Minnesota  
This event is free.

RSVP to Annie at (612) 341-3302

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# Director's Desk

## From the Director's Desk

When it comes to China, U.S. foreign policy flutters more than the flag on top of the White House. Since President Clinton abandoned the trade--human rights linkage in May 1994, the Administration has not been able to settle on an alternative policy that has any more positive effect than the one it was abandoning. Thus, while China imprisons its dissenters, starves its orphans, rattles its sabers at Taiwan, and sends nuclear arms to Pakistan, the U.S.'s most visible concern is that the steamrollers keep crushing pirated compact disks. A strange priority, to say the least.

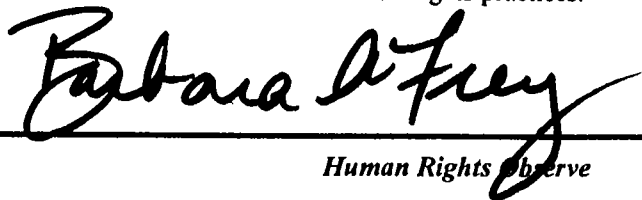
One of the actions the Clinton Administration pledged to take when it changed direction on MFN was to "step up its effort, in cooperation with other states, to insist that the U.N. Human Rights Commission pass a resolution dealing with the serious human rights abuses in China." For six weeks this March and April, the U.N. Commission on Human Rights will meet in Geneva to debate issues and churn out resolutions. While the 53-state body has been successful in generating calls for action on many major human rights violators including Burma, Colombia, Cuba, Iraq, Rwanda, and former Yugoslavia, it has yet to take action on China. This is because China works hard to avoid criticism at the U.N. and because China is such a substantial economic and political power that many nations fear its wrath.

Meanwhile, in the last half of 1995, the Chinese authorities arrested over 50 human rights and democracy activists for the peaceful exercise of their rights to freedom of expression and association. Although this seems like a small number of arrests in the context of the world's most populous country, the arrests and ongoing harassment are targeted at the scholars and leaders of the movement to establish a real civil society in China. The abuses therefore affect all Chinese people.

Last year, the U.N. Commission's resolution on China's human rights record failed by one vote. A similar resolution is expected to be introduced again at this March's session. The proposed resolution is mild in language, but many believe that its adoption by the international community would bolster those in the Chinese Government who want to take steps to respect human rights.

Chinese political culture reflects many divergent points of view. There is an important group within the legal community in China that favors reforms to strengthen the rule of law and to protect the rights of individuals. The U.S. must reach out to this sector to support any movement in China toward democratic reform. A U.N. resolution is one way to support this group of reformers.

The articles on pages 10 and 11 address this issue further. Please join me in contacting the White House to encourage its leadership in the U.N. Commission on resolution on China's human rights practices.



*The Human Rights Observer* is published by Minnesota Advocates for Human Rights.

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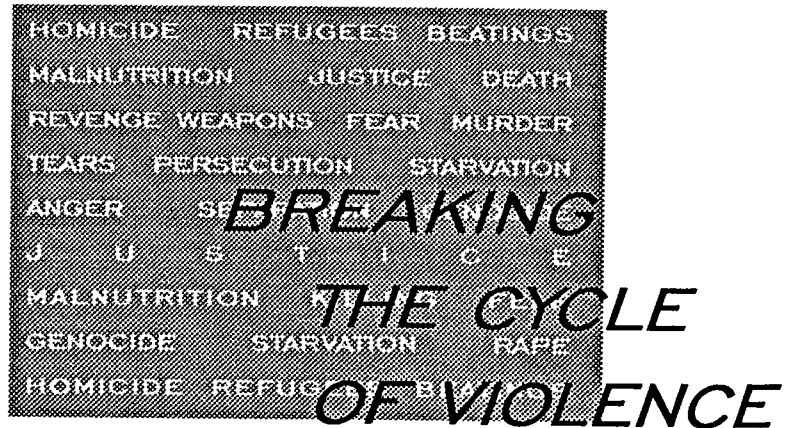
Justice Goldstone lobbied heavily against the derailing of the war crimes prosecutions during negotiations of the Dayton Peace Accord.

Justice Goldstone, 57, gained international prominence in 1991 for his effective service as head of a South African commission of inquiry into political violence and human rights abuses before the nation's transition away from apartheid. The UN Security Council's 1994 appointment of Justice Goldstone to lead the prosecution at the Balkan war crimes tribunal meant that the machinery was finally in place for the first international war-crimes prosecutions since the Nuremberg and Tokyo trials after World War II.

*...If this tribunal succeeds, it will be notice to all countries on all continents that if human rights of individual citizens are seriously invaded, the people responsible for any atrocities may have to answer for their deeds ...*

Justice Richard Goldstone upon being appointed Chief Prosecutor

Minnesota Advocates' annual human rights dinner is the largest international human rights event in the Midwestern United States. The dinner brings together the region's legal, corporate and professional communities for an evening to celebrate a shared commitment to world-wide human rights. The Twelfth Annual Human Rights Dinner will be held on Monday evening, June 3, 1996, at the Grand Ballroom of the Minneapolis Downtown Hilton Hotel. This year, tickets will again be \$125 each. ■



MARK YOUR CALENDARS FOR THE  
**1996 ANNUAL HUMAN RIGHTS  
AWARDS DINNER**

MONDAY, JUNE 3, 1996  
MINNEAPOLIS HILTON GRAND BALLROOM

AWARD RECIPIENT:  
JUDGE RICHARD J. GOLDSTONE, CHIEF PROSECUTOR  
FOR THE INTERNATIONAL CRIMINAL TRIBUNAL  
FOR THE FORMER YUGOSLAVIA AND RWANDA

\*EXPANDED SOCIAL HOUR\*

\*ORIGINAL DRAMATIC PIECE\*

IF YOU MISSED LAST YEAR'S DINNER,  
DON'T MISS THIS YEAR'S!

WATCH YOUR MAIL FOR MORE INFORMATION  
OR CALL THE MINNESOTA ADVOCATES OFFICE  
AT (612) 341-3302

# Death Penalty Project

## Victory: Minnesota Attorneys Win New Trial For Florida Death Row Inmate

When Donald Gunsby was charged with capital murder in Florida in 1988, the attorney appointed to represent him had graduated from law school less than one year earlier. The conviction phase of the trial lasted less than two days. The jury never heard about the criminal charges against the key witnesses who testified against Mr. Gunsby, nor did they hear about the deal given the principal eyewitness. The jury never heard because, as a Florida court later found, the prosecution illegally withheld this information from Mr. Gunsby's defense attorney.

With the guilt phase completed, the trial moved to the penalty phase, in which the jury recommends whether the defendant should be sentenced to death. Once again, vitally important information never reached the jury. The members of the jury heard nothing about Mr. Gunsby's organic brain damage, even though under Florida law such an illness may qualify as a statutory mitigating factor weighing against imposition of the death penalty. All three mental health experts who testified at the trial later admitted important errors in their testimony. With only minimal information presented by Mr. Gunsby's attorney, the penalty phase lasted only a few hours and the jury voted 9-3 to recommend the death penalty.

The system failed Donald Gunsby not only because it gave him an attorney without the knowledge and experience to handle a capital murder trial, but also in ignoring and suppressing evidence which showed Mr. Gunsby's innocence. The crime for which Mr. Gunsby was convicted was a murder which took place in a convenience store. When the jury heard the case from the prosecution, they heard that it was a racially-motivated crime committed out of Mr. Gunsby's desire to "protect the black community." Yet, evidence uncovered by Mr. Gunsby's Minnesota defense team suggests that the murder was drug related and may have been committed by a rival drug gang competing with the victim's brother for drug business. Even

though the victim's brother was the principal state witness, the jury never heard that he was known to the prosecution as a cocaine addict in trouble over drug debts. The jury also never heard that one of the other "eyewitnesses" for the State told her husband that she could not see who committed the crime because the shooter was wearing a mask, or that this same "eyewitness" was romantically involved with one of the original suspects in the case.

On January 11, 1996, the Supreme Court of Florida granted Mr. Gunsby a new trial, ruling that the State improperly withheld evidence from Mr. Gunsby's trial attorney and to have denied Mr. Gunsby his constitutionally guaranteed right to counsel. The case was brought to the Florida Supreme Court by a group of Minnesota lawyers and legal

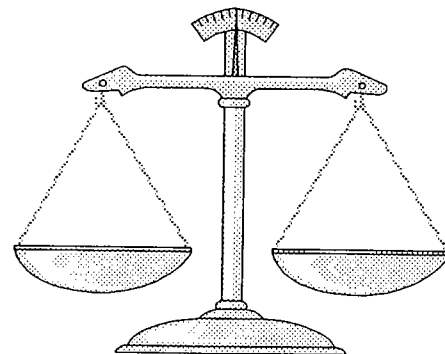
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### *AN INNOCENT MAN ON DEATH ROW: THE CASE OF DONALD GUNSBY*

A MINNESOTA ADVOCATES BROWN BAG LUNCH AT  
POPHAM HAIK SCHNOBRICH AND KAUFMAN, LTD.  
222 S. NINTH ST., MINNEAPOLIS • 33RD FLOOR  
TUESDAY, MARCH 5 • 12-1:30 P.M.

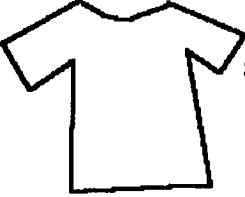
MEMBERS OF DONALD GUNSBY'S  
MINNESOTA DEFENSE TEAM WILL  
PRESENT THE FACTS BEHIND  
THIS INTRIGUING CASE.

RSVP TO SARA GURWITCH OF  
MINNESOTA ADVOCATES IF  
YOU WOULD LIKE TO ATTEND.  
PHONE: 341-3302  
FAX: 341-2971



An application for 1.5 hours of CLE credit for this seminar is pending.

# Death Penalty Project



**DEATH PENALTY DEFENSE  
T-SHIRTS**

SHIRTS FEATURE LARGE FRONT PANEL  
ARTWORK BY LOCAL ARTIST  
EVOKING THOUGHT AND DIALOGUE  
ABOUT THE DEATH PENALTY

**\$ 12**

SIZES M, L, XL

CALL SARA GURWITCH AT 341-3302 TO ORDER.



## Donald Gunsby continued

assistants who, working in conjunction with the Volunteer

Lawyer's Resource Center of Florida, have been volunteering their time to represent Mr. Gunsby since 1991. Mr. Gunsby's Minnesota defense team includes: attorneys Bruce Peterson, Doug Chumdley, Robert MacDonald, Andrew Seitel, George Socha, Dan Hill, Courtney Ward and legal assistant Beth Moir of Popham Haik Schnobrich and Kaufman, Ltd.; attorney John Baker and legal assistant Cynthia Umfleet of Greene, Espel; and attorney Mullen Dowdal of Robins, Kaplan, Miller and Ciresi

The Minnesota team took Mr. Gunsby's case knowing very little about the facts, but knowing that Mr. Gunsby had not been properly represented at trial. As team member Bruce Peterson explained, "When we took the case, we didn't know that he was innocent, but we did know that he is mentally retarded and that he didn't get a fair trial. It was only once we started to investigate the case that we found all sorts of inconsistencies in the

prosecution's case that made us realize that Donald is probably innocent."

The system failed Donald Gunsby in many ways, but in some respects he is one of the lucky ones. Though he, like many capital defendants, did not have adequate representation at trial, but he does have dedicated volunteers who took his case and eventually uncovered evidence of his innocence. Not only that, but the Florida Supreme Court was willing to consider the misconduct and incompetence that led to Mr. Gunsby wrongful conviction -- at a time when fewer and fewer capital cases are receiving proper appellate review. Now, eight years after being sent to death row for a crime he probably did not commit, Donald Gunsby will receive the trial he should have received in 1988.

Members of Donald Gunsby's Minnesota defense team will speak at a Minnesota Advocates Brown Bag Lunch entitled, "An Innocent Man on Death Row: The Case of Donald Gunsby" on March 5, 1996 at 12 noon at Popham Haik Schnobrich and Kaufman, Ltd. in Minneapolis. An application for 1.5 hours of CLE credit for this seminar is pending. For more information or to make a reservation, please call Sara Gurwitch at 612-341-3302. ■

## Wisconsin Legislators Debate Legalizing Death Penalty after 143 years

After years of futile efforts to reinstate capital punishment in Wisconsin, once again legislators in that state are considering death penalty legislation. With not enough supporters in the Wisconsin Senate to enact a death penalty bill, capital punishment proponents would have to take the route of conducting an Advisory Referendum on the issue. The Wisconsin Coalition Against the Death Penalty (WCADP) is asking constituents to write their legislators and urge them to vote against any bill proposing such an Advisory Referendum. For more information, contact WCADP member Angie Hougas by phone at (608) 838-6708 or at [hougasa@wisplan.uwex.edu](mailto:hougasa@wisplan.uwex.edu) by e-mail.

Wisconsin was one of the first states to reject capital punishment, abolishing the death penalty in 1853. According to the U.S. Department of Justice, Wisconsin's murder rate is one of the ten lowest in the United States. (Source: Bureau of Justice Statistics, "Bulletin: Capital Punishment, 1993"). ■

# Refugee and Asylum

## Refugee and Asylum Project Welcomes New Coordinator

**Rich Thomas**, Coordinator of the Refugee and Asylum Project, is making a career change and is leaving the employ of Minnesota Advocates. He will be greatly missed. His dedication to clients and volunteers and his contributions to the Project have been immeasurable. The board, staff, volunteers and clients are grateful to Rich for five years of hard work, compassion and inspiration and wish him the best in his next endeavors.

The Project is pleased to announce that **Jennifer Prestholdt** will be replacing Rich. A graduate of Yale University and the Fletcher School of Law and Diplomacy, Jennifer is completing her J.D. at the University of Minnesota. She has experience in litigation management and asylum, refugee, immigration and human rights law. Jennifer has worked with the UN High Commissioner for Refugees, the Massachusetts Office

for Refugees and Immigrants, and is one of the directors of the immigration clinic at the University of Minnesota.

Jennifer is excited to meet the many volunteer attorneys that make Minnesota Advocates successful. If you have questions about the Visa Lottery system or are interested in volunteering, call her at 341-3302. ■

## Help Your Client Win the Lottery

We're not talking about Powerball or Gopher Gold. The 1997 Diversity Immigrant Visa Lottery Program (DV-97) may be worth more than money to your pro bono asylum client. It may be a chance for a new life in the United States. The lottery program enables natives of certain "low admission countries" to compete for 55,000 permanent resident visas annually. Asylum applicants and humanitarian parole applicants should generally apply for the lottery since it provides an alternate route to permanent resident status.

Natives of the following countries are NOT eligible for this year's DV-97 program: Canada, Colombia, Dominican Republic, El Salvador, India, Jamaica, Mexico, People's Republic of China, Philippines, South Korea, Taiwan, United Kingdom, and Vietnam. Natives of all other countries are eligible if they have at least a high school education or its equivalent, or have worked for at least two of the past five years in an occupation that requires at least two years of training. ■

## Volunteer Attorney Receives Award



**J. Patrick McDavitt**

**J. Patrick McDavitt** received the first Briggs and Morgan Annual Pro Bono Award. Pat is a partner at Briggs and Morgan where he specializes in commercial litigation. He explained why he remains an enthusiastic and dedicated volunteer with Minnesota Advocates' Asylum Project.

"Taking an asylum case is a rare opportunity to use my legal skills to save an individual from persecution, torture, and possibly death. You just don't derive personal and professional satisfaction like that in commercial litigation."

In honor of Pat's work, the Briggs and Morgan Law Firm is donating \$1,000 to Minnesota Advocates Pro Bono Asylum Project. ■

## Asylum Clients Need YOU!

Due to cut-backs, other agencies are increasingly unable to take asylum cases. Therefore, more indigent asylum-seekers than ever are being referred to the Minnesota Advocates Asylum Project. Many of these individuals are alone, poor, and desparate. They have no place else to go for assistance with their asylum claims.

This deluge of asylum cases has had a great impact on the Asylum Project. Currently we have many clients whose cases have been accepted, but are now waiting for volunteer attorneys. Perhaps more alarming is the fact that there are over 50 people on the waiting-list, who have not even had an intake interviews.

Rarely has the need for volunteer attorneys been this profound. Make a difference in someone's life (and learn about another country) by volunteering your time. No experience is necessary. The Asylum Project has excellent training materials and will provide a consulting attorney to answer your questions. ■

## The Energy of a Nation: Immigrants in America

V I D E O

*The Energy of a Nation: Immigrants in America*, an exciting new video addresses one of the major issues of our era - immigration. At a time when immigration debates make headlines daily, the public needs accurate and accessible information in order to develop an informed analysis of this complex topic. Who comes to the United States? How many? Why? What is the impact of immigration on the U.S. economy, labor market and culture? The video and accompanying written materials address:

- Economic Impact
- History of Immigration
- Current Trends
- Global Perspective
- Legal and illegal immigration
- Family and employment immigration
- Refugees
- Government policies

*This Video* is appropriate for students in middle school or high school and adults. The materials can be adapted for classes on current events, civics, economics, geography, history, law, and social studies.

*Produced by award-winning Media Productions, Inc. and Minnesota Advocates for Human Rights, August 1995.  
Telephone: (612) 341-3302; Fax: (612) 341-2971*

**PURCHASE ORDER: *The Energy of a Nation: Immigrants in America***

Date: \_\_\_\_\_ Date Needed: \_\_\_\_\_  
 Name: \_\_\_\_\_ Institution: \_\_\_\_\_  
 Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
 City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

Purchase price \$25.00 for the video and fact sheets.  
 Quantity \_\_\_\_\_ at \$25.00 each for a total cost of \$\_\_\_\_\_ (Enclosed).

Make checks payable to Minnesota Advocates for Human Rights, 400 Second Ave. S., Suite 1050; Minneapolis, MN 55401-2408.

### B.I.A.S. Project Expands Outreach Efforts in Greater Minnesota

The B.I.A.S. Project (Building Immigrant Awareness and Support) is expanding its outreach efforts in Greater Minnesota. The Project has brought together community representatives from Worthington and Marshall to produce a 12-page newspaper insert highlighting immigrants and refugees in Southwest Minnesota who have made positive contributions to the region. The insert will run on July 4, 1996, and will have multiple additional uses in schools and public display boards in community buildings.

The B.I.A.S. Project makes monthly trips to Fargo/Moorhead to meet with a group of 21 individuals representing 12 Fargo/Moorhead social service agencies, churches, and advocacy groups. The group focuses on local concerns and addresses tensions between the immigrant and non-immigrant communities.

The Project is also expanding its speaking engagements in Southcentral and Southeastern Minnesota. A recent B.I.A.S. Project presentation in Rochester brought together 37 representatives of social service agencies and other refugee and immigrant advocacy groups from the region. An upcoming B.I.A.S. workshop in Albert Lea will work with Head Start employees in two counties.

The Project, now in its third year, uses volunteers to plan and implement its outstate work. The Project's Speakers Bureau also makes presentations to church, school and community groups. Please call Therese Gales at (612) 341-3302 if you would like to become involved with the B.I.A.S. Project. ■

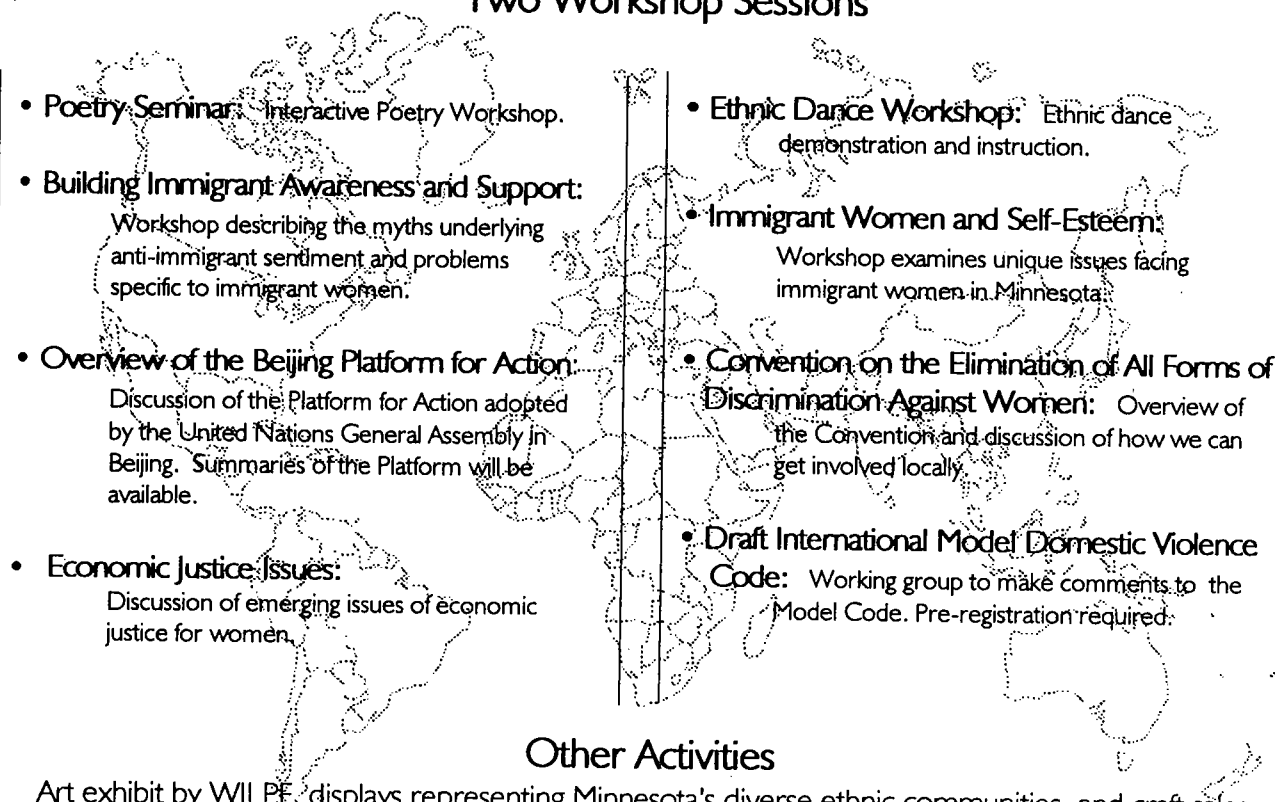
# International Women's Day Celebration

Saturday, March 9 • 8:45 a.m. - 1:00 p.m. • William Mitchell College of Law • 875 Summit Ave.

## Panel Discussion

Minnesota Women from diverse cultures share their heritage, contributions and special concerns. The Hmong, Mexican, Indian, Haitian, and Native American Communities will be represented. **Panelists include:** Sai Lee Yang • Luz Maria Frias • Meena Natarajan • M. Jacqueline Regis • Mary Jo Brooks Hunter, Panel Moderator.

## Two Workshop Sessions



- **Poetry Seminar:** Interactive Poetry Workshop.
- **Building Immigrant Awareness and Support:** Workshop describing the myths underlying anti-immigrant sentiment and problems specific to immigrant women.
- **Overview of the Beijing Platform for Action:** Discussion of the Platform for Action adopted by the United Nations General Assembly in Beijing. Summaries of the Platform will be available.
- **Economic Justice Issues:** Discussion of emerging issues of economic justice for women.
- **Ethnic Dance Workshop:** Ethnic dance demonstration and instruction.
- **Immigrant Women and Self-Esteem:** Workshop examines unique issues facing immigrant women in Minnesota.
- **Convention on the Elimination of All Forms of Discrimination Against Women:** Overview of the Convention and discussion of how we can get involved locally.
- **Draft International Model Domestic Violence Code:** Working group to make comments to the Model Code. Pre-registration required.

**Other Activities**  
Art exhibit by WILPE, displays representing Minnesota's diverse ethnic communities, and craft sales.

## Everyone is welcome to this FREE event!

Contact Robin Phillips at Minnesota Advocates for Human Rights at 341-3302 if you would like to pre-register for a workshop or include your display at the event.

Thanks to those whose generous support has made this event possible:

Merchant, Gould, Smith, Edell & Schmidt, P.A.; Caribou Coffee; Bruegger's Bagel Bakery; Mrs. Feldman's Desserts; Hamline University and William Mitchell College of Law.

This event is sponsored by: Minnesota Advocates for Human Rights ♀ Centro Legal ♀ Hamline Women's Legal Caucus ♀ Minnesota Women Lawyers ♀ Women's International League for Peace and Freedom ♀ William Mitchell College of Law Women's Law Caucus ♀ University of Minnesota Women's Law Student Association ♀ Women's Association of Hmong and Lao ♀ Women Against Military Madness .

## U.S. Policies on Mexico Guarantee Further Violations and Increased Instability

By Clifford C. Rohde

Mexico is failing to ensure and respect human rights for its citizens, exacerbating other Mexican crises. That information is not news to the U.S. government, as should be evidenced in the State Department's annual critique of human rights practices around the world, due out soon. If the Clinton administration truly fears instability south of the border, then the United States should do more than just report on violations. It should press Mexico to stop abuses now. The Administration should abandon its current policy of tolerating rights violations in Mexico while at the same time preparing for a potentially graver period of abuse. Left alone, such a strategy virtually guarantees further violations and increased instability. To avoid that scenario, the United States should exercise its considerable influence in Mexico and demand human rights progress as the basis for ever-growing relations between the two countries.

Human rights abuses in Mexico, long a scourge, are on the rise. Gross violations including extralegal execution, disappearance, torture and arbitrary and prolonged detention occur with alarming frequency, and often severe political ends. Fueling the problem is the fact that abusive government agents are rarely prosecuted. Mexico's Attorney General Antonio Lozano stated recently that eighty percent of the Federal Judicial Police force is corrupt. Yet his office has not taken the basic steps of firing and prosecuting rights-violating agents. As a result, Mexico's cycle of abuse-impunity-abuse proceeds unchecked.

A case in point is the politically-motivated June 1995 massacre of civilians near Acapulco. Members of an independent peasant organization en route to an announced demonstration were stopped by Guerrero state police officers who had been instructed by the highest state authorities to halt the demonstrators "however possible." They did. Police opened fire on the protesters' vehicle, killing seventeen and injuring more than twenty others.

The senior police officer at the scene of the massacre had been cited months earlier by Mexico's official National Human Rights Commission, for violently breaking up another demonstration. Rather than be fired and prosecuted, he was promoted. State investigations into the Guerrero killings, while producing some arrests, have largely avoided uncovering the truth. Meanwhile, Mexico's federal government, citing federalism concerns, has ignored its international human rights obligations to seek justice and compensate the victims. Such disregard for human rights is

reminiscent of Chiapas, where sustained violations ignored for years contributed to armed revolt.

Systemic rights problems abound. For example, Mexico's judiciary, despite recent limited attempts at reform, still lacks the independence and impartiality needed to provide justice. In June 1995, for instance, former Mexico City Judge Abraham Polo was murdered after refusing to issue arrest warrants, for lack of evidence, against leaders of the SUTAU-100 bus drivers' union that had fallen into disfavor with the government. Investigations into his death have not produced one prosecution.

Judge Polo's murder was but one example of attacks against independent-minded individuals. Surveillance, threats and physical assaults are also targeted against human rights and environmental activists, members of opposition political parties, independent labor organizers, investigative journalists, the clergy, and leaders of civil society.

The United States is well aware of these violations, yet appears only to be readying itself for a worsening rights situation in Mexico. Even the U.S. Immigration and Naturalization Service (INS) has increasingly granted asylum to Mexicans fleeing persecution. Meanwhile, the United States is increasingly militarizing its border with Mexico. For example, the INS carried out quasi-military exercises in Arizona last December in preparation for a massive influx of Mexican refugees. While granting asylum to the persecuted is commendable, the United States should take a more active role to stem rights violations before they occur, rather than react (or prepare to react) after the fact.

As Mexican President Ernesto Zedillo publicly acknowledges, it is the duty of Mexico to clean up its human rights act. The United States should encourage Mexico to do so, however, and not simply brace for the worst. The United States should insist on human rights improvements. The United States should refuse to provide equipment or training to Mexican police forces until abusive agents are permanently removed from their posts and prosecuted. No U.S. assistance whatsoever should be provided to the Mexican military until it adequately investigates and prosecutes human rights violations committed by soldiers before and during the Chiapas uprising, and in the "war" against drug-trafficking. Tolerating human rights abuse in Mexico will do little but produce further violations and foment increased instability. ■

# Call for Action: China America must speak up for Wei Jingsheng

*We share some responsibility  
for his most recent arrest*

By Barbara A. Frey

The story of a nation is often best understood through the story of one individual. In China that individual is Wei Jingsheng.

While Chinese politics are too large and complex for any of us to grasp fully, Wei's story is simple. He is being shut away from the Chinese public for espousing democratic ideas. Wei has already been in prison for a third of his 45 years for demanding an end to Chinese government corruption and a beginning to democratic representation for the people of China.

Because of the simplicity of Wei's story, China's leaders, aging and corrupt, tremble in fear and rage at the power of this man. It is the power of one. The power that 27 years of racist South African governments could not overcome in Nelson Mandela; the power that King George and his army could not overcome in our own George Washington.

Wei's story is haunting for us not only because of its stark message about China, but because the U.S. government has some responsibility for Wei's most recent arrest and conviction.

Here is the story of Wei: A former electrician at the Beijing Zoo, Wei Jingsheng was first sent to prison in 1978 after plastering his political opinions on the Democracy Wall, demanding democracy as the "Fifth Modernization," and calling Deng Xiaoping a "fascist dictator."

Although his political boldness helped start the democracy movement that led to the Tiananmen demonstrations and massacre in 1989, Wei missed those events. He was still in prison.

After his release from 15

years in prison in September 1993, as part of China's bid for the 2000 Olympics, Wei did not quietly fade into the background as the Chinese government had hoped. Neither did Wei leave the country and request political asylum elsewhere. He stayed in China and picked right up where he left off, talking and writing about democracy.

At that time, the Clinton administration clearly acknowledged Wei for what he was, a fearless symbol of Chinese democracy. The administration sent John Shattuck, head of human rights at the U.S. State Department, to meet with Wei. It was the last straw for Chinese officials. Just after Wei's meeting with Shattuck, on April 1, 1994, seven carloads of police showed up to arrest Wei, and to put a stop to his dangerous ideas about democracy and human rights.

Last month Wei was convicted again and safely shut up for many more years. If Wei survives his full sentence, he will not be able to speak or write about democracy again until the year 2012.

The U.S. government's reaction to Wei's recent conviction has been less than it should be. An administration spokesperson protested the verdict, but even as Wei is shuttled off to prison the inexorable machinery of international commerce keeps on churning, fueled by Chinese workers who know no freedom.

Wei's conviction brings into dual focus the oppressive nature of the Chinese government and the corresponding cynicism of the U.S. government. A year and a half ago, President Clinton granted China "most favored nation" trade status, and publicly abandoned the prior policy of linking U.S. trade sta-



Associated Press

**Supporters of Chinese dissident Wei Jingsheng raised fists last month outside the Xinhua News Agency, China's de facto embassy in Hong Kong. An appeals panel had just upheld a 14-year prison term for Wei.**

tus with China's human rights record. The Chinese leadership has taken full advantage of the Clinton de-linkage policy to soak up U.S. trade dollars while thumbing its nose at U.S. ideals on human rights and democracy.

De-linking trade and human rights isn't working. During the past year China conducted weapons tests off the coast of Taiwan; arrested, deported and convicted human rights activist Harry Wu; transferred arms to outlaw nations including Iran; and held in jail or under house arrest all the prominent pro-democracy leaders from the Democracy Wall or Tiananmen periods.

In this U.S. campaign cycle, it is up to American voters to

remind our elected officials that we care about people like Wei Jingsheng who act fearlessly to uphold the ideals that we cherish — ideals like representation through democratic government, free speech and free assembly. The administration must come up with a new game plan to replace its failed policy regarding China's abysmal human rights record. U.S. businesses and international allies must be brought into that plan.

The Chinese people need food but they need freedom, too. We need commerce, but we must not forfeit our most cherished values to get it.

— Barbara A. Frey is executive director of Minnesota Advocates for Human Rights.

From the Minneapolis *Star Tribune* on Monday, January 2, 1996; page A11. It is reprinted here with permission.

## URGE CLINTON ADMINISTRATION FOR A RESOLUTION ON CHINA!

At its March 1996 session, the U.N. Commission on Human Rights will again entertain a resolution criticizing the human rights practices of the Chinese Government. The Human Rights Commission is the political body within the U.N. which takes action on the most serious human rights cases. Last year, the resolution on China, sponsored by the U.S. and several other countries, came within one vote of passage. In light of China's continuing human rights violations, as well as its efforts to undermine the work of the United Nations in the field of human rights, 1996 is a critical time for the Human Rights

Commission to voice its concerns. The Clinton Administration is getting a lot of pressure to avoid confronting China on its abysmal human rights record. Help set the balance straight. Express your concerns now.

Please address a brief letter to:

- President William Clinton  
1600 Pennsylvania Ave., NW  
Washington, D.C. 20500  
Fax: (202) 456-2461
- cc: Secretary of State Warren Christopher  
U.S. Dept. of State  
2201 C St., NW  
Washington, D.C. 20520

Fax: (202) 647-7120

- cc: Under Secretary of Human Rights and Humanitarian Affairs  
John Shattuck  
2201 C St., NW  
Washington, D.C. 20520
- cc: Director of the National Security Council Anthony Lake  
The White House  
1600 Pennsylvania Ave., NW  
Washington, D.C. 20500

Thank them for the U.S.'s leadership on the resolution on China at the 1995 session of the U.N. Commission on Human Rights and urge them to play a leadership role in promoting the 1996 resolution. ■

## Advocates Mourn Loss of Friend and Mentor, Frank Newman



**Frank Newman**

Minnesota Advocates mourns the death of Frank Newman, professor emeritus of Boalt Hall, at the University of California Berkeley, and retired Justice of the California Supreme Court, who passed away this month. Professor Newman co-authored the first international human rights text book with University of Minnesota Law School Professor David Weissbrodt in 1990. He was a member of the

International Advisory Board of Minnesota Advocates, and a friend and mentor to many who work with the organization.

Professor Newman is often referred to as the "grandfather of the human rights movement," having taught and guided generations of human rights advocates and scholars. He had a particular interest in

compensation and reparations for victims of human rights violations. Minnesota Advocates would have surely turned to him for guidance in planning this year's awards dinner.

An avid observer of UN action on human rights, Frank Newman brought dozens of students over the years to Geneva to the UN Commission on Human Rights. He was always a friendly advisor to those uninitiated in the whys and wherefores of the UN.

Professor Newman had been especially active in fighting Governor Pete Wilson's plan to dismantle California State Universities Affirmative Action Program. In August he made an intervention at the UN Sub-Commission on this subject.

Because of his influence on students and his creative insight into human rights issues, Frank Newman's effect on the field will be felt long beyond his passing. ■

## Thanks to...

**Augsburg College** for allowing us to hold our board retreat there this last December. The retreat was a great success, serving to revitalize board members and cultivate numerous new ideas for the organization;

the **Fredrikson & Byron Foundation** for their very generous grant of \$5,000. It is the "home grown" support of local law firms that we are most proud of. Thank you for supporting our organization and human rights work in general;

**Chief Judge Kevin Burke of Hennepin County District Court** for contributing to Minnesota Advocates the proceeds of the David Graven Public Service Award he received this year from the Minnesota State Bar Association.

## Calendar

**February 29: Blackmun Education Project Meeting:** Planning the school-based portion of this death penalty education project. The meeting will be held at the University of Minnesota Law School, 229 19th Ave. S.; call Sara Gurwitch for more information.

**March 1: When Corporations Rule the World:** featuring David Corten, author of the controversial book regarding the emerging global system of business as a threat to long-term human interests. For more information call the MN Center for Corporate Responsibility at 962-4120. This event will be at the University of St. Thomas, beginning at 7:30 a.m.

**March 4: Free Speech or Cultural Defamation?** Bob Gough, lawyer for the descendants of Crazy Horse, and Phyllis Frederick of the Crazy Horse Defense Project will give a lunch presentation at the offices of Leonard, Street & Deinard, PA, in room 23A from 12:00-1:30 p.m. on the case of Hornell Brewing Co., Inc. vs. the Estate of Tasunke Witko.

**March 18: Giving Voice to the Dead: Minnesota Advocates for Human Rights Annual Meeting** will feature Dr. Robert Kirschner, forensic pathologist, of Physicians for Human Rights. He will present a slide show and speak on his work investigating war crimes in Bosnia and Rwanda. This event will be held at the Hennepin County Bar Association at 514 Nicollet Mall, 3rd Floor, in Minneapolis from 4:00-6:00 p.m. This event is free.

**June 1-9: Human Rights Travel/Study Seminar to Guatemala.** Specifically for law students and attorneys, this seminar will offer the opportunity to engage in the study of human rights, grounded in international law, in a country with a long history of human rights abuses. During the study tour, participants will review international treaties; analyze the political problems of implementing and enforcing human rights laws; and experience firsthand the relevance of human rights law to politics, culture, economics, and the environment. This seminar is coordinated by the Center for Global Education at Augsburg College and sponsored by St. Mary's University School of Law Institute on International Human Rights. Contact the Center for Global Education for more information at 612-330-1159.

**June 23-July 12:** The Canadian Human Rights Foundation holds its 17th Annual International Human Rights Training Programme. It is particularly intended for non-governmental organizations involved in human rights. Full or partial bursaries are available for most selected applicants. Contact the Minnesota Advocates office at 341-3302 if you are interested in representing Minnesota Advocates at this conference.

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