

# MINNESOTA LAWYERS INTERNATIONAL HUMAN RIGHTS COMMITTEE

VOLUME 1, NUMBER 3

MEMBERSHIP NEWS

MAY 1987

## FAMILY GROUPS ARE ON "FRONTLINE" OF HUMAN RIGHTS STRUGGLE

At its Third Annual Human Rights Awards Dinner on Thursday, June 4, the Minnesota Lawyers Committee will honor three outstanding family-oriented human rights groups for their efforts on behalf of the detained and "disappeared": the Grandmothers of the Plaza de Mayo of Argentina, the Mutual Support Group of Guatemala, and the Detainees' Parents Support Committee of South Africa. Family human rights groups such as these are at the forefront of the grassroots struggle to protect and promote human rights. These groups often have had to contend with hostile reactions to their efforts to aid the victims of government repression. A brief look at the history of this year's Human Rights Award recipients reveals their strong, courageous, patient and loving character.

Guatemala's Mutual Support Group was officially formed in June, 1984 as a response to the terror experienced by civilians under the rule of General Humberto Mejia Victores. The Mutual Support Group, or "GAM," as it is referred to in the Spanish language, was the first family-oriented human rights group to have more than an ephemeral existence in Guatemala.

Nineth Montenegro de García, the founder of GAM who will accept the 1987

Human Rights Award on behalf of her group, had her husband "disappear" in February, 1984 and soon after began making the informal contacts which led to GAM's creation. Beginning with just three members in June, 1984, GAM grew to 700 members one year later. Many of these members met one another for the first time in morgues or hospitals as they searched for their loved ones.



The surviving leaders of GAM, Isabel de Castañón and Nineth de-García

GAM set about the painstaking and dangerous work of searching for the "disappeared." Members placed advertisements in newspapers, conducted

CONTINUED page 4

## SMITH WINS ASYLUM FOR SALVADORAN

Based on cases decided from June 1983 to September 1986, only 2.6 percent of Salvadoran asylum applicants are granted asylum in the United States. Despite these discouraging statistics, Louis Smith, a board member of the Minnesota Lawyers Committee and an attorney with the Lawyers Committee Pro Bono Asylum Project, was able to win asylum on April 21 for his Salvadoran client, Marcos O. Guardado-Gomez. Smith gave credit for this victory to his client, and to expert witnesses who testified about human rights conditions in El Salvador and the psychological effects of political violence.

CONTINUED page 3

### IN THIS ISSUE

Family Human Rights Groups.....	1
Salvadoran Asylum Victory.....	1
Calendar of Events.....	2
Ruta Postcard Campaign.....	2
Torture Treatment Seminar.....	3
Thompson Visits Sri Lanka.....	5
Merkt Released.....	5
Marielitos Coalition in D.C.....	6
Project Updates.....	6
From the Director's Desk.....	7
Appeal Letter Request.....	7
MLC Logo Contest.....	8

430 Marquette Avenue, Suite 402, Minneapolis, Minnesota 55401, (612) 341-3302

A Minnesota Non-Profit Corporation with tax exempt status

## CALENDAR OF EVENTS

Friday, May 8: Peter Thompson will speak on "Judicial Independence in Sri Lanka" at 12:15 p.m. at Briggs and Morgan, 2400 IDS Center in Minneapolis. Thompson is representing the Minnesota Lawyers Committee on a mission to Sri Lanka during the first two weeks in April. Bring a bag lunch.

Monday and Tuesday, May 11 - 12: Phone banks will be conducted to encourage ticket sales to the Third Annual Human Rights Awards Dinner on June 4. Expect a call!

Tuesday, May 12: Meeting of the Chile Subcommittee at 7:30 a.m. at the offices of the Minnesota Lawyers Committee, 430 Marquette Avenue, Suite 400, Minneapolis.

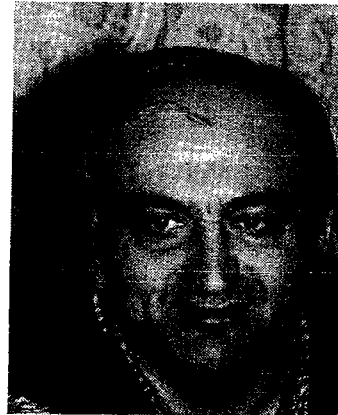
Thursday, May 14: Lev Fabrikant, a former refusnik and Jewish activist will speak on "Soviet Emigration Today," at 12:00 noon in the basement cafeteria of the State Office Building in St. Paul. Fabrikant was active in the Riga refusnik community and gave seminars on Jewish topic in his home. He was warned by the KGB to curtail his activities. He was recently allowed to emigrate to Israel. His visit to Minnesota is part of a national tour. The May 14 lunch talk will be co-sponsored by the Minnesota Elected Officials for Soviet Jewry and the Minnesota-Dakotas Action Committee for Soviet Jewry.

Tuesday and Wednesday, June 2-3: "Victims of Torture: Recognition and Treatment," a two day seminar will be presented at the University Radisson by the Center for Victims of Torture, in cooperation with the Minnesota Lawyers Committee. (See article, page 3)

Thursday, June 4: Third Annual Human Rights Award Dinner honoring the families of the detained and "disappeared" from Argentina, Guatemala and South Africa. 5:30 cocktails, 6:30 dinner, International Market Square, Minneapolis.

## RUTA POSTCARD CAMPAIGN ANNOUNCED

The Minnesota Lawyers Committee is initiating a postcard campaign for the release of Ioan Constantin Ruta. For more than a year, Ruta has been wasting away in a Romanian prison cell. After Ruta's wife, Rodica, defected to the United States in November of 1985, the Romanian government requested that he file for divorce, as a way of renouncing his wife's action. Ruta refused.



Ioan Constantin Ruta

Shortly thereafter, the government retaliated by arresting him, and later charging him with accepting bribes at a government factory where Ruta was a manager. After a trial of several months, Ruta was convicted and sentenced to seven years in prison.

Rodica Ruta and her daughter, Alina, fear that Ioan Ruta will not survive his prison sentence. While in prison, he is reported to have suffered two heart attacks, acquired chronic hepatitis and lost 70 pounds. Medicine sent by the family through the University of Minnesota Hospitals never reached Ruta in prison.

Twenty five hundred postcards will be distributed for signature. The cards will be addressed to Ioan Ruta in care of Nicolae Ceausescu, President of the Socialist Republic of Romania. The postcards will be available in early June and will be distributed through churches, universities, businesses and law firms around Minnesota.

Smith successfully established that Guardado feared he would be persecuted or killed if returned to El Salvador. In 1980, the church where Guardado's father had been a pastor began providing refuge for people fleeing violence in the countryside. Smith said, the government views this type of humanitarian activity as subversive. Local death squads murdered one of the peasants who was staying at the church and threw his body on the roof. They also "disappeared" one of Guardado's close friends, and warned Guardado and his brother to keep quiet about the death squad's actions. Finally, they kidnapped Guardado's brother, who luckily escaped after enduring three days of torture. Guardado and his family then fled the area, fearing that they would be the death squad's next victims.

Smith assembled a team of three psychologists from the Twin Cities to help with Marcos Guardado's asylum case. The psychologists gave Guardado a battery of psychological tests which confirmed that he suffered from Post Traumatic Stress Disorder (PTSD). PTSD results when an individual experiences highly traumatic or violent events. Symptoms of PTSD include memory loss, confusion, anxiety, nightmares and depression. Barbara Chester, director of the Center for Victims of Torture, gave extensive testimony about the existence of PTSD.

Smith also reported that Judge

Vinikoor was impressed with testimony from Dan Spencer of the Augsburg Center for Global Education. Spencer coordinates trips to Latin America and has traveled extensively in El Salvador. He spoke about political conditions in El Salvador, basing his testimony on many interviews he has had with persons from all sectors of Salvadoran society.

Smith also thought the recent Supreme Court case, INS v. Cardoza-Fonseca, "made a big difference" in Mr. Guardado's case. On March 9, the Supreme Court ruled that asylum applicants need not prove it is "more likely than not" they would be subject to persecution if returned to their country of origin. Following the Supreme Court's decision, Judge Vinikoor held that Marcos Guardado could be granted asylum, although he did not meet the stringent "more likely than not" standard.

Judge Vinikoor made another significant ruling regarding Guardado's four year stay in Mexico after fleeing El Salvador. The judge held that although he had a "safe haven" in Mexico, this did not preclude the granting of asylum in the United States under the current law.

Smith related that his representation of Guardado was the "most satisfying thing he has ever done as a lawyer." He is looking forward to working on his nine other asylum cases.

## **SEMINAR PLANNED ON TORTURE TREATMENT**

The Center for Victims of Torture, in cooperation with the Minnesota Lawyers Committee, will sponsor a two-day seminar entitled, "Victims of Torture: Recognition and Treatment," on Tuesday and Wednesday, June 2 and 3, at the University Radisson. The informational workshop is designed for human rights groups and social service providers, including physicians, nurses, and clergy. The goals of the workshop are to increase public awareness about the problem of torture and its after-effects and to bring together treatment providers to discuss current practice in treating torture victims.

The seminar will begin Tuesday afternoon with a workshop on the recognition of problems of torture by Dr. Elena Nightingale who has been involved in the research of the role of medical personnel in torture. Representatives of families of the detained and "disappeared" from

Argentina, Guatemala, and South Africa will then give personal accounts of the problem of torture in their home countries. Dr. Richard Mollica from the Indo-Chinese Psychiatry Clinic in Brighton, Massachusetts will discuss U.S. perspectives and responses to the problem of torture.

On Wednesday morning, a panel of psychiatrists and social workers will discuss clinical issues of torture treatment. The final workshop will present Dr. Finn Somnier and Inge Block, a neurologist and psychotherapist from the International Rehabilitation and Research Center in Copenhagen, Denmark, who will discuss current experiences regarding the delivery of service to torture victims. The workshop will conclude at 11:30 a.m.

The cost of the seminar is \$45. For further information, contact Lori Graven at 625-9023.

## AWARDS DINNER '87 from page 1

demonstrations and eventually met with government officials. The danger of conducting these activities in Guatemala was made tragically clear in early 1985 when two of the principal leaders of GAM, Hector Gomez and Rosario de Cuevas, were murdered. Since that time, the Canadian-based International Peace Brigades has provided security for some of GAM's leaders.

Since President Vinicio Cerezo was elected at the beginning of 1986, the Minnesota Lawyers Committee has joined GAM in submitting hundreds of petitions for habeas corpus on behalf of the "disappeared." Such petitions have prompted investigations by the Cerezo government, including the appointment of a Special Investigator to deal specifically with "disappearances". Since Cerezo assumed power, the human rights situation in Guatemala has improved dramatically, however, the fate of a great number of "disappeared" remains a mystery and the unlawful detentions continue. So, too, continue the courageous efforts of the Mutual Support Group.

In Argentina, the Grandmothers of the Plaza de Mayo was formed soon after the 1976 military coup. State-sanctioned terrorism became the norm at that time, and the ruling military threatened to kill anyone even remotely sympathetic to the opposition. At more than 360 secret detention centers in Argentina, men would go to work each day, and their work was to torture. In many cases, the tortured were pregnant women whose babies were kidnapped and given to military officers or government officials to raise as their own. It is estimated that up to 30,000 people may have "disappeared" between 1976 and 1983.

The Grandmothers, indeed, live to find the children of all the "disappeared" and reunite them with their families and their persistence and doggedness is truly worthy of recognition. Isabel de Mariani, Founder and President, and Estela de Carlotto, Vice-President, will be in Minneapolis on June 4 to accept the 1987 Human Rights Award on behalf of the Grandmothers of the Plaza de Mayo.

The Detainees' Parents Support Committee was founded in August, 1981 as a spontaneous response of family and friends to the large number of people being detained by the South African Security Policemen. Max Coleman and his wife Audrey joined the D.P.S.C.

following the detention of their own son by South African authorities. Mr. Coleman, now the Chair of the Detainees' Parents Support Committee, will accept



Mother whose son was killed by police in Soweto, South Africa.

the 1987 Human Rights Award on behalf of his organization.

A memorandum published by the D.P.S.C. in 1981 documenting in detail the torture that had taken place in South Africa sent shock waves through the public. The government was politically embarrassed enough to launch an "objective" inquiry into the allegations of the memorandum. Since 1981, the repression has increased dramatically. June 12, 1986 marked the beginning of the third state of emergency. The Detainees' Parents Support Committee estimates that 22,000 were detained within the first five months of the emergency.

Audrey Coleman recently stated, "The anxiety of living in this environment causes tremendous stress. The parents of the missing children are angry and resentful of the present system. They go backwards and forwards to police stations, hospitals and mortuaries looking for their loved ones. It is a great relief when they do find their son or daughter in detention because at least they then know what has happened to them." No doubt, the same sentiments are shared with the other groups. Max and Audrey Coleman were fortunate to find their son alive after five months of detention. Many involved in the struggle to find their detained and "disappeared" loved ones are not nearly so fortunate.

## THOMPSON REPRESENTS MLC IN SRI LANKA



Attorney Peter Thompson represented the Minnesota Lawyer Committee at a seminar on "Law Enforcement Agencies and Their Role in the Implementation of the International Bill of Human Rights in Sri Lanka during April. Thompson is seen (above, left) with attorneys from Sri Lanka, France and Pakistan who attended the seminar. At left, Thompson embraces a young Sri Lankan from a shantytown north of Colombo.

### JOB OPPORTUNITY

The Center for Victims of Torture is seeking an Administrative Assistant who will be responsible for the overall administrative functioning of the Center, including recordkeeping, accounting, minutes of Board and Committee meetings, correspondence, public relations and some supervision of volunteers.

Typing and word processing ability a must. Proven ability in organizational administration, written and verbal communication skills. Must be able to work well with people from diverse backgrounds.

Position is half-time with the possibility of increasing to full-time based upon need and availability of funds. Starting salary \$9 per hour. Health care will be provided. Interested applicants should send resume and references with telephone numbers to Barbara Chester, Center for Victims of Torture, 701 4th Avenue South, Ste. 1800, Minneapolis, MN 55415.

### MERKT OUT OF CUSTODY

Stacy Lynn Merkt, the American sanctuary worker convicted of transporting illegal aliens, was released from prison in Fort Worth, Texas on April 18. Merkt, who had been declared a prisoner of conscience by Amnesty International, is currently under house arrest. Under this restriction, Merkt must state specific reasons to be allowed to leave her home.

Merkt was a volunteer at Casa Romero, a church shelter for Central American Refugees in the Rio Grande Valley in Texas. Amnesty International designated Merkt a prisoner of conscience because the refugees she assisted could have been victims of human rights violations if they returned to their home countries.

# DELEGATION SEEKS RELIEF FOR MARIEL CUBANS

The Lawyers Committee and other human rights groups around the country remain concerned about the continuing indefinite detention of Mariel Cubans in U.S. prisons and jails. In an effort to call attention to the plight of the Cubans, Lawyers Committee member Karen Ellingson joined representatives of other concerned groups on a trip to Washington, D.C. on March 25 - 27. The delegation of lawyers, church leaders and wives of Cuban detainees met with several legislators, and their staff, as well as with newspaper and radio reporters.

Ellingson, an attorney at Southern Minnesota Regional Legal Services who has worked on behalf of the Cubans for a number of years, presented the legislators and the media with information about the Cubans detained at the Minnesota State Correctional Facility in Stillwater. Ellingson reported that the trip was very successful and that the delegation spoke with several people who seemed sympathetic to the Cubans' situation.

The delegation included Gary LeShaw, an attorney at Atlanta Legal Aide; O.J. Keller, former U.S. parole commissioner; Gene Guerrero, director of the Georgia ACLU; Wade Henderson, of the

Washington ACLU; and Carla Dudeck, Coordinator of the Coalition to Support Cuban Detainees in Georgia. Most members of the delegation have been working for years to secure the release of the Cubans being held under horrendous conditions in the Atlanta Federal Penitentiary. Litigation to obtain due process rights for the Cubans ended unsuccessfully when the U.S. Supreme Court refused to hear the Cubans' case last October.

The delegation discussed possible legislative remedies with several congressmen who are members of the House or Senate Subcommittees on Immigration, Refugees, and International Law, as well as with other key legislators. The group met with Bruce Vento of Minnesota; Howard Berman, Don Edwards and Esteban Torres of California; Pat Swindall, Wyche Fowler, John Lewis and Sam Nunn of Georgia; John Bryant of Texas; Romano Mazzoli of Kentucky; Bruce Morrison of Connecticut; and Barry Frank of Massachusetts.

The group also spoke with reporters from the Miami Herald, the Washington

Post and Pacifica National Radio. In addition, they discussed possible strategies for approaching the Mariel Cuban problem with other concerned groups in Washington, including the International Human Rights Law Group and the Lutheran Church World Service.

Shortly after the trip to Washington, the International Human Rights Law Group filed a complaint on behalf of incarcerated Cubans before the Inter-American Commission of the Organization of American States. The Cubans being held at Stillwater Prison are included as plaintiffs in the suit. Ellingson stated that delegation members will continue working together to resolve this serious "national problem" of the indefinite detention of Mariel Cubans.

## PROJECT UPDATES:

Committee completes legal investigation standards: Attorney Peter Thompson and MLC staff attorney Marie Bibus have drafted model standards for a legal investigation into the cause of death in political or arbitrary killings. The legal investigation standards will be incorporated as a section in the next revision of The Minnesota Protocol: Preventing Arbitrary Killing through an Adequate Death Investigation and Autopsy. The standards include procedures for the processing of a crime scene and evidence, as well as guidelines for establishing a special commission of inquiry, where government complicity is suspected. Charts and checklists for the standards were provided with the permission of the State of Minnesota Department of Public Safety, Bureau of Criminal Apprehension.

Committee to release Oakdale report: The Committee will release a report this May documenting the findings of two MLC delegations that visited the Oakdale Detention Center during the past year. Oakdale Detention Center: The First Year in Operation will describe the lawyers' observations regarding procedural fairness and conditions of confinement in the INS detention center in Oakdale, Louisiana. After its opening in March 1986 until December 1986, Oakdale was used to detain Central Americans and other undocumented foreigners pending deportation. Since December, the mission of the detention center has been to house Mariel Cubans.

## FROM THE DIRECTOR'S DESK

Getting ready for a mission to another country is not exactly like any other vacation you have ever taken. It is true that you have to ensure that your plane reservations are lined up and that you have a place to stay once you reach your destination. Also to be considered, however, are what documents to bring and not to bring on the trip, whose names and addresses to carry and where to carry them, and when to notify the U.S. Embassy that you have arrived.

It is crucial that each mission have clear objectives and a plan for accomplishing those objectives. Appointments with officials must be made in advance, a policy must be thought through concerning public statements, confidentiality, and the use of the information obtained during the mission.

While the Committee attempts to plan ahead for contingencies, each mission comes with its own set of surprises. Here are a few examples:

-Allen Saeks travelled to Kenya in January armed with a letter of credential from the Committee in the hopes of serving as a trial observer. The trial didn't happen.

-Peter Thompson got a call from his travel agent two days before his trip to Sri Lanka notifying him that his visa request had been denied and the reason was confidential. Peter investigated and discovered that the denial was based on a mere technicality. He and his wife, Ricki, got their visas only hours before departure.

-Tom Barrett, Judge Isabel Gomez-Edwards, Mike Persellin and Louis Smith postponed their trip to Guatemala for two months when they discovered that another human rights group planned to send four lawyers to Guatemala during the exact same time period as the Minnesota group had scheduled. Two "gringo" delegations at the same time would have caused great confusion.

-Jackie Rosholt was the target of a pickpocket in a Salvadoran marketplace and had to plead her way into Nicaragua without a passport during this year's Central American study tour.

-In February, 1986, the Committee sent a letter of credential along with Attorney David Dierenfield on his motorcycle adventure through the African continent. We never heard from him again. He is presumed to be still alive.

*Barbara A. Frey* 7

## LETTERS REQUESTED ON BEHALF OF LAWYER

On March 3, 1987 Dumisa Ntsebeza, an attorney and former political prisoner, was served with a banishment order under the Transkei Public Securities Act. It ordered his removal from Umtata, the capital of Transkei, to a rural district within the "homeland" where Ntsebeza is effectively prevented from continuing his legal work. No reasons were given for the banishment, however Ntsebeza is acting as defense attorney on behalf of a number of opponents of the Transkei authorities.

The Minnesota Lawyers Committee requests members to please send a variation of the following appeal letter to Transkei authorities:

Your Excellency:

I am a lawyer practicing in the United States and write in regards to Dumisa Ntsebeza, a fellow colleague who was banished from Umtata, Transkei. From the information I have received, Mr. Ntsebeza appears to have been, banished for his legal advocacy of human rights and expression of his non-violent opinions, rather than for having committed any unlawful act. Thus, I respectfully request that you ensure his personal health and safety while under restriction and urge you to unconditionally lift the banishment orders promptly.

Respectfully,

### APPEALS TO:

Chief Nyangalizwe Ndamase  
President  
Government Offices  
Umtata 5100  
Transkei, South Africa

Chief G M M Matanzima  
Prime Minister and Minister of Police  
Government Offices  
Umtata 5100  
Transkei, South Africa

### COPIES TO:

Ambassador J.H.A. Beukes  
Embassy of South Africa  
3051 Massachusetts Avenue NW  
Washington, DC 20008

bcc: Minnesota Lawyers Committee

MEMBERSHIP NEWS 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.

Officers:

Robert P. Sands	President
James E. Dorsey	Vice President
Jean M. Boler	Secretary
James V. Roth	Treasurer
David Weissbrodt	Legal Counsel

Newsletter Committee:

Donna-Marie Boulay  
Deborah Kleinman McNeil  
Raymond C. Meyer

Staff:

Barbara A. Frey	Executive Director
Marie Bibus	Staff Attorney
Paul W. Fraser	Administrative Asst.
Elizabeth Shaver	Staff Intern

## CAN YOU TOP THIS?



If you can outdo this submission to the Minnesota Lawyers Committee's logo contest with your hands tied behind your back, then let's have it!

Time is running short for entries in the MLC's contest for the best logo design. The logo should represent the Committee's local activity on international issues.

Entries may be submitted in pencil or in ink. The deadline is Friday, May 15. Send your entry to the Minnesota Lawyers Committee, 430 Marquette Ave., Suite 402, Minneapolis, 55401. The winner will receive a free ticket to the 1987 Human Rights Awards Dinner on Thursday, June 4 at the International Market Square.

**MINNESOTA LAWYERS  
INTERNATIONAL HUMAN RIGHTS COMMITTEE**

430 Marquette Avenue, Suite 402, Minneapolis, Minnesota 55401

NON PROFIT ORG.  
U.S. POSTAGE  
PAID  
PERMIT NO. 3637  
Minneapolis, MN

Richard Thomas  
1270 Lincoln Ave  
St. Paul, MN 55105