



INTERNATIONAL HUMAN RIGHTS LAW GROUP

733 Fifteenth St., N.W. • Suite 1000 • Washington, D.C. 20005

(202) 639-8016

October 31, 1988

BOARD OF DIRECTORS

Robert H. Kapp
CHAIR

Robert Herzstein
VICE-CHAIR

Goler Butcher
TREASURER

Claudio Grossman
SECRETARY

Millard W. Arnold
Michael D. Barnes
Samuel R. Berger

David Carliner
Hodding Carter, III

Nancy Folger
Robert K. Goldman

(Rev.) J. Bryan Hehir
Eleanor Holmes Norton

Charles E. M. Kolb
Pedro Pablo Kuczynski

Stuart Lemle
Burt Neuborne

Roberts B. Owen
Renee Poussaint

Nancy Rubin
Steven M. Schneebaum

Mark L. Schneider
Marna S. Tucker

Sanford J. Ungar
Abelardo L. Valdez

Edward L. Weidenfeld

ADVISORY COUNCIL

Richard B. Bilder
Theo C. van Boven

Roberta Cohen
Martin Ennals

Thomas M. Franck
Hurst Hannum

Monroe Leigh
Richard B. Lillich

Bert B. Lockwood, Jr.
Fali S. Nariman

Louis Pettiti
Charles Runyon

EXECUTIVE DIRECTOR

Amy Young

LEGAL DIRECTOR

Larry Garber

Mr. Ricardo Lagos
Augusto Leuvia Norte 127
Dpto. A
Santiago, CHILE

Dear Mr. Lagos:

I want to thank you for taking the time to meet with the Law Group's delegations in September and October. We are especially appreciative, knowing what a busy period this was for you.

The international delegation sponsored by the Law Group was pleased to report that the actual conduct of the plebiscite on October 5 was, with some exceptions, generally orderly and fair. The level of participation and cooperation of Chileans of all political persuasions contributed to making the plebiscite a success. I have enclosed a copy of the delegation's statement which elaborates further on its findings. Also enclosed is a copy of the statement made by the U.S. Committee to Support Free Elections in Chile, for which the Law Group is acting as counsel.

As you know, the plebiscite is only the first step -- albeit an important one -- towards restoring democracy in Chile. The Law Group looks forward to continuing to follow events in the crucial months ahead and through the congressional and presidential elections in 1989.

Again, many thanks for your time and helpful information. We look forward to seeing you during the Law Group's next visit to Chile.

Sincerely,

Amy Young
Executive Director

AY:ng
enclosure



U.S. Committee to Support Free Elections in Chile

733 15th St., N.W. • Suite 1000 • Washington, D.C. 20005 • (202) 639-8018

Washington, D.C., October 6, 1988

Statement of Senators Richard Lugar and Edward Kennedy Co-Chairmen of the U.S. Committee to Support Free Elections in Chile

HONORARY CO-CHAIRS
President Gerald Ford
President Jimmy Carter

CO-CHAIRS
Senator Edward Kennedy
Senator Richard Lugar

Dwayne O. Andreas
Morty Bahr
The Hon. Michael Barnes
Owen Bieber
The Hon. Michael Blumenthal
Derek Bok
Harold Brown
The Hon. McGeorge Bundy
William Bywater
Cesar Chavez
Larry Chimerine
The Hon. Lloyd Cutler
The Hon. Dante Fascell
The Hon. Henry H. Fowler
Mary Futrell
Robert Georgine
Gen. Andrew Goodpaster
Edward Hanley
Sen. Tom Harkin
Father Theodore Hesburgh
Jack Joyce
Lane Kirkland
Dr. James T. Laney
Arthur Levitt, Jr.
Jay Mazur
Gerald McEntee
The Hon. Robert McNamara
The Hon. G. William Miller
Rev. J. Donald Monan
The Hon. David Packard
Sen. Claiborne Pell
The Hon. Donald Rumsfeld
Albert Shanker
Jack Sheinkman
The Hon. William E. Simon
Anthony Solomon
Dr. Howard Swearer
Alexander Trowbridge
The Hon. Cyrus Vance
Edwin C. Whitehead
Lynn Williams
William Wynn

COUNSEL
The International Human
Rights Law Group

As chairmen of the U.S. Committee to Support Free Elections in Chile, we are pleased to report that the October 5 plebiscite was conducted in accordance with the electoral laws of Chile. The credit for the outcome, however, clearly goes to the people of Chile. They registered in massive numbers, some 7.4 million persons, and more than 90% turned out at the polls.

The International Human Rights Law Group, which has acted as counsel to our Committee, sent a distinguished delegation to Chile to monitor the electoral process. After meeting with other international observers, they concluded there was nearly complete compliance with the provisions of voting laws. We share their view that the government of Chile generally abided by the provisions of the electoral code and commend its acceptance of the victory of the opposition. It is evident that there was a clear and convincing rejection of General Pinochet's candidacy to continue in power for eight more years. The Chilean people said "No" to continued one-man rule. They said "Yes" to democracy.

The reports we have received from the Law Group and others noted the important role of international observers in this important step toward democracy in Chile. They emphasized the importance of the international community's continued involvement and attention to events in Chile as the democratic transition unfolds. We share the view that it is essential for the people of Chile to be permitted to exercise normal democratic freedoms without interference during this transition period.

We will continue to follow that process, because we believe our involvement and the involvement of other international parties has been a positive one. We appreciate the Government's responsiveness to the concerns about the electoral process we expressed as recently as last week.

The international presence in Chile has been important to the election process, but it is minor when compared to the extraordinary courage, determination and resilience of the Chilean people and the unmistakable strength of the democratic ideal. The people of Chile saw a chance for a new future and they risked everything for that chance. They deserve our greatest admiration and firmest support.

This Committee will continue to follow the situation in Chile and to examine the democratic transition process. The will of the people of Chile was expressed eloquently in the election. It is now up to all groups and institutions to make their best efforts, in a spirit of reconciliation, to transform that will into a reality of democracy, the rule of law and respect for human rights for all the people of Chile.



INTERNATIONAL HUMAN RIGHTS LAW GROUP

733 Fifteenth St., N.W.
Suite 1000
Washington, D.C. 20005

(202) 639-8016
Cablegram: INTLAWGRP

October 5 was an extraordinary milestone in the Chilean people's courageous march towards democracy. The decisive NO vote in the Plebiscite is a tribute to the deep and abiding commitment of Chile's citizens to the principles of human dignity and individual rights. Their verdict represented a resounding victory, against great odds, over the Junta's repressive dictatorship of the past fifteen years and decisive affirmation of the ideal of democratic pluralism.

The actual conduct of the Plebiscite on October 5 itself was, with some exceptions, generally orderly and fair. We know of no significant complaints about the casting or counting of ballots. Indeed, the Chilean people of all political persuasions displayed a remarkable and exemplary degree of patience, tenacity and integrity in working together for many hours to make the Plebiscite day a success.

The campaign leading up to the Plebiscite was contested vigorously by both sides, but it was conducted on an uneven playing field which was tilted heavily by the Pinochet Government against the opposition. At the outset, we recognize that the government convoked the Plebiscite only after there had been sufficient registration to permit a meaningful expression of the political will of the Chilean people. In addition, the government lifted the states of exception, permitted the return of Chilean exiles and permitted the opposition to function with only sporadic interference. Most important, the government established an electoral process which incorporated adequate safeguards to assure the secrecy of the ballot.

At the same time, the government took a number of steps to handicap the opposition. First and foremost, it devoted extensive television coverage to the SI campaign while allowing the NO only fifteen minutes of television time daily between 10:45 and 11:15 p.m. in the month preceding the Plebiscite, at a time when over 70% of Chilean television sets are normally not viewed.

In addition, the government and its resources, including the Army, were heavily involved in the SI campaign: large amounts of money were spent in a massive publicity drive and the head of the campaign was the Minister of Interior.

The government also imposed harsh restrictions on opposition demonstrations, expanded the jurisdiction of the military courts to prosecute journalists for alleged offenses against the military, and, according to credible sources, confiscated scores of identification cards from NO supporters, thereby making it difficult to vote. It is also true that the continued abuse of individual rights by the Chilean security forces constituted a form of ongoing intimidation.

In looking to the future, the Chilean Government should strive to foster an environment in which the democratic process will flourish. This entails guaranteeing full respect for human rights. First, the government should commit itself to abstain from acts of retribution, release political prisoners and crack down on clandestine groups engaged in acts of violence and intimidation. Similarly it should dismiss charges against those journalists who have been prosecuted solely for accurate reporting or political commentary, and should end the use of internal exile. In particular, the government should rescind the orders relegating Manuel Bustos and Arturo Martinez, two leaders of the labor movement, and should lift restrictions on the rights of workers to strike and to freely associate. Given the importance of the television in Chile and the government's almost exclusive control of this medium, the government should ensure equal opportunities for divergent views to be expressed on television. Finally, the Chilean Government should ratify the OAS convention against torture and should publish the law enacted in 1976 which gives full legal effect to the International Covenant on Civil and Political Rights which Chile ratified in 1972.

The Plebiscite is only the first step in the reestablishment of the longstanding tradition of democracy in Chile before 1973. The delegation is convinced that the forthcoming presidential and congressional elections will be characterized by the same degree of political consciousness and participation if allowed to take place in an environment where human rights are fully respected.

Ms. D. Lea Browning—United States
Mr. John Douglas—United States
Mr. Hans Haekkerup—Denmark
Ms. Kerry Kennedy—United States
Ms. Nancy Rubin—United States
Ms. Laura Trejo—United States
Ms. Amy Young—United States
Mr. Marcel Zwamborn—Netherlands