

AMERICAS OVERVIEW

Human Rights Developments

The October 1998 arrest in London of Chile's former military ruler, Augusto Pinochet, rekindled hopes for victims of human rights abuses around the world. The case marked a significant step forward in the struggle to achieve justice for egregious human rights violations, spawning the development of similar efforts to pursue former dictators enjoying retirement in the comfort of impunity. Accustomed to seeing impunity as the norm, human rights activists worldwide were encouraged by Pinochet's detention. In Latin America, in particular, impunity for major violations continued to be one of the principle obstacles to human rights protection. Although democracies in the region remained stable for the most part, human rights violations took place throughout, nowhere more brutally than in Colombia. And even as the Pinochet precedent broke new ground, fresh challenges to international human rights mechanisms arose.

Significantly, Chile did not face political instability as a consequence of the legal action taken against the general in Spain and the United Kingdom. Opponents of the Spanish prosecution had predicted dire political consequences if it moved forward, in part as a means to pressure the two European countries into ensuring that Pinochet was returned to Chile without facing charges in Spain. Yet by the end of October 1999, Chile was preparing without turmoil for a presidential election in December in which Pinochet was not a major issue. Meanwhile, judges detained and charged numerous former officers of his government for grave human rights abuses. Moreover, a majority of Chileans, according to public opinion polls, believed that Pinochet should be brought to account for the human rights violations that accompanied his coup.

The regional pattern of elected governments was interrupted only in Cuba, where Fidel Castro celebrated in January his fortieth year in power on the island, giving no sign of loosening the reins of power. Indeed, the March sentencing of four dissidents to terms ranging from three and a half to five years in prison furnished a sharp reminder of the government's intolerance of criticism. As this and other prosecutions demonstrated, the political opening that accompanied Pope John Paul's January 1998 visit to Cuba did not survive the year. Cuban law continued to infringe basic rights, including those of free expression and association, and government interference in the courts undermined the right to a fair trial.

Although democratic rule was well entrenched in the region, no country illustrated better than Colombia that the existence of an elected civilian government did not necessarily result in the protection of human rights. Not only did the armed conflict there show no signs of abating, despite a major peace initiative launched by President Andrés Bórra, but human rights violations proliferated as the fighting intensified. Guerrillas used territory ceded them by the government to further war, rather than talk peace. Paramilitary groups working in some areas with the tolerance and even open support of the military continued to massacre civilians, commit targeted assassinations, and spread terror. Guerrillas, too, flouted international humanitarian law, kidnapping and executing civilians and carrying out indiscriminate attacks. Desperate Colombians throughout the country fled the violence, with narrowing possibilities of finding refuge, food, or medical care. Meanwhile, Washington moved forward with plans to supply massive amounts of military aid to Colombia.

In Peru, the chronic weaknesses of many of the country's political and judicial institutions contributed to human rights violations. The frailty of the judiciary and legislature, to a large degree the work of Fujimori, permitted the president to exercise ever-increasing authoritarian control. He continued during the year to prepare the ground for his second reelection bid in voting scheduled for 2000, although the legality of a third term remained dubious. Government-inspired campaigns of hostility and intimidation of independent media outlets continued to hinder the expression of political views, while judges whose decisions threatened government interests faced sudden transfers out of their posts. Hundreds of Peruvians unjustly convicted or facing trial for terrorist offenses remained in high-security prisons under an extremely harsh prison regime. Although Fujimori had earlier allowed the establishment of an Ad Hoc Commission to review cases and recommend presidential pardons for those unjustly convicted, he authorized only seven pardons out of more than fifty cases forwarded to him by the commission in the first eight months of 1999. As described in more detail below, Peru also took unprecedented steps to defy the Inter-American Court of Human Rights.

Unlike in Peru, where the weaknesses of political and judicial systems were the outcome of political design, in Haiti the debility of democratic institutions—and the consequent vulnerability of human rights—resulted more from political chaos. Infighting among erstwhile allies in the Lavalas movement continued to stymie institutional development, stalled since the June 1997 resignation of Prime Minister Rosny Smarth. The country's political crisis deepened in January 1999, when President René Prival abruptly dismissed Parliament and named a new Prime Minister and Cabinet. Political violence and killings by police—although nowhere near the levels reached during military governments—mounted. Elections intended to resolve the crisis were postponed until March 2000. The justice system remained largely dysfunctional, unable to establish a bulwark against human rights violations and woefully delayed in processing Haiti's burgeoning prison population, the vast majority of which remained in pretrial detention.

Police violence reached disturbing levels in Haiti, after dropping for two years running. In addition to several reported extrajudicial executions, the Haitian National Police apparently engaged in the first cases of forced "disappearance" since the end of military rule. In Guatemala as well as Haiti, dramatic law enforcement failures led ordinary citizens to dispense their own crude form of justice through the lynching of suspected criminals.

In Venezuela, the December 1998 presidential elections were won by former army Lt. Col. Hugo Chávez Frias, creating uncertain prospects for human rights and democracy. Chávez had led an unsuccessful military coup in 1992, gone to prison, and then returned to public life as a political reformer crusading to rid the country of its notorious problems of corruption, political mismanagement, and poverty. A constituent assembly to write a new constitution was formed in April; it later declared the political, legislative, and justice systems to be in emergency, assuming extraordinary authority to intervene. Democratically elected members of Congress were prohibited by the assembly from meeting and exercising their authority. Chávez eventually permitted Congress to assume some of its functions, and the country stepped back before abrogating the rule of law. Indeed, some endemic human rights problems, such as arbitrary arrests, dropped dramatically thanks to the Chávez government's decision to stop conducting police raids in poor neighborhoods. Nonetheless, terrible prison conditions and police violence, including the commission of extrajudicial executions, persisted.

Overall, the region's democracies demonstrated difficulties in handling the demands of guaranteeing public security and justice while at the same time respecting human rights. Security issues remained paramount in the public discourse as police forces failed to protect crime-weary populations. Officials and aspiring politicians were quick to scapegoat human rights protections as the cause of rising crime, rather than examining its real causes: impunity for powerful criminals, the persistence of desperate poverty, and corrupt and ineffective courts and police. In Argentina, aspiring or actual government officials competed with each other to justify unlimited brutality in the suppression of crime. Vice President Carlos Ruckauf, the ruling Justicialist Party's candidate for governor of Buenos Aires province, recklessly urged police to "kill murderers" and "shoot criminals," while independent candidate Luis Patti warned that if criminal suspects "want their rights respected, they should go to Costa Rica." These comments were especially inflammatory in the context of rising police violence against civilians, as was the case in Buenos Aires province.

In Mexico, too, political, business, and even religious leaders spoke out against human rights defenders, blaming human rights guarantees for exacerbating crime by protecting criminals to the detriment of law-abiding citizens. One successful candidate for governor ran a get-tough-on-crime campaign and proclaiming that "human rights are for humans, not rats." In this context, Mexico's federal government in February and March approved constitutional reforms that would weaken human rights protections in the fight against crime. Changes in Mexico's legal procedure for challenging the actions of authorities, known as *amparo*, would expand the circumstances in which prosecutions could move forward despite the violation of due process guarantees. These reforms, once approved by a majority of Mexican states, would also make it easier for prosecutors to obtain arrest warrants by lowering the evidence of crime required.

In Mexico many human rights violations were compounded by the indifference of prosecutors and judges to abuses committed against criminal defendants. While the former fabricated evidence or overlooked abuses by police or soldiers, the latter sought ways to sentence defendants without acknowledging these problems. The key to judges' ability to do so was the principle of "procedural immediacy." Whereas in most countries procedural immediacy means that statements made in front of a judge are more credible than those made elsewhere, in Mexico, it was interpreted to mean that statements made first in time were assigned greater weight. This resulted in the awarding of greater weight to statements made by defendants in police custody, often under torture, undermining the value of any subsequent retractions before judges.

POLICE KILLINGS OF CIVILIANS REMAINED AT HIGH LEVELS IN BRAZIL'S MAJOR CITIES, ALTHOUGH SOME AREAS SHOWED IMPROVEMENT. RIO DE JANEIRO POLICE KILLED FEWER CIVILIANS AFTER THE APPOINTMENT OF A NEW SECURITY CHIEF AND THE CREATION OF AN OMBUDSMAN'S OFFICE. IN SÃO PAULO STATE, HOWEVER, FIGURES FOR THE FIRST THREE MONTHS OF 1999 SUGGESTED POLICE VIOLENCE WOULD RISE FOR THE THIRD STRAIGHT YEAR IN A ROW. MEANWHILE, THE FAILURE OF SEVERAL HIGH PROFILE PROSECUTIONS OF POLICE FOR EXTREME CASES OF BRUTALITY DID NOT BODE WELL FOR ESTABLISHING ACCOUNTABILITY FOR SUCH CRIMES.

PERU'S PRESIDENT ALBERTO FUJIMORI, THE REGION'S MOST AUTHORITARIAN ELECTED CIVILIAN LEADER, DEMONSTRATED HIS CONTEMPT FOR INTERNATIONAL HUMAN RIGHTS NORMS WHEN HE ANNOUNCED IN LATE MAY THAT HIS GOVERNMENT WOULD NOT COMPLY WITH A JUDGMENT OF THE INTER-AMERICAN COURT OF HUMAN RIGHTS. THE COURT, A JUDICIAL ARM OF THE ORGANIZATION OF AMERICAN STATES, HAD ORDERED PERU TO GRANT A FAIR TRIAL TO FOUR CHILEANS WHO HAD BEEN CONVICTED BY PERU'S FACELESS MILITARY COURTS OF "TREASON," AN AGGRAVATED FORM OF TERRORISM IN PERU. THE SUMMARY TRIAL THE CHILEANS HAD RECEIVED, THE COURT RULED, VIOLATED NUMEROUS DUE PROCESS PROVISIONS OF THE AMERICAN CONVENTION ON HUMAN RIGHTS. TWO WEEKS LATER, PERU'S SUPREME COURT DECLARED THAT IT WOULD NOT CARRY OUT A SIMILAR COURT JUDGMENT REGARDING A PERUVIAN WOMAN DENIED BASIC FAIR TRIAL GUARANTEES BY A FACELESS MILITARY COURT. JUDGMENTS OF THE INTER-AMERICAN COURT ARE LEGALLY BINDING; THUS FUJIMORI'S ANNOUNCEMENT BROUGHT PERU INTO DIRECT DEFIANCE OF THE INTER-AMERICAN SYSTEM OF HUMAN RIGHTS PROTECTION. WHILE OTHER GOVERNMENTS HAD DELAYED IMPLEMENTING REMEDIES ORDERED BY THE COURT, NONE HAD PREVIOUSLY REFUSED TO ADHERE TO THEM.

FUJIMORI SUBSEQUENTLY MADE MATTERS WORSE WHEN HE ANNOUNCED THAT PERU WOULD WITHDRAW FROM THE COMPULSORY JURISDICTION OF THE INTER-AMERICAN COURT, AN ACTION UNPRECEDENTED SINCE THE FOUNDING OF THE COURT IN 1979. THE COURT HAD BECOME THE LAST RESORT FOR PERUVIAN HUMAN RIGHTS VICTIMS, GIVEN PERSISTENT GOVERNMENT INTERFERENCE IN THE PERUVIAN JUDICIARY AND AMNESTY LAWS THAT PREVENTED ACCOUNTABILITY FOR PAST HUMAN RIGHTS VIOLATIONS.

WHILE FUJIMORI'S GOVERNMENT OPENLY DEFIED THE COURT, A MOVEMENT TO EXPAND THE USE OF THE DEATH PENALTY IN SEVERAL CARIBBEAN NATIONS CONTINUED, SIMILARLY UNDERMINING REGIONAL ADHERENCE TO INTERNATIONAL HUMAN RIGHTS PROTECTIONS. TRINIDAD AND TOBAGO HANGED TEN CONVICTED MURDERERS IN JUNE AND JULY ALONE, INCLUDING A HIGH-PROFILE SERIES OF EXECUTIONS THAT SENT NINE ALLEGED GANG MEMBERS TO THE GALLOWS. IN CARRYING OUT SIX EXECUTIONS DURING THE YEAR, TRINIDAD AND TOBAGO IGNORED AN INJUNCTION ISSUED IN 1998 BY THE INTER-AMERICAN COURT OF HUMAN RIGHTS, WHICH HAD ORDERED THE COUNTRY TO HOLD OFF UNTIL AFTER THE COURT HAD REVIEWED THE CASES IN DETAIL. ST. LUCIA, THE BAHAMAS, ANTIGUA AND BARBUDA, AND GUYANA SAID THEY WOULD FOLLOW SUIT, ARGUING THAT HANGINGS WERE NEEDED TO REDUCE SOARING CRIME RATES. IN SPITE OF INTERNATIONAL PRESSURE AND EFFORTS BY HUMAN RIGHTS DEFENDERS, REGIONAL SUPPORT FOR CAPITAL PUNISHMENT REMAINED STRONG, WITH AN ESTIMATED APPROVAL RATING OF 70 PERCENT IN TRINIDAD AND TOBAGO AND 88 PERCENT IN BARBADOS. AT THIS WRITING, REPORTED MURDER STATISTICS FOR THE CARIBBEAN DID NOT INDICATE THAT THE RECENT SURGE IN EXECUTIONS HAD DEFERRED SERIOUS CRIME.

EFFORTS TO REMOVE STUMBLING BLOCKS TO THE USE OF THE DEATH PENALTY—including internationally established legal protections for death row inmates—revealed a marked defiance of international norms among Caribbean governments. IN LATE 1998, GUYANA AMENDED ITS RATIFICATION OF THE OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS SUCH THAT DEATH ROW INMATES COULD NOT SUBMIT THEIR CASES TO THE U.N. HUMAN RIGHTS COMMITTEE. THE MOVE CAME AFTER THE COMMITTEE SUGGESTED FREEING TWO DEATH ROW INMATES BECAUSE OF DUE PROCESS VIOLATIONS IN THE TRIALS THAT RESULTED IN THEIR CONVICTIONS. JAMAICA AND TRINIDAD AND TOBAGO ANNOUNCED THEIR INTENT TO WITHDRAW FROM THE AMERICAN CONVENTION ON HUMAN RIGHTS, A MOVE THAT WOULD EFFECTIVELY ELIMINATE IMPORTANT REMEDIES FOR PEOPLE IN THOSE COUNTRIES WHO WISHED TO USE THE INTER-AMERICAN HUMAN RIGHTS SYSTEM TO HAVE THEIR RIGHTS RESPECTED. MEANWHILE, FRUSTRATED BY BRITISH ATTEMPTS TO CURB USE OF THE DEATH PENALTY AMONG FORMER COLONIES, SEVERAL CARIBBEAN GOVERNMENTS PLAN TO REPLACE THE PRIVY COUNCIL, A LONDON-BASED PANEL OF LAW LORDS SERVING AS THE REGION'S HIGHEST COURT, WITH A NEWLY CREATED CARIBBEAN COURT OF JUSTICE. ALREADY DUBBED A "HANGING COURT" BY DETRACTORS, THE NEW JUDICIAL BODY WAS SCHEDULED TO OPEN IN OCTOBER 2000.

Strengthening of Universal Jurisdiction

THE PINOCHET CASE GREATLY REINFORCED THE PRINCIPLE OF UNIVERSAL JURISDICTION FOR CRIMES AGAINST HUMANITY. IN THIS REGARD, THE MARCH 1999 DECISION BY LONDON'S HOUSE OF LORDS THAT FORMER HEADS OF STATE ARE NOT SHIELDED BY IMMUNITY FOR EGREGIOUS CRIMES LIKE MURDER AND TORTURE MARKED A SIGNIFICANT INTERNATIONAL LEGAL PRECEDENT. UNIVERSAL JURISDICTION IS PARTICULARLY USEFUL FOR COUNTRIES WHERE GRAVE INTERNAL DIVISIONS LIMIT THE POSSIBILITIES FOR ACHIEVING JUSTICE FOR POWERFUL WRONGDOERS WITHIN THE NATION'S BORDERS.

IN THE PINOCHET CASE, UNIVERSAL JURISDICTION OFFERED THE POSSIBILITY OF TRIAL BY A COURT THAT WAS TRULY INDEPENDENT OF THE POWERS THE FORMER MILITARY CHIEF COULD BRING TO BEAR INSIDE CHILE, WHERE HE CONTINUED TO EXERT TREMENDOUS INFLUENCE OVER THE STILL-POWERFUL ARMED FORCES.

ALTHOUGH CHILE REFUSED TO COOPERATE WITH THE EFFORTS OF SPANISH MAGISTRATE BALTAZAR GARZYN IN THE PINOCHET CASE, ITS RECORD OF COOPERATION WITH EFFORTS TO ESTABLISH AN INTERNATIONAL CRIMINAL COURT (ICC) WAS NOTEWORTHY. ON SEPTEMBER 11, 1998, THE TWENTY-FIFTH ANNIVERSARY OF THE MILITARY COUP THAT BROUGHT PINOCHET TO POWER, CHILE SIGNED THE ROME STATUTE FOR THE ESTABLISHMENT OF THE COURT. CHILEAN OFFICIALS SAID THE NATION'S OWN EXPERIENCE CONTRIBUTED TO THEIR GOVERNMENT'S ENTHUSIASTIC ADHESION TO THE ICC PROJECT. A BILL TO RATIFY THE STATUTE WAS AT THIS WRITING UNDER DEBATE IN THE CHILEAN CONGRESS.

SUPPORT FOR THE ICC GREW IN THE REGION DURING 1999. DELEGATES ENGAGED IN INCREASINGLY ACTIVE NEGOTIATIONS AT MEETINGS OF THE PREPARATORY COMMISSION TO DRAFT RULES OF PROCEDURE AND EVIDENCE, AND AS PART OF THE SO-CALLED LIKE-MINDED GROUP PROMOTING EARLY RATIFICATION OF THE ROME TREATY. IN MARCH, TRINIDAD AND TOBAGO BECAME THE FIRST COUNTRY IN THE REGION TO RATIFY THE TREATY. IN ADDITION TO CHILE, ADVANCES TOWARD RATIFICATION WERE MADE IN ARGENTINA, BOLIVIA, AND VENEZUELA.

Defending Human Rights

THROUGHOUT THE REGION A GROWING NETWORK OF HUMAN RIGHTS ORGANIZATIONS, NEIGHBORHOOD GROUPS, AND RELIGIOUS ASSOCIATIONS WORKED TO PROTECT HUMAN RIGHTS WITH FEW IMPEDIMENTS IMPOSED BY GOVERNMENTS OR OTHER FORCES INTERESTED IN SILENCING HUMAN RIGHTS CRITICISM. CUBA AND COLOMBIA STOOD AS THE STARKEST EXCEPTIONS IN THIS RESPECT. YET OTHER COUNTRIES, INCLUDING CHILE, MEXICO, AND PERU, SAW MONITORS THREATENED. THROUGHOUT THE REGION, ONLY CUBA IMPOSED HARSHER LEGAL RESTRICTIONS ON FOREIGN HUMAN RIGHTS MONITORS THAN MEXICO.

IN CUBA, THE RELATIVELY SMALL NUMBER OF INDIVIDUALS AND ORGANIZATIONS PROMOTING HUMAN RIGHTS WERE OBLIGED TO KEEP AN EXTREMELY LOW PROFILE AS THE PRICE OF BEING ALLOWED TO EXIST. THE CONTINUED PROSECUTION AND SENTENCING OF ADVOCATES OF PEACEFUL REFORM MADE CLEAR THE LIMITS OF POLITICAL SPACE FOR HUMAN RIGHTS WORK IN CUBA. THE CUBAN GOVERNMENT SENTENCED FOUR LEADERS OF THE INTERNAL DISSIDENTS' WORKING GROUP TO UP TO FIVE YEARS IN PRISON IN MARCH. THE LEADERS HAD BEEN IN PRETRIAL DETENTION SINCE 1997 WHEN THE GROUP RELEASED A PAPER ANALYZING THE CUBAN ECONOMY, POLITICAL STRUCTURE AND HUMAN RIGHTS RECORD.

AS HAS SADLY BEEN THE CASE IN PRIOR YEARS, COLOMBIA'S HARSH ENVIRONMENT FOR HUMAN RIGHTS DEFENDERS TRANSLATED INTO THREATS, INTIMIDATION, AND MURDER. DURING THE FIRST NINE MONTHS OF THE YEAR, TWO HUMAN RIGHTS DEFENDERS, JULIO GONZÁLEZ AND EVERARDO DE JESÚS PUERTA, WERE KILLED AND DOZENS OF OTHERS THREATENED. TWO ACADEMICS WHO WORKED IN SUPPORT OF HUMAN RIGHTS WERE ALSO MURDERED. SEVERAL HUMAN RIGHTS GROUPS WERE FORCED BY THREATS INTO CLOSING THEIR DOORS. PARAMILITARY LEADER CARLOS CASTAÑO'S FORCES ALSO TOOK HOSTAGE FOUR RIGHTS MONITORS AND SEN. PIEDAD CYRDOBA, A STRONG HUMAN RIGHTS DEFENDER, IN A BID TO FORCE THE GOVERNMENT TO NEGOTIATE WITH THE GROUP. ALL FIVE WERE LATER RELEASED UNHARMED. DOZENS OF OTHER HUMAN RIGHTS DEFENDERS FACED DEATH THREATS.

ALTHOUGH THE COLOMBIAN GOVERNMENT PROMISED TO PROVIDE U.S. \$4 MILLION IN ASSISTANCE TO HUMAN RIGHTS GROUPS, THE MONEY WAS SLOW TO MATERIALIZE, SHORT OF WHAT WAS PROMISED, AND OFTEN SHORT-LIVED. THE MONEY WAS SLATED FOR PROTECTIVE MEASURES INCLUDING THE PROVISION OF BULLETPROOF GLASS FOR THE OFFICES OF HUMAN RIGHTS ORGANIZATIONS, RADIOS, TAXIS, AND POLICE PROTECTION.

IN GUATEMALA, THE SITUATION OF HUMAN RIGHTS MONITORS REMAINED BLEAK AS PRESIDENT ALVARO ARZÚ DID NOT EVEN MUSTER RHETORICAL SUPPORT FOR THEIR WORK AMIDST FREQUENT DEATH THREATS AND ACTS OF INTIMIDATION. IN A RECKLESS ACT, GIVEN THE THREATENING CLIMATE IN WHICH THEY OPERATE, ARZÚ USED THE OCCASION OF THE ANNUAL OAS GENERAL ASSEMBLY MEETING TO LAMBAST UNNAMED NONGOVERNMENTAL ORGANIZATIONS AS "CLOAKED INSTRUMENTS FOR FOREIGN POLITICS." MEANWHILE, THE MURDER IN APRIL 1998 OF BISHOP JUAN JOSÉ GERARDI, FOUNDER OF THE CATHOLIC CHURCH'S PRINCIPAL HUMAN RIGHTS OFFICE IN GUATEMALA, CONTINUED TO CAST A LONG SHADOW AS EVERY SIGNIFICANT WITNESS, AND FINALLY THE GOVERNMENT'S PROSECUTOR, CELVIN GALINDO, WAS FORCED TO FLEE THE COUNTRY BECAUSE OF THREATS. AT THIS WRITING, NO ONE WAS IN CUSTODY FOR THE SLAYING.

IN HAITI, WELL-KNOWN HUMAN RIGHTS DEFENDER PIERRE ESPIRANCE WAS SHOT IN THE KNEE AND SHOULDER BY DRIVE-BY SHOOTERS AS POLITICAL VIOLENCE DEEPENED. IN BRAZIL, HUMAN RIGHTS DEFENDERS FACED HARASSMENT AND THREATS. A WITNESS IN THE TRIAL FOR THE 1996 MURDER OF HUMAN RIGHTS ATTORNEY GILSON NOGUEIRA WAS SLAIN AS THE TRIAL PROCEEDED. DEFENDERS WERE THREATENED WITH

death in Peru and Mexico as well as in Chile, where those openly supporting the Pinochet prosecution were repeatedly targeted.

Official ombudsman's offices in some areas enjoyed great credibility due to their independent and diligent work on behalf of human rights. Among these were the office of the People's Defender in Peru, headed by Jorge Santistevan, as well as human rights commissions created by state, municipal, and federal legislatures in Brazil. With notable independence, these commissions looked into allegations of human rights abuse, monitored the conduct of state agents, and publicly denounced abuses.

The Role of the International Community

Organization of American States

The human rights protection mechanisms of the Organization of American States received a boost in December 1998, when Mexico and Brazil formally accepted the compulsory jurisdiction of the Inter-American Court of Human Rights. Nonetheless, this important development was subsequently overshadowed by Peruvian President Fujimori's recalcitrant position toward the court. The public reactions of governments in the region to Peru's withdrawal from the court were muted, compounding the potential of the Peruvian action to weaken the system.

After receiving formal notification that Peru intended to withdraw from the court's jurisdiction, OAS Secretary General César Gaviria issued a statement that failed to clearly repudiate the action. Rather, he praised the Peruvian government's anti-terrorist policies that were at the heart of the court case against which Peru had reacted. However, he subsequently issued a strong condemnation of the action, referring to the proposed withdrawal from the court's jurisdiction as a "step backward," and calling Peru's failure to implement the court's rulings an even more urgent problem for the inter-American system to overcome.

The OAS itself failed to set punitive sanctions for Peru's behavior, although within the context of the OAS Permanent Council several countries expressed their dissatisfaction with Peru.

In September, the Inter-American Court declared Peru's withdrawal from the court's jurisdiction inadmissible, a decision that was to enable the court to continue hearing cases against Peru regardless of Fujimori's decisions. "There is no norm in the American Convention [on Human Rights] that empowers States Parties to withdraw their declaration of acceptance of the compulsory jurisdiction of the Court," the court found.

United States

The armed conflict in Colombia received increasing attention from policy-makers in the United States as 1999 progressed, becoming the chief focus of U.S. foreign policy in the region. More high-level U.S. diplomats, congressional delegations, CIA officials, and military officers visited Colombia during the year than at any other time in recent history. The topics of aid to Colombia and human rights violations figured squarely on the agenda. Republicans in Congress and the administration of President Bill Clinton, a Democrat, sparred over how best to shore up the Colombian government within the framework of the so-called Leahy amendment, which conditioned U.S. counternarcotics aid on the human rights records of the units to receive aid.

The debate over Colombia was shadowed by the link between leftist guerrillas and the trade in illegal drugs, as the U.S. Southern Command contended that the guerrillas were "narco-traffickers" and therefore legitimate targets of the drug war. This point of view, although exaggerated, was largely accepted by influential sectors within the State Department and Congress. While proving a convenient concept for streamlining policy, the contention failed to take into account the oftentimes larger role played by other groups—including right-wing paramilitaries engaged in battling guerrillas—in drug trafficking.

In July, White House drug advisor Gen. (Ret.) Barry McCaffrey outlined a proposal to double U.S. aid to Colombia to almost \$600 million, much of it for the Colombian army. By mid-1999 the United States had reviewed the human rights records and approved aid for the Colombian navy, the air force, five army units, and a new anti-narcotics battalion. However, the focus on military aid, and not support for civilian institutions, threatened to turn some American officials into apologists for the military's human rights record. Human rights and support for peace efforts became increasingly secondary components

of U.S. policy. In general, the methods used by the United States to screen Colombian security forces remained largely secret, severely hindering efforts to evaluate the success of U.S. law conditioning aid on respect for human rights.

U.S. policy concerns appeared premised on the idea that pumping money into the drug effort as a way to fight leftist guerrillas would hasten the arrival of peace and stability in Colombia. However, the premise failed to factor in the army's still-pervasive shielding of human rights criminals and support and tolerance of paramilitaries. Already by the time General McCaffrey traveled to Colombia, the United States had begun sharing sensitive intelligence on guerrillas with the Colombian army. Although the State Department said that it had received "explicit assurances" that the intelligence "will be used only for the purposes for which it is intended and will not be shared with any outside groups," no explanation was made of the mechanisms by which the United States could ascertain that intelligence would not be passed on to paramilitaries. In the past, the Colombian army had provided intelligence to paramilitaries, who used the information to commit atrocities.

During 1999, the United States was also forced, with great reluctance, to focus on issues related to the prosecution of Augusto Pinochet. The White House said little when Pinochet was arrested in London, but when the Spanish extradition request gained momentum in Europe, Secretary of State Madeleine Albright expressed sympathy for Chile's position, asking that the country be allowed to balance reconciliation and justice on its own terms. In essence, this meant that the United States supported the Chilean government's effort to have Pinochet returned to Chile despite the lack of any real possibility that he would stand trial there.

United States government authorities at first dragged their feet in response to an official Spanish request for documentation on human rights violations in Chile, made under the terms of the bilateral Mutual Legal Assistance Treaty. Then in February the Clinton Administration requested that U.S. agencies declassify and release such documents. In June, an estimated 5,300 documents were released, revealing the depth of the knowledge the United States had at the time about serious human rights violations committed under Pinochet's command. The documents also confirmed the inconsistency between what the U.S. government knew and what it said and did on human rights cases from that period. In addition, the documents supported contentions made by human rights defenders that Pinochet was directly in command of the secret police, whose actions were responsible for a majority of the abuses committed during the period of military rule.

A second batch of more than 1,000 documents was released in October, revealing more details about what the United States knew. Of the documents released, a State Department memo from August 1976 deserved particular attention, because it revealed that the U.S. intelligence may have been linked to the murder of U.S. citizen Charles Horman, who was killed by Chilean security forces after the coup. The document explained: "There is some circumstantial evidence to suggest: U.S. intelligence may have played an unfortunate part in Horman's death. At best, it was limited to providing or confirming information that helped motivate his murder by the GOC [Government of Chile]. At worst, U.S. intelligence was aware the GOC saw Horman in a rather serious light and U.S. officials did nothing to discourage the logical outcome of GOC paranoia."

In September, the U.S. Department of Justice sent a rogatory letter to the Chilean Supreme Court asking for cooperation with the U.S. investigation into the 1976 car-bomb murder in Washington, D.C., of Orlando Letelier, a former minister in the government of Salvador Allende, overthrown by the Chilean military, and U.S. citizen Ronni Karpman Moffitt.

Since Pinochet's arrest in London, the official policy of the United States was to insist that the matter was between the United Kingdom, Spain, and Chile. This misplaced neutrality presupposed wrongly that the promotion of justice in general and the prosecution of a man ultimately responsible for the murder of U.S. citizens and a terrorist attack in Washington, D.C., was of no importance to the United States.

The Work of Human Rights Watch

The Americas division of Human Rights Watch continued to focus its work on a core group of priority countries, while also taking up the issue of the Pinochet prosecution. We published the results of investigations into abuses in Brazil, Chile, Cuba, and Mexico, and followed up on the issues raised in publications from prior years. The release of reports provided the basis for intensive advocacy campaigns designed to engage policy-makers in processes of reform to promote human rights. In Colombia, Chile, Guatemala, Mexico, Panama, the executive director of the Americas division met with high-level government officials to press our concerns.

DURING THE YEAR WE ALSO SENT DOZENS OF LETTERS TO GOVERNMENT OFFICIALS THROUGHOUT THE REGION URGING THEM TO INSTITUTE IMPROVEMENTS IN HUMAN RIGHTS PROTECTION. IN DOING SO, THE DIVISION FOCUSED ON IMPORTANT INDIVIDUAL CASES OF HUMAN RIGHTS ABUSES THAT PERMITTED ADVOCACY ON BROADER ISSUES RELATED TO U.S. POLICY, MILITARY JUSTICE SYSTEMS, THE FAILURES OF CRIMINAL JUSTICE SYSTEMS, AND MYRIAD OTHER TOPICS.

IN CONJUNCTION WITH THE LEGAL AND ADVOCACY DEPARTMENTS OF HUMAN RIGHTS WATCH, THE AMERICAS DIVISION DEVELOPED LEGAL BRIEFS SUBMITTED IN LONDON IN SUPPORT OF THE ARREST AND EXTRADITION OF PINOCHET. WITH LEAVE FROM THE HOUSE OF LORDS, HUMAN RIGHTS WATCH SUBMITTED THREE BRIEFS IN THE CASE. AT THE SAME TIME, WE WORKED TO STIMULATE PUBLIC SUPPORT FOR THE PROSECUTION IN CHILE, THE UNITED STATES, SPAIN, AND THE UNITED KINGDOM, DEVELOPING MULTIPLE BRIEFING AND ADVOCACY DOCUMENTS.

IN NOVEMBER 1999, THE DIVISION RELEASED *THE LIMITS OF TOLERANCE: FREEDOM OF EXPRESSION AND THE PUBLIC DEBATE IN CHILE*. THE REPORT, PUBLISHED IN ENGLISH AND SPANISH, DETAILED THE ENDURING LEGACY OF RESTRICTED FREEDOM OF EXPRESSION FOLLOWING THE PERIOD OF MILITARY RULE IN CHILE. THE PUBLICATION FOUND THAT THE COUNTRY HAD FAILED TO BRING ITS LAWS INTO LINE WITH INTERNATIONAL HUMAN RIGHTS STANDARDS, CONTINUING TO APPLY LAWS INIMICAL TO THOSE NORMS.

IN DECEMBER WE RELEASED *BEHIND BARS IN BRAZIL*, AN ANALYSIS OF APPALLING CONDITIONS OF CONFINEMENT, INCLUDING PRISONS, JAILS, AND POLICE LOCKUPS IN BRAZIL, WHICH HAD THE LARGEST INMATE POPULATION IN LATIN AMERICA AND ONE OF THE LARGEST IN THE WORLD. OVERCROWDING, RIOTS, HOSTAGE-TAKING, AND KILLINGS FORMED PART OF THE PENAL CRISIS, BUT THE GOVERNMENT FAILED TO INSTITUTE REFORMS TO REMEDY THE PROBLEM.

ENDING A BUSY THREE-MONTH PERIOD OF REPORT RELEASES, IN JANUARY WE PUBLISHED *SYSTEMIC INJUSTICE: TORTURE, "DISAPPEARANCE," AND EXTRAJUDICIAL EXECUTION IN MEXICO*. THE DOCUMENT, RELEASED IN ENGLISH AND SPANISH, DETAILED THE WAYS IN WHICH MEXICO'S JUSTICE SYSTEM, UNDERSTOOD TO ENCOMPASS POLICE, PROSECUTORS, AND JUDGES, FAILED TO APPLY HUMAN RIGHTS STANDARDS IN CRIMINAL PROSECUTIONS, THEREBY EXACERBATING THE COUNTRY'S SERIOUS HUMAN RIGHTS PROBLEMS.

HUMAN RIGHTS VIOLATIONS IN CUBA RECEIVED COMPREHENSIVE ANALYSIS IN THE JUNE REPORT *CUBA'S REPRESSIVE MACHINERY: HUMAN RIGHTS FORTY YEARS AFTER THE REVOLUTION*. THE REPORT WAS PUBLISHED IN ENGLISH AND SPANISH AND DETAILED THE WAYS IN WHICH CUBAN LAW RESTRICT HUMAN RIGHTS AND HOW, IN PRACTICE, AUTHORITIES STIFLE FREE EXPRESSION, ASSOCIATION AND ASSEMBLY AND SILENCE DISSENT.

IN OCTOBER 1999, WE PUBLISHED *WHEN TYRANTS TREMBLE: THE PINOCHET CASE*, AN ANALYSIS OF THE IMPACT OF THE ARREST OF THE FORMER DICTATOR IN CHILE, AND ITS CURRENT AND FUTURE RELEVANCE TO INTERNATIONAL LAW.

ARGENTINA

Human Rights Developments

POLICE VIOLENCE REMAINED RAMPANT IN ARGENTINA DURING 1999 AND MOST CASES RESULTED IN IMPUNITY FOR THE PERPETRATORS. ALTHOUGH IN A LIMITED NUMBER OF CASES INVESTIGATIONS WERE BEGUN INTO ALLEGED POLICE BRUTALITY, FEW OF THESE RESULTED IN SANCTIONS AGAINST THOSE INVOLVED, DUE IN PART TO A LACK OF POLITICAL WILL AND TO THE FACT THAT POLICE, RESPONSIBLE FOR INVESTIGATIONS, WERE RARELY WILLING TO PURSUE CASES ACTIVELY AGAINST THEIR COLLEAGUES. EQUALLY DISTURBING WERE STATEMENTS BY SEVERAL GOVERNMENT OFFICIALS OR CANDIDATES FOR OFFICE THAT APPEARED TO JUSTIFY UNLIMITED BRUTALITY IN THE SUPPRESSION OF CRIME. SERIOUS HUMAN RIGHTS VIOLATIONS BY THE POLICE CAME AT A TIME OF RISING CRIMINAL VIOLENCE, AN INCREASED NUMBER OF POLICE KILLED IN SHOOTOUTS, AND PRESIDENTIAL AND GUBERNATORIAL ELECTIONS TO BE HELD ON OCTOBER 24, IN THE RUN-UP TO WHICH CANDIDATES FREQUENTLY SOUGHT TO CAPTURE VOTES BY EXPRESSING THEIR INTENTION OF TAKING A "HARD LINE" ON CRIME.

ACCORDING TO THE LOCAL HUMAN RIGHTS ORGANIZATION CENTER FOR LEGAL AND SOCIAL STUDIES (CENTRO DE ESTUDIOS LEGALES Y SOCIALES, CELS), 140 PEOPLE WERE KILLED BY THE POLICE IN THE FEDERAL CAPITAL AND GREATER BUENOS AIRES AREA DURING THE FIRST HALF OF 1999, IN COMPARISON WITH EIGHTY-SIX IN THE SECOND HALF OF 1999. IN THE CITY OF BUENOS AIRES ALONE, THIRTY-EIGHT CIVILIANS AND EIGHT POLICE OFFICERS WERE KILLED IN THE FIRST SIX MONTHS OF 1999, WHILE IN GREATER BUENOS AIRES THE NUMBER OF DEATHS REACHED 102 AND TWENTY-SIX, RESPECTIVELY. WHILE THIS INCREASE CAME IN THE CONTEXT OF AN IMPORTANT RISE IN CRIMINAL VIOLENCE, INCLUDING THE KILLING OF POLICE OFFICERS, CELS NOTED THAT THE PROBLEM OF POLICE KILLINGS WAS AGGRAVATED BY THE LACK OF TRAINING OF POLICE PERSONNEL, AND BY THE FACT THAT THESE KILLINGS WERE VERY RARELY INVESTIGATED AND DID NOT LEAD TO SANCTIONS AGAINST THE OFFICERS INVOLVED.

In this context, Vice-President Carlos Ruckauf, candidate of the ruling Justicialista Party for the Governorship of Buenos Aires Province, called for a stronger police response to high levels of public insecurity, recklessly stating that he considered it necessary to "kill murderers" or to "shoot criminals." The principal independent candidate for the Governorship of Buenos Aires, Luis Patti, mayor of Escobar and a former police commissioner charged with torturing criminal suspects in the early 1990s, proposed the use of armed civilian vigilantes against rising crime, and defended the use of torture or other irregular police procedures in interrogation. During a television program broadcast in August, Patti dismissed concerns about the human rights of criminals saying, "if they want their human rights respected, they should go to Costa Rica."

In August 1999, the Ministry of Interior announced a new resolution allowing police officers to shoot criminal suspects without first identifying themselves and giving the order to halt, in cases where they consider that doing so could put them or others at serious risk, a judgment left up to the officer involved. Such a move was dangerous in light of the lack of adequate training of police personnel and their knowledge that their decision to shoot to kill was unlikely to be investigated later. The resolution did not modify the existing requirement that off-duty police officers carry their regulation weapons, a requirement that led to a disproportionate number of deaths of officers, criminal suspects, and innocent bystanders when off-duty police intervened in apparent crimes.

A September 1999 incident illustrated many of the concerns relating to police procedure in Argentina. On September 16, a group of some six armed men took six hostages in a branch of the Banco Nación bank in the town of Ramallo, Buenos Aires Province. Three of the hostage-takers attempted to leave the building with three hostages at 4:00 a.m., driving away in the bank manager's car. Police, who had failed to block roads or take other steps to prevent a possible escape, opened fire on the occupants of the car indiscriminately, killing two hostages and one bank robber. One of the hostages, the bank manager, was killed by a shot fired by a member of the police at point blank range after the car had come to a halt. A second bank robber, taken to the local police station, was found hanged in his cell some twelve hours later. No one admitted to having given the order to fire, and no one was able to explain the many errors made by police.

Some police officers involved in the events attributed the bloodshed to the fact that they had never received any training in how to react in a hostage situation. Governor Duhalde, who described the events as "a massacre," suspended three chief commissioners and disbanded the Special Operations Group (Grupo Especial de Operaciones, GEO), while all of the 150 officers involved were placed under investigation. Provincial Justice Minister Osvaldo Lorenzo resigned as a result. The investigating judge subsequently declared publicly that members of the Provincial Police were involved as accomplices in planning and carrying out the bank robbery, and had apparently provided maps of the interior of the bank and information on the contents of the safe. The case highlighted both the inefficiency and lack of training of the police forces involved, their over-eagerness to resort to lethal force even where the lives of hostages were thus endangered, and the lack of success of Governor Duhalde's previous efforts to restructure and control the Provincial Police, as well as the apparent continued involvement of police agents in criminal activities.

Accusations of torture against the Federal Police and Buenos Aires Provincial Police continued. Jos   Luis Ojeda, who had denounced torture by the Federal Police in 1996, was shot in April 1999 by an unidentified man who warned him not to continue to speak of torture, part of a pattern of threats and attacks suffered by Ojeda over the past three years. In August, an investigation was opened in the case of a group of police officers from the first provincial police station in San Mart  n, accused of having tortured a group of five youths with beatings and partial asphyxiation in July. Also in August, two witnesses who testified in the case of a 1996 attack on the home of Senator Eduardo Menem alleged that the Provincial Police in Tigre had tortured them in order to force them to incriminate certain detainees in the case. In May, three provincial police officers from the fifth police station in Beccar were detained due to allegations that they had tortured a group of prisoners in late March. The public prosecutor who received the complaint, Mar  a Ema Prada, received telephoned death threats. While these steps to investigate violations were welcome, at this writing they had not resulted in any concrete sanctions against the officers involved.

In another blow to the Buenos Aires Provincial Police, in May a federal judge ordered the detention of six former members of that force in connection with their participation in the bombing of the Jewish community organization AMIA in 1994. Allegations of use of excessive force were not limited to criminal suspects: on September 6, the Buenos Aires

PROVINCIAL POLICE FIRED RUBBER BULLETS AT A GROUP OF SECONDARY SCHOOL STUDENTS IN LA PLATA CELEBRATING THE ANNIVERSARY OF THE SCHOOL, AND ARRESTED TEN.

IN A RARE CONVICTION OF POLICE ACCUSED OF HUMAN RIGHTS VIOLATIONS, ON MAY 17 THE FIRST APPEALS COURT IN LA PLATA SENTENCED THREE PROVINCIAL POLICE OFFICERS TO PRISON IN CONNECTION WITH THE AUGUST 17, 1993, DISAPPEARANCE OF JOURNALISM STUDENT MIGUEL BRU, WHO WAS DETERMINED ON THE BASIS OF WITNESSES' TESTIMONIES TO HAVE DIED UNDER TORTURE IN POLICE CUSTODY, ALTHOUGH HIS BODY WAS NEVER FOUND. SUBCOMMISSIONER WALTER ABRIGO AND SGT. JUSTO LÓPEZ WERE SENTENCED TO LIFE IMPRISONMENT FOR THE CRIME AND COMMISSIONER JUAN DOMINGO OJEDA AND OFFICER RAMÓN CERESOTTO SENTENCED TO TWO YEARS FOR SEEKING TO CONCEAL THE CRIME. ONLY ABRIGO WAS SENT TO PRISON, HOWEVER, DUE TO THE LENGTH OF TIME THE OTHERS HAD ALREADY SERVED BEFORE SENTENCING. LÓPEZ WAS FREED PENDING APPEAL, HAVING SERVED MORE THAN THREE YEARS BEFORE TRIAL. ONE OF THE WITNESSES, JORGE RUARTE, WAS FIRED UPON THREE DAYS BEFORE THE TRIAL BEGAN, AND HAD RECEIVED THREATS AS EARLY AS DECEMBER 1998.

THE FEDERAL POLICE AND BUENOS AIRES PROVINCIAL POLICE WERE NOT THE ONLY POLICE FORCES ACCUSED OF BRUTALITY DURING THE COURSE OF 1999. IN LA RIOJA, TWO YOUNG MEN WERE FOUND DEAD IN POLICE CELLS WHILE IN CUSTODY OF THAT PROVINCE'S POLICE FORCE. ON MARCH 29, NINETEEN-YEAR-OLD CRISTIAN LEONARDO RUÍZ WAS FOUND HANGED IN HIS CELL AT THE DIRECTION OF INVESTIGATIONS, HAVING APPARENTLY COMMITTED SUICIDE USING HIS SCARF. THE LAWYER REPRESENTING RUÍZ ALLEGED HE HAD DIED UNDER TORTURE. THE LAWYER CITED OTHER DETAINEES WHO STATED THAT WHEN RUÍZ'S BODY WAS FOUND HANGING IN THE CELL, HIS FEET WERE TOUCHING THE GROUND AND HIS KNEES WERE BENT; THOSE DETAINEES ALSO CLAIMED THAT THEY HAD ALL BEEN TORTURED WITH ELECTRIC SHOCKS AND ASPHYXIATION. THE AUTOPSY CONFIRMED THAT RUÍZ HAD BEEN ASPHYXIATED, AND THAT THE MARKS ON HIS NECK COULD NOT HAVE BEEN MADE BY THE SCARF. RUÍZ HAD ALLEGEDLY WORKED FOR A POLITICAL OPPONENT OF LA RIOJA GOVERNOR ANGEL MATA, AND HIS DEATH OCCURRED SHORTLY BEFORE INTERNAL ELECTIONS TO NOMINATE GOVERNATORIAL CANDIDATES FOR 1999.

A SECOND CASE WAS REPORTED IN JUNE, WHEN TWENTY-ONE-YEAR-OLD ALDO FRANCISCO LUNA ALLEGEDLY COMMITTED SUICIDE BY HANGING HIMSELF WITH HIS LONG-SLEEVED SHIRT IN THE SEVENTH POLICE STATION IN LA RIOJA, ALTHOUGH AN AUTOPSY INDICATED HE HAD DIED OF A HEART ATTACK RATHER THAN HANGING. RELATIVES ALLEGED THAT HE HAD BEEN BEATEN IN CUSTODY, AND THE PERSONNEL ON DUTY AT THE TIME WERE PLACED UNDER PREVENTIVE ARREST, ALTHOUGH AT THIS WRITING NO ACTION HAD BEEN TAKEN AGAINST THEM.

IN TUCUMÁN PROVINCE, THE PROVINCIAL POLICE USED EXCESSIVE VIOLENCE TO REPRESS AUGUST AND SEPTEMBER DEMONSTRATIONS BY PUBLIC EMPLOYEES WHO WERE PROTESTING THE FACT THAT THEY HAD NOT RECEIVED THEIR SALARIES FOR SEVERAL MONTHS. SOME FORTY PEOPLE WERE INJURED IN THESE INCIDENTS; ONE MAN LATER DIED OF A HEART ATTACK. SIMILAR REPRESSION OF PUBLIC SECTOR PROTESTS OCCURRED IN NEUQUÉN, WHERE JOURNALISTS ACCUSED PROVINCIAL POLICE OF DELIBERATELY FIRING ON THEM WITH RUBBER BULLETS WHEN THEY WERE COVERING THE PROTESTS ON THREE SEPARATE OCCASIONS, IN MARCH, JULY, AND SEPTEMBER.

THREATS AND VIOLENCE AGAINST JOURNALISTS WERE LESS WIDESPREAD IN 1999 THAN IN PREVIOUS YEARS, ALTHOUGH DISTURBING INCIDENTS CONTINUED TO OCCUR. SEVERAL CASES OF THREATS AND ATTACKS ON JOURNALISTS WERE REPORTED IN CORRIENTES PROVINCE THROUGHOUT THE FIRST HALF OF 1999 IN THE CONTEXT OF A POLITICAL DISPUTE BETWEEN FORMER GOVERNOR RAÚL ROMERO FERIS AND THE CURRENT PROVINCIAL ADMINISTRATION. TWO JOURNALISTS IN MENDOZA WERE THREATENED BY PROVINCIAL POLICE IN MARCH WHILE COVERING THE TRIAL RELATING TO THE DEATH OF SEBASTIÁN BORDYN, LAST SEEN IN POLICE CUSTODY; ALSO IN MARCH, LOCAL JOURNALIST DIEGO SPINA WAS BEATEN AND THREATENED WITH DEATH WHILE COVERING THE ARREST OF FORMER MORNIN MAYOR CARLOS ROUSSELOT IN GREATER BUENOS AIRES.

IN APRIL, JOURNALIST EDUARDO KIMEL RECEIVED A SUSPENDED SENTENCE OF ONE YEAR IN PRISON AND A FINE OF U.S. \$20,000 IN CONNECTION WITH HIS BOOK *THE MASSACRE OF SAN PATRICIO*—ABOUT THE 1976 MURDER OF FIVE PALLOTINE PRIESTS AND SEMINARIANS—AFTER FORMER JUDGE GUILLERMO RIVAROLA SUED HIM FOR SLANDER OVER STATEMENTS ABOUT HIS ROLE AS INVESTIGATING JUDGE IN THE CASE.

INVESTIGATIONS INTO HUMAN RIGHTS VIOLATIONS UNDER THE MILITARY GOVERNMENTS THAT RULED FROM 1976 UNTIL 1983 ALSO CONTINUED IN 1999. IN ONE CASE IN A FEDERAL COURT CONCERNING THE DISAPPEARANCE OF 2,000 PEOPLE IN LA PLATA, A FORMER FORENSIC EXPERT OF THE BUENOS AIRES PROVINCIAL POLICE CONFIRMED FOR THE FIRST TIME THAT THE ARMED FORCES HAD MADE USE OF PLANES AND HELICOPTERS TO THROW THE DEAD OR DRUGGED BODIES OF DISAPPEARANCE VICTIMS INTO THE RIO DE LA PLATA, THE RIVER WHICH RUNS ALONG THE BUENOS AIRES COAST.

IN A LANDMARK RULING, THE SUPREME COURT ON AUGUST 30 UPHELD A LOWER COURT DECISION THAT FORMER JUNTA MEMBER ADM. EMILIO MASSERA MUST PAY COMPENSATION OF \$120,000 IN A CIVIL LAWSUIT BROUGHT BY DANIEL TARNAPOLSKY REGARDING THE 1976 DISAPPEARANCE OF HIS PARENTS AND TWO BROTHERS DURING THE DICTATORSHIP. THE COURT ALSO ORDERED THE STATE TO PAY \$1,000,000

to Tarnopolsky. The decision could potentially affect other former high-ranking officers pardoned by President Carlos Menem or exempted from criminal trial by the Due Obedience and Full Stop laws adopted during the presidency of Raúl Alfonsín, paving the way for similar civil actions.

Defending Human Rights

Much of the ongoing investigation of past violations related to the continuing actions of nongovernmental organizations such as the Grandmothers of the Plaza de Mayo (Abuelas de Plaza de Mayo). In March the Grandmothers demanded compulsory DNA testing in the case of a former Navy officer detained for the illegal appropriation of the child of disappeared parents, after the Grandmothers had located the child in question.

The Grandmothers also played a prominent role in the case brought by Federal Judge Adolfo Bagnasco regarding over 200 missing children of disappeared families. This case was brought by the Grandmothers and CELS on the argument that there had been a systematic plan to abduct the children of disappeared prisoners and that these cases did not fall within either the 1985 juntas trial (due to lack of sufficient evidence at the time) or the later Due Obedience and Full Stop laws, but instead constituted ongoing crimes for which the statute of limitations had not run. Among the former officers placed under house arrest in the case were Gen. Jorge Videla, Adm. Emilio Massera, Gen. Cristino Nicolaides and Gen. Reynaldo Bignone, while former junta member Gen. Leopoldo Galtieri and the present governor of Tucumán, former Gen. Antonio Domingo Bussi, were also expected to be charged. Both Videla and Massera rejected the charges on the grounds that they had already been judged, while Nicolaides stated that he would have tried to stop the kidnapping of children if he had known about it, and that he recognized the legitimacy of the investigations into these cases.

The Role of the International Community

European Union

European courts continued to bring charges against former Argentine military officers regarding violations under the last dictatorship, although at this writing the Argentine authorities had not cooperated in these efforts, alleging that foreign courts lacked jurisdiction. Moreover, the Argentine government fully supported the government of Chile in its efforts to prevent the prosecution of former dictator Augusto Pinochet by Spanish Judge Baltazar Garzón. Former Gen. Guillermo Suárez Mason, head of the First Army Corps during the repression, was called to testify before the Italian courts regarding the disappearance of Italian citizens in Argentina during the 1970s, including the daughter of Grandmothers President Estela de Carlotto. In March 1999, Spanish Judge Garzón accused the former dictatorship of carrying out genocide against members of the Jewish community, on the basis of information received from the Spanish human rights group Commission of Solidarity with the Relatives of the Disappeared (Comisión de Solidaridad con Familiares de Desaparecidos, CO.SO.FAM), which cited the 1,260 Jewish victims included in the CONADEP report. Garzón also received information from the Grandmothers on four children disappeared in Argentina in the context of his investigations into "Operation Condor."

New charges were also brought against Admiral Massera, including a case before a Paris court relating to the disappearance of two French nuns in 1977. Also in late March, an Argentine federal judge accused the Foreign Ministry of deliberately failing to take steps to comply with a request from a Swiss court for the extradition of Massera, in connection with the disappearance of Swiss citizen Alexis Jaccard in 1977.

Organization of American States

In May 1999 the Inter-American Commission on Human Rights called on the Argentine government to clarify the circumstances of the 1991 death of Sergio Schiavini in a shootout with the Buenos Aires provincial police. In 1997, the fifteen police officers who had been charged in the case and who had also been responsible for evidence-gathering were acquitted in the Argentine courts. In March the Inter-American Commission took up the case of violations of the right of freedom of thought and expression relating to Supreme Court decisions against journalists Horacio Verbitsky and Tomás Sanz. In September, the commission received a petition regarding the 1994 terrorist attack on the AMIA in which eighty-six died, calling on the government to explain apparent negligence in both preventive measures and subsequent investigations, which could have amounted to violations to the right to life and to justice.

IN HIS FIRST REPORT, PUBLISHED IN APRIL, THE INTER-AMERICAN COMMISSION'S SPECIAL RAPPORTEUR ON FREEDOM OF EXPRESSION EXPRESSED CONCERN ABOUT A NUMBER OF SUPREME COURT DECISIONS IN ARGENTINA THAT LIMITED FREEDOM OF EXPRESSION, INCLUDING THE CASE OF JOURNALIST EDUARDO KIMEL.

IN MAY, THE ARGENTINE GOVERNMENT FAILED TO COMPLY WITH THE PERIOD SET BY THE INTER-AMERICAN COURT OF HUMAN RIGHTS TO PAY COMPENSATION TO THE RELATIVES OF ADOLFO GARRIDO AND RAÚL BAIGORRÍA, BOTH DISAPPEARED BY THE MENDOZA PROVINCIAL POLICE IN 1990.

United States

THE U.S. DEPARTMENT OF STATE'S COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1999 ACCURATELY DESCRIBED THE HUMAN RIGHTS SITUATION IN ARGENTINA.

BRAZIL

Human Rights Developments

WHILE CASES OF VIOLENT ABUSE, INCLUDING REPEATED INSTANCES OF POLICE TORTURE AND SUMMARY EXECUTION OF CIVILIANS, FATAL RURAL VIOLENCE, AND PRISON RIOTS MADE HEADLINES THROUGHOUT 1999, THE FAILURE OF JUDICIAL AUTHORITIES TO SUCCESSFULLY PROSECUTE RECENT VIOLATIONS IN THE FACE OF OVERWHELMING EVIDENCE CONSTITUTED THE MAJOR HUMAN RIGHTS DEVELOPMENT IN 1999. THE MOST IMPORTANT EXAMPLE WAS THE AUGUST ACQUITTAL OF THREE MILITARY POLICE OFFICERS WHO HAD COMMANDED AN APRIL 1996 OPERATION IN WHICH MILITARY POLICE KILLED NINETEEN LANDLESS PEASANTS BLOCKING A HIGHWAY IN PARÁ STATE. THAT INCIDENT — IN WHICH CORONERS' REPORTS DEMONSTRATED THAT THE POLICE HAD HACKED SEVERAL OF THE LANDLESS TO DEATH WITH THEIR OWN FARM TOOLS AND SHOT OTHERS AT POINT BLANK RANGE — HAD BECOME A SYMBOL OF THE DEADLY VIOLENCE BY AUTHORITIES IN THE CONTEXT OF RURAL CONFLICTS, AND ITS PROSECUTION WAS CLOSELY FOLLOWED BY BRAZILIAN CIVIL SOCIETY AND THE MEDIA. DESPITE THE REMOVAL OF THE CASE TO THE STATE CAPITAL TO ASSURE INDEPENDENT JURORS, A BELÍM JURY OF SEVEN ACQUITTED DEFENDANTS COL. MÁRIO COLARES PANTOJA, MAJ. JOSÉ MARIA OLIVEIRA AND CAPT. RAIMUNDO JOSÉ ALMENDRA OF ALL CHARGES ON AUGUST 19.

EFFORTS TO PROSECUTE THE MILITARY POLICE OFFICERS RESPONSIBLE FOR EXTREME POLICE BRUTALITY IN THE FAVELA NAVAL NEIGHBORHOOD IN DIADEMA, SÃO PAULO STATE IN EARLY MARCH 1997 ALSO SUFFERED SETBACKS. THESE IMAGES, FILMED BY AN AMATEUR CAMERAMAN AND BROADCAST THROUGHOUT BRAZIL AND INTERNATIONALLY, SHOWED POLICE OFFICERS EXTORTING, BEATING, TORTURING, AND SHOOTING PERSONS RANDOMLY STOPPED AT A ROADBLOCK. IN ONE INSTANCE, AFTER BEATING AND HUMILIATING THE OCCUPANTS OF ONE CAR, OTÁVIO LOURENÇO GAMBRA SHOT AT THE DEPARTING VEHICLE, KILLING MÁRIO JOSÉ JOSINO. THE JUSTICE TRIBUNAL OF SÃO PAULO, THE STATE'S HIGHEST APPELLATE COURT, OVERTURNED GAMBRA'S MURDER CONVICTION IN JUNE.

IN AUGUST, A RIO DE JANEIRO JURY ACQUITTED FORMER MILITARY POLICE OFFICER ROBERTO DO AMARAL OF TWENTY COUNTS OF HOMICIDE AND CONVICTED HIM OF JUST ONE COUNT FOR HIS ROLE IN THE AUGUST 1993 POLICE MASSACRE OF TWENTY-ONE RESIDENTS OF THE VIGÁRIO GERAL SHANTY TOWN. DESPITE OVERWHELMING EVIDENCE OF AMARAL'S INVOLVEMENT IN THE EVENTS (THE JURY FOUND THAT HE WAS PRESENT AND THAT HE KILLED ONE VICTIM), THE VERDICT ASSURED HIS RELEASE, GIVEN THE TIME HE HAD SERVED IN PRETRIAL DETENTION PRIOR TO THE PROCEEDINGS. A MONTH LATER, ANOTHER RIO JURY ACQUITTED DEFENDANT WILLIAM ALVES OF ALL CHARGES IN THE CASE. IN OCTOBER, YET ANOTHER RIO JURY CONVICTED ADILSON SARAIVA DA HORA; DA HORA WAS SENTENCED TO SEVENTY-TWO YEARS AND WAS EXPECTED TO APPEAL THE DECISION. SIX YEARS AFTER THE INCIDENT, ONLY SIXTEEN OF THE FIFTY-ONE DEFENDANTS IN THE CASE HAD BEEN BROUGHT TO TRIAL, WITH A TOTAL OF FOUR CONVICTIONS AND TWELVE ACQUITTALS.

IN JUNE, A TRIAL JUDGE DISMISSED HOMICIDE CHARGES AGAINST FOUR MILITARY POLICE OFFICERS IN CONNECTION WITH THE KILLING OF THREE UNARMED SQUATTERS DURING A MAY 1997 POLICE OPERATION TO EVICT SEVERAL HUNDRED HOMELESS FAMILIES FROM AN ABANDONED HOUSING COMPLEX IN THE FAZENDA DA JUTA NEIGHBORHOOD IN SÃO PAULO. DESPITE VIDEO IMAGES SHOWING THAT THE POLICE RESPONDED TO THE SQUATTERS—who WERE ARMED ONLY WITH STICKS AND ROCK—with LETHAL FORCE, THE PROSECUTOR AND JUDGE RULED THAT INSUFFICIENT EVIDENCE OF THE DEFENDANTS' ILLEGAL BEHAVIOR HAD BEEN DEMONSTRATED.

POLICE KILLINGS OF CIVILIANS CONTINUED AT HIGH LEVELS IN BRAZIL'S MAJOR CITIES, ALTHOUGH SOME AREAS SHOWED IMPROVEMENT. RIO DE JANEIRO POLICE KILLED FEWER CIVILIANS AFTER THE APPOINTMENT OF A NEW PUBLIC SECURITY CHIEF, COL. JOSIAS QUINTAL, AND THE CREATION OF AN OMBUDSMAN'S OFFICE, LED BY NOTED PRISON REFORMER JULITA LEMGRUBER. DURING THE PREVIOUS ADMINISTRATION

of Gov. Marcello Alencar, security chiefs Nilton Cerqueira and Naldo Alves had promoted and paid bonuses to police officers for "acts of bravery," frequently resulting in the killing of suspects. Rio Governor Anthony Garotinho appointed a special investigative commission after a Rio daily reported in July that 259 of those killed by the police from 1993 to 1996 had no prior police record. At this writing, however, the commission had not determined whether these cases should be reopened.

In São Paulo, figures released by the state secretariat of public security showed that the police killed 317 civilians in the first seven months of 1999, suggesting that by year's end, the number would rise for the third consecutive year. Despite measures taken by civilian authorities in São Paulo in recent years to control police abuse, shocking cases still seized headlines. In the dawn hours of February 17, the last day of Carnival, three young men, Paulo Roberto da Silva, twenty-one, Anderson Pereira dos Santos, fourteen, and Thiago Passos Ferreira, seventeen, disappeared in São Vicente in São Paulo state. Witnesses reported seeing a police vehicle stop the youths; others saw the same vehicle enter an area of dense brush in nearby Praia Grande later that morning. A police search uncovered the bodies fifteen days later. All three had been killed with a single gun shot wound to the head, fired at point-blank range. Authorities arrested seven police in connection with the killings.

On August 25, four police officers stopped three youths in downtown São Bernardo do Campo, in the greater São Paulo metropolitan area. The police took the youths—aged fifteen to eighteen—to a deserted area, forced them to undress and shot all three, leaving them for dead. Despite being shot twice, sixteen-year-old Anderson Araújo Silva survived and managed to call for help. The case provoked a significant reaction from São Paulo nongovernmental organizations and the media, as well as discussion about the possible involvement of police in execution-style killings. In São Paulo, through early September, media sources had recorded nearly fifty separate incidents in which three or more persons were killed by police.

A key component in this continued violence was the lack of effective control of abusive military police. A study released by the São Paulo State Police Ombudsman (Ouvidoria) in September demonstrated that the internal review process of the military was especially lax for commissioned officers. From 1971 until July 1999, only twenty-eight officers had been expelled or sanctioned with a loss of rank in São Paulo. Of these, only one held the rank of colonel or higher. At this writing, the National Secretary of Human Rights was working on a constitutional amendment that would allow state governors, rather than the military police themselves, to determine the loss of rank or expulsion of commissioned officers.

Rio police suffered from a similar lack of oversight. A study released in September by the Rio de Janeiro daily *O Globo* indicated that the internal review procedures to oversee police abuse of civilians were utterly ineffective. Journalists studied all fifty-three inquiries turned over by the internal affairs division of the civil police concerning allegations of torture against sixty-seven officers in the two years and four months between the passage of Law No. 9,455, which created the crime of torture, and August 1999. The inquiries contained statements and other evidence detailing abuses including electric shocks, rape, near-drownings and beatings. In all but one case, the inquiries had not yet been concluded; in the one instance in which a conclusion was reached, the authorities opted to dismiss the case.

The banality of police brutality was highlighted when twenty-year-old Hílito Pereira da Silva Júnior was apparently beaten to death by police in the northeastern state of Alagoas for stealing a soft drink. According to press reports, Silva was arrested on April 9 when, after hitching a ride on the back of a vehicle transporting soft drinks, he opened one of the bottles. After several days in which Silva's family alleged he was held incommunicado and beaten severely, the police released the young man on April 11. Due to the abdominal pains Silva was suffering from the beatings, his family took him to a local hospital a few days later where he died.

On September 22, the Federal Chamber of Deputies voted overwhelmingly to expel Deputy Hildebrando Pascoal from the federal legislature based on his alleged pivotal role in a death squad in the Amazon state of Acre that had claimed as many as 150 lives since the early 1980s. It was reported that Pascoal, a former commander of the Acre state military police had directed the death squad, had maintained close ties to drug trafficking operations, and had participated directly in some killings that had been investigated by federal prosecutors since at least 1997, but little had been done to hold Pascoal responsible for these crimes. In mid-1999, a congressional commission of inquiry to investigate drug trafficking began probing into the charges against Pascoal. The commission heard witnesses who recounted Pascoal's alleged involvement in the killings, including one in which he reportedly directed henchmen who severed the limbs of the victim.

with a chain saw, and others who told of Pascoal's alleged role in the May 1992 murder of Gov. Edmundo Pinto. A day after Congress' expulsion order (which terminated Pascoal's immunity from prosecution), a federal court in Rio Branco, the capital of Acre state, issued an arrest warrant and federal police took Pascoal into custody in Brasília on September 23.

Pascoal was the second federal deputy expelled from Congress in 1999 based on suspicion of criminal behavior. Earlier in the year, the lower house approved a motion to remove Deputy Talvane Albuquerque, who, as runner-up for a seat from Alagoas state, became a federal deputy when Deputy Ceci Cunha was killed hours after officially assuming the post. Albuquerque was immediately suspected of involvement in the murder; the Chamber of Deputies' investigation found that Albuquerque had hired killers to eliminate Ceci Cunha, elected in October 1998, thus clearing the way for his entrance into the chamber.

The landless rural poor, led by the Movement of Landless Laborers (Movimento dos Trabalhadores Rurais Sem Terra, MST), continued to intensify land occupations aimed at forcing the government to accelerate land reform, which resulted in increasing violence directed at the leaders and participants in this movement. According to the Pastoral Land Commission (Comissão Pastoral da Terra, CPT), from 1997 to 1998, the number of land conflicts rose from 736 to 1,100. In the same period, the number of persons involved in these conflicts more than doubled from its 1997 level of 506,053 to reach 1,125,116 in 1998. Also on the rise from 1997 to 1998 were the number of people killed in land disputes: while thirty were killed in 1997, forty-seven were slain in 1998. In 1998, forty-six more laborers suffered attempts on their lives, eighty-eight received death threats, thirty-five were tortured, 164 suffered physical attacks and 207 others sustained bodily injury. Killings in land conflicts continued in 1999: partial data from the CPT indicated that seventeen had been killed through August.

Although figures for 1999 were not yet available, CPT data for 1998 indicated that the trend toward reduction of forced labor had not abated. The number of registered instances of forced labor fell from seventeen to fourteen, while the number of people involved fell from 872 to 614. These figures were well below the tens of thousands of laborers found to have been forced into labor in the mid-1990s. The reduction in reports of forced labor were attributed to an effective federal investigation program and joint government-civil society efforts to inform rural laborers of their rights.

Detention conditions continued to violate international norms as severe overcrowding, abysmal sanitary facilities, and lack of legal and medical assistance provoked riots in police lockups, jails and penitentiaries throughout the year. The latest census figures—from 1997—showed that while Brazilian prisons had capacity for just over 74,000 inmates, they held more than 170,000. Unofficial estimates suggested that growth in the prison population since 1997 outpaced prison construction. This mismatch resulted in the continued use of police lockups—designed for short-term detention—as long-term facilities. Throughout the year, prisoners rioted, took hostages or initiated hunger strikes to demand that minimally humane conditions of incarceration be provided or that they be transferred from police lockups to penitentiaries. On July 19, in Ubatuba, Minas Gerais state, 317 prisoners took twenty hostages and demanded that their cases be reviewed to determine whether they should be freed or paroled, that a judge be present, and that they be transferred to other detention centers.

A few days earlier, 150 detainees at the anti-narcotics police station in Belo Horizonte began a hunger strike to demand a population reduction at the severely overcrowded facility, as well as the reinstatement of visits, which had been suspended.

The lack of space in detention facilities continued to be extreme even in São Paulo, which was scheduled to complete by the end of 1999 an ambitious prison construction program that included twenty-four facilities with more than 19,000 spaces. By mid-1999, the number of prisoners in police lockups and jails, the majority of whom were supposed to be transferred upon inauguration of the new facilities, reached 30,000, the same figure as mid-1997. Despite the construction, prison capacity in São Paulo, where roughly 40 percent of the nation's prisoners were held, could not keep pace with the growth of the prison population, condemning the state to the continued use of makeshift detention centers run by the police authority.

In November 1998, Congress passed Law No. 9.714/98, expanding the universe of convicts eligible for non-prison sentences. Though an important legal measure to reduce overcrowding, the law had little impact on sentencing for several reasons. First, the percentage of convicts eligible for non-prison sentences remained relatively small; second, most states lacked the requisite infrastructure to supervise community service and similar non-prison sentences; and third, most judges preferred to mete out prison terms. In São Paulo state, for example, according to the United Nations' Latin

AMERICAN INSTITUTE FOR THE PREVENTION AND TREATMENT OF OFFENDERS (INSTITUTO LATINO AMERICANO DAS NAÇXES UNIDAS PARA A PREVENÇÏO DO DELITO E TRATAMENTO DO DELINQUENTE, ILANUD), FEWER THAN 200 OF A TOTAL OF 1,700 AVAILABLE SLOTS FOR NON-PRISON TERMS WERE BEING UTILIZED IN SEPTEMBER.

CONDITIONS OF DETENTION FOR JUVENILES ALSO REMAINED WELL BELOW INTERNATIONAL STANDARDS AS WELL AS THE MINIMUM GUARANTEES ESTABLISHED IN BRAZIL'S PROGRESSIVE CHILDREN'S AND ADOLESCENTS' STATUTE (ESTATUTO DA CRIANÇA E DO ADOLESCENTE). A SERIES OF RIOTS IN DETENTION FACILITIES FOR ADOLESCENTS IN SÏO PAULO DEMONSTRATED THE STATE'S INABILITY TO MAINTAIN SECURITY IN THE FACILITIES OR GUARANTEE MINIMUM STANDARDS OF DECENT ACCOMMODATIONS FOR THE YOUTHS HELD THERE. IN MAY, JUVENILES TOOK TWO HOSTAGES IN A RIOT THAT LASTED NINE HOURS AT THE TATUAPÏ COMPLEX IN SÏO PAULO. IN JULY, TWO DAYS OF RIOTING FACILITATED THE ESCAPE OF 280 JUVENILES FROM THE SAME COMPLEX, WHOSE THIRTEEN CENTERS HELD 1,400 INMATES IN SPACE MEANT FOR ROUGHLY 800. IN AUGUST, FIFTY DETAINEES ESCAPED FROM THE IMIGRANTES DETENTION CENTER IN THE SOUTHERN ZONE OF SÏO PAULO. IN SEPTEMBER, SOME 500 DETAINEES ESCAPED FROM THE IMIGRANTES CENTER DURING TWO DAYS OF RIOTING. AT THE TIME OF THE RIOTS, THE CENTER HELD MORE THAN 1,300 JUVENILES IN SPACE DESIGNED FOR FEWER THAN 400. IN THE MIDST OF THE SEPTEMBER RIOTING, FOOTAGE FROM TELEVISION CAMERA CREWS OVERFLYING THE CENTER SHOWED GUARDS AT THESE DETENTION CENTERS USING BATONS TO BEAT JUVENILES WHO HAD ALREADY BEEN SUBDUED AND STRIPPED TO THEIR UNDERWEAR.

ALSO IN SEPTEMBER, MILITARY POLICE CAUGHT PAULO ROBERTO DE SOUZA, THE DIRECTOR OF THE INSTITUTO PADRE SEVERINO (IPS), A DETENTION CENTER FOR JUVENILES IN RIO DE JANEIRO, MOSTLY NAKED IN HIS OFFICE WITH A DETAINEE, AGED SEVENTEEN, WHO WAS COMPLETELY NAKED. THE POLICE ARRESTED DE SOUZA AND THEN RELEASED HIM A FEW DAYS LATER PURSUANT TO A JUDICIAL ORDER. OTHER BOYS AT THE FACILITY TOLD REPORTERS THAT DE SOUZA FREQUENTLY SEXUALLY ABUSED JUVENILES HELD THERE; THREE GAVE STATEMENTS TO POLICE DETAILING SEXUAL ABUSE THEY HAD SUFFERED AT THE HANDS OF DE SOUZA. JUVENILES HELD AT THE IPS AND ANOTHER RIO DE JANEIRO JUVENILE DETENTION CENTER (THE ESCOLA JOÏO LUIS ALVES) HAD REPORTED SEXUAL ABUSE INVOLVING SUPERVISORY STAFF SINCE AT LEAST 1996. HUMAN RIGHTS WATCH, IN CONJUNCTION WITH A GROUP OF RIO-BASED NONGOVERNMENTAL ORGANIZATIONS, REPORTED THESE ABUSES TO THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS IN MAY 1996, YET LITTLE HAD BEEN DONE TO IMPROVE CONDITIONS AT THE FACILITIES.

THE FEDERAL GOVERNMENT APPOINTED JOÏO BATISTA CAMPELO TO HEAD THE FEDERAL POLICE DESPITE CREDIBLE REPORTS OF HIS INVOLVEMENT IN TORTURE DURING THE MILITARY DICTATORSHIP. PRIOR TO THE JUNE 15 CEREMONY THAT CONFIRMED CAMPELO AS THE HEAD OF THE FEDERAL POLICE, CREDIBLE REPORTS SURFACED, INCLUDING CONTEMPORANEOUS MEDICAL RECORDS AND WITNESS STATEMENTS, ALLEGING THAT CAMPELO HAD OVERSEEN TORTURE SESSIONS INFLICTED ON FORMER PRIEST JOSÏ ANTONIO MAGALHÏES MONTEIRO IN 1970. FURTHER EVIDENCE INDICATED THAT HE COERCED OTHER WITNESSES AND MANIPULATED POLICE INQUIRIES IN THE SAME INVESTIGATION. MONTEIRO STATED IN NUMEROUS FORA, INCLUDING THE HUMAN RIGHTS COMMISSION OF THE FEDERAL CHAMBER OF DEPUTIES, THAT CAMPELO WAS AWARE OF THE TORTURE THAT HE SUFFERED (WHICH INCLUDED ELECTRIC SHOCKS AND BEATINGS) AND THAT ON ONE OCCASION CAMPELO HELPED PLACE MONTEIRO ON THE "PARROT'S PERCH," A TORTURE DEVICE COMMON IN BRAZIL. PRESIDENT CARDOSO WAS OBLIGED TO REQUEST CAMPELO'S RESIGNATION AFTER JUST THREE DAYS IN HIS POST.

Defending Human Rights

A VAST NETWORK OF HUMAN RIGHTS ORGANIZATIONS, RELIGIOUS GROUPS, NEIGHBORHOOD ASSOCIATIONS, AND UNIONS WORKED TO DOCUMENT AND DENOUNCE VIOLATIONS OF HUMAN RIGHTS WITHOUT FORMAL LEGAL IMPEDIMENT THROUGHOUT THE YEAR. NONETHELESS, SEVERAL WHO DEMONSTRATED THE COURAGE TO ACCUSE OFFICIALS RESPONSIBLE FOR ABUSES FACED INTIMIDATION, INCLUDING MERITLESS LAW SUITS, HARASSMENT, THREATS, AND EVEN MURDER.

A NOVEMBER 1998 FEDERAL POLICE RAID OF LAND OWNED BY FORMER POLICE OFFICER OTÏAVIO ERNESTO MOREIRA, WITNESSED BY HUMAN RIGHTS WATCH, TURNED UP THE MURDER WEAPON USED TO KILL HUMAN RIGHTS ATTORNEY GILSON NOGUEIRA IN RIO GRANDE DO NORTE STATE IN OCTOBER 1996. THE BALLISTIC TEST RESULTS, MADE PUBLIC IN JANUARY 1999, RESULTED IN THE ARREST OF MOREIRA, AN IMMENSE STEP FORWARD IN THE STRUGGLE AGAINST IMPUNITY IN THE NOGUEIRA CASE. JUST TWO MONTHS LATER, HOWEVER, ONE OF THE KEY WITNESSES IN THE CASE, ANTONIO LOPES, A TRANSGESTITE KNOWN BY THE NAME CARLA, WAS MURDERED. EVENTS IN THIS CASE REPORTEDLY LED TO SEVERAL LAWSUITS AGAINST HUMAN RIGHTS WATCH IN RIO GRANDE DO NORTE STATE, ALTHOUGH AT THIS WRITING NOTICE HAD NOT BEEN SERVED. APPARENTLY, THE LAWSUITS ALLEGED DEFAMATION AND WERE RELATED TO HUMAN RIGHTS WATCH'S REPORTING ON THIS CASE.

THE PASSAGE OF FEDERAL LEGISLATION FACILITATING THE PROTECTION OF WITNESSES IN DANGER CONSTITUTED AN IMPORTANT LEGAL MEASURE IN THE FIGHT AGAINST IMPUNITY. THE LEGISLATION, SIGNED INTO LAW ON JULY 13, AUTHORIZED CHANGE IN IDENTITY FOR WITNESSES WHOSE TESTIMONY PLACES THEM AT RISK AND PERMITTED SENTENCE REDUCTIONS FOR DEFENDANTS WHO COOPERATE WITH

PROSECUTORS. HOWEVER, THE LAW EXCLUDED THOSE WITH PAST CONVICTIONS FROM ITS BENEFITS. BY YEAR'S END, THE FEDERAL GOVERNMENT WAS EXPECTED TO ESTABLISH JOINT CIVIL SOCIETY-GOVERNMENT WITNESS PROTECTION PROGRAMS BASED ON THE PROVITA SYSTEM ALREADY IN EXISTENCE IN PERNAMBUCO STATE IN PARÁ, MATO GROSSO DO SUL, SÃO PAULO, AND RIO DE JANEIRO.

HUMAN RIGHTS COMMISSIONS OF STATE, MUNICIPAL, AND FEDERAL LEGISLATIVE BODIES, THOUGH GOVERNMENTAL BY DEFINITION, ACTED WITH NOTABLE INDEPENDENCE THROUGHOUT 1999, REVIEWING ALLEGATIONS OF ABUSE, OVERSEEING POLICE, PRISONS AND OTHER STATE AGENTS, AND DENOUNCING ABUSES TO PROSECUTORS AND THE MEDIA. THE HUMAN RIGHTS COMMISSION OF THE FEDERAL CHAMBER OF DEPUTIES RECLAIMED ITS CENTRAL PLACE IN THE DEFENSE OF HUMAN RIGHTS NATIONALLY WITH THE REELECTION OF DEPUTY NILMÁRIO MIRANDA TO ITS PRESIDENCY IN MARCH. MIRANDA AND OTHER MEMBERS OF THE COMMISSION AND STAFF WORKED CLOSELY WITH NONGOVERNMENTAL ORGANIZATIONS THROUGHOUT BRAZIL TO PUBLICIZE VIOLATIONS AND PRESSURE LOCAL AUTHORITIES TO INVESTIGATE AND PUNISH THOSE RESPONSIBLE. THIS COMMISSION PROVIDED A FORUM FOR DENUNCIATIONS OF CAMPELO'S ROLE IN TORTURE DURING THE MILITARY DICTATORSHIP AND PROMPTED PRESIDENT CARDOSO'S DECISION TO REVOKE HIS APPOINTMENT.

The Role of the International Community

European Union

THE EUROPEAN UNION CONTINUED TO FINANCE A RANGE OF NONGOVERNMENTAL ORGANIZATIONS DEDICATED TO THE DEFENSE OF HUMAN RIGHTS IN BRAZIL IN 1999. MEMBER STATES OF THE E.U., BOTH INDIVIDUALLY AND COLLECTIVELY, PRIVATELY ENCOURAGED BRAZIL TO COMPLY WITH INTERNATIONAL HUMAN RIGHTS NORMS THROUGH REGULAR MEETINGS WITH FEDERAL OFFICIALS IN BRAZIL AND ON OFFICIAL GOVERNMENT TRIPS TO EUROPE.

THE SWEDISH GOVERNMENT, THE DUTCH RED CROSS, AND THE INTERNATIONAL COMMITTEE OF THE RED CROSS CONTINUED TO FINANCE AND IMPLEMENT A NATIONAL POLICE TRAINING PROGRAM WITH THE COOPERATION OF BRAZILIAN FEDERAL AND STATE GOVERNMENT AUTHORITIES. THE SECOND PHASE OF THE PROGRAM, COMPLETED IN DECEMBER 1999, INSTRUCTED 324 MILITARY POLICE OFFICERS ON PROFESSIONAL POLICING TECHNIQUES, INCLUDING NON-LETHAL METHODS OF RESPONSE TO VIOLENT SITUATIONS, AND HUMAN RIGHTS, WITH THE GOAL OF ENABLING THEM TO RETURN TO THEIR HOME STATES AS INSTRUCTORS ON THESE MATTERS. THE THIRD PHASE, TO BE CONCLUDED BY JUNE 2000, WILL TRAIN AN ADDITIONAL 400 INSTRUCTORS FROM ALL TWENTY-SIX BRAZILIAN STATES AND THE FEDERAL DISTRICT.

United States

IN 1999, THE U.S. GAVE RELATIVELY LITTLE DIRECT ASSISTANCE TO BRAZIL. FOR FISCAL YEAR 1999, CONGRESS APPROVED US \$1.2 MILLION IN COUNTERNARCOTICS ASSISTANCE. FOR FISCAL YEAR 1999, CONGRESS APPROVED \$225,000 FOR BRAZIL THROUGH THE INTERNATIONAL MILITARY EDUCATION AND TRAINING (IMET) PROGRAM; ONLY \$206,000 HAD BEEN SPENT AT THIS WRITING. THE ADMINISTRATION REQUESTED \$225,000 FOR IMET FOR FISCAL YEAR 2000.

DURING THE YEAR, THE U.S. GOVERNMENT SPONSORED EDUCATIONAL VISITS TO THE UNITED STATES FOR HUMAN RIGHTS ACTIVISTS, ATTORNEYS, AND COMMUNITY ORGANIZERS, AS WELL AS VISITS TO BRAZIL BY U.S. EXPERTS ON CHILDREN'S AND WOMEN'S RIGHTS AND RACIAL DISCRIMINATION. THE STATE DEPARTMENT'S CHAPTER ON BRAZIL IN ITS *COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1999* ACCURATELY PORTRAYED THE HUMAN RIGHTS SITUATION IN BRAZIL.

CHILE

Human Rights Developments

THE COALITION GOVERNMENT OF PRESIDENT EDUARDO FREI STRUGGLED IN ITS FINAL YEAR TO COPE WITH THE TWIN CHALLENGES OF CHILE'S FIRST RECESSION IN FIFTEEN YEARS AND THE COMPLEX POLITICAL PROBLEMS POSED BY THE ARREST IN LONDON OF FORMER DICTATOR AUGUSTO PINOCHET. DIVISIONS OVER PINOCHET'S LEGACY ROSE IMMEDIATELY TO THE SURFACE AS EMBASSIES WERE BESIEGED BY FURIOUS PROTESTERS, NATIONAL FLAGS APPEARED OVERNIGHT IN PROSPEROUS NEIGHBORHOODS, AND FOR A FEW TENSE WEEKS FEAR OF A RETURN TO VIOLENCE STALKED THE SANTIAGO STREETS. YET APART FROM MOMENTS OF EXTREME TENSION WHEN COURT VERDICTS WERE ANNOUNCED IN LONDON, CHILEANS ADAPTED TO THESE MOMENTOUS DEVELOPMENTS WITH LITTLE OVERT VIOLENCE. PINOCHET AND HIS LEGACY

OF HUMAN RIGHTS VIOLATIONS, A THEME PURPOSEFULLY AVOIDED BY THE GOVERNMENT FOR SEVERAL YEARS, WERE FRONT PAGE NEWS FOR MOST OF THE YEAR.

PINOCHET'S ARREST, AND THE ENSUING LEGAL BATTLE OVER HIS EXTRADITION TO SPAIN, WERE THE FRUIT OF A THREE-YEAR INVESTIGATION CONDUCTED BY SPANISH MAGISTRATE BALTAZAR GARZYN INTO SYSTEMATIC VIOLATIONS OF HUMAN RIGHTS, INCLUDING MURDER AND TORTURE, UNDER PINOCHET'S SEVENTEEN-YEAR RULE.

IMMEDIATELY AFTER PINOCHET'S ARREST IN OCTOBER 1998, HIS BRITISH LAWYERS WON A HABEAS CORPUS APPEAL TO THE HIGH COURT, WHICH HELD THAT PINOCHET, AS A FORMER HEAD OF STATE, WAS IMMUNE FROM LEGAL PROCESS IN THE UNITED KINGDOM. ON APPEAL, BRITAIN'S HIGHEST COURT, THE HOUSE OF LORDS JUDICIAL COMMITTEE (THE LAW LORDS) REVERSED THE RULING. IN A DRAMATIC JUDGMENT HANDED DOWN ON NOVEMBER 25, 1998, THE HOUSE OF LORDS CONCLUDED THAT SOVEREIGN IMMUNITY DID NOT EXTEND TO CRIMES AGAINST HUMANITY. UNUSUALLY, THE COURT GRANTED LEAVE TO INTERVENE IN THE HEARING TO FOUR CONCERNED ORGANIZATIONS, INCLUDING AMNESTY INTERNATIONAL AND HUMAN RIGHTS WATCH. PINOCHET'S COUNSEL CHALLENGED THE NOVEMBER 25 DECISION ON GROUNDS THAT ONE OF THE LAW LORDS, LORD HOFFMANN, A DIRECTOR OF AMNESTY INTERNATIONAL'S CHARITY DIVISION, MIGHT HAVE BEEN BIASED AGAINST GENERAL PINOCHET. IN A DECISION ALMOST WITHOUT PRECEDENT, ANOTHER PANEL OF LAW LORDS VACATED THE NOVEMBER 25 DECISION, RULING THAT AS AN INTERVENOR AMNESTY INTERNATIONAL WAS IN PRACTICE A PARTY TO THE APPEAL. ON MARCH 24, 1999, A THIRD PANEL OF LAW LORDS PRONOUNCED GENERAL PINOCHET'S ARREST TO BE LAWFUL AND CONSISTENT WITH BRITAIN'S OBLIGATIONS UNDER THE UNITED NATIONS CONVENTION AGAINST TORTURE, RULING THAT AS A FORMER HEAD OF STATE PINOCHET DID NOT ENJOY IMMUNITY FROM EXTRADITION ON CHARGES OF TORTURE AND CONSPIRACY TO TORTURE. BUT THE LAW LORDS HELD THAT PINOCHET COULD ONLY BE EXTRADITED FOR ACTS OF TORTURE OR CONSPIRACY TO TORTURE COMMITTED AFTER DECEMBER 8, 1988, WHEN THE UNITED KINGDOM RATIFIED THE CONVENTION AGAINST TORTURE. ON APRIL 15, BRITISH HOME SECRETARY JACK STRAW APPROVED THE EXTRADITION PROCEEDINGS, ARGUING THAT THE REDUCED CHARGES WERE SERIOUS AND SUFFICIENT FOR EXTRADITION, AND THAT SPANISH JURISDICTION WAS VALID IN THE ABSENCE OF A COMPETING REQUEST FROM THE CHILEAN GOVERNMENT. PINOCHET REMAINED UNDER HOUSE ARREST IN AN EXCLUSIVE PRIVATE ESTATE IN THE COUNTY OF SURREY. ON OCTOBER 9, A MAGISTRATE COMMITTED PINOCHET FOR EXTRADITION ON THIRTY-FOUR CHARGES OF TORTURE AND ONE OF CONSPIRACY TO TORTURE. HE RULED THAT PINOCHET'S CONDUCT BEFORE 1988 COULD BE EXAMINED IN PROVING THE CONSPIRACY.

THE CHILEAN GOVERNMENT REFUSED TO RECOGNIZE THE JURISDICTION OF THE SPANISH COURT FROM THE BEGINNING OF JUDGE GARZYN'S INVESTIGATION AND FAILED TO COOPERATE WITH IT. INDEED, THE GOVERNMENT HAD TRIED TO EASE PINOCHET'S PASSAGE THROUGH EUROPE WITH A DIPLOMATIC PASSPORT ATTRIBUTING TO HIM A SPECIAL OFFICIAL MISSION. ENGAGING COUNSEL IN LONDON AFTER PINOCHET'S ARREST, THE GOVERNMENT INTERVENED IN DEFENSE OF THE CHILEAN STATE IN THE HOUSE OF LORDS (NOT, IT INSISTED, IN PINOCHET'S DEFENSE), AND LOBBIED HOME SECRETARY STRAW TO ALLOW PINOCHET TO RETURN TO CHILE, ARGUING THAT CHILEAN COURTS WERE COMPETENT TO JUDGE HIM AND HAD A SUPERIOR RIGHT TO DO SO OVER SPANISH COURTS. IN PRACTICE, HOWEVER, NO CHARGES HAD BEEN BROUGHT AGAINST THE FORMER DICTATOR SINCE HE STEPPED DOWN IN MARCH 1990. IN JANUARY 1998, SANTIAGO APPEALS COURT JUDGE JUAN GUZMÁN TAPIA BEGAN INVESTIGATIONS INTO MORE THAN FORTY CRIMINAL COMPLAINTS FILED AGAINST PINOCHET. AS A SENATOR-FOR-LIFE UNDER THE CONSTITUTION HE INTRODUCED IN 1980, PINOCHET ENJOYED FULL IMMUNITY FROM CRIMINAL PROCESS. IN OCTOBER, JUDGE GUZMÁN SENT PINOCHET A LIST OF SEVENTY-FIVE QUESTIONS ABOUT THE CRIMES THAT HE WAS REQUIRED TO ANSWER. BEFORE HE COULD BE CHARGED, HOWEVER, THE SUPREME COURT HAD TO FIRST RESCIND HIS PARLIAMENTARY IMMUNITY.

APART FROM HIS PARLIAMENTARY IMMUNITY, PINOCHET WAS ALSO PROTECTED BY AN AMNESTY PROCLAIMED BY THE MILITARY GOVERNMENT APPLICABLE TO CRIMES COMMITTED BETWEEN SEPTEMBER 11, 1973, THE DATE OF THE MILITARY COUP THAT OVERTHREW THE GOVERNMENT OF SALVADOR ALLENDE, AND MARCH 1978, WHEN THE NATION-WIDE STATE OF SIEGE WAS LIFTED. EIGHTY PERCENT OF THE APPROXIMATELY 3,000 EXTRAJUDICIAL EXECUTIONS, "DISAPPEARANCES," AND DEATHS UNDER TORTURE COMMITTED BY STATE AGENTS THROUGHOUT THE MILITARY GOVERNMENT DATE FROM THIS PERIOD, ACCORDING TO FIGURES PUBLISHED BY A GOVERNMENT COMMISSION IN 1996.

THE STRENGTH OF PRO-PINOCHET SENTIMENT AMONG THE COUNTRY'S TWO MOST POWERFUL GROUPS, THE ARMED FORCES AND THE BUSINESS COMMUNITY, COUPLED WITH CHILE'S UNDEMOCRATIC CONSTITUTION, HAD SEVERELY LIMITED THE POWER OF TWO SUCCESSIVE ELECTED CENTER-LEFT GOVERNMENTS TO INTRODUCE MUCH NEEDED HUMAN RIGHTS REFORMS. BY THE TIME OF PINOCHET'S ARREST, A MODUS VIVENDI HAD BEEN ESTABLISHED WITH THE MILITARY, AN UNSTATED ASSUMPTION OF WHICH WAS THAT NO LEGAL ACTION WOULD BE TAKEN AGAINST THE FORMER RULER. PRESIDENT EDUARDO FREI OPPOSED THE JURISDICTION OF THE SPANISH COURT FROM THE BEGINNING OF GARZYN'S INVESTIGATION IN 1996. ALTHOUGH THE GOVERNMENT SAID IT WAS MERELY ADVOCATING THE PRINCIPLE OF TERRITORIAL JURISDICTION, ITS POSITION REFLECTED THE SAME FEAR OF POLITICAL INSTABILITY THAT REPEATEDLY SLOWED HUMAN RIGHTS-RELATED REFORMS OVER THE LAST DECADE. HAVING MAINTAINED IN ITS INTERVENTIONS IN THE HOUSE OF LORDS IN JANUARY THAT ONLY CHILEAN COURTS HAD THE RIGHT TO

try Pinochet, the government took no measures to remove legal barriers to his prosecution at home. By October no Chilean court had charged him with any offense.

While strategies to bring Pinochet home occupied both government and opposition, Pinochet's arrest also generated much discussion about justice and reparation for victims of human rights violations committed under his rule, a topic swept under the carpet for years. In this new and more open climate, the courts issued several key decisions limiting the effects of the 1978 amnesty law, which had hitherto prevented prosecutions for crimes during the coup and its violent five-year aftermath. In July the Supreme Court unanimously upheld the detention and prosecution of five senior army officers, including a general once close to Pinochet, for their participation in a series of mass killings in October 1973. Amid military discontent at this ruling and the increasingly frequent citation of officers for court appearances in other cases, Defense Minister Edmundo Pérez Yoma organized a series of trust-building meetings in August between representatives of the armed forces, lawyers who litigate for relatives of victims of human rights violations, and representatives of civil society. Even its proponents recognized, however, that this initiative's purpose was ill-defined and its chances of success limited.

Freedom of expression continued to be restricted by laws introduced by Pinochet or predating his rule that inhibit political debate. Most of the parties making up the Concertación government coalition, however, strongly opposed the censorship in April of a book considered defamatory by the country's former chief justice. Members of Congress from the ruling coalition parties proposed legislation to amend provisions of the Law of State Security that prohibit criticism of government officials and permit prior censorship.

Due to differences of legal interpretation by the Chilean courts, the amnesty law had been applied selectively and extraordinarily inconsistently in past years. Seventy-seven cases, involving 261 victims, had been closed by the courts, but hundreds of cases remained open for investigation. The position of the armed forces and their parliamentary allies was that the amnesty should be implemented to close the books forever on excesses committed by both sides. Relatives of the victims of human rights violations, and the center-left parties in Congress closest to them, wanted the courts to provide truth and justice. Taking a middle position, politicians close to Frei believed that closing the books forever was unethical and that achieving truth and justice was unrealistic. They considered that the most pressing moral issue was to discover the fate of the "disappeared." To overcome the refusal of those implicated in human rights violations to cooperate with the courts, they argued, guarantees should be devised to ensure that the identity of those providing information would be withheld and no legal reprisals would follow their declarations. The most positive developments were in the courts. In December 1998, a judge ordered the arrest of eight former members of the National Information Center (Central Nacional de Informaciones, CNI), successor to Pinochet's notorious secret police, the National Directorate of Investigations (Dirección Nacional de Informaciones, DINA), for the 1987 deaths of seven people, an incident known as the Albania Operation (Operación Albania). CNI agents detained, tortured, and killed the suspects, and then dressed the scene to make it appear that they had been shot in combat. Although not covered by the amnesty law, the case had been under military jurisdiction until the Supreme Court transferred it to a criminal court judge in March 1999. A long-stalled investigation into the 1992 murder of trade unionist Tucapel Jiménez was shaken back to life by the Third Chamber of the Santiago Appeals Court when it removed from the case a judge linked by family ties to the CNI. By September, Gen. Humberto Gordon, a former CNI director and member of the military junta from 1986-1989, and Brig. Roberto Schmied, the commander of the CNI's metropolitan division, were among eighteen suspects charged in the case.

In July 1999, Judge Carlos Cerda of the Fifth Chamber of the Santiago Appeals Court indicted Edgar Ceballos Jones, former head of air force intelligence, for the murder and "disappearance," respectively, of Communist Party leaders Alfonso Carreco Díaz and José Luis Baeza Cruces in July 1974. Judge Cerda argued that the facts had to be exhaustively investigated before the amnesty question could be considered, noting that Baeza's continued disappearance made it impossible to establish that the crime was committed within the period covered by the amnesty law. Ceballos Jones was arrested on February 3 and detained in the air force hospital.

On June 9, Judge Juan Guzmán Tapia, investigating more than thirty criminal complaints against Pinochet and other members of the military junta, ordered the arrest on kidnapping charges of five senior retired army officers: Gen. Sergio Orellano Stark, Brig. Pedro Espinosa Bravo (who was already serving a prison sentence for the September 1976 car bombing murder of Orlando Letelier and Ronni Moffitt in Washington, D.C.), and Cols. Marcelo Morán Brito, Sergio

ARREDONDO, and PATRICIO DIAZ, who were implicated in the so-called Caravan of Death case, a notorious episode involving the extrajudicial execution of seventy-five prisoners in October 1973. They were members of a helicopter-borne commando task force, acting with authority from Pinochet himself, which toured prisons in the north and south of Chile, removing inmates from their cells and secretly executing them. In view of the fact that the bodies of nineteen of the victims had never been located, Judge Guzmán held that their abduction was still current, and hence excluded from the amnesty law. The five former officers were detained in military bases.

On July 20, the Supreme Court unanimously rejected a habeas corpus appeal against the officers' arrest and upheld the doctrine underlying Judge Guzmán's decision, namely that "disappearance" is a permanent crime until the victim's death is legally ascertained. In theory, this meant that the officers could be convicted unless the fate of the nineteen unaccounted-for victims could be established. In several of these cases, former Pinochet government ministers, who had since become members of the Senate, were called to give evidence.

The July Supreme Court decision produced a hostile reaction by pro-military senators, who accused the court of remaking the law. The armed forces held a three-day conclave at a beach resort to discuss its implications. On July 23, the four service chiefs met Defense Minister Pérez Yoma to press the government to seek a political solution to the matter. In August Pérez Yoma announced his idea of establishing a dialogue between relatives of the victims, to be represented by the Group of Relatives of the Disappeared (Agrupación de Familiares de Detenidos Desaparecidos, AFDD), and delegates of each of the four branches of the armed forces. The AFDD immediately rejected the invitation to participate in what they saw as a negotiation aimed at preserving impunity. The group held its first sessions at the end of August, excluding the AFDD but including four representatives of the armed forces, lawyers litigating human rights cases, human rights experts, representatives of religious institutions, and other civilians. Formal expositions by the representatives of army Commander-in-Chief Ricardo Izurieta and navy chief Adm. Jorge Arrancibia did not betray any change of institutional position, despite a softening of language. Izurieta's insistent denials that the army had any information about the whereabouts of the "disappeared" fell like a shadow over the talks.

Chilean courts requested the extradition of at least two suspects in human right crimes. In April the Supreme Court authorized a request for the extradition from France of Galvarino Ancavil, a former civilian CNI agent wanted in the Tucapel Jiménez case. In August a court issued a request for the extradition from the United States of DINA agent Armando Fernández Larios, allegedly a member of the Caravan of Death, who had served time in U.S. prisons for his role in the Letelier-Moffitt assassination.

The press continued to be restricted by anti-defamation laws and other legal norms limiting freedom of expression. Within hours of its April 13 launch, police removed from bookshops *The Black Book of Chilean Justice* by journalist Alejandra Matus, an exposé of venality and improper conduct in the upper echelons of the judiciary. Behind the banning order was former Chief Justice Servando Jordán, one of the targets of the book, who accused Matus and the publishers, Planeta, of defamation under the Law of State Security. Matus left for Buenos Aires and subsequently the United States after learning of her imminent arrest.

Also charged were Bartolo Ortiz, manager of the publishing house Planeta, and Carlos Orellano, its editor. Police arrested both of them on June 16 and held them for two days. The court summoned for questioning prominent journalists who had read or exhibited extracts from the book on television.

The action against Matus and Planeta was taken under the Law of State Security, which prohibited what it deemed offensive criticism of government authorities. Following the storm caused by Judge Jordán's action, a group of congressmen presented a bill to eliminate provisions of the Law of State Security that made it an imprisonable offense to insult government officials and allowed the confiscation and banning of publications. Although this was the first parliamentary effort to revise these authoritarian provisions since the return of democracy, amendments to the bill made its passage under the current administration unlikely. Among the proposals under discussion was the inclusion in the penal code, rather than the security law, of an article to criminalize the defamation of government authorities.

By October, Matus's book was still banned from Chilean bookshops, although the full text was available on the Internet and pirate copies circulated. The special rapporteur on freedom of expression of the Organization of American States, Santiago Cantyn, visited Santiago on June 23, advancing a trip scheduled for August, on receiving news of the arrest of

the Planeta editors. Apart from this egregious case, there were no other reports of defamation prosecutions under the Law of State Security, a notable improvement on 1998.

Defending Human Rights

Chile's much-depleted nongovernmental human rights community campaigned vigorously to defend the Pinochet prosecution and played a vital role in providing information to the Spanish court. The atmosphere turned ugly in the final three months of 1998, when scores of politicians, journalists, former political prisoners, and human rights activists received anonymous death threats, many by e-mail. Members of Congress who supported the Pinochet prosecution were "bombarded" by death threats, in the words of Socialist Party leader Ricardo Necochea, who was threatened himself. After being repeatedly menaced in October 1998, Carmen Soria, daughter of Spanish diplomat Carmelo Soria, who was murdered by Pinochet's agents in 1976, followed diplomatic advice and took her family to Spain.

On December 27 various members of the Corporation for the Rights of the People, (Corporación por los Derechos del Pueblo, CODEPU) received threatening messages by e-mail, sent by a group calling itself the Fatherland and Liberty Nationalist Front (Frente Nacionalista Patria y Libertad). The messages said: "People like us are not going to allow communists/socialists like yourselves to get away with it, take care because your elimination is close." CODEPU was an outspoken defender of the Pinochet prosecution and its lawyers represented relatives of the victims of the Caravan of Death. On November 13, an anonymous message from a group calling itself Organized Extreme Right (Extrema Derecha Organizada) was posted on the Internet, in which the authors threatened human rights lawyer Hernán Montealegre, and claimed responsibility for a bomb-booby and an incendiary attack on an Antofagasta newspaper.

During the last week of November 1998, a fax arrived at the office of broadcaster Josu Goymez Lope at the University of Chile radio station, awarding him the "Red Tie Award, just like some friends of yours in Quilicura were given a few years ago in Quilicura." This was a reference to three communists whose throats were cut by police agents in 1995.

The Role of the International Community

United Nations

In March, the U.N. Human Rights Committee published its Concluding Observations on Chile's reports on compliance with the International Covenant on Civil and Political Rights. The committee expressed concern at the undemocratic composition of the Senate, which, it stated, "impedes legal reforms that would enable the State party to comply more fully with its Covenant obligations." During the same month, High Commissioner for Human Rights Mary Robinson said of the Second House of Lords decision: "The ruling today by the United Kingdom's highest court in the case of Senator Augusto Pinochet is a vigorous endorsement of the view that torture is an international crime subject to universal jurisdiction. National courts can try torturers even when the crime has been committed elsewhere."

European Union

Following Pinochet's detention in London, Belgium, France, and Switzerland also moved to prosecute the general and filed extradition requests of their own. Members of the European Parliament, reacting to the arrest, urged Spain to seek Pinochet's extradition as quickly as possible.

United States

The White House said little at Pinochet's arrest, and when pressure in Europe for his extradition mounted, the State Department went to Chile's defense. Refusing to comment on the judicial aspects of the case, Secretary of State Madeleine Albright called in November 1998 for understanding of Chile's dilemma: "In Chile, the citizens of a democratic state are wrestling with a very difficult problem of how to balance the need of justice with the requirements of reconciliation ...[and] I think significant respect should be given to their conclusions." However, while keeping its distance on the extradition issue, the administration decided to help the truth-telling process.

On February 1, the White House issued a directive ordering U.S. agencies to collect and review for release documents "that shed light on human rights abuses, terrorism, and other acts of political violence in Chile." On June 30 the

GOVERNMENT RELEASED AN ESTIMATED 5,300 DECLASSIFIED DOCUMENTS RELATING TO EVENTS DURING THE PERIOD FROM 1973 TO 1978, FROM AGENCIES INCLUDING THE FEDERAL BUREAU OF INVESTIGATION, THE CENTRAL INTELLIGENCE AGENCY, AND THE DEFENSE DEPARTMENT. THOUSANDS MORE DOCUMENTS FROM THE PRE-COUP PERIOD WERE PROMISED LATER IN THE YEAR. THE U.S. MADE DECLASSIFIED FILES AVAILABLE UNDER A BILATERAL MUTUAL LEGAL ASSISTANCE TREATY TO JUDGE GARZYN, AND TO ARGENTINEAN JUDGE MARIA SERVINI DE CUBRHA, WHO WAS INVESTIGATING THE 1974 ASSASSINATION OF FORMER CHILEAN ARMY COMMANDER CARLOS PRATS IN BUENOS AIRES. THE JUDGE DETERMINED THAT ARGENTINA HAD JURISDICTION OVER THE CASE AND INFORMED PINOCHET THAT HE SHOULD APPOINT A LAWYER.

ALTHOUGH HEAVILY CENSORED, THE RELEASED DOCUMENTS CONFIRMED THE DIRECT CHAIN OF COMMAND BETWEEN PINOCHET AND THE HEAD OF THE DINA, MANUEL CONTRERAS. THEY ALSO SHOWED THAT U.S. SECRETARY OF STATE HENRY KISSINGER HAD RECEIVED DETAILED INTELLIGENCE ABOUT THE EXTENT AND GRAVITY OF HUMAN RIGHTS VIOLATIONS, EVEN AS THE U.S. CONTINUED TO SHOWER THE PINOCHET GOVERNMENT WITH MILITARY AND ECONOMIC ASSISTANCE. FREEDOM OF INFORMATION ADVOCATES IN THE U.S. CONTINUED TO PRESS THE WHITE HOUSE TO DECLASSIFY DOCUMENTS STILL WITHHELD, PARTICULARLY BY THE CIA AND THE DEFENSE DEPARTMENT.

JUSTICE DEPARTMENT PROSECUTORS CONTINUED TO INVESTIGATE THE LETELIER-MOFFITT MURDER CASE. ON SEPTEMBER 1, 1999, A ROGATORY LETTER WAS SENT TO THE CHILEAN SUPREME COURT ASKING FOR COOPERATION WITH THE U.S. INVESTIGATION. THE LETTER ALLEGEDLY REQUESTED, AMONG OTHER THINGS, DOCUMENTARY EVIDENCE COLLECTED BY SUPREME COURT JUSTICE ADOLFO BACADOS DURING THE INVESTIGATION THAT LED TO THE CONVICTION OF CONTRERAS AND ESPINOZA. ACCORDING TO CHILEAN PRESS REPORTS, THE JUSTICE DEPARTMENT ALSO REQUESTED TAPES OF REPORTED CONVERSATIONS BETWEEN PINOCHET AND CONTRERAS, POTENTIALLY CRUCIAL EVIDENCE IN ESTABLISHING THE ROLE OF PINOCHET IN THE ASSASSINATION OF LETELIER AND MOFFITT.

COLOMBIA

Human Rights Developments

ARMED CONFLICT INTENSIFIED IN COLOMBIA AS NEGOTIATIONS BETWEEN THE GOVERNMENT AND GUERRILLAS STALLED. THE ADMINISTRATION OF ANDRÉS PASTRANA WAS SLOW TO DEVELOP A PLAN TO IMPROVE HUMAN RIGHTS PROTECTIONS EVEN AS GUERRILLAS USED TERRITORY CEDED TO THEM NOT TO TALK PEACE, BUT TO FURTHER WAR. PARAMILITARY GROUPS WORKING IN SOME AREAS WITH THE TOLERANCE AND OPEN SUPPORT OF THE ARMED FORCES CONTINUED TO MASSACRE CIVILIANS, COMMIT SELECTIVE KILLINGS, AND SPREAD TERROR. GUERRILLAS ALSO FLOUTED INTERNATIONAL HUMANITARIAN LAW, EXECUTING AND KIDNAPPING CIVILIANS AND CARRYING OUT INDISCRIMINATE ATTACKS. THROUGHOUT THE COUNTRY, COLOMBIANS FLED POLITICAL VIOLENCE, WITH WANING CHANCES OF FINDING REFUGE, FOOD, AND MEDICAL CARE. REPEATEDLY, THE CONFLICT CROSSED BORDERS INTO PANAMA, BRAZIL, AND VENEZUELA, HEIGHTENING REGIONAL TENSIONS AND PROMPTING TALK OF A FUTURE MULTILATERAL INTERVENTION.

THE DEPARTMENTS OF ANTIOQUIA, META, SANTANDER, AND BOLIVAR REMAINED AMONG THE MOST DANGEROUS. VICTIMS RAN THE GAMUT OF COLOMBIAN SOCIETY. IN 1999, PARAMILITARIES WERE CONSIDERED RESPONSIBLE FOR 78 PERCENT OF THE TOTAL NUMBER OF HUMAN RIGHTS AND INTERNATIONAL HUMANITARIAN LAW VIOLATIONS, ACCORDING TO THE COLOMBIAN COMMISSION OF JURISTS (COMISIÓN COLOMBIANA DE JURISTAS, CCJ), A HUMAN RIGHTS GROUP. FOR THEIR PART, GUERRILLAS WERE CREDITED WITH 20 PERCENT. STATE FORCES WERE LINKED TO 2 PERCENT.

SOME GOVERNMENT OFFICIALS CLAIMED THAT THE MILITARY'S TIES TO PARAMILITARY GROUPS WERE SEVERED AND CITED THE LOW PERCENTAGE OF VIOLATIONS CREDITED TO STATE FORCES ACTING ALONE. HOWEVER, THE PERCENTAGE DOES NOT REFLECT STATE FORCES THAT ROUTINELY ASSISTED PARAMILITARY ATROCITIES. INDEED, COOPERATION BETWEEN ARMY UNITS AND PARAMILITARIES REMAINED COMMONPLACE. FOR INSTANCE, GOVERNMENT INVESTIGATORS DETAILED DIRECT COLLABORATION BETWEEN THE MEDELLÍN-BASED FOURTH BRIGADE AND PARAMILITARIES COMMANDED BY CARLOS CASTAÑO. REPEATEDLY, PARAMILITARIES KILLED THOSE SUSPECTED OF SUPPORTING GUERRILLAS, THEN DELIVERED THE CORPSES TO THE ARMY. IN A PROCESS KNOWN AS "LEGALIZATION," THE ARMY THEN CLAIMED THE DEAD AS GUERRILLAS KILLED IN COMBAT WHILE PARAMILITARIES RECEIVED THEIR PAY IN ARMY WEAPONS.

THE BOGOTÁ OFFICE OF THE U.N. HIGH COMMISSIONER FOR HUMAN RIGHTS REPORTED IN 1999 THAT DESPITE MANY SIMILAR CREDIBLE REPORTS, THE GOVERNMENT FAILED TO ACT CONSISTENTLY TO BREAK TIES AND PURSUE PARAMILITARIES. "SIGNS OF THE LACK OF WILLINGNESS TO COMBAT THE PARAMILITARY GROUPS EFFECTIVELY INCLUDE THE FACT THAT THE LOCATION OF MANY OF THEIR ASSEMBLY AND TRAINING SITES IS PUBLIC KNOWLEDGE ON THE PART OF THE POPULATION AND THE AUTHORITIES," ITS REPORT NOTED.

THE DEBATE OVER PERCENTAGES ALSO LEAVES UNADDRESSED CONTINUING CRIMINAL ACTIVITY BY MILITARY INTELLIGENCE, WHICH GOVERNMENT INVESTIGATORS LINKED TO A STRING OF HIGH-PROFILE KILLINGS AND DEATH THREATS, INCLUDING THE AUGUST MURDER OF HUMORIST JAIME GARZYN. ALTHOUGH THE BRIGADE THAT CENTRALIZED MILITARY INTELLIGENCE WAS REPORTEDLY DISMANTLED IN 1998 BECAUSE OF HUMAN RIGHTS CRIMES, GOVERNMENT INVESTIGATORS BELIEVE INTELLIGENCE AGENTS CONTINUED TO THREATEN, KIDNAP, AND KILL. IN ONE OF AT LEAST EIGHT CASES, FOR EXAMPLE, INVESTIGATORS LINKED THE 1998 KIDNAPPING AND LATER MURDER OF AN ISRAELI BUSINESSMAN TO THIRTEENTH BRIGADE INTELLIGENCE OFFICERS.

INCREASINGLY, ARMED CLASHES WERE MIXED AND PROLONGED, AS GROUPS ATTACKED, COUNTERATTACKED, AND ALLIED ON BATTLEFIELDS THAT INCLUDED FARMS, VILLAGES, AND TOWNS. FOR INSTANCE, FIGHTING OVER SEVERAL WEEKS IN JUNE BETWEEN PARAMILITARIES BELONGING TO THE PEASANT SELF-DEFENSE FORCES OF CYRDOBA AND URABÁ (AUTODEFENSAS CAMPESINAS DE CYRDOBA AND URABÁ, ACCU) AND THE REVOLUTIONARY ARMED FORCES OF COLOMBIA (FUERZAS ARMADAS REVOLUCIONARIAS DE COLOMBIA, FARC) CAUSED DOZENS OF CIVILIAN CASUALTIES NEAR JUAN JOSÉ, CYRDOBA. FIGHTING FINALLY ENDED WITH THE ARMY CALLED IN TO REPEL GUERRILLAS, WHILE IGNORING THE PARAMILITARIES WHOSE HEADQUARTERS WAS NEARBY. AS SOLDIERS EXITED A TRANSPORT HELICOPTER ON JUNE 22, THEY WERE AMBUSHED BY GUERRILLAS, WHO KILLED THIRTY-FIVE, SOME APPARENTLY EXECUTED AFTER SURRENDERING.

THE SECURITY FORCES FAILED TO HALT BOTH PARAMILITARY AND GUERRILLA INCURSIONS INTO TOWNS WHERE CIVILIANS WERE FREQUENTLY KILLED. HOWEVER, SOLDIERS PURSUED GUERRILLAS ONCE AN ATTACK WAS REPORTED. IN CONTRAST, ALTHOUGH PARAMILITARIES OFTEN ANNOUNCED PLANS TO ATTACK PUBLICLY AND WELL IN ADVANCE, AUTHORITIES NOT ONLY FAILED TO ACT TO STOP KILLINGS, BUT RARELY PURSUED PARAMILITARY UNITS EVEN WHEN THEY REMAINED IN THE REGION AFTER MASSACRING NONCOMBATANTS.

THIS PATTERN WAS CLEAR ON COLOMBIA'S BORDER WITH VENEZUELA. DESPITE REPEATED ATTACKS BY THE ACCU BEGINNING IN MAY 1999, AUTHORITIES FAILED TO TAKE EFFECTIVE MEASURES AGAINST THEM. TO THE CONTRARY, THERE WERE CREDIBLE REPORTS OF COLLUSION BETWEEN THE SECURITY FORCES AND THE ACCU, WHICH TRAVELED FREELY, PASSING ARMY BASES, POLICE BARRACKS, AND ARMY CHECK POINTS.

THOUSANDS OF CIVILIANS FLED TO VENEZUELA, WHERE COLOMBIAN AUTHORITIES PROMISED TO TAKE ACTION AGAINST PARAMILITARIES. YET EVEN AS FAMILIES PREPARED TO RETURN, ACCU LEADER CASTAÑO REPEATED HIS THREATS TO "CLEAN" THE REGION OF GUERRILLAS. BY AUGUST, A DOZEN MASSACRES AND DOZENS MORE TARGETED KILLINGS RAISED THE CIVILIAN DEATH TOLL TO OVER 150 PEOPLE.

ON SEPTEMBER 1, THE COLOMBIAN GOVERNMENT CASHIERED GEN. ALBERTO BRAVO, HEAD OF THE FIFTH BRIGADE AND RESPONSIBLE FOR THE REGION, ALONG WITH THE DEPARTMENTAL POLICE CHIEF AND THE HEAD OF THE REGIONAL ADMINISTRATIVE SECURITY DEPARTMENT (DEPARTAMENTO ADMINISTRATIVO DE SEGURIDAD, DAS), THE SECURITY FORCE RUN BY COLOMBIA'S EXECUTIVE BRANCH.

PARAMILITARY KILLINGS WERE STARK IN THEIR SAVAGERY. IN JANUARY, FOR EXAMPLE, PARAMILITARIES REPORTEDLY DRAGGED TWENTY-SEVEN WORSHIPERS OUT OF A CHURCH IN PLAYÓN DE OROZCO, MAGDALENA, THEN RIDDLED THEIR BODIES WITH BULLETS. THAT SAME WEEK, AUTHORITIES REGISTERED OVER ONE HUNDRED KILLINGS ATTRIBUTED TO PARAMILITARIES, WHO MUTILATED SOME OF THEIR VICTIMS AND DUMPED BODIES INTO RIVERS TO DESTROY EVIDENCE.

THE WORKING GROUP ON ENFORCED OR INVOLUNTARY DISAPPEARANCES TRANSMITTED TO THE COLOMBIAN GOVERNMENT FIFTY NEW CASES OF "DISAPPEARANCES" CARRIED OUT IN 1998. THEY OCCURRED MAINLY IN NORTHWEST COLOMBIA AND THE DEPARTMENT OF SANTANDER. MOST OF THE ABDUCTIONS AND DETENTIONS LEADING TO "DISAPPEARANCES" WERE CARRIED OUT BY PARAMILITARY GROUPS. IN A FEW CASES, THE ARMY WAS ALLEGEDLY RESPONSIBLE FOR THE DETENTION.

THE HUMAN RIGHTS UNIT OF THE ATTORNEY GENERAL'S OFFICE WAS AMONG THE MOST EFFECTIVE GOVERNMENT INSTITUTIONS COMBATING PARAMILITARIES. IN 1999, THAT OFFICE REPORTED THAT 161 PERSONS ACCUSED OF INVOLVEMENT IN PARAMILITARY ACTIVITIES WERE ARRESTED. SEVENTY-FIVE MEMBERS OF THE SECURITY FORCES WERE UNDER ARREST FOR ALLEGED INVOLVEMENT IN HUMAN RIGHTS CRIMES.

SUCCESS CAME AT AN INCREASINGLY HIGH PRICE, HOWEVER. IN 1998 AND 1999, A DOZEN OFFICIALS FROM THE TECHNICAL INVESTIGATIONS UNIT (CUERPO TÉCNICO DE INVESTIGACIONES, CITI) OF THE ATTORNEY GENERAL'S OFFICE WERE MURDERED OR FORCED TO RESIGN BECAUSE OF THREATS RELATED TO THEIR WORK ON HUMAN RIGHTS. PROSECUTORS WERE FORCED TO ABANDON THEIR POSTS AND SEEK REFUGE ABROAD BECAUSE OF THREATS, INCLUDING BY MILITARY OFFICERS BEING INVESTIGATED FOR PARAMILITARY TIES.

IN FEBRUARY, SEVEN CITI AGENTS WERE BRIEFLY HELD BY THE ACCU, WHICH CLAIMED IN A STATEMENT RELEASED TO THE PRESS THAT THE AGENTS WERE CARRYING OUT A STRATEGY "IMPOSED BY THE SUBVERSIVES AND NOW INSTITUTIONALIZED AS PART OF THEIR OVERALL STRATEGY TO SEIZE POWER." THE STATEMENT WENT ON TO THREATEN GOVERNMENT INVESTIGATORS WITH DEATH.

THE GOVERNMENT TOOK SOME STEPS TOWARD PURGING THE MILITARY OF SUSPECTED HUMAN RIGHTS ABUSERS. ON APRIL 9, PRESIDENT PASTRANA CASHIERED GEN. RITO ALEJO DEL RÍO AND GEN. FERNANDO MILLÁN, WHO WERE BOTH BEING PROSECUTED FOR ALLEGED SUPPORT FOR PARAMILITARY GROUPS. AT THIS WRITING, THE ATTORNEY GENERAL'S OFFICE CONTINUED TO PURSUE A CASE AGAINST DEL RÍO FOR

ALLEGED SUPPORT TO PARAMILITARIES WHO CARRIED OUT DOZENS OF MASSACRES AND SELECTIVE KILLINGS IN THE MIDDLE MAGDALENA AND URABÁ REGIONS.

HOWEVER, A SIMILAR CASE AGAINST MILLÁN REMAINED BEFORE A MILITARY TRIBUNAL. GIVEN THE LONG-STANDING PRACTICE OF THESE TRIBUNALS, THE CASE WAS LIKELY TO END IN IMPUNITY. THE ATTORNEY GENERAL'S OFFICE AND THE PROCURADURÍA, WHICH INVESTIGATES ALLEGATIONS AGAINST GOVERNMENT EMPLOYEES, ALSO FOUND EVIDENCE IMPLICATING SOLDIERS UNDER MILLÁN'S DIRECT COMMAND AS WELL AS POLICE AND DAS AGENTS IN A 1998 MASSACRE IN BARRANCABERMEJA. THE MASSACRE HAD BEEN CARRIED OUT BY PARAMILITARIES WHO ABDUCTED AND KILLED THIRTY-TWO PEOPLE, APPARENTLY WITH THE OFFICERS' HELP.

SEPARATELY, THE ATTORNEY GENERAL'S OFFICE SUSPENDED IN MAY GEN. JAIME HUMBERTO USCÁTEGUI, COMMANDER OF THE SECOND DIVISION, DURING AN INVESTIGATION FOR ASSISTING A PARAMILITARY MASSACRE IN THE VILLAGE OF MAPIRIPÁN, META, IN 1997. THIS OFFICER WAS ALSO FACING PROSECUTION FOR THE 1997 PUERTO ELVIRA MASSACRE AND THE 1998 SAN CARLOS DE GUAROA MASSACRE. IN OCTOBER, GENERAL USCÁTEGUI RESIGNED HIS POST. USCÁTEGUI'S ARREST FOLLOWED THE MARCH ARREST OF LT. COL. LINO SÁNCHEZ PRADO, WHO ALLEGEDLY HELPED PARAMILITARIES REACH THE VILLAGE. AT THE TIME OF THE MASSACRE, SÁNCHEZ LED MOBILE BRIGADE TWO.

OTHER SECURITY FORCE PERSONNEL WHOM GOVERNMENT INVESTIGATORS HAVE TIED TO SERIOUS VIOLATIONS REMAINED ON ACTIVE DUTY, INCLUDING TWO SERGEANTS WHO KILLED SENATOR MANUEL CEPEDA IN 1994. THE MEN, WHO WORKED FOR MILITARY INTELLIGENCE, ACTED ON ORDERS FROM NINTH BRIGADE GEN. RODOLFO HERRERA LUNA, WHO DIED OF A HEART ATTACK IN 1996.

A MILITARY PENAL CODE REFORM, LONG SUPPORTED BY NATIONAL AND INTERNATIONAL HUMAN RIGHTS GROUPS AS A WAY TO ADDRESS IMPUNITY, FELL SHORT OF DEMANDS TO STRENGTHEN ACCOUNTABILITY, FAILING TO CLARIFY HOW CASES INVOLVING MILITARY OFFICERS CHARGED WITH HUMAN RIGHTS VIOLATIONS WOULD BE PROSECUTED. FOR EXAMPLE, ARTICLE 3 OF THE CODE NAMED ONLY THREE CRIMES—GENOCIDE, TORTURE, AND FORCED DISAPPEARANCE—AS HUMAN RIGHTS VIOLATIONS THAT MUST BE HEARD BY CIVILIAN COURTS. LEFT OUT WAS THE MOST COMMON VIOLATION ATTRIBUTED TO COLOMBIA'S SECURITY FORCES, EXTRAJUDICIAL EXECUTION. IN THE CODE, THE CITED CRIMES WERE DEFINED ACCORDING TO "CONVENTIONS AND TREATIES RATIFIED BY COLOMBIA," A FURTHER COMPLICATION. WHILE COLOMBIA HAD RATIFIED THE U.N. CONVENTION AGAINST TORTURE, IT HAD NOT EVEN SIGNED THE OAS CONVENTION AGAINST FORCED DISAPPEARANCES, MAKING THE USE OF THESE CHARGES AGAINST SECURITY FORCE OFFICERS OPEN TO LEGAL MANIPULATION. ALTHOUGH GENOCIDE WAS NAMED AS A CRIME, IT HAS NEVER OCCURRED IN COLOMBIA. ANOTHER BILL THAT WOULD CRIMINALIZE FORCED DISAPPEARANCES FAILED TO RECEIVE ADEQUATE GOVERNMENT SUPPORT AND WAS ABANDONED.

DESPITE THE NEW CODE, ALREADY EXISTING LEGISLATION, AND COURT DECISIONS MANDATING THAT HUMAN RIGHTS CRIMES BE HEARD IN CIVILIAN COURTS, THE MILITARY CONTINUED TO DISPUTE AND OFTEN WIN JURISDICTION. CASES INVOLVING HIGH-RANKING OFFICERS, AMONG THEM GENERAL USCÁTEGUI, CONTINUED TO BE SENT TO MILITARY TRIBUNALS, WHERE IMPUNITY WAS THE LIKELY RESULT.

FOR ITS PART, THE FARC CONTINUED TO FLAGRANTLY VIOLATE THE LAWS OF WAR. IN FEBRUARY, FARC MILITANTS SEIZED, THEN EXECUTED THREE AMERICANS WHO HAD VISITED THE U'WA INDIGENOUS GROUP IN NORTHEASTERN COLOMBIA. APPARENTLY IN ORDER TO MISLEAD INVESTIGATORS, GUERRILLAS TOOK TERENCE FREITAS, INGRID WASHINAWATOK, AND LAHE'ENA'E GAY INTO VENEZUELA, WHERE THEY EXECUTED THE THREE. AFTER ADMITTING ITS ROLE, THE FARC CLAIMED THAT IT WOULD SUBJECT THOSE RESPONSIBLE TO TRIAL, A DEVELOPMENT HUMAN RIGHTS WATCH PROTESTED SINCE THE GUERRILLAS COULD NOT GUARANTEE A FAIR TRIAL.

SUBSEQUENTLY, THE FARC ANNOUNCED THAT THE GUERRILLA WHO THEY CLAIMED COMMANDED THE UNIT THAT CARRIED OUT THE EXECUTIONS MIGHT BE PUNISHED. HOWEVER, TRANSCRIPTS OF FARC RADIO CONVERSATIONS ALLEGEDLY RECORDED BY THE COLOMBIAN ARMY AND RELEASED TO THE PRESS SUGGESTED THAT THE MURDERS HAD NOT BEEN CARRIED OUT BY LOW-RANKING GUERRILLAS, BUT HAD BEEN ORDERED BY GERMÁN BRICEÑO SUÁREZ, A TOP FARC COMMANDER WHO USED THE ALIAS "GRANNOBLES" AND REMAINED IN HIS POST. IN SEPTEMBER, ARMY TROOPS CLAIMED TO HAVE KILLED IN COMBAT TWO OF THE GUERRILLAS BELIEVED RESPONSIBLE FOR THE AMERICANS' DEATH.

THE FARC APPEARED DISINTERESTED IN PEACE, AND SUSPENDED TALKS REPEATEDLY INTO THE LATTER PART OF THE YEAR. MEANWHILE, IN THE AREA CEDED TO THEM BY THE GOVERNMENT, THE FARC CARRIED OUT EXTRAJUDICIAL EXECUTIONS OF AT LEAST ELEVEN CIVILIANS THEY SUSPECTED OF VARIOUS CRIMES. REPEATEDLY IN 1999, THE FARC USED GAS CYLINDERS AS BOMBS, WEAPONS THAT WERE IMPOSSIBLE TO AIM PROPERLY AND OFTEN CAUSED CIVILIAN CASUALTIES.

THE NATIONAL LIBERATION ARMY-CAMILIST UNION (UNIÓN CAMILISTA-EJÉRCITO DE LIBERACIÓN NACIONAL, UC-ELN) ALSO CONTINUED TO COMMIT SERIOUS LAWS OF WAR VIOLATIONS. ON OCTOBER 19, 1999, JUST AFTER MIDNIGHT, MILITANTS BOMBED THE PIPELINE OF OLEODUCTO CENTRAL, S.A., NEAR MACHUCA, ANTIOQUIA. ACCORDING TO OFFICIAL INVESTIGATIONS, THE RESULTING SPILLED OIL AND THE GASES TOOK SIX MINUTES TO DESCEND A SLOPE, CROSS THE POCUNŨ RIVER, AND REACH THE POPULATION ON THE OPPOSITE BANK. THERE, MANY RESIDENTS DEPENDED ON OPEN FLAMES FOR LIGHT AND COOKING. THE MIXTURE IGNITED, ENGULFING SIXTY-FOUR DWELLINGS AND THE SLEEPING FAMILIES INSIDE THEM. SEVENTY-THREE PEOPLE, AMONG THEM THIRTY-SIX CHILDREN, ULTIMATELY PERISHED. SOME OF THE DEAD COULD BE

IDENTIFIED ONLY THROUGH DENTAL RECORDS, SINCE THEIR BODIES WERE COMPLETELY BURNED. AN ADDITIONAL SIXTY-FOUR PEOPLE WERE SERIOUSLY WOUNDED.

WEEKS AFTER THE SPILL, THE UC-ELN ADMITTED ITS RESPONSIBILITY VIA A PRESS INTERVIEW WITH LEADER NICOLÁS BAUTISTA, WHO CLAIMED WITHOUT PROVIDING EVIDENCE THAT THE UC-ELN HAD INVESTIGATED THE CASE AND "PUNISHED" THOSE RESPONSIBLE. HOWEVER, SEVERAL MONTHS LATER, UC-ELN LEADER ANTONIO GARCÍA CLAIMED IT WAS SUFFICIENT TO SIMPLY "ACKNOWLEDGE" THE ERROR AND INSIST THAT UNITS BE MORE CAREFUL.

IN 1999, THE GROUP CONTINUED TO BOMB PIPELINES NEAR CIVILIAN DWELLINGS. IN MAY, THE ATTORNEY GENERAL'S OFFICE ISSUED AN ARREST WARRANT FOR UC-ELN COMMANDER LUIS GUILLERMO ROLDÁN POSADA AS THE ALLEGED LEADER OF THE UNIT THAT CARRIED OUT THE MACHUCA ATTACK.

IN FAILED NEGOTIATIONS WITH THE GOVERNMENT IN 1999, THE UC-ELN MADE SEVERAL PRONOUNCEMENTS ON THE LAWS OF WAR THAT SERVED MAINLY TO UNDERScore HOW LITTLE THE GROUP RESPECTED THEM. ON THE SUBJECT OF HOSTAGE-TAKING, FOR INSTANCE, THE UC-ELN COMMITTED ITSELF TO CEASE KIDNAPPING CIVILIANS—ALREADY OUTLAWED UNDER ANY CIRCUMSTANCES—ONLY IF ITS ECONOMIC NEEDS COULD BE SATISFIED "BY OTHER MEANS," AND CLAIMED THAT IT WOULD EXEMPT THE ELDERLY, PREGNANT WOMEN, AND CHILDREN.

WITHIN THE YEAR, HOWEVER, THE GROUP VIOLATED EVEN THIS MEAGER PLEDGE, SOMETIMES IN SPECTACULAR FASHION. ON APRIL 12, THE GROUP ABDUCTED FORTY-ONE PASSENGERS AND CREW MEMBERS OF AN AVIANCA AIRLINE FLIGHT, PIONEERING THE TACTIC OF THE MASS KIDNAPPING OF CIVILIANS IN COLOMBIA. A MONTH LATER, THE UC-ELN SEIZED OVER 140 CHURCHGOERS FROM A CALI CHURCH. PURSUED BY THE AUTHORITIES, THE UC-ELN RELEASED SOME EIGHTY CAPTIVES, BUT KEPT AT LEAST TWO CHILDREN AND HOSTAGES THEY HOPED WOULD PAY HIGH RANSOMS. A BODYGUARD OF ONE PARISHIONER WAS SHOT AND KILLED WHEN HE RESISTED ABDUCTION.

MONTHS LATER, THE UC-ELN APOLOGIZED NOT FOR THE CALI KIDNAPPING ITSELF, BUT FOR FAILING TO WAIT UNTIL MASS WAS CONCLUDED TO CARRY IT OUT. IN APRIL, MAY, AND JUNE ALONE, POLICE ESTIMATED THAT THE UC-ELN INCREASED ITS PACE OF KIDNAPPING BY 217 PERCENT, HAVING ABDUCTED 463 PEOPLE BY THE END OF THE PERIOD.

ONE RESULT OF HUMAN RIGHTS AND INTERNATIONAL HUMANITARIAN LAW VIOLATIONS CONTINUED TO BE MASS DISPLACEMENT. ACCORDING TO THE DISPLACED PERSON SUPPORT GROUP (GRUPO DE APOYO A DESPLAZADOS, GAD), AN ALLIANCE OF HUMAN RIGHTS, RELIGIOUS, AND AID ORGANIZATIONS, AN ESTIMATED 1.5 MILLION COLOMBIANS HAD BEEN DISPLACED BY POLITICAL VIOLENCE SINCE 1995. IN A 1999 REPORT, THE CONSULTANCY FOR HUMAN RIGHTS AND THE DISPLACED (CONSULTORIA PARA LOS DERECHOS HUMANOS Y EL DESPLAZAMIENTO, CODHES), A GROUP THAT STUDIED FORCED DISPLACEMENT, FOUND THAT DISPLACEMENT REACHED ITS HIGHEST LEVEL EVER IN 1999; AN ESTIMATED 309,000 COLOMBIANS WERE FORCED TO FLEE, AN INCREASE OF 20 PERCENT OVER THE PREVIOUS YEAR. FOR EVERY POLITICAL KILLING IN 1999, ACCORDING TO CODHES, AN ESTIMATED SEVENTY-EIGHT PEOPLE FLED.

FAR FROM IMPROVING, FORCED DISPLACEMENT INTENSIFIED IN SOME REGIONS IN 1999, MAKING COLOMBIA THE COUNTRY WITH THE THIRD LARGEST INTERNALLY DISPLACED POPULATION IN THE WORLD, AFTER SUDAN AND ANGOLA. WHILE THE GOVERNMENT MOBILIZED TO HELP THOUSANDS OF COLOMBIANS LEFT HOMELESS BY A DEVASTATING JANUARY EARTHQUAKE IN ARMENIA, QUINDIO, FORCIBLY DISPLACED FAMILIES CONTINUED TO LIVE LARGELY IN THE SHADOWS, SUBSISTING ON THEIR OWN MEAGER RESOURCES.

VENEZUELA REPEATEDLY FAILED TO COMPLY WITH ITS INTERNATIONAL OBLIGATIONS TO PROTECT REFUGEES UNDER THE 1951 REFUGEE CONVENTION, CALLING THE COLOMBIANS "DISPLACED IN TRANSIT" RATHER THAN REFUGEES. SOME REFUGEES REPORTED FEELING INTIMIDATED INTO RETURNING TO COLOMBIA DESPITE THEIR WELL-FOUNDED FEARS OF CONTINUING PERSECUTION FROM PARAMILITARIES.

COLOMBIAN GOVERNMENT ATTENTION TO THE DISPLACED REMAINED SPORADIC AND PALTRY, AND FAMILIES FLEEING POLITICAL VIOLENCE CONTINUED TO FACE HUNGER, DISEASE, AND POOR HOUSING. ALTHOUGH THE GOVERNMENT FREQUENTLY SIGNED AGREEMENTS TO PROVIDE AID, PROMISES WERE RARELY HONORED. THIS AMOUNTED TO A FAILURE TO COMPLY WITH LAW 387, PASSED IN 1998 TO PROVIDE AID TO DISPLACED PERSONS.

IN SOME CASES, DISPLACED FAMILIES REMAINED IN POORLY BUILT CAMPS FOR MORE THAN TWO YEARS. IN QUIBDO, FOR INSTANCE, CAPITAL OF THE DEPARTMENT OF CHOYÁ, DISPLACED FAMILIES LIVED IN A MISERY UNPARALLELED IN COLOMBIA, FORCED TO USE THE STREET AS THEIR ONLY LATRINE.

COLOMBIA'S SO-CALLED FACELESS COURTS WERE BY LAW DUE TO END BY JULY 1999. DURING A LAST-MINUTE SESSION IN THE SENATE, HOWEVER, MEASURES THAT FOSTERED CONTINUING VIOLATIONS OF DUE PROCESS REMAINED IN LEGISLATION CREATING SO-CALLED SPECIALIZED COURTS. AMONG THEM WERE THE CONTINUING ANONYMITY OF PROSECUTORS AND WITNESSES, AND STRICT CURBS ON THE DEFENDANT'S RIGHT TO ARGUE AGAINST TESTIMONY OFFERED BY THE PROSECUTION. IN 1999, DISCIPLINARY INVESTIGATIONS BY THE ATTORNEY GENERAL'S OFFICE SHOWED THAT "FACELESS" COURT OFFICIALS REPEATEDLY "CLONED" TESTIMONY, ALLOWING A SINGLE, SECRET WITNESS TO APPEAR AS SEVERAL PEOPLE PRESENTING CORROBORATING EVIDENCE.

Landmines continued to be a problem in Colombia, used by both government forces and guerrillas. Most civilian casualties were farmers or cattle ranchers working in rural areas while most military casualties were the result of combat or injuries sustained while on combat patrol.

Colombia had yet to ratify the Mine Ban Treaty, although the ratification process was under way. Nevertheless, several senior Colombian military officials indicated that ratification might not be feasible until the conflict is resolved. The Ministry of Defense claimed that it had begun to change its doctrine and training manuals to take into account a landmine ban. It was also developing the country's domestic demining capacity and searching for alternative means to protect infrastructure.

The commander of the army, Gen. Fernando Tápia, committed the army to remove approximately 20,000 antipersonnel mines that the army had planted to protect the country's military and communications infrastructure. All major guerrilla groups continued to use and manufacture so-called minas quiebrapatas (foot breaker mines). Most of these mines were homemade, used cheap and easy-to-find materials, and came in various forms.

Colombia's prison population, which was the responsibility of the National Penitentiary and Prison Institute (Instituto Nacional Penitenciario, INPEC) continued to feel the ill effects of overcrowding, since there were 40 percent more prisoners than the state's prisons could handle.

Defending Human Rights

Defending human rights remained a dangerous profession in Colombia. "There is absolutely no security to do human rights work," reported one international observer, echoing the opinions of many Colombians.

In the first nine months of 1999, two human rights defenders were killed and dozens more were threatened. Two academics who worked in favor of human rights were also murdered. On January 31, Julio González and Everardo de Jesús Puerta, who worked for the Committee of Solidarity with Political Prisoners (Comité de Solidaridad con los Presos Políticos, CSPP), were shot and killed by presumed paramilitaries after they were forced off the public bus in which they were traveling in Antioquia. Subsequent threats forced the CSPP to suspend activities for several months.

Days earlier, four employees of the Popular Training Institute (Instituto Popular de Capacitación, IPC) were kidnapped by "Las Terrazas," a Medellín-based gang of professional killers that investigators believed Castaño hired to carry out political abductions or killings. Subsequently, Castaño said he would continue to target so-called parasubversives working in human rights organizations. Although all four were later released, Castaño continued to send "Las Terrazas" killers after human rights defenders, among them Senator Piedad Córdoba, president of the Senate Human Rights Commission, kidnapped in a bid to force the government to hold formal peace talks with the group. All were released unharmed. Senator Córdoba later fled Colombia because of continuing threats on her life.

In 1999, Colombia's attorney general formally charged Castaño with ordering the 1998 murder of Jesús María Valle, president of the "Héctor Abad Gómez" Human Rights Committee in Antioquia. The murder was allegedly carried out by "Las Terrazas" killers. The office also arrested several of the assassins accused of killing human rights lawyer Eduardo Umaña in his Bogotá apartment in 1998. Nevertheless, the individuals who ordered the killing remained unidentified.

Several human rights groups closed their doors because of threats, among them a group working with the families and survivors of the Trujillo killings of the early 1990s. The Association of Family Members of Victims of Trujillo (Asociación de Familiares de las Víctimas de Trujillo, AFANIT) suffered repeated threats, and over fifty AFANIT members won political asylum in Canada in 1999. At least thirty other defenders were also forced to abandon the country in 1998 and 1999.

Surveillance of some groups was open and aggressive. One group reported being filmed from the twelfth floor of a neighboring hotel, prompting them to request bulletproof glass for their twelfth-floor windows. Telephones were tapped, and callers could hear agents eating, turning newspaper pages, and listening to music. Several office managers reported having their calls blocked, cut off, or detoured to telephones in military barracks. One group discovered that a false nongovernmental organization set up by military intelligence kept surveillance over their activities, and fear was rife that the military and paramilitaries had infiltrated operatives within offices to report on the movements of key leaders.

The administration of President Pastrana allocated U.S. \$4 million to protect human rights defenders in 1999, but monies were slow to materialize, short of what was promised, and often short-lived, including those allocated for much-needed measures like bulletproof glass, radios, taxis, and police protection at offices.

The Role of the International Community

United Nations

THE OFFICE OF THE U.N. HIGH COMMISSIONER FOR HUMAN RIGHTS BASED IN BOGOTÁ CONTINUED TO FUNCTION, COLLECTING INFORMATION, MEETING REGULARLY WITH GOVERNMENT OFFICIALS, HUMAN RIGHTS GROUPS, AND VICTIMS OF ABUSES, AND LOBBYING FOR GREATER HUMAN RIGHTS PROTECTIONS. ALSO DURING THE YEAR, HIGH COMMISSIONER FOR HUMAN RIGHTS MARY ROBINSON ISSUED TWO STRONG STATEMENTS ON COLOMBIA. OTHER HIGH-RANKING U.N. OFFICIALS ALSO VISITED COLOMBIA IN 1999. FRANCIS DENG, REPRESENTATIVE OF THE SECRETARY-GENERAL ON INTERNALLY DISPLACED PERSONS, RETURNED TO COLOMBIA IN MAY, TO FOLLOW UP ON A 1994 VISIT PROMPTED BY AN INCREASE IN THAT PHENOMENON. ALTHOUGH DENG NOTED THAT THE GOVERNMENT HAD MADE SOME PROGRESS TOWARD ACKNOWLEDGING THE DISPLACED POPULATION, HE POINTED OUT THAT FORCED DISPLACEMENT HAD INCREASED DRAMATICALLY, AND THAT THE GOVERNMENT HAD YET TO TAKE THE MEASURES NECESSARY TO HALT FURTHER DISPLACEMENT AND ATTEND TO THE NEEDS OF THOUSANDS OF DISPLACED COLOMBIANS.

ALSO IN MAY, OLARA A. OTUNNU, SPECIAL REPRESENTATIVE OF THE SECRETARY-GENERAL ON CHILDREN AND ARMED CONFLICT, TOURED COLOMBIA AND MET NOT ONLY WITH GOVERNMENT OFFICIALS AND ORGANIZATIONS WORKING WITH CHILDREN, BUT ALSO WITH THE FARC. OTUNNU UNDERScoreD THE TOLL TAKEN BY WAR ON THE LIVES OF CHILDREN, SOME OF WHOM HAD BEEN FORCIBLY RECRUITED INTO THE RANKS OF GUERRILLAS AND PARAMILITARIES. ALTHOUGH OTUNNU ANNOUNCED AFTER HIS VISIT THAT THE FARC HAD AGREED TO CEASE RECRUITING CHILDREN UNDER THE AGE OF FIFTEEN, THE GROUP QUICKLY DISPUTED HIS CLAIM, ASSERTING THAT THEY WOULD CONTINUE TO "ACCEPT" CHILDREN WHO CHOSE TO JOIN GUERRILLA RANKS.

IN APRIL, THE U.N. HUMAN RIGHTS COMMISSION DEDICATED A DAY TO A DEBATE ABOUT COLOMBIA, THE SECOND TIME THAT IT HAD FOCUSED SPECIAL ATTENTION ON THE COUNTRY AND AN INDICATION OF THE SERIOUSNESS OF THE HUMAN RIGHTS PROBLEMS THERE.

European Union

THE EUROPEAN UNION CONTINUED TO PROMOTE A PEACEFUL SOLUTION TO COLOMBIA'S CONFLICT THAT INCLUDED RESPECT FOR HUMAN RIGHTS. REPEATEDLY, THE E.U. PUBLICLY CONDEMNED VIOLATIONS OF HUMAN RIGHTS AND INTERNATIONAL HUMANITARIAN LAW BY ALL SIDES. A MARCH RESOLUTION BY THE EUROPEAN PARLIAMENT HIGHLIGHTED CONTINUING THREATS AGAINST HUMAN RIGHTS DEFENDERS, AND CALLED ON THE COLOMBIAN AUTHORITIES TO PROTECT AND SUPPORT THEM IN THEIR WORK.

IN 1999, THE COMMISSION APPROVED FUNDING FOR INITIATIVES TO PROMOTE PEACE COMMUNITIES IN COLOMBIA AND HELP THE FORCIBLY DISPLACED. THE COMMISSION'S HUMANITARIAN AGENCY PROVIDED A 6.6 MILLION EURO (U.S. \$7 MILLION) HUMANITARIAN AID PACKAGE FOR PEOPLE INTERNALLY DISPLACED AS A RESULT OF VIOLENCE AND EARTHQUAKES.

United States

THE UNITED STATES INCREASED ITS ATTENTION TO COLOMBIA IN 1999, IN PART SPURRED BY FEAR THAT PRESIDENT PASTRANA MIGHT BE LOSING CONTROL. MORE HIGH-LEVEL U.S. DIPLOMATS, CONGRESSIONAL DELEGATIONS, CIA OFFICIALS, AND MILITARY OFFICERS VISITED COLOMBIA IN 1999 THAN AT ANY OTHER TIME IN RECENT HISTORY.

KEY TO THE POLICY SHIFT WAS THE CONTENTION, FORWARDED BY THE U.S. SOUTHERN COMMAND (SOUTHCOM), WHICH OVERSAW U.S. MILITARY ACTIVITIES AND ASSISTANCE IN SOUTH AMERICA, THAT GUERRILLAS WERE "NARCO-TRAFFICKERS" AND LEGITIMATE TARGETS OF THE DRUG WAR. THE CONTENTION WAS SUPPORTED BY INFLUENTIAL VOICES IN THE STATE DEPARTMENT, CONGRESS, AND THE POLICY WORLD. IN THE WORDS OF GEN. CHARLES WILHELM, SOUTHCOM COMMANDER, "I THINK THE CONNECTION BETWEEN THE INSURGENTS AND THE NARCO-TRAFFICKERS HAS BEEN VERY CLEARLY DEMONSTRATED."

CRITICS POINTED OUT SERIOUS PROBLEMS WITH THE CONCEPT OF "NARCO-GUERRILLA." IT OVEREMPHASIZED THEIR INVOLVEMENT IN THE DRUG TRADE, ESSENTIALLY BASED ON TAYING PRODUCTION IN EXCHANGE FOR ARMED PROTECTION, NOT SELLING NARCOTICS; AND IT ERASED THE EQUALLY EVIDENT AND OCCASIONALLY MORE DIRECT AND INTENSE INVOLVEMENT OF OTHER GROUPS, PRIME AMONG THEM THE PARAMILITARIES. THE U.S. FOCUS ON MILITARY AID AND NOT SUPPORT FOR COLOMBIA'S CIVILIAN INSTITUTIONS THREATENED TO TURN SOME AMERICAN OFFICIALS INTO APOLOGISTS FOR THE ARMY'S HUMAN RIGHTS RECORD. ALTHOUGH THE ISSUES OF HUMAN RIGHTS AND SUPPORT FOR PEACE EFFORTS REMAINED IMPORTANT, THEY BECAME INCREASINGLY SECONDARY ELEMENTS OF U.S. POLICY.

THE "NARCO-GUERRILLA" CONCEPT UNDERPINNED DRAMATICALLY INCREASED SUPPORT AND AID TO THE COLOMBIAN MILITARY. IN JULY, WHITE HOUSE DRUG ADVISER GEN. (RET.) BARRY MCCAFFREY WROTE SECRETARY OF STATE MADELEINE ALBRIGHT OUTLINING AN EMERGENCY AID PROGRAM THAT WOULD DOUBLE AID TO ALMOST \$600 MILLION, MUCH OF IT DESTINED FOR THE COLOMBIAN ARMY. ACCORDING TO U.S.

law, security assistance would continue to be administered under the human rights conditions laid out in the Leahy Amendment, part of the Foreign Operations Appropriations Act. By mid-1999, the United States had reviewed the human rights records and approved aid for the Colombian navy, the air force, and five army units, along with a newly created 930-soldier counternarcotics battalion, the first of a possible three such specialized units in the military. This brigade's primary objective, according to U.S. officials, was to regain guerrilla-controlled territory.

Two army units, the Twelfth and the Twenty-Fourth Brigades, were approved for U.S. aid pending the transfer out of one officer each, implicated in human rights violations while serving in other army units. While U.S. officials seemed to agree that the simple transfer out of officers who commit alleged violations within approved units would not satisfy the Leahy Amendment's requirement for "effective measures," they argued that funding would remain in place if officers charged with committing abuses while serving in other units were transferred out. Human Rights Watch protested the idea that this type of transfer satisfied U.S. law, which was meant to promote accountability. In general, the methods used by the United States to investigate Colombian security force units remained largely secret, an obstacle to evaluating the success of the law. U.S. officials told Human Rights Watch that they were unaware of any case in which the application of the Leahy Amendment had led to "effective measures" being taken to investigate reports of abuses.

The United States also pointed to so-called narco-guerrillas as a threat to regional stability. At the annual meeting of the OAS in June, the United States proposed the creation of a multinational force able to intervene in the region if democracy "is in danger." Although the proposal, which many saw as directly related to U.S. fears over Colombia's stability, failed, neighboring countries sent troops to strengthen their borders with Colombia.

By the time McCaffrey traveled to Colombia in July, the U.S. had also begun formally sharing sensitive intelligence on guerrillas with the Colombian military, a further entanglement in the war. Although the intelligence-sharing was initially described as limited to information collected in "trafficking areas" since March 1999, it appeared clear that the United States provided the Colombian military with information used to repel the FARC during a July attack near the capital.

In fact, so much of Colombia could be considered a "trafficking area" that the stated limitations were largely meaningless. The July 23 crash of a U.S. Army RC-7B DeHavilland intelligence-gathering aircraft over the department of Putumayo, killing five American and two Colombian officers, underscored the rapidly escalating U.S. involvement.

State Department spokesperson James Rubin claimed that the United States had received "explicit guarantees" that this intelligence "will be used only for the purposes for which it is intended and will not be shared with any outside groups." However, the mechanism for overseeing a military whose intelligence agents were infamous for abuses and who routinely passed intelligence to paramilitaries, who then used it to carry out atrocities, went unexplained. In 1999, there were no human rights conditions on intelligence-sharing, as there were on security assistance.

Longstanding deployments of U.S. special operations forces to Colombia also increased, from twenty-four in 1998 to a scheduled thirty in 1999. U.S. Army Green Berets, soldiers from the Naval Special Warfare Unit, and other elite troops trained in areas considered war zones, including the departments of Caquetá and Vichada.

In its 1999 human rights report on Colombia, the State Department concluded that "members of the security forces collaborated with [paramilitaries]." The report went on to say that "Government forces continued to commit numerous, serious abuses, including extrajudicial killings. . . The authorities rarely brought officers of the security forces and the police charged with human rights offenses to justice."

During an April visit to Colombia, Harold Koh, assistant secretary of state for democracy, labor and human rights, made a strong speech calling on Colombia to improve its record by cutting the ties between the military and paramilitary groups and capturing paramilitary leader Carlos Castaño, not stopping until Castaño was "behind bars. We think it's time to take forceful action."

For the first time, some U.S. aid went to assist Colombians forcibly displaced by war. The U.S. also increased aid to human rights-related projects, including the Human Rights Unit of the attorney general's office for improved security and evidence-gathering capability. Aid also supported an information-gathering project by the office of the Colombian vice-president.

In a first-ever meeting, State Department representatives met with the FARC in Costa Rica in December 1999, and among other things discussed the group's practice of kidnapping civilians, among them U.S. missionaries whose fate

remained unknown. Rep. William Delahunt (D-MA), a member of the House International Relations Committee, and staffers for other members of Congress also met with guerrillas during a Colombia visit in June.

Hoping to stave off crisis, in September President Pastrana presented a plan designed to save Colombia from increased strife, asking the United States and other countries for contributions to a proposed \$3.5 billion plan to address drug trafficking, economic difficulties, and aid to the military.

CUBA

Human Rights Developments

Cuba clamped down on dissidents in 1999, evidenced by, most notably, the trial and conviction of four leaders of the Internal Dissidents' Working Group. The apparent opening that followed the 1998 papal visit was firmly shut and human rights advocates, journalists, and activists faced steady government repression. Harassment and prosecution of dissidents coupled with a continuing refusal to grant amnesty to hundreds of political prisoners demonstrated Cuba's increasingly repressive human rights conditions in 1999.

The exercise of fundamental human rights of expression, association, assembly, movement, and press remained restricted by Cuban law. Authorities imprisoned or ordered the surveillance of individuals who had committed no illegal act, relying upon laws penalizing "dangerousness" (*el estado peligroso*) and allowing for official warning (*advertencia oficial*). The criminalization of enemy propaganda, the spreading of "unauthorized news", and the insulting of dead heroes effectively denied freedom of speech under the guise of protecting state security. In addition, Cuba confined persons for "illegal exit" when they attempted to exercise their right to leave the country. In August 1999, the government ordered that no Cuban who had emigrated through illegal channels after September 1994 could ever return to the island. Previously, those who left illegally were allowed to visit after spending five years abroad.

The government controlled Cuban courts, undermining the right to a fair trial by, in particular, restricting the right to a defense. The Council of State, a political entity presided over by President Castro, reviewed all death penalty cases, undercutting judicial independence. Cuban courts failed to observe the few due process rights available to defendants under the law. At least twelve prisoners sentenced to death were reportedly executed in 1999.

The Cuban government created new mechanisms to strengthen its repressive authority in 1999. In February, Cuba's National Assembly approved the Law for the Protection of the National Independence and the Cuban Economy (*Ley de Protección de la Independencia Nacional y la Economía de Cuba*), establishing harsh penalties of up to twenty years for any actions that could be interpreted as support for the U.S. embargo on Cuba.

In 1999, the government placed several dissidents on trial and arrested dozens of independent journalists and activists.

On March 15, 1999, a Havana court sentenced four leaders of the Internal Dissidents' Working Group (*Grupo de Trabajo de la Disidencia Interna, GTDI*) to several years of imprisonment for "acts against the security of the state" based on their alleged incitement of sedition. In June 1997, the GTDI released "The Homeland Belongs to All" (*La Patria es de Todos*), a paper that analyzed Cuba's economy, proposed reforms to the Cuban Constitution, discussed human rights, and challenged Cuba's exclusive recognition of one political party. The trial followed nearly nineteen months of pretrial detention in maximum security prisons for the four, economists Martha Beatriz Roque Cabello and Vladimiro Roca Antón, engineering professor Félix Antonio Bonne Carcasses, and attorney René Gymez Manzano. The trial was closed to the public, the press, and international observers. Only nine of the dissidents' family members were allowed to attend. The court forbade Gymez Manzano, the leader of a group of independent attorneys whom the government had previously disbarred, from defending himself. The court sentenced Roca Antón to five years, Bonne Carcasses and Gymez Manzano to four years each, and Roque Cabello to three and a half years.

On December 10, 1999, Cuban police arrested Lázaro Constantín Durán, the leader of the Friends Club of the College of Independent Teachers (*Club de Amigos del Colegio de Pedagogos Independientes*), while he was participating in a celebration of the fiftieth anniversary of the Universal Declaration of Human Rights in the Butarí Park in Havana. Less than a week later, a Havana tribunal sentenced Constantín Durán to a four year prison term for dangerousness.

Whether detained for common or political crimes, inmates were subjected to severe prison conditions. Prisoners suffered malnourishment and languished in overcrowded cells without appropriate medical attention. Some endured physical

and sexual abuse, typically by other inmates with the acquiescence of guards, or long periods in isolation cells. Prison authorities insisted that all detainees participate in politically oriented "re-education" sessions or face punitive measures.

In many prisons, authorities failed to separate pretrial detainees from convicted prisoners and minors from adults. Political prisoners who denounced the poor conditions of imprisonment were punished with solitary confinement, restricted visits, or denial of medical treatment. Minors risked indefinite detention in juvenile facilities, without the benefit of due process guarantees or a fixed sentence.

In an encouraging step, a February 1999 criminal code reform provided that prisoners "cannot be subjected to corporal punishment, nor is it permitted to employ any means against them to humiliate them or to lessen their dignity." Yet the failure to establish penalties for committing such acts diminished the potential impact of this reform. The government continued, moreover, to retaliate against prisoners who denounced prison conditions and extended its ban on prison monitoring.

In March 1999, Cuba expanded the use of the death penalty to punish two additional crimes: international drug trafficking and the corruption of minors. Cuba kept on the books over a hundred other crimes punishable by death. The Cuban legal system's serious procedural failings and lack of judicial independence facilitated miscarriages of justice. Cuban law afforded convicts sentenced to death minimal opportunities to appeal their sentences. In March 1999, Cuba announced that a Havana court had sentenced Raúl Ernesto Cruz Leyn to death for terrorism, based on his alleged involvement in bombing Cuban hotels. Cuban prosecutors sentenced a second Salvadoran, Otto René Rodríguez Llerena, to death in April 1999. In January 1999, a Havana court sentenced Sergio Antonio Duarte Scull and Carlos Rafael Peláez Prieto to death for the murders of two Italian tourists in September 1998. In June 1999, a firing squad reportedly executed Peláez Prieto. In March 1999, the provincial court in Granma announced the executions of José Luis Osorio Zamora and Francisco Javier Chávez Palacios. Cuba executed at least twelve prisoners in 1999.

The Castro government maintained a firm stance against independent journalism. Cuban authorities detained at least fifteen independent journalists in late February 1999, in an apparent attempt to prohibit them from covering the trial of the leaders of the Internal Dissidents' Working Group.

On May 6, 1999, a court in Holguín found two journalists and one of their companions guilty of "contempt for authority" (*desacato*). Manuel Antonio González Castellanos of the Cuba Press agency was reportedly tried because he had criticized President Fidel Castro and other authorities in the course of a heated conversation with local police in late 1998.

The police had apparently verbally harassed González Castellanos earlier in the day. The court sentenced him to two years and seven months in prison.

On December 29, 1998, Cuban police arrested Jesús Labrador Arias, a Cuba Press reporter in Manzanillo, holding him for several hours. On December 9, Cuban state security officials went to another Cuba Press journalist's residence, warning him not to cover any events on December 10, International Human Rights Day.

In a few cases, the government used housing regulations to harass independent reporters. In January 1999, housing authorities in Santiago notified Margarita Sara Yero, the director of the Turquino Correspondence of the Independent Press Agency of Cuba (Agencia de Prensa Independiente de Cuba), that she would be evicted from her home, where she had resided for thirty-five years. The officials claimed that she had abandoned her home, but several neighbors confirmed her residency.

On February 1, 1999, police and housing officials called her neighbors to a public meeting, where they reportedly stated that Yero had not cast votes for Communist Party candidates and did not belong to the local Committee for the Defense of the Revolution (Comité para la Defensa de la Revolución). The next day, according to press reports, Yero received a written eviction notice.

On January 19, 1999, Cuban police detained Jesús Joel Díaz Hernández, the director of the Cooperative of Independent Journalists of Ciego de Avila (Cooperativa Avileca de Periodistas Independientes), in Morón, Ciego de Avila province. The next day, the Municipal Tribunal of Morón found him guilty of dangerousness and sentenced him to four years. The extremely brief period between Díaz Hernández's arrest and conviction made it impossible for him to prepare an adequate defense. The court reportedly based its verdict on Díaz Hernández's allegedly having met with delinquents and disturbed the public order.

On January 27, 1999, police in Ciego de Avila arrested Pedro Arguelles Morán of Cuba Press and detained him for two days. Earlier the same week, Havana police arrested María de los Angeles González Amaro, the director of the Union of

INDEPENDENT CUBAN JOURNALISTS AND WRITERS (UNION DE PERIODISTAS Y ESCRITORES DE CUBA INDEPENDIENTES, UPECI), NANCY SOTOLONGO, a journalist with UPECI, SANTIAGO MARTINEZ TRUJILLO, an UPECI PHOTOGRAPHER, AND ANGEL PABLO POLANCO, OF THE COOPERATIVE OF INDEPENDENT JOURNALISTS (COOPERATIVA DE PERIODISTAS INDEPENDIENTES), HOLDING THEM FOR THREE TO FIVE DAYS BEFORE RELEASE. THE ARRESTS APPARENTLY OCCURRED BECAUSE THE JOURNALISTS PLANNED TO COVER AN EVENT MARKING THE FIRST ANNIVERSARY OF THE POPE'S JANUARY 1998 TRIP TO CUBA. POLICE REPORTEDLY ISSUED GONZÁLEZ AMARO WITH AN OFFICIAL WARNING THAT SHE WOULD FACE TRIAL FOR CRIMINAL ASSOCIATION AND DISOBEDIENCE IF SHE CONTINUED HER ACTIVITIES.

WHILE CUBA PERMITTED GREATER OPPORTUNITIES FOR RELIGIOUS EXPRESSION THAN IT DID IN PAST YEARS AND ALLOWED SEVERAL RELIGIOUS-RUN HUMANITARIAN GROUPS TO OPERATE, THE GOVERNMENT STILL MAINTAINED TIGHT CONTROL ON RELIGIOUS INSTITUTIONS, AFFILIATED GROUPS, AND INDIVIDUAL BELIEVERS. ON A POSITIVE NOTE, IN NOVEMBER 1998 CUBA APPROVED VISAS FOR NINETEEN FOREIGN PRIESTS TO TAKE UP RESIDENCE IN CUBA.

THE CUBAN GOVERNMENT RESTRICTED LABOR RIGHTS BY BANNING INDEPENDENT LABOR GROUPS AND HARASSING INDIVIDUALS ATTEMPTING TO FORM THEM. THE GOVERNMENT RECOGNIZED ONLY ONE LABOR UNION, THE WORKER'S CENTRAL OF CUBA (CENTRAL DE TRABAJADORES DE CUBA, CDC). HAVANA POLICE REPORTEDLY DETAINED JOSÉ ORLANDO GONZÁLEZ BRIDYN, OF THE CONFEDERATION OF DEMOCRATIC WORKERS OF CUBA (CONFEDERACIÓN DE TRABAJADORES DEMOCRÁTICOS DE CUBA, CTDC) FOR BRIEF PERIODS IN NOVEMBER AND DECEMBER 1998 AND JANUARY 1999. ON EACH OCCASION, GONZÁLEZ BRIDYN WAS PARTICIPATING IN PROTESTS OF DISSIDENTS' TRIALS. CUBAN AUTHORITIES ARRESTED HIS COLLEAGUE, OFELIA NARDO CRUZ, AN ATTORNEY WITH THE SAME ORGANIZATION, ON JANUARY 6, 1999, HOLDING HER FOR A FEW HOURS.

TO ATTRACT INTERNATIONAL INVESTORS, CUBA TIGHTLY CONTROLLED LABOR RIGHTS IN BUSINESSES BACKED BY FOREIGN INVESTMENT. UNDER RESTRICTIVE LABOR LAWS, THE GOVERNMENT PLAYED A PROMINENT ROLE IN THE SELECTION, PAYMENT AND FIRING OF WORKERS, EFFECTIVELY DENYING WORKERS THE RIGHT TO BARGAIN DIRECTLY WITH EMPLOYERS OVER BENEFITS, BASES OF PROMOTIONS AND WAGES. CUBA CONTINUED TO USE PRISON LABOR FOR AGRICULTURAL CAMPS, CLOTHING ASSEMBLY AND OTHER FACTORIES IN ITS PRISONS. CUBA'S INSISTENCE THAT POLITICAL PRISONERS WORK WITHOUT PAY IN SEVERE CONDITIONS VIOLATED INTERNATIONAL LABOR AND PRISON STANDARDS.

Defending Human Rights

THE CUBAN GOVERNMENT SILENCED OPPOSITION THROUGH DOGGED REPRESSION OF DOMESTIC HUMAN RIGHTS DEFENDERS IN 1999. AUTHORITIES USED SURVEILLANCE, PHONE TAPPING, AND INTIMIDATION TO SILENCE DISSENT. THE TRIAL OF THE FOUR LEADERS OF THE GTDI DEMONSTRATED THE GOVERNMENT'S WILLINGNESS TO USE THE CRIMINAL CODE AGAINST HUMAN RIGHTS ACTIVISTS AND INDEPENDENT JOURNALISTS.

IN LATE JANUARY 1999, HAVANA POLICE REPORTEDLY DETAINED SEVEN MEMBERS OF THE LAWTON HUMAN RIGHTS FOUNDATION (FLDHF), INCLUDING THE GROUP'S LEADER, DR. OSCAR ELIAS BISSET GONZÁLEZ, FOR FOUR TO SIX DAYS. THE HUMAN RIGHTS ACTIVISTS HAD PLANNED TO PARTICIPATE IN A CELEBRATION OF THE FIRST ANNIVERSARY OF THE POPE'S JANUARY 1998 VISIT TO CUBA. THE DETENTIONS PREVENTED THE FLDHF MEMBERS FROM TAKING PART IN THE JANUARY 25 EVENT, AS THEY WERE NOT RELEASED UNTIL JANUARY 30, 1999. IN AUGUST 1999, CUBAN AUTHORITIES AGAIN ARRESTED AND DETAINED BISSET GONZÁLEZ FOR TWO DAYS AFTER HE GAVE A LECTURE ON NON-VIOLENT CIVIL DISOBEDIENCE. A WITNESS REPORTED THAT THE POLICE PHYSICALLY ASSAULTED BISSET GONZÁLEZ AND BURNED HIS ARM WITH A CIGAR.

FROM JUNE TO JULY 1999, APPROXIMATELY TWENTY-FIVE CUBAN HUMAN RIGHTS DEFENDERS CARRIED OUT A HIGHLY PUBLICIZED FORTY DAY HUNGER STRIKE TO DEMAND AMNESTY FOR POLITICAL PRISONERS. IN JULY 1999, JAILED DISSIDENT MARTA BEATRIZ ROQUE BEGAN A LIQUID-ONLY AND LATER A FULL-FLEDGED HUNGER STRIKE TO PROTEST THE LACK OF GOVERNMENT RESPONSE TO AN APPEAL SHE FILED AGAINST HER IMPRISONMENT. ALTHOUGH STATE SECURITY OFFICIALS REPORTEDLY VISITED ROQUE TO INFORM HER THAT PRISON STAFF WOULD MAKE NO ATTEMPT TO STOP HER FROM DYING, ON SEPTEMBER 4, THE GOVERNMENT AGREED TO ANSWER HER APPEAL AND ROQUE CALLED OFF HER STRIKE. AT THIS WRITING, NO RESPONSE HAD BEEN ISSUED TO ROQUE'S APPEAL.

IN LATE FEBRUARY 1999, CUBAN POLICE AND STATE SECURITY AGENTS DETAINED NUMEROUS MEMBERS OF OPPOSITION AND HUMAN RIGHTS GROUPS. THE AUTHORITIES APPARENTLY CARRIED OUT THE ARRESTS TO PRECLUDE THE ACTIVISTS FROM BEING IN THE VICINITY OF THE MARCH 1 TRIAL OF THE FOUR LEADERS OF THE GTDI. THE DETENTIONS RANGED IN LENGTH FROM SEVERAL HOURS TO SEVERAL DAYS, AND DETAINEES WERE HELD IN BOTH POLICE STATIONS AND RESIDENCES UNDER THE CONTROL OF THE INTERIOR MINISTRY. MANY OF THE DETAINED ACTIVISTS WERE REPORTEDLY THREATENED WITH CRIMINAL PROSECUTION. POLICE REPORTEDLY FORCED ANOTHER FIFTY ACTIVISTS TO REMAIN IN THEIR HOMES WHILE THE TRIAL WAS TAKING PLACE. IN OCTOBER 1999, POLICE CRACKED DOWN ON OPPOSITION, REPORTEDLY ORDERING FORTY HUMAN RIGHTS ACTIVISTS AND DISSIDENTS TO REMAIN IN THEIR HOMES. DETENTIONS WERE APPARENTLY CARRIED OUT IN ORDER TO PREVENT

participation in human rights activities aimed at attracting the attention of Latin American heads of state attending the Ibero-American Summit in Havana in November 1999.

The Cuban government denied international human rights and humanitarian monitors access to the country. The International Committee of the Red Cross (ICRC) had not been allowed to conduct prison visits in Cuba since 1989. Cuba remained the only country in the region that did not allow the ICRC to carry out prison visits. Human Rights Watch had not been allowed to visit Cuba since 1995.

The Role of the International Community

United Nations

Cuba's crackdown in early 1999, sentencing to prison prominent dissidents and enacting new repressive legislation, galvanized international support for renewed pressure on the government, in spite of a trend among many nations of warming relations with Havana. At the April 1999 meeting of the United Nations Commission on Human Rights, a resolution expressing concern for Cuban human rights practices, which did not include a provision for a rapporteur, passed by a narrow margin. In an unprecedented move in July, Cuba submitted a request to the United Nations Economic and Social Council, the governing body of the Commission on Human Rights, to amend the April resolution condemning Cuba. Unable to garner sufficient support, Cuba was forced to withdraw the resolution, which would have suspended any further consideration of Cuba by the Commission on Human Rights.

Ibero-American Nations

After the 1998 papal visit to Cuba, Latin American and Caribbean nations intensified official contact with Cuba; some restored diplomatic relations for the first time in decades. With some notable exceptions, however, these nations failed to use their renewed dialogue with Cuba to press for human rights protection. At the time of this writing, the heads of state of all Ibero-American nations were scheduled to hold their annual summit meeting in Havana in November 1999. At least three heads of state announced their intention to boycott the Havana summit, citing Cuba's lack of progress in democracy and human rights.

European Union

The March 1999 sentencing of four dissidents for the peaceful expression of opposition fueled renewed criticism from the European Union of Cuba's human rights practices. In June, the E.U. issued a statement deeply regretting Cuba's decision to increase the use of the death penalty in response to stepped up executions in 1999. Even as it condemned Cuba's human rights record, the E.U. strongly opposed the U.S. trade embargo against Cuba. High-level authorities from E.U. member states including the United Kingdom and Spain held official meetings with members of the Cuban government in 1999, demonstrating their differences with Washington's policy of isolation and confrontation with Havana. The E.U. member states continued to provide economic cooperation and humanitarian aid through nongovernmental organizations. In December 1998 and June 1999, the E.U. Council of Foreign Ministers noted that the parameters of Cuba's domestic and foreign policy had not improved and reaffirmed its common position that "full cooperation with Cuba will depend upon improvements in human rights and political freedom." The E.U.'s common position, originally adopted in 1996, called for "the reform of internal legislation concerning political and civil rights, including the Cuban criminal code, and, consequently, the abolition of all political offences, the release of all political prisoners and the ending of the harassment and punishment of dissidents."

Despite increasing repression, European trade and investment in Cuba continued throughout 1999. The Cuban government's restrictions on forming independent unions or bargaining collectively made European companies as well as all foreign investors in Cuba, complicit in the Cuban government's human rights violations.

Canada

Canada reassessed its constructive engagement policy with Cuba as a result of the March 1999 sentencing of four dissident leaders to three- to five-year prison terms. In June 1999, Canada suspended new programs that would not advance protection of human rights and canceled ministerial visits to Cuba. At the same time, Canadian officials also

WITHDREW THEIR COMMITMENT TO PRESS FOR CUBA'S READMISSION TO THE ORGANIZATION OF AMERICAN STATES (OAS), WHICH HAD EXPELLED CUBA IN 1962. CANADA WAS TO HOST THE OAS GENERAL ASSEMBLY IN JUNE 2000 AND HAD PREVIOUSLY INTENDED TO LOBBY FOR CUBA'S REINTEGRATION INTO THE SYSTEM, PROVIDED THAT CUBA MADE PROGRESS ON HUMAN RIGHTS AND DEMOCRACY. ALTHOUGH DISTANCING ITSELF SOMEWHAT, THE CANADIAN GOVERNMENT CONTINUED ITS DIALOGUE WITH THE CUBAN GOVERNMENT. CANADIAN OFFICIALS, ESPECIALLY FOREIGN AFFAIRS MINISTER LLOYD AXWORTHY, WERE ALSO OUTSPOKEN IN THEIR CRITICISM OF THE U.S. EMBARGO.

United States

WASHINGTON'S APPROACH TO HAVANA REMAINED DEFINED BY THE ALL-ENCOMPASSING TRADE EMBARGO, DESPITE ITS FAILURE OVER MORE THAN THREE DECADES TO BRING ABOUT IMPROVEMENTS IN HUMAN RIGHTS PRACTICES IN CUBA. THE EMBARGO CONTINUED TO BE AN ALL-OR-NOTHING POLICY RATHER THAN A CALIBRATED TOOL DESIGNED TO RESPOND TO CHANGES IN CUBAN HUMAN RIGHTS PRACTICES. IN JANUARY 1999, THE CLINTON ADMINISTRATION ANNOUNCED SEVERAL SMALL STEPS TO SOFTEN THE IMPACT OF THE EMBARGO ON THE CUBAN POPULATION, WHILE REJECTING A CALL FROM PROMINENT POLICY MAKERS AND FORMER REPUBLICAN OFFICIALS, INCLUDING FORMER SECRETARY OF STATE HENRY KISSINGER, TO EMPANEL A BIPARTISAN COMMISSION TO REVIEW THOROUGHLY U.S. POLICY TOWARD CUBA. THE U.S. WAS INCREASINGLY ALIENATED FROM POTENTIAL ALLIES INTERESTED IN PROMOTING RESPECT FOR HUMAN RIGHTS IN CUBA BUT OPPOSED TO THE EMBARGO'S INDISCRIMINATE NATURE. PRESIDENT CASTRO INVOKED THE EMBARGO TO TIGHTEN RESTRICTIONS ON FUNDAMENTAL FREEDOMS IN 1999.

THE EMBARGO RESTRICTED THE RIGHTS TO FREE EXPRESSION BY LIMITING TRAVEL BETWEEN CUBA AND THE U.S., VIOLATING ARTICLE 19 OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, WHICH THE U.S. WAS PARTY TO. U.S. AUTHORITIES CONTINUED TO REPATRIATE CUBAN ASYLUM SEEKERS ABOARD VESSELS INTERCEPTED AT SEA. ON A POSITIVE NOTE, IN JANUARY 1999, THE CLINTON ADMINISTRATION REMOVED THE BAN IT HAD PREVIOUSLY ESTABLISHED ON DIRECT AIR TRAVEL TO CUBA FROM MIAMI. THE CLINTON ADMINISTRATION ALLOWED THE BALTIMORE ORIOLES MANAGEMENT TO NEGOTIATE EXHIBITION BASEBALL GAMES WITH THE CUBAN NATIONAL BASEBALL TEAM. THE FIRST OF THESE GAMES TOOK PLACE IN HAVANA IN MARCH 1999 AND THE SECOND IN BALTIMORE IN MAY 1999.

SEVERAL U.S. LAWMAKERS MADE OFFICIAL VISITS TO CUBA IN 1999 FOR REASONS VARYING FROM EXPANDING AGRICULTURAL MARKETS TO DISCUSSING BILATERAL RELATIONS. THE MOST NOTABLE VISITS WERE THE JOINT VISIT OF SENATE MINORITY LEADER THOMAS DASCHLE OF SOUTH DAKOTA AND SENATOR BYRON DORGAN, AND THE RARE VISIT BY REPUBLICAN SENATOR ARLEN SPECTER, BOTH OF WHICH INCLUDED NEARLY SEVEN-HOUR MEETINGS WITH CUBAN PRESIDENT FIDEL CASTRO. SENATOR DASCHLE AND SENATOR DORGAN WERE REFUSED PERMISSION TO VISIT THE FOUR IMPRISONED LEADERS OF THE GTDI, AND CASTRO DENIED THAT HUMAN RIGHTS ABUSES PERSISTED IN CUBA. CONGRESSIONAL EFFORTS TO EASE THE INDISCRIMINATE EFFECTS OF THE U.S. TRADE EMBARGO CONTINUED AND IN AUGUST 1999, THE SENATE APPROVED AN AMENDMENT ALLOWING VIRTUALLY UNRESTRICTED FOOD AND DRUG SALES TO CUBA. IN JULY 1999, WESTERN UNION SET UP THIRTY-ONE OFFICES IN CUBA ALLOWING NEW YORK, NEW JERSEY AND FLORIDA RESIDENTS TO DIRECTLY WIRE UP TO U.S.\$300 TO CUBAN RESIDENTS, EXCLUDING COMMUNIST PARTY AND HIGH GOVERNMENT OFFICIALS, EACH TRIMESTER.

GUATEMALA

Human Rights Developments

AS THE FOUR-YEAR TERM OF PRESIDENT ALVARO ARZU CAME TO A CLOSE, WITH A NEW GOVERNMENT SCHEDULED TO TAKE OFFICE IN JANUARY 2000, IMPUNITY FOR HUMAN RIGHTS VIOLATIONS REMAINED UNBROKEN. PEACE ACCORDS SIGNED IN DECEMBER 1996 HELD OUT THE PROMISE OF INSTITUTIONAL REFORMS IN THE JUDICIARY, POLICE, AND MILITARY, BUT THESE WERE STYMIED BY THE GOVERNMENT'S INABILITY TO CONFRONT THE AUTHORITARIAN LEGACY OF GUATEMALA'S THIRTY-FIVE YEAR INTERNAL CONFLICT. POPULAR SUPPORT FOR REFORMS WAS CLEARLY ON THE WANE, AS CONSTITUTIONAL CHANGES THAT WOULD HAVE FORMALIZED SOME OF THE KEY MILITARY AND JUDICIAL REFORMS WERE DEFEATED IN A NATIONAL REFERENDUM IN MAY. AT THE SAME TIME, THE ABSENCE OF EFFECTIVE LAW ENFORCEMENT CONTRIBUTED TO THE TREMENDOUS INSECURITY OF MUCH OF THE POPULATION, AS EVIDENCED BY AN EVER GREATER NUMBER OF PUBLIC LYNCHINGS.

IMPUNITY FOR HUMAN RIGHTS VIOLATIONS CARRIED OUT DURING THE WAR FEATURED PROMINENTLY IN POLITICAL DEBATES, ESPECIALLY WITH THE FEBRUARY RELEASE OF A REPORT BY THE UNITED NATIONS-SPONSORED HISTORICAL CLARIFICATION COMMISSION (COMISIÓN DE ESCLARECIMIENTO HISTÓRICO, CEH), ALSO REFERRED TO AS THE TRUTH COMMISSION. THE PRODUCT OF OVER EIGHTEEN MONTHS' LABOR BY OVER 200 GUATEMALAN AND INTERNATIONAL PERSONNEL, THE CEH REPORT DOCUMENTED OVER 42,000 VICTIMS OF HUMAN RIGHTS VIOLATIONS,

with state forces and paramilitary groups responsible for 93 percent of the documented cases, the Guatemalan National Revolutionary Unity (Unidad Revolucionaria Nacional Guatemalteca, URNG) insurgents responsible for 3 percent, and unknown parties responsible for the remaining 4 percent. The commission attributed 626 massacres to the army, and thirty-two to the guerrillas, mostly carried out in the early 1980s. The most damning charge, however, was the finding that the army had committed acts of genocide against the Mayan population in four areas of the country between 1981 and 1983.

The CEH report also recommended several measures to promote reconciliation and contribute to ending impunity. These included reforms to the judiciary and security apparatus, as well as a program of reparations for victims of the conflict, the implementation of a policy of exhumations in the hundreds of clandestine cemeteries, an administrative purge of the armed forces, and the creation of a commission (with civil society participation) to follow up on other CEH recommendations. One month after the release of the report, the government responded dismissively to these recommendations by reaffirming its rhetorical commitment to ending impunity, promoting human rights, and the reforms already outlined in the peace accords, while claiming it was not necessary to create another commission to provide follow-up. It also reiterated a statement made by President Arzú on the second anniversary of the peace accords, in which he asked the Guatemalan people to grant their forgiveness for the state's "actions or omissions, for what we did or what we didn't do." While this reaction was deemed "preliminary," the absence of any further official commentary rendered this first position final, implying no further steps would be taken to respond to the CEH's recommendations. The response of the URNG rebels was hardly better: they lamented the "excesses, equivocations or irresponsibilities" their forces committed during the armed conflict, even though the CEH found that such acts were part of a deliberate political-military strategy or carried out under orders from the top leadership.

In May, several U.S.-based groups including Human Rights Watch released a copy of a military log book that documented the activities of a Guatemalan military unit responsible for kidnapping, torturing, and executing suspected leftists between 1983 and 1985. The log, which contained the names of 183 persons (some, but not all, known to have been executed or disappeared), was smuggled out of military files by a member of the military. The military was reportedly engaged in the destruction of all such incriminating documents early in 1999. Some human rights groups initiated legal proceedings based on the leads provided in that document, and Public Ministry prosecutors were assigned to investigate these cases.

The past was also salient in political debates, during which the demobilized guerrillas of the URNG, now constituted as a political party, participated openly for the first time in electoral politics. The principal contender for executive power, however, was not the left but a conservative party, the Guatemalan Republican Front (Frente Republicano Guatemalteco, FRG), whose secretary general, Gen. Efraín Ríos Montt, was the military ruler from March 1982 until August 1983. The presidential candidate for the FRG, Alfonso Portillo, nearly saw his chances scuttled when the press discovered that he had fled justice in Mexico in 1982, accused of a double homicide he claimed to have committed in self-defense. The judicial case against Portillo was closed in 1995.

Despite years of massive international assistance, the modernization of the judicial system remained a distant reality. U.N. Special Rapporteur on the Independence of Lawyers and Judges Param Cumaraswamy painted a grim picture of Guatemala at the conclusion of his August visit, saying that the justice system had yet to recover from the ills that plagued it during the armed conflict, including corruption, influence peddling, lack of resources, and threats and intimidation to lawyers and judges. Cumaraswamy said he had received information indicating that only 10 percent of all homicide cases went to trial, and of these very few ever resulted in convictions.

The terrible state of the administration of justice in Guatemala was on display in the investigation into the April 1998 murder of Bishop Juan Gerardi, killed just two days after the release of a church-sponsored report on wartime violations.

While the first prosecutor focused attention exclusively on Father Mario Orantes, who shared a house with Gerardi and who was arrested shortly after the murder, at the beginning of 1999 a new judge and prosecutor began investigating whether the murder was politically motivated. However, every new piece of evidence gathered had its cost: every significant witness to the case had to flee the country; the ODHÁ endured numerous threats; Judge Henry Monroy, who moved the case forward, was forced to resign and leave the country after receiving telephone threats; and the subsequent prosecutor, Celvin Galindo, also suffered countless intimidating acts and left the country in early October after resigning from the case.

ANOTHER PROMINENT CASE ILLUSTRATING THE FORMIDABLE BARRIERS TO JUSTICE INVOLVED THE PROSECUTION OF A MILITARY PATROL FOR THE 1995 KILLINGS OF ELEVEN PERSONS IN THE RETURNEE COMMUNITY OF YAMÁN IN ALTA VERAPAZ, A MASSACRE THAT MINUGUA DEEMED TO BE THE MOST SERIOUS HUMAN RIGHTS VIOLATION SINCE ITS ARRIVAL IN 1994. AFTER A DRAWN-OUT PROCESS RIFE WITH IRREGULARITIES (INCLUDING DILATORY TACTICS BY THE PRESIDING JUDGE, LACK OF COOPERATION FROM MILITARY AUTHORITIES, AND THREATS TO PROSECUTORS), ON AUGUST 13 A COURT IN COBÁN FOUND THE SECOND LIEUTENANT WHO LED THE PATROL AND TEN SOLDIERS GUILTY OF MANSLAUGHTER, WHILE ANOTHER FOURTEEN WERE FOUND GUILTY OF "COMPLICITY" IN MANSLAUGHTER (A CRIME THAT DID NOT EXIST IN THE GUATEMALAN PENAL CODE). THE SENTENCES, FIVE AND FOUR YEARS RESPECTIVELY, WERE COMMUTABLE BY PAYING FIVE QUETZALES (APPROXIMATELY U.S. 67 CENTS) PER EACH DAY OF THE SENTENCE, OR A TOTAL OF U.S. \$1,210 FOR THE FIRST GROUP, AND \$975 FOR THE SECOND.

OTHER LONGSTANDING ATTEMPTS TO BRING HUMAN RIGHTS VIOLATORS TO JUSTICE MET WITH EQUALLY DISAPPOINTING RESULTS THIS YEAR. IN APRIL, FOUR CIVIL PATROLLERS SERVING THIRTY-YEAR SENTENCES FOR THE 1994 MURDER OF FORMER PRESIDENTIAL CANDIDATE JORGE CARPIO WERE RELEASED BY THE THIRD APPELLATE COURT, WHICH CITED "GRAVE ERRORS" IN THE TRIAL COURT PROCEEDINGS. ALSO THAT MONTH, FORMER MILITARY COMMISSIONER CÁNIDO NORIEGA WAS ACQUITTED FOR A SECOND TIME ON MULTIPLE CHARGES OF MURDER, TORTURE, AND RAPE IN A MASSACRE CASE IN TULUCHÚ IN THE DEPARTMENT OF EL QUICHÚ. AN APPEALS COURT OVERTURNED THAT DECISION IN JULY, AND HE WAS BEING RETRIED AS OF THIS WRITING. IN THE CASE OF THE 1990 MURDER OF MYRNA MACK, THREE HIGH-RANKING FORMER MILITARY OFFICERS WERE FINALLY INDICTED IN FEBRUARY, ALTHOUGH THE CASE HAD HARDLY PROGRESSED AS OF OCTOBER 1999. ALSO IN OCTOBER, THREE FORMER CIVIL PATROLLERS WERE SENTENCED TO DEATH FOR THEIR ROLE IN THE 1992 MASSACRE IN RIO NEGRO, WHILE EVIDENCE LINKING MILITARY PERSONNEL TO THE MASSACRE WAS NEVER INVESTIGATED.

GUATEMALA'S CONSTITUTIONAL COURT ISSUED A DISTURBING RULING IN JANUARY, HOLDING THAT FREEDOM OF EXPRESSION GUARANTEES APPLY ONLY TO MEMBERS OF THE PRESS. IN SEPTEMBER, THE CENTER FOR JUSTICE AND INTERNATIONAL LAW (CEJIL) JOINED THE GUATEMALAN ARCHBISHOP'S HUMAN RIGHTS OFFICE (OFICINA DE DERECHOS HUMANOS DEL ARZOBISPADO, ODHIA) IN FILING A COMPLAINT BEFORE THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS, CLAIMING THAT THE DECISION VIOLATED THE AMERICAN CONVENTION ON HUMAN RIGHTS.

MOST HUMAN RIGHTS CONCERNS STEMMED FROM THE CONTINUED VIOLENCE AND INSECURITY THAT DERIVED FROM CRIMINAL ACTIVITY AND POOR SOCIAL AND ECONOMIC CONDITIONS. A REPORT PREPARED BY THE INTER-AMERICAN DEVELOPMENT BANK NAMED GUATEMALA CITY AS THE THIRD MOST VIOLENT CITY IN LATIN AMERICA, BASED ON 1996 FIGURES. THE NUMBER OF LYNCHINGS, OFTEN BUT NOT ALWAYS CARRIED OUT BY SPONTANEOUS MOBS AGAINST SUSPECTED PETTY THIEVES, ALSO APPEARED TO HAVE INCREASED. SINCE 1994, SOME 250 LYNCHINGS HAD TAKEN PLACE, WHILE ONLY TWO CASES WERE UNDER INVESTIGATION AS OF OCTOBER 1999.

THE GOVERNMENT'S RESPONSE TO CONTINUED CRIMINAL ACTIVITY WAS TO TRY TO MEET THE PEACE ACCORD GOAL OF A 20,000-PERSON STRONG NATIONAL CIVILIAN POLICE FORCE (POLICIA NACIONAL CIVIL, PNC) BY THE YEAR 2000. DUE TO INADEQUATE RECRUITMENT, SELECTION, AND TRAINING PRACTICES (AS NOTED BY MINUGUA IN ITS NINTH HUMAN RIGHTS REPORT ISSUED IN MARCH), THE GOVERNMENT INSTITUTED QUANTITATIVE RATHER THAN QUALITATIVE CHANGES IN THE NEW POLICE FORCE. MINUGUA FOUND THAT POLICE ABUSES CONTINUED TO OCCUR, MADE ALL THE MORE SERIOUS BY THE LACK OF EFFECTIVE INTERNAL DISCIPLINARY MECHANISMS, AND THAT VIRTUALLY ALL PNC OFFICERS HAD BEEN RECYCLED FROM THE UNPROFESSIONAL NATIONAL POLICE, TREASURY POLICE OR THE ARMY, WITH ONLY A THREE-MONTH TRAINING COURSE.

UNDER THE PEACE ACCORDS, THE MILITARY WAS TO GIVE UP ITS ROLE IN INTERNAL SECURITY AND DEVOTE ITSELF PRINCIPALLY TO EXTERNAL DEFENSE. YET WITH THE DEFEAT OF THE CONSTITUTIONAL REFORMS IN MAY, THE MILITARY CONTINUED TO PARTICIPATE IN INTERNAL SECURITY MATTERS. MILITARY INTELLIGENCE CONTINUED TO INVESTIGATE KIDNAPPINGS AND ORGANIZED CRIME, WHILE FOOT SOLDIERS ALSO PARTICIPATED IN JOINT PATROLS WITH CIVILIAN POLICE UNDER A 1996 EXECUTIVE DECREE.

Defending Human Rights

THE ARZB GOVERNMENT DID NOT ALWAYS MUSTER EVEN RHETORICAL SUPPORT FOR THE WORK OF HUMAN RIGHTS ORGANIZATIONS. IN AN APPARENT REFERENCE TO HUMAN RIGHTS AND OTHER ORGANIZATIONS, PRESIDENT ARZB ASSERTED AT THE OAS GENERAL ASSEMBLY MEETING IN GUATEMALA IN JUNE THAT SOME NGOS WERE "CLOAKED INSTRUMENTS FOR FOREIGN POLITICS." SUBSEQUENTLY, GUATEMALA'S FOREIGN MINISTER SOUGHT TO REASSURE THE GENERAL ASSEMBLY THAT THE ARZB GOVERNMENT VALUED THE WORK OF MOST HUMAN RIGHTS ORGANIZATIONS.

THREATS TO HUMAN RIGHTS ORGANIZATIONS, WITNESSES AND JUDICIAL AUTHORITIES WERE NEARLY ROUTINE IN ALL KINDS OF CASES IN THE JUDICIAL SYSTEM. AS NOTED PREVIOUSLY, VIRTUALLY EVERYONE INVOLVED IN THE GERARDI CASE FACED SUCH THREATS. IN APRIL, THREE

ARMED MEN FORCIBLY ENTERED THE HOME OF THE HEAD OF THE ARCHBISHOP'S HUMAN RIGHTS OFFICE, RONALD OCHAETA, THREATENING HIS DOMESTIC EMPLOYEE AND FOUR-YEAR-OLD SON. THE MEN SEARCHED THE HOUSE FOR FORTY MINUTES, AND LEFT BEHIND A BOX CONTAINING A CONCRETE BLOCK, WIDELY INTERPRETED AS AN ALLUSION TO THE PROBABLE MURDER WEAPON USED AGAINST GERARDI. OCHAETA AND HIS FAMILY SUBSEQUENTLY LEFT THE COUNTRY.

ORGANIZATIONS AND INDIVIDUALS PUSHING FORWARD HUMAN RIGHTS CASES IN THE COURTS WERE OFTEN THE TARGET OF THREATS AND HARASSMENT, AS OCCURRED IN AUGUST WITH A FAMILY MEMBER AND A WITNESS IN THE CARPIO CASE. FORENSIC WORKERS AND OBSERVERS AT VARIOUS CLANDESTINE CEMETERY SITES AROUND THE COUNTRY WERE ALSO ROUTINELY SUBJECT TO INTIMIDATION AND THREATS.

The Role of the International Community

United Nations

UNDER THE 1996 PEACE ACCORDS, THE MANDATE OF MINUGUA WAS DUE TO EXPIRE AT THE END OF THE YEAR 2000, ONE YEAR INTO THE NEXT GOVERNMENT. SEVERAL ASPECTS OF THE ACCORDS WOULD NOT BE COMPLETED WITHIN THE COMING YEAR, THUS REQUIRING CONTINUED INTERNATIONAL VERIFICATION. MINUGUA'S REPORTS ON VARIOUS ASPECTS OF THE PEACE PROCESS PROVIDED AN EXTENSIVE ANALYSIS OF THE HUMAN RIGHTS SITUATION. MINUGUA RELEASED A HUMAN RIGHTS REPORT COVERING APRIL-DECEMBER 1998 IN MARCH 1999, AND OVER THE COURSE OF THE YEAR ISSUED OCCASIONAL COMMUNIQUE'S ON SPECIFIC HUMAN RIGHTS ISSUES.

European Union

ACCORDING TO A REPORT BY THE WASHINGTON OFFICE ON LATIN AMERICA (WOLA), THE EUROPEAN UNION, THE LARGEST DONOR TO THE GUATEMALAN POLICE, LARGELY FAILED TO CONDITION ITS ASSISTANCE ON RECTIFYING ANOMALIES NOTED BY MINUGUA, SUCH AS THOSE FOUND IN RECRUITMENT AND SELECTION. THIS FAILURE CONTRASTED MARKEDLY WITH THE STRINGENT CONDITIONS THE E.U. APPLIED TO JUDICIAL REFORM. THE EUROPEAN UNION WAS TO FUND THE POLICE WITH SOME 34 MILLION ECUS (APPROXIMATELY U.S. \$40 MILLION) BETWEEN 1998 AND 2002.

IN AUGUST, THE ITALIAN SENATE CUT OFF ECONOMIC AID TO GUATEMALA, CITING THE GOVERNMENT'S FAILURE TO COMPLY WITH THE CEH REPORT RECOMMENDATIONS.

United States

THE UNITED STATES PROVIDED OVER \$1 MILLION TO FUND THE WORK OF THE HISTORICAL CLARIFICATION COMMISSION BETWEEN 1997 AND 1999, AS WELL AS THOUSANDS OF PAGES OF DECLASSIFIED DOCUMENTS THAT AIDED THE COMMISSION IN UNDERSTANDING BOTH GUATEMALAN ABUSES AND THE U.S. ROLE IN THEM. FOLLOWING THE RELEASE OF THE TRUTH COMMISSION REPORT, PRESIDENT BILL CLINTON APOLOGIZED DURING A MARCH VISIT TO GUATEMALA FOR PREVIOUS U.S. SUPPORT FOR ABUSIVE MILITARY FORCES: "FOR THE UNITED STATES, IT IS IMPORTANT THAT I STATE CLEARLY THAT SUPPORT FOR MILITARY FORCES AND INTELLIGENCE UNITS WHICH ENGAGED IN VIOLENCE AND WIDESPREAD REPRESSION WAS WRONG, AND THE UNITED STATES MUST NOT REPEAT THAT MISTAKE." THIS STATEMENT RECEIVED MORE PRESS COVERAGE ABROAD THAN IT DID IN GUATEMALA, WHERE THE U.S. EMBASSY WAS WIDELY REPORTED AS REACTING DEFENSIVELY TO CRITICISMS OF THE U.S. ROLE. THROUGH THE U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT, THE U.S. GOVERNMENT CONTINUED TO SUPPORT THE WORK OF HUMAN RIGHTS ORGANIZATIONS, INCLUDING AUTHORIZING A NEW FUND THAT SOUGHT TO SUPPORT, AMONG OTHER THINGS, CIVIL SOCIETY FOLLOW-UP TO THE RECOMMENDATIONS OF THE CEH REPORT.

THE FEDERAL BUREAU OF INVESTIGATION PROVIDED DNA TESTING FACILITIES TO ASSIST THE PROSECUTION IN THE GERARDI CASE, THE FINAL RESULTS OF WHICH WERE STILL OUTSTANDING AS OF THIS WRITING. THROUGH ITS INTERNATIONAL CRIMINAL INVESTIGATIONS TRAINING AND ASSISTANCE PROGRAM (ICITAP), THE U.S. COULD BE FAULTED FOR NOT GIVING DUE WEIGHT TO MINUGUA'S CRITICISMS OF THE POLICE, FOR EXAMPLE, BY CONTINUING TO TRAIN INVESTIGATORS THAT HAD BEEN POORLY VETTED.

HAIT

Human Rights Developments

Mounting political violence in the context of anticipated elections and a notable increase in killings by police marked a year that began with President René Prival's abrupt dismissal of parliament and unilateral naming of a new prime minister and cabinet. Increasing political intolerance was apparent in several violent protests by supporters of former President Jean Bertrand Aristide, as well as armed attacks on political figures and a leading human rights activist. Meanwhile, a U.S. cut in special funding forced the six-year-old United Nations (U.N.)/OAS International Civilian Mission (MICIVIH) to close five offices and dismiss half its monitors, and the Clinton Administration announced the impending withdrawal of the 450-person U.S. Military Support Group in Haiti.

Killings attributed to the Haitian National Police (HNP), after dropping for two years (with fifty-nine reported in 1996, fifty-three in 1997, thirty-one in 1998, and just three from January to March 1999), jumped in the second quarter of the year, with fifty killings reported, according to the U.N./OAS mission, including the first cases of disappearances followed by execution since the end of military rule. However, in the following three months, just four cases were reported.

On May 11, a police operation in the Carrefour-Feuilles section of Port-au-Prince left eleven men dead, most of them shot in the head while in police custody. The first three victims were said to be suspected criminals handed over to police by citizens' groups; a justice of the peace called in to certify those deaths witnessed police shoot eight others, unarmed neighborhood residents. Port-au-Prince police commissioner Jean Coles Rameau, a former military officer implicated in earlier abuses who commanded the operation and may have joined the shooting, fled the country, but was arrested in the Dominican Republic and swiftly returned to Haiti. The government created a special commission of three judges to investigate the killings.

Police were also responsible for a pattern of apparent summary executions of presumed gang members involved in killings of police officers. The remains of fourteen bodies were found in Titanyan, an area north of Port-au-Prince that was an infamous body-dumping ground under military rule, and investigations indicated that many of the dead were probably gang members from the Fontamara neighborhood arrested and disappeared in Croix des Missions after the killing of an agent with the HNP's Company for Intervention and Maintaining Order (Compagnie d'Intervention et de Maintien de l'Ordre). HNP searching the area had shot and killed two young people and then arrested eight others who were never seen again. A so-called vigilance brigade made up of police and armed civilians killed a number of suspected thieves from Cité Soleil in May and June, with four mutilated bodies found in Titanyan, and two blindfolded ones near the Batimat building on the edge of Port-au-Prince, another site used during the military government.

Police beatings of suspects in custody increased, according to the U.N./OAS mission, from 284 reports in 1997 to 432 in 1998, and 103 in the first three months of 1999. In most cases, authorities failed to sanction the officers involved or take effective action to prevent further abuses. The HNP Inspector General's Office, whose mandate covered investigations of human rights abuse, was increasingly occupied with combating drug trafficking and other criminal activities by police, but launched investigations into the most serious abuses and continued earlier investigations. The courts continued to lag behind the police in investigating and prosecuting police officers remanded to them, but a few cases moved forward in the provinces.

With the appointment in March of a new justice minister, human rights lawyer Camille Leblanc, there were signs that long-stalled justice reform was beginning to stir. The School for Judges (École de la Magistrature), which graduated a first class in 1998, but then failed to follow up the next year, held competitive exams to recruit a new class that was set to start in November 1999. The long-awaited court for minors was inaugurated on May 21, although it shut down in July and had not reopened by late October.

The largely dysfunctional justice system produced a prison population where 91 percent of approximately 2,700 detainees were awaiting trial. In mid-1999 at the National Penitentiary, the U.N./OAS mission found 173 detainees held in pretrial detention since 1995 and 1996, some lacking dossiers. Judicial proceedings at all levels continued to be problematic, with vague and incomplete dossiers sent to examining magistrates, empty or missing police reports and significant irregularities during criminal court sessions.

Especially alarming was a refusal to carry out judicial release orders for certain long-term pretrial detainees, mainly former members of the Armed Forces of Haiti (Forces Armées d'Haiti, FAD'H) or associated civilians accused of plotting against state security or related charges. These include Evans François, the brother of coup d'état leader Michel François, ordered released in May 1997, and former Gen. Claude Raymond, jailed since July 1996, released in November 1998 but immediately rearrested on new charges. Prominent right-wing attorney Osner Fevry, detained in March 1997 for assault and

ORDERED RELEASED THE SAME MONTH, WAS IMPRISONED UNTIL DECEMBER 1999. OTHERS WITH PENDING RELEASE ORDERS AS OF MID-AUGUST WERE INDIVIDUALS ACCUSED IN THE 1997 GONAIVES TOXIC WASTE DUMPING AND THE 1997 JEAN RABEL MASSACRE, AND A FORMER JUDGE DETAINED WITHOUT CHARGE OR TRIAL SINCE OCTOBER 1999. THE PORT-AU-PRINCE STATE PROSECUTOR OF SEVERAL YEARS, JEAN-AUGUSTE BRUTUS, WAS DIRECTLY RESPONSIBLE FOR MOST OF THESE CASES, BUT HIS STANCE, THE U.N./OAS MISSION WROTE IN ITS HUMAN RIGHTS REVIEW FOR APRIL-JUNE 1999, "INCREASINGLY APPEARS TO BENEFIT FROM THE SUPPORT, FACIT OR OTHERWISE, OF HIS SUPERVISING AUTHORITIES." JUSTICE MINISTER LEBLANC REPLACED BRUTUS IN OCTOBER.

AFTER A TWO-YEAR DELAY, THE GOVERNMENT IN JUNE 1999 APPROVED REGULATIONS SPELLING OUT ACCEPTABLE PRISON CONDITIONS AND DISCIPLINARY GUIDELINES FOR DEALING WITH INMATES. UNDER THE RENAMED PENITENTIARY ADMINISTRATION MANAGEMENT (DIRECTION DE L'ADMINISTRATION PENITENTIAIRE, DAP), CONDITIONS IMPROVED GENERALLY, BUT MISMANAGEMENT AND SUSPECTED CORRUPTION STILL LED TO FOOD SHORTAGES, MALNUTRITION, AND POOR MEDICAL CARE AT SOME FACILITIES. THE NATIONAL PENITENTIARY OPENED A NEW THREE-STORY DORMITORY BUILDING IN MARCH, ENABLING THE SEPARATION OF MEN FACING MINOR CHARGES FROM THOSE ACCUSED OF MORE SERIOUS CRIMES. THE PENITENTIARY DIRECTOR AND SEVENTEEN GUARDS WERE DISMISSED IN DECEMBER 1999 FOR ALLEGED INVOLVEMENT IN PRISONER BEATINGS, BUT THERE WERE FEW SUCH ALLEGATIONS IN 1999. THE DAP APPOINTED THE FIRST INSPECTOR GENERALS FOR THE PRISON SYSTEM IN MARCH 1999.

JUSTICE MINISTER LEBLANC MADE A PRIORITY OF MOVING FORWARD THE LONG-DELAYED JUDICIAL PROCEEDINGS IN THE 1994 RABOTEAU MASSACRE, WHERE HAITIAN MILITARY AND CIVILIANS, MANY OF THEM IN CUSTODY, ALLEGEDLY KILLED SOME FIFTEEN PEOPLE. IN OCTOBER, THE INVESTIGATING JUDGE ISSUED INDICTMENTS CHARGING GEN. RAOUL CEDRAS AND OTHER HIGH-RANKING OFFICERS, ALL OR MOST OF WHOM WERE LIVING OUTSIDE HAITI, WITH INTELLECTUAL AUTHORSHIP OF THE KILLINGS. THE TRIAL WAS BEING PORTRAYED AS THE CENTERPIECE OF THE BATTLE AGAINST IMPUNITY. IN THE SOUTH DEPARTMENT, A FEW SUCH CASES MOVED FORWARD, WITH A FORMER FAD'H MEMBER SENTENCED TO FIVE YEARS OF IMPRISONMENT AND A FINE FOR A JANUARY 1993 INCIDENT OF ILLEGAL ARREST AND TORTURE.

WITH SUPPORT FROM THE RECENTLY CREATED COMMITTEE TO BRING DUVALIER TO JUSTICE, FOUR HAITIANS WHO HAD BEEN IMPRISONED AND TORTURED IN THE 1970S FILED COMPLAINTS IN A PARIS COURT ON SEPTEMBER 10, 1999, AGAINST FORMER HAITIAN DICTATOR JEAN-CLAUDE DUVALIER FOR "CRIMES AGAINST HUMANITY."

THE OFFICE OF PROSECUTION AND FOLLOW-UP (BUREAU DE POURSUITE ET SUIVI) created by the JUSTICE MINISTRY IN 1998 TO DISTRIBUTE REPARATIONS TO GROUPS THAT SUFFERED VIOLENCE OR PROPERTY DAMAGE UNDER THE MILITARY CITED HOUSING, SCHOOLS, AND LEGAL AND ECONOMIC ASSISTANCE TO VICTIMS AS THE PRIORITY TARGETS FOR ITS U.S. \$3.75 MILLION 1998 BUDGET. IN JULY 1999, THE MINISTRY BEGAN DISBURSING FUNDS TO 914 VICTIMS OF THE 1993 FIRE IN CITIÛ SOLEIL, BELIEVED SET BY THE PARAMILITARY FRONT FOR THE ADVANCEMENT AND PROGRESS OF HAITI (FRONT POUR L'AVANCEMENT ET PROGRES D'HAÏTI, FRAPH), WITH EACH RECEIVING 27,000 GOURDES (\$1,697) TO REBUILD.

ON JANUARY 11, 1999, PRESIDENT RENÛ PRÛVAL DISMISSED THE ENTIRE CHAMBER OF DEPUTIES AND ALL BUT NINE SENATE MEMBERS, ASSERTING THAT THEIR TERMS HAD CONSTITUTIONALLY EXPIRED, EVEN THOUGH ELECTIONS FOR THEIR REPLACEMENTS, SCHEDULED FOR DECEMBER 1999, HAD NOT BEEN HELD. HAITI HAD BEEN WITHOUT A FULLY FUNCTIONING GOVERNMENT SINCE THE JUNE 1997 RESIGNATION OF PRIME MINISTER ROSNY SMARTH AND THE SEARCH FOR A SUCCESSOR HAD DRAGGED ON, WITH CONTINUING DISPUTES OVER THE APRIL 1997 ELECTIONS. OPPOSITION LEADERS CALLED PRÛVAL'S JANUARY 11 MOVE, WHICH ALSO ENDED THE TERMS OF LOCAL ELECTED OFFICIALS, A "COUP D'Ûtat AGAINST PARLIAMENT" AND FILED SUIT WITH THE COURT OF CASSATION, BUT THE COURT DECIDED IT LACKED JURISDICTION. AT THIS WRITING, NO NEW PARLIAMENT WAS EXPECTED TO BE SEATED UNTIL THE LEGISLATIVE ELECTIONS.

SEVERAL VIOLENT INCIDENTS FOLLOWED THE DISMISSAL OF PARLIAMENT. ON JANUARY 12, GUNMEN SHOT AND WOUNDED THE PRESIDENT'S SISTER AND KILLED HER DRIVER. ON MARCH 1, SENATOR JEAN-YVON TOUSSAINT, ONE OF THE NINE REMAINING SENATORS AND A MEMBER OF THE OPPOSITION ORGANIZATION OF PEOPLE IN STRUGGLE (ORGANISATION DU PEUPLE EN LUTTE, OPL), WAS ASSASSINATED IN AN AMBUSH. THREE FORMER OPL DEPUTIES SOUGHT REFUGE IN THE RESIDENCE OF THE CHILEAN AMBASSADOR AND THEN LEFT THE COUNTRY IN APRIL FOLLOWING THREATS AND ATTACKS ON ONE OF THEIR HOMES.

IN MARCH, PRÛVAL APPOINTED A NEW GOVERNMENT HEADED BY FORMER EDUCATION MINISTER JACQUES EDOUARD ALEXIS, AND ANNOUNCED AGREEMENT ON A NEW PROVISIONAL ELECTORAL COUNCIL (CONSEIL ELECTORALE PROVISOIRE, CEP). THE CEP SCHEDULED ELECTIONS FOR DECEMBER, BUT THEN DELAYED THEM UNTIL MARCH 2000. POLITICAL PARTIES EXPRESSED FEARS FOR ELECTION SECURITY AFTER THE RESIGNATION IN OCTOBER 1999 OF SECRETARY OF STATE FOR PUBLIC SECURITY BOB MANUEL AND THE ASSASSINATION OF FORMER COL. JEAN LAMY, AN ARISTIDE ASSOCIATE RUMORED TO BE LIKELY TO SUCCEED HIM. IN SEPARATE INCIDENTS, TWO CEP MEMBERS AND TWO LEADING OPL FIGURES SUSTAINED ARMED ATTACKS IN 1999.

Popular organizations linked to the Fanmi Lavalas party of former President Jean Bertrand Aristide were implicated in some violent protests. At a May 28 rally against violence called by the Chamber of Commerce with the support of many other private sector and popular organizations, protesters associated with the party threw urine-filled plastic bottles and chairs. Police failed to intervene to stop the violence but cancelled the rally shortly after it began and dispersed the crowd, mistreating four journalists in the process. Rumors that police were responsible for the April 20 killing of a Fanmi Lavalas activist sparked several days of violent protests calling for the resignation of the police chief and secretary of state for public security. The U.S. International Republican Institute (IRI), whose programs had encouraged political parties not associated with Fanmi Lavalas to unite, closed its Haiti office in June following threats and intimidation of its staff by gunmen who claimed to be supporters of the former president.

For 1998, the U.N./OAS Mission reported ninety people killed in sixty-one lynching incidents, a drop from 1997's 152 victims of eighty-eight incidents. Most victims were suspected criminals or accused of sorcery. Twenty-four incidents with thirty-two victims were reported from January to June 1999, and police efforts prevented others.

In August 1999, Haiti submitted its first report in nine years to the U.N. Committee on the Elimination of Racial Discrimination. It had yet to make a report to the Committee on the Elimination of Discrimination against Women; its first was due in 1982. Campaigns by women's groups in the last few years helped increase awareness about violence against women, but there were no institutional mechanisms to assist victims or prevent violence. Kay Fanm (Women's House), which ran the only women's shelter in the country, received an average of twenty women per month. Children's rights advocates prepared a draft Code of the Child, aimed at increasing legal protection of children and bringing national law into harmony with the Convention on the Rights of the Child, but without a parliament this and many other bills could not be introduced.

Defending Human Rights

Gunmen driving a car opened fire on March 8 on well-known human rights activist Pierre Espérance of the National Coalition for Haitian Rights (NCHR), also treasurer of the Platform of Haitian Human Rights Organizations. Espérance was hit in the knee and the shoulder. In February and June, human rights groups found anonymous leaflets on their premises threatening them and their staff by name.

The Role of the International Community

United Nations

The U.N. police training and monitoring mission known as MIPONUH (with 279 officers from ten countries) was unlikely to be renewed at the November 1999 expiration of its mandate, due to opposition within the Security Council, chiefly from China and Russia. The so-called Friends of Haiti (the United States, Canada, France, Argentina, Venezuela, and Chile) sought U.N. support for a new mission, perhaps under General Assembly authority, focused on police and justice reform. The Secretary General's independent expert on Haiti, Adama Dieng, visited the country twice and submitted a thorough report to the U.N. Commission on Human Rights. The special rapporteur on violence against women made her first official visit in June, and was expected to issue a report.

United States

The United States criticized Préval's shut-down of parliament and used promised funding for the holding of new elections to press for resolution of the contested 1997 vote. Washington continued to hold 160,000 documents seized from the Haitian military and the paramilitary group FRAPH during its 1994 intervention, maintaining that it wanted to hand them over to the Haitian government but only after blacking out the names of U.S. citizens, a condition the Préval government rejected. FRAPH leader Emmanuel "Toto" Constant, who claimed to be a paid CIA informant under military governments, continued to live and work in Queens, New York, after being given refuge from deportation or extradition, apparently on condition that he not speak about his U.S. connections. Former Haitian army colonel Carl Dorelien, who was living in Florida and who attracted attention after he won a Florida lottery jackpot, revealed to the Boston Globe in May 1999 that

FIFTEEN HIGH-RANKING Haitian officers, including most of the high command, were allowed to emigrate to the U.S. after Aristide's return.

CONGRESSIONAL REPUBLICANS WITHHELD \$1.6 MILLION DOLLARS IN U.S. FUNDING TO THE OAS FOR THE U.N./OAS HUMAN RIGHTS MISSION, CAUSING MAJOR CUTBACKS. UNDER PRESSURE FROM REPUBLICANS AND THE PENTAGON, WHICH ARGUED THAT SECURITY RISKS TO THE TROOPS HAD INCREASED, THE CLINTON ADMINISTRATION ANNOUNCED THE PLANNED WITHDRAWAL OF PERMANENT U.S. MILITARY FORCES FROM Haiti SOME TIME IN 2000. THE TROOPS KEPT A LOW PROFILE RECENTLY, ENGAGING IN ENGINEERING PROJECTS AND MEDICAL CARE, BUT THEIR PURPOSE WAS UNDERSTOOD AS DETERRING POTENTIAL VIOLENCE. THE Haitian PARLIAMENT IN 1998 PASSED A LAW BARRING FOREIGN TROOPS ON Haitian SOIL, AND THE RESPONSE TO THE U.S. ANNOUNCEMENT WAS MUTED.

MEXICO

Human Rights Developments

DESPITE THE ANNOUNCEMENT IN DECEMBER 1998 OF A NEW FEDERAL INITIATIVE TO PROMOTE AND STRENGTHEN HUMAN RIGHTS, SERIOUS AND WIDESPREAD HUMAN RIGHTS VIOLATIONS, INCLUDING TORTURE AND ARBITRARY DETENTION, CONTINUED TO TAKE PLACE IN MEXICO DURING 1999. AS IN YEARS PAST, ABUSES OFTEN OCCURRED IN THE CONTEXT OF THE CRIMINAL JUSTICE SYSTEM, EITHER AS POLICE OR SOLDIERS MADE ARRESTS, OR AS PROSECUTORS PROCESSED CASES. RATHER THAN CONFRONT THESE PROBLEMS HEAD-ON, POLITICIANS EITHER IGNORED HUMAN RIGHTS TOPICS ALTOGETHER OR CHOSE TO BLAME HUMAN RIGHTS GROUPS FOR EXACERBATING PUBLIC SECURITY PROBLEMS. INDEED, MEXICAN AND INTERNATIONAL HUMAN RIGHTS GROUPS INCREASINGLY FOUND THEMSELVES UNDER ATTACK BY POLITICAL, BUSINESS, AND EVEN RELIGIOUS LEADERS WHO PUBLICLY ACCUSED THEM OF PROTECTING CRIMINALS TO THE DETRIMENT OF LAW-ABIDING CITIZENS. WITH PUBLIC SECURITY CONCERNS AT THE TOP OF THE NATIONAL AGENDA AND PRESIDENTIAL ELECTIONS SLOATED FOR JULY 2000, ANOTHER YEAR PASSED IN WHICH MEXICO'S DEEPLY ROOTED HUMAN RIGHTS PROBLEMS RECEIVED INADEQUATE ATTENTION FROM AUTHORITIES.

ALTHOUGH THE MEXICAN GOVERNMENT FAILED TO TAKE THE ACTIONS NEEDED TO AMELIORATE THE COUNTRY'S SERIOUS HUMAN RIGHTS PROBLEMS, AUTHORITIES DID TAKE SEVERAL IMPORTANT STEPS TOWARD GREATER RECOGNITION OF INTERNATIONAL HUMAN RIGHTS LAW AND MECHANISMS. IN DECEMBER 1998, MEXICO OFFICIALLY ACCEPTED THE JURISDICTION OF THE INTER-AMERICAN COURT OF HUMAN RIGHTS. MEXICO ALSO PROMISED IN JULY 1999 TO RATIFY THE 1951 REFUGEE CONVENTION AND ITS 1967 PROTOCOL. AUTHORITIES ALSO REPORTED TO HUMAN RIGHTS WATCH THAT, UNDER THE AUSPICES OF THE DECEMBER 1998 HUMAN RIGHTS PROGRAM, PROGRESS HAD BEEN MADE IN IDENTIFYING OTHER HUMAN RIGHTS TREATIES TO RATIFY AND RESERVATIONS TO ALREADY-RATIFIED TREATIES THAT MEXICO COULD WITHDRAW. DURING THE YEAR, MEXICO PERMITTED U.N. SPECIAL RAPPORTEUR FOR EXTRAJUDICIAL, SUMMARY AND ARBITRARY EXECUTIONS ASMA JAHANGIR TO VISIT THE COUNTRY, AND AT THIS WRITING WAS PLANNING TO HOST U.N. HIGH COMMISSIONER FOR HUMAN RIGHTS MARY ROBINSON IN NOVEMBER. ALSO POSITIVE WAS THE EXPANSION OF THE AUTONOMY OF THE FEDERAL GOVERNMENT'S NATIONAL HUMAN RIGHTS COMMISSION (COMISIÓN NACIONAL DE DERECHOS HUMANOS, CNDH), THE PRESIDENT OF WHICH HAD BEEN NAMED BY THE PRESIDENT OF MEXICO AND WHOSE BUDGET WAS PROVIDED BY THE EXECUTIVE BRANCH OF GOVERNMENT. AFTER THE REFORMS, THE COMMISSION'S PRESIDENT AND BUDGET WOULD DEPEND ON THE LEGISLATURE.

THE GAP BETWEEN RHETORICAL SUPPORT FOR HUMAN RIGHTS AND THE EFFECTIVE PROTECTION OF RIGHTS AND ADHERENCE TO INTERNATIONAL STANDARDS REMAINED GREAT. THE DECEMBER 1998 PROGRAM TO STRENGTHEN AND PROTECT HUMAN RIGHTS, FOR INSTANCE, LACKED SPECIFIC MEASURES TO ADDRESS THE COUNTRY'S HUMAN RIGHTS PROBLEMS. WHILE THE RATIFICATION OF HUMAN RIGHTS ACCORDS WAS VITALLY IMPORTANT, THE FACT THAT MEXICO SO CLEARLY VIOLATED ACCORDS IT HAD ALREADY RATIFIED INDICATED THAT NEW AND INNOVATIVE STEPS WOULD HAVE TO BE TAKEN IF HUMAN RIGHTS ABUSES WERE TO BE COUNTERED.

WITH RESPECT TO INTERNATIONAL HUMAN RIGHTS INSTRUMENTS, INCLUDING THE AMERICAN CONVENTION ON HUMAN RIGHTS, THE GOVERNMENT DEMONSTRATED A STARTLING LACK OF WILL TO FULFILL ITS OBLIGATIONS. THE GOVERNMENT IGNORED RECOMMENDATIONS INCLUDED IN SEVERAL HARD-HITTING REPORTS FROM THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS AND FAILED TO IMPLEMENT SUGGESTIONS MADE BY U.N. SPECIAL RAPPORTEUR ON TORTURE NIGEL RODLEY IN 1998. BRIG. GEN. FRANCISCO GALLARDO, JAILED IN 1993 FOR RECOMMENDING THE APPOINTMENT OF A MILITARY OMBUDSMAN, REMAINED IN JAIL, DESPITE A 1996 COMMISSION REPORT FINDING THAT HE SHOULD BE RELEASED.

THE TOPIC OF PUBLIC SECURITY AND HUMAN RIGHTS REMAINED IN THE FOREFRONT OF THE MEXICAN HUMAN RIGHTS SITUATION DURING 1999. IN FEBRUARY AND MARCH, THE FEDERAL GOVERNMENT APPROVED CONSTITUTIONAL REVISIONS THAT STOOD TO WEAKEN HUMAN RIGHTS

protections. Changes in Mexico's legal procedure for challenging authorities' actions, known as *amparo*, would expand the circumstances in which prosecutions could move forward despite the violation of due process guarantees. The changes would also make it easier for prosecutors to obtain arrest warrants by requiring them to document fewer facts about alleged crimes. Mexican human rights groups criticized the revisions for opening the door to abuse in a legal system already prone to fabrication of evidence and coercion of the accused. At this writing, the constitutional revisions had yet to be implemented, as a majority of Mexican states had not yet approved them.

The move to facilitate prosecutions took place concurrently with widespread public outrage at skyrocketing crime rates, a situation blamed in part on human rights guarantees. In January, Mexico's Cardinal Juan Sandoval, in Jalisco state, lambasted human rights groups for defending criminals. Referring to the respected Jalisco State Human Rights Commission, an autonomous government agency, the cardinal noted, "Human rights are not in question. Rather, in question is this human rights organization, whose work has not been beneficial to society." He went on to criticize what he called the agency's practice of "constantly defending delinquents." Reportedly referring to Human Rights Watch as "the mother of all nongovernmental organizations," the cardinal derided the organization as dedicated to destabilizing governments. Business leaders in Jalisco state also criticized human rights groups as defending criminals. In other parts of the country human rights groups also came under attack. In Mexico state, for instance, a new governor was elected in July in part on the strength of the get-tough-on-crime campaign theme of "human rights are for humans, not rats."

Human Rights Watch continued during 1999 to document cases of human rights violations committed in the context of criminal prosecutions. In January a two-year Human Rights Watch study found that despite numerous legal and institutional reforms that successive Mexican governments had touted as evidence of their commitment to protecting human rights, human rights violations—including arbitrary arrest, torture, and even "disappearance"—continued to take place as part of the judicial process in Mexico. Human rights violations stemmed not only from official toleration of abuse but also from the justice system's ineffective protection of individual guarantees and its lax approach to human rights violations. Prosecutors routinely used evidence obtained through human rights violations, and judges availed themselves of permissive laws and legal precedent to condemn victims while ignoring abuses.

The Human Rights Watch report concluded: "The Mexican government has failed to structure the justice system—understood to encompass police, prosecutors, and the courts—such that the goals of investigating crimes and punishing criminals are consonant with the aims of protecting human rights and promoting the rule of law." Abuses took place in both state and federal jurisdictions, and in all regions of the country, whether the victim was a suspected robber, accused drug trafficker, or alleged leftist guerrilla.

The case of Alfonso Martín del Campo illustrated the human rights shortfalls of Mexico's justice system. Sentenced to fifty years in prison for a gruesome double murder committed on May 30, 1992, Martín del Campo lost his final bid for freedom in March 1999, when a Mexico City Superior Court magistrate rejected his plea of innocence. With the exception of a self-incriminating statement made on the day of his arbitrary arrest in 1992, the case file was bereft of any evidence against him. It did contain, however, medical records that showed that he had been severely beaten. After allegedly making his first statement, he repeatedly retracted it on the grounds that he had been tortured—including with a plastic bag over his head. Despite these facts, judges at three successive judicial levels upheld his conviction, thanks to the principle of procedural immediacy, which they cited to ignore signs that he had been coerced into making his self-incriminating statement. As applied in Mexico, the principle held that the first statement made by a suspect could be considered more trustworthy than subsequent statements.

The Inter-American Commission on Human Rights termed the way this principle is interpreted in Mexico "wrong." In a report published in 1998, the commission noted, "The Mexican state is construing the guarantee of procedural immediacy in a way which, instead of serving as a procedural guarantee for those accused of a crime, is becoming its very antithesis, the source of abuse of the rights of accused persons." In other countries, the principle of procedural immediacy was interpreted in exactly the opposite way from that of Mexico: it was not a person's first statement that had greater value but rather a statement made in the presence of a judge.

Although Mexican judges often deserved blame for failing to factor human rights concerns into their sentences, there were still some cases in which Mexican courts issued positive rulings based on human rights principles. In June, for instance, a federal appeals court ruled that procedural violations in the murder prosecution of Juan Lorenzo Rodríguez

Osuna invalidated the guilty verdict that had been issued against him two years earlier. The court ordered a retrial; at this writing, it was not clear whether prosecutors in Tāmualipas state would discontinue the prosecution, a move urged by Human Rights Watch. In another case in which illegal arrest and torture constituted the fundamental investigative techniques—the prosecution of accused murderer Manuel Manríquez—a Mexico City Superior Court magistrate found Manríquez to be innocent in April, based in part on the findings of a report issued in February by the Inter-American Commission on Human Rights. While positive, these cases also highlighted a disturbing weakness in Mexico's justice system: years of injustice could be ignored by judges, and the ability to obtain justice depended not on ingrained respect for human rights within the justice system but on a victim's ability to marshal public support for his or her case.

Human rights issues in Chiapas state also continued to receive significant attention in Mexico. By the time of this writing, twenty people had been sentenced for the December 1997 massacre of forty-five people in the hamlet of Acteal. Federal authorities had assumed jurisdiction over the massacre, which otherwise would have fallen to state authorities to prosecute. For the most part, those sentenced were charged with material authorship of the killings and for possession of weapons reserved for the exclusive use of the army. Among those charged but not yet sentenced was a retired army general, Julio César Santiago Díaz, a public security official at the time of the killings; police under his command ignored signs that the massacre was taking place. Prosecutors accused him of murder by omission.

Federal prosecutors also made advances in thirty-four state-level cases that they took over as part of the Acteal investigation. The cases, all of which took place during the year prior to the massacre but had gone nowhere in state courts, included murder, kidnapping, and other violent crimes in and around Acteal. At this writing, some 193 people had been charged in those cases; several state prosecutors had also been charged for their failure to prosecute cases in which sufficient evidence existed to move forward. Federal prosecutors also made progress in the case of Rubicel Ruiz, another Chiapas state case whose jurisdiction the federal attorney general's office assumed in 1998. Ruiz, who was gunned down in February 1998, worked with peasants seeking benefits from the state. Although federal authorities managed to identify the gunmen and the intellectual author of the crime, a member of a politically powerful family, at this writing the case had yet to be decided in court.

Despite the advances made in the Acteal case, other serious human rights issues in Chiapas remained unresolved. Soon after taking over the Acteal investigation, federal attorney general Jorge Madrazo announced that his office would be investigating several areas beyond the massacre itself, including the existence of armed civilian groups active in the state, of which more than ten had been reported; the reasons that the state justice system had failed in Chenalhó municipality, in which Acteal sits; and why state authorities had permitted the arming of the group that carried out the massacre. Although those lines of investigation remained open, they had obtained few results. Mexican human rights groups continued to denounce the activity of illegal, armed civilian groups, which they often called paramilitary groups, and the state justice system remained extremely weak. In lieu of resolving these underlying problems, federal authorities continued to rely on the military to ensure calm in Chiapas, although human rights groups, including the Fray Bartolomé de las Casas Center for Human Rights (Centro de Derechos Humanos Fray Bartolomé de las Casas), continued to document cases in which the army's presence was the cause of, rather than remedy for, tension in the state.

In September, the government released a new Chiapas peace proposal after years of moribund negotiations. The plan's content included a promise that authorities would "carefully analyze complaints of harassment and other illegal acts denounced by diverse human rights organizations" and the establishment of a program within the federal Office of the Attorney General to receive and analyze such cases. In October, almost two years after the Acteal massacre, the office announced that it had established a special unit in Chiapas to investigate armed groups. Authorities had already taken hundreds of actions, including the taking of testimonies, it said.

At this writing, it was not clear whether the proposal would lead to steps to improve the human rights situation in Chiapas. After the peace plan was announced, state officials began to release from jail people detained in 1998 during a government crackdown on "autonomous municipalities," local governments set up by supporters of the Zapatista Army of National Liberation (Ejército Zapatista de Liberación Nacional, EZLN) who refused to recognize the authority of the state government. According to Mexican human rights groups, none of the people who were released should have been detained in the first place; the arrests were marred by illegal procedures, including lack of evidence and failure to obtain arrest warrants.

Guerrero and Oaxaca states also presented disturbing human rights concerns. In January 1999, the Miguel Agustín Pro Juárez Human Rights Center (Centro de Derechos Humanos Miguel Agustín Pro Juárez, PRODH) published a report on these states that documented "the great number of violent acts that have been produced in the context of agrarian problems, local and regional politics, the planting and trafficking of drugs, militarization, and the presence of armed groups." PRODH described specific cases illustrative of these problems, including the illegal detention and torture by soldiers of Rodolfo Montiel Flores and Teodoro Cabrera García, and extrajudicial execution of Salomé Sánchez Ortiz in Pizotla, Guerrero. The three victims were members of an environmental group opposed to logging practices in the region. It was for this work that PRODH suspected that they were attacked. The two surviving victims were forced to confess to crimes they did not commit and were prosecuted in a process fraught with irregularities, including the use of statements given on a military base. PRODH and other Mexican human rights groups also documented in Guerrero the rape of two women and the murder of a man and boy by soldiers in Barrio Nuevo, an area where government opponents had tried for years to establish a local government independent of the ruling party.

Other human rights abuses persisted in Mexico, including labor rights violations and limitations on press freedom. The government's system of labor tribunals continued to limit freedom of association, but even when court victories were obtained by workers, government enforcement did not always follow. One such case monitored closely by Human Rights Watch for several years—involving the Democratic Union of Workers of the Ministry of the Environment, Natural Resources, and Fishing (Sindicato Democrático de Trabajadores de la Secretaría del Medio Ambiente, Recursos Naturales y Pesca, SINT-SEMARNAP)—remained unresolved. Despite court victories allowing the union to exist formally, government officials still refused to allow the union to function fully. On the positive side, Mexico's Supreme Court issued an important decision in May upholding the right of workers to form more than one union in any government agency.

For journalists covering sensitive topics, like drug trafficking, reporting was still a dangerous profession. Jesús Barrata, editor of the weekly *Pulso* in San Luis Río Colorado, Sonora state, for instance, was threatened with death after his paper reported on drug issues in May. A state police body guard withdrew his protection after being beaten by federal police officers in June, apparently in retaliation for his protection of the journalist.

Defending Human Rights

Human rights defenders continued to come under attack in Mexico during the year. After documenting the human rights abuses by the army in Pizotla, Guerrero, described above, PRODH staff members received a series of written death threats in August and September. In October they received a bomb threat. It was not clear, however, that the threats were provoked by the Pizotla case.

In Guerrero, Abel Berrera of the Tlachinollan Human Rights Center of the Mountain (Centro de Derechos Humanos de la Montaña "Tlachinollan") received death threats in May after working on human rights cases in which the army appeared to be implicated. In Ixtlayutala, Oaxaca state, Catholic priest Josué Rentería was threatened in April after interceding on election-related human rights issues. In Nuevo Leyn, Monterrey state, members of Citizens in Support of Human Rights (Ciudadanos en Apoyo a los Derechos Humanos) received threats for their work on prison conditions in the state.

The Mexican government also continued to exert pressure on human rights groups through onerous visa requirements for foreign human rights observers. Instituted in May 1998, the government required visa applicants to produce extensive documentation including a Spanish-language version of their organization's by-laws and letters attesting to their moral rectitude. The names of all locations to be visited had to be provided at least thirty days in advance of the trip, constituting a potential risk to the communities to be visited, whose members could be subjected to surveillance or harassment. At the same time, the specificity of the requirements meant that human rights investigators would be prohibited from searching for information in communities that they did not list on their visa applications, a serious impediment to investigators who needed to follow the leads received during research missions. In September, authorities within the federal Ministry of Government told Human Rights Watch that the visa requirements would be relaxed; at this writing no such change had been instituted. In September, Tom Hansen, an American at the helm of the Mexico Solidarity Network, won a court victory overturning his February 1998 summary expulsion. The following month, a court ruled in favor of twelve foreigners summarily expelled in April 1998.

At several times during the year, human rights defenders were prohibited from traveling to Mexico because Mexican consular officials, or their colleagues in the Ministry of Government in Mexico City, appeared unwilling or unable to process visa requests. In June, a lawyer from the Washington, D.C.-based Center for Justice and International Law (CEJIL) was obliged to cancel her participation in a human rights seminar she was to lead, and another was given a visa at the last minute that permitted her to do only a small portion of what she had planned—and requested—to do.

The Role of the International Community

United Nations and Organization of American States

In June 1999, Special Rapporteur for Extrajudicial, Summary and Arbitrary Executions Asma Jahangir visited several Mexican states, emphasizing, in particular, her concern about the situation in Chiapas. The Mexican government criticized her outspokenness, just as it did in 1998 when High Commissioner for Human Rights Mary Robinson expressed deep concern about human rights violations there. The U.N. Human Rights Committee strongly criticized Mexico in July, noting, among other things, that “alleged acts of torture, enforced disappearances and extrajudicial executions had not been investigated; that the person responsible had not been brought to justice; and that the victims or their families had not received compensation.” The committee cited among positive developments in Mexico the increased autonomy of the National Human Rights Commission. The U.N. Subcommission on the Promotion and Protection of Human Rights issued a similar statement in August.

The Inter-American Commission on Human Rights, part of the Organization of American States, continued to pay close attention to Chiapas. Human rights violations there received considerable attention in a September 1998 report on human rights violations in Mexico, and the commission released several case-specific reports. In addition to the report on the Manuel Manríquez case, mentioned above, the commission released important reports concerning the government's tolerance of presumed political murderers in Guerrero state and the case of Jorge Baryn Guttlein, Rodolfo Izal Elorz, and Loren Reibe, three priests expelled from Mexico in 1995 under physical and legal conditions that violated their human rights.

European Union

In May, the European Parliament approved an economic partnership, political coordination, and cooperation agreement, which had been signed by Mexico and the European Union in December 1997. Members of the European Parliament emphasized that human rights issues were an important topic to which the parties to the accord should pay attention, and asked the European Commission to produce an annual report on human rights developments in Mexico. The commission ignored the request. At this writing, the full accord was not in force, because four European countries had not ratified it, so cooperation on human rights issues—within the context of the agreement—could not move forward.

United States

The United States has paid increased attention to human rights violations in Mexico in recent years. Following the release of the 1998 State Department report on human rights practices around the world, the United States and Mexico began a series of bilateral meetings on human rights, convened alternately in each country, which continued during 1999. Although the meetings took place outside the framework of the United States's priority bilateral issues—trade, illegal drugs, and immigration—they offered an important opportunity for Washington to voice concern about human rights violations in Mexico. And, just as importantly, the Mexicans had an opportunity to raise concerns about human rights violations in the United States.

Breaking with past practice, on several recent occasions, U.S. officials openly criticized human rights violations in Mexico. Upon the January 19, 1999 release of the Human Rights Watch report *Systemic Injustice: Torture, “Disappearance,” and Extrajudicial Execution in Mexico*, State Department spokesman James Rubin noted, “While we recognize that Mexico has made notable strides in political and electoral reforms in recent years, we remain concerned about persistent human rights problems in Mexico.” Asserting that the U.S. government had addressed “many of the concerns which the report raises” with Mexico's director general for human rights, Rubin stated in reference to Chiapas that “we raised our concerns about politically motivated violence in its southern states.”

THE UNITED STATES CONTINUED TO PROVIDE MILITARY TRAINING TO MEXICO, VALUED AT APPROXIMATELY U.S. \$ 21 MILLION FOR FISCAL YEAR 1999, THROUGH THE STATE DEPARTMENT'S BUREAU OF INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT AND THE DEFENSE DEPARTMENT. ALTHOUGH THE U.S. GOVERNMENT INSISTED THAT IT APPLIED HUMAN RIGHTS VETTING CRITERIA TO MEXICAN OFFICERS WHO CAME TO THE UNITED STATES FOR TRAINING, IT PROVIDED NO INFORMATION ON HOW VETTING WAS CARRIED OUT. ALMOST \$100 MILLION WORTH OF COMMERCIAL MILITARY PURCHASES MADE IN THE UNITED STATES WERE EXPECTED TO BE DELIVERED TO MEXICO DURING THE YEAR.

PERU

Human Rights Developments

AMID MOUNTING INTERNATIONAL CRITICISM OF HIS GOVERNMENT'S INTERFERENCE IN THE JUDICIARY AND COVERT ACTIVITIES TO INTIMIDATE THE OPPOSITION AND THE PRESS, PRESIDENT ALBERTO FUJIMORI CONTINUED TO PREPARE THE GROUND FOR HIS SECOND REELECTION IN POLLS SCHEDULED FOR THE YEAR 2000. ALTHOUGH FUJIMORI KEPT HIS OPPONENTS GUESSING ABOUT HIS INTENTION TO STAND, HIS HITHERTO SUCCESSFUL EFFORTS TO SURMOUNT CONSTITUTIONAL OBSTACLES TO RE-ELECTION, AND HIS RISING POPULARITY IN OPINION POLLS, MADE HIS CANDIDACY SEEM ALMOST INEVITABLE.

A WELTER OF COMPLAINTS AGAINST PERU BEFORE THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS CONCERNING GROSS VIOLATIONS OF HUMAN RIGHTS COMMITTED BY GOVERNMENT AGENTS DURING THE GUERRILLA INSURGENCY, AS WELL AS ILLEGAL INTELLIGENCE ACTIVITIES AIMED AT SILENCING POLITICAL AND PRESS ADVERSARIES, WERE A DEEP EMBARRASSMENT TO THE FUJIMORI GOVERNMENT. THEY INCLUDED ALLEGATIONS THAT FUJIMORI ADVISOR VLADIMIRO MONTESINOS, THE DE FACTO HEAD OF THE NATIONAL INTELLIGENCE SERVICE (SERVICIO NACIONAL DE INTELIGENCIA, SIN), PLAYED A ROLE IN PLANNING KIDNAPPINGS AND MURDERS. THE SIN WAS ALSO IMPLICATED IN MORE RECENT VIOLATIONS OF CIVIL AND POLITICAL RIGHTS. A KEY CASE INVOLVED THE IMPEACHMENT AND DISMISSAL OF THREE MEMBERS OF THE CONSTITUTIONAL COURT IN 1997 FOR ISSUING A RULING QUESTIONING FUJIMORI'S CONSTITUTIONAL RIGHT TO STAND FOR A THIRD TERM. IN DECEMBER 1998, THE INTER-AMERICAN COMMISSION CALLED FOR THE JUDGES' REINSTATEMENT, BUT AFTER THE FAILURE OF ATTEMPTS AT A FRIENDLY SETTLEMENT DESPITE ADDITIONAL TIME GIVEN TO PERU, THE COMMISSION FORWARDED THE CASE TO THE INTER-AMERICAN COURT OF HUMAN RIGHTS.

FACED WITH MOUNTING ATTENTION FROM THE INTER-AMERICAN COMMISSION AND INTER-AMERICAN COURT, PERU TOOK THE UNPRECEDENTED STEP OF WITHDRAWING FROM THE JURISDICTION OF THE INTER-AMERICAN COURT. THE MOVE TOOK PLACE AFTER THE COURT RULED IN JUNE THAT FOUR CHILEANS SENTENCED TO LIFE IMPRISONMENT FOR TREASON BY A "FACELESS" MILITARY COURT HAD BEEN TRIED UNFAIRLY, ORDERING THAT THEY BE GRANTED A NEW TRIAL. THE EUROPEAN UNION, THE UNITED STATES, AND MEMBERS OF THE INTERNATIONAL HUMAN RIGHTS MOVEMENT CRITICIZED THE PERUVIAN GOVERNMENT FOR CLOSING A VITAL AVENUE OF REDRESS TO WHICH ITS CITIZENS WERE ENTITLED AGAINST VIOLATIONS OF THE AMERICAN CONVENTION ON HUMAN RIGHTS. FUJIMORI CLAIMED, WITHOUT ANY GROUNDS OR JUSTIFICATION, THAT IMPLEMENTATION OF THE COURT'S DECISION WOULD MEAN THE RELEASE OF THOUSANDS OF CONVICTED TERRORISTS.

THE GOVERNMENT CONTINUED TO FACE SPORADIC ARMED ACTIVITY BY REMNANTS OF THE SHINING PATH (SENDERO LUMINOSO) GUERRILLA GROUP, NOW LARGELY CONFINED TO REMOTE REGIONS OF THE DEPARTMENTS OF SAN MARTIN, HUÁNUCO, UCAYALI, JUNIN, AND AYACUCHO. ON JUNE 6, STATE-OF-EMERGENCY REGULATIONS WERE LIFTED IN ALL OF METROPOLITAN LIMA. THEY HAD BEEN IN FORCE FOR THIRTEEN YEARS IN PARTS OF THE CITY, EXCEPT DURING ELECTIONS. HOWEVER, CONSTITUTIONAL GUARANTEES REGARDING THE INVIOABILITY OF THE HOME AND FREEDOM OF MOVEMENT CONTINUED TO BE LIMITED BY STATES OF EMERGENCY AFFECTING LARGE REGIONS OF THE NATIONAL TERRITORY, INCLUDING AREAS RECENTLY UNAFFECTED BY SERIOUS GUERRILLA ATTACKS.

HOWEVER, THE SHINING PATH WAS NOT YET A SPENT FORCE. ON MAY 28, MORE THAN FORTY SHINING PATH GUERRILLAS ARRIVED IN FOUR TRUCKS IN THE TOWN OF UCHIZA IN THE UPPER HUALLAGA REGION OF SAN MARTIN. AFTER ATTEMPTING TO BREAK INTO THE NATIONAL BANK, WHICH WAS CLOSED, THE ATTACKERS WERE SURPRISED BY THE POLICE AND REPORTEDLY OPENED FIRE INDISCRIMINATELY, KILLING JESUS ESPINOZA LEYN, A TEACHER AND TRADE UNIONIST, SCHOOLCHILDREN CERICO HERRADA VALVERDE AND GUILIANA FASABI, AND A POLICE BANK GUARD. AFTER A GUN BATTLE WITH POLICE, THE ATTACKERS FLED WHEN POLICE AND ARMY REINFORCEMENTS ARRIVED. ONE OF THE TRUCK DRIVERS FORCED BY THE GUERRILLAS TO DRIVE THEM TO UCHIZA WAS REPORTEDLY SHOT AND WOUNDED WHILE TRYING TO ESCAPE HIS CAPTORS.

DURING THE SAME WEEK, A SURVIVOR OF A SHINING PATH ATTACK IN THE COMMUNITY OF YANAYAC, IN THE DEPARTMENT OF HUANCANELICA, TOLD REPORTERS HOW ABOUT FIFTY GUERRILLAS ASSEMBLED LOCAL PEOPLE INTO THE MAIN SQUARE AND SHOT TO DEATH FIVE MEMBERS OF THE TOWN'S CIVIL DEFENSE PATROL AFTER GIVING THEM A "POPULAR TRIAL." ON JULY 14, POLICE AND ARMY TROOPS ARRESTED OSCAR RAMIREZ DURAND, ALSO KNOWN AS FELICIANO, THE SHINING PATH'S BEST-KNOWN LEADER, IN THE ANDEAN VILLAGE OF COCHAS, JUNIN DEPARTMENT. PRESIDENT FUJIMORI ADVISED THAT THE ARREST WAS IMMINENT DAYS BEFORE IT OCCURRED, AND WAS PICTURED PERSONALLY SUPERVISING THE OPERATION. MORE THAN FORTY JOURNALISTS WERE FLOWN IN ADVANCE TO THE AREA TO COVER A PRESS CONFERENCE AT WHICH THE PRISONER WAS EXHIBITED.

HUNDREDS OF PERUVIANS UNJUSTLY CONVICTED OR FACING TRIAL ON TERRORIST OFFENSES REMAINED IN HIGH-SECURITY PRISONS FACING AN EXTREMELY HARSH PRISON REGIME. THE SO-CALLED FACELESS COURTS THAT CONDUCTED THEIR TRIALS, WHICH VIOLATED RIGHTS TO DEFENSE AND DUE PROCESS, WERE ABOLISHED IN OCTOBER 1997 AFTER FIRELESS CAMPAIGNING BY PERUVIAN HUMAN RIGHTS GROUPS AND REPEATED EXPRESSIONS OF CONCERN BY THE UNITED NATIONS HUMAN RIGHTS COMMITTEE AND THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS.

BY AUGUST, THE SPECIAL AD-HOC COMMISSION, FORMED BY PRESIDENT FUJIMORI IN 1996 TO REVIEW CASES AND RECOMMEND CANDIDATES FOR PRESIDENTIAL PARDON, HAD OBTAINED THE RELEASE OF 469 INNOCENT PRISONERS. IT ALSO SECURED AGREEMENT IN NOVEMBER 1998 FOR THE CRIMINAL RECORD OF THE BENEFICIARIES TO BE WIPED CLEAN, AND ANY ANCILLARY LEGAL PROCEEDINGS DROPPED.

HUMAN RIGHTS ORGANIZATIONS, HOWEVER, HAD LISTS OF HUNDREDS OF OTHER INNOCENT PRISONERS WITH APPLICATIONS IN THE PIPELINE. DURING THE FIRST EIGHT MONTHS OF 1999, FUJIMORI AUTHORIZED ONLY SEVEN PARDONS OUT OF MORE THAN FIFTY CASES FORWARDED TO HIM BY THE THREE-MEMBER COMMISSION, WHICH REACHED ALL ITS DECISIONS BY CONSENSUS. HUMAN RIGHTS GROUPS THAT FILED CASES BEFORE THE COMMISSION WERE CONVINCED, HOWEVER, THAT THE COMMISSION WAS ACTUALLY BEING STRICTER IN ITS EVALUATION OF CASES. THEY CLAIMED THAT THE PRESIDENT WAS HOLDING UP CASES IN WHICH PEOPLE HAD BEEN CONVICTED FOR COOPERATING WITH GUERRILLA FORCES AGAINST THEIR WILL OR UNDER COERCION, A FATE SUFFERED BY THOUSANDS OF PERUVIANS IN RURAL AREAS DURING THE ARMED CONFLICT. IN AN INTERVIEW IN JULY, THE PERUVIAN OMBUDSMAN, JORGE SANTISTEVAN, WHO WAS A MEMBER OF THE COMMISSION, SAID THAT THE COMMISSION WOULD PUBLISH A REPORT AT THE CLOSE OF ITS TERM ON DECEMBER 31 LISTING THE PEOPLE IT HAD RECOMMENDED FOR PARDON AND WHO REMAINED IN PRISON.

ACCORDING TO ESTIMATES PUBLISHED BY THE OMBUDSMAN IN SEPTEMBER, MORE THAN 5,000 PEASANTS WHOSE LIVES WERE DISRUPTED BY GUERRILLA INCURSIONS DURING THE ARMED CONFLICT WERE STILL WANTED FOR ARREST AND QUESTIONING ON CHARGES OF ASSISTING THE INSURGENTS. A STUDY CONDUCTED BY THE INSTITUTE OF LEGAL DEFENSE (INSTITUTO DE DEFENSA LEGAL, IDL), A NONGOVERNMENTAL HUMAN RIGHTS GROUP, REVEALED THAT HIGH COURTS IN THREE DEPARTMENTS ALONE (JUNIN, LAMBAYEQUE, AND CUSCO) WERE PROCESSING TERRORISM CHARGES AGAINST 3,002 PEOPLE ON SUSPICION OF COLLABORATING WITH THE GUERRILLAS IN THE 1980S AND EARLY 1990S. MORE THAN THREE-QUARTERS WERE INCRIMINATED SOLELY ON THE BASIS OF STATEMENTS BY SUSPECTS HELD INCOMMUNICADO IN POLICE CUSTODY, AND MANY HAD FACED THE POSSIBILITY OF ARREST FOR YEARS. A NUMBER OF COURT DECISIONS IN THESE CASES, HOWEVER, WERE ENCOURAGING. IN JULY, A SPECIALIZED COURT FOR CRIMES OF TERRORISM DISMISSED CHARGES AND CANCELED ARREST WARRANTS AGAINST 108 PEASANTS FROM CHUNGVI, AYACUCHO, FOLLOWING A HEARING IN WHICH THE COURT ACKNOWLEDGED THAT THEY HAD BEEN COERCED INTO COLLABORATING WITH SHINING PATH AT RISK OF DEATH. IN EARLY AUGUST, THE SAME JUDGE, MARCOS IBÁÑETA MARINO, ORDERED CHARGES AND PROCEEDINGS DROPPED AGAINST EIGHTY-FOUR PEASANTS FROM PACCUCHA, APURIMAC DEPARTMENT, WHO HAD BEEN ACCUSED IN SIMILAR CIRCUMSTANCES. HUNDREDS OF SIMILAR CASES REMAINED UNRESOLVED.

TORTURE OF SUSPECTS IN POLICE CUSTODY CONTINUED TO BE WIDESPREAD. FOR INSTANCE, ON DECEMBER 18, 1998, MARINE OFFICERS AT THE NAVAL BASE IN AGUAYTIA, UCAYALI DEPARTMENT, BEAT TRADESMAN RAÚL TEOBALDO ANDAHUA WHILE HE WAS UNDER QUESTIONING FOR A TERRORIST OFFENSE, TORTURED HIM BY INSERTING A STICK INTO HIS ANUS, AND LEFT HIM UNCONSCIOUS. ON THE FOLLOWING DAY HE WAS ALLEGEDLY GIVEN ELECTRIC SHOCKS AND FORCED TO SIGN A SELF-INCRIMINATING STATEMENT. THE MARINES HANDED HIM OVER TO THE ANTI-TERRORISM POLICE WHO SET HIM FREE AFTER HE WAS ABLE TO ESTABLISH HIS INNOCENCE. HOWEVER, A LOCAL PROSECUTOR INVESTIGATING ANDAHUA'S COMPLAINT ABOUT HIS ORDEAL WAS REPORTED TO HAVE CLASSIFIED THE CASE AS ONE OF MINOR INJURY, DESPITE A LAW INTRODUCED IN MARCH 1998 THAT TYPIFIES TORTURE AS A CRIME AND PRESCRIBES A MAXIMUM SENTENCE OF TWENTY YEARS OF IMPRISONMENT. MANY TORTURE VICTIMS WERE ORDINARY CRIMINAL SUSPECTS HELD FOR QUESTIONING IN POLICE LOCKUPS, AND THERE WERE ALSO REPORTS OF BEATINGS BY PRISON GUARDS. ON JANUARY 18, A GUARD BEAT PABLO PASCUA ESPINOZA LOME TO DEATH IN THE YANAMILLA PRISON IN AYACUCHO AFTER HE WAS FOUND DRINKING *chicha*, A LOCAL ALCOHOLIC BREW. HE WAS FOUND TO HAVE A RUPTURED SPLEEN AND TO HAVE SUFFERED INTERNAL HEMORRHAGING. THE CASE WAS ONE OF SEVERAL BEING INVESTIGATED BY CRIMINAL COURTS UNDER THE NEW ANTI-TORTURE LAW.

HUMAN RIGHTS GROUPS DOCUMENTED SEVERAL CASES OF BRUTAL ILL-TREATMENT OF MILITARY CONSCRIPTS. EIGHTEEN-YEAR-OLD JAIME PALACIO SÁNCHEZ, WHO ENLISTED IN APRIL AT THE HUARAZ MILITARY BASE RECRUITING OFFICE, WAS TRANSFERRED TO FORT COLOMA IN TUMBES, ON PERU'S NORTHERN BORDER WITH ECUADOR. TEN DAYS LATER HE WAS TAKEN TO THE EMERGENCY ROOM IN A TUMBES HOSPITAL SUFFERING FROM WHAT AUTHORITIES SAID WAS TUBERCULOSIS, ALTHOUGH HIS INDUCTION MEDICAL CHECK HAD REPORTED HIM TO BE FIT. HE DIED ON THE FOLLOWING DAY, APPARENTLY FROM TORTURE. IT TRANSPIRED THAT SIX DAYS AFTER HIS ENLISTMENT PALACIO AND ELVIS LYPEZ TÚYA, A FRIEND, HAD FLED THE BASE TO ESCAPE THE ILL-TREATMENT BOTH HAD SUFFERED. THEY WERE QUICKLY INTERCEPTED AND TAKEN BACK TO THE BASE. ACCORDING TO LYPEZ'S AFFIDAVIT, THEY WERE HELD COMPLETELY NAKED FOR TWO DAYS WITHOUT FOOD, AND LATER TAKEN TO THE STORE WHERE A GROUP OF SOLDIERS SAVAGELY BEAT THEM. AN AUTOPSY GAVE THE CAUSE OF PALACIOS' DEATH AS CEREBRAL AND PULMONARY EDEMA, AND NOTED THAT HIS HEAD AND BODY WERE SEVERELY BRUISED. NINE SOLDIERS AND RECRUITS DIED BETWEEN JANUARY AND APRIL IN MILITARY BASES IN CIRCUMSTANCES THAT HAD NOT BEEN SATISFACTORILY CLARIFIED.

A COVERT CAMPAIGN TO INTIMIDATE OPPOSITION JOURNALISTS, BELIEVED BY HUMAN RIGHTS GROUPS AND THE JOURNALISTS THEMSELVES TO HAVE BEEN CONCEIVED AND IMPLEMENTED BY THE NATIONAL INTELLIGENCE SERVICE ON THE ORDERS OF VLADIMIR MONTESINOS, BROUGHT WORLDWIDE ATTENTION TO THE ISSUE OF PRESS FREEDOM IN PERU. DURING THE OPENING MONTHS OF 1999 BOTH THE INTER-AMERICAN PRESS SOCIETY (SOCIEDAD INTERAMERICANA DE PRENSA, SIP) AND THE SPECIAL RAPPORTEUR ON FREEDOM OF EXPRESSION OF THE ORGANIZATION OF AMERICAN STATES, SANTIAGO CANTYIN, VISITED PERU. BOTH ORGANIZATIONS LATER ISSUED REPORTS CONDEMNING THE HARASSMENT AND INTIMIDATION OF JOURNALISTS. THE SPECIAL RAPPORTEUR HAD ACCESS TO COPIES OF SECRET INTELLIGENCE DOCUMENTS PROVING ESPIONAGE AND HARASSMENT OF A LARGE GROUP OF INFLUENTIAL JOURNALISTS.

THE CASE OF ISRAELI-BORN MAGNATE BARUCH IVCHER, FORMER OWNER OF FRECUENCIA LATINA-CHANNEL 2 TELEVISION, WHO IN 1997 WAS STRIPPED OF HIS PERUVIAN CITIZENSHIP AND OF HIS SHARES IN THE COMPANY IN REPRISAL FOR BROADCASTING INFORMATION ON HUMAN RIGHTS VIOLATIONS AND CORRUPTION IMPLICATING MONTESINOS AND THE SIN, HAD PARTICULAR RESONANCE IN THE UNITED STATES. AT THE END OF APRIL, IVCHER REVEALED TO THE PERUVIAN PRESS THE CONTENTS OF SECRET INTELLIGENCE DOCUMENTS DATING FROM 1996 AND 1997 AND DESCRIBING PLANS TO SPY ON AND INFILTRATE FOUR TELEVISION STATIONS, AS WELL AS TO CARRY OUT SURVEILLANCE ON ALEJANDRO MIRY QUESADA, DIRECTOR OF THE DAILY EL COMERCIO, AND GUSTAVO MOHME, DIRECTOR OF THE DAILY LA REPUBLICA, AMONG OTHER JOURNALISTS. PRESIDENT FUJIMORI CATEGORICALLY DENIED THE ALLEGATIONS. ON JUNE 19, A TAX COURT FOUND JULIO SOTELO CASANOVA, FORMER GENERAL MANAGER OF CHANNEL 2, GUILTY OF FRAUD AND ILLEGALLY ALTERING COMPANY DOCUMENTS TO TRANSFER SHARES IN THE COMPANY TO IVCHER'S DAUGHTERS. THE CHARGES, APPARENTLY WITHOUT ANY MERIT, APPEARED TO BE MOTIVATED ENTIRELY BY SOTELO'S FORMER ROLE AS IVCHER'S ASSOCIATE IN THE COMPANY. SOTELO, WHO WAS SAID TO BE IN POOR HEALTH, WAS SERVING HIS SENTENCE IN SAN JORGE PRISON.

WELL-KNOWN JOURNALISTS CRITICAL OF THE FUJIMORI GOVERNMENT WERE STILL THE SUBJECT OF HOSTILE COVERAGE IN PRO-GOVERNMENT MEDIA OUTLETS THEY BELIEVED TO BE COVERTLY RUN BY THE SIN. A MIAMI-BASED INTERNET SITE DIRECTED BY HÉCTOR RICARDO FAISAL FRACALOSSI, AN ARGENTINEAN ASTROLOGER WHO WAS REPORTED TO HAVE SERVED FORMERLY IN THE ARGENTINEAN ARMY, FEATURED LIBELOUS PROFILES BELIEVED BY HIS TARGETS TO BE SOURCED FROM INTELLIGENCE REPORTS. THE ORGANIZATION RESPONSIBLE FOR THE SITE, THE ASSOCIATION FOR THE DEFENSE OF THE TRUTH (ASOCIACIYN PRO-DEFENSA DE LA VERDAD, APRODEV), MIMICKED THE ACRONYM OF THE NONGOVERNMENTAL HUMAN RIGHTS ORGANIZATION ASSOCIATION FOR THE DEFENSE OF HUMAN RIGHTS (ASOCIACIYN PRO-DEFENSA DE LOS DERECHOS HUMANOS, APRODEH). MUCH OF THE HOSTILE MATERIAL PUBLISHED BY FAISAL WAS SIMILAR TO THAT PUBLISHED IN LIMA IN 1998 BY SENSATIONALIST TABLOIDS THAT WERE DEDICATED TO THE CHARACTER ASSASSINATION OF LEADING OPPOSITION JOURNALISTS. PRESS INVESTIGATIONS DURING 1999 REVEALED SEVERAL PIECES OF EVIDENCE LINKING THE TABLOIDS TO THE GOVERNMENT. THE FATE OF LIBEL COMPLAINTS LODGED BY SEVEN JOURNALISTS AGAINST FAISAL ALSO SUGGESTED GOVERNMENT INVOLVEMENT. DURING THE SECOND WEEK OF MAY, JUDGES ELBA GRETA MINAYA AND ANTONIA SAQUICURAY, INVESTIGATING THE COMPLAINTS, CHARGED FAISAL WITH DEFAMATION AND ORDERED HIM TO CEASE PUBLISHING THE OFFENDING MATERIAL. ON THE DAY AFTER THE RULING, THE LIMA SUPERIOR COURT SUDDENLY TRANSFERRED THE TWO JUDGES TO OTHER POSITIONS, AND THE CASE WAS ASSUMED BY ANOTHER JUDGE, WHO PROMPTLY LIFTED THE BAN. ON AUGUST 3, THE JUDGE DISMISSED THE CASE AGAINST FAISAL ON THE GROUNDS THAT THE MATERIAL POSTED ON THE SITE WAS A REPRODUCTION OF ARTICLES EARLIER PUBLISHED IN THE LIMA TABLOIDS. PRESS INVESTIGATIONS SHOWED THAT THE JUDGE WHO ISSUED THE RULING WAS AN INTERIM APPOINTEE WITHOUT TENURE, WHO HAD BEEN SANCTIONED REPEATEDLY IN THE PAST FOR IMPROPER CONDUCT, AND THAT FAISAL WAS A FUGITIVE FROM JUSTICE IN HIS OWN COUNTRY.

ON MAY 31, A NEW BROADSHEET APPEARED IN LIMA CALLING ITSELF *LA REPUBLICA*, WHICH WAS STRIKINGLY SIMILAR TO *LA REPUBLICA* IN APPEARANCE. IT CONTAINED DEATH THREATS AGAINST MOHME AND WELL-KNOWN *LA REPUBLICA* REPORTER EDMUNDO CRUZ,

USING DERISIVE LANGUAGE SIMILAR TO NOTES DELIVERED ANONYMOUSLY TO GOVERNMENT OPPONENTS AND HUMAN RIGHTS DEFENDERS IN EARLIER YEARS.

PRESS FREEDOMS WERE EVEN MORE PRECARIOUS IN PROVINCIAL TOWNS, WHERE JOURNALISTS, PARTICULARLY RADIO BROADCASTERS, FACED PHYSICAL REPRISALS FOR THEIR WORK. SEVEN JOURNALISTS WORKING FOR RADIO MARACYN, A LOCAL STATION RUN BY THE CATHOLIC CHURCH'S VICARIATE OF SOLIDARITY IN JAEN AND WHICH BROADCAST ON HUMAN RIGHTS THEMES, RECEIVED DEATH THREATS IN MARCH. A COLLEAGUE, JOSÉ LUIS LINARES ALTAMIRANO, NARROWLY ESCAPED WITH HIS LIFE ON MARCH 19, WHEN TWO HOODED GUNMEN FORCED THEIR WAY INTO HIS HOME AND SHOT HIM IN THE STOMACH. TWO MONTHS BEFORE, LINARES HAD RECEIVED THREATS BY TELEPHONE WARNING HIM TO STOP HIS HUMAN RIGHTS REPORTS. OTHER RADIO AND TELEVISION JOURNALISTS WHO RECEIVED THREATS INCLUDE NINE WORKING FOR DIFFERENT MEDIA IN HUARAZ, WHO WERE PUBLICLY ATTACKED BY THE MAYOR, WALDO RHOS SALCEDO, AS "ENEMIES OF THE PEOPLE," AND GIVEN AN ULTIMATUM TO STOP THEIR CRITICAL COMMENT.

MILITARY OFFICIALS IN PAST YEARS WHO HAD BEEN ACCUSED OF GROSS HUMAN RIGHTS VIOLATIONS CONTINUED TO ENJOY IMPUNITY. IN MAY, IDL REVEALED IN ITS MONTHLY MAGAZINE *IDELE* THAT MAJ. RICARDO HURTADO HURTADO, WHO WAS SENTENCED BY A MILITARY COURT FOR THE MASSACRE OF SIXTY-NINE PEASANTS, INCLUDING TWENTY-THREE CHILDREN, IN ACCOMARCA IN 1995, WAS STILL ON DUTY IN THE SIXTH MILITARY REGION IN BAGUA. AFTER INITIAL MILITARY DENIALS, PRESIDENT FUJIMORI CONFIRMED THAT IDL WAS CORRECT AND GAVE ASSURANCES THAT HURTADO WOULD BE REMOVED FROM ACTIVE DUTY. IN MAY, THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS AGREED TO INVESTIGATE THE LA CANTUTA CASE, A NOTORIOUS CRIME OF MURDER AND "DISAPPEARANCE" IN 1992 COMMITTED BY MEMBERS OF THE COLINA GROUP, AN ARMY DEATH SQUAD. INFORMATION ON THE CASE TO BE CONSIDERED BY THE COMMISSION INCLUDED EVIDENCE FROM WELL-PLACED MILITARY SOURCES THAT MONTESINOS AND FORMER ARMY COMMANDER-IN-CHIEF NICOLÁS HERMOZA RHOS, TWO MEMBERS OF THE "TRIVIRATE" THAT RULED PERU AFTER FUJIMORI'S 1992 COUP, PLANNED THE CRIME. MEMBERS OF THE DEATH SQUAD CONVICTED OF THE CRIME WERE RELEASED UNDER A COMPREHENSIVE GOVERNMENT AMNESTY IN 1995.

DURING 1999, THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS FORWARDED TO THE INTER-AMERICAN COURT OF HUMAN RIGHTS THE INCHER CASE AND A CASE CHALLENGING THE 1997 DISMISSAL OF THE CONSTITUTIONAL COURT JUDGES, ON WHICH NEGOTIATIONS FOR A FRIENDLY SETTLEMENT HAD BROKEN DOWN. BOTH WERE VERY SENSITIVE CASES FOR THE GOVERNMENT. ON JUNE 3, THE COURT RULED THAT THE PERUVIAN GOVERNMENT HAD TO ORDER A RETRIAL OF FOUR CHILEANS SENTENCED TO LIFE IMPRISONMENT FOR TREASON BY A FACELESS MILITARY COURT IN 1994, ON GROUNDS THAT THEY HAD BEEN DENIED DUE PROCESS AND THE RIGHT TO A DEFENSE. FUJIMORI ANNOUNCED THAT HIS GOVERNMENT HAD NO INTENTION OF CARRYING OUT THE COURT'S SENTENCE. THE SUPREME COUNCIL OF MILITARY JUSTICE ANNOUNCED THAT IT WOULD BE UNABLE TO IMPLEMENT THE INTER-AMERICAN COURT'S ORDER. IN A FURTHER STEP TAKEN AGAINST THE COURT, ON JULY 7 CONGRESS VOTED TO REMOVE PERU FROM THE COURT'S JURISDICTION. THE DECISION DEPRIVED PERUVIANS WHOSE RIGHTS HAVE BEEN VIOLATED OF THE POSSIBILITY OF REDRESS BY THE COURT. THE INTER-AMERICAN COURT HAD, IN FACT, INCREASINGLY BECOME A LAST BASTION OF DEFENSE FOR VICTIMS OF HUMAN RIGHTS VIOLATIONS IN PERU, GIVEN PERSISTENT GOVERNMENT INTERFERENCE IN THE PERUVIAN JUDICIARY AND AMNESTY LAWS THAT PREVENTED ACCOUNTABILITY FOR PAST HUMAN RIGHTS VIOLATIONS. THE ARGUMENT ADVANCED BY FUJIMORI FOR PERU'S WITHDRAWAL, THAT IMPLEMENTATION OF THE COURT RULING WOULD LEAD TO THE RELEASE OF THOUSANDS OF SENTENCED TERRORISTS, HAD NO BASIS IN FACT AND SERIOUSLY MISLED THE PERUVIAN PUBLIC. IN SEPTEMBER, THE COURT REJECTED PERU'S ATTEMPT TO REVOKE ITS RECOGNITION OF JURISDICTION, FINDING, "THERE IS NO NORM IN THE AMERICAN CONVENTION [ON HUMAN RIGHTS] THAT EMPOWERS STATES PARTIES TO WITHDRAW THEIR DECLARATION OF ACCEPTANCE OF THE COMPULSORY JURISDICTION OF THE COURT."

Defending Human Rights

THE PEOPLE'S DEFENDER, JORGE SANTISTEVAN, PLAYED A PIVOTAL ROLE IN THE DEFENSE OF HUMAN RIGHTS STANDARDS, GIVING THE INSTITUTION HE HEADED UNDISPUTED AUTHORITY AND CREDIBILITY. IT REMAINED THE ONLY PUBLIC INSTITUTION NOTICEABLY FREE OF GOVERNMENT INTERVENTION. NONGOVERNMENTAL HUMAN RIGHTS ORGANIZATIONS CONTINUED TO CAMPAIGN VIGOROUSLY, THEIR INTERNATIONAL CREDIBILITY SHIELDING THEM FOR THE MOST PART FROM ATTACK BY THE GOVERNMENT. HOWEVER, THEY WERE NOT FREE FROM INTIMIDATION, WHICH WAS OCCASIONALLY VIOLENT.

SINCE 1999 LOLA FLORES HAD RECEIVED ANONYMOUS THREATS FOR HER WORK AS A MEMBER OF THE HUMAN RIGHTS COMMITTEE OF MOYOBAMBA, DEPARTMENT OF SAN MARTÍN. ON MARCH 13, AS HER HUSBAND, ESTEBAN RHOS SERBÁN, WAS RETURNING HOME BY BICYCLE, HE WAS MET BY TWO MEN DRESSED IN BLACK AND WEARING SKI MASKS WHO DEMANDED TO KNOW IF HIS WIFE WAS INVOLVED WITH THE HUMAN RIGHTS COMMITTEE. THEY STRUCK HIM ON THE HEAD WITH A STICK, AND WHEN HE TRIED TO DEFEND HIMSELF THEY SHOT AT HIM TWICE. ONE BULLET GRAZED HIS BACK AND THE OTHER HIT HIM IN THE SHOULDER. HE MANAGED TO ESCAPE, AND WAS EVENTUALLY EVACUATED TO HOSPITAL IN LIMA.

On June 3, municipal police discovered a box simulating a bomb under a tree opposite the Lima office of the Human Rights Commission (Comisión de Derechos Humanos, COMISEDH). The box contained three batteries connected by wires to a telephone. This organization also had an office in Ayacucho that had assumed the defense of victims of police torture. The hoax bomb had been planted on the day that trial proceedings against three policemen had been due to start.

The Role of the International Community

United Nations

In March the U.N. Committee on the Elimination of Racial Discrimination adopted its Concluding Observations on the reports submitted by Peru under the International Convention on the Elimination of All Forms of Racial Discrimination. Among its recommendations, the committee called on Peru to take measures to ensure Peru's disadvantaged groups enjoyment of all the rights protected by the convention, equality before the courts, and in the exercise of political rights.

Organization of American States

OAS Secretary-General César Gaviria failed to take a firm position in defense of the authority of the Inter-American Court or on Peru's obligation to respect its obligations under the American Convention on Human Rights. In a statement issued on July 17, while reaffirming the importance of compliance with the rulings of the court, Gaviria had only praise for the no-concessions policy against terrorism pursued by the Fujimori government. He considered it to have been "undoubtedly an effective policy which contributed in an important fashion to strengthening the rule of law in Peru," despite the conclusions both of the court and the commission that the policy violated fundamental human rights.

In September, referring to what he called a "step backward," Secretary-General Gaviria criticized the Peruvian government for withdrawing from the jurisdiction of the Inter-American Court of Human Rights; he called Peru's failure to implement the court's sentences an even more urgent problem to overcome.

European Union

In a statement released on July 16, the European Union "deeply regretted" Peru's withdrawal from the Inter-American Court of Human Rights, describing it as a "step backwards" in the country's progress on human rights, and pointing out that it would inevitably affect the confidence of investors in Europe, Peru's largest trade partner.

In June, at the meeting between the heads of state of the Andean Community of Nations and the E.U. held in Brazil, Peru welcomed the progress made in the political dialogue between the two regions based on the common purpose of strengthening peace, democracy, and respect for human rights.

United States

Concern in the U.S. Congress about the persistent erosion of the rule of law and violations of press freedom in Peru mounted in 1999, adding a new lever of pressure to that exerted by the State Department and Amb. Dennis Jett in Lima. On July 1, the House of Representatives Foreign Relations Committee approved a motion to the effect that "the erosion of the independence of judiciary and electoral branches of the Government of Peru, the interference with freedom of the press, and the blatant intimidation of journalists in Peru constitute a threat to democracy in that country and are matters of concern for the United States." On the same day, the Senate Appropriations Committee passed a foreign aid bill for the fiscal year 2000 whose section on Peru read:

The Committee has repeatedly expressed concern about U.S. support for the Peruvian National Intelligence Service (SIN). The Committee continues to receive reports that investigations of allegations of corruption by SIN officials are routinely blocked, that the SIN has withheld information from U.S. officials, and that the SIN continues to harass and intimidate journalists and opponents of the ruling party. The Committee requests to be consulted prior to any decision to provide assistance to the SIN.

ALTHOUGH U.S. ASSISTANCE TO THE SIN HAD BEEN SUSPECTED FOR YEARS, ADMINISTRATION OFFICIALS HAD ALWAYS REFUSED TO CONFIRM OR DENY THE REPORTS. THE REVELATION WAS A SHOCKING ADMISSION THAT, IN THE INTERESTS OF THE "WAR ON DRUGS," THE CLINTON ADMINISTRATION HAD BEEN COOPERATING WITH, AND SECRETLY FUNDING, AN ORGANIZATION WHOSE INVOLVEMENT IN GRAVE HUMAN RIGHTS ABUSES HAD BEEN RECOGNIZED IN SUCCESSIVE STATE DEPARTMENT REPORTS. THE U.S. EMBASSY IN LIMA INSISTED THAT ASSISTANCE WAS LIMITED TO THE PROVISION OF COMPUTER EQUIPMENT AND TRAINING FOR A DRUGS INTELLIGENCE UNIT, AMOUNTING TO U.S. \$34,000 IN 1996, \$150,000 IN 1997, AND \$25,000 IN 1998. AMBASSADOR JETT DENIED THAT THE UNIT HAD BEEN ENGAGED IN OPERATIONS OR HAD ANY CONNECTION WITH HUMAN RIGHTS VIOLATIONS. HE SAID THAT NO MORE FUNDS WOULD BE PROVIDED TO THE SIN IN THE CURRENT FINANCIAL YEAR, OR IN THE FUTURE. THE HOUSE OF REPRESENTATIVES APPROPRIATIONS COMMITTEE, DEBATING THE FOREIGN AID BILL IN JULY, SAID THAT THE SIN WAS NOT A RELIABLE PARTNER IN THE DRUG WAR AS IT WAS NEITHER TRANSPARENT NOR ACCOUNTABLE TO CIVILIAN AUTHORITIES, AND WAS "INVOLVED IN ACTIVITIES INCONSISTENT WITH HUMAN RIGHTS, THE RULE OF LAW AND THE DEVELOPMENT OF DEMOCRACY."

WHILE A FIRM DEFENDER OF PERUVIAN ANTI-NARCOTICS EFFORTS, U.S. AMB. DENNIS JETT HAD CONSISTENTLY SPOKEN UP FOR HUMAN RIGHTS DURING HIS TOUR OF DUTY, WHICH ENDED IN 1999.

World Bank

IN APRIL, THE WORLD BANK DONATED \$500,000 TO THE OFFICE OF THE PEOPLE'S DEFENDER TO SUPPORT ITS ACTIVITIES IN DEFENSE OF HUMAN RIGHTS IN PERU.

VENEZUELA

Human Rights Developments

THE DRAMATIC POLITICAL UPHEAVALS IN VENEZUELA FOLLOWING THE ELECTION ON DECEMBER 6, 1999, OF FORMER ARMY LT. COL. HUGO CHÁVEZ FRIAS CREATED UNCERTAIN PROSPECTS FOR HUMAN RIGHTS. BACKED BY A LOOSE-KNIT COALITION, THE PATRIOTIC FRONT (POLO PATRIÓTICO, PP), CHÁVEZ WAS SWORN IN ON FEBRUARY 2, JUST TWO DAYS BEFORE THE ANNIVERSARY OF A FAILED MILITARY COUP HE LED IN 1992 AGAINST THE GOVERNMENT OF CARLOS ANDRÉS PÉREZ. CHÁVEZ'S COMEBACK, WITH 57 PERCENT OF THE VOTE, WAS ATTRIBUTED TO WIDESPREAD DISILLUSIONMENT AND ANGER AT POLITICIANS OF THE TWO TRADITIONAL PARTIES, DEMOCRATIC ACTION (Acciyn Democrática, AD) AND THE CHRISTIAN DEMOCRATIC INDEPENDENT COMMITTEE FOR POLITICAL ELECTORAL ORGANIZATION (Comitñ de Organizaciyn Polhtica Electoral Independiente, COPEI). VENEZUELA'S POLITICAL SYSTEM HAD BEEN DESCRIBED AS A "PARTIDOCRACY," DUE TO THE PREEMINENCE OF THESE TWO PARTY MACHINES, WHICH HAD POORLY ADMINISTERED THE COUNTRY'S RESOURCES. CHÁVEZ PROMISED TO GIVE VENEZUELA A NEW CONSTITUTION (ITS TWENTY-SIXTH), ELIMINATE CORRUPTION, PATRONAGE, AND NEPOTISM, AND CARRY OUT EXTENSIVE ECONOMIC AND SOCIAL REFORMS. HOWEVER, HIS MESSIANIC ASPIRATIONS WERE TEMPERED BY A PRAGMATIC AWARENESS OF POLITICAL REALITIES.

IN A PLEBISCITE HELD ON APRIL 25, AN OVERWHELMING 95 PERCENT OF THE ELECTORATE GAVE CHÁVEZ A MANDATE TO HOLD ELECTIONS FOR A CONSTITUENT ASSEMBLY TO WRITE A NEW CONSTITUTION. CHÁVEZ SUPPORTERS WON 121 OF THE ASSEMBLY'S 131 SEATS IN ELECTIONS HELD ON JULY 25. THE TRADITIONAL PARTIES OPPOSING CHÁVEZ HELD ONLY FIVE SEATS. THE ASSEMBLY, WHICH WAS GIVEN SIX MONTHS TO DRAFT THE CONSTITUTION, HAD POWERS FAR BEYOND THOSE OF A TRADITIONAL CONSTITUTION-DRAFTING BODY. ON AUGUST 12, IT DECLARED THE POLITICAL SYSTEM TO BE "IN EMERGENCY" AND GAVE ITSELF POWERS TO RESTRUCTURE AND, IF NECESSARY, DISSOLVE THE OTHER BRANCHES OF GOVERNMENT. THIS ACTION RAISED FEARS BOTH IN VENEZUELA AND ABROAD THAT CHÁVEZ MIGHT USE HIS STRONG POPULAR SUPPORT AND THE DISCREDIT OF VENEZUELA'S INSTITUTIONS TO ESTABLISH AN AUTHORITARIAN GOVERNMENT. ON AUGUST 24, CHIEF JUSTICE CECILIA SOSA RESIGNED IN PROTEST AT THE DESIGNATION BY THE ASSEMBLY OF A EMERGENCY JUDICIAL COMMISSION (Comisiyn de Emergencia Judicial) EMPOWERED TO FIRE JUDGES AND EVEN SUPREME COURT JUSTICES. HER COLLEAGUES ON THE SUPREME COURT HAD RULED BY A NARROW MAJORITY THAT THE ASSEMBLY DID HAVE AUTHORITY TO RESTRUCTURE THE JUDICIARY. ON THE FOLLOWING DAY, THE ASSEMBLY ISSUED A DECREE DECLARING A "LEGISLATIVE EMERGENCY," PROHIBITING CONGRESS FROM MAKING LAWS AND PREVENTING LEGISLATORS FROM MEETING TO DEBATE THE POLITICAL SITUATION. VIOLENT CLASHES OCCURRED OUTSIDE THE CONGRESS ON AUGUST 27, WHEN THE TRADITIONAL POLITICAL PARTIES, WHO HAD A MAJORITY IN THE LEGISLATURE, ATTEMPTED TO SESSION IN DEFIANCE OF THE BAN.

ON AUGUST 30, AFTER CONGRESSIONAL LEADERS THREATENED TO CUT OFF FUNDS TO THE GOVERNMENT, THE ASSEMBLY EXTENDED THE BAN TO INCLUDE CONGRESS'S BUDGETARY FUNCTIONS, STRIPPING IT OF ITS REMAINING POWERS.

TWO WEEKS OF GRAVE CONSTITUTIONAL CRISIS ENDED WHEN PRESIDENT CHÁVEZ PULLED BACK FROM THE BRINK, HAVING STEPPED DANGEROUSLY CLOSE TO TOTAL ABRIGATION OF THE RULE OF LAW. HE CONCLUDED A NON-AGGRESSION PACT WITH OPPOSITION LEADERS, BROKERED BY THE CATHOLIC CHURCH, WHICH ALLOWED CONGRESS TO RECONVENE AND THE JUDICIARY TO CONTINUE FUNCTIONING. WHILE THE EMERGENCY JUDICIAL COMMISSION CONTINUED TO REVIEW AND DISMISS JUDGES, ITS PRESIDENT INSISTED THAT THE DECISIONS WERE NOT TAKEN UNILATERALLY BUT ON RECOMMENDATION BY THE JUDICIARY COUNCIL, A PREEXISTING CONSTITUTIONAL BODY. ALSO, IN MID-SEPTEMBER THE ASSEMBLY WAS REPORTED TO HAVE ABANDONED ITS IDEA OF DECLARING A FOURTH EMERGENCY, WHICH WOULD HAVE AFFECTED THE EXECUTIVE BRANCH AND GIVEN IT THE POWER TO DISMISS THE COUNTRY'S TWENTY-THREE ELECTED GOVERNORS AND MORE THAN 300 ELECTED MAYORS. NEVERTHELESS, IN THE SPACE OF SIX MONTHS, CHÁVEZ HAD ACCRUED MORE POWER THAN ANY RULER IN VENEZUELA SINCE THE DICTATORSHIP OF MARCOS PÉREZ JIMÉNEZ IN THE 1950S.

THE CONSTITUTIONAL TEXT PRESENTED TO THE ASSEMBLY BY CHÁVEZ INCORPORATED SEVERAL PROPOSALS ON CIVIL AND POLITICAL RIGHTS SUBMITTED BY THE "FORUM FOR LIFE," A COALITION OF NONGOVERNMENTAL HUMAN RIGHTS GROUPS. FOR EXAMPLE, THE DRAFT INCLUDED THE PROHIBITION OF THE DEATH PENALTY, AN ARTICLE DEDICATED SPECIFICALLY TO "DISAPPEARANCES," AND PROVISIONS STRENGTHENING THE RIGHTS OF DETAINEES. THESE INCLUDED AN ARTICLE ALLOWING POLICE TO HOLD SUSPECTS FOR A MAXIMUM OF EIGHT HOURS BEFORE BRINGING THEM BEFORE A JUDGE AND PROVIDING VICTIMS OF ILL-TREATMENT OR TORTURE A RIGHT TO REHABILITATION. THE DRAFT CONSTITUTION CREATED A FOURTH BRANCH OF GOVERNMENT, TERMED THE MORAL BRANCH, MAKING THE FIGHT AGAINST CORRUPTION AND ABUSE OF POWER BY STATE AUTHORITIES THE JOB OF A GROUP OF INSTITUTIONS INCLUDING THE COMPTROLLER GENERAL OF THE REPUBLIC, THE ATTORNEY GENERAL'S OFFICE, AND A DEFENDER OF THE PEOPLE, OR OMBUDSMAN, AN INSTITUTION YET TO BE CREATED. THE DRAFTING DEBATES TOOK PLACE IN TWENTY-ONE SPECIALIZED COMMITTEES, AND A "COMMISSION FOR CITIZENS' PARTICIPATION" WAS SET UP TO RECEIVE IDEAS FROM THE GENERAL PUBLIC. THE ASSEMBLY WAS INITIALLY GIVEN SIX MONTHS TO PRODUCE THE FINAL TEXT, BUT IN MID-SEPTEMBER CHÁVEZ ANNOUNCED THAT HE EXPECTED IT TO COMPLETE ITS WORK SEVERAL MONTHS EARLY, TO ENABLE A REFERENDUM TO BE HELD IN NOVEMBER.

WHILE THE CHÁVEZ GOVERNMENT AND CONSTITUENT ASSEMBLY FOCUSED ATTENTION ON THE LEGAL AND INSTITUTIONAL FRAMEWORK OF GOVERNMENT, VENEZUELA'S SERIOUS HUMAN RIGHTS PROBLEMS CONTINUED TO DEMAND IMMEDIATE ATTENTION. AN APPALLING RECORD OF INMATE VIOLENCE, INADEQUATE FOOD AND MEDICAL ATTENTION, OVERCROWDING, ADMINISTRATIVE CHAOS, AND LONG DELAYS IN THE ADMINISTRATION OF JUSTICE CONTINUED TO MAKE PRISON REFORM A HUMAN RIGHTS PRIORITY. ACCORDING TO PRISON OFFICIAL GLORIA PINHO, IN APRIL, PRISONS WERE 73 PERCENT ABOVE THEIR MAXIMUM CAPACITY, COMPARED TO 53 PERCENT IN JULY 1998. IN CARACAS ALONE 700 PRISONERS AWAITING TRIAL WERE BEING HELD IN POLICE LOCKUPS. DURING THE PERIOD FROM JANUARY TO APRIL, SEVENTY-EIGHT PRISONERS DIED IN FIGHTS, FIFTY-NINE OF THEM FROM GUNSHOT WOUNDS, ACCORDING TO INFORMATION PUBLISHED BY THE NONGOVERNMENTAL HUMAN RIGHTS GROUP VENEZUELAN PROGRAM OF EDUCATION AND ACTION IN HUMAN RIGHTS (PROGRAMA VENEZOLANO DE EDUCACIYN-ACCIYN EN DERECHOS HUMANOS, PROVEA). TEN PRISONERS DIED IN EL DORADO PRISON, LOCATED IN A REMOTE JUNGLE REGION NEAR VENEZUELA'S BORDER WITH GUYANA, IN A VIOLENT PRISON RIOT IN DECEMBER 1998. ON APRIL 17, 135 PRISONERS WERE REPORTED TO HAVE LACERATED THEMSELVES WITH KNIVES IN A SO-CALLED BLOOD STRIKE TO PROTEST THEIR TRANSFER TO EL DORADO FROM OTHER PRISONS. ACCORDING TO PRESS REPORTS, NINETY-SIX PROTESTERS HAD TO BE TREATED FOR THEIR WOUNDS IN THE CAMP INFIRMARY BY A PARAMEDIC WHO QUICKLY RAN OUT OF MEDICINE AND BANDAGES AND HAD TO BUY MORE OUT OF HIS OWN POCKET.

PRESIDENT CHÁVEZ AND LUIS MIQUILINA, WHO AT THE TIME WAS MINISTER OF THE INTERIOR, MADE ENCOURAGING PROMISES NOT TO TOLERATE ABUSES BY VENEZUELAN POLICE FORCES. NONETHELESS, EXTRAJUDICIAL EXECUTIONS AND TORTURE OF CRIMINAL SUSPECTS, WHICH REACHED A PEAK IN THE MID-1990S, CONTINUED TO BE REPORTED. PROVEA DOCUMENTED EIGHTEEN VIOLATIONS OF THE RIGHT TO LIFE BY POLICE (INCLUDING THE UNJUSTIFIED USE OF LETHAL FORCE) DURING THE FIRST THREE MONTHS OF THE CHÁVEZ ADMINISTRATION—A NUMBER COMPARABLE TO THE LAST THREE MONTHS OF 1998 UNDER THE GOVERNMENT OF PRESIDENT RAFAEL CALDERA, BUT REFLECTING A DROP OF 45 PERCENT FROM THE AVERAGE FROM 1993 TO SEPTEMBER 1998. ON JUNE 14, FOR INSTANCE, METROPOLITAN POLICE INTERCEPTED NINETEEN-YEAR-OLD JHON ALEJANDRO LINARES PENA AS HE WAS CROSSING A STREET IN CARACAS. ACCORDING TO WITNESSES INTERVIEWED BY THE SUPPORT NETWORK FOR JUSTICE AND PEACE (RED DE APOYO POR LA JUSTICIA Y LA PAZ), ONE OF THE POLICE UNHOLSTERED HIS WEAPON AND SHOT TWICE AT LINARES, WHO APPEARED TO BE UNARMED, AFTER HE TRIED TO ESCAPE, WITHOUT HITTING HIM. POLICE LOCATED LINARES IN A HOUSE IN WHICH HE HAD TAKEN REFUGE. A RESIDENT OF THE HOUSE HEARD LINARES'S PLEAS FOR HELP, AND A GUNSHOT. WITNESSES LATER SAW TWO POLICEMEN HOLDING LINARES AT GUNPOINT, WHILE HE WAS LYING WOUNDED ON THE GROUND IN THE STREET. HE WAS DEAD ON ARRIVAL AT CATIA HOSPITAL A HALF HOUR LATER, REPORTEDLY WITH SEVERAL GUNSHOT WOUNDS.

THERE WERE SIGNIFICANTLY FEWER REPORTED ARBITRARY ARRESTS, DUE TO A GOVERNMENT POLICY NOT TO AUTHORIZE PREVENTIVE RAIDS INTO CRIME-RIDDEN NEIGHBORHOODS, A SOURCE OF FREQUENT POLICE ABUSES AND SOCIAL TENSION IN EARLIER YEARS.

CONSTITUTIONAL GUARANTEES, INCLUDING THE INVIOABILITY OF THE HOME, THE RIGHT TO MOVEMENT AND PERSONAL LIBERTY, WERE RESTORED IN FEBRUARY IN SIXTEEN MUNICIPALITIES ON THE VENEZUELAN-COLOMBIA BORDER, WHICH HAD BEEN MILITARIZED SINCE 1994 TO COMBAT INCURSIONS OF COLOMBIAN GUERRILLAS, KIDNAPPINGS, AND OTHER CRIMES. THE LACK OF LEGAL PROTECTION SUFFERED FOR YEARS BY PEASANTS IN THIS REGION CONTRIBUTED TO FREQUENT ARBITRARY ARREST AND TORTURE BY MILITARY UNITS CONTROLLING THE BORDER AREAS.

IN JULY, A NEW CRIMINAL PROCEDURE CODE, DRAFTED UNDER THE CALDERA ADMINISTRATION, CAME INTO FORCE. THE NEW CODE SUBSTITUTED ORAL TRIALS FOR LABORIOUS AND LENGTHY WRITTEN PROCEDURES THAT HAD CONTRIBUTED TO INTERMINABLE TRIAL DELAYS; IT ALSO ABOLISHED THE SECRECY OF COURT PROCEEDINGS AND STRENGTHENED DUE PROCESS. THE ACCOUNTABILITY OF GOVERNMENT OFFICIALS WAS STRENGTHENED BY THE ABOLITION OF A LEGAL PROCEDURE KNOWN AS *NUDO HECHO*, A PRETRIAL ADMINISTRATIVE INVESTIGATION THAT HAD TO BE CARRIED OUT BEFORE A PUBLIC OFFICIAL COULD BE CHARGED WITH AN OFFENSE. IN PAST YEARS THESE INVESTIGATIONS DRAGGED ON FOR MONTHS, SOMETIMES YEARS, TO THE DETRIMENT OF JUSTICE AND EQUALITY BEFORE THE LAW.

Defending Human Rights

THE NATIONAL COMMISSION FOR HUMAN RIGHTS, ESTABLISHED BY PRESIDENT CALDERA TO PROVIDE A FORUM IN WHICH GOVERNMENT OFFICIALS COULD DISCUSS A NATIONAL AGENDA FOR HUMAN RIGHTS WITH REPRESENTATIVES OF NONGOVERNMENTAL HUMAN RIGHTS ORGANIZATIONS, DID NOT FUNCTION DURING PRESIDENT CHÁVEZ'S FIRST YEAR IN OFFICE. THE FORUM FOR LIFE, A CONSORTIUM OF NONGOVERNMENTAL HUMAN RIGHTS GROUPS, SUBMITTED DETAILED CONSTITUTIONAL PROPOSALS TO THE CONSTITUENT ASSEMBLY, INCLUDING LONG-OVERDUE REFORMS SUCH AS LIMITING THE JURISDICTION OF MILITARY COURTS AND DEFINING THE CONDITIONS AND PERMISSIBLE SCOPE OF STATES OF EMERGENCY. NOT ALL OF THESE PROPOSALS WERE REFLECTED IN THE OFFICIAL DRAFT BUT MANY WERE ADOPTED AS WRITTEN BY THE FORUM FOR LIFE. UNLIKE EARLIER YEARS, NO REPORTS WERE RECEIVED OF HARASSMENT, INTIMIDATION, OR THREATS AGAINST HUMAN RIGHTS DEFENDERS.

The Role of the International Community

European Union

THE EUROPEAN COMMISSION APPROVED A 5 MILLION EURO (U.S. \$5.35 MILLION) PROGRAM DESIGNED TO IMPROVE PRISON CONDITIONS IN VENEZUELA. AT THIS WRITING, THE PROGRAM, WHICH INCLUDED EDUCATION FOR PRISON STAFF, HAD NOT YET BEGUN.

United States

DESPITE ITS MISGIVINGS ABOUT CHÁVEZ'S LEFT-LEANING AND AUTHORITARIAN TEMPERAMENT (HE HAD BEEN DENIED A VISA TO ENTER THE U.S. IN 1999 ON GROUNDS THAT HE HAD ATTEMPTED THE OVERTHROW OF AN ELECTED CONSTITUTIONAL GOVERNMENT IN 1992), WASHINGTON CULTIVATED FRIENDLY RELATIONS WITH THE NEW PRESIDENT. U.S. CONCERNS CENTERED ON THE EFFECTS OF CHÁVEZ'S POLICIES ON VITAL U.S. INTERESTS SUCH AS OIL SUPPLIES, BUSINESS SECURITY, THE RULE OF LAW, THE ARMED CONFLICT IN NEIGHBORING COLOMBIA, AND DRUG-TRAFFICKING. PRESIDENT CLINTON RECEIVED CHÁVEZ IN JANUARY AND AGAIN IN SEPTEMBER. REFERRING LATER TO THEIR JANUARY 27 MEETING, CLINTON COMBINED ENCOURAGEMENT WITH PRAISE: "I WAS TREMENDOUSLY IMPRESSED BY HIS EVIDENT COMMITMENT TO THE USE OF DEMOCRATIC AND CONSTITUTIONAL METHODS TO ACHIEVE THE INSTITUTIONAL REFORMS THAT THE PEOPLE OF VENEZUELA CLEARLY WANT." NEITHER CHÁVEZ NOR CLINTON, HOWEVER, COMMENTED ON WHETHER THE TOPIC OF HUMAN RIGHTS HAD BEEN SPECIFICALLY BROACHED IN THEIR MEETINGS.

Organization of American States

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS, PART OF THE ORGANIZATION OF AMERICAN STATES, SENT CHÁVEZ A LETTER IN APRIL RECOGNIZING HIS "DECIDED WILL" TO SUPPORT THE INTER-AMERICAN SYSTEM OF HUMAN RIGHTS PROTECTION, AND EXPRESSING "SATISFACTION AT THE HIGH PRIORITY YOUR ILLUSTRIOUS GOVERNMENT GIVES TO THE DEFENSE OF FUNDAMENTAL LIBERTIES." IN JULY THE COMMISSION PASSED A CASE TO THE INTER-AMERICAN COURT OF HUMAN RIGHTS THAT INVOLVED THIRTY-FIVE OF THE 276 PERSONS REPORTEDLY KILLED BY VENEZUELAN SECURITY FORCES DURING A FEBRUARY 27, 1989 POPULAR REVOLT, KNOWN AS THE CARACÁZO.

