

Human Rights Developments

Contrasts marked the year in the Americas. The already dire situation in Colombia deteriorated further, and the deep political and institutional crisis in Peru continued to make broad respect for human rights but a distant goal. On the other hand, in Mexico, where presidential elections in July heralded the first change of party in the presidential mansion in more than seventy years, hopes grew that the new president would undertake much-needed human rights reforms. A coup in Ecuador and a failed coup attempt in Paraguay reminded the region of the fragility of democracy. Meanwhile, Chile moved forward in its attempt to prosecute former dictator Augusto Pinochet, and an Argentine judge requested his extradition to face criminal charges for the 1974 Buenos Aires car-bombing of former Chilean army commander-in-chief General Carlos Prats and his wife. Distress signals from Haiti included electoral fraud and unchecked street violence, while in Argentina, nine people, including two members of the former military junta, remained under house arrest, under investigation for their role in the kidnapping of babies during the former military regime.

Through the year's ups and downs, though, one thing remained constant: the everyday violation of human rights—including police abuse, torture, and lack of access to effective justice systems—required far greater attention from policy makers than they were willing to recognize or give.

Colombia constituted the region's most urgent human rights crisis. As fighting intensified in the thirty-year conflict, human rights abuses proliferated. The victims were largely civilians caught between the parties to the conflict, all of which—the military and the paramilitaries with whom they maintained close ties, and the opposition guerrillas—committed atrocities with impunity. Despite claims to the contrary by the Colombian government, there was irrefutable evidence that the country's armed forces continued to be implicated in human rights violations as well as in support for the paramilitary groups responsible for the majority of serious abuses. Troops attacked indiscriminately and killed civilians, among them six elementary school children on a field trip near Pueblo Rico, Antioquia, on August 15. According to witnesses, soldiers fired on the group for forty minutes.

The character of the conflict changed with the entry of the United States as a major investor, providing an infusion of U.S. \$1.3 billion of mostly military aid for the government. The package included seven rigorous human rights conditions, including the need for the Colombian armed forces to demonstrate a break with the paramilitaries. The U.S. secretary of state certified that Colombia had met only one of the conditions, related to ensuring civilian, not military, jurisdiction over crimes against humanity committed by soldiers; President Bill Clinton waived the other conditions on national security grounds, effectively sending the message that U.S. policy subordinated human rights to other interests.

A burgeoning crisis in Peru did nothing to alleviate the shadow that Colombia cast over the region. In April, after manipulating the constitution to allow him to run, President Alberto Fujimori won a third presidential victory in an electoral process roundly denounced as fraudulent by Peruvian and international observers. Then, in September, scandals involving his government's bribery of opposition politicians and his security chief's alleged undercover sale of arms to Colombia's leftist Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia, FARC) led to an abrupt change of plans. Fujimori dissolved the feared National Intelligence Service (Servicio de Inteligencia Nacional, SI), and announced that he would call new elections but not stand again for the presidency. Nonetheless, ten years of Fujimori's abusive leadership left the country's judicial and political systems in shambles, virtually assuring that efforts to rebuild democracy would be hobbled. At this writing, Fujimori remained in the presidency, and his former security chief, Vladimiro Montesinos, had returned to the country after unsuccessfully seeking asylum in Panama.

Mexico, too, experienced the promise of political change, but with a decidedly more upbeat forecast than in Peru. After more than seventy years in power, the Institutional Revolutionary Party (Partido Revolucionario Institucional, PRI) lost presidential elections in July. The victor, Vicente Fox of the National Action Party (Partido Acción Nacional, PAN), demonstrated an openness to human rights unprecedented among Mexico's leaders. Scheduled to take office on December 1, Fox quickly met with human rights groups in Mexico, Canada, the United States, and Germany. He announced a thorough and much-needed overhaul of the country's justice system and called for the establishment of a "transparency commission," to seek answers to long-standing questions about some human rights abuses and corruption under successive PRI governments.

With a few setbacks, efforts to obtain justice for past human rights violations in the region prospered. Cause for optimism in the fight against impunity surfaced in Chile, where Pinochet was stripped of his parliamentary immunity after returning home in March, following seventeen months of house arrest in the United Kingdom. Released for health reasons, Pinochet had been held for possible extradition to Spain to face human rights charges there. The former dictator faced more than sixty criminal complaints within Chile, lodged since January 1999 by relatives of victims of extrajudicial executions, "disappearances," and torture, and by political parties, trade unions, and professional groups. In August, the country's Supreme Court concurred with a lower court that there was enough evidence against Pinochet to warrant removing his immunity. Advances also took place in other cases against former military officers and members of the intelligence services under Pinochet's former military government. In July, two former army majors and a cadet received life sentences for the 1992 murder of Juan Alegría Mandiocha, the scapegoat for the murder of a union leader.

The same Spanish judge who had ordered Pinochet's arrest in London, Baltasar Garzón, also sought the detention of former Argentine military officer Ricardo Miguel Cavallo in August. Living in Mexico, Cavallo was accused of genocide, terrorism, and torture stemming from his alleged role as a torturer at Argentina's infamous Navy Mechanics School under military rule. At this writing, Cavallo fought extradition while waiting in a Mexican prison.

Argentine authorities also contributed to the fight against impunity in cases related to the kidnapping of children during the military dictatorship in the 1970s and 1980s. Nine people, including former presidents Brigadier General Reynaldo Bignone and General Jorge Videla, and former junta member Admiral Emilio Massera, were under house arrest in relation to the alleged kidnapping of over 200 children.

The fight against impunity received a setback in Italy, though, in a case involving another accused Argentine human rights violator. Former army Maj. Jorge Olivera was detained in Rome in August, following an extradition request from a French judge, Roger Le Loire. Olivera stood accused of torture, kidnapping, and "disappearance" in the case of French citizen Marieann (or Marie Anne) Erize in 1976, but was released after an Italian court ruled that Erize was dead, not "disappeared," and that the statute of limitations had run out for the other crimes. The court made its finding on the basis of what later turned out to be a falsified death certificate.

The United States contributed to another serious setback to the otherwise positive worldwide trend toward the application of universal jurisdiction for crimes against humanity. In March, based on legislation obliging the United States to prosecute torturers, justice department officials detained Peruvian army intelligence agent Maj. Tomás Ricardo Anderson Kohatsu, sparking hope that he might be prosecuted for serious human rights abuses that he allegedly committed in Peru. Anderson was implicated in numerous violations, including the torture of a former intelligence agent who was left paraplegic as a result. But in a regrettable decision, the Department of State obtained Anderson's release, claiming that he enjoyed immunity because he was brought to the U.S. to participate in a hearing before the Inter-American Commission on Human Rights.

Within the United States, two former military leaders in El Salvador faced wrongful death charges in a federal court in Florida. Former defense minister Gen. José Guillermo García and Gen. Carlos Eugenio Vides Casanueva, who headed that country's notoriously brutal National Guard, stood accused of the wrongful death of four U.S. churchwomen who were raped and murdered in El Salvador in 1990. In 1994, lower-ranking members of the National Guard were convicted in the case in El Salvador. The civil case was brought in the United States by relatives of the victims.

THE CAUSE OF TRUTH, if not justice, also received a boost in Guatemala, after the January inauguration of President Alfonso Portillo. Just months after taking office, he declared a national day in honor of the estimated 200,000 victims of Guatemala's thirty-five-year civil conflict, ratified the Inter-American Convention on Forced Disappearances, and admitted state responsibility for past violations in many well-known cases, including the 1990 murder of anthropologist Myrna Mack and the December 1992 Dos Erres massacre of at least 162 people.

IF CAUSE FOR OPTIMISM WAS TO BE FOUND in efforts to hold human rights violators to account, events in Ecuador and Paraguay underscored the fragility of democracy in the region. On January 22, the Ecuadoran military, allied with a coalition of indigenous groups, toppled elected President Jamil Mahuad, replacing him briefly with a three-man junta. Just days later, the military stepped aside for Vice-President Gustavo Noboa. In Paraguay in May, army officers failed in an attempt to oust President Luis González Macchi.

A HOST OF OTHER HUMAN RIGHTS VIOLATIONS also took place during the year. In countries including Argentina, Brazil, Guatemala, Haiti, Mexico, and Venezuela, abuses by security forces and impunity remained serious problems. A common denominator was the failure of these countries' justice systems to provide effective remedies for victims of human rights violations. The case of Teodoro Cabrera García and Rodolfo Montiel Flores in Mexico highlighted the problem. Environmental activists from Pizotla, Guerrero, they were accused by authorities of drug- and weapons-related offenses. Despite evidence that soldiers planted the evidence used against them, and that the defendants were forced to sign incriminating statements, they were found guilty, demonstrating the abysmal failure of Mexico's justice system. In Guatemala, where United Nations officials documented more than two dozen extrajudicial executions, the weak justice system led to a climate of insecurity and lynchings of alleged criminals by vigilantes.

THE CASE OF SANDRO DO NASCIMENTO demonstrated the problem in Brazil. Nascimento's attempt at armed robbery in Rio de Janeiro ultimately led to kidnapping and murder. Deserving of a trial for his serious offenses, police strangled him to death instead, shortly after his arrest. In São Paulo state, police killings of civilians surged from 525 in 1998 to 664 in 1999, the highest total since 1992, when police killed 111 inmates in a massacre at Carandiru prison. This violent trend intensified over the first six months of 2000, as police in the nation's most populous state killed 499 civilians, an increase of 77.2 percent over the comparable 1999 figure. A study released in July by the police ombudsman shed light on these shockingly high figures. Analyzing the autopsy reports of 222 persons killed by police gunfire in 1999—one-third of the victims of fatal police actions—it reported that 51 percent had been shot in the back and 23 percent had been shot five or more times. The findings suggested that many had been summarily executed, and not killed as a result of legitimate use of lethal force in shootouts, as authorities routinely reported.

IN HAITI, electoral fraud and unchecked politically motivated street violence raised serious concerns about the government's willingness and ability to apply the law. Much of the violence was carried out by supporters of Fanmi Lavalas, the party of former President Jean-Bertrand Aristide, in the context of parliamentary elections held in May.

HUMAN RIGHTS VIOLATIONS in Venezuela also continued. Following flooding and mud slides in December 1999, the armed forces murdered suspected looters in Vargas state. Army paratroopers, police, and members of the National Guard were blamed for the execution-style killing of what the state ombudsman said were more than sixty people. The number of extrajudicial executions of criminal suspects elsewhere in the country also increased over the prior year: the nongovernmental Venezuelan Program for Education and Action on Human Rights (Programa Venezolano de Educación-Acción en Derechos Humanos, PROVEA) said it knew of seventy-six reports of violations of the right to life by police during the first six months of the year alone.

PRESS FREEDOM also remained precarious in the region, most severely in Cuba, where authorities maintained almost total control over the flow of news within the island. In Haiti, Radio Haiti-Inter journalist Jean Dominique was ambushed and killed on April 3, along with station bodyguard Jean-Claude Loïssant. Dominique was an outspoken proponent of the rule of law. In Chile, too, journalists suffered restrictions. José Ale Aravena, court reporter for the daily *La Tercera*, was convicted in February of "insulting" former chief justice Servando Jordán in an article summarizing the judge's controversial career. The journalist's 541-day suspended sentence reminded the country of the authoritarian mentality of some Chilean judges and the weak free speech protections offered under the law. A new law to regulate the press was pending in Congress at this writing. If passed, as expected, the law would provide greater and much-needed protection in several important areas, including by removing jurisdiction from military courts over cases of journalists accused of sedition or espionage under military laws, and by repealing the crime of "contempt of authority" from the State Security Law.

INHUMANE CONDITIONS OF DETENTION remained a common feature throughout the region, with particularly abusive situations found in Venezuela, Brazil, Haiti, Panama, and El Salvador. The continued growth of inmate populations exacerbated overcrowding, at the root of a host of other problems. Yet, all over the region, prisons and jails were not crammed with convicted prisoners, but instead with pretrial detainees, turning the presumption of innocence on its head.

Defending Human Rights

THE BURGEONING OF THE HUMAN RIGHTS MOVEMENT, even in countries with environments hostile to activism, remained a regional highlight. In addition to groups focusing on the traditional array of civil and political rights, nongovernmental organizations (NGOs) emerged over the last decade in the defense of women's rights, children's rights, the rights of indigenous populations, refugee rights, and in some countries gay and lesbian rights. With increasingly sophisticated methods of documentation and advocacy, these groups played an indispensable role in monitoring and reporting on human rights developments in the region.

YET, EVEN IN COUNTRIES WHERE HUMAN RIGHTS DEFENDERS could work with no apparent personal risk, they frequently faced an unsympathetic public, suspicious of their defense of criminal suspects and other despised groups. Worse, in a number of countries they were the subject of threats, harassment and physical violence.

COLOMBIA REMAINED the most dangerous country in which to monitor human rights, with four defenders killed and three "disappeared" during the first ten months of 2000. Elizabeth Cárdenas, a member of the Association of Family Members of the Detained and Disappeared (Asociación de Familiares de Detenidos Desaparecidos-Colombia, ASFADDES), was shot and killed in July. Cárdenas lived in Barrancabermeja, where paramilitaries systematically intimidated human rights defenders, sending dozens of death threats over the course of the year. Also slain were Demetrio Playonero, an internally displaced person (IDP) and human rights leader; Jesús Ramírez Zapata, the only remaining member of the Segovia Human Rights Committee; and Margarita María Pulgarín Trujillo, a government prosecutor who was developing cases that linked paramilitaries to the army and drug traffickers.

CIVILIAN GROUPS, including human rights organizations, also faced attack from the FARC, which in October 2000 characterized them as "paid killers [for the Colombian military]." In a statement on why they failed to honor an invitation to an October 2000 peace meeting in San José, Costa Rica, sponsored by a broad coalition of human rights, peace, and community groups, the FARC dismissed the effort as organized by "the enemies of Colombia and its people." In this way, the guerrillas contributed to a general atmosphere of fear and intolerance that endangered human rights defenders.

THE COLOMBIAN GOVERNMENT'S EFFORTS to protect threatened defenders were slow and inadequate. Moreover, recklessly endangering defenders' lives, members of the Colombian military continued to make public statements accusing government investigators and human rights groups of guerrilla sympathies.

FAILED ASSASSINATION ATTEMPTS were reported in Brazil. In September, a jeep carrying members of a commission that monitored rural violence and land reform issues was fired upon in the northeastern state of Paraíba, but its occupants survived. That same month, São Paulo representatives of Amnesty International and of a gay pride organization received bombs in the mail, but the police safely deactivated the devices.

In an alarming development, particularly when viewed in historical perspective, Guatemala witnessed a notable increase in threats, harassment, and targeted violence against human rights organizations and activists. In one disturbing incident in August, a representative of the Center for Legal Action in Human Rights (Centro para la Acción Legal en Derechos Humanos, CALDH) was detained, beaten and robbed by individuals posing as journalists but thought to have links with active and retired military officers.

Death threats, frequent in Colombia, were also reported in Guatemala, Chile, Brazil, Mexico, Argentina, and Peru. In Cuba, human rights monitors, whose legitimacy the government stubbornly refused to recognize, faced harassment and criminal prosecution for their activities.

In Venezuela, the Supreme Court determined in separate decisions in June and August that human rights organizations that received funding from abroad were not members of "civil society," thereby depriving them of the right to participate in the nomination of candidates for the Supreme Court, to be ombudsman, and for other important government posts.

Authorities continued to apply pressure to human rights monitors in Mexico, too, where they were sometimes blamed for some of the crime problems suffered in the country. Losing presidential candidate Francisco Labastida of the PRI, for example, noted during the campaign, "Let it be known that the law was made to protect the human rights of citizens, not criminals." This anti-human rights rhetoric contributed to a hostile environment for human rights defenders. According to the nongovernmental All Rights for All Network of Human Rights Organization (Red de Derechos Humanos Todos los Derechos para Todo, known as the Red), its offices in Mexico City were under surveillance by agents of the Federal National Security System (Sistema Nacional de Seguridad, SISEN) in June.

The Role of the International Community

Organization of American States

The OAS's electoral observation capacities were severely tested this year in both Peru and Haiti, where election monitoring missions nevertheless successfully avoided the shortcomings of past such teams. In Peru, a mission led by former Guatemalan minister of foreign affairs Eduardo Stein conducted a forthright, transparent, and proactive observation of the electoral process. In Haiti, Barbadian Ambassador Orlando Marville led a team of observers that were the first to discover the fraudulent calculation method that tainted the results of senatorial elections. Both bodies ended up deciding to quit their host countries prior to the completion of the elections, after it had become clear that electoral abuses would not be remedied.

But the OAS showed less initiative in dealing with the results of its monitoring efforts. With regard to Peru, in particular, the OAS Permanent Council rejected a proposal by the United States and Costa Rica for an ad hoc meeting of foreign ministers under Resolution 1080—the provision appropriate to responding to interruptions of democracy—to discuss sanctions against Peru. By a substantial majority, member states showed themselves to be unwilling to take strong measures to respond to unfair elections. This consensus revealed the limits of the OAS's effectiveness in managing interruptions of the democratic process that fall short of a coup d'état. The limits of Resolution 1080 were also on display in the case of the coup in Ecuador. Despite the ouster of the president, the OAS failed to take action.

Nor did the OAS take concrete actions with regard to Haiti. At this writing, OAS Deputy Secretary General Luigi Enaudi was engaged in negotiations with the Haitian authorities to try to alleviate the worst aspects of the summer's elections, but no reforms had yet been announced.

The Inter-American Commission on Human Rights sent multiple death penalty cases against Trinidad and Tobago to the Inter-American Court. In 1999, the country announced that it would withdraw from the American Convention on Human Rights so as to eliminate the inter-American human rights system as an avenue of appeal for death row inmates. The withdrawal became effective in 1999, but the cases referred by the commission to the court involved incidents that had occurred when Trinidad and Tobago was still bound by the convention.

In a contrary and positive direction in the Caribbean, Barbados recognized this year the jurisdiction of the court.

United Nations

The United Nations maintained a permanent human rights presence in Colombia and Guatemala, and to a lesser extent in Haiti. In other countries, visiting special rapporteurs and other mechanisms lent their expertise to efforts to address human rights problems. The August–September mission of the U.N. special rapporteur on torture to Brazil, for example, drew public attention to prison abuses and strengthened the credibility of local monitoring groups. Earlier in the year, at the April meeting of the U.N. Commission on Human Rights, a resolution censuring the Cuban government for its intolerance of peaceful dissent, among other problems, was instrumental in maintaining pressure for reform.

The Bogotá office of the U.N. High Commissioner for Human Rights continued its invaluable work in 2000, visiting regions shaken by war and pressing the Colombian authorities to implement needed reforms. The office's annual report was an accurate and compelling portrayal of the dire state of human rights in Colombia. In a wise decision, the Colombian government agreed to maintain the office until April 2002. Yet, disturbingly, U.N. staff noted a marked drop in cooperation from Colombian officials.

The United Nations Verification Mission in Guatemala (Misión de Verificación de las Naciones Unidas en Guatemala, MINUGUA), established after the 1996 peace accords, published reports on the peace process that included detailed analyses of human rights issues. Under the 1996 peace accords, the mandate of MINUGUA was due to expire at year's end. Although President Portillo had requested that MINUGUA extend its stay, at this writing the U.N. General Assembly had not yet decided on the extension.

In Haiti, the six-year-old U.N. human rights monitoring mission departed the country in early 2000, together with the U.N. peacekeeping mission. A smaller human rights mission was subsequently installed: the United Nations International Civilian Support Mission in Haiti (Misión Internacional Civil de Apoyo en Haití, MICAH).

High Commissioner for Human Rights Mary Robinson visited Mexico in November 1999, signing an agreement with the government to undertake a human rights technical cooperation program. At this writing, the U.N. and Mexican government had not agreed on the exact nature of the program. Following the high commissioner's visit, the special rapporteur on extrajudicial, summary, or arbitrary executions released a report on Mexico. Although it noted that the government had taken some positive steps, the report concluded: "Unfortunately, these positive undertakings have not been sufficient to correct the situation."

United States

The year 2000 marked the emergence of the United States as a major player in the armed conflict in Colombia, with the approval of the U.S. \$1.3 billion aid plan. Debated heatedly yet passed overwhelmingly by the U.S. Congress, the Colombia aid package was the largest ever approved for a Latin American country. Although the aid was conditioned on Colombia's compliance with strict human rights conditions, President Clinton waived six of the seven conditions for reasons of U.S. national security on August 22.

Clinton's use of the waiver, made just prior to his visit to Colombia, allowed aid to go forward even as U.S. officials acknowledged that the forces they were funding maintained ties to paramilitary groups, had failed to suspend or prosecute implicated officers, engaged in human rights abuses, and refused to enforce civilian jurisdiction over human rights crimes. With brutal candor, a spokesperson for the office of White House adviser and drug czar retired Gen. Barry McCaffrey explained the president's decision: "You don't hold up the major objective to achieve the minor."

In December 1999, the first U.S.-trained Colombian army battalion completed its training and was deployed. A second battalion began to train the following August. U.S. law mandated that fewer than 500 U.S. troops be in-country at any one time barring an emergency. But reflecting a global trend to "out-source" war, some analysts projected that as many as 1,000 U.S.-related personnel could be in Colombia on any given day, many of them working for private companies under contract to the U.S. military.

The southern Colombian department of Putumayo, home to 50 percent of Colombia's illegal coca crop, was to be the first target of the U.S. eradication strategy. Officials acknowledged that forced population displacement was a likely outcome of the eradication effort, and proposed to set up government-controlled "temporary" camps to distribute assistance. Groups working with the internally displaced protested, saying that the planned activities risked "fomenting the conflict, targeting innocent civilians, and substantially increasing internal displacement in Colombia."

The Clinton Administration, backed by Congress, initially took a strong line against the manipulation of the electoral process in Peru that led to Fujimori's third term. President Clinton directly suggested that the U.S. relationship with Peru would be damaged if democracy was not respected. Yet, when other OAS members states failed to rally to the U.S. call for an ad hoc meeting of ministers under Resolution 1090, the U.S. did not appear to push hard for the measure.

Behind-the-scenes negotiations of U.S. officials during the September video scandal were said to be critical in convincing Fujimori to agree to leave office and to dismantle his hated intelligence apparatus. Yet instead of promoting full accountability in Peru's return to democratic rule, the United States threw its weight behind a scheme by which intelligence chief Vladimiro Montesinos escaped to Panama to seek political asylum. In October, Montesinos returned to Peru after unsuccessfully seeking asylum in Panama.

On the positive side, important progress was made in the declassification of U.S. documents relating to human rights violations in Chile under military rule. By mid-year, in accordance with a 1999 declassification directive, thousands of documents from the State and Defense Departments and other U.S. agencies, including the Central Intelligence Agency (CIA), were released. Some files were held back on the order of the CIA's director, George Tenet, supposedly to conceal sensitive information about intelligence-gathering methods. At this writing, the CIA and other government agencies were preparing for another massive release of documents.

A breakthrough in understanding the role of the CIA in Chile came in September, in response to a 1999 amendment to the fiscal 2000 Intelligence Authorization Act authored by member of the House of Representatives Maurice Hinchey. It required the CIA to submit a report to Congress on its relations with Pinochet's military government, among other aspects of CIA involvement in Chile. In the report, the CIA revealed that it had maintained a liaison with Manuel Contreras, the infamous director of Chile's security agency from 1974 to 1977. The relationship lasted throughout the period in which human rights were grossly and systematically abused in Chile, and it ended a year after the car-bomb murder in Washington, D.C. of Allende's former foreign minister, Orlando Letelier, and his colleague Ronni Moffitt, for which Contreras had been indicted in the United States and convicted in Chile.

Small but symbolic steps were also taken toward easing the decades-old U.S. economic embargo on Cuba, an outmoded policy instrument that Human Rights Watch and many other observers believed to be counterproductive to the human rights cause. After months of debate in congressional committees, both houses of Congress passed legislation in October to allow limited food and medicine sales to Cuba. The measure signaled the first meaningful retreat in nearly four decades in the U.S. policy of economic sanctions against Cuba, but was unlikely to yield more than a small volume of actual business. Because of compromises with conservative lawmakers opposed to loosening the restrictions, no U.S. export credits or private financing would be allowed on food sales. And on the negative side of the balance, the legislation codified restrictions on the travel of U.S. citizens to Cuba.

The Work of Human Rights Watch

While responding to crises throughout the hemisphere, the Americas division of Human Rights Watch primarily focused attention on a core group of countries experiencing the most serious human rights problems. Human Rights Watch sought, in each country, to address the most pressing human rights issues: the Pinochet prosecution and freedom of expression in Chile; violations of international human rights and humanitarian law in Colombia; unfair election conditions, weakening of the rule of law, and impunity in Peru; deficiencies in the justice system in Mexico; political violence and electoral fraud in Haiti; accountability in Argentina; the protection of NGOs and human rights defenders in Guatemala; the use of excessive force by police and military in Bolivia; and overall human rights conditions and the U.S. embargo in Cuba.

In addition to documenting abuses through published reports, Human Rights Watch responded rapidly to breaking events by directly addressing high-level government officials and representatives of relevant regional and international bodies, and generally pressing our human rights concerns in a firm, concise, and timely way. Human Rights Watch also conveyed its views in meetings with senior government officials of Argentina, Brazil, Colombia, Chile, Haiti, Guatemala, Mexico, Panama, and Venezuela. In meetings and correspondence, we made specific recommendations for improving human rights conditions.

As the region's gravest human rights crisis, Colombia was the division's major focus during 2000. In February, just as the U.S. Congress was debating a massive military assistance package for Colombia, Human Rights Watch released its report, "The Ties That Bind: Colombia and Military-Paramilitary Links." This documented the continuing close relationship between Colombian military and paramilitary forces, directly rebutting the Colombian government's claim that the military was not responsible for paramilitary abuses. And to ensure that the message was heard, the division's executive director and Colombia researcher both testified before the U.S. Senate as to the report's findings, arguing that tough human rights conditionality be included in any proposed assistance to Colombia.

The report made front-page headlines in Colombia, where top military leaders tried to discredit its findings by suggesting, grotesquely, that Human Rights Watch was in the pay of drug traffickers. Not long after, Cuban government representatives facing censure at the U.N. Human Rights Commission mounted a similar attack, alleging that Human Rights Watch received substantial funding from U.S. "special services." But such politically motivated invective rightly carried no weight or credibility, the more so because neither source could refute the carefully documented facts that were the basis for Human Rights Watch's conclusions.

After President Clinton invoked the Colombia aid law's national security interest waiver—after the State Department found that Colombia had failed to meet six of the law's seven human rights-related conditions—Human Rights Watch vigorously protested the Administration's subjugation of human rights imperatives to counter-narcotics interests. Members of the European Union, skeptical of Plan Colombia, approved only a third of the funds requested, and dedicated all of their aid to nongovernmental organizations, as opposed to official entities.

Fujimori's crisis of legitimacy dominated Human Rights Watch's work on Peru. On the advocacy front, Human Rights Watch urged the OAS and others in the international community to adopt a firm posture on Peru's democratic deficit. In early May, Human Rights Watch wrote to OAS Secretary General Cesar Gaviria, comprehensively detailing deficiencies in Peru's electoral conditions. In June, after the election, the division's executive director attended the OAS General Assembly in Windsor, Canada, urging member states to press Fujimori to "restore the interrupted democratic process" in Peru. In September, as the political crisis unfolded in Peru, Human Rights Watch sought to ensure that the human rights abuses committed during Fujimori's decade in power were not left in impunity, including

by directly challenging the efforts of Vladimiro Montesinos to secure immunity from potential prosecution by obtaining political asylum in Panama. In pursuit of this, Human Rights Watch wrote to the Panamanian president, setting out the reasons why any granting of asylum would be profoundly mistaken, and sent a delegation to Panama to discuss the question with relevant officials.

The historic prosecution of Pinochet was Human Rights Watch's primary focus in Chile. In late April, the division's executive director published an opinion piece in the Chilean daily *El Mercurio* that critically analyzed Pinochet's due process arguments against prosecution. This was published shortly before the Santiago Appeals Court began hearings on stripping Pinochet of his parliamentary immunity from prosecution. Human Rights Watch's Chile researcher attended the hearings, the only international observer permitted to do so, and closely monitored the legal developments that culminated in the lifting of Pinochet's immunity.

The Americas division made important strides toward the broad dissemination of its human rights information by entirely revamping Human Rights Watch's Spanish-language website. With materials arranged chronologically by country and by issue, the site presented a detailed picture of human rights conditions in the region. The goal was to be comprehensive—providing documents that ranged from letters to reports to opinion pieces on each country and issue—as well as timely—effecting the simultaneous release in electronic and traditional formats of all of the division's public materials.

ARGENTINA

Human Rights Developments

Fernando de la Rúa was inaugurated as Argentina's president on December 10, 1999, having been elected at the head of a coalition of opposition parties. His government faced its first major human rights test with the arrests in August of two former members of Argentina's armed forces. The two men, arrested separately in Mexico and Italy, faced prosecution in European courts for abuses committed under military rule. The De la Rúa administration did not attempt to obstruct the cases and provided no more than consular assistance to the detainees. Argentina's current human rights record was marred by serious violations, notably those committed by police forces. Torture and deaths in police stations were frequently reported, and while some cases of abuse were investigated and prosecuted, others were not.

Among the suspicious deaths reported in 2000 was that of twenty-two-year-old Ramón Rojas, found hanged in the ninth police station in the provincial capital of Santiago del Estero on March 19. Another detainee in that city, construction worker Aldo Bravo, claimed that he had been kidnapped from his home by ten to fourteen hooded and armed men on July 7, and held for three days at the police station, during which time he was tortured. The police acknowledged having detained Bravo, but denied his claims of torture, despite corroborating medical evidence. In September, the head of the municipal office for children and adolescents, Father Mario Tenti, accused the Santiago del Estero provincial police of torturing three minors on September 2. The police denied the charges, saying that the boys' injuries were the result of their fighting amongst themselves. None of these cases had been prosecuted as of this writing.

In La Rioja, a police officer was detained for the hanging death of nineteen-year-old Cristian Ruiz in a police cell in March 1999, after it was confirmed that Ruiz had been tortured to death. The head of the La Rioja provincial police, Paulino Zenón Cobresí, admitted that the police beat detainees, although he denied that such treatment was systematic.

Another detainee who apparently died in police custody was twenty-five-year-old Juan Carlos Sánchez. Sánchez was detained by the Corrientes provincial police on January 10, and taken to the headquarters of the Special Crimes Division (formerly the Investigations Brigade) in the provincial capital, a building where at least fifteen people had reported being tortured in recent years. His parents were later told that he had been released, although witnesses said he had not left the building. Workers near the site later claimed to have heard screams from that location. Although the body was never found, eight police officers were indicted on charges of torturing Sánchez to death.

The Sánchez case was not the only suspicious death at the hands of this Corrientes police division: on February 9, twenty-six-year-old Germán Morales was shot dead in front of witnesses near his home by four police officers. No investigation into the events was conducted. In July, however, a commissioner and three police officers were detained and accused of torturing twenty-six-year-old Jorge Marcelo González, a prisoner on furlow, and then shooting him dead on June 30. The Corrientes provincial police chief resigned following the case, and seventy-three other officers were forced to retire.

In Jujuy province, the local delegation of the Federal Police was believed responsible for the shooting death of a storekeeper on July 2. Ten police officers, participating in an anti-drug raid, fired more than forty shots at Manuel Fernández, who was killed by a shot to the head fired at point-blank range. Police said that the shooting occurred because Fernández was carrying drugs and offered resistance, but relatives alleged that he was shot because he had witnessed an illegal act by the police who later shot him. The ten officers were in detention at this writing.

Buenos Aires provincial governor Carlos Ruckauf, who took office in December 1999, reestablished the post of a single police commissioner for the whole of the province, undoing reforms undertaken by the former governor. Ruckauf then appointed Eduardo Raúl Martínez, who had been prosecuted on charges of torturing a German citizen in 1978, although the case was later dismissed. Ruckauf, who during his electoral campaign had called for a harder line on criminals—urging that they be shot—named former rebel army officer Aldo Rico to the post of provincial minister of security. Rico was forced to resign a few months later and was replaced by retired police commissioner Ramón Oreste Verón, who claimed to be the officer with the largest number of killings to his name in provincial history.

On August 30, the president of the Buenos Aires provincial Supreme Court, Guillermo David San Martín, called on Security Minister Ramón Verón to take steps to stop the torture of minors in police stations. San Martín made the demand after reviewing allegations that five young people had been ill-treated in Buenos Aires provincial police stations in Virreyes, San Fernando, Villa Martelli and Escobar (all in Greater Buenos Aires). According to a report by the government adviser for minors in San Isidro, allegations of beatings of minors in police stations doubled in the first seven months of 2000, reaching a total of 159 cases in thirty-three police stations.

The director of security of the municipality of San Miguel (whose mayor was Aldo Rico), former army officer Hugo Vercelloffi, asserted in July that the police do and should kill criminals, lamenting that the law represented "an obstacle in the fight against insecurity."

In Mendoza province, two alleged police informers, twenty-eight-year-old José Segundo Zambrano, and twenty-five-year-old Pablo Marcelo Rodríguez, "disappeared" on March 25, reportedly after meeting with a police corporal. Their bloodstained car was found several days later, but their bodies were not discovered until July 3, when they were found in an area used by the police for shooting practice. The police corporal was accused of the killings, which were said to be related to a police "mafia," and twenty officers were detained. On August 24, the trial began of seven former Mendoza police officers implicated in the killing of seventeen-year-old Sebastián Bordón, whose body was found on October 12, 1997, after he had been in police detention. The trial continued at this writing.

In Córdoba, a transvestite known as Vanesa Lorena Ledesma died in police custody on February 16, after being held incommunicado at the eighteenth precinct for five days. The cause of death was reported as "cardiac arrest" but the body reportedly showed signs of torture and beatings. As in previous years, there were

FREQUENT ALLEGATIONS OF HUMAN RIGHTS VIOLATIONS AGAINST SEXUAL MINORITIES THROUGHOUT ARGENTINA, WITH POLICE ARBITRARILY DETAINING GAY MEN AND TRANSVESTITES FOR INFRACTIONS SUCH AS "CRIMES AGAINST PUBLIC DECENCY" OR SCANDALOUS CONDUCT.

FOURTEEN MEMBERS OF THE FEDERAL POLICE WERE DETAINED AFTER VIOLENTLY SUPPRESSING AN APRIL 19 DEMONSTRATION AGAINST THE GOVERNMENT'S ANNOUNCED LABOR REFORM. THE POLICE BEAT DEMONSTRATORS, WHO OFFERED LITTLE RESISTANCE, ATTACKED ONE WITH A KNIFE AND SHOT ANOTHER MAN IN THE TESTICLES. IN ALL, THIRTY-FIVE DEMONSTRATORS WERE WOUNDED BY POLICE, WHILE FIFTY OTHERS WERE DETAINED.

ATTACKS AND THREATS AGAINST JOURNALISTS CONTINUED TO BE REPORTED. TWO OF THE MOST SERIOUS CASES INVOLVED THE PROVINCIAL NEWSPAPERS *EL LIBERAL* (SANTIAGO DEL ESTERO) AND *LA VOZ DEL INTERIOR* (CÓRDOBA). IN EARLY AUGUST, A FAKE BOMB WAS PLACED UNDER THE CAR OF *EL LIBERAL* JOURNALIST GREGORIO LAYUS. THE NEWSPAPER, IN A PREVIOUS EDITORIAL, HAD ACCUSED THE PROVINCIAL GOVERNMENT OF CARLOS JUÁREZ (GOVERNOR SINCE 1949 VIRTUALLY WITHOUT INTERRUPTION) OF SEEKING TO RUIN IT. CLAIMING TO BE THE ONLY INDEPENDENT VOICE IN THE PROVINCE, THE NEWSPAPER STATED THAT IT AND ITS JOURNALISTS HAD BEEN THE SUBJECT OF PERSECUTION, ESPIONAGE AND LEGAL HARASSMENT DUE TO ITS INVESTIGATION OF CORRUPTION AND IRREGULARITIES IN THE PROVINCIAL GOVERNMENT. *LA VOZ DEL INTERIOR* REPORTED THAT ITS CORRESPONDENT IN SANTIAGO DEL ESTERO HAD RECEIVED TELEPHONE CALLS IN JULY WARNING HIM THAT HE COULD "SUFFER AN ACCIDENT" IF HE CONTINUED TO WRITE CRITICAL ARTICLES ABOUT THE GOVERNOR, AND HAD LATER RECEIVED EXPLICIT DEATH THREATS.

SHATTERING THE MYTH THAT INTERNATIONAL JUSTICE WAS A MATTER OF NORTHERN COUNTRIES IMPOSING THEIR WILL ON THE SOUTH, AN ARGENTINE JUDGE REQUESTED THAT FORMER CHILEAN DICTATOR AUGUSTO PINOCHET BE EXTRADITED TO FACE CRIMINAL CHARGES FOR HIS RESPONSIBILITY FOR THE ASSASSINATION OF GEN. CARLOS PRAT AND HIS WIFE. THEY WERE KILLED BY A CAR BOMB IN BUENOS AIRES ON SEPTEMBER 30, 1974. THE JUDGE ALSO SOUGHT THE EXTRADITION OF OTHER CHILEANS IN THE CASE, INCLUDING THE FORMER CHIEF OF CHILE'S SECRET POLICE, MANUEL CONTRERAS SEPULVEDA, WHO WAS IN PRISON IN CHILE FOR HAVING CARRIED OUT A 1974 CAR-BOMBING IN WASHINGTON, D.C. THAT TOOK THE LIFE OF FORMER FOREIGN MINISTER ORLANDO LEFELIER AND HIS ASSISTANT RONNIE MOFFITT.

NEARLY A QUARTER CENTURY AFTER THE COUP D'ÉTAT THAT BROUGHT TO POWER THE MILITARY GOVERNMENT THAT RULED FROM 1976 UNTIL 1983, ARGENTINA CONTINUED TO GRAPPLE WITH ITS CRUEL LEGACY OF KILLINGS, "DISAPPEARANCES," AND OTHER ABUSES. FEDERAL JUDGE ADOLFO BAGNASCO INVESTIGATED THE THEFT OF BABIES DURING MILITARY RULE, A CASE BROUGHT BY THE GRANDMOTHERS OF PLAZA DE MAYO (ABUELOS DE PLAZA DE MAYO) IN 1996 THAT WAS NOT EXCLUDED BY THE COUNTRY'S AMNESTY LAWS. THE CASE INVOLVED THE ARMED FORCES' PRACTICE OF TAKING BABIES WHO WERE FORCIBLY "DISAPPEARED" WITH THEIR PARENTS OR WHO WERE BORN IN CAPTIVITY AFTER THE DETENTION OF THEIR PARENTS, AND OF HANDING THEM OVER TO MILITARY FAMILIES AND OTHERS NOT CONSIDERED SUBVERSIVE. OVER 200 CHILDREN ARE ALLEGED TO HAVE BEEN KIDNAPPED IN SUCH CIRCUMSTANCES. NINE DEFENDANTS REMAINED UNDER HOUSE ARREST, INCLUDING FORMER PRESIDENTS BRIGADES GENERAL REYNALDO BIGNONE AND GENERAL JORGE VIDELA, FORMER JUNTA MEMBER ADMIRAL EMILIO MASSERA, AND FORMER BUENOS AIRES SECURITY ZONE CHIEF GENERAL CARLOS GUILLERMO SUÁREZ MASON. ON AUGUST 10, ANOTHER OFFICER WAS PLACED UNDER HOUSE ARREST: RETIRED GEN. SANTIAGO OMAR RIVEROS, THE FORMER COMMANDER OF MILITARY INSTITUTIONS IMPLICATED IN THE THEFT OF BABIES BORN IN THE CAMPO DE MAYO MILITARY HOSPITAL. THE PREVIOUS WEEK, THE SUPREME COURT HAD REJECTED A PETITION FROM THE SUPREME COUNCIL OF THE ARMED FORCES TO HAND JURISDICTION OVER THE CASE TO THE MILITARY COURTS.

ALTHOUGH THE ARMED FORCES PUBLICLY ACCEPTED THE PROSECUTION OF RETIRED OFFICERS IN CONNECTION WITH THE KIDNAPPING OF CHILDREN, THEY EXPRESSED CONCERN OVER JUDICIAL EFFORTS TO COLLECT INFORMATION FROM OFFICERS STILL ON ACTIVE SERVICE. IN JULY, ARMY CHIEF LT. GEN. RICARDO BRINTONI SENT HIS SECRETARY GENERAL, EDUARDO ALFONSO, TO VISIT ARMANDO BARRERA, A FORMER OFFICER DETAINED IN BAHIA BLANCA FOR REFUSING TO TESTIFY BEFORE A FEDERAL COURT INVESTIGATING THOSE CASES. THE GOVERNMENT ALSO EXPRESSED SUPPORT FOR A PROPOSAL BY BRINTONI TO ESTABLISH A "RECONCILIATION PANEL," INVOLVING THE ARMY, HUMAN RIGHTS GROUPS AND THE CATHOLIC CHURCH, AS A MEANS TO TRY TO DETERMINE THE FATE OF THE "DISAPPEARED" WITHOUT RESORTING TO THE COURTS, A PROPOSAL SCRAPPED WHEN HUMAN RIGHTS ORGANIZATIONS REJECTED IT OUTRIGHT.

Defending Human Rights

ALTHOUGH THREATS AGAINST HUMAN RIGHTS DEFENDERS WERE RARE, A FEW ACTIVISTS FACED SERIOUS ABUSES. ON JULY 30, ELISABETH CEBALLOS WAS KIDNAPPED, BEATEN AND THREATENED BY THREE MASKED MEN AFTER HER HUSBAND, JOURNALIST MIGUEL HERNÁNDEZ, PARTICIPATED IN A DEMONSTRATION AT THE HOUSE OF MIGUEL ÁNGEL PÉREZ, A FORMER ARMY OFFICER WHO HAD ADMITTED TO ASSASSINATING A POLITICAL PRISONER IN 1976. CEBALLOS WAS FINALLY LEFT, BOUND AND GAGGED, NEAR THE MEETING PLACE OF A HUMAN RIGHTS GROUP IN THE TOWN OF COSQUÍN, CÓRDOBA. HERNÁNDEZ AND OTHER HUMAN RIGHTS ACTIVISTS IN COSQUÍN ALSO COMPLAINED OF A SERIES OF TELEPHONED DEATH THREATS, AND ON JULY 17 HERNÁNDEZ'S HOUSE WAS STONED.

The Role of the International Community

European Union

ON DECEMBER 30, 1999, SPANISH JUDGE BALTAZAR GORTÓN ISSUED AN INTERNATIONAL ARREST WARRANT FOR FORTY-EIGHT FORMER OFFICERS, PREVIOUSLY INDICTED BY HIM IN NOVEMBER, WITH A VIEW TO MAKING A FORMAL EXTRADITION REQUEST. IN AUGUST, JUSTICE MINISTER RICARDO GIL LAVIEDRA STATED THAT THE REQUEST INVOLVED "POLITICAL QUESTIONS" RELATING TO NATIONAL SOVEREIGNTY, RELEVANT TO THE EXECUTIVE NOT THE COURTS, AND INDICATED THAT THE DEFENDANTS WOULD NOT BE DETAINED SINCE THEIR CRIMES HAD ALREADY BEEN DEALT WITH IN ARGENTINA.

THE MOST ENCOURAGING DEVELOPMENT IN GORTÓN'S PROSECUTION WAS THE AUGUST 24 ARREST OF RICARDO MIGUEL CAVALLO IN MEXICO. CAVALLO, ACCUSED OF BEING A FORMER TORTURER IN THE NAVY MECHANICS SCHOOL (ESMA), WAS ALLEGEDLY IMPLICATED IN THE DEATHS OF AT LEAST TWO PEOPLE WHO "DISAPPEARED" UNDER MILITARY RULE. AFTER THE ARREST, FRENCH JUDGE ROGER LE LOIRE ALSO ANNOUNCED THAT HE WOULD SEEK CAVALLO'S EXTRADITION. ARGENTINE INTERIOR MINISTER FEDERICO STORANI INDICATED THAT THE GOVERNMENT WOULD NOT INTERVENE IN THE CASE AND WOULD TAKE NO STEPS TO PREVENT EXTRADITION, ALTHOUGH CONSULAR ADVICE WOULD BE AVAILABLE TO THE DETAINEE. ON A SEPTEMBER VISIT TO MEXICO, PRESIDENT DE LA RÚA SAID THAT HE DID NOT DISCUSS THE CAVALLO CASE IN HIS OFFICIAL MEETINGS. WHEN QUESTIONED BY THE PRESS, HE DID, HOWEVER, EXPRESS SUPPORT FOR THE PRINCIPLE OF TERRITORIALITY, INDICATING THAT SUCH CRIMES SHOULD BE TRIED IN ARGENTINA.

JUST A FEW WEEKS EARLIER, ON AUGUST 6, FORMER ARMY MAJ. JORGE OLIVERA WAS DETAINED IN ROME FOLLOWING AN EXTRADITION REQUEST FROM FRENCH JUDGE LE LOIRE. OLIVERA WAS ACCUSED OF RESPONSIBILITY FOR THE KIDNAPPING, TORTURE AND "DISAPPEARANCE" OF FRENCH CITIZEN MARIE ANNE ERIZE IN SAN JUAN PROVINCE ON OCTOBER 15, 1976. ON SEPTEMBER 19, HOWEVER, AN ITALIAN COURT OF APPEAL ORDERED OLIVERA'S RELEASE ON THE BASIS OF A PURPORTED DEATH CERTIFICATE INDICATING THAT ERIZE HAD DIED ON NOVEMBER 11, 1976, ALTHOUGH THE CERTIFICATE WAS LATER SHOWN TO HAVE BEEN FALSIFIED. REASONING THAT ERIZE WAS NOT "DISAPPEARED" BUT DEAD, THE COURT RULED THAT THE STATUTE OF LIMITATIONS UNDER ITALIAN LAW HAD RUN FOR THE OTHER CRIMES OF WHICH OLIVERA WAS ACCUSED.

THE ARMED FORCES MADE NO COMMENT ON THE CASE WHILE OLIVERA WAS IN DETENTION, BUT FOLLOWING OLIVERA'S RELEASE ARMY CHIEF BRINTONI CALLED THE DETENTION AN OFFENSE AGAINST ARGENTINE JUSTICE. HE ARGUED THAT OLIVERA HAD ALREADY BEEN JUDGED BY THE ARGENTINE COURTS AND RELEASED UNDER THE DUE OBEDIENCE LAW, NOTING, IN ADDITION, THAT THE ARMY WAS COMPILING INFORMATION WITH A VIEW TO ADVISING OTHER MILITARY OFFICERS WHO MIGHT TRAVEL ABROAD AND FACE PROSECUTION FOR HUMAN RIGHTS VIOLATIONS.

IN MAY, LE LOIRE REQUESTED AUTHORIZATION FROM THE ARGENTINE GOVERNMENT TO TRAVEL TO THE COUNTRY IN ORDER TO QUESTION SOME 140 MILITARY OFFICERS LINKED TO THE FORCED "DISAPPEARANCE" OF FRENCH CITIZENS. THE PETITION WAS RECEIVED BY THE ARGENTINE MINISTRY OF JUSTICE DAYS AFTER THE DETENTION OF OLIVERA, AND WAS UNDER CONSIDERATION AT THIS WRITING.

Suits against General Suárez Mason being pursued in the Italian courts since 1996, which involved the “disappearance” of eight people of Italian origin during the military government, were upheld by the First Penal Court of Rome in March. The court rejected the defense lawyers’ argument that the cases were barred because of Argentina’s Full Stop and Due Obedience Laws. In his ruling, Judge Renato D’Andrea also underscored the Argentine authorities’ lack of cooperation with his investigations of these cases.

Israel

The Israeli Parliament announced in August that it had formed an inter-ministerial commission to investigate the fate of some 1,900 Jewish Argentines who “disappeared” in the period 1976 to 1993, in order to establish the whereabouts of their bodies and bury them with appropriate religious rites.

Organization of American States

The OAS special rapporteur on freedom of expression, Santiago Cantón, condemned the threats and attacks suffered by the newspapers *El Liberal* and *La Voz del Interior*, calling on provincial authorities to investigate the incidents and punish those found responsible. The Inter-American Commission on Human Rights (IACHR) received 123 complaints relating to Argentina during 1999, and, as of mid-2000, maintained fifty-eight open cases on the country.

In one important case, the IACHR requested the Argentine government to provide information on police powers of detention. The commission was examining a controversial November 1999 decision of the Argentine Supreme Court, in which the court upheld the power of the police to detain a person, without an arrest warrant, solely on the grounds that he or she was deemed to have been acting “suspiciously.”

The IACHR also reiterated its call for the thirteen prisoners convicted of the 1999 attack on the La Tablada barracks to be granted a new trial, in light of the serious irregularities marking the first proceedings. Abundant evidence suggested that the prisoners had been tortured while in the custody of the army, while others had been killed. On September 6, it was announced that the remains of Iván Ruiz and Carlos Quito Burgos, two of the five persons who “disappeared” after attacking the barracks, had been identified. Both had apparently been shot by members of the army, probably after capture. In Congress, a bill was introduced to permit the conditional release of the prisoners while their conviction was being reviewed, but as of this writing it had not been debated.

By invitation of the Argentine government, the IACHR was also to send an observer to review investigations of the 1994 bombing of the Argentine-Israeli Mutual Association (Asociación Mutual Israelita-Argentina, AMIA), an attack in which eighty-six people died.

United States

On a brief visit to Buenos Aires in August, U.S. Secretary of State Madeleine Albright met with NGO representatives and Jewish community leaders, and promised U.S. government cooperation in investigating the AMIA bombing and the 1992 bombing of the Israeli embassy. Albright also vowed to cooperate in the investigation of abuses that occurred during the military government, stating that she would seek to ensure that the State Department opened its archives on the repression of that period.

BRAZIL

Human Rights Developments

On June 12, Sandro do Nascimento, a former street child and survivor of the 1993 Candelária massacre of eight youths by Rio de Janeiro police, boarded a Rio city bus intending to rob its passengers. Informed of the hold up, police blocked off a street and surrounded the bus while Nascimento held the passengers hostage for several hours, and television crews assembled and began broadcasting the siege on national television. After more than four hours, Nascimento exited the bus, pointing a gun at the head of the hostage, Geisa Gonçalves. Before negotiations could move forward, a police officer fired at Nascimento but struck the hostage. Nascimento then fired three shots, killing the hostage before police overpowered him and took him away. An hour later, they left Nascimento’s lifeless body at a local hospital. During the ride there, autopsy reports later confirmed, the officers had strangled him to death.

The incident was an emblematic one, typifying the problems of urban violence and police abuse in Brazil. It involved a social outcast, abandoned by society, a brutal incident terrorizing not only those directly affected but also millions of observers appalled by the brazenness of the criminal attack, an incompetent police response and, in the end, two cold-blooded murders. Despite the gruesome and unjustified police response—a flagrant violation of basic rights—reaction to the event focused almost entirely on the initial crime and the police failure to protect the hostage, rather than the assailant’s killing. However, the public prosecutor’s office indicted the five officers involved on homicide charges after they had served thirty days in pretrial detention. Unsurprisingly, the massive public outcry that followed the incident led to the approval of a national public security package loaded with crime-fighting measures but conspicuously lacking in reforms to control police abuse or professionalize the security forces.

Throughout the year, Brazilian authorities, media and the public viewed a range of human rights abuses—including police killings, torture, and problems in prisons and juvenile detention centers—through the lens of public security. Urban residents felt themselves to be most vulnerable to crime, but even rural conflicts, particularly those involving the Landless Workers’ Movement (Movimento dos Trabalhadores Rurais Sem Terra, MST), were seen as public security issues. Indeed, the federal government seized the opportunity presented by a series of high-profile MST building occupations to try to portray the issue of rural poverty and underdevelopment as one of law and order.

The most visible example of police violence in response to social protest came during celebrations of the arrival of the first Portuguese explorers to Brazil in 1500. During the ceremonies to mark the 500-year anniversary of this event, military police in Bahia state beat demonstrators and fired rubber bullets into crowds, injuring at least thirty demonstrators and arresting more than one hundred. The police decision to impede a march organized by 2,000 indigenous leaders from throughout Brazil, and the violence employed by shock troops against indigenous activists, led the president of the government’s indigenous institute, FUNAI, to resign in protest.

This incident was the most widely publicized case of police violence against protesters, but it was not the most serious in outcome. At two other protests, military police shot and killed unarmed landless demonstrators. On May 2, police prevented buses carrying hundreds of landless workers from entering Curitiba, capital of Paraná state. Officers beat protesters, hurled tear gas canisters and fired rubber bullets into the crowd. Nearly 200 protesters were injured, and police shot Antônio Távares Pereira, age thirty-eight, in the chest with a live bullet, killing him. On July 25, police fired into a group of landless demonstrators, killing José Marlúcio da Silva, age forty-seven, in Recife, capital of Pernambuco state.

Police violence continued to stand out as Brazil's major human rights problem in other contexts as well. In São Paulo state, police killings of civilians surged from 525 in 1999 to 664 in 2000, the highest total since 1992, when police killed 111 inmates in a massacre at Carandiru Prison. This violent trend intensified over the first six months of 2000, as police in the nation's most populous state killed 499 civilians, an increase of 77.2 percent over the comparable 1999 figure. A study released in July by the police ombudsman shed light on these shockingly high figures. Analyzing the autopsy reports of 222 persons killed by police gunfire in 1999—one-third of the victims of fatal police actions—it reported that 51 percent had been shot in the back and 23 percent had been shot five or more times. The findings suggested that many had been summarily executed, and not killed as a result of legitimate use of lethal force in shootouts, as authorities routinely reported. More than half of the victims had no prior criminal record.

In Rio de Janeiro, efforts to improve the human rights record of the police suffered a serious setback when Gov. Anthony Garotinho drove noted reformer Luís Eduardo Soares, the assistant secretary of public security, from office in March. Governor Garotinho insisted that Soares' removal was legitimate, but the circumstances suggested that he was removed due to pressure from the Rio police, with whose corrupt and violent elements he had been coming increasingly into conflict. Several other reformers in the Garotinho government, including Police Ombudsperson Julita Lemgruber, resigned in protest at Soares' removal.

On June 28, a group of Rio de Janeiro police officers, acting without an arrest warrant or probable cause, seized Anderson Carlos Crispiniano from his home in the Morro do Adeus favela (shantytown) and took him to a local police station. According to press reports of the incident, and statements by Crispiniano's family to the Brazilian NGO Global Justice, the officers beat the young man severely, tore out his toenails on one foot, and threatened to plant narcotics on him and charge him with drug trafficking unless he convinced his family to pay a ransom in excess of U.S. \$2,000. After more than twelve hours, the police, through an intermediary, released Crispiniano in exchange for the sum demanded. Three weeks later, Crispiniano died from his injuries. The Crispiniano case attracted significant attention in the local media, as well as the concern of the U.N. special rapporteur on torture, both before and during his August–September visit to Brazil. Nonetheless, at this writing, the internal police investigation into the case was at a standstill.

Accountability for police crimes remained elusive. After the August conviction of two low-ranking police officers—Daniel da Silva Furtado, sentenced to sixteen years in prison for two homicides, and Ailton Ramos Morais, sentenced to eighteen years for three homicides—for the massacre of landless squatters in Corumbiara, Rondônia state, prosecutors overtly politicized the proceedings. The trial was based on events that occurred on August 9, 1995 when, in the early morning, heavily armed police entered the Santa Elina fazenda (large commercial farm) in Corumbiara to forcibly evict squatters, who resisted them. In the initial skirmish, two police and several of the squatters were killed. After the situation had been brought under control, the police tortured and humiliated the survivors, killing several more of them and arresting a landless worker whose corpse surfaced days later in a nearby river.

In the course of one of the trials, in which the prosecution itself requested the acquittal of two officers (permitted under Brazilian law) who oversaw the operation, state attorney Tarciso Leite de Mattos referred to the landless as "Nôziz" and told the jury that "either Brazil does away with the landless movement, or they will do away with Brazil." After three weeks of proceedings, the jury convicted two landless leaders for their role in the conflict, and the court sentenced Cicero Pereira Leite Neto to six years and two months in prison and Claudemir Gilberto Ramos to eight years and six months in prison. After the initial convictions of the two officers, the jury acquitted nine military police officers and convicted one ranking officer, Cpt. Vitorio Régis Mena Mendes, who was sentenced to nineteen years in prison for three homicides.

In August, a Rio de Janeiro jury acquitted former police officers Hélio Vilário Guedes, Paulo Roberto Borges da Silva, William Moreno da Conceição and Hélio Gomes Lopes, who had been charged with homicide for their roles in the 1993 massacre of twenty-one residents of the Vigário Geral favela in Rio de Janeiro. The following month, the same jury convicted former military policeman José Fernandes Neto, and the court sentenced him to forty-five years in prison. In October, the court jury convicted Alexandre Bicego, another former military policeman, for the homicides; the court imposed a sentence of seventy-two years. The verdicts meant that more than seven years after the incident only six police officers had been convicted of the killings, significantly fewer than the thirty to fifty police involved in them. Nineteen police had been acquitted; six others awaited trial at this writing.

Led by the MST, the landless rural poor embarked on a national campaign of occupying farms and government buildings, part of a larger effort to force the authorities to accelerate the process of land reform. The federal government responded to these actions by creating a division within the federal police to investigate agrarian conflicts, and by expanding federal jurisdiction to cover occupations of municipal and state buildings, as well as federal institutions. These measures were criticized by rights groups, which contrasted the government's eagerness to expand federal competence to manage social movements with its continued failure to establish federal jurisdiction over human rights violations.

The MST's occupations frequently evoked a violent response. Although the Pastoral Land Commission (Comissão Pastoral da Terra, CPT) had not yet released data for the year 2000 at this writing, their figures showed that twenty-four people were killed in land disputes in 1999, down from 1998 figures but consistent with figures from recent years. Nonetheless, areas with high numbers of land occupations showed an increase in violence. Prominent among these was the southern state of Paraná. From 1997 to late June 2000, fifteen laborers were killed in Paraná and twenty more survived attempted homicides. Seven laborers were tortured by state police during 1999 and the first half of 2000. While eighteen were injured in police actions in 1999, this number soared to 232 in the first half of 2000. During the course of forced evictions in 1999, the police in Paraná arrested 173 people, mostly without probable cause, detaining them for extended periods in police lockups and jails; in the first six months of 2000, this figure rose to 141.

Detention conditions continued to violate international norms. The latest census figures—from August 1999—showed that while Brazilian prisons had capacity for just over 107,000 inmates, 194,074 were confined. According to research by the U.N. Latin American Institute for the Prevention of Crime and Treatment of Offenders (ILANUD), the prison population surpassed 200,000 in 2000. Official figures indicated that from 1995 to 1999 the number of prisoners increased by 30.5 percent. In São Paulo, where the government raised capacity by more than 12,000 over the past several years through new prison construction, the inmate population reached 90,000 in September. The state prison system, however, had capacity for only 44,972, forcing the authorities to maintain 34,232 prisoners in jails and police lockups that were themselves designed to accommodate at most 17,635 short-term detainees. Not surprisingly, the miserable conditions of such places—characterized by overcrowding, abysmal sanitary facilities, no job training or educational infrastructure, and constant physical violence—sparked numerous inmate riots over the course of the year. Contributing to the ongoing prison crisis was the failure of judges to sentence eligible convicts to non-prison terms, in accordance with the provisions of Law No. 9,714/99, passed in November 1999. While São Paulo's prisons administration secretary had 1,942 slots for non-prison sentences, only 650 were being used in late 2000.

Prisoners in such facilities were also frequently subject to extreme forms of violence at the hands of special police forces and guards. On June 2, after a disturbance at the Americana City Jail in São Paulo state, the special police made more than one hundred detainees strip and then run a gauntlet. Police in two parallel lines beat the semi-naked prisoners with whips, bats, iron bars, bottles, and other objects; afterwards, they poured vinegar and saltwater over the prisoners' open wounds. A week later, at the Fiftieth Police District, twelve police officers entered the lockup, forced detainees to strip to their underwear, and engaged in an abuse session that included severe beatings with bats and metal bars, and electric shocks. Police repeatedly beat detainee Nilson Saldanha on the head, injuring him so severely that he died ten days later.

Conditions of detention for juveniles remained well below international standards as well as the minimum guarantees set out in Brazil's Progressive Children's and Adolescents' Statute (Estatuto da Criança e do Adolescente). The tenth anniversary of the law was celebrated in the midst of a wave of flagrant abuses against youths held in the detention centers of the Foundation for the Well Being of Minors (Fundação pelo Bem Estar do Menor, FEBEM) in São Paulo. Over the course of 2000, rights groups documented numerous cases of mass beatings; on several occasions, public prosecutors entered FEBEM detention centers and also filmed the fresh wounds of dozens of detainees.

Defending Human Rights

Human rights organizations, neighborhood and community associations, religious groups and unions documented and denounced 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 attempted murder. On September 5, a jeep carrying several members of the CPT in the northeastern state of Paraíba was struck by 12-gauge shotgun fire. Father João Maria Cauchi, the CPT's state coordinator, and sister Maria Ferreira da Costa were both injured but survived the attempt on their lives.

On two consecutive days in September, representatives of Amnesty International and a gay pride organization, both in São Paulo, received packages containing bombs through the ordinary mail. Police deactivated the bombs without injury. At the same time, Renato Simões and Italo Cardoso, the presidents of the human rights commissions of the São Paulo State Legislative Assembly and the City Council, respectively, received letters containing threats directed at themselves and others who defend human rights. At this writing, neither the state nor federal police had succeeded in identifying those responsible for the bombs and threats.

Other human rights defenders faced threats and unwarranted criminal and civil lawsuits. In February, Darcy Frigo, an attorney with the CPT in Paraná state, received death threats by phone, as did another CPT employee, Dionísio Vandrezen, in June. Frigo also faced charges of resisting a judicial order in connection with a mass eviction operation on November 27, 1999, in Curitiba, Paraná, in which he was badly beaten by police. The incident took place before members of the local and national media and hundreds of onlookers, including the local Catholic bishop, Dom Ladislau Biernaski, a defense witness in the proceedings against Frigo. Authorities in Natal, Rio Grande do Norte, indicted Human Rights Watch's former Brazil director James Cavallaro for the crime of defamation, initiating criminal proceedings against him. In previous court testimony and interviews with a local newspaper, Cavallaro had provided information regarding suspects in the 1996 murder of human rights lawyer Gilson Nogueira.

Human rights commissions of state, municipal, and federal legislative bodies, although governmental by definition, continued to demonstrate significant independence throughout the year, reviewing allegations of abuse, monitoring police, prisons and other state agents, and denouncing abuses to prosecutors and the media.

The Role of the International Community

United Nations

Visits by key human rights officials demonstrated the U.N.'s commitment to promoting respect for basic rights in Brazil. In May, U.N. High Commissioner for Human Rights Mary Robinson visited Brasília, São Paulo and Rio de Janeiro, reaching a working agreement with the government regarding technical assistance.

The second visit of a U.N. human rights official—a mission by the special rapporteur on torture in August and September—provided an important platform for groups investigating and denouncing this abuse to make themselves heard. In three weeks of intensive on-site research that took him to Brasília, São Paulo, Rio de Janeiro, Belo Horizonte, Recife, Belém, and Marabá, the special rapporteur, Sir Nigel Rodley, documented scores of cases of severe beatings and torture. At the end of his visit, he expressed deep concern over the state of the country's detention facilities, explaining that Brazilian prisoners were routinely subject to subhuman conditions and severe physical abuse. His full report—to be released during the 2001 session of the U.N. Human Rights Commission—was awaited with great anticipation.

Organization of American States

In June, for the second time in five years, the Inter-American Commission on Human Rights (IACHR) visited Brazil. The previous visit—in December 1995—led to a substantial report on the country's human rights situation. This visit, by several commission members, underscored the importance of the work of the OAS's primary human rights body on individual petitions. During its stay in São Paulo, the IACHR received dossiers from groups working on violations ranging from prison conditions and the situation in juvenile detention centers, to abuses in rural Brazil, racism, and women's rights.

In its annual report, released in June, the IACHR published its findings in three cases against Brazil, including one condemning the government's failure to prosecute the military police responsible for the massacre of 111 inmates in the Carandiru prison complex in October 1992. Brazilian rights groups made greater use of the petitions process during the year. Unfortunately, the Brazilian government failed to heed the IACHR's recommendations in cases already decided, failed to respect deadlines, and did not submit complete responses to some petitions.

United States

Over the year, the U.S. gave relatively little direct assistance to Brazil. For fiscal year 2000, Congress approved U.S. \$1.5 million in counter-narcotics assistance; for fiscal year 2001, the administration requested \$2 million for the same item. For fiscal year 2000, Congress approved \$225,000 for Brazil through the International Military Education and Training (IMET) program. The administration requested \$250,000 in IMET funding for fiscal year 2000.

The State Department's chapter on Brazil in its *Country Reports on Human Rights Practices for 1999* fairly portrayed the country's human rights situation.

CHILE

Human Rights Developments

On March 11, Ricardo Lagos Escobar, candidate of the center-left coalition that has governed since former dictator Gen. Augusto Pinochet left power in 1990, began a six-year presidential term, replacing President Eduardo Frei. His inauguration was overshadowed by Pinochet's return to Chile on March 3, after British Home Secretary Jack Straw ordered the former dictator's release on medical grounds from house arrest in England. Pinochet was detained in London on October 14, 1999, and had spent more than sixteen months in England under police guard in a secluded residence, after Spain and three other European countries requested his

extradition to face trial for human rights violations. At the time of his return to Chile, Pinochet faced more than sixty domestic criminal complaints lodged since January 1999 by relatives of victims of extrajudicial executions, "disappearances," and torture, and by political parties, trade unions, and professional groups.

While Pinochet was on his way home, human rights lawyers acting for the victims made a formal request to the appeals court judge investigating the complaints, Juan Guzmán Tapia, that Pinochet be stripped of his immunity as a senator (a process known as *desafuero*) so that he could face trial. Under the 1980 constitution, Pinochet had awarded himself the non-elected post of lifetime senator when he stepped down as president.

On May 23, the Santiago Appeals Court voted by thirteen to nine to remove his immunity, finding that there were sufficient grounds for Pinochet to be prosecuted. The Supreme Court confirmed the decision by an even larger majority—fourteen to six—on August 9. The verdict was greeted as a landmark victory for justice both in Chile and internationally. Although Pinochet's poor health made it unlikely that his trial would be concluded, his shield of immunity, which a few years earlier had seemed impenetrable, was in tatters. Moreover, the Chilean judiciary, which had been widely questioned for its failure to defend human rights during Pinochet's rule, had shown independence in resisting pressure, thereby consolidating the rule of law.

Then, in October, Argentine judge Juan José Galeano requested the extradition of Pinochet and other former military officials to face criminal charges in the 1974 Buenos Aires car-bombing that killed former army commander-in-chief General Carlos Prats and his wife, Sofía Cuthbert.

There were also important advances in other human rights cases involving former military officers and members of the intelligence services under the military government. On July 19, the Seventh Chamber of the Santiago Appeals Court sentenced two former army majors and a cadet to life imprisonment for the murder in 1992 of a carpenter, Juan Alegría Mandiaca. Alegría's body had been found with a suicide note in which he "confessed" to the murder of another victim of extrajudicial execution, trade union leader Tucapel Jiménez. Approximately twenty former police and army agents were on trial for Jiménez's murder, one of the most notorious cases of the 1980s.

The dramatic developments in the courts, and in particular Pinochet's loss of immunity, led to some tense moments between President Lagos's government and the armed forces and their civilian supporters. President Lagos made it clear at every opportunity that his government would not intervene in court decisions, and that whatever political agreements were reached on the human rights legacy, justice must proceed regardless. He headed off military pressure in the days leading up to the Supreme Court verdict and replied to military protest afterward by firmly asserting his constitutional authority.

Pinochet returned to a country already accustomed to his absence. He had scarcely been mentioned by either candidate during the election campaign. The business-as-usual atmosphere changed, however, the moment the former dictator set foot on the tarmac at Santiago's airport. A contingent of top military brass, former ministers of his government, and their families was awaiting his arrival. Pinochet's unassisted walk to greet his supporters and his raised stick salute shocked many who were expecting to see the man whom the United Kingdom had released on humanitarian grounds carried from the plane on a stretcher. The army ferried him by helicopter to the roof of the Military Hospital, pointedly flying over the presidential palace, and escorting him from the aircraft behind a wall of heavily armed soldiers. In a public statement, President Frei said he had kept his promise to bring Pinochet home before the end of his mandate. But, he pointed out, "All our efforts to get Senator Pinochet home have had a sole objective: that it should be Chilean courts not those of another country that apply the law."

Congress approved a constitutional reform giving parliamentary immunity to former presidents that have served a full term, thus encouraging Pinochet to resign from the Senate without forfeiting his protection from prosecution. Human Rights Watch, which shared the concern of Chilean human rights lawyers that the reform could give Pinochet additional legal immunity as well as establish a worrying regional precedent, wrote to President Lagos urging him to veto the measure. The reform became law in April, but Pinochet had not resigned his Senate position at this writing.

Although there were more than seventy criminal suits open against him, the *desafuero* proceedings concerned one case in particular, the so-called Caravan of Death. One month after the military coup that brought Pinochet to power in 1973, a helicopter-borne army unit under the command of one of the coup-makers, Gen. Sergio Arellano Stark, had visited the towns of Cauquenes in the south, and La Serena, Copiapó, Antofagasta, and Calama in the north. They secretly executed seventy-two political prisoners removed from local prisons. General Arellano had acted as Pinochet's personal emissary, with written orders "to streamline the administration of justice for political prisoners."

In July 1999, the Supreme Court had unanimously confirmed the indictment of General Arellano and four other senior retired army officers for kidnapping nineteen of the victims, whose bodies had never been located. Arellano and the others were accused of aggravated kidnapping, a charge that allowed the prosecution to surmount an amnesty law decreed by the military government in 1978. Since the fact of death could not be established, the court held, it was impossible to know that the nineteen had been killed within the five-year period covered by the amnesty law, and the amnesty was therefore found to be inapplicable.

At the oral hearings in the Santiago Appeals Court, held during the last week of April 2000, Pinochet's counsel, Ricardo Rivadeneira, argued that Pinochet's health was too poor for him to instruct his defense, and that the proceedings violated his right to due process. However, on May 3 the court rejected ordering medical tests before ruling on Pinochet's immunity. While the court studied the dossier, the armed forces stretched their constitutional role to the limit in proclaiming their support for the former ruler. On several occasions, however, President Lagos firmly reminded them of their constitutional obligation to remain neutral. After the four commanders-in-chief met on May 15 for a widely publicized lunch in an elegant Santiago restaurant, Lagos stated pointedly that "it is not necessary to show to anyone the unity of the armed forces, because the armed forces are united behind the president of Chile."

The Supreme Court verdict confirming the *desafuero* not only held that Pinochet could be prosecuted on the kidnapping charge. It argued that, even if the crimes were eventually found to be homicides, he could still be stripped of his immunity, since it was up to the trial judge to establish whether or not the amnesty or a statute of limitations was applicable. The judges referred to the vertical chain-of-command in the armed forces as a *prima facie* indication of Pinochet's responsibility, quoting the general's own aphorism, "The most useless person in life is he who knows neither how to give orders nor to obey." The court also referred to a declaration by one of the Caravan of Death officers, Col. (Rtd.) Sergio Arredondo, who indicated that he had known the true, lethal purpose of the mission before it began.

The Council for the Defense of the State (Consejo de Defensa del Estado, CDE), an autonomous body that represents the interests of the state in criminal proceedings, announced on March 7 that it had decided unanimously to join the proceedings as a party against Pinochet. The previous June, the CDE had turned down a government request to make itself a party.

During the year, the armed forces participated in talks, known as the Roundtable Dialogue (Mesa de Diálogo), with human rights attorneys and representatives of churches and civil society, which had been convened under the government of President Eduardo Frei. Although the discussions were almost abandoned more than once due to deep disagreements between the parties, the participants signed an accord on June 13. Each branch of the armed forces, including the uniformed police, the Carabineros, agreed to provide the fullest information possible on the whereabouts or fate of the "disappeared" at the end of six months. They also acknowledged "the responsibility of agents of organizations of the State" for grave human rights violations during the military regime, the first such admission since Pinochet relinquished power to an elected government a decade ago. On June 21, Congress, acting by an overwhelming majority, passed legislation enacting the agreement.

At this writing, Congress was expected to pass shortly a law to regulate the press, which it had been debating since 1993. The new law would strengthen freedom of expression guarantees in several important respects. Courts would no longer have powers to ban reporting of sensitive criminal cases, and would have to respect the confidentiality of journalists' sources. Military tribunals would no longer exercise jurisdiction over journalists charged with sedition or espionage.

under military laws. The bill would also remove the crime of contempt of authority from the State Security Law. Article 6(B) of that law punished those who insulted the president, cabinet ministers, senior judges, commanders-in-chief of the armed forces, or members of congress. At least thirty people had been charged and several convicted under this law since 1990, many for criticizing Pinochet or members of the Supreme Court he had appointed.

In December 1999, a new statute governing public administration and local government entered force, establishing for the first time that official documents were public, and providing a legal mechanism for redress if officials arbitrarily denied access to such public documents. Legislation to amend the constitution in order to end film and video censorship, and to restructure and revise the powers of the board of film censors, was also under parliamentary debate, but had not been approved at this writing. While President Lagos inherited these freedom of expression reforms from his predecessor, he had promised during the elections to give them high priority.

The conviction in February of journalist José Ale Aravena, court reporter for *La Tercera*, was a reminder of the authoritarian mentality of many of Chile's senior judges, and the meager protection they have given to freedom of expression through a decade of democratic rule. On February 15, the Second Chamber of the Supreme Court sentenced Ale to a 541-day suspended prison term for "insulting" former Chief Justice Servando Jordán in an article summarizing the judge's controversial career. Ale, who had referred in his article to comments that Jordán had been a member of a privileged clique in the judiciary, had been acquitted repeatedly by lower courts. The judge who drafted the sentence insulted and threatened the journalist at a public gathering two weeks before the verdict, calling him a "professional slanderer," thereby removing any semblance of impartiality from the verdict. President Lagos granted Ale a presidential pardon. The law regulating "insult" that led to his conviction was due to be removed from the statute books as part of the new press law.

Paula Afanador, also of *La Tercera*, was facing charges of breaching the secrecy of a criminal investigation under the Law on Abuses of Publicity and a similar charge under the law against illegal drug-trafficking brought by the CDE in April. In June 1999, Afanador had written a series of articles in *La Tercera* and *La Hora* about a high-profile investigation being conducted by the CDE into a drug-trafficking and money-laundering conspiracy, which became known as "Operation Ocean." The articles included the testimony of former members of the criminal group who were interviewed in prison in the United States by Chilean police officials. Afanador had refused to identify to the police her sources of information, and was consequently held solely responsible by the CDE for the leaked information, an offense that carried a five-year prison sentence under the drug-trafficking law. The case established a troubling precedent at a time when the government had committed itself to protecting the confidentiality of journalists' sources and the public's right of access to information in the public interest.

Defending Human Rights

The Supreme Court's decision stripping General Pinochet of his parliamentary immunity was a triumph for Chile's human rights movement, and especially for the victims of his rule who had campaigned for justice for twenty-five years. Often their work incurred personal risk. On December 15, 1999, Viviana Díaz Caro and Mireya García, president and secretary general, respectively, of the Association of Relatives of the "Disappeared" (Agrupación de Familiares de Detenidos Desaparecidos, AFDD) received a Christmas card with the inscription, "Let's hope that Father Christmas will give us the opportunity to meet face to face in the year 2000, so that we can blow your brains out. Enjoy your last Christmas. . . you will not be around for the next. Greetings to your family. . . MERRY Christmas to all. FNL—Villa Grimaldi Editions."

Villa Grimaldi is the name of a former torture center in Santiago, now converted into a "park for peace." A group calling itself the Nationalist Front for Fatherland and Freedom (Frente Nacionalista Patria y Libertad, FNL), believed to be made up of pro-Pinochet fanatics and former military personnel, had menaced other individuals and groups during the year. After Pinochet's return to Chile, however, no further threats were reported.

A group of young people known as the Funa, whose activities are dedicated to unmasking former torturers, was the object of a criminal complaint lodged in August by an opposition member of the Chamber of Deputies, who accused them of "criminal association." The group engaged in nonviolent vigils, accompanied by drums, whistles, and chanting, outside the homes or offices of individuals known from legal records to have participated in torture and killings. The evening newspaper *La Segunda* referred to them as "an ultra-left group that decided to exchange their molotov cocktails for a more sophisticated weapon: character assassination."

The Role of the International Community

United States

Following Pinochet's arrest in London, the White House ordered U.S. national security agencies to release confidential documents that shed light on human rights violations in Chile from 1968-1990. By mid-2000, some 7,500 documents had been released, but they did not include crucial Central Intelligence Agency (CIA) documents believed to reveal the details of U.S. covert action in Chile prior to and following the election of the Allende government that was overthrown by the military coup of 1973, and information on U.S. support for the military junta. Following pressure from freedom of information groups, the CIA carried out a search of its archives and gave written assurances to the National Security Council that its documents would be declassified in time to be released in September 2000. However, CIA Director George Tenet went back on this commitment in August, by deciding not to release hundreds of documents on grounds that they could compromise intelligence sources and operational methods. Of particular concern was the fact that the missing documents might contain information crucial to Pinochet's trial in Chile, such as the functioning of his secret police, the DINA, and the CIA's liaison with it.

During a visit to Santiago in August, however, U.S. Secretary of State Madeleine Albright pledged to push for the "fullest possible declassification." A breakthrough in understanding the role of the CIA in Chile came the following month, in response to a 1999 amendment to the fiscal 2000 Intelligence Authorization Act authored by member of the House of Representatives Maurice Hinchey. It required the agency to submit a report to Congress on its relations with Pinochet's military government, among other aspects of CIA involvement in Chile. In the report, the CIA revealed that it had maintained a liaison with Manuel Contreras, the DINA's infamous director, from 1974 to 1977. The relationship lasted throughout the period in which human rights were grossly and systematically abused in Chile, and it ended a year after the car-bomb murder in Washington, D.C. of former Allende foreign minister Orlando Letelier, and his colleague Ronni Moffitt, for which Contreras had been indicted in the United States and convicted in Chile. At this writing, the CIA and other agencies were preparing for a release of 16,000 declassified documents related to the U.S. role in Chile.

The U.S. continued to investigate Pinochet's role in the Letelier-Moffitt assassination. On March 22, U.S. law enforcement officials arrived in Santiago to question witnesses, after the Chilean Supreme Court agreed to subpoena forty-two people at the request of the U.S. government. Without the presence of the U.S. investigators, a Chilean judge asked the witnesses, including Contreras, questions provided by the U.S. authorities. The Chilean Supreme Court has requested the extradition of one of the DINA agents convicted in the U.S. for the Letelier crime, Armando Fernández Larios, to answer charges in the caravan of death case.

COLOMBIA

Human Rights Developments

DURING THE YEAR, COLOMBIA SAW LITTLE PROGRESS BEYOND RHETORIC TOWARD A NEGOTIATED END TO PROLONGED CONFLICT. BOTH THE REVOLUTIONARY ARMED FORCES OF COLOMBIA (FUERZAS ARMADAS REVOLUCIONARIAS DE COLOMBIA, FARC) AND THE CAMILIST UNION-NATIONAL LIBERATION ARMY (UNIÓN CAMILISTA-EJÉRCITO DE LIBERACIÓN NACIONAL, UC-ELN) SENT DELEGATIONS TO EUROPE IN GOVERNMENT-APPROVED EFFORTS TO FURTHER TALKS. YET, IN COLOMBIA, INDIVIDUALS WHO SPOKE OUT IN FAVOR OF PEACE AND PROTECTION FOR CIVILIANS WERE ELIMINATED RUTHLESSLY BY ALL SIDES. CONTINUING A DISTURBING TREND FROM 1999, THE AVERAGE NUMBER OF VICTIMS OF POLITICAL VIOLENCE AND DEATHS IN COMBAT ROSE IN 2000 FROM TWELVE TO FOURTEEN PER DAY ACCORDING TO THE COLOMBIAN COMMISSION OF JURISTS (COMISIÓN COLOMBIANA DE JURISTAS, CCJ). ALL PARTIES TO THE CONFLICT ROUTINELY COMMITTED VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW.

COLOMBIA'S ARMED FORCES CONTINUED TO BE IMPLICATED IN SERIOUS HUMAN RIGHTS VIOLATIONS AS WELL AS SUPPORT FOR THE PARAMILITARY GROUPS CONSIDERED RESPONSIBLE FOR AT LEAST 70 PERCENT OF THE HUMAN RIGHTS VIOLATIONS RECORDED IN THE SIX MONTHS FROM OCTOBER 1999. TROOPS ATTACKED INDISCRIMINATELY AND KILLED CIVILIANS, AMONG THEM SIX ELEMENTARY SCHOOL CHILDREN ON A FIELD TRIP NEAR PUEBLO RICO, ANTIOQUIA, ON AUGUST 15. ACCORDING TO WITNESSES, SOLDIERS FIRED FOR FORTY MINUTES, IGNORING THE SCREAMS OF THE ADULT CHAPERONES. COLOMBIAN ARMY COMMANDER GEN. JORGE MORO SEEMED TO JUSTIFY THE ATTACK BY TELLING JOURNALISTS, "THESE ARE THE RISKS OF THE WAR WE ARE ENGAGED IN." ANOTHER CASE TOOK PLACE ON JUNE 19, WHEN TROOPS BELONGING TO THE REBEZ PIZARRO BATTALION FIRED ON A CAR CARRYING SIX ADULTS AND TWO CHILDREN RETURNING FROM A PARTY, WOUNDING ALL.

THERE CONTINUED TO BE ABUNDANT, DETAILED, AND CONTINUING EVIDENCE OF DIRECT COLLABORATION BETWEEN THE MILITARY AND PARAMILITARY GROUPS. GOVERNMENT INVESTIGATORS, FOR EXAMPLE, CONTENDED THAT ACTIVE DUTY AND RESERVE OFFICERS ATTACHED TO THE ARMY'S THIRD BRIGADE IN CALI HAD SET UP AND ACTIVELY SUPPORTED THE CALIMA FRONT. IN THE TWELVE MONTHS SINCE IT BEGAN TO OPERATE IN JULY 1999, THE CALIMA FRONT WAS CONSIDERED RESPONSIBLE FOR AT LEAST 200 KILLINGS AND THE DISPLACEMENT OF OVER 10,000 PEOPLE.

ON FEBRUARY 19, SOME 300 ARMED MEN BELONGING TO THE PARAMILITARY PEASANT SELF-DEFENSE FORCE OF CÓRDOBA AND URABÁ (AUTODEFENSAS CAMPESINAS DE CÓRDOBA Y URABÁ, ACCU) SET UP A KANGAROO COURT IN THE VILLAGE OF EL SALADO, BOLÍVAR. FOR THE NEXT TWO DAYS, THEY TORTURED, GARROTTED, STABBED, DECAPITATED, AND SHOT RESIDENTS. WITNESSES TOLD INVESTIGATORS THAT THEY TIED ONE SIX-YEAR-OLD GIRL TO A POLE AND SUFFOCATED HER WITH A PLASTIC BAG. ONE WOMAN WAS REPORTEDLY GANG-RAPED. AUTHORITIES LATER CONFIRMED THIRTY-SIX DEAD. THIRTY OTHER VILLAGERS WERE MISSING. "TO THEM, IT WAS LIKE A BIG PARTY," A SURVIVOR TOLD THE NEW YORK TIMES. "THEY DRANK AND DANCED AND CHEERED AS THEY BUTCHERED US LIKE HOGS."

WHILE THESE ATROCITIES WERE BEING CARRIED OUT, THE COLOMBIAN NAVY'S FIRST BRIGADE MAINTAINED ROADBLOCKS AROUND EL SALADO THAT PREVENTED THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) AND OTHERS FROM ENTERING. THIRTY MINUTES AFTER PARAMILITARIES HAD WITHDRAWN SAFELY WITH LOOTED GOODS AND ANIMALS, NAVY TROOPS ENTERED THE VILLAGE.

OFFICERS IMPLICATED IN SERIOUS ABUSES REMAINED ON ACTIVE DUTY, AND ONLY IN EXCEPTIONAL CASES WERE THEY SUSPENDED. MILITARY JUDGES GENERALLY CONTINUED TO IGNORE A 1997 CONSTITUTIONAL COURT DECISION REQUIRING THAT CASES INVOLVING SOLDIERS ACCUSED OF GROSS HUMAN RIGHTS VIOLATIONS BE PROSECUTED IN CIVILIAN COURTS. ACCORDING TO THE BOGOTÁ-BASED OFFICE OF THE U.N. HIGH COMMISSIONER FOR HUMAN RIGHTS, THE SUPERIOR JUDICIAL COUNCIL (CONSEJO SUPERIOR DE LA JUDICATURA, CSJ), CHARGED WITH RESOLVING JURISDICTIONAL DISPUTES, ALSO CONTINUED TO FLOUT THE CONSTITUTIONAL COURT AND CONTINUED TO TRANSFER "CASES OF SERIOUS HUMAN RIGHTS AND INTERNATIONAL HUMANITARIAN LAW VIOLATIONS TO MILITARY COURTS."

DEFENSE MINISTER LUIS FERNANDO RAMÍREZ DECLARED IN JULY THAT MILITARY TRIBUNALS HAD ALREADY TRANSFERRED 533 POLICE AND MILITARY CASES TO CIVILIAN JURISDICTION, DEMONSTRATING COMPLIANCE WITH THE 1997 DECISION. HOWEVER, AFTER A REVIEW OF 103 CASES THAT THE ARMY DISCLOSED TO HUMAN RIGHTS WATCH, ONLY THIRTY-NINE WERE FOUND TO BE CASES THAT COULD BE CONSIDERED HUMAN RIGHTS VIOLATIONS. MOST OF THESE INVOLVED LOW-RANKING SOLDIERS; NONE WERE SENIOR OFFICERS ALLEGED TO HAVE ORDERED OR ORCHESTRATED HUMAN RIGHTS VIOLATIONS. MANY OF THE 103 WERE PROSECUTED FOR OFFENSES SUCH AS DRUG TRAFFICKING, THEFT, LYING, AND BRAWLING. DOZENS OF CASES INVOLVING HIGH RANKING MILITARY OFFICIALS THAT HUMAN RIGHTS WATCH HAS FOLLOWED SINCE THE 1980S SHOULD HAVE BEEN TRANSFERRED TO CIVILIAN JURISDICTION, BUT REMAINED SHIELDED BEFORE MILITARY TRIBUNALS.

THE GOVERNMENT CLAIMED MAJOR IMPROVEMENTS IN CURTAILING ABUSES BY PARAMILITARIES, BUT THE FACTS DID NOT BEAR THIS OUT. PARAMILITARY ACTIVITY INCREASED AND PARAMILITARY GROUPS WERE CONSIDERED RESPONSIBLE FOR NINETY-THREE MASSACRES IN THE FIRST FIVE MONTHS OF 2000. MOST ARREST WARRANTS ISSUED BY THE ATTORNEY GENERAL AGAINST PARAMILITARIES WERE NOT ENFORCED DUE TO INACTION BY THE MILITARY, AND PARAMILITARY LEADERS REMAINED AT LARGE AND COLLECTED WARRANTS LIKE BADGES OF HONOR. AT THIS WRITING, THERE WERE TWENTY-TWO OUTSTANDING ARREST WARRANTS AGAINST CARLOS CASTAÑO, THE MAIN PARAMILITARY LEADER, FOR MASSACRES, KILLINGS, AND THE KIDNAPPING OF HUMAN RIGHTS DEFENDERS AND A COLOMBIAN SENATOR, AMONG OTHER CRIMES.

THE GOVERNMENT REPEATEDLY CLAIMED THAT IT HAD SET UP SPECIAL UNITS TO PURSUE PARAMILITARIES, BUT THESE GROUPS APPEARED LITTLE MORE THAN PAPER TIGERS. ONE, THE "COORDINATION CENTER FOR THE FIGHT AGAINST SELF-DEFENSE GROUPS," ANNOUNCED WITH FANFARE ON FEBRUARY 25, HAD NOT EVEN MET MORE THAN SIX MONTHS LATER.

CARLOS CASTAÑO OFTEN ANNOUNCED PUBLICLY AND WELL IN ADVANCE WHAT HIS FORCES PLANNED TO DO, YET MILITARY COMMANDERS COMMONLY FAILED TO DEPLOY TROOPS TO PROTECT CIVILIANS, EVEN WHEN LOCAL AUTHORITIES INFORMED THEM ABOUT THREATS. SINCE JANUARY, HUMAN RIGHTS WATCH LEARNED THROUGH PUBLICLY AVAILABLE SOURCES OF OVER TWENTY THREATENED ATTACKS ON VILLAGES THAT WERE LATER CARRIED OUT. ONLY IN EXCEPTIONAL CASES WERE MEASURES TAKEN TO PROTECT CIVILIANS AND PURSUE PARAMILITARIES KNOWN TO BE IN THE AREA. AUTHORITIES ALSO RECEIVED RELIABLE AND DETAILED INFORMATION ABOUT THE LOCATION OF PERMANENT PARAMILITARY BASES, OFTEN WITHIN WALKING DISTANCE OF MILITARY SITES, YET FAILED TO ACT AGAINST THEM, CONTRIBUTING TO AN ATMOSPHERE OF TERROR.

CASTAÑO, WHO CLAIMED TO COMMAND 11,200 ARMED AND TRAINED FIGHTERS, MAINTAINED MANY PERMANENT BASES AND ROADBLOCKS, MOVED HIMSELF AND HIS TROOPS WITH APPARENT EASE, AND USED COMPUTERS, THE INTERNET, RADIOS, VEHICLES, AND HELICOPTERS TO PREPARE DEATH LISTS AND COORDINATE MASSACRES. IN AN UNPRECEDENTED HOUR-LENGTH TELEVISION INTERVIEW IN MARCH, CASTAÑO DESCRIBED HIMSELF AS THE "FIGHTING ARM OF THE MIDDLE CLASS."

ARMED OPPOSITION GUERRILLAS ALSO COMMITTED ABUSES, AND WERE CONSIDERED RESPONSIBLE FOR 20 PERCENT OF THE KILLINGS OF CIVILIANS RECORDED IN THE SIX MONTHS FROM OCTOBER 1999. THE FARC RECEIVED FOREIGN DIGNITARIES, U.N. OFFICIALS, AND WALL STREET BILLIONAIRES IN THE FIVE SOUTHERN MUNICIPALITIES CEDED TO THEM TO PROMOTE PEACE TALKS, BUT CONTINUED TO MURDER CIVILIANS, EXECUTE CAPTURED GOVERNMENT SOLDIERS AND RIVAL GUERRILLA COMBATANTS AFTER SURRENDER, THREATEN AND KILL CIVILIANS WHO REFUSED TO ACCEDE TO THEIR DEMANDS, TAKE HOSTAGES, AND FORCE THOUSANDS OF COLOMBIANS TO FLEE AND BECOME DISPLACED. THE GROUP MAINTAINED AN ESTIMATED SEVENTY BATTLE FRONTS THROUGHOUT COLOMBIA THOUGHT TO INCLUDE AT LEAST 17,000 TRAINED, UNIFORMED, AND ARMED MEMBERS.

IN DOZENS OF ATTACKS, THE FARC EMPLOYED METHODS THAT CAUSED AVOIDABLE CIVILIAN CASUALTIES IN VIOLATION OF INTERNATIONAL HUMANITARIAN LAW, INCLUDING THE USE OF GAS CANISTERS PACKED WITH GUNPOUNDER AND SHRAPNEL AND LAUNCHED AS BOMBS. IN AN ATTACK ON VIGÍA DEL FUERTE, ANTIOQUIA, IN MARCH, FOR EXAMPLE, FARC-LAUNCHED CANISTERS LEFT THE TOWN A VIRTUAL RUIN AND CAUSED NUMEROUS CIVILIAN CASUALTIES, INCLUDING THE TOWN MAYOR. WITNESSES TOLD JOURNALISTS THAT SOME OF THE TWENTY-ONE POLICE AGENTS WHO DIED WERE EXECUTED BY THE FARC, AMONG THEM SEVERAL WHO HAD SOUGHT MEDICAL ATTENTION IN THE LOCAL HOSPITAL.

AFTER A VISIT TO THE FARC AREA IN JUNE, HUMAN RIGHTS WATCH INVESTIGATED EVIDENCE LINKING THE GROUP TO AT LEAST TWENTY-SIX MURDERS THERE. IN ADDITION, THE OFFICE OF THE PUBLIC ADVOCATE (DEFENSORÍA) REPORTED SIXTEEN CASES OF MISSING PERSONS, EITHER FORCIBLY RECRUITED, KILLED BY THE FARC, OR FORCED TO FLEE. THOUSANDS MORE WERE BELIEVED TO HAVE FLED THE AREA AS FORCIBLY DISPLACED. THE FARC PUBLICLY ACKNOWLEDGED NINETEEN EXECUTIONS.

IN AN INTERVIEW WITH HUMAN RIGHTS WATCH IN LOS POZOS, CAQUETÁ, FARC COMMANDER SIMÓN TRINIDAD DISMISSED INTERNATIONAL HUMANITARIAN LAW AS "A BOURGEOIS CONCEPT."

THE FARC RARELY PUNISHED ITS MEMBERS FOR COMMITTING ABUSES. TO THE CONTRARY, THE FEW CASES THEY ACKNOWLEDGED SHOWED THAT PUNISHMENT AMOUNTED TO LITTLE MORE THAN A SLAP ON THE HAND AND RARELY EXTENDED TO THE COMMANDERS WHO ORDERED OR COVERED UP KILLINGS. FOR EXAMPLE, THE TWO GUERRILLAS WHO KILLED AMERICANS TERENCE FREITAS, LAHE'END'E GAY, AND INGRID WASHINAWATOK ON MARCH 5, 1999, WERE EVENTUALLY SENTENCED TO CONSTRUCT FIFTY METERS OF TRENCH AND CLEAR LAND.

FOR THEIR PART, FAR FROM RESPECTING DISSENT, UC-ELN GUERRILLAS THREATENED GROUPS THAT SUPPORTED HUMANITARIAN ACCORDS MEANT TO PROTECT CIVILIANS, AMONG THEM CHILDREN, PLANTERS OF PEACE (NIÑOS, SEMBRANDO SEMILLAS DE PAZ) AND CONCIVIDADNÍA, BOTH BASED IN ANTIOQUIA. THE GROUP CONTINUED ATTACKS ON OIL PIPELINES AND POWER PYLONS, AND FOR PROLONGED PERIODS PREVENTED TRANSIT ON VITAL ROADS, CONVERTING THOUSANDS OF DETAINED TRAVELERS INTO HUMAN SHIELDS AGAINST ARMY COUNTERATTACK.

IN NORTHEASTERN COLOMBIA, WHERE THE UC-ELN ATTEMPTED TO WIN GOVERNMENT SUPPORT FOR A PROTECTED TERRITORY WHERE THEY COULD OPERATE OPENLY AND HOLD TALKS ON SOCIAL CHANGE AND POSSIBLE PEACE, VIOLENCE WAS PARTICULARLY ACUTE. IN THE MUNICIPALITIES OF SAN PABLO, CANTAGALLO, AND YONDÓ, THOUSANDS OF CIVILIANS PROTESTED THE PROPOSED GOVERNMENT WITHDRAWAL, FEARFUL OF GUERRILLA ABUSES, PARAMILITARY RETALIATION, AND MORE WAR. AT THE SAME TIME, THE AREA WAS INCREASINGLY CONTROLLED BY ADVANCING PARAMILITARIES APPARENTLY TOLERATED BY THE COLOMBIAN MILITARY. A REPORT BY NONGOVERNMENTAL ORGANIZATIONS FOUND THAT OVER 3,700 PEOPLE IN THE REGION HAD BEEN FORCIBLY DISPLACED DURING THE FIRST THREE MONTHS OF 2000 AND DOZENS HAD BEEN MURDERED.

THE UC-ELN TRIED TO GENERATE TALKS SIMILAR TO THOSE BETWEEN THE GOVERNMENT AND THE FARC, AND EVEN NEGOTIATED THE TEMPORARY RELEASE OF JAILED LEADERS TO TAKE PART IN JULY DISCUSSIONS IN GENEVA, SWITZERLAND, AND AN OCTOBER MEETING IN SAN JOSÉ, COSTA RICA. HOWEVER, TALKS APPEARED TO BRING LITTLE HOPE, AND THE GROUP'S ESTIMATED 1,500 FIGHTERS WERE INCREASINGLY PRESSED IN THE FIELD BY OFFENSIVES LAUNCHED BY COLOMBIAN THE ARMED FORCES, PARAMILITARIES, AND RIVAL FARC UNITS.

IN AREAS WHERE CONTROL WAS CONTESTED AND AROUND ITS CAMPS, THE UC-ELN CONTINUED TO USE LANDMINES.

BOTH THE FARC AND UC-ELN CONTINUED TO KIDNAP CIVILIANS FOR RANSOM OR POLITICAL CONCESSIONS, A VIOLATION OF INTERNATIONAL HUMANITARIAN LAW. COLOMBIAN POLICE ESTIMATED THAT HALF OF THE OVER 3,000 KIDNAPPINGS CARRIED OUT EACH YEAR WERE THE WORK OF GUERRILLAS; THE REST WERE ATTRIBUTED TO COMMON CRIMINALS. IN APRIL, FARC COMMANDER JORGE BRICEÑO, KNOWN AS "MONO JOJOY," ANNOUNCED THAT ALL COLOMBIANS WITH ASSETS OF OVER U.S. \$1 MILLION SHOULD PAY THE FARC WHAT HE CYNICALLY TERMED A "PEACE TAX" OR RISK BEING TAKEN HOSTAGE. SOME HOSTAGES, INCLUDING A THREE-YEAR-OLD AND A NINE-YEAR-OLD, WERE IMPRISONED IN THE AREA RESERVED FOR GOVERNMENT TALKS. AS OF THIS WRITING, THREE PASSENGERS SEIZED ON AN AVIANCA AIRLINES FLIGHT ON APRIL 12, 1999, REMAINED IN UC-ELN CUSTODY, USED AS BARGAINING CHIPS TO COMPEL THE GOVERNMENT TO MAKE CONCESSIONS.

FORCED DISPLACEMENT OF CIVILIANS REMAINED ACUTE. IN A REPORT RELEASED IN 2000, FRANCIS DENG, THE U.N. SECRETARY-GENERAL'S REPRESENTATIVE ON INTERNALLY DISPLACED PERSONS, DESCRIBED COLOMBIA'S SITUATION AS "AMONG THE GRAVEST IN THE WORLD. . . . [D]ISPLACEMENT IN COLOMBIA IS NOT MERELY INCIDENTAL TO THE ARMED CONFLICT BUT IS ALSO A DELIBERATE STRATEGY OF WAR."

ACCORDING TO THE U.S. COMMITTEE FOR REFUGEES, THERE WERE AT LEAST 1.8 MILLION FORCIBLY DISPLACED PEOPLE IN COLOMBIA AND BETWEEN 80,000 AND 105,000 COLOMBIAN REFUGEES IN VENEZUELA, ECUADOR, AND PANAMA, ALTHOUGH THEY WERE NOT RECOGNIZED AS SUCH BY THE GOVERNMENTS OF THESE COUNTRIES. IN ONLY THE FIRST SIX MONTHS OF 2000, AN ESTIMATED 134,000 COLOMBIANS WERE NEWLY DISPLACED, MOST BY PARAMILITARIES, FOLLOWED BY GUERRILLAS AND THE ARMED FORCES.

ALTHOUGH LAW 397, PASSED IN 1997, OUTLINED A BROAD AND COMPREHENSIVE PLAN TO ASSIST THE FORCIBLY DISPLACED, IT HAD YET TO BE IMPLEMENTED AND KEY ELEMENTS, LIKE A NATIONAL NETWORK OF INFORMATION, REMAINED UNADDRESSED. INDEED, COLOMBIA'S CONSTITUTIONAL COURT RULED IN AUGUST THAT THE STATE HAD FAILED TO ENFORCE THE LAW AND WAS IN VIOLATION OF ITS DUTIES. HOWEVER, IT APPEARED UNLIKELY THAT EVEN THIS UNUSUAL DECISION WOULD STIMULATE THE POLITICAL WILL NECESSARY TO ADDRESS THE PROBLEM.

IN JANUARY, PANAMA GRANTED TEMPORARY PROTECTION TO 393 COLOMBIANS WHO HAD FLED COMBAT IN JURADÓ, CHOCÓ. MOST LATER RETURNED TO COLOMBIA. CHURCH WORKERS IN SUCUMBÍOS, ECUADOR, ESTIMATED THAT IN THE FIRST SEVEN MONTHS OF 2000, AT LEAST 5,000 COLOMBIANS HAD CROSSED INTO ECUADOR. NEVERTHELESS, ONLY 120 HAD GAINED FORMAL STATUS AS REFUGEES AND RECEIVED ASSISTANCE FROM THE UNITED NATIONS HIGH COMMISSION FOR REFUGEES (UNHCR). IN 2000, THE CANADIAN GOVERNMENT PROVIDED RESETTLEMENT TO OVER 500 REFUGEES FROM COLOMBIA.

JOURNALISTS CONTINUED TO BE ATTACKED AND THREATENED FOR THEIR WORK. IN ONE PARTICULARLY BRUTAL INCIDENT, *EL ESPECTADOR* REPORTER JINETH BEDOYA WAS ABDUCTED ON MAY 25 BY PARAMILITARIES WHILE INSIDE LA MODELO, BOGOTÁ'S MAXIMUM SECURITY PRISON. BEDOYA WAS TAKEN FROM THE LOBBY IN FULL VIEW OF GUARDS, DRUGGED, BOUND, GAGGED, AND DRIVEN TO A CITY THREE HOURS AWAY. THERE SHE WAS BEATEN, TORTURED, AND Raped BY FOUR MEN WHO ACCUSED HER OF BEING A GUERRILLA SYMPATHIZER. BEFORE ABANDONING HER AT A LOCAL GARBAGE DUMP, THE MEN TOLD HER THEY HAD PLANS TO KILL MORE JOURNALISTS.

IN FEBRUARY, FARC COMMANDER MANUEL MARULANDA VÉLEZ TOLD JOURNALISTS THAT THEY HAD BEEN UNFAIR TO HIS GROUP AND WOULD BE MADE TO PAY. AT THE TIME, THE FARC WAS HOLDING SEVENTY-THREE-YEAR-OLD MEDIA BUSINESSMAN GUILLERMO "LA CHIVA" CORTÉS HOSTAGE. CORTÉS WAS LATER RESCUED. OTHER JOURNALISTS WHO WROTE FREQUENTLY ABOUT THE WAR, INCLUDING FRANCISCO SANTOS OF *EL TIEMPO* AND IGNACIO GÓMEZ OF *EL ESPECTADOR*, LEFT THE COUNTRY BECAUSE OF THREATS.

THE GOVERNMENT MADE LIMITED PROGRESS IN ESTABLISHING LEGAL STRUCTURES INTENDED TO PROTECT HUMAN RIGHTS. ON JANUARY 13, PRESIDENT ANDRÉS PASTRANA SIGNED THE OTTAWA CONVENTION ON LANDMINES AND PROMISED TO RID THE COUNTRY OF AN ESTIMATED 50,000 DEVICES. AFTER LANGUISHING FOR TWELVE YEARS, A BILL CRIMINALIZING "DISAPPEARANCE," TORTURE, AND FORCED DISPLACEMENT WAS MADE LAW.

POLITICAL CONFLICT EXTENDED TO COLOMBIA'S 169 PRISONS. IN DECEMBER 1999, A PARAMILITARY GROUP BROKE THROUGH A WALL AT BOGOTÁ'S LA MODELO PRISON, AND KILLED ELEVEN INMATES. FOUR MONTHS LATER, PARAMILITARIES ATTACKED THE LA MODELO CELLBLOCK HOUSING COMMON CRIMINALS. AFTER A DAY OF FIGHTING, AUTHORITIES COUNTED THIRTY-TWO DEAD, INCLUDING ONE DISMEMBERED PRISONER, AND DOZENS WOUNDED. OVERCROWDING REMAINED A SERIOUS PROBLEM.

Defending Human Rights

HUMAN RIGHTS DEFENDERS, COMMUNITY LEADERS, GOVERNMENT INVESTIGATORS, AND JOURNALISTS CONTINUED TO FACE THREATS, ATTACKS, AND DEATH THROUGHOUT THE YEAR. FOUR HUMAN RIGHTS DEFENDERS WERE KILLED AND THREE "DISAPPEARED" DURING THE FIRST TEN MONTHS OF 2000.

THREATS WERE PARTICULARLY ACUTE IN THE OIL-REFINING CITY OF BARRANCABERMEJA, LONG THE HOME OF A VIBRANT AND BROAD-BASED HUMAN RIGHTS MOVEMENT. ON JULY 11, ELIZABETH CAÑAS—WHOSE SON AND BROTHER WERE SEIZED BY PARAMILITARIES IN 1999 AND HAVE YET TO BE FOUND—WAS SHOT AND KILLED IN BARRANCABERMEJA. CAÑAS WAS A MEMBER OF THE ASSOCIATION OF FAMILY MEMBERS OF THE DETAINED AND DISAPPEARED (ASOCIACIÓN DE FAMILIARES DE DETENIDOS DESAPARECIDOS—COLOMBIA, ASFADDES). BY SEPTEMBER, DOZENS OF HUMAN RIGHTS DEFENDERS AND TRADE UNIONISTS HAD RECEIVED DEATH THREATS. ALMOST ALL APPEARED TO BE THE WORK OF PARAMILITARY GROUPS WHO VOWED TO "SIP COFFEE" IN GUERRILLA-CONTROLLED NEIGHBORHOODS BY YEAR'S END.

ANGEL QUINTERO AND CLAUDIA PATRICIA MONSALVE, ALSO ASFADDES MEMBERS, WERE "DISAPPEARED" IN MEDELLÍN, ANTIOQUIA, ON OCTOBER 6. INDIGENOUS ACTIVIST JAIRÓ BEDOYA HOYOS, A MEMBER OF THE ANTIOQUIA INDIGENOUS ORGANIZATION (ORGANIZACIÓN INDÍGENA DE ANTIOQUIA, OIA) WHO WORKED ON HUMAN RIGHTS ISSUES, WAS ALSO "DISAPPEARED" ON MARCH 2.

THE REGIONAL CORPORATION FOR THE DEFENSE OF HUMAN RIGHTS (CORPORACIÓN REGIONAL PARA LA DEFENSA DE LOS DERECHOS HUMANOS, CREDHOS) RECEIVED OVER A DOZEN TELEPHONE DEATH THREATS IN AUGUST AND SEPTEMBER. ITS MEMBERS WERE FEATURED ON A DEATH LIST CIRCULATED IN BARRANCABERMEJA IN SEPTEMBER; A TRADE UNIONIST ON A SEPARATE LIST WAS MURDERED IN JULY, A LAWYER REMAINED IN CRITICAL CONDITION AFTER AN ATTACK, AND ANOTHER LAWYER HAD FLED COLOMBIA.

DEMETRIO PLAYONERO, A DISPLACED PERSON AND HUMAN RIGHTS LEADER, WAS MURDERED, APPARENTLY BY PARAMILITARIES, ON MARCH 31. AFTER SHOOTING HIM IN THE HEAD IN FRONT OF HIS WIFE AT HIS FARM OUTSIDE YONDÓ, ANTIOQUIA, THE GUNMEN BREAKFASTED, THEN STOLE THE FARM'S CATTLE. IN MAY, JESÚS RAMIRO ZAPATA, THE ONLY REMAINING MEMBER OF THE SEGOVIA HUMAN RIGHTS COMMITTEE, WAS KILLED NEAR SEGOVIA.

GOVERNMENT PROSECUTOR MARGARITA MARIA PULGARÍN TRUJILLO, PART OF A TEAM INVESTIGATING CASES LINKING PARAMILITARIES TO THE ARMY AND REGIONAL DRUG TRAFFICKERS, WAS MURDERED IN MEDELLÍN ON APRIL 3, APPARENTLY BECAUSE OF HER WORK. SEVERAL OF HER COLLEAGUES HAD ALREADY FLED COLOMBIA BECAUSE OF DEATH THREATS FROM A GANG OF HIRED KILLERS KNOWN AS "LA TERRAZA," CLOSE ALLIES OF CARLOS CASTAÑO. ALTHOUGH SEVERAL MEMBERS OF "LA TERRAZA" WERE EITHER DEAD OR UNDER ARREST BY OCTOBER 2000, THE GROUP REMAINED ACTIVE AND ABLE TO INSTILL TERROR IN THOSE IT THREATENED.

CIVILIAN GROUPS, INCLUDING HUMAN RIGHTS ORGANIZATIONS, ALSO FACED ATTACK FROM THE FARC, WHICH IN OCTOBER 2000 CHARACTERIZED THEM AS "PAID KILLERS [FOR THE COLOMBIAN MILITARY]." IN A STATEMENT ON WHY THEY FAILED TO HONOR AN INVITATION TO AN OCTOBER 2000 PEACE MEETING IN SAN JOSÉ, COSTA RICA, SPONSORED BY A BROAD COALITION OF HUMAN RIGHTS, PEACE, AND COMMUNITY GROUPS, THE FARC DISMISSED THE EFFORT AS ORGANIZED BY "THE ENEMIES OF COLOMBIA AND ITS PEOPLE." IN SUCH WAYS, THE GUERRILLAS CONTRIBUTED TO A GENERAL ATMOSPHERE OF FEAR AND INTOLERANCE THAT ENDANGERED HUMAN RIGHTS DEFENDERS.

GOVERNMENT EFFORTS TO PROTECT THREATENED DEFENDERS CONTINUED TO BE SLOW, INADEQUATE, AND OFTEN IRRELEVANT. EVEN AS GOVERNMENT OFFICES PROVIDED BULLET-PROOF GLASS TO THREATENED OFFICES AND DISTRIBUTED BULLET-PROOF VESTS, DEFENDERS CONTINUED TO BE MURDERED BY EXPERIENCED KILLERS WHO OFTEN BENEFITTED FROM IMPUNITY. CASES INVOLVING THE MURDER OF HUMAN RIGHTS DEFENDERS—AMONG THEM THE 1996 KILLING OF JOSUÉ GIRALDO CARDONA; THE 1997 KILLINGS OF MARIO CALDERÓN, ELSA ALVARADO, AND CARLOS ALVARADO; THE 1999 KILLINGS OF JESÚS VALLE JARAMILLO AND EDUARDO UMANA MENDOZA; AND THE 1999 KILLING OF JULIO GONZÁLEZ AND EVERARDO DE JESÚS PUERTA—REMAINED EITHER UNDER INVESTIGATION OR WITH ONLY THE MATERIAL AUTHORS OF THE CRIMES IDENTIFIED OR UNDER ARREST. IN ALL CASES, THE PEOPLE WHO PLANNED AND PAID FOR THE KILLINGS REMAINED AT LARGE.

MEMBERS OF THE COLOMBIAN MILITARY CONTINUED TO ACCUSE GOVERNMENT INVESTIGATORS, AGENCIES, AND NONGOVERNMENTAL ORGANIZATIONS OF HAVING BEEN INFILTRATED BY OPPOSITION GUERRILLAS, AND QUESTIONED THE LEGITIMACY OF INVESTIGATIONS. THE COLOMBIAN ARMED FORCES GENERAL COMMAND MAINTAINED ON ITS OFFICIAL WEB SITE A TEXT THAT DIRECTLY ACCUSED HUMAN RIGHTS WATCH AND THE U.S. EMBASSY'S HUMAN RIGHTS OFFICER OF FORMING PART OF A "STRANGE AND SHAMEFUL ALLIANCE" WITH A CRIMINAL DRUG TRAFFICKING CARTEL. AFTER THE FEBRUARY 2000 RELEASE OF HUMAN RIGHTS WATCH'S REPORT, "THE TIES THAT BIND: COLOMBIA AND MILITARY-PARAMILITARY LINKS," GEN. FERNANDO TAPIAS, COLOMBIA'S COMMANDER-IN-CHIEF, AND ARMY GENERAL MORA, ECHOED THIS RHETORIC BY SUGGESTING THAT HUMAN RIGHTS WATCH WAS IN THE PAY OF DRUG TRAFFICKERS.

The Role of the International Community

United Nations

THE BOGOTÁ OFFICE OF THE U.N. HIGH COMMISSIONER FOR HUMAN RIGHTS UNDERTOOK INVALUABLE WORK, VISITING REGIONS SHAKEN BY WAR AND PRESSING COLOMBIAN GOVERNMENT AUTHORITIES ON THE DOZENS OF RECOMMENDATIONS MADE BY U.N. RAPPORTEURS AND OTHERS THAT REMAINED UNADDRESSED. PRESENTING THE OFFICE'S BLISTERING ANNUAL REPORT, MARY ROBINSON NOTED THAT THE SITUATION "HAS DETERIORATED SIGNIFICANTLY. THIS IS A SAD AND SOBERING COMMENT TO HAVE TO MAKE, AS I REFLECT BACK ON MY OWN VISIT TO BOGOTÁ IN OCTOBER 1999."

THE REPORT PAID SPECIAL ATTENTION TO CONTINUING EVIDENCE OF TIES BETWEEN THE MILITARY AND PARAMILITARY GROUPS. THE OFFICE NOTED THAT "DISCIPLINARY AND JUDICIAL INVESTIGATIONS REVEAL THAT DIRECT LINKS BETWEEN SOME MEMBERS OF THE ARMED FORCES AND PARAMILITARY GROUPS PERSIST" AND DESCRIBED THE GOVERNMENT'S EFFORTS TO BREAK THESE LINKS AS VIRTUALLY NONEXISTENT.

HOWEVER, A WEAKER MESSAGE WAS SENT IN APRIL, WHEN THE COMMISSION ON HUMAN RIGHTS ISSUED AN UNUSUALLY MILD CHAIRPERSON'S STATEMENT, DRAFTED BY THE E.U. AND ADOPTED BY CONSENSUS. THE STATEMENT WELCOMED "THE CONTINUED READINESS OF THE COLOMBIAN GOVERNMENT TO COOPERATE WITH THE PERMANENT OFFICE OF THE HIGH COMMISSIONER," IGNORING THE BOGOTÁ OFFICE'S REPORTS TO THE CONTRARY. EVEN AS THE COLOMBIAN GOVERNMENT AGREED TO ALLOW THE OFFICE TO REMAIN UNTIL APRIL 2002, U.N. STAFF NOTED A MARKED DROP IN COOPERATION BY COLOMBIAN OFFICIALS.

THESE CONCERNS WERE ECHOED IN JULY, WHEN SECRETARY-GENERAL KOFI ANNAN EXPRESSED "DEEP CONCERN" ABOUT HUMAN RIGHTS IN COLOMBIA, "PARTICULARLY THE HIGH INCIDENCE OF KIDNAPINGS AND MASSACRES OF CIVILIANS."

THE UNHCR CONTINUED TO EXPAND ITS PRESENCE IN COLOMBIA, AND OPENED THREE FIELD OFFICES IN 1999 AND 2000, IN BARRANCABERMEJA, APARTADO, AND PUERTO ASÍS.

United States

THE CHARACTER OF COLOMBIA'S CONFLICT CHANGED WITH THE ENTRY OF THE UNITED STATES AS A MAJOR INVESTOR. THE \$1.3 BILLION INFUSION OF MOSTLY MILITARY AID WAS MEANT TO BE ONLY ONE PART OF PLAN COLOMBIA, A MULTINATIONAL PROPOSAL TO ASSIST THE COUNTRY; YET, AS OF THIS WRITING, THERE WERE FEW OTHER CONTRIBUTIONS TO WHAT WAS MEANT TO BE SUPPORT TOTALING \$7.5 BILLION.

IN RESPONSE, THE FARC ANNOUNCED REWARDS FOR THE CAPTURE OF COMBAT PILOTS, INCREASED ATTACKS ON MILITARY HELICOPTERS AND AIRPLANES, AND REPORTEDLY BEGAN ARMING VILLAGERS IN SOUTHERN COLOMBIA TO RESIST THE FUMIGATION OF DRUG-PRODUCING CROPS, MEANT TO BE A CENTERPIECE OF THE U.S. EFFORT. GUERRILLAS USED MAINLY RIFLES AND ROCKET-PROPELLED GRENADES, AND CLAIMED TO HAVE DOWNED AT LEAST ONE NATIONAL POLICE HELICOPTER IN APRIL. IN SEPTEMBER, A FARC SPOKESPERSON DECLARED U.S. MILITARY PERSONNEL "LEGITIMATE TARGETS" OF GUERRILLA OPERATIONS.

DEBATED HEATEDLY YET PASSED OVERWHELMINGLY BY THE U.S. CONGRESS, THE COLOMBIA PACKAGE WAS THE LARGEST SINGLE MILITARY ASSISTANCE PROGRAM EVER APPROVED FOR A LATIN AMERICAN COUNTRY. THE PLAN INCLUDED \$519.2 MILLION FOR THE COLOMBIAN MILITARY, MOST DESIGNATED FOR THE PURCHASE OF UH-60 BLACK HAWK AND UH-1H HUEY HELICOPTERS, LOGISTICAL SUPPORT, INTELLIGENCE, AND TRAINING; \$116 MILLION FOR THE COLOMBIAN NATIONAL POLICE; \$69.5 MILLION FOR ALTERNATIVE DEVELOPMENT, CROP SUBSTITUTION, AND ASSISTANCE FOR PEASANTS WHO MAY BE FORCED TO ABANDON THEIR FARMS; \$59 MILLION FOR LAW ENFORCEMENT AND JUDICIAL REFORM; \$51 MILLION FOR HUMAN RIGHTS PROGRAMS; AND \$37.5 MILLION FOR PROGRAMS BENEFITTING THE FORCIBLY DISPLACED.

AMONG THOSE ACTIVELY SUPPORTING THE AID WERE OCCIDENTAL PETROLEUM, WHICH HAS MAJOR DRILLING SITES IN COLOMBIAN WAR ZONES; LOCKHEED MARTIN, MANUFACTURER OF THE P-3 "ORION" RADAR SURVEILLANCE AIRPLANE USED TO TRACK DRUG SMUGGLING AND INCLUDED IN THE PACKAGE; TEXAS-BASED TEXTRON, WHICH WILL MAKE THE UH-1H HUEY HELICOPTERS INCLUDED IN THE PLAN; AND UNITED TECHNOLOGIES, WHOSE CONNECTICUT-BASED SUBSIDIARY, SIKORSKY, WILL MAKE THE UH-60 BLACK HAWK HELICOPTERS.

ALTHOUGH THE PACKAGE FEATURED STRICT HUMAN RIGHTS CONDITIONS, PRESIDENT CLINTON WAIVED ALL BUT ONE FOR REASONS OF U.S. NATIONAL SECURITY ON AUGUST 22, ALLOWING AID TO GO FORWARD EVEN AS AMERICAN OFFICIALS ACKNOWLEDGED THAT THE FORCES THEY WERE FUNDING MAINTAINED TIES TO PARAMILITARY GROUPS, HAD FAILED TO SUSPEND OR PROSECUTE IMPLICATED OFFICERS, ENGAGED IN ABUSES, AND REFUSED TO ENFORCE CIVILIAN JURISDICTION OVER HUMAN RIGHTS CRIMES. "YOU DON'T HOLD UP THE MAJOR OBJECTIVE TO ACHIEVE THE MINOR," SAID A SPOKESPERSON FOR THE OFFICE OF WHITE HOUSE ADVISER AND U.S. DRUG CHIEF RETIRED GEN. BARRY MCCAFFREY.

Human Rights Watch protested the waiver and single certification issued by the State Department, issued after President Pastrana signed a directive based on the entrance into law of a new military penal code. Along with Amnesty International and the Washington Office on Latin America, Human Rights Watch argued that the directive complied only partially with U.S. law, so should have resulted in a denial of certification.

The persistence of human rights abuses within the Colombian military was underscored in September, when the U.S. suspended aid and training to the army's Twelfth and Twenty-Fourth Brigades. Both had previously passed the vetting process carried out by U.S. officials and mandated by the Leahy Amendment, which prohibits the United States from funding foreign security force units accused with credible evidence of having committed human rights violations.

Colombia's neighbors also expressed serious concern that the U.S. plan could push coca growing and drug trafficking across Colombia's borders, generate new refugee flows, and cause fighting to spread. During a visit to Colombia, Ecuadoran President Gustavo Noboa reportedly asked President Pastrana to notify his government of all military operations in southern Colombia so that the Ecuadoran army could prepare for repercussions. Brazilian leaders openly criticized the aid, and began to reinforce their border with Colombia.

In December 1999, the first U.S.-trained Colombian army battalion completed its training and was deployed. A second battalion began to train the following August. U.S. law mandated that fewer than 500 U.S. troops and 300 contractors be deployed in Colombia at any one time barring an emergency. But reflecting a global trend to "out-source" war, some analysts projected that as many as 1,000 U.S.-related personnel could be in Colombia on any given day, including retired U.S. special forces members employed by for civilian companies such as DynCorp Inc. and Military Professional Resources Inc. (MPRI), which were hired by the U.S. State and Defense Departments.

The department of Putumayo, along Colombia's southern border with Ecuador and home to 50 percent of Colombia's illegal coca crop, was to be the first target in the U.S. strategy, which had as its centerpiece a "push into southern Colombia" to eradicate coca bushes, destroy cocaine laboratories, and disrupt supply and shipment routes. U.S. officials acknowledged that forced displacement was one likely outcome of the strategy, and proposed setting up government-controlled "temporary" camps to distribute assistance. However, groups working with the internally displaced protested, arguing that this strategy risked "fomenting the conflict, targeting innocent civilians, and substantially increasing internal displacement in Colombia."

The potential for new human rights abuses became clear as the U.S. strategy was implemented. Paramilitaries virtually took over Putumayo's urban centers, such as Puerto Asís, where armed fighters walked with guns in their belts, yet with no interference from either the army or the police. In September and October, an armed strike called by the FARC had left residents without food, gas, medicine, or telephone service, and combat between guerrillas and paramilitaries raged while government troops remained largely in their barracks.

Europe

European leaders proved deeply skeptical of the U.S. military build-up in Colombia even as the E.U. and member states supported negotiations with guerrillas and greater respect for human rights. Although President Pastrana asked the EU to contribute \$1.5 billion to Plan Colombia, at a July donors' summit of twenty-six nations in Madrid, he came away with almost nothing. Of the E.U. member states, only Spain pledged \$100 million. France's *Le Monde* termed the meeting a "crushing failure for Colombian diplomacy."

Prior to the meeting, 150 delegates representing Colombian and international nongovernmental organizations, academics, environmentalists, and human rights groups met in Madrid and called on the international community to fund peace initiatives, not the Colombian military. The E.U. found that argument persuasive, and in October announced that its \$144 million contribution to Plan Colombia would go to nongovernmental, economic, and humanitarian aid programs focused on peace, human rights, and economic development.

The E.U. publicly denounced abuses by all sides and called on the Colombian government to address "persistent grave violations." After her September visit to Colombia, British cabinet minister Mo Mowlam, an architect of the Northern Ireland peace accords, said that the United Kingdom and most European countries would withhold individual donations to Plan Colombia unless the Colombian security forces reformed.

Five countries—France, Spain, Switzerland, Norway, and Cuba—pledged to help the Colombian government negotiate with the UC-ELN. Yet, even as some of these governments met with the UC-ELN leadership to discuss possible talks, the European Union exerted strong pressure to end kidnappings and release all hostages.

Relevant Human Rights Watch Reports:

The Ties That Bind: Colombia and Military-Paramilitary Links, 2/00

CUBA

Human Rights Developments

Despite a few positive developments over the course of the year, the Cuban government's human rights practices were generally arbitrary and repressive. Hundreds of peaceful opponents of the government remained behind bars, and many more were subject to short-term detentions, house arrest, surveillance, arbitrary searches, evictions, travel restrictions, politically-motivated dismissals from employment, threats, and other forms of harassment.

Although Cuba's human rights conditions improved little in 2000, U.S. policy toward Cuba did begin to change. The high-profile case of Elián González, the six-year-old Cuban shipwreck survivor who stayed seven months in the United States against the wishes of his father, brought increased public attention to the United States' policy of isolating Cuba. After the boy returned home in June, congressional efforts to relay some aspects of the thirty-eight-year-old U.S. economic embargo against Cuba gained momentum.

Cuba's repressive human rights practices were undergirded by the country's legal and institutional structure. The rights to freedom of expression, association, assembly, movement, and of the press remained restricted under Cuban law. By criminalizing enemy propaganda, the spreading of "unauthorized news," and the insulting of patriotic symbols, the government effectively denied freedom of speech under the guise of protecting state security. The authorities also imprisoned or ordered the surveillance of individuals who had committed no illegal act, relying upon laws penalizing "dangerousness" (*estado peligroso*) and allowing for "official warning" (*advertencia oficial*). The government-controlled courts undermined the right to a fair trial by restricting the right to a defense, and frequently failed to observe the few due process rights available to defendants under the law.

EVEN CUBANS' RIGHT TO LEAVE THEIR COUNTRY WAS SEVERELY RESTRICTED, AS THE GOVERNMENT PROSECUTED PERSONS FOR "ILLEGAL EXIT" IF THEY ATTEMPTED TO LEAVE THE ISLAND WITHOUT FIRST OBTAINING OFFICIAL PERMISSION TO DO SO. SUCH PERMISSION WAS SOMETIMES DENIED ARBITRARILY, OR MADE CONTINGENT ON THE PURCHASE OF AN EXPENSIVE EXIT PERMIT.

PRO-DEMOCRACY ACTIVISTS PLANNED A SERIES OF PROTESTS TO COINCIDE WITH THE NINTH ANNUAL IBERO-AMERICAN SUMMIT, HELD IN HAVANA IN NOVEMBER 1999. YET, THE AUTHORITIES CRACKED DOWN HARD ON PUBLIC DISSENT, ARRESTING OVER 200 DISSIDENTS IN THE WEEKS BEFORE AND AFTER THE SUMMIT. MANY OF THEM WERE PLACED UNDER HOUSE ARREST, WHILE OTHERS WERE TEMPORARILY DETAINED IN POLICE STATIONS. THIS WAVE OF REPRESSION CONTINUED THROUGH FEBRUARY 2000. THE CUBAN COMMISSION OF HUMAN RIGHTS AND NATIONAL RECONCILIATION (COMISIÓN CUBANA DE DERECHOS HUMANOS Y RECONCILIACIÓN NACIONAL), A RESPECTED HAVANA-BASED NONGOVERNMENTAL GROUP, ANNOUNCED IN EARLY MARCH THAT 352 DISSIDENTS HAD BEEN ARRESTED OVER THE PRECEDING FOUR MONTHS, WHILE ANOTHER 240 HAD THEIR FREEDOM OF MOVEMENT RESTRICTED, NORMALLY BY BEING ORDERED TO REMAIN AT THEIR HOMES.

WHILE THE VAST MAJORITY OF THOSE ARRESTED WERE EVENTUALLY RELEASED WITHOUT ANY CRIMINAL CHARGES BEING BROUGHT AGAINST THEM, A FEW WERE PROSECUTED. THE MOST SERIOUS CASE WAS THAT OF THIRTY-EIGHT-YEAR-OLD DR. OSCAR ELÍAS BISCELT GONZÁLEZ, WHO RECEIVED A THREE-YEAR PRISON SENTENCE ON FEBRUARY 25 FOR PROTESTS THAT INCLUDED TURNING THE CUBAN FLAG UPSIDE-DOWN AND CARRYING ANTI-ABORTION PLACARDS. BISCELT, THE PRESIDENT OF THE LAWTON HUMAN RIGHTS FOUNDATION, WAS CONVICTED OF DISHONORING PATRIOTIC SYMBOLS, PUBLIC DISORDER, AND INSTIGATING DELINQUENCY. IT WAS REPORTED IN AUGUST THAT HE HAD EXPERIENCED SEVERE WEIGHT LOSS IN PRISON, SUFFERED FROM HEALTH PROBLEMS, INCLUDING AN UNTREATED GUM INFECTION, AND HAD BEEN HELD IN SOLITARY CONFINEMENT FOR MONTHS AT A TIME.

ALSO ON FEBRUARY 25, IMMEDIATELY AFTER BISCELT'S TRIAL, EDUARDO DÍAZ FLEITAS, VICE-PRESIDENT OF THE FIFTH OF AUGUST MOVEMENT (MOVIMIENTO 5 DE AGOSTO), AND FERMÍN SCULL ZULUETA, WERE CONVICTED OF PUBLIC DISORDER BY THE SAME COURT. DÍAZ FLEITAS WAS SENTENCED TO A YEAR OF INCARCERATION, WHILE SCULL ZULUETA RECEIVED A YEAR OF HOUSE ARREST. LIKE BISCELT, THEY WERE ANTI-ABORTION PROTESTERS, AND HAD CARRIED SIGNS AT A NOVEMBER 10 DEMONSTRATION.

THE MOST ENCOURAGING DEVELOPMENT OF THE YEAR CAME IN MAY WHEN THREE LEADERS OF THE INTERNAL DISSIDENTS WORKING GROUP (GRUPO DE TRABAJO DE LA DISIDENCIA INTERNA, GTDI) WERE FREED PRIOR TO THE EXPIRATION OF THEIR SENTENCES. ECONOMISTS MARTHA BEATRIZ ROQUE CABELLO, ENGINEERING PROFESSOR FÉLIX ANTONIO BONNE CARCASSES, AND ATTORNEY RENÉ GÓMEZ MONTAÑO WERE GRANTED PROVISIONAL LIBERTY WITHIN TWO WEEKS OF EACH OTHER, BUT VLADIMIRO ROCA ANTÚNEZ, THE FOURTH LEADER OF THE GROUP, REMAINED INCARCERATED AT THIS WRITING. THE FOUR HAD BEEN SENTENCED IN MARCH 1999 TO SEVERAL YEARS OF IMPRISONMENT FOR "ACTS AGAINST THE SECURITY OF THE STATE," AFTER HAVING SPENT NEARLY NINETEEN MONTHS IN PRETRIAL DETENTION. THEY WERE FIRST DETAINED IN JULY 1997, A MONTH AFTER THE GTDI RELEASED "THE HOMELAND BELONGS TO ALL" (LA PATRIA ES DE TODOS), AN ANALYTICAL PAPER ON THE CUBAN ECONOMY, HUMAN RIGHTS, AND DEMOCRACY.

WHETHER DETAINED FOR POLITICAL OR COMMON CRIMES, INMATES WERE SUBJECTED TO ABUSIVE PRISON CONDITIONS. PRISONERS FREQUENTLY 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 PUNISHMENT. POLITICAL PRISONERS WHO DENOUNCED THE POOR CONDITIONS OF IMPRISONMENT WERE PUNISHED WITH SOLITARY CONFINEMENT, RESTRICTED VISITS, OR DENIAL OF MEDICAL TREATMENT.

AT LEAST TWENTY-FOUR PRISONERS FACED THE DEATH PENALTY, ACCORDING TO A LIST CIRCULATED IN AUGUST BY THE CUBAN COMMISSION OF HUMAN RIGHTS AND NATIONAL RECONCILIATION, WHICH ALSO PROVIDED THE NAMES OF TWENTY-ONE OTHERS WHO HAD BEEN EXECUTED IN 1999. ALTHOUGH THE ORGANIZATION NOTED THAT ALL OF THE EXECUTIONS INVOLVED DEFENDANTS CONVICTED OF HOMICIDE, CUBAN LAW PERMITTED THE USE OF THE DEATH PENALTY FOR NUMEROUS OTHER CRIMES, INCLUDING INTERNATIONAL DRUG TRAFFICKING AND THE CORRUPTION OF MINORS. CUBA'S SECRECY REGARDING THE APPLICATION OF THE DEATH PENALTY—THE GOVERNMENT DID NOT PROVIDE INFORMATION ON EXECUTION—MADE IT DIFFICULT TO ASCERTAIN THE ACTUAL NUMBER OF DEATH SENTENCES IMPOSED AND CARRIED OUT. THE CUBAN LEGAL SYSTEM'S SERIOUS PROCEDURAL FAILINGS AND LACK OF JUDICIAL INDEPENDENCE, WHICH VIOLATED THE RIGHTS OF ALL CRIMINAL DEFENDANTS, WERE ESPECIALLY PROBLEMATIC WITH REGARD TO CAPITAL OFFENSES. MISCARRIAGES OF JUSTICE WERE ALSO UNLIKELY TO BE REMEDIED UPON REVIEW BY A HIGHER COURT, SINCE CUBAN LAW AFFORDED CONVICTS SENTENCED TO DEATH MINIMAL OPPORTUNITIES TO APPEAL THEIR SENTENCES.

THE CUBAN GOVERNMENT MAINTAINED A FIRM STANCE AGAINST INDEPENDENT JOURNALISM, REGULARLY DETAINING REPORTERS AND SOMETIMES PROSECUTING THEM. ON NOVEMBER 10, 1999 ANGEL PABLO POLANCO, THE DIRECTOR OF NOTICUBA, WAS ARRESTED AND HELD FOR A WEEK, ALLEGEDLY TO PREVENT HIM FROM REPORTING ON PROTESTS SURROUNDING THE IBERO-AMERICAN SUMMIT. ON JANUARY 20, 2000 JOSÉ ORLANDO GONZÁLEZ BRIDÓN, PRESIDENT OF THE CUBAN CONFEDERATION OF DEMOCRATIC WORKERS (CONFEDERACIÓN DE TRABAJADORES DEMOCRÁTICOS DE CUBA) AND WRITER FOR THE CUBA FREE PRESS, WAS DETAINED FOR SEVERAL HOURS. POLICE REPORTEDLY QUESTIONED HIM ABOUT HIS WRITINGS AND THREATENED TO PROSECUTE HIM. OTHER JOURNALISTS DETAINED AND QUESTIONED FOR BRIEF PERIODS OVER THE COURSE OF THE YEAR INCLUDED RICARDO GONZÁLEZ ALFONSO, JAVIER HERNÁNDEZ, JESÚS HERNÁNDEZ, AND LUIS ALBERTO RIVERA LEIVA. OTHERS WERE HARASSED OR PREVENTED FROM WORKING BY POLICE.

VÍCTOR ROLANDO ARROYO CARMONA, A LONG-TIME GOVERNMENT OPPONENT WHO WROTE FOR THE UNION OF INDEPENDENT CUBAN JOURNALISTS AND WRITERS (UNIÓN DE PERIODISTAS Y ESCRITORES CUBANOS INDEPENDIENTES), WAS SENTENCED ON JANUARY 25 TO SIX MONTHS OF IMPRISONMENT FOR "HOARDING" TOYS. POLICE HAD CONFISCATED TOYS THAT HE HAD PLANNED TO GIVE AWAY TO POOR CHILDREN IN HIS AREA; THEY HAD BEEN PAID FOR BY CUBAN EXILES IN MIAMI. JUST AFTER ARROYO'S TRIAL, THE CUBAN AUTHORITIES FREED ANOTHER INDEPENDENT JOURNALIST, LEONARDO DE VARONA GONZÁLEZ, WHO HAD SERVED A SIXTEEN-MONTH SENTENCE FOR "INSULTING" PRESIDENT FIDEL CASTRO. AT LEAST THREE OTHER INDEPENDENT JOURNALISTS REMAINED INCARCERATED: BERNARDO ARÉVALO PADRÓN AND MANUEL ANTONIO GONZÁLEZ CASTELLANOS, SERVING SENTENCES OF SIX YEARS AND OF TWO YEARS AND SEVEN MONTHS, RESPECTIVELY, FOR "INSULTING" CASTRO; AND JESÚS JOEL DÍAZ HERNÁNDEZ, SERVING FOUR YEARS FOR "DANGEROUSNESS," WHO WAS REPORTEDLY HELD IN SOLITARY CONFINEMENT UNTIL EARLY AUGUST.

ON OCTOBER 16, AFTER HIS RELEASE FROM PRISON, ARROYO WAS REPORTEDLY BEATEN AND INSULTED BY STATE SECURITY AGENTS. HE AND ANOTHER DISSIDENT WERE PICKED UP FROM A FRIEND'S HOUSE, DRIVEN TO THE POLICE STATION IN GUINES, BEATEN EN ROUTE, AND THEN DRIVEN DOZENS OF MILES AWAY AND RELEASED AFTER BEING BEATEN AGAIN.

FOREIGN JOURNALISTS TOO FACED GOVERNMENT HARASSMENT IF THEY ATTEMPTED TO WORK WITH OR ASSIST THEIR CUBAN COLLEAGUES. ITALIAN FREELANCE JOURNALIST CARMEN BUTTA WAS REPORTEDLY DETAINED BY POLICE ON JUNE 19 AFTER MEETING WITH INDEPENDENT JOURNALISTS AS PART OF HER RESEARCH FOR AN ARTICLE ON THE CUBAN INDEPENDENT PRESS. IN AUGUST, THREE SWEDISH JOURNALISTS WERE ARRESTED IN HAVANA BY STATE SECURITY AGENTS. THEY HAD TRAVELED TO CUBA ON TOURIST VISAS BUT HAD HELD A SEMINAR ON PRESS FREEDOM FOR INDEPENDENT JOURNALISTS. THE THREE WERE DEPORTED AFTER SPENDING TWO DAYS IN DETENTION. EARLIER THAT SAME MONTH, FRENCH JOURNALIST MARTINE JACOT WAS DETAINED AND INTERROGATED AT THE HAVANA AIRPORT BY SIX MEMBERS OF THE CUBAN SECURITY FORCES. SHE HAD SPENT A WEEK IN CUBA INTERVIEWING INDEPENDENT JOURNALISTS AND FAMILY MEMBERS OF INCARCERATED JOURNALISTS. JACOT'S EQUIPMENT, INCLUDING A VIDEO CAMERA, WAS SEIZED, AS WERE SOME DOCUMENTS.

WHILE THE GOVERNMENT PERMITTED GREATER OPPORTUNITIES FOR RELIGIOUS EXPRESSION THAN IN PAST YEARS AND ALLOWED SEVERAL RELIGIOUS-RUN HUMANITARIAN GROUPS TO OPERATE, IT CONTINUED TO MAINTAIN TIGHT CONTROL OVER RELIGIOUS INSTITUTIONS, AFFILIATED GROUPS, AND INDIVIDUAL BELIEVERS.

THE GOVERNMENT RECOGNIZED ONLY ONE LABOR UNION, THE WORKER'S CENTRAL OF CUBA (CENTRAL DE TRABAJADORES DE CUBA, CTC), AND RESTRICTED LABOR RIGHTS BY BANNING INDEPENDENT LABOR GROUPS AND HARASSING INDIVIDUALS ATTEMPTING TO FORM THEM. IT TIGHTLY CONTROLLED WORKERS EMPLOYED IN BUSINESSES BACKED BY FOREIGN INVESTMENT. UNDER RESTRICTIVE LABOR LAWS, THE AUTHORITIES HAD A PROMINENT ROLE IN THE SELECTION, PAYMENT, AND DISMISSAL OF WORKERS, EFFECTIVELY DENYING WORKERS THE RIGHT TO BARGAIN DIRECTLY WITH EMPLOYERS OVER BENEFITS, PROMOTIONS, AND WAGES. CUBA ALSO CONTINUED TO USE PRISON LABOR FOR AGRICULTURAL CAMPS AND RAN CLOTHING ASSEMBLY AND OTHER FACTORIES IN ITS PRISONS. THE AUTHORITIES' INSISTENCE THAT POLITICAL PRISONERS WORK WITHOUT PAY IN POOR CONDITIONS VIOLATED INTERNATIONAL LABOR STANDARDS.

Defending Human Rights

The Cuban government continued its systematic harassment and repression of human rights defenders. The authorities routinely used surveillance, phone tapping, and intimidation in its efforts to restrict independent monitoring of the government's human rights practices. In some instances, they employed arbitrary searches, evictions, travel restrictions, politically-motivated dismissals from employment, threats and other forms of harassment against local activists.

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 1999, making Cuba the only country in the region to deny access to the ICRC. Human Rights Watch had not been allowed to send any representatives to monitor human rights conditions in Cuba since 1995.

The Role of the International Community

United Nations

At its April session, the United Nations Commission on Human Rights voted once again to censure Cuba for its human rights abuses. The resolution passed by a wider margin than in previous years, but did not make provision to appoint a special rapporteur to monitor human rights conditions. Sponsored by the Czech and Polish governments, the resolution criticized Cuba's treatment of political dissidents and urged the Cuban authorities to allow visits by U.N. human rights investigators. Cuba retaliated the vote by staging a mass demonstration outside the Czech embassy in Havana and temporarily recalling its ambassador from Argentina. (Argentina was among the twenty-one countries that supported the resolution.)

In February, just prior to the commission's session, U.N. Special Rapporteur Radhika Kumaraswamy released her report on violence against women in Cuba. The report, which was fair, objective, and comprehensive, was the fruit of an unprecedented mission to Cuba undertaken by the special rapporteur in June 1999. (The Cuban authorities had once allowed the U.N. High Commissioner for Human Rights to visit the island, but had otherwise consistently denied access to U.N. human rights monitors, including thematic rapporteurs and mechanisms.) While criticizing the U.S. embargo for its adverse impact on Cuban women, the report urged the Cuban authorities to undertake legal reforms to deal more effectively with the problems of domestic violence, rape, and sexual harassment. It also denounced the arbitrary detention of women whose political views are unacceptable to the government.

The report evoked a stridently defensive response from the Cuban authorities, who sent a note verbale to the Office of the High Commissioner for Human Rights that complained that the special rapporteur's visit was "manipulated" by the U.S. government, and that challenged the applicability of the special rapporteur's "bourgeois democratic-liberal concept of human rights." The Cubans also vociferously attacked Human Rights Watch, whose 1999 book on Cuban human rights conditions was among the sources cited in the special rapporteur's report. It erroneously asserted that Human Rights Watch received substantial U.S. government funding, when, in fact, the organization accepts no funding from any government, either directly or indirectly.

Ibero-American Countries

The Ibero-American Summit brought the Spanish king to Cuba, in what was the first visit to the island by a reigning Spanish monarch, as well as high officials from twenty-one countries. Heads of state from all over Latin America were in attendance, although a few declined to participate because of Cuba's lack of progress on democracy and human rights. In a welcome break from the usual protocol, a number of officials, including Spain's Prime Minister José María Aznar and Portugal's President Jorge Sampaio, took advantage of their visit to meet with prominent dissidents such as veteran activist Elizardo Sánchez.

The summit culminated in the adoption of a series of documents, including the Havana Declaration, in which signatory states expressed a commitment to democracy and human rights and called for the U.S. to end its embargo against Cuba.

Organization of American States

Latin American political leaders had a further opportunity to collectively assess their engagement with Cuba during the thirtieth Organization of American States (OAS) General Assembly, held in Windsor, Canada, in June. While a number of Caribbean countries spoke up for Cuba's reintegration into the OAS—Cuba was suspended from the regional grouping in 1962—no concrete steps were taken toward this end.

European Union

The European Union's relationship with Cuba remained formally defined by its 1996 Common Position, which conditioned full economic cooperation on human rights reforms. But in 2000 there were indications that the E.U.'s approach to Cuba was changing. In February, Cuba formally requested integration into the multilateral grouping established under the Lomé Convention, a trade and aid agreement linking the European Union to African, Caribbean and Pacific states. The application sparked considerable debate regarding whether Cuba's association would be consistent with the agreement's criteria on democracy and human rights. In April, however, just after the adoption of the U.N. human rights resolution supported by many E.U. states, the debate was mooted by Cuba's decision to withdraw its application. The Cuban government also cancelled an ambitious visit planned for late April by senior E.U. officials. Yet, in August, once again, Cuba reportedly expressed interest in associating with the E.U.'s aid pact, now called the Cotonou Agreement.

Although Cuba remained the only Latin American country not to have entered into a formal development and cooperation agreement with the European Union, the regional bloc still provided the largest amount of international aid to Cuba. European trade and investment in Cuba also continued to flourish, with countries such as Spain, Italy and France being among Cuba's most significant partners in the areas of trade and finance. With several bilateral agreements being signed in recent years, all E.U. member states had official bilateral economic relations with Cuba.

United States

The issue of the decades-old economic embargo on Cuba received renewed congressional attention in 2000, and steps, albeit small ones, were taken toward easing it. After months of debate in congressional committees, both houses of Congress passed legislation in October to allow limited food and medicine sales to Cuba. Farmers, agricultural interests and pharmaceutical companies had lobbied heavily for access to the Cuban market.

But the practical impact of the legislation was likely to be less than its symbolic importance. While it signaled the first significant rollback of U.S. sanctions against the island in nearly four decades, the package was unlikely to yield more than a small volume of actual business. Because of compromises with conservative lawmakers opposed to loosening trade restrictions, no U.S. export credits or private financing would be allowed on food sales. Indeed, as the bill reached a final vote in the House of Representatives and Senate, Havana denounced its conditions as "humiliating and unjust." An editorial published on the front pages of the Communist Party daily *Granma* promised that Cuba would "not buy a single cent of food or medicine from the United States."

And in a step backwards, the bill contained provisions codifying the rules that generally banned U.S. tourism to Cuba. To travel legally to Cuba, Americans had to obtain a license, available only to narrow categories of visitors, or be invited by a non-U.S. group that met the costs. By limiting travel to Cuba, these restrictions violated Article 19 of the International Covenant on Civil and Political Rights, to which the United States is a party.

U.S. authorities continued to detain and repatriate Cuban asylum seekers aboard vessels intercepted at sea, giving them only on-board screening interviews to determine whether they had a "credible fear" of persecution in their homeland. As exemplified by the case of Elián González, whose mother died attempting the voyage, large numbers of Cubans continued to risk their lives at sea in the hope of reaching and obtaining asylum in the United States.

GUATEMALA

Human Rights Developments

Human rights issues received unprecedented official attention following the January 2000 inauguration of President Alfonso Portillo. Within two months, President Portillo declared a national day in honor of the estimated 200,000 victims of Guatemala's thirty-five-year civil conflict, ratified the Inter-American Convention on Forced Disappearances, and, before the Inter-American Commission on Human Rights (IACHR), admitted state responsibility for past violations, including the 1990 murder of anthropologist Myrna Mack and the December 1992 Dos Erres massacre of at least 162 people. President Portillo also called the brutal 1999 murder of Bishop Juan Gerardi and its botched investigation a "national embarrassment," publicly committing himself to bringing those responsible to justice.

Yet, serious human rights problems remained. The country's weak judicial system continued to allow perpetrators virtual impunity. The new government's record was also marred by increased threats against and harassment of human rights activists, killings of community leaders, and retrograde steps on capital punishment. Moreover, President Portillo's political alliance with Gen. Efraín Ríos Montt, Guatemala's former military ruler, who became president of the Congress in January 2000, was a worrisome reminder of the country's inability to surmount its legacy of repression.

The absence of effective law enforcement and the high incidence of common crime contributed to a climate of insecurity, and the continued use of lynching as a form of vigilante justice. The United Nations Verification Mission in Guatemala (Misión de Verificación de las Naciones Unidas en Guatemala, MINUGUA), established after the 1996 peace accords, reported twenty-two instances of lynching or attempted lynching in the first half of 2000, resulting in five deaths and thirty serious injuries to victims. In 1999, there were forty-eight deaths from lynching. In April, a Japanese tourist and his bus driver were killed by a mob in the village of Todos Santos apparently because of rumors that the tour group was planning to steal local children. Nine people were arrested in May for the lynching. In July, eight men apparently suspected of kidnapping and rape were doused with gasoline and burned by a mob of 200 villagers in Yalvaquies. MINUGUA reported in August that military personnel were behind some of these apparently vigilante actions.

On- and off-duty officers of the National Civilian Police (Policía Nacional Civil, PNC) were reportedly responsible for numerous human rights abuses, notably those involving excessive use of force. MINUGUA found that inadequate recruitment, selection, and training of police fostered abuses, which were further encouraged by ineffective internal disciplinary mechanisms. In February, a PNC officer in an Esquintla nightclub reportedly shot and killed a waiter. That same month, in a separate confrontation, PNC members shot and killed a marketplace vendor in Guatemala City. In May, plainclothes SIC agents were allegedly responsible for the "disappearance" of Mynor Pineda, a suspect previously in their custody, whose whereabouts remained unknown at the time of this writing. MINUGUA also found that the Criminal Investigation Service (Servicio de Investigación Criminal, SIC) of the PNC used torture to elicit confessions from suspects.

Under the 1996 peace accords, the military was to give up its role in internal security and devote itself to external defense. In June, however, Congress approved a decree allowing the military to assist the PNC in fighting common crime.

MINUGUA reported twenty-six extrajudicial killings and nineteen cases of torture from October 1999 through June 2000. In March, the body of Garifuna leader Giovanni Roberto Sánchez was found at the Livingston Hotel where he was employed; he had been hanged and his body showed evidence of beating. In May, community worker and mayoral candidate José Anacio Mendoza was murdered in Camotán, Chiquimula; his body was found in a well and also showed signs of torture. In July, Mayan leader José Quino and his colleague, María Mejía, were killed after being ambushed by unknown assailants near Lake Atitlán.

In May, Human Rights Ombudsman Julio Arango identified possible instances of "social cleansing," characterized by an apparently greater degree of premeditation than lynching, after four bodies were found with their hands and feet tied together and bearing signs of torture. MINUGUA established the possible involvement of the PNC and an ex-military commissioner in these murders.

Journalists and other representatives of the media were targeted for harassment and other abuses apparently to influence their reporting. In July, *Prensa Libre* columnist Eduardo Villatoro reported receiving threats demanding that he stop writing articles critical of the Mivco authorities. Earlier, in February, the television program "T-mas de Noche" was canceled apparently due to its critical stance toward the government. This sparked a national debate over the ownership of four of Guatemala's television stations by an individual with family connections in the Ministry of Communications. After an April visit to Guatemala, Organization of American States (OAS) Special Rapporteur on Freedom of Expression Santiago Cantón recommended the implementation of clear rules to avoid any conflict of interest between public authorities and the media. President Portillo expressed concern over the "T-mas de Noche" incident and proposed the establishment of a state-run, public television channel as a mechanism to address some of the problems highlighted by Cantón.

Despite President Portillo's self-imposed deadline to bring to justice those responsible for the 1999 killing of Bishop Juan Gerardi—which occurred shortly after the bishop released a church-sponsored report on human rights violations during the armed conflict—the six-month deadline passed without any resolution of the case. In April, Flor de María García Villatoro, the third judge to handle the case, ordered that Father Mario Orantes, a close colleague of Bishop Gerardi, and cook Margarita López, stand trial for the murder. In May, Judge García Villatoro ordered that charges also be brought against Obedilia Villanueva, former member of the Presidential General Staff (Estado Mayor Presidencial, EMP), Captain Byron Miguel Lima Oliva, and his father, retired Col. Byron Disrael Lima Estrada. The trials of the five suspects were scheduled to begin in October. Witnesses, prosecutors, judges and the Archbishop's Human Rights Office (Oficina de Derechos Humanos del Arzobispado, ODHA), which Gerardi had headed prior to his death, continued to receive threats related to the case. In August, Carmen Zanabria, after receiving a series of threats, became the fifth important witness to flee the country for security reasons.

Even though President Portillo accepted the principle of state responsibility for past human rights crimes, formidable barriers to justice existed in practice. UN Special Rapporteur on the Independence of Lawyers and Judges Param Cumaraswamy issued a report on Guatemala in March. This described how the justice system continued to suffer from the deficiencies that it had exhibited during the armed conflict, including corruption, influence peddling, lack of resources, and threats and intimidation of lawyers and judges. Cumaraswamy found that only 10 percent of all homicide cases went to trial, and that very few of these ever resulted in convictions. He also found that the country's indigenous majority continued to face discrimination in seeking access to justice, particularly because of the absence of translation services in judicial proceedings.

In November 1999, an appeals court extended the sentences, commutable by payment, of ten of the twenty-five soldiers convicted for the 1995 killing of eleven people in the community of Yamán, to include twelve-year prison terms. However, it absolved the other fifteen defendants. In April, the Supreme Court of Justice (Corte Suprema de Justicia, CSJ) overturned these decisions, stating that the case was fraught with irregularities; it ordered the ten convicted men to remain in

prison and the other fifteen to be rearrested. In July, Judge Josué Villatoro ordered the arrest and detention of ten ex-military officials accused of the murder of 162 people in the Dos Erres massacre in 1992. At this writing, the Constitutional Court had yet to rule whether the Dos Erres massacre constituted an act of genocide, which would exempt it from the application of the 1996 amnesty law and clear the way for prosecutions to proceed.

After a second acquittal in April 1999, former military commissioner Cándido Noriega—accused of 155 counts of torture, rape, murder, and kidnapping—was sentenced in November 1999 to 220 years in prison for eight murders and two homicides. In September, a judge ruled that the case against Gen. Juan Guillermo Oliva and two former colonels for the 1990 murder of anthropologist Myrna Mack should remain in the civilian courts, rejecting the defense's call for the case to be placed under military jurisdiction. At this writing, no date had been set for the trial.

On May 12, Congress rescinded the law allowing the president to grant pardons in capital cases, bringing Guatemala into violation of both the American Convention on Human Rights and the International Covenant on Civil and Political Rights. Earlier in the year, President Portillo had reviewed four pending cases and, in a welcome decision, commuted the death sentence of Pedro Ray Cucul to thirty years' imprisonment. Ray Cucul, a member of Guatemala's indigenous community who was believed to be mentally disturbed at the time of the crime, reportedly had lacked an interpreter when making his deposition and been assisted only by a mental patient. In the other three cases, President Portillo denied clemency to the sentenced men. On June 29, Amílcar Cetino Pérez and Tomás Cerrate Hernández, both convicted of kidnapping and murder, were given lethal injections; their executions were broadcast live on national television.

As of late October, some thirty people remained on death row. In February, an appeals court commuted the death sentences of three former Civil Patrol members convicted of murdering two of the 143 persons killed in the 1992 Rio Negro massacre, reducing their sentences to fifty-year prison terms.

A U.N.-sponsored report released in April found that conditions in half of Guatemala's detention centers failed to meet minimum international standards.

In December 1999, Nobel Peace Prize laureate Rigoberta Menchú Tum filed suit in Spain against six military officers and two civilians for genocide and torture. In March, the Spanish High Court agreed to hear the case and in April it began calling witnesses. Judge Guillermo Riva Polanco allowed additional plaintiffs to join the case, including the family of a Spanish priest who was murdered in Guatemala in February 1991, and Guatemala's human rights ombudsman. In April, lawyer Julio Cintrón Galvez filed suit against Menchú for treason for filing the case in Spain, a charge that carries a ten to twenty year prison term.

General Ríos Montt, current president of the Congress, was among those named in Menchú's suit as being responsible for genocide and torture during the period when he ruled the country from March 1982 until August 1983. In August, his position as congressional president was threatened when a scandal erupted over his alleged participation in improperly lowering an alcohol tax, but the case had not been resolved at this writing.

On October 13, 1999, armed men detained the five-member executive committee of the Union of Banana Workers of Izabal (Sindicato de Trabajadores Bananeros de Izabal, SITRABI) and held them hostage for several hours. SITRABI represented some 2,500 workers employed by the local subsidiary of Del Monte. The gunmen forced two of the union's leaders to make a radio announcement calling off a work stoppage, planned for the next day to protest the company's failure to reinstate 919 workers who had been fired the previous month in violation of a collective bargaining agreement. In March 2000, Del Monte and the International Union of Foodworkers (IUF), representing SITRABI, signed an agreement to reinstate the fired workers and prosecute those responsible for the attack on the union leaders. In June, a court ruled that twenty-five people should be tried for coercion, illegal search, and illegal detention, but at this writing, no date had been set for the trial, nor had any of the workers been reinstated.

The Minors' Code, which the Guatemalan legislature passed in 1996 but postponed implementing until the year 2000, was again postponed indefinitely in February. The legislation would extend procedural protections—such as the right to a lawyer—to children accused of crimes, and introduce other changes to bring domestic law into conformity with the U.N. Convention on the Rights of the Child, which Guatemala ratified in 1990. In September, Guatemala signed a newly-adopted optional protocol to the children's convention prohibiting the involvement of children in armed conflict. In August, the ODHAI released a report on the forced "disappearance" of children during the civil war, attributing 92 percent of the eighty-six documented abductions to the military.

In proceedings before the IACHR in March, President Portillo accepted state responsibility for the events leading to the 1995 murder of Marco Quistinay, a thirteen-year-old streetchild whom two officers handed a bag he believed was food, but which contained a grenade that exploded and killed him. In December 1999, the Inter-American Court of Human Rights ruled that two police officers were responsible for the 1990 deaths of five street youths and that the Guatemalan government had failed to protect the rights of the victims. The decision called for the investigation and prosecution of those responsible for the crime.

Defending Human Rights

In 2000, there was an alarming increase in threats, harassment, and targeted violence against human rights organizations and activists. In the first half of the year, MINUGUA registered fifty-six threats to human rights activists, witnesses and judicial authorities in human rights cases. Rigoberta Menchú and several colleagues at her foundation received death threats.

Organizations and individuals making human rights claims in the courts were particularly targeted. In September, gunmen entered the offices of the Families of the Detained and Disappeared of Guatemala (FAMDEGUA), a group that had initiated proceedings against General Ríos Montt for the Dos Erres massacre, forcing three staff members to the floor at gunpoint. The gunmen repeatedly threatened to kill the three and stole computers, money, and a vehicle. In August, Celso Balán, a representative of the Center for Legal Action in Human Rights (Centro para la Acción Legal en Derechos Humanos, CALDH) was detained, beaten, and robbed by individuals posing as journalists but thought to have links with active and retired military officers. MINUGUA noted that such threats were not adequately investigated by the authorities.

The Role of the International Community

United Nations

Under the 1996 peace accords, the mandate of MINUGUA was due to expire at year's end. In March, President Portillo asked MINUGUA to extend its stay, but at this writing the U.N. General Assembly had yet to decide on an extension. Significant aspects of the accords have yet to be implemented, so indicating a need for continued international verification.

MINUGUA's reports on aspects of the peace process contained detailed human rights analyses. In September, MINUGUA issued a human rights report for the period October 1999 to June 2000, and at other times it issued communiques on specific human rights abuses.

European Union

The European Parliament passed a resolution in May offering support for Guatemala's prosecution of crimes against humanity, for witness protection and for other protection measures for judges and lawyers. In March, cooperation between the PNC and Spain's Civil Guard (Guardia Civil), who had been providing technical

assistance to the Guatemalan police since 1999, was suspended. The European Union was to provide funding to the police in the amount of some 34 million ECUS (approximately U.S. \$40 million) between 1999 and 2003.

Organization of American States

The IACHR praised President Portillo's March admission of state responsibility in three pending cases as an "example for the entire Hemisphere." In August, President Portillo followed up on his March statements by agreeing to settle ten additional cases involving two massacres and sixteen executions and "disappearances," a step that obliged his government to provide compensation to the victims or their relatives, and to oversee the investigation and prosecution of each case. At the time of this writing, dozens of Guatemalan cases remained pending before the IACHR.

United States

In March, the U.S. Central Intelligence Agency (CIA) awarded one of its highest honors, the Distinguished Career Intelligence Medal, to former official Terry Ward, who was dismissed from the agency in 1995 for failing to report CIA ties to a Guatemalan colonel implicated in the murders of Efraín Bamaca Velásquez and U.S. citizen Michael Devine. After fierce political debate, Guatemala in April approved the deployment of U.S. military forces to the country to combat illicit drug trafficking. In June, the National Security Archive, a Washington, D.C.-based NGO, released a report entitled "The Guatemalan Military: What the U.S. Files Reveal." This named 232 Guatemalan officers and contained information on their activities and command responsibilities, so assisting NGOs and victims in their efforts to identify and bring to justice those responsible for gross abuses during Guatemala's civil war.

HAITI

Human Rights Developments

Police and government passivity in the face of intimidation and violence by supporters of the Fanmi Lavalas party raised serious human rights concerns. Fanmi Lavalas, the party of former president Jean-Bertrand Aristide, employed fraud to boost its electoral gains and win near total control over the parliament that was sworn in on August 28.

The year 2000 was dominated by elections: local and parliamentary polls on May 21, second-round and rescheduled voting through August, and presidential and partial senatorial contests planned for November and December 2000. Haiti had been without a functioning parliament since President René Préval dissolved it in January 1999, following eighteen months without a prime minister. By 2000, this political impasse had led to the suspension of some U.S. \$500 million in multilateral assistance, creating enormous international pressure for the Préval government to hold legislative elections. The country's dire economic circumstances, characterized by the lowest average incomes in the Western Hemisphere, magnified the impact of the aid suspension.

The most glaringly fraudulent aspect of the deeply flawed May elections was the method used to calculate the results of the first-round Senate races. Bypassing the country's constitution and electoral law, which required first-round winners to have an absolute majority of votes cast, the Provisional Electoral Council (Conseil Electorale Provisoire, CEP) dramatically shrank the pool of votes counted, eliminating all but those accruing to the four or six leading candidates in each province. As a result, all nineteen Senate seats at issue in the elections were won in the first round, eighteen of them by Fanmi Lavalas. When Léon Manus, the seventy-eight-year-old president of the council, objected to the calculation method, Préval and Aristide pressured him to accept it, making veiled threats that led Manus to flee the country. The government's refusal to reconsider the skewed results led the Electoral Monitoring Mission of the Organization of American States (OAS-EOM) to quit Haiti before the second-round balloting, labeling the elections "fundamentally flawed." Fanmi Lavalas then cemented control of local and national government, ending up with seventy-two of eighty-three seats in the Chamber of Deputies, and two-thirds of some 7,500 local posts.

The runup to the elections was marred by political violence, with the OAS recording at least seventy violent incidents from January to May 21, the day of local and first-round parliamentary elections. The violence included several killings, including that of Haiti's most renowned journalist, Jean Dominique, the sixty-nine-year-old director of Radio Haiti-Inter. Gunmen ambushed and shot both him and Jean-Claude Louissaint, a station security guard, on the morning of April 3. Dominique was a controversial and outspoken figure, and a firm defender of the rule of law. His radio station bore the marks of numerous bullet holes from earlier attacks. Police arrested several men said to have taken part in the assassination, but there was no official word by October on who was responsible for it, fuelling widespread rumor and speculation.

Members of "popular organizations" supporting Fanmi Lavalas were responsible for violent street demonstrations and other mob actions that went largely unchallenged by the Haitian national police (Police Nationale d'Haiti, PNH). At the October 24, 1999 launching of the CEP's civic education campaign in Port-au-Prince, a score of Aristide supporters shouted slogans, threw trash and plastic soft drink bottles filled with urine, and tried to attack opposition leader Evans Paul. In late March, during a dispute between Préval and the CEP over the date of elections, mobs set up barricades of burning tires and lobbed rocks at passing cars, calling for the CEP's dismissal. Charging through the big Croix des Bossales market, they burned hundreds of storage depots, stores, and nearby homes. Five people were reported killed in the days of violence, with fighting among criminal gangs nearly indistinguishable from political violence.

The most dramatic pre-election incident of mob violence occurred on April 9, when some one hundred protesters burned down the headquarters of the opposition coalition, Space for Dialogue (Espace de Concertation). Earlier in the day, at funeral services for Jean Dominique, members of the mob had publicly announced their plans to burn the building and kill Space for Dialogue spokesman Evans Paul (whom they were unable to find). Police, who were on the scene, did not interfere, nor did they make any arrests.

The May 21 elections were largely peaceful, if disorganized, and well over 50 percent of registered voters turned out. But as night fell and polls closed, armed men stole or burned electoral materials in some districts. In others, because a lack of electricity deprived polling precincts of light, electoral workers tallied ballots in places such as police stations, sometimes barring party poll watchers from observing the count. The morning after the vote, the press photographed Port-au-Prince streets littered with ballots and ballot boxes deposited during the night. The OAS-EOM concluded that serious irregularities had compromised the elections' credibility but that, in local balloting, "since one political party won most of the elections by a substantial margin, it is probably unlikely that the majority of the final outcomes in local elections have been affected." Opposition parties alleged massive fraud and intimidation, although most could not document their charges. Contrary to the electoral law, most complaints of irregularities received no serious investigation.

Post-election incidents again demonstrated the problem of selective enforcement of the law. On May 22, Fanmi Lavalas supporters attacked the downtown Port-au-Prince headquarters of a small party, the Rally of Patriotic Citizens (Rassemblement des Citoyens Patriotes, RCP), nearly killing one man and badly injuring

another. Although the attack took place a few blocks from a police station during a period of supposed "zero tolerance" for violence, police did not intervene or make arrests.

In the wake of the elections, police arrested some thirty-five opposition candidates and activists, many of whom had been involved in protests against electoral fraud. Those held included former senator and candidate for re-election Paul Denis of the Organization of People in Struggle (Organisation du Peuple en Lutte, OPL) and four others arrested in Les Cayes on May 23. Special police units searched Denis' house without a valid warrant and arrested him after claiming to have found several firearms. The five were released after three days in appalling detention conditions. Others arrested post-election included Limongy Jean, candidate for deputy; fifteen Space for Dialogue supporters in Petit Goave; a mayoral candidate and two other members of the Open the Gates Party (Pati Louvrye Barye, PLB) in Thomazeau; and ten OPL candidates and activists in Thiotte. But no Fanmi Lavalas supporters were arrested. In July, in Maïssade in the Central Plateau, police who intervened in a conflict between Fanmi Lavalas and Space for Dialogue allowed Fanmi Lavalas supporters to accompany them in house searches and to beat Space for Dialogue members who were arrested.

Nor did police respond effectively to the dramatic mid-June shut-down of Port-au-Prince. On June 19, in a show of force intended to intimidate the CEP into confirming erroneous first-round election results, several hundred members of pro-Fanmi Lavalas popular organizations erected barricades of burning fires, logs, and other debris on the city's roads. The roadblocks halted nearly all traffic, effectively confining most inhabitants to their homes for the day, but the police took no action against those responsible. Similar but smaller protests occurred in other cities.

Fanmi Lavalas members also fell victim to post-election violence. Supporters of an independent candidate for mayor killed two Fanmi Lavalas supporters on July 2 on the Ile-à-Vache, claiming that the Fanmi Lavalas mayoral candidate had stolen the election. Police arrested and charged a former mayor with organizing the attacks. In Anse-d'Hainault, supporters of a mayoral candidate who narrowly lost to the Fanmi Lavalas candidate set houses on fire and ransacked a community radio station, reportedly wounding twelve people.

While figures for 2000 were unavailable as of this writing, 1999 saw a rise in police killings. The U.N./OAS International Civilian Mission (MICIVIL) reported sixty-six suspicious killings by the police in 1999, including several possible extrajudicial executions, an increase over the thirty-one reported in 1998. Fifty of the 1999 killings occurred in the second quarter of the year and led to the arrest of some officers. Allegations of police beatings and torture of criminal suspects also continued. Carmel Moïse, a Florida resident and publisher of *Caribbean Magazine*, said that uniformed police entered her suburban Port-au-Prince house on July 6, demanding money and drugs, then beat her and burned her with a hot iron, leaving wounds that showed clearly in subsequent photographs.

According to the police inspector general, 673 police officers were dismissed from the PNH between its creation in 1995 and October 1999, 407 of them on the basis of his office's investigations, and the rest by decision of the leadership of the police. Probable human rights violations were committed in at least 130 cases, according to the MICIVIL.

Haiti's prisons continued to be filled far beyond capacity, with an estimated 90 percent of inmates in pretrial detention, roughly one-third of them for more than a year. A local NGO network continued to monitor conditions in many of the country's nineteen prison facilities.

In December 1999, responding to a hunger strike, a Port-au-Prince prosecutor freed on humanitarian grounds twenty-one long-term pretrial detainees, many of whom had never been formally charged. The men included Evans François, brother of military government police chief Michel François, charged with subversion in April 1996, and nine former military officers who had been held for fifteen months on charges of endangering state security after protesting non-payment of their pensions. Former Duvalier-era army general Claude Raymond, detained since 1996 on charges of plotting against state security, died in detention in February after several release orders issued by the judge in his case were ignored by the authorities.

Impunity for past abuses remained a serious concern, but there were encouraging steps toward justice. Two important trials took place. The first, that of six police officers accused of the 1999 murder of eleven people in the capitol's Carrefour Feuilles district, was held in August. During three weeks of proceedings, the prosecution presented physical evidence as well as twenty-seven witnesses, including PNH General Director Pierre Denité. The defendants, who included former Port-au-Prince police chief Jean Colls Rameau, were assisted by qualified legal counsel. Most defendants received three-year sentences for manslaughter, a penalty criticized as inappropriately lenient by local human rights groups.

The second key trial—that of former army officers and paramilitaries implicated in an April 1994 massacre in Raboteau, Gonaïves—opened on September 29. This long-awaited prosecution was based on several years of preparation by a mixed Haitian and international prosecutorial team. Of the fifty-eight defendants in the case, twenty-two were in custody, while others such as Raoul Cedras and Michelle François, leaders of the 1991 coup, and Emmanuel "Toto" Constant, the leader of the paramilitary organization FRAPH, were in exile.

A French court in November 1999 dismissed a lawsuit filed by several Haitians against former dictator Jean-Claude Duvalier, resident in France since 1996. The suit accused him of crimes against humanity, but the court ruled that French law does not cover such crimes committed prior to 1994, except those that occurred during World War II.

Defending Human Rights

The Haitian government did not systematically target human rights monitors, but the polarized political environment complicated the task of defending human rights. At an April 7 demonstration to protest Jean Dominique's assassination, for example, some 300 women belonging to a coalition of seven leading women's organizations were harassed by male supporters of Fanmi Lavalas, apparently because they did not accuse opposition political leaders of responsibility for the journalist's death.

No progress was made in the investigation into the March 1999 shooting of Pierre Espérance, Haiti director of the National Coalition for Haitian Rights.

In a welcome development that attested to the maturity of the Haitian human rights movement, a number of groups participated in well-organized election monitoring efforts, producing credible reports documenting fraud and other irregularities.

The Role of the International Community

By 2000, the three-year political impasse in Haiti had led to the suspension of some U.S. \$500 million in multilateral assistance, with donor countries pressing the government of René Préval to restore a working parliament ahead of presidential elections scheduled for the end of 2000. But the initially positive reaction to the May 21 elections began to shift with news of the arrests of opposition candidates and supporters, and turned into a tide of criticism when Haitian officials refused to acknowledge that the Senate calculation method was incorrect. Focusing on the calculation issue, the United States, Canada, France, and the U.N. Security Council called on the Haitian government to revise the election results. The Caribbean Community (CARICOM) sent a high-level mediator to Haiti in early July, but to no effect.

With the fraudulent election results firmly entrenched, Haiti's main bilateral donors began to signal aid cutbacks. France, in its role as president of the European Union, initiated a review of provisions of the Lomé Convention, to which Haiti is a party, which could lead to the suspension of a nearly \$200 million aid package. Canada also announced a reevaluation of its aid programs.

Relations between Haiti and the international community were further strained in July and August by several Grenade or Molotov cocktail attacks on foreign missions and foreigners in Port-au-Prince, which, however, did not result in injuries.

United Nations

The six-year-old human rights monitoring mission, MINUH, and the U.N. peacekeeping mission departed Haiti in early 2000 and were replaced by the smaller United Nations International Civilian Support Mission in Haiti (Mission internationale civile d'appui en Haïti, MICAH).

In January, U.N. Special Rapporteur for Violence against Women Radhika Coomaraswamy released a report based on her June 1999 visit to Haiti. Among the problems she noted were the country's "dysfunctional judiciary" and the fact that most women prisoners share living quarters with male prisoners, exposing them to violence and sexual abuse. At its April session, the U.N. Commission on Human Rights passed a resolution on Haiti expressing its concern over delays in the electoral process and calling upon Haiti to hold "free, fair and prompt elections." It also extended the mandate of its independent expert on Haiti another year.

Organization of American States

The OAS-EOM, staffed by twenty-two international observers and assisted by about eighty delegates provided by national governments, arrived in Haiti in late February to monitor the elections and provide technical assistance to Haitian election officials. When Haiti went ahead with the second-round elections on July 9, the OAS-EOM declined to monitor the balloting, withdrawing its observers from the country.

The OAS held a special session on Haiti on July 13, followed by a mission to Haiti headed by Secretary General Cesar Gaviria on August 17-19. Reporting on the mission, Gaviria voiced the international community's "skepticism and worries" about democracy in Haiti. At this writing, mediation efforts continued. The Inter-American Commission on Human Rights visited Haiti in August 2000, identifying as the most worrisome aspect a "deterioration of the political climate to the point where there seems to be no political consensus on how to consolidate the country's nascent democracy."

United States

In September, the U.S. announced it would provide no aid to the Haitian government and no support for the presidential elections. "We will pursue policies that distinguish between helping the people of Haiti and assisting the government of Haiti," said the U.S. ambassador to the OAS. Earlier, the United States had shut down its five-year-old program of support for Haitian police training.

The Clinton Administration continued to block efforts toward truth and justice in Haiti by retaining some 160,000 pages of documents seized from the Haitian military and FRAPH in September 1994. U.S. officials stated they would only hand the materials over to the Haitian government after excising the names of U.S. citizens, a condition the Préval government continued to reject. FRAPH leader Constant, previously an informer for the Central Intelligence Agency (CIA), remained in Queens, New York, having been extended protection from deportation. Fifteen high-ranking Haitian officers, including most of the coup-era high command, were also resident in the United States, having emigrated from Haiti after Aristide's return.

MEXICO

Human Rights Developments

Serious human rights violations, including torture and arbitrary detention, continued in Mexico during 2000. Faced with abuses by police and soldiers, prosecutors and courts largely failed to take a stand for human rights. The July electoral victory of opposition presidential candidate Vicente Fox raised hopes that deep-seated human rights problems would be addressed head-on by the new government, scheduled to assume power on December 1. Little doubt remained after the presidential elections that reforms that increased the independence of the federal elections-monitoring agency had greatly facilitated the exercise of political rights in the country. Yet, overcoming the country's long history of human rights abuse, and the legal and other deficiencies contributing to it, would not be easy. That history constituted the legacy of the Institutional Revolutionary Party (Partido Revolucionario Institucional, PRI), ousted after more than seventy years in power, and posed a formidable challenge to the new government.

After winning the election, Fox appeared much more open to human rights reform than previous Mexican leaders. Signalling that, in August, he met first with local human rights organizations and then with U.S., Canadian, and European human rights and environmental groups. His foreign policy advisors suggested that his government, when it took office, would be more responsive to international human rights mechanisms than previous administrations. Fox also promised to establish a "transparency commission" to examine PRI excesses, including human rights issues.

During his election campaign, Fox proposed to abolish the Office of the Federal Attorney General (Procuraduría General de la República, PGR) and submit prosecutors to much stricter control by judges to overcome deficits in the administration of justice. He also suggested creating an investigative police separate from prosecutors and moving a host of thematic tribunals, including those dealing with labor issues, from the executive to the judicial branch of government.

Deficiencies in the administration of justice indeed were of major concern. Prosecutors frequently ignored abuses by police and also directly fabricated evidence, and judicial oversight of their work was seriously inadequate. Police carried out arbitrary arrests and they and prosecutors often falsified evidence. Courts accepted evidence obtained through human rights violations, including illegal searches, and judges cited legal precedents that violated human rights guarantees.

Teodoro Cabrera García and Rodolfo Montiel Flores were two victims of such abuse. Environmental activists from Pizotla, Guerrero, they worked with the Organization of Peasant Environmentalists of the Mountains of Petatlán and Coyuca de Catalán (Organización de Campesinos Ecologistas de la Sierra de Petatlán y Coyuca de Catalán). Soldiers detained the two in May 1999, killing another man, Salomé Sánchez Ortiz, at the time. Soldiers held them illegally for two days, and tortured them before turning them over to prosecutors. On August 29, a district judge sentenced them to ten and seven years in prison, respectively, for drug- and weapons-related offenses. Defense lawyers for the accused argued that the military planted the weapons and drugs that formed the basis of the charges against the two, an accusation confirmed in a report issued by the government National Human Rights Commission (Comisión Nacional de Derechos Humanos, CNDH) in July 2000. Soldiers forced the activists to sign incriminating confessions, which were used against them in court. A decision on their appeal was pending at this writing.

Deficiencies in the judicial system were evident in urban as well as rural areas. In February, the respected Human Rights Commission of Mexico City, an agency of the city government, reported that the main suspect in the high-profile murder case of television personality Francisco "Paco" Stanley, gunned down in 1999, had been framed by prosecutors. Prosecutors refused to accept the commission's recommendation that charges be dropped against the suspect. Instead, they began a campaign of intimidation against the commission. This, in turn, led the commission in May to issue a stinging report accusing the Office of the Attorney General of

Mexico City (Procuraduría General de Justicia del Distrito Federal, PGJDF) of playing politics with judicial investigations. The office had opened four "notoriously unfounded" investigations against a judge who had ruled against the attorney general in Mexico City, according to the commission.

In Chiapas, there was continued violence between pro-government civilians and real or alleged opponents of the PRI. On August 3, members of the Peace and Justice Group, which local human rights defenders described as "paramilitary," attacked the community of El Paraíso, in Yajalon municipality, expelling sixty families, burning houses, and beating inhabitants. But, according to press reports, supporters of the leftist Zapatista Army of National Liberation (Ejército Zapatista de Liberación Nacional, EZLN), which had launched an armed rebellion in January 1994, also committed forcible expulsions, driving PRI supporters from the community of Nuevo Pavo, Ocosingo municipality, on August 11. The victims were reported to be supporters of the PRI; EZLN supporters denied the accusation.

Police in Chiapas also came under attack. Seven members of the state public security police (Policía de Seguridad Pública) were killed in a June 12 ambush on the border between El Bosque and Simojovel municipalities. The attack took place on the second anniversary of a government raid on a breakaway pro-EZLN municipality formed in El Bosque, but at this writing it was unclear who carried out the attack. In July, authorities detained two men and accused them of possession of marijuana, participating in the ambush, and being EZLN supporters. However, according to the Chiapas-based Fray Bartolomé de las Casas Human Rights Center (Centro de Derechos Humanos Fray Bartolomé de las Casas), the men were illegally detained and police planted evidence on them. At this writing, one of the detainees had been released for lack of evidence.

Following the opposition victory in Mexico's presidential elections, voting in Chiapas in August also resulted in the election of an opposition candidate, Pablo Salazar, as state governor. This raised hopes that long-standing problems, including misuse of power by police, prosecutors, and courts for partisan gain, might be resolved, and that stalled peace talks with the EZLN might be reactivated. Both Fox and Salazar said that if the EZLN returned in good faith to the bargaining table they would support a peace agreement at which the prior federal government had balked, and would also consent to a military rollback.

Foreigners continued to face restrictions in obtaining visas for human rights work in Mexico. Applicants were required to describe their plans to consular officers in copious detail, including all destinations to be visited. In an encouraging development, advisors to President-elect Fox indicated that the visa requirements would be relaxed after he took office.

Authorities still used expulsion or the threat of removal from the country against foreigners. Ted Lewis, director of the Mexico Program at Global Exchange, was expelled from the country before the presidential elections, allegedly for entering the country under false pretenses: the official justification, however, was full of contradictions. Kerry Appel, one of a group of foreigners detained in Chiapas at the beginning of the year, was told to leave the country for having violated the terms of his visa; authorities accused him of participating in a party celebrating the six-year anniversary of the EZLN uprising. Appel won an appeal of the expulsion order in June, with the judge ruling that the immigration authorities had failed to justify the reasons for his expulsion, and calling on them to properly document the order. Instead, according to the Fray Bartolomé Center, immigration officials simply repeated the same claims against Appel and, in September, again ordered that he leave the country. In a contrary move, however, immigration authorities permitted Tom Hansen, the director of the Mexico Solidarity Network, who had been expelled in 1999, to return to Mexico.

The government maintained legal restrictions on workers' freedom of association and the right to strike, and labor tribunals responsible for hearing unfair dismissal and other cases were not impartial. In its year 2000 report by the Committee of Experts on the Application of Conventions and Recommendations, the International Labor Organization (ILO) again criticized legal restrictions on freedom of association and the right to strike in Mexico. The report also condemned the ongoing practice of requiring female job applicants to submit to pregnancy tests as a condition of employment, which it described as a violation of the ILO's convention on employment discrimination. (For further information on pregnancy testing, see the Women's Rights section.) The labor side agreement of the North American Free Trade Agreement (NAFTA) continued to generate meager results in the promotion of labor rights in Mexico.

Journalists also suffered continued threats, and at least two reporters were killed during the year, according to the New York-based Committee to Protect Journalists (CPJ). José Ramírez Puente, a radio journalist, was stabbed to death in April in Ciudad Juárez, Chihuahua state, and Pablo Pineda, of the Matamoros daily *La Opinión* was also killed that month. In both cases, the motives and identity of the perpetrators were unclear. On June 22, gunmen fired on T.V. Azteca news anchor Lilly Téllez as she travelled by car in Mexico City; she escaped unharm, but the driver and bodyguards accompanying her because of threats made in retaliation for her reporting on drug trafficking, were wounded. Several journalists also faced legal harassment for their reporting. For example, prosecutors charged Melitón García of the Monterrey daily *El Norte* with falsifying documents, after he published a two-part story in May describing how easy it was for him to obtain a false voter credential. For a crime to have taken place, according to CPJ, the reporter would have had to have acted with malicious intent, something that was clearly lacking in this case.

The government took several positive human rights initiatives. In June, it ratified the 1951 Convention relating to the Status of Refugees and the 1954 Convention relating to the Status of Stateless Persons. It signed the statute of the International Criminal Court in September. The government's lack of commitment to the obligations it undertook by ratifying the refugee convention became clear in October 2000, however, when authorities summarily deported Cuban national Pedro Riera Escalante, a government official who had sought political asylum. Riera Escalante faced grave danger in Cuba, given his opposition to the policies of the Cuban government, but Mexico sent him back, in violation of the convention's prohibition on returning refugees if they would face a threat to life or liberty at home.

In August, the Mexico City authorities passed legislation establishing the crime of "disappearance," a step that human rights organizations, including Human Rights Watch, had long urged the central government to take, but there were no moves to create analogous federal legislation.

At the request of Spanish judge Baltasar Garzón, the authorities arrested former Argentine military officer Ricardo Miguel Cavallo in August. Garzón, who had sought the extradition of Chile's Gen. Augusto Pinochet from the United Kingdom in 1999, sought to prosecute Cavallo on genocide and torture charges stemming from his alleged role as a torturer at Argentina's infamous Navy School of Mechanics under military rule. Judge Garzón requested that Cavallo be extradited to Spain, but, at this writing, extradition proceedings within Mexico were still in process. French authorities were also investigating Cavallo's possible involvement in the torture and murder of French citizens in Argentina.

In August, Mexican officials announced the arrests of Mexican generals Arturo Acosta Chaparro and Humberto Quierós Hermosillo, whom they accused of links to drug traffickers. Human rights groups immediately called on the government to take steps to broaden the charges against Acosta Chaparro, who had been linked to "disappearances" and torture in Mexico's southern state of Guerrero in the 1970s.

Defending Human Rights

Human rights defenders continued their detailed reporting and energetic advocacy but faced renewed pressure from politicians who sought to blame them for some of the country's crime problems, particularly during the presidential election campaign. At one campaign stop, for instance, the PRI's presidential candidate courted the get-tough-on-crime vote by announcing: "Let it be known that the law was made to protect the human rights of citizens, not criminals." A similar slogan had worked for a successful PRI gubernatorial candidate in 1999.

The pressure created was more than simply theoretical: it helped create a hostile environment for human rights defenders. In June, authorities appeared to act on this distrust of human rights groups as the All Rights for All Mexican Human Rights Network (Red de Organismos Civiles de Derechos Humanos Todos Derechos para Todos, known as the Red) reported that their Mexico City office was under surveillance. According to the Red, the city prosecutor's office later revealed that agents of the Federal National Security System (Sistema Nacional de Seguridad, SISEN) had been filming the office, although the motive of the surveillance was not made known to the group. The same month, Digna Ochoa of PRODH received telephoned death threats. She was the lead defense lawyer representing the detained environmentalists in Guerrero.

Arturo Solís, director of the Center for Border Studies and Promotion of Human Rights (Centro de Estudios Fronterizos y de Promoción de los Derechos Humanos, CEFPRODAC), also came under attack during the year. An immigration official and private citizen in Tamaulipas state, home of the center, accused Solís of defamation in July, after CEFPRODAC provided federal prosecutors with information in June on corruption within the National Immigration Institute (Instituto Nacional de Migración, INM). Authorities failed to investigate Solís' claims in depth, but moved the defamation case forward, according to the center. In August, the center received telephoned death threats, and unidentified individuals kept Solís' house under surveillance. Some witnesses who supported Solís retracted their statements after receiving threats.

The Role of the International Community

United Nations and Organization of American States

The full scope of Mexico's human rights violations was brought into focus in November 1999, when United Nations High Commissioner for Human Rights Mary Robinson visited the country. The Mexican government did not consent to an advance research team, limiting the high commissioner to gathering information during her visits to Mexico City, Chiapas state, and Baja California state. Nonetheless, more than one hundred nongovernmental organizations (NGOs) prepared a human rights report for the high commissioner, listing their most pressing concerns. In addition to problems with the administration of justice, the report strongly criticized the involvement of the military in matters of internal security, inadequate protection of indigenous people's rights, weaknesses in economic and political rights, and attacks on human rights defenders.

The high commissioner spoke out strongly against human rights violations in Mexico. After meeting survivors of the December 1997 massacre in Acteal, Chiapas, for example, she pointed to "the failure in too many cases to punish rights violators."

In July, the Office of the High Commissioner planned to move forward with a two-part technical cooperation program to be implemented with Mexico. Its first segment, scheduled to begin before Fox assumed the presidency, was to include limited training programs for the judicial police, enhancing the federal government's National Human Rights Commission (Comisión Nacional de Derechos Humanos, CNDH), and working to strengthen the ability of indigenous rights groups to work with the United Nations. The office hoped to implement a more ambitious program under the new administration. At this writing, the first segment of the technical cooperation program had yet to begin.

After the high commissioner's visit, Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions Asma Jahangir released a report based on her July 1999 mission to Mexico. "The Government has taken some initial steps to guarantee the right to life of all persons," the report found, but it concluded: "Unfortunately, these positive undertakings have not been sufficient to correct the situation, as extrajudicial killings and the impunity enjoyed by the perpetrators continue."

The Inter-American Commission on Human Rights issued two case reports on Mexico and accepted two new cases for review. In its report on the 1996 murder by non-state actors of Pedro Peredo Valderrama, the commission blasted the Mexican government for precisely the type of irregularities that continued to plague the justice system: arrest warrants for the accused were not carried out until 1996, nine years after they were issued; one of the accused had escaped arrest in 1990 with the aid of police; and a judge acquitted two of the accused after committing a series of irregularities, including relying on information never entered as evidence and wrongly attributing exculpatory statements to defendants.

Another case handled by the commission—involving Brig. Gen. Francisco Gallardo—remained unresolved. Incarcerated since 1993 in retaliation for his call for improved respect for human rights in the military, the general faced a prison sentence of more than fourteen years. In 1996, the commission called for his release.

European Union

The Global Agreement between Mexico and the European Union entered into force in July, replacing an interim accord in place since 1999. The agreement included a standard democracy clause, which was nevertheless a subject of contention during negotiations. In addition, the Global Agreement included a chapter on political dialogue and cooperation programs—including issues related to human rights. Article 39 of the agreement, for example, noted that cooperation would focus mainly on the development of civil society, the implementation of training and information measures to help institutions function better, including in the human rights field, and the promotion of human rights and democratic principles. The agreement did not expressly exclude the development of such programs with nongovernmental organizations (NGOs), but neither did it specify that NGOs would take part in such activities.

United States

As in the recent past, the U.S. Department of State issued a strong report on the situation of human rights in Mexico, noting: "Continued serious abuses include extrajudicial killings; disappearances; torture and other abuse; police corruption and alleged involvement in narcotics-related abuses; poor prison conditions; arbitrary arrest and detention; lengthy pretrial detention; lack of due process; judicial inefficiency and corruption; illegal searches; attacks and threats against journalists; some self-censorship; assaults, harassment, and threats against human rights monitors; violence and discrimination against women child prostitution and abuse; discrimination against indigenous people; violence and discrimination against religious minorities; violence against homosexuals; limits on worker rights; extensive child labor in agriculture and in the informal economy; and trafficking in persons."

Despite these criticisms, strong bilateral action to promote human rights appeared again to take a back seat to higher priority issues such as economic relations, immigration control, and narcotics. During a meeting in August, President Bill Clinton told President-elect Fox that the United States wished to see his government make progress on human rights.

PERU

Human Rights Developments

PERU EXPERIENCED ITS MOST TURBULENT YEAR SINCE 1992, WHEN PRESIDENT ALBERTO FUJIMORI DISSOLVED CONGRESS AND ASSUMED DICTATORIAL POWERS. THE CIRCUMSTANCES IN WHICH FUJIMORI WAS SWORN IN FOR HIS THIRD CONSECUTIVE TERM ON JULY 29 WERE SYMPTOMATIC OF THE DEEP CRISIS OF LEGITIMACY FACING HIS GOVERNMENT AFTER A DECADE IN POWER. POLICE CORDONED OFF THE CONGRESS BUILDING AND EMPLOYED WATER CANNON AND TEARGAS AGAINST THOUSANDS OF DEMONSTRATORS. AS THE PRESIDENT HANDED OVER HIS SASH AND RECEIVED IT BACK AGAIN FROM HIS LOYAL CONGRESSIONAL LEADER, MARTHA HILDEBRANDT, ALL BUT SIX REPRESENTATIVES OF THE OPPOSITION STAGED A NOISY WALK-OUT. FLOWED FROM THE OUTSET BECAUSE THE PRESIDENT'S CANDIDACY WAS EVIDENTLY UNCONSTITUTIONAL, THE APRIL 9 PRESIDENTIAL AND CONGRESSIONAL ELECTIONS WERE AMONG THE MOST WIDELY QUESTIONED THE REGION HAD SEEN IN YEARS.

THE NATIONAL INTELLIGENCE SERVICE (SERVICIO DE INTELIGENCIA NACIONAL, SIN), HEADED BY FUJIMORI'S SHADOWY ADVISOR VLADIMIRO MONTEFINOS, WAS WIDELY BLAMED FOR HARASSING OPPOSITION CANDIDATES, AND MANIPULATING THE PRESS, THE COURTS, AND THE ELECTORAL BODIES TO SECURE FUJIMORI'S RE-ELECTION. ON SEPTEMBER 16, TO PUBLIC ASTONISHMENT, FUJIMORI ANNOUNCED THAT HE WOULD DISMANTLE THE SIN AND HOLD NEW ELECTIONS IN WHICH HE WOULD NOT BE A CANDIDATE. THE ANNOUNCEMENT FOLLOWED THE BROADCASTING ON TELEVISION OF A VIDEO APPARENTLY SHOWING MONTEFINOS BRIBING AN OPPOSITION CONGRESSMAN TO DEFECT TO THE GOVERNMENT PARTY. A WEEK LATER, MONTEFINOS LEFT FOR PANAMA, WHERE HE UNSUCCESSFULLY SOUGHT ASYLUM. HE RETURNED TO PERU IN OCTOBER, JUST AFTER THE GOVERNMENT PROPOSED TO EXTEND A 1995 AMNESTY LAW TO COVER HUMAN RIGHTS CRIMES COMMITTED SINCE 1995, AND TO WRITE THE LAW INTO THE CONSTITUTION. AT THIS WRITING THE AMNESTY HAD NOT BEEN EXTENDED. ALTHOUGH FUJIMORI TOOK SOME MEASURES TO DISTANCE HIMSELF FROM MONTEFINOS, HE NONETHELESS REPLACED THE CHIEF OF THE ARMED FORCES IN OCTOBER WITH A GENERAL WIDELY CONSIDERED TO BE A CLOSE ALLY OF MONTEFINOS.

THE FUJIMORI RE-ELECTION CAMPAIGN WAS PLAGUED BY SCANDALS AND IRREGULARITIES, AND ONLY CONCERTED INTERNATIONAL PRESSURE APPLIED AT THE ELEVENTH HOUR SEEMS TO HAVE CONVINCED FUJIMORI TO CONCEDE A SECOND ROUND, AFTER INEXPLICABLE DELAYS IN THE ANNOUNCEMENT OF THE FIRST ROUND RESULT. HE THEN HAD FIFTY DAYS TO MAKE REFORMS DETAILED BY THE ELECTORAL OBSERVATION MISSION OF THE OAS BEFORE THE PRESIDENTIAL RUN-OFF SCHEDULED FOR MAY 29. AS THAT DATE APPROACHED, OPPOSITION CANDIDATE ALEJANDRO TOLEDO WITHDREW HIS CANDIDACY, CONSIDERING THE CONDITIONS STILL TO BE UNFAIR. THE OAS MISSION, PRESENT IN LIMA SINCE EARLY MARCH, ASKED THE ELECTORAL BOARD TO POSTPONE THE DATE SO THAT ITS MINIMUM CONDITIONS COULD BE MET, BUT THE ELECTORAL BOARD REFUSED. FUJIMORI WAS THEN ELECTED AS THE SOLE CANDIDATE.

DURING THE INAUGURATION, THE LIMA POLICE USED EXCESSIVE FORCE AGAINST PROTESTERS. THEY FIRED TEAR GAS CARTRIDGES FROM MOVING VEHICLES AND ROOF-TOPS AS WELL AS FROM POSITIONS IN THE STREET, SOMETIMES AT BODY HEIGHT AND DIRECTLY AT PROTESTERS, AND ALSO USED TEARGAS IN ENCLOSED SPACES. SEVERAL PEOPLE WERE SERIOUSLY INJURED WHEN STRUCK BY CARTRIDGES, INCLUDING ALDO GIL CRISÓSTOMO, WHO LOST AN EYE, ARTIST AND HUMAN RIGHTS ACTIVIST VÍCTOR DELFÍN, AND U.S. JOURNALIST PAUL VANOTTI. DURING THE MORNING, UNIDENTIFIED INDIVIDUALS SET FIRE TO SEVERAL PUBLIC BUILDINGS IN THE CITY CENTER, INCLUDING THE NATIONAL BANK, IN WHICH SIX SECURITY GUARDS PERISHED. ARMED GANGS THEN ATTACKED FIREMEN AND DESTROYED FIRE-FIGHTING EQUIPMENT, HARASSED JOURNALISTS, AND THREATENED HUMAN RIGHTS OBSERVERS, WHO WERE PREVENTED FROM GAINING ACCESS TO THE SCENE. SUSPICIONS OF GOVERNMENT COMPLICITY IN THE VIOLENCE WERE AROUSED BY THE FAILURE OF THE POLICE TO PROTECT THE BUILDINGS OR TO ARREST ANY OF THOSE RESPONSIBLE. ON JULY 29, A PRO-FUJIMORI CONGRESSWOMAN LAID CHARGES OF "INTELLECTUAL AUTHORSHIP" OF THE PREVIOUS DAY'S VIOLENCE AGAINST OPPOSITION LEADER ALEJANDRO TOLEDO, AND CONGRESS MEMBERS ANEL TOWNSEND AND JORGE DEL CASTILLO.

FUJIMORI AND MONTEFINOS SUBJECTED THEIR ACTUAL OR POTENTIAL CRITICS TO LEGAL HARASSMENT AND CHARACTER ASSASSINATION. THROUGH HIS INFLUENCE OVER THE COURTS AND THE TAXATION OFFICE, FUJIMORI HAD SECURED THE SUPPORT OF SEVERAL TELEVISION CHANNELS AND RADIO STATIONS PREVIOUSLY CRITICAL OF HIM. BOGUS CRIMINAL ACCUSATIONS WERE LAUNCHED AGAINST INDEPENDENT MEDIA, SUCH AS PERU'S MOST RESPECTED DAILY NEWSPAPER, *EL COMERCIO*. THE HAND OF THE GOVERNMENT IN THESE MANEUVERS WAS DISGUISED BY THEIR APPEARANCE AS BOARDROOM DISPUTES BETWEEN SHAREHOLDERS. IN THE PROVINCES, JOURNALISTS SUFFERED PHYSICAL ATTACKS FOR THEIR OPPOSITION OPINIONS. POPULAR TABLOIDS WIDELY BELIEVED TO BE SOURCED BY THE SIN ENGAGED IN A CAMPAIGN OF SCANDALOUS ALLEGATIONS AGAINST AND LAMPOONING OF OPPOSITION CANDIDATES AND THE MEDIA SUPPORTING THEM. MANY BELIEVED THE CONSTANT BARRAGE OF MALICIOUS RUMORS TO HAVE DESTROYED THE PRESIDENTIAL CHANCES OF FORMER LIMA MAYOR ALBERTO ANDRADE. GOVERNMENT SUPPORTERS SHRUGGED OFF THESE ATTACKS CLAIMING THEY WERE A LEGITIMATE EXERCISE OF FREEDOM OF EXPRESSION.

ON FEBRUARY 29, *EL COMERCIO* REVEALED THAT A PRO-FUJIMORI COUNCILOR HAD ARRANGED THE FORGERY OF MORE THAN ONE MILLION SIGNATURES TO ENSURE THE REGISTRATION OF THE PERU 2000 FRONT (Frente Peru 2000), A MEMBER OF THE PRO-FUJIMORI ELECTORAL ALLIANCE, USING NAMES FROM THE 1990 MUNICIPAL ELECTION REGISTER. THE SCANDAL OBLIGED THE NATIONAL ELECTORAL BOARD (Jurado Nacional de Elecciones, JNE) TO CANCEL THE REGISTRATION OF THE PARTY. IN ADDITION, TWO CANDIDATES IMPLICATED IN THE FRAUD WERE FORCED TO RESIGN, AND TWO OFFICIALS OF THE NATIONAL OFFICE OF ELECTORAL PROCEDURES (Oficina de Procesos Electorales, ONPE), WHICH IS RESPONSIBLE FOR THE VOTE-TALLY AND THE COMPUTATION OF THE RESULTS, WERE DISMISSED. HOWEVER, THE ELECTORAL AUTHORITIES FAILED TO CARRY OUT A THOROUGH AND TRANSPARENT INVESTIGATION. INSTEAD, THE JNE HANDED RESPONSIBILITY TO SPECIAL PROSECUTOR MIRTHA TRABUCCO CERNA, WHOSE INVESTIGATION WAS INORDINATELY DELAYED, AND FINALLY ACCUSED ONLY ONE LOW-LEVEL OFFICIAL, AS WELL AS SOME OF THOSE WHO PARTICIPATED IN THE FRAUD AND LATER DENOUNCED IT. ON JUNE 29, FOUR MONTHS AFTER THE SCANDAL BROKE, A PARLIAMENTARY INVESTIGATIVE COMMISSION PRODUCED CONCLUSIONS THAT AMOUNTED, IN EFFECT, TO A WHITEWASH. THE FORGERY SCANDAL REINFORCED THE LACK OF CREDIBILITY OF BOTH THE JNE AND THE ONPE.

PERU'S OMBUDSMAN, JORGE SANTISTEVAN, AND THE NONGOVERNMENTAL MONITORING GROUP TRANSPARENCIA DOCUMENTED OTHER SERIOUS IRREGULARITIES IN THE CAMPAIGN. THESE INCLUDED THE REFUSAL OF OPEN-ACCESS TELEVISION CHANNELS TO SELL AIR-TIME TO OPPOSITION CANDIDATES (UNTIL THE VERY END OF THE CAMPAIGN, WHEN A SLIGHT IMPROVEMENT WAS NOTED); THE MEAGER, BIASED AND DISTORTED NEWS COVERAGE OF THE OPPOSITION CAMPAIGN; PHYSICAL ATTACKS ON, AND DISRUPTION OF, OPPOSITION RALLIES; AND THE MISUSE OF STATE RESOURCES AND PERSONNEL IN SUPPORT OF THE CAMPAIGN CONDUCTED BY FUJIMORI'S ELECTORAL ALLIANCE, PERU 2000. THE USE OF FOOD-AID AND OTHER PROGRAMS OF ASSISTANCE TO THE POOR TO GARNER SUPPORT FOR, AND DETER VOTES AGAINST, FUJIMORI'S ELECTION WAS AMONG THE ABUSES DOCUMENTED.

A QUICK ASSESSMENT CARRIED OUT BY TRANSPARENCIA ON THE EVENING OF THE ELECTIONS, APRIL 9, INDICATED THAT NEITHER CANDIDATE HAD COME CLOSE TO THE 51 PERCENT NEEDED FOR A FIRST ROUND VICTORY. THE ONPE, HOWEVER, DELAYED TWELVE HOURS BEFORE GIVING OUT ITS FIRST PARTIAL RESULTS, WHICH THEN PUT FUJIMORI AHEAD OF TOLEDO AND CLOSE TO VICTORY WITH 49.99 PERCENT. IT'S LIMA COMPUTING CENTERS REMAINED CLOSED UNTIL THE AFTERNOON OF APRIL 10, PREVENTING THE OAS OBSERVERS FROM MONITORING THE VOTE COUNT. THE COMPUTING SYSTEM PRODUCED EXTRAORDINARY ANOMALIES, SUCH AS THE APPARENT REGISTRATION OF MORE THAN ONE MILLION VOTES IN EXCESS OF THE NUMBER OF REGISTERED VOTERS. AFTER FIRM PRESSURE FROM THE UNITED STATES, THE OAS, AND SOME EUROPEAN COUNTRIES, THE JNE FINALLY ANNOUNCED ON APRIL 12 THAT A SECOND ROUND TO THE ELECTION WOULD BE HELD. MUCH LONGER DELAYS AFFECTED THE CALCULATION OF THE RESULTS OF THE CONGRESSIONAL ELECTIONS.

THE GOVERNMENT EMPLOYED VARIOUS MEANS TO HARASS AND INTIMIDATE OPPOSITION MEDIA. ON FEBRUARY 2, 2000, THE 30TH FIRST INSTANCE COURT CONFISCATED THE TRANSMITTERS OF RADIO 1160, OWNED BY GENARO DELGADO PARKER, IMPLEMENTING AN EMBARGO ON BEHALF OF A CREDITOR. THE CONFISCATION SILENCED BROADCASTS BY A POPULAR OPPOSITION POLITICAL COMMENTATOR, CÉSAR HILDEBRANDT. THE PROGRAM WENT BACK ON THE AIR WITH A REPLACEMENT TRANSMITTER, BUT THIS TOO WAS EMBARGUED AND REMOVED ON THE ORDERS OF A PROVISIONAL JUDGE WITHOUT TENURE AND CONSEQUENTLY VULNERABLE TO POLITICAL PRESSURE.

OPPOSITION PRINT MEDIA THAT SUFFERED JUDICIAL HARASSMENT INCLUDED *EL COMERCIO* AND *LIBERACIÓN*, AN OUTSPOKEN OPPOSITION PAPER OF WHICH HILDEBRANDT WAS DIRECTOR. *LIBERACIÓN* NARROWLY ESCAPED CLOSURE WHEN A PROVISIONAL JUDGE ORDERED THE EMBARGO AND SEIZURE OF ITS PRINTING PRESS. ALMOST SIMULTANEOUSLY A LIMA JUDGE ORDERED THE SEIZURE OF BANK ACCOUNTS AND PRINTING PRESSES BELONGING TO THE EDITORA CORREO PUBLISHING HOUSE, WHICH PUBLISHES *EL CORREO DE PIURA*, FOLLOWING A U.S. \$600,000

defamation suit brought by a pro-Fujimori congressman against the paper. In August, the director of the company that publishes *Expresso*, a pro-Fujimori tabloid, launched a U.S. \$1 million defamation suit against Hildebrandt and two other *Liberación* journalists.

Opposition journalists also received anonymous death threats. On June 9, Monica Vecco, an investigative reporter for *La República*, Peru's leading opposition tabloid, received a threatening e-mail message from a group calling itself the April 5 Group (a reference to the date that Fujimori assumed dictatorial power in 1992). *La República* had published a report that day by Vecco linking officials of Peru 2000 to the SIN. Four journalists from Lima's Santa Rosa radio station were physically attacked or threatened in separate incidents in May. They had reported on attempts by Peru 2000 to pressure attendants at soup kitchens in poor neighborhoods to vote for Fujimori's re-election. Physical attacks and death threats against radio journalists were also common in rural areas.

Despite a law outlawing torture promulgated in 1999, the practice remained widespread and perpetrators were rarely convicted. In one incident, police belonging to the Division of Special Operations (División de Operaciones Especiales, DINOES) detained Alejandro Damián Trujillo Llontop on the evening of March 1, 2000 in Lima while he was in the company of some friends, and took him away in a personnel carrier. On March 14, his father denounced his "disappearance" to the district attorney, but DINOES denied having arrested anyone on March 1. On May 9, Trujillo's relatives were informed that the body of a twenty-five-year-old man had been found on the beach in Callao on March 2. Fingerprint and other tests confirmed that it was Trujillo's body. An autopsy indicated that his death occurred within four hours of his arrest on March 1, and that the body bore injuries consistent with torture.

The mandate of the commission set up by President Fujimori in 1996 to recommend presidential pardons for hundreds of innocent prisoners wrongly charged or convicted under the draconian anti-terrorist laws was not renewed when it expired at the end of 1999. Although the commission had secured the release of 491 prisoners, more than fifty applications approved for release by the commission awaited decision by the president, while four or five times that number had been presented by nongovernmental human rights groups. Those released received no compensation for the serious abuses they had suffered. At the end of August, the Supreme Council of Military Justice accepted an appeal by U.S. citizen Lori Berenson, convicted by a "faceless" military court to life imprisonment for treason. In what was widely interpreted as a gesture to U.S. opinion, Berenson was to be retried in a civilian court on a charge of terrorism.

Defending Human Rights

Human rights ombudsman Jorge Santistevan de Noriega was attacked in the pro-Fujimori media in early March when he transmitted allegations about the forgery of signatures to the JNE and the ONPE and asked them to investigate. Cabinet ministers and pro-Fujimori congressmen claimed that Santistevan had sought to discredit the elections by leaking information to *El Comercio*, and hinted that they might press for his impeachment. However, as President Fujimori later acknowledged, the constitution empowers the ombudsman to monitor the actions of public entities, including those of the electoral authorities. Santistevan's office, together with Transparencia, played a key role in monitoring irregularities during the election campaign. His comment that the elections had a "factory defect"—a reference to Fujimori's unconstitutional candidacy—irritated the government, but after the firm intervention of the OAS, the U.S. State Department and several European ambassadors, the sniping at Santistevan ceased.

On June 12, the wife of Jesús Agreda Paredes, president of the Tacna Association for the Defense of Human Rights, received a telephone call from an unidentified man who said, "Tell your husband not to meddle in the Pachia case, because if he does we'll kill him." Agreda was acting on behalf of the widow of Nelson Díaz Marcos, a detainee who had died in custody allegedly as a result of torture.

During the second week of August, members of the Legal Defense Institute (Instituto de Defensa Legal, IDL), a well-respected human rights NGO, received anonymous death threats by e-mail. One of the messages, also received by political commentator Carlos Iván Degregori, said, "Die, bastard!" According to Degregori, friends of his had received a warning that "you are being watched and we know all your movements. We know who your friends are and what they are doing.....you keep away. You are in time.... First warning." The message came from a group calling itself Colina 2000 (The Colina group was a notorious army death squad that operated in the 1990s).

The Role of the International Community

The Organization of American States, the European Community, the European Parliament, and individual states, including the United States, Canada, Japan, and several European countries, issued statements expressing concern about irregularities in Peru's elections.

Organization of American States

The OAS electoral observation mission led by former Guatemalan foreign affairs minister Eduardo Stein conducted a forthright, transparent, and proactive observation of the electoral process. Unlike earlier OAS missions, whose shortcomings had been widely criticized, Stein's team covered pre-electoral conditions for a full month before the April 9 vote, met continuously with the electoral bodies in an effort to obtain fairer conditions, and reported publicly on progress in periodic bulletins. The mission served as a model for future regional election observation.

An extraordinary session of the Permanent Council, held in Washington, D.C. on May 31, rejected a proposal by the United States and Costa Rica for an ad hoc meeting of foreign ministers under Resolution 1090—regarding the OAS's response to the interruption of democracy in member countries—to discuss sanctions against Peru. The vote against the motion showed that most member states opposed taking punitive measures against another member state because of an unfair election, so revealing the limits of the OAS's effectiveness in responding to interruptions of the democratic process that fall short of a coup d'état.

The political situation in Peru was discussed intensely at the annual General Assembly of the OAS. On June 5, the General Assembly agreed unanimously to send immediately a high-level mission to Peru, consisting of OAS Secretary General César Gaviria and Canadian Foreign Minister Lloyd Axworthy, to explore options for reforming the electoral process, restoring the independence of the judiciary, and strengthening freedom of the press. Reflecting the reluctance of the General Assembly to confront the illegitimacy of the election, both delegates made clear on their arrival in Lima on June 27 that they did not intend to propose a timetable for new elections. The mission left two days later, having agreed with the government and opposition a list of twenty-nine reforms to be implemented. The OAS established a permanent mission in Lima, headed by Eduardo Lahorra, former foreign minister of the Dominican Republic, to broker the reforms and assist in their implementation. The September bribery scandal, however, abruptly changed the picture. Following President Fujimori's surprise announcement of new presidential and congressional elections, OAS-sponsored talks between the government and the opposition led to an agreement at the end of October to hold the elections by April 9, 2001.

The Inter-American Commission on Human Rights's Second Report on Human Rights in Peru, published in June, noted that "the electoral process in Peru clearly constitutes an irregular interruption of the democratic process," and called for new elections.

United Nations

In November 1999, the United Nations Committee against Torture published its concluding observations on the report submitted by Peru under article 19 of the Convention against Torture. It expressed concern about continuing allegations of torture, the authorities' failure to investigate and prosecute those responsible,

and the lack of independence of members of the judiciary who lacked security of tenure. In January 2000, the Committee on the Rights of the Child published its conclusions on Peru's report under the Convention on the Rights of the Child. It regarded laws enacted to protect children from domestic and sexual violence as positive steps. However, it criticized decree laws passed in 1999 that lower the age of criminal responsibility for children to below the limits permitted in the convention.

United States

The Clinton Administration played a key behind-the-scenes role in the negotiations at the meeting of the OAS General Assembly that resulted in the Gaviria-Aixworthy mission. But the decision to send a mission was a weaker response than expected, given the strong nature of the first White House and State Department reactions to the May 29 election result. "Free, fair, and open elections are the foundations of a democratic society. Without them, our relationship with Peru will inevitably be affected," President Clinton warned, while a State Department spokeswoman stated, "we do not see the election as being valid. The manner in which the Fujimori regime handled these problems is a serious threat to the Inter-American system and its commitment to democracy." In Congress, both Democrats and Republicans backed firm action if Fujimori continued to defy international opinion. On April 7, Congress passed Joint Resolution 43, which warned that if the international community judged the elections not to be free and fair, "the United States will review and modify as appropriate its political, economic, and military relations with Peru and will work with other democracies in this hemisphere and elsewhere toward a restoration of democracy in Peru." After the unwillingness of other OAS members to support the U.S. proposal to apply Resolution 1080, however, the Clinton Administration did not persist.

On March 9, U.S. officials detained Maj. Tomás Ricardo Anderson Kohatsu, a Peruvian army intelligence agent implicated in gross human rights violations. After a lightning operation by U.S.-based human rights groups to gather evidence, immigration officials arrested Anderson at Houston airport before he could board a flight back to Lima. Overwhelming evidence implicated Anderson in the torture in 1997 of Leonor La Rosa Bustamante, a former intelligence agent who was left paraplegic as a result of the torture. The Department of Justice was preparing to prosecute Anderson under the Torture Act 18 USC 2340A, that allows for the extraterritorial prosecution of individuals implicated in torture. However, in a regrettable decision, the Department of State blocked the arrest, claiming that Anderson enjoyed immunity because he had been brought to the U.S. by the government of Peru to participate in a hearing before the OAS Inter-American Commission on Human Rights. Anderson was released and allowed to leave the U.S. after being held for questioning for twelve hours.

European Union

The European Union (E.U.) withdrew its election observers from Peru after the JNE announced that it would not accept recommendations for a postponement. The E.U. stated that the elections would not be credible or satisfy international standards, and that acceptance of democratic principles was a pre-condition for the development of its political and economic ties with Peru.

VENZUELA

Human Rights Developments

The government of former paratrooper Hugo Chávez Frías, comfortably endorsed by 59 percent of the vote in general elections held on July 30, failed to mount an effective response to Venezuela's deep-seated human rights problems, in particular the ingrained abusiveness of its police forces and appalling prison conditions. The government introduced ambitious plans for prison reform, but attention to overcrowding in Venezuela's prisons did not result in a significant decline in inmate violence. Police killings of criminal suspects increased from 1999, and some measures authorities proposed to combat violent crime raised serious human rights concerns.

Introduced in December 1999, the constitution included forty-two articles protecting human rights, including some of the most advanced in the hemisphere. However, it also greatly expanded the power of the presidency and enhances the political role of the armed forces. The wholesale dismissal of judges, Chávez's revolutionary rhetoric and his verbal jousts with press critics raised questions about his government's respect for the rule of law and tolerance of criticism. For the first time in many years, freedom of expression emerged as a human rights issue in Venezuela.

Human rights groups and trade unions also came under pressure during the year. In separate decisions in June and August, the Supreme Court determined that nongovernmental organizations that received funding from abroad were not members of "civil society," thereby depriving them of the right to participate in the nomination of candidates for the Supreme Court, to be ombudsman, and for other important government posts. Trade union independence was called into question in early September, when President Chávez harshly criticized the leadership of the Venezuelan Workers' Confederation (Central de Trabajadores Venezolanos, CTV) and announced plans to create a parallel workers' movement dominated by the ruling party.

In the aftermath of disastrous flooding and mud slides on the Caribbean coast in December 1999, in which at least 20,000 people died, the armed forces went on a murderous rampage against suspected looters in the state of Vargas. The respected nongovernmental human rights group, Venezuelan Program for Education and Action on Human Rights (Programa Venezolano de Educación-Acción en Derechos Humanos, PROVEA), reported that army paratroopers, the political police known as the Directorate of Police Intelligence Services (Dirección de Servicios de Inteligencia Policial, DISIP), and members of the National Guard were responsible for execution-style killings.

The story became the first major human rights test of the Chávez government. At first, Chávez dismissed the reports as "suspicious" and "superficial," but the evidence soon obliged the president and other top government officials to acknowledge the seriousness of the situation. In January, the ombudsman of Vargas state announced that more than sixty people had been executed. Their bodies were apparently buried along with those of flood victims.

In January, PROVEA lodged habeas corpus writs on behalf of four victims who had "disappeared" after being detained in Vargas state: Roberto Javier Hernández Paz, Marco Antonio Monasterio Pérez, José Francisco Rivas, and Oscar José Blanco Romero. Roberto Hernández "disappeared" on December 23, after being arrested in his home by DISIP agents, who showed no warrant. According to testimonies collected by PROVEA and other human rights groups, his uncle heard a shot and Hernández's shouts begging the agents not to kill him. He was taken away wounded in a truck. A local judge ruled that since DISIP's director had denied his arrest, the court had no evidence on which to proceed. The courts did, however, confirm the arrests of Monasterio and Blanco, who were detained on December 21 by a paratroop battalion and handed over the same day to the DISIP. The DISIP, however, said it had no record of having received them. The body of another victim, Luis Rafael Bastardo, was exhumed in March from a cemetery. He had been shot several times.

Extrajudicial executions of criminal suspects by police and military forces continued to be a major problem in other parts of Venezuela. The Ministry of the Interior stated in July that more than 500 suspected criminals had died in armed clashes with the police during the first six months of the year. However, according to human rights groups, police frequently staged violent crime scenes to conceal the execution of a suspect who was unarmed or in police custody. Based in part on press sources, PROVEA said it knew of seventy-six reports of violations of the right to life during the same period. The number represented an increase of nearly 50 percent over 1999.

Pressure from the ombudsman and human rights defenders averted proposals by politicians to introduce "fast track" justice for criminal offenders. In February, the then-governor of the Federal District, Hernán Gruber Ordeman, proposed to reactivate the infamous "loitering statute," known as the Law on Vagrants and Delinquents, which had been declared unconstitutional in 1997. That law gave the police the power to detain people in the street caught committing crimes or merely suspected of vagrancy, and send them to prison without trial for up to five years. In early March, Dávila said he planned to set up control points in four sectors of Caracas where a team of judges, prosecutors, defense lawyers, and representatives of the ombudsman would be on duty around the clock to dispatch justice to offenders in ten minute trials. Chief Court Inspector René Molina warned that judges who followed the procedure would be in breach of the law.

In July, the temporary legislature approved amendments to the Code of Criminal Procedure that would restore the police's powers to make arrests on their own authority if they had reasonable grounds to suspect a person's involvement in a crime. Under the code's existing provisions, police were authorized to make arrests only on the orders of a judge or if the suspect was caught in the act. The amendments gave judges the power to hold suspects detained on suspicion for six days before deciding whether to charge or release them. In the past, such provisions allowed police ample opportunity to force suspects to confess.

Prison conditions remained inhumane, and prisons continued to be extremely violent. Between October 1999 and March 2000, for instance, the press reported 169 deaths in prison. Earlier prison violence had prompted the creation of an inter-institutional commission that included nongovernmental, congressional, and ministerial representatives. The commission found El Rodeo and Yare prisons to be completely under the control of the inmates, who even had the keys to their own cells. In El Rodeo, in which forty-one prisoners were killed between October 1999 and March 2000, only four officials were guarding 1,900 prisoners.

The work of the commission and the new Code of Criminal Procedure led to the release of thousands of prisoners. In October 1999, a Ministry of Justice official said that 2,526 prisoners had benefited. According to figures compiled by PROVEA, by the end of 1999 the total prison population had fallen to 15,227, compared to 24,933 in September 1999, while the percentage of prisoners awaiting trial fell from sixty-four to fifty-two. However, according to PROVEA, the measures lacked clear selection criteria and institutional coordination. Justice officials admitted that many errors had been made in granting releases. As a result, politicians blamed the rising violent crime rate on the country's progressive new code of criminal procedure. Leading criminologists, however, asserted that the fault lay not in the code itself, but in its implementation.

In March, President Chávez announced a national public security plan that earmarked the equivalent approximately U.S. \$9 million for prison reconstruction and re-equipment. The European Union signed a cooperation agreement for prison improvements with the Ministry of Justice.

Freedom of expression became a precarious right during the year. The Inter-American Press Association (IAPA) complained in March to President Chávez about a "climate of hostility toward the press," after the president persistently engaged in belligerent attacks on his press critics. "If they attack me, let them watch out, they'll get as good as they give" and "what there is behind the supposed freedom of expression is a freedom of manipulation," were typical remarks made by the president. The IAPA expressed concern about article 58 of the 1999 constitution, which establishes the right to "timely, truthful, and impartial information." It could allow the courts or the government to judge what information should be disseminated and serve as the basis for prior censorship, according to the group.

Under current laws, journalists convicted of defamation could be sent to prison and prevented from exercising their profession forever. Tobias Carrero, a prominent businessman with close ties to the Chávez government, used criminal defamation suits in an effort to silence press criticism. In August, a judge ordered Pablo López Ulacio placed under house arrest for refusing to attend a court hearing in a defamation suit filed in October 1999 by Carrero, owner of the Multinacional de Seguros insurance company. Articles published in September 1999 in *La Razón*, of which López is editor-in-chief, accused Carrero of benefiting from favoritism in the award of government contracts and the auctioning of state-owned radio stations. In June 2000, the judge prohibited López from publishing any further information on Multinacional de Seguros, and placed him under house arrest. Another judge lifted the order then reimposed it when López failed to appear in court in August. The publishing ban remained in force at this writing.

In April, the Inter-American Commission on Human Rights issued precautionary measures in favor of Ben Ami Fihman and Fatima Marina Nahmens, director and reporter, respectively, of the magazine *Exceso*. A defamation suit against them for the publication of an article about the murder of a businessman had been in the courts since 1997. In February, a judge ordered their arrest to make them appear in court despite the expiry of the statute of limitations under the new Code of Criminal Procedure.

Defending Human Rights

Venezuela's Defender of the People, or Ombudsman, which position was created under the new constitution as an official human rights watchdog body, was established in December under the leadership of Dilia Parra Guillén, an attorney and former member of the human rights department of the Attorney General's Office. Some of its senior officials, including its director general, Juan Navarrete Monasterio, had been members of the nongovernmental human rights community. Other officials were appointed to ombudsman posts in each of Venezuela's states. The ombudsman expressed forthright critical opinions on several government-backed crime-fighting initiatives that would have violated due process principles, and was influential in pressing for a full investigation of atrocities in Vargas state.

In April, Hoover Quintero and Silvina Rousseo, members of the human rights office of the dioceses of Ciudad Guayana, received repeated threatening phone calls. They had denounced abuses by members of the Technical Judicial Police in Ciudad Guayana.

The Role of the International Community

United Nations

In November 1999, the United Nations Committee on the Rights of the Child published its concluding observation on Venezuela's report on implementation of the Convention on the Rights of the Child. The committee expressed its concern about "alleged cases of killings of children during anti-crime operations." It also expressed concern about "the persistent allegations about children being detained in conditions which amount to cruel, inhuman or degrading treatment, and about children being physically ill-treated by members of the police or the armed forces."

Organization of American States

The Inter-American Commission on Human Rights brokered a friendly settlement between relatives of the victims of a 1992 massacre in the prison of Cafia and the Venezuelan government. It included a promise by the government to carry out several important prison reforms.

United States

THE CLINTON ADMINISTRATION CONTINUED TO TREAT CHÁVEZ AND HIS "PEACEFUL REVOLUTION" WITH CAUTION, AND DID NOT COMMENT ON HUMAN RIGHTS, EXCEPT IN THE ANNUAL STATE DEPARTMENT COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1999. THE REPORT CONCLUDED THAT "ALTHOUGH THERE WERE IMPROVEMENTS IN SOME AREAS, SERIOUS PROBLEMS REMAIN." IN A LETTER TO U.S. AMBASSADOR JOHN MAISTO, VENEZUELAN FOREIGN MINISTER JOSÉ VICENTE RANGEL CRITICIZED THE REPORT FOR BEING OUT-OF-DATE AND UNILATERAL, AND SAID THAT IT DID NOT FAIRLY REFLECT THE POLITICAL CHANGES OCCURRING IN THE COUNTRY.

THE UNITED STATES OBJECTED TO PRESIDENT CHÁVEZ'S VISIT WITH IRAQI PRESIDENT SADDAM HUSSEIN IN AUGUST. CHÁVEZ WAS THE FIRST HEAD OF STATE TO VISIT BAGHDAD SINCE THE GULF WAR. CHÁVEZ CLAIMED THAT THE VISIT WAS RELATED ONLY TO VENEZUELA'S ROLE AS A MEMBER OF THE ORGANIZATION OF PETROLEUM EXPORTING COUNTRIES (OPEC).