

## SEEKING ACCOUNTABILITY FOR PAST ABUSES

"Transitions to democracy" in many countries in recent years have raised important questions about what to do about the gross abuses of the past: by military dictatorships in Latin America and East Asia and by communist regimes in the Soviet Union and Eastern Europe. The question has been complicated by the retention of varying measures of power by the former rulers, enabling them in some instances to block efforts to hold them accountable for their crimes.

In previous years, Human Rights Watch focused on this question primarily in such Latin American countries as Argentina, El Salvador and Guatemala. The fast pace of developments in 1989 brought the issue to the fore in several additional countries. Accordingly, the boards of the Watch Committees, meeting jointly, adopted a formal policy statement to guide our efforts. In cases where there has been a practice of gross abuses (genocide, extrajudicial executions, disappearances, torture or prolonged arbitrary imprisonment), Human Rights Watch: calls on governments themselves to acknowledge these and make known as much as possible about past abuses; opposes amnesties for such abuses; seeks prosecution particularly of those with the highest degree of responsibility for the most severe abuses; opposes subjecting decisions about accountability to popular referendum because it is not the prerogative of the many to forgive the crimes against the few; opposes amnesties to members of anti-government forces who have practiced gross abuses; considers obedience to orders (in circumstances other than duress) not a valid defense to charges of responsibility for gross abuses; insists that the means used in making known gross abuses and prosecuting those responsible must respect due process.

By and large, Human Rights Watch's efforts to promote these standards were not successful during 1989. In Uruguay, on which Americas Watch published a report early in the year on accountability, an amnesty law was endorsed in an April plebiscite. In Argentina, President Carlos Saul Menem began his term as President by pardoning all but six of the military officers responsible for more than 9,000 disappearances during the years of military rule from 1976 to 1983. On the other hand, in El Salvador, Americas Watch was instrumental in securing the prosecution of a number of soldiers for a massacre of peasants the previous year; and, in November 1989, when six Jesuit priests and two employees were murdered, Americas Watch documented military culpability, helping to generate the pressure for prosecution of a number of soldiers, including a Colonel, in early 1990. (At this writing, no headway has been made in either prosecution, but Americas Watch is maintaining the pressure.) In Nicaragua, Americas Watch published a report on extrajudicial executions of suspected contras and contra collaborators. In a few of the cases documented by Americas Watch, prosecutions and punishment took place, largely due to our pressure.

Helsinki Watch also became involved in the question of accountability in 1989. The issue loomed large in the Soviet Union, where an organization named "Memorial" had been launched late in 1988 to document the crimes of Stalinism; and in Romania,

where Helsinki Watch condemned the virtual lynching of Nicolai and Elena Ceausescu on Christmas Day and called instead for the establishment of a commission to compile a careful and full account of the crimes of the Ceausescu era and for prosecutions of those responsible for gross abuses to be conducted in accordance with due process.

Accountability was also an important issue in the work of Africa Watch. Indeed, a governmental commission that is investigating the abuses of the past in Uganda has become something of a model for such inquiries. Africa Watch also pressed the question of accountability in Zimbabwe; and, in 1990 as information about the killings by a government sponsored death squad becomes available, it is certain to be an important issue in South Africa.

Although all the Watch Committees have become involved in the accountability question in varying degrees, in the period immediately ahead, it seems likely that the issue will continue to be particularly important in the work of Americas Watch. In the case of the amnesties in Argentina and Uruguay, Americas Watch is litigating their validity before the Organization of American States Inter-American Commission on Human Rights. Previously, Americas Watch was instrumental in securing a decision by the Inter-American Court of Human Rights which established the responsibility of the government of Honduras for disappearances carried out by its armed forces from 1981 to 1984. In 1989, the Honduran government was ordered to pay monetary damages to the families of two of the victims. The issue will also confront Americas Watch in Chile when a civilian government succeeds General Pinochet in March 1990 and will probably make known soon after it takes office how it will deal with the accountability issue.