

HUMAN RIGHTS DEVELOPMENTS

During 1994, the crises of Cuba and Haiti dominated international news from the Americas. The repression facing Cubans and Haitians at home was widely documented and condemned, as were the erratic immigration policies of the United States, which turned back tens of thousands of refugees in violation of international refugee law. The untold story of the region, however, was the persistence of the egregious, systematic human rights violations in countries with institutional democracies.

In many Latin American nations, even where civilian governments appeared firmly established, respect for human rights had not emerged as a central, functioning component of "democracy" and had failed to bring either political tolerance or the rule of law. Torture, police abuse, assassinations of political activists and "disposable people," electoral irregularities, and threats against the press coexisted with nominally democratic governments and were tolerated by them. Particularly abusive was the civilian government of Alberto Fujimori in Peru, which turned the nation's judicial system into a tool of repression and showed open contempt for human rights precepts. But torture was commonplace throughout the region: in Brazil, Colombia, Peru, and El Salvador, among others. Elsewhere, as in Honduras and Nicaragua, despite some positive efforts by the governments, the military and police continued to have sufficient independence from civilian control to carry out abuses frequently and with impunity.

The closely watched democratic transition in Haiti after the return of President Jean-Bertrand Aristide in October was unique in many ways, but also reflected some of the challenges facing other recently established civilian governments in the region. Like Haiti, a large number of Latin American governments faced the pressing need to establish an independent judiciary, to replace notoriously abusive security forces, and to ensure accountability for past human rights violations. Throughout the hemisphere the institutions of democracy have to some degree opened space for the emergence of an active civil society, which has expanded political debate and empowered previously marginalized members of society. Nevertheless, the process of transition has created new human rights concerns. So long-established a democracy as Venezuela struggled with a nearly complete incapacitation of its judicial system; El Salvador and Chile continued to confront the need for the replacement of abusive officials and for prosecutions in human rights cases from their military pasts.

Some governments made notable efforts to increase the effectiveness of human rights monitoring and protection. In Nicaragua, a new military code passed in August, mandating that members of the armed forces accused of common crimes be tried in civilian rather than military courts. In Honduras, the government of President Carlos Roberto Reina fulfilled an earlier initiative to establish civilian control over the police forces by dissolving the military-controlled Dirección Nacional de Investigaciones (DNI), infamous for its human rights abuses, and transferring investigative powers to the civilian-controlled Criminal Investigating Bureau.

Other countries took several steps to address crimes committed under former military regimes. The judiciary in both Paraguay and Chile actively pursued cases against former human rights abusers. In Argentina, the government began paying compensation to victims of arbitrary detention under its military regime, and the Argentine Congress was studying a law to compensate the families of the "disappeared."

Despite these efforts, state security forces, even under elected governments, acted with impunity and were among the principal perpetrators of human rights violations, as they had been

in the past. The targets of these violations were not only political suspects, but criminals, prisoners, and other groups marginalized by society. In Colombia, paramilitary squads often linked to the military continued campaigns of "social cleansing," targeting street children, homosexuals, beggars, and other so-called disposable people. These violations persisted because too often, investigations of state agents in Latin America did not occur, and when they did, the exercise of military jurisdiction usually guaranteed acquittals. Deep social and economic cleavages, which ensure certain individuals' marginalization, also contributed to the lack of justice in cases of abuses committed against them.

Frequently, these abuses were committed in the name of internal security. In Peru and Colombia, the ongoing internal war between the military and insurgent armies resulted in violations of international humanitarian law on both sides. In Mexico, during its suppression of a rebellion that erupted on January 1 in the southern state of Chiapas by the previously unknown Ejército Zapatista de Liberación Nacional (EZLN), the army was responsible for numerous human rights violations, including serious cases of extrajudicial executions and extensive use of torture. In Venezuela, President Rafael Caldera cited the country's economic crisis as reason to declare a state of emergency on June 27. While officially justified as an economic necessity, grounds which are not consistent with international law, the state of emergency provided a pretext to detain without due process grass-roots leaders, opposition politicians, and socially and economically marginalized individuals.

In 1994, accountability for human rights abuses suffered serious setbacks in both Colombia and Guatemala. On July 7, Colombian President César Gaviria vetoed a proposed "Disappearance Law." By establishing the crime of "forced disappearance of persons," the law would have placed perpetrators under civilian jurisdiction and ended the impunity with which disappearances are committed. It would also have eliminated the "due obedience" defense by which military personnel have been routinely exonerated for crimes committed following superior orders. In Guatemala, the administration of President Ramiro de León Carpio backtracked from its commitment to demilitarize the National Police, firing key reformers in the government and permitting several individuals linked to the army once again to infiltrate the agency. As a result, there was a marked increase in violence by police and military agents in 1994.

At the same time, in Peru and Colombia, "faceless courts," in which the identities of the judges and witnesses were concealed, arbitrarily convicted thousands of civilians often relying strictly on evidence provided by state agents or the testimony of a single witness.

Another problem endemic to Latin America's judicial system was the excessive use of pre-trial detention. Many prisoners interviewed by Human Rights Watch/Americas in Venezuela's Sabaneta Prison, for example, were jailed and awaiting trial for periods longer than the maximum sentences which they were facing. The overcrowding that resulted was a central cause of the January riot and fire in Sabaneta, which led to more than one hundred deaths as guards looked on. In Honduras, only 12 percent of the country's 6,100 prisoners had been tried and sentenced. Besides violating the rights of those being detained, the situation of excessive pre-trial detention exacerbated conditions of overcrowding, filth, lack of food, and violence, which already existed in many of the region's prison systems. In October, unsanitary conditions and systematic abuses in Argentine prisons led to massive hunger strikes by inmates in several penal institutions.

Unelected governments, at the same time, committed human rights violations as state

policy while rejecting even the pretense of democratic institutions. Until its demise in September, upon arrival of the U.S.-led occupation force, Haiti's military regime conducted an intensive campaign throughout 1994 to eliminate supporters of exiled President Aristide. The government of General Raoul Cédras employed extrajudicial execution, disappearance, and torture to crush political opposition and create a climate of terror. Rape was used as a tool of state terror by police, soldiers, and armed civilian auxiliaries (known as *attachés*) to punish women thought to support Aristide. The multinational, U.S.-led intervention ultimately returned Aristide to Haiti and created hope for the beginnings of democratic participation for the long-abused Haitian people. This was only after tightening repression on the island cost thousands of lives and forced tens of thousands to flee the island and seek refuge in the U.S. state of Florida.

Like Haiti, Cuba contributed to the flood of refugees landing in Florida. The exodus of Cuban rafters focused attention on the country's law prohibiting "illegal exit," a violation of the right to freedom of movement, and an unprecedented riot on August 5 in Havana underscored the growing discontent on the island. After the riot, the Cuban government briefly suspended enforcement of the illegal exit law but reimposed it in September as part of an agreement with the United States. On the island, the government maintained its repression of political and civil rights and cracked down further on political dissidents.

The involvement of the Organization of American States and the United Nations in the region produced mixed results for human rights during the year. The OAS continued to avoid condemning systemic human rights violations by elected civilian governments in certain countries. On the other hand, individual cases of human rights violations brought before the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights underscored the abuses that routinely occurred in these countries.

In Haiti, the U.N.'s performance, like that of the Clinton administration, shifted dramatically and was notably weak in early 1994. Early in the year, despite the Cédras regime's abrogation of the Governor's Island Accord, U.N. Special Envoy to Haiti Dante Caputo pressed Aristide to make additional concessions to the military rulers. The U.N. also failed to renew the mandate of the U.N./OAS Civilian Mission, opening its staff to the harassment of state security forces. Later, at U.S. urging, the U.N. took several steps to tighten the economic embargo on the island and on July 31, passed Resolution 940, which permitted the use of any means to ensure the departure of the military leaders, in effect sanctioning a U.S.-led invasion of the island.

The U.N. also played a central role in monitoring human rights violations in El Salvador and pressing negotiations between the government and guerrillas in Guatemala. In Guatemala, while the political will to enforce human rights protections established by the negotiations seemed absent, the peace process provided the U.N. a tool to press for greater political will.

Overall, the trend in Latin America toward consolidation of civilian governments did not—in many countries—guarantee that vulnerable members of society, dissenters, labor organizers, the press, or voters could confidently exercise their rights. In this context, Latin American governments increasingly focused on achieving economic success through such partnerships as NAFTA and Mercosur, the subregional pact which includes Brazil, Argentina, Paraguay, and Uruguay. At the Rio Group Summit held in Rio de Janeiro in September, regional leaders supported the creation of a South American Free Trade Agreement (SAFTA), to create a region-wide free trade zone which would make the region's products more competitive in the world economy. But these plans proceeded without addressing a crucial precondition for balanced, sustainable economic development—respect for human rights.

United States Commerce Secretary Ron Brown explained to reporters in November, "Our strategy of commercial engagement, we believe is the most effective strategy to have a positive impact on labor rights and human rights." The concept that trade is a conduit for respect for human rights, echoed by other officials in the Clinton administration as well as leaders from the rest of the hemisphere, was disproved by the experiences of several countries in Latin America where free market policies, like the formal institutions of democracy, coexisted with gross human rights violations. The disassociation of civilian government and economic planning from a human rights agenda was of grave concern to Human Rights Watch/Americas. To the extent that free trade agreements define a community of nations, governments should insist that the community be founded on the shared fundamental values of respect for the rights of the individual. As such, it would be important that such agreements include an explicit commitment to respect and enforce the human rights standards enshrined in the American Convention on Human Rights and that they include a mechanism for the adjudication of individual complaints of human rights violations that may arise in the context of the commercial relations permitted under the agreement.

The Right to Monitor

The institutions of democracy, which have mushroomed throughout the hemisphere, have in part contributed to the remarkable growth of civil society in Latin America. During 1994, human rights organizations and groups with common goals ranging from labor unions to indigenous groups to women's organizations participated actively in civil society and sought to expand democratic guarantees. An active press served both as a watchdog to monitor abuses of power and as an effective medium for expressing alternative views. In many countries, however, such activism was still dangerous, as human rights monitors, political dissidents, and journalists covering governmental abuses faced threats to their freedom, their security, and their lives.

In Cuba and under the Cédras regime in Haiti, human rights monitors continued documenting abuses despite ever-present threats to their safety. Between January and its expulsion from the country in July, the U.N./OAS human rights mission was briefly allowed to return to Haiti, during which time it was able to document 1,400 cases of human rights violations despite severe restrictions on its movements. Domestic groups documented numerous other cases despite continued threats to their safety. In Cuba, human rights monitors and members of so-called illegal organizations continued to be the targets of arbitrary arrest, physical violence, and intimidation, particularly after the August 5 riot in Havana, which prompted the government to tighten its repression on the island's growing dissident movement.

In other countries as well, human rights monitors continued to face intimidation. In Mexico and Colombia, human rights activists faced arbitrary detention, surveillance, illegal searches, and death threats.

In Guatemala, the government made it apparent that it would seek to limit the role of the United Nations in monitoring human rights in the country. On the one hand, the government was seeking to terminate the mandate of the United Nations Human Rights Commission's independent expert once the U.N. Verification Mission to Guatemala (MINUGUA) was installed. On the other hand, it was attempting to restrict MINUGUA's mandate to the point of undermining its mission by denying authorization to investigate human rights cases and only permitting the mission to "strengthen domestic institutions."

U.S. Policy

On September 19, U.S. troops occupied Haiti in what the Clinton administration termed "a semi-permissive environment," after a delegation constituted by former President Jimmy Carter, Senator Sam Nunn, and General Colin Powell negotiated with the Haitian military high command. The operation, which sought to restore deposed President Aristide to power, seemed to put into practice the administration's stated policy goal of "enlargement," the expansion and strengthening of democracy, set forth by National Security Advisor Anthony Lake as the thematic successor to the Cold War policy of containment.

The intervention also marked a radical shift from the considerably less critical United States policy toward the Haitian military at the beginning of the year. Despite ample evidence of massive human rights abuses early in 1994, United States officials consistently downplayed the situation, even suggesting that human rights violations were being exaggerated and manipulated by Aristide supporters for political reasons.

The underlying motivation for the administration's policy was the fear that Florida shores would be flooded by masses of Haitians fleeing the island. In response to the refugees, the United States first assumed a policy of forcible return, in violation of the international prohibition on refoulement, and later shifted to a policy of safe haven, transferring Haitians intercepted at sea to the U.S. naval base at Guantánamo Bay, Cuba.

When the United States did intervene, its troops landed on the island with the conflicting objectives of returning Aristide and democracy to Haiti and of maintaining the existing Haitian armed forces as the interim police force and scaled-down army. During the first days of U.S. occupation, a series of incidents, including an attack on unarmed demonstrators by heavily armed Haitian police officers, which left two dead as U.S. troops watched and did nothing, made it obvious that the two goals were irreconcilable. Responding to these contradictions, the Clinton administration shifted policy in a positive direction, changing the rules of engagement so that U.S. soldiers could respond to such incidents. Nonetheless, the United States' reliance on the existing security forces to maintain order, the lack of an adequate plan to screen human rights abusers out of the new police force, and the reluctance to disarm all members of paramilitary forces, represented possible threats to the establishment of democracy. While outcome could not be predicted at this writing, by early December the Clinton administration had the opportunity to help foster a true democratic opening on the island and thus send an important message in support of human rights to the rest of the hemisphere.

The shifting U.S. policy toward human rights violations in Haiti over the year reflected the inconsistency in human rights policy toward the continent as a whole. While democratic ideals were invariably incorporated into political discourse, these ideals were frequently overshadowed by other considerations, most notably trade and immigration. As was previously mentioned, when faced with a second refugee crisis, this time from the neighboring island of Cuba, the United States reached an agreement with the Cuban government requiring Cuba to take measures to stop the refugee flow. This accord essentially made the United States an accomplice in the violation of the fundamental guarantee of freedom of movement, including the right to leave one's own country, by encouraging Cuba to criminalize emigration.

It was not immigration but trade considerations that explained the Clinton administration's notably weak response to the human rights violations committed by the Mexican army in suppressing the EZLN uprising in Chiapas. Fearing the implications for the recently approved NAFTA agreement, the Clinton administration took nearly a month to publicly

acknowledged that human rights abuses had been committed by the Mexican army. The administration proved equally passive regarding the labor rights mechanisms incorporated into the NAFTA treaty. In 1994, Secretary of Labor Robert Reich refused to pursue two cases presented for consideration, both of which charged that Mexico had failed to enforce labor organizing rights.

Human rights concerns should also have played a more central role in determining U.S. aid to Latin America. Despite its abysmal record on human rights, Colombia was the second largest recipient of U.S. military aid in the hemisphere. Meanwhile Honduras, a country flooded with U.S. aid during a period of horrendous human rights abuses, in 1994 received little assistance from Washington as the reformist government of President Carlos Roberto Reina strove to build a new civilian police force.

The Summit of the Americas, scheduled to begin December 9, offers President Clinton an ideal opportunity to remind the hemispheric leaders gathering in Miami that even after the days of brutal dictators, serious human rights problems endure. Unfortunately, human rights issues have been entirely absent from the Summit's agenda, despite the apparently coincidental timing of the meeting on International Human Rights Day, December 10. Instead, plans for the Summit focused almost entirely on proposals for a hemisphere-wide free trade zone, with business leaders welcome at the conference and nongovernmental organizations politely excluded.

The Work of Human Rights Watch/Americas

In 1994, accountability for human rights violations continued to be a central objective of Human Rights Watch/Americas's efforts. The obligation of the state to prevent and investigate human rights violations; prosecute and punish their perpetrators; and to safeguard the right of the victim to seek justice is the only guarantee that the institutions of democracy will foster a truly democratic society.

Human Rights Watch/Americas was encouraged that the newly restored Haitian parliament resisted diplomatic pressures to enact a broad amnesty that would have included human rights abuses committed by the former Haitian military rulers, opting instead for a narrow amnesty, covering only political crimes: that is, the military coup. Human Rights Watch/Americas had pressed the Aristide government in exile, the United States government, and the United Nations to reject a blanket amnesty. It also pressed for the establishment of an autonomous and vigorous truth commission to investigate human rights abuses and of independent courts to try those responsible.

In pressing for greater accountability, Human Rights Watch/Americas also continued to use the human rights mechanisms of the Organization of American States to focus international attention on individual cases of impunity. Human Rights Watch/Americas presented numerous cases, together with the Center for Justice and International Law (CEJIL), before the Inter-American Commission on Human Rights. In 1994, a friendly settlement was reached in the case of Guillermo Maqueda, from Argentina, who had been unjustly sentenced to ten years in prison for alleged participation in a failed takeover of a military installation in 1989. By the terms of the settlement, the President of Argentina commuted Maqueda's sentence, resulting in his immediate release. This marked the first time that a case was presented before the Inter-American Court for human rights violations in Argentina, which, as in other cases brought before the Commission, was cooperative with the Inter-American system. In another case

petitioned by Human Rights Watch/Americas, the Court ordered provisional measures to protect witnesses and human rights monitors in Colotenango, Guatemala. In the aftermath of the slaying of a human rights activist by members of the military-organized civil patrols there, patrollers beat and threatened several witnesses and monitors who had pursued the case in court. Although a judge ordered the patrollers arrested, the police refused to carry out the order, leaving witnesses and monitors totally unprotected.

In 1994, we continued to focus international attention on political rights and fair elections. Prior to the elections in El Salvador and Mexico, we published reports documenting cases of electoral irregularities and political violence. We also urged President Joaquín Balaguer of the Dominican Republic to investigate reported incidents of fraud in that country's elections.

With the shift away from military dictatorships in Latin America, Human Rights Watch/Americas also focused increasing attention on human rights violations that were directed not at a political enemy but at certain sectors of society such as slum dwellers, prison inmates, and detainees. These violations, perhaps because they were committed under the guise of democracy, did not receive the international attention that their prevalence would warrant. In 1994, we investigated cases of torture and killings of street children in Brazil and, with the Human Rights Watch Children's Rights Project, carried out a similar investigation in Colombia and documented the abysmal penal conditions in which minors are detained in Jamaica. Of particular concern, too, were human rights violations specifically targeting women. In 1994, Human Rights Watch/Americas released, with Human Rights Watch Women's Rights Project, a report documenting the politically motivated rape of women in Haiti. We also conducted an investigation into the forced prostitution of women and girls in Brazil. In all of these efforts, we maintained close and productive relations with human rights colleagues throughout the hemisphere.

If Latin America and the Caribbean has seen substantial progress over the last decade in building the institutions for civilian government, transitions to democracy will nevertheless remain incomplete unless human rights are incorporated as central to the process and impunity for violations is ended. The continued prevalence of torture, including rape, extrajudicial executions, arbitrary detention, intimidation, and violations of due process and the freedom of expression indicate the gulf between these democratic ideals and reality in the region.

BRAZIL

Human Rights Developments

On October 3, 1994, Brazilians went to the polls to elect a president, twenty-seven governors, state legislators, the full complement of the lower house of the national legislature, and two-thirds of the nation's senators. These elections, which produced the greatest overhaul in public officials since Brazil's return to civilian rule in 1985, proceeded under relatively open and fair conditions. Yet despite this democratic achievement, Brazil continued to be plagued by severe human rights violations in areas ranging from labor conditions approaching slavery to the killing of children and adolescents by off-duty police officers.

Following a presidential campaign replete with controversy and scandal, Fernando Henrique Cardoso emerged triumphant, garnering an absolute majority in the first round, in a

field of eight candidates. Given Cardoso's long-term commitment to democratic values and his broad popular mandate, 1994 ended with high hopes for improvement of Brazil's human rights record.

As we reported in previous years, the Brazilian human rights landscape was characterized by official and extraofficial violence committed against persons at the margin of mainstream society. These victims and their representatives found that the protections guaranteed them by Brazilian law were rarely applied, effectively denying them recourse for abuses suffered.

Perhaps the clearest example of the vast distance between legal theory and practice concerned the plight of Brazil's children. Although the recently drafted Children's and Adolescents' Statute guaranteed minors a panoply of rights matched by few countries, the better part of the statute's protections are simply ignored. In 1994, as in previous years, children and adolescents that lived or worked on the streets continued to be subject to severe acts of violence, including homicide. According to statistics summarized by the Gabinete de Assessoria as Organizações Populares (GAJOP), the number of minors killed in the first six months of 1994 in the northeastern state of Pernambuco, one of four states analyzed by Human Rights Watch/Americas in its report *Final Justice: Police and Death Squad Homicides of Adolescents in Brazil* increased by 94 percent as compared to the same period in 1993: from thirty to fifty-eight. Rio de Janeiro exhibited a similar, though less dramatic increase. According to official figures, 318 minors were homicide victims in the first half of 1994, compared to 298 during the same period of 1993. Those responsible for the crimes, including many former and off-duty policemen, were rarely convicted.

One troubling development in Brazil's major cities has been the increasingly common use of deadly raids on slums (favelas) to attack suspected drug traffickers. In October, after an attack on police which injured three officers, a group of over 120 Civil Police officers stormed the Rio de Janeiro favela of Nova Brasília, killing thirteen alleged drug traffickers. Despite indications that the operation was designed as a lethal assault and later revelations that ten of the thirteen victims had no prior criminal record, Governor Nilo Batista waited a month before labeling the operation a massacre, and shortly thereafter the operation's commander was promoted.

In the aftermath of this attack, in the face of popular demand for aggressive official action, Rio de Janeiro Governor Nilo Batista reached an agreement with President Itamar Franco on October 31 by which the military would direct the operations of local authorities to combat the wave of violence afflicting Rio. In letters to government authorities, Human Rights Watch/Americas expressed its concern that operations to combat criminal violence be effectuated with respect for the basic human rights of suspects.

Although police violence continued to plague several of Brazil's major cities, 1994 witnessed a continued reduction in official violence in Sao Paulo, at least according to official statistics. While Sao Paulo military police killed an astounding 1,470 civilians in 1992, after the outcry following the October 1992 Casa de Detenção prison massacre the number fell to 409 in 1993, demonstrating that clear reductions in the incidence of abusive police conduct were possible given the political will. Partial statistics for the first half of 1994 indicated that the Sao Paulo military police killed roughly as many civilians as in the first half of 1993. Although a spokesman for the Sao Paulo military police informed Human Rights Watch/Americas that they were taking concrete steps to reduce official violence, such as establishing special investigative units, little was being done to prosecute those responsible for homicides in the past.

The human rights situation in rural Brazil continued to be dominated by the targeted

assassinations of rural union leaders, and by land conflicts that often ended in fatal violence. According to the annual report of the Pastoral Land Commission (Comissao Pastoral da Terra, CPT), there were fifty-two killings in rural conflicts in 1993, nearly 50 percent more than in 1992. Although the number of land disputes remained the same (361 in each year), the number of persons involved increased significantly, from 154,223 in 1992 to 252,236 in 1993. Partial figures for 1994 indicated that the level of violence remained high. One worrisome trend in 1994 was the nearly ten-fold increase in the number of people forcibly evicted.

Also on the rise were the number of persons reportedly involved in forced labor, the practice in which rural laborers are lured by false promises of high wages and good working conditions to work sites with conditions tantamount to slavery. The laborers were maintained against their will either by force, or through the manipulation of debts. According to the CPT, while 1992 witnessed eighteen cases involving 16,442 victims, 1993 presented twenty-seven cases involving 19,940 persons. Although federal government officials openly recognized the existence of the practice, little was done to combat it. As of November, no one had ever been convicted in Brazil on forced labor charges.

One particularly gruesome aspect of forced labor in Brazil was the booming trade in women. According to the Ministry of Social Welfare, 300,000 to 500,000 minors worked as prostitutes. According to a parliamentary report released in September 1994, those who recruited girls to work as prostitutes often relied on the complicity of local police and the failure of the justice system. The report noted one case in which, after an extensive exposé by the newspaper Zero Hora on the trafficking of girls in southern Brazil, sixty-two criminal complaints were filed. However, the parliamentary report noted, after being opened, there was no significant progress in any of the cases.

Alarming reports surfaced in 1994 about the operation of "grupos de extermínio" or death squads, often composed of former or off-duty police, in rural areas. In September, press accounts indicated that a death squad known as the Mission had been responsible for the killing of nearly one hundred persons in the northeastern state of Sergipe. The group, which apparently began as a vigilante organization formed to eliminate cattle thieves, reportedly turned its sights on journalists who have worked to expose it. Apparently, the Mission included shock troops of the state military police, and had significant official support.

In mid- and late 1994, the CPT released information indicating that a "hit list" of roughly forty persons had been circulating in the municipality of Xinguara, in the south of Pará state. By November, five of those on the list had been killed, two injured, and one kidnapped, beaten, and released.

One of those whose names appeared on the list was Father Ricardo Rezende. Rezende, who had defended the rights of the rural poor for the CPT since 1979, had suffered repeated death threats related to his work in the Amazon frontier town of Rio Maria, Pará in the previous several years. For his work in rural Brazil, Human Rights Watch named Rezende as one of the monitors to be honored in its 1994 annual ceremony marking December 10.

One of the suspects in the case, fazendeiro (rancher) Jerônimo Alves de Amorim, had been implicated in the murders of several rural activists in the region, including that of Expedito Ribeiro de Souza, then president of the Rural Laborers Union of Rio Maria. On November 3, the Folha de Sao Paulo reported that the civil police had been authorized to enter four ranches in the area and arrest the suspects. Due to the publicity afforded the planned action, local human rights groups did not expect that any of the suspects would be arrested. Their lack of confidence was

reenforced by reports that the civil police investigation charged one of those on the hit list, CPT human rights lawyer Father Henri des Roziers, with aiding in the planning of fazendeiro Fábio de Abreu Vieira's assassination. Weeks earlier, Father des Roziers, a French national, had been awarded the Legion of Honor by French President François Mitterand for his work in defense of human rights.

Particularly disturbing were reports that torture continued to be practiced on a routine basis by police authorities in rural Brazil. In January, the CPT reported that police in the town of Couto Magalhaes in the northern state of Tocantins, brutally beat and tortured six workers accused of killing a councilman. In September, two organizers of the landless or sem terra movement were arrested in Paraupabas. The two men stated that during their detention they were threatened with death, beaten, whipped and kicked to the point of vomiting blood.

Legal proceedings began in the case of Adao Pereira de Souza, tortured to death by seven police officers in the precinct of Sao Félix do Xingu, in the state of Pará in May 1993. The torture and murder of Pereira de Souza were witnessed by at least four persons in the police station who were willing to testify. The flagrant nature of the killing of Pereira de Souza and the numerous denunciations by Church-based groups in Sao Félix indicate that torture continued to be a common practice.

In a potentially positive development, in August and September, after eight years as fugitives, several of those presumed to be responsible for the 1986 murder of human rights activist Father Jósimo Morais Tavares were arrested after one of the gunmen disclosed their whereabouts to police. Though detained, the men's conviction was far from assured as of this writing.

Ranchers and their hired gunmen, gold miners and others seeking to appropriate or exploit the lands belonging to indigenous peoples, continued to commit violent acts against Indian communities in 1994. This violence was facilitated by the failure of the federal government to demarcate Indian lands. By October 1993, the end of the five-year period established by the 1988 Constitution to complete demarcation, only 260 of the 519 identified areas had been set aside as protected areas.

According to statistics of the Indianist Missionaries Council (CIMI), forty-three Indians were murdered in 1993, up from twenty-four the previous year. In 1993, 600 Indians received death threats, twenty Indians were violently beaten by the police and eighteen others were illegally arrested. CIMI's partial data for 1994 indicated that the level of violence against indigenous populations continued to be high, as did mortality rates from disease and suicide. During a mission conducted in March and April 1994, Human Rights Watch/Americas documented severe abuses including mass arrests and police brutality suffered by the Wapixana and Macuxi Indian populations, and the government's failure adequately to protect their rights.

Typical of the failure of the government to prosecute those who violated the rights of indigenous peoples was the utter lack of progress in the investigation of the notorious massacre of sixteen Yanomami Indians near the Brazil-Venezuela border in July 1993. According to CIMI, more than one year after the killings, the two men initially arrested had been released, and none of the miners responsible for the killings had been found.

Although quite varied, this array of human rights abuse was tied together by one critical factor: impunity. Impunity was virtually assured to those who committed offenses against victims considered socially undesirable. As a result, those responsible for grave human rights violations continued to abuse the rights of others. For example, the fazendeiro allegedly

responsible for organizing the Xinguara hit list had been indicted, though never successfully prosecuted, for the murder of other rural activists.

The Right to Monitor

The Brazilian government imposed no formal obstacles to human rights monitoring, and Brazil had a well developed network of nongovernmental organizations that promoted the rights of women, children, indigenous groups, workers, prisoners and other victims of human rights violations. Nonetheless, incidents of threat, intimidation and physical violence against those engaged in such monitoring were not uncommon.

Reinaldo Guedes Miranda and Hermógenes da Silva Almeida Filho, two advisors to Workers Party City Councilwoman Jurema Batista were found dead on June 17, murdered execution style, in the Cachumbi area of Rio de Janeiro. The two men were active in Brazil's African consciousness movement and were also investigating the highly publicized Candelária and Vigário Geral massacres for the Rio de Janeiro City Council's human rights commission. Both men had reported receiving death threats. According to Batista's office, police intentionally delayed responding to a critical lead, thus allowing important evidence to be destroyed.

Over the course of 1994, CIMI documented numerous incidents of death threats against those who defended the interests of indigenous peoples. Similarly, the CPT in several states reported that its workers had been subjected to death threats, including those directed against Fathers Rezende and des Roziers in southern Pará. Similarly, Dr. Luiz Mott, president of Grupo Gay da Bahia, who had documented 1,260 cases of assassinations of gays and lesbians in Brazil since 1980 of which only 10 percent had resulted in convictions, often with minimal sentences, continued to be the target of attacks and threats in 1994.

Often, government officials that investigated the kinds of human rights abuses outlined above did so at great personal risk. In September, Human Rights Watch/Americas publicly denounced the death threats that two military prosecutors in Sao Paulo, Dr. Stella Kuhlman and Dr. Marco Antônio Ferreira Lima, had been receiving for almost two years. Rather than intensifying their investigation into the threats, the Sao Paulo Military Police brought an administrative action against Ferreira Lima when he denounced corruption in that organization, ultimately forcing his resignation.

U.S. Policy

Despite the United States' close economic and political ties with Brazil, the Clinton administration, following the pattern established by previous administrations, failed to use its considerable influence to press for improvements in Brazil's human rights record. Although the U.S. was Brazil's most important trading partner, and thus could exert significant influence, the administration chose to remain silent publicly. In testimony before Congress on May 10, Assistant Secretary of State for Democracy, Human Rights and Labor John Shattuck stated that human rights concerns were raised in private bilateral discussions between Brazil and the United States. However, the Brazil desk officer at the State Department was unaware of any human rights statement made by the State Department or the U.S. Embassy in Brasília during the year, with the exception of the Brazil section of the annual Country Reports on Human Rights Practices for 1993.

Although the State Department's country report portrayed the grave human rights situation in Brazil with a high degree of accuracy, that document was largely irrelevant to U.S.

policy toward Brazil. The U.S. missed several key opportunities to criticize Brazil's human rights record publicly. In March, Vice President Al Gore visited Brazil to sign a pact expanding an earlier agreement on scientific and technological cooperation, meeting with President Itamar Franco and Foreign Minister Celso Amorim. In June, Secretary of Commerce Ron Brown spent three days in Brazil as the head of a delegation of twenty-two U.S. business executives visiting Brazil, Argentina, and Chile. Through these meetings and other initiatives, the U.S. sought to increase trade with Brazil. Unfortunately, the administration failed to link closer trade relations to human rights progress.

In 1994 direct U.S. assistance to Brazil continued to be relatively low. For fiscal year 1995, the administration requested \$100,000 for direct training (through the International Military Education and Training Program, IMET). Although the administration's request for funding noted serious human rights problems in Brazil such as "'death squad' activities and killings of Indians," it erroneously asserted that Brazilian authorities were aggressively investigating these cases.

Brazil's growing role in the international drug trade, particularly as a center for money laundering and cocaine processing, prompted the administration to request \$1 million in anti-narcotics assistance. The anti-narcotics strategy vis-à-vis Brazil consisted primarily of providing assistance for the drug interdiction efforts of the Federal Police. Unfortunately, the United States failed to seize the opportunity presented by this aid grant to the Federal Police to press that force to respond to severe human rights abuses within its competence. For example, despite the Brazilian government's recognition that slave labor was practiced in various parts of the country, the Federal Police consistently failed to investigate adequately credible reports by local human rights groups.

The Work of Human Rights Watch/Americas

In 1994, Human Rights Watch/Americas continued to focus attention on human rights abuses committed against marginalized groups in Brazilian society. In January, Human Rights Watch/Americas released *Final Justice: Death Squad Homicides of Adolescents in Brazil*. The report was released in Brazil in February, receiving significant coverage in the major national print and television media. That report called for a series of actions by Brazilian authorities to respond to the urgent problem of homicides of children and adolescents in four of Brazil's largest cities. These included increasing the federal government's role in investigating and prosecuting the abuses, closer monitoring of private security firms, which often serve as fronts for death squads, and administrative dismissal of abusive police officers.

In light of the increase in violence against indigenous peoples in Brazil, and in particular those residing in the Raposa Serra do Sol area, Human Rights Watch/Americas dispatched a researcher to Brazil in March to investigate this situation. Human Rights Watch/Americas investigated the violence directed at the Macuxi and Wapixana indigenous peoples, met with federal prosecutors and other officials in Brasília to pressure them to ensure these groups adequate protection, and in June, released *Violence Against the Macuxi and Wapixana Indians in Raposa Serra do Sol and Northern Roraima from 1988 to 1994*.

In August and September, an Human Rights Watch/Americas representative visited Brazil to participate in a conference on forced labor and to update research on police and death squad violence against children. During the conference on forced labor, Human Rights

Watch/Americas met with attorneys from the federal attorney general's office and top ranking police officials to express the organization's concerns about the continuing problem of forced labor and the government's failure to prosecute those responsible despite its recognition of the widespread nature of the problem.

Human Rights Watch/Americas continued to use international mechanisms to focus attention on human rights violations in Brazil. In February, in conjunction with the Center for Justice and International Law (CEJIL), the organization submitted petitions in seven cases to the Inter-American Commission on Human Rights. Those cases focused on four areas of concern: extrajudicial killings of minors by police; abusive prison conditions, including two notorious massacres in the Sao Paulo prison system; rural violence; and forced labor. In February and September, representatives of Human Rights Watch/Americas and CEJIL appeared before the Inter-American Commission to inform that body of the endemic human rights problems which Brazil faces and the status of the eight cases pending on Brazil. In November, Human Rights Watch/Americas and CEJIL filed a petition with the commission to denounce the lack of effective action by the Brazilian government to respond to the death threats against Fathers Rezende and des Roziers.

Finally, Human Rights Watch/Americas planned to open a permanent office in Brazil in early December 1994. Having a representative in Brazil would allow us to monitor the complex, diverse human rights situation and follow cases that Human Rights Watch/Americas and CEJIL jointly litigate in the inter-American system.

CHILE

Human Rights Developments

On December 11, 1993, in a significant step for the consolidation of democracy, Chile held its first presidential elections since the end of military rule. Eduardo Frei Ruiz-Tagle was elected President as the candidate of the center-left Concertación de Partidos por la Democracia, the governing coalition under then-President Patricio Aylwin.

Under Aylwin's leadership, Chile had made notable progress in reinstituting democracy and reestablishing respect for human rights, a trend that continued under Frei. In marked contrast to the wholesale violence of the Pinochet dictatorship, the Chilean government did not engage in a consistent pattern of gross human rights violations. Nonetheless, its record of respect for human rights remained flawed, in large part due to the legacy of the former military regime. Most obviously, the amnesty law decreed under military rule has continued to pose an enormous obstacle to the investigation and prosecution of abuses committed between 1973 and 1978. In addition, many members of the judiciary were appointed by the military; their continuing authority, and in particular their presence on the Supreme Court, contributed to impunity. An even more serious obstacle to justice was the broad jurisdiction of military courts over crimes committed by members of the armed forces, including police, in which civilians were victims. Finally, the limitations on civilian legal jurisdiction were mirrored by restrictions on institutional accountability: specifically, the elected authorities still lacked control over appointments to the armed forces and the police.

To some extent, the Frei administration, like its predecessor, was restricted in its ability to

remove the remaining obstacles to justice and respect for human rights. Because of military appointees in the Senate and a "binomial" voting system that favors minority parties, the opposition had disproportionate strength in Congress, including a Senate majority. Although Frei submitted reform legislation targeting some of these undemocratic aspects, its passage through Congress—in light of rightist opposition and the super-majority required for constitutional amendment—was expected to be difficult at best.

The National Corporation of Reparation and Reconciliation, which succeeded the truth commission that had worked from 1990-1991 ("the Rettig Commission"), continued investigating human rights abuses that occurred under the former military regime. In 1994 it revised upward its estimate of the number of people murdered for political reasons during that period to 3,129. The exhumation of bodies also continued, although, in one notable case, the head of the army Subofficials School in Rinconada de Maipú squarely blocked judicially mandated exhumations on its property.

While the record was mixed, there were some important breakthroughs in prosecutions for human rights violations during military rule, notably in the trial and appellate courts. The most important case involved the prosecution of two DINA (former secret police) officers charged with being the "intellectual authors" of the 1976 Letelier-Moffitt murders. On November 12, 1993, the two offenders were convicted and sentenced to six- and seven-year prison terms for their part in the murders. (Largely due to intense U.S. pressure stemming from the fact that the murders occurred in Washington, D.C. and Moffitt was an American citizen, the prosecutions had been exempted from a 1978 amnesty.)

Two other potentially historic cases from this period were decided by different chambers of the Santiago Appeals Court in September. The Third Chamber reopened the prosecution of DINA agent Osvaldo Romo for the 1974 abduction and murder of Lumi Videla, holding that crimes committed in violation of international law are not subject to national amnesty. The Eighth Chamber issued a similar ruling a few days later in another case involving Romo. Although both cases were on appeal to the Supreme Court at this writing, they represented significant developments in the jurisprudence on amnesty.

In what might be a hopeful indicator for these appeals, the Supreme Court in April reopened the judicial inquiry into the 1976 murder of Carmelo Soria, a United Nations official who was killed by DINA agents. Based on the amnesty law, the investigation had been closed, after a number of procedural complications, when DINA's involvement was established. On appeal, however, the Supreme Court credited the plaintiffs' argument that application of the amnesty would violate Chile's international obligations, specifically, the Vienna Convention on crimes against international civil servants and diplomats.

Judicial investigations into human rights crimes post-dating the amnesty continued as well. These resulted in a few convictions, the most dramatic of which involved sixteen former police officers belonging to a secret agency known as DICOMCAR, who abducted three communists in 1985, tortured them, and killed them by cutting their throats. On March 31, the officers accused in this case—known as the degollados case—were convicted of kidnapping, murder and terrorist conspiracy.

Institutional restrictions marring even human rights successes such as this became apparent, however, when the first political crisis of Frei's administration exploded. Besides the degollados convictions, seven high-ranking police officers including General Rodolfo Stange, the head of the Carabineros, Chile's police force, were accused of dereliction of duty for failing to

prevent or investigate the murders. The Frei government, which lacked the power to dismiss Stange, requested that he resign, unsuccessfully. A highly public political standoff ensued, finally resulting in Stange's "vacation," but he returned to his post in July after the courts ruled his conduct not criminal. The Frei administration, unable to act, simply issued its "regrets" about Stange's return.

The dangers of police autonomy from civilian control have been graphically illustrated by recent cases of abuse of detainees and excessive force. The Committee for the Defense of the Rights of the People (CODEPU), which monitors police treatment of detainees, lodged nineteen lawsuits involving torture and physical abuse between October 1993 and September 1994. The police also came under heavy criticism for their alleged "shoot first, ask questions later" policy, demonstrated most notoriously in the Las Condes incident of October 21, 1993, in which seven people were killed when police fired indiscriminately on a bus carrying civilian passengers as well as members of an armed opposition group.

Besides ill-treatment, security-related detainees were likely to face prolonged incommunicado detention and denial of their due process rights. Such abuses were rarely questioned by the courts. In what was thus an unusual ruling, the first chamber of the Santiago Appeals Court overturned the convictions of eleven alleged armed opposition group members in October. The court found that, besides being tortured, some of the prisoners had been held incommunicado for twenty days during questioning, and forced to incriminate themselves in order to secure the release of their illegally detained relatives.

Existing laws, though enforced less intensively than previously, still permitted gross infringements on the right to free expression. For example, two journalists who criticized the Supreme Court's decision to relinquish jurisdiction over an important disappearance case were prosecuted for insults, libel and defamation under the Law of State Security, receiving suspended prison sentences in June; other of their controversial writings led to indictments for "inciting sedition," presently pending in military courts. Another example was the November confiscation of a day's issue of the newspaper *La Epoca* for allegedly violating the reporting ban on a human rights case. *La Epoca's* editorial response to this action—that "the reporting ban was used as an extension of the amnesty . . . [restricting] the public's right to be informed"—was, in the view of Human Rights Watch/Americas, persuasive.

The Right to Monitor

Overlapping with restrictions on free expression was the legal harassment of human rights lawyers, which, besides curbing their speech, hindered their ability to litigate on behalf of victims of abuses. The close encounter with military justice endured by Héctor Salazar Ardiles, lawyer for the relatives of the degollados victims, was indicative of the phenomenon. In April, he was charged with sedition by a military prosecutor for comments critical of the police high command, detained, and then released on bail; in June, his indictment was upheld by a military appeals court; in August, finally, the Supreme Court overturned his indictment and put a stop to the prosecution.

U.S. Policy

Chile removed an important impediment to good relations with the United States by sentencing the offenders in the Letelier-Moffitt assassination case, facilitating the current emphasis on commercial relations between the two countries. With that ruling, human rights issues were

dropped from the U.S. agenda vis-a-vis Chile; the Clinton administration did not, in fact, even comment on the ruling or make any other public statements regarding human rights during the year.

Having strengthened commercial ties with Canada and Mexico by ratifying the North American Free Trade Agreement (NAFTA), the United States—prompted by a decade of uninterrupted growth in the Chilean economy—looked to Chile in 1994 as the locus for further trade liberalization. U.S. interest in signing a free trade agreement with Chile was signaled in March when U.S. Trade Representative Mickey Kantor attended President Frei's inauguration, and in May when the Clinton administration approached Congress seeking fast-track authority for the proposed negotiations. Trade negotiations had not formally begun by year's end, however.

Besides the proposed trade agreement, there was little U.S. action relevant to human rights in Chile, except for the grant of \$100,000 in fiscal year 1994 for Defense Training (formerly International Military Education and Training), an amount that was due to be matched in fiscal year 1995. The focus of the training, according to the State Department, was to "emphasiz[e] the proper role of the military in a democracy."

The Work of Human Rights Watch/Americas

In the view of Human Rights Watch/Americas, the current impetus toward a free trade agreement between the United States and Chile provided a two-fold opportunity for human rights advocacy.

First, in assessing Chile's suitability as a close trading partner the United States should, as a threshold matter, inquire into its record of respect for human rights. Second, a free trade agreement might—and should, in our opinion—incorporate institutional mechanisms for preventing human rights abuses and remedying any abuses that occur.

In light of the first consideration, Human Rights Watch/Americas maintained a representative in Santiago whose work monitoring events and conditions led to the release of a comprehensive report on the state of human rights during the final period of the Aylwin government. The report, titled *Unfinished Business: Human Rights in Chile at the Start of the Frei Presidency*, was issued in May, together with an open letter to President Frei summarizing our concerns regarding human rights in Chile. In addition to wide coverage in the Chilean press, we received a positive response from the deputy minister of foreign relations, who alluded to constitutional and legal obstacles that impede the Chilean Congress from effecting the legal changes necessary to resolve certain of Chile's human rights problems.

In August, after preliminary free trade negotiations had begun, we wrote an open letter to U.S. Trade Representative Mickey Kantor urging attention to human rights in the negotiation and drafting of a free trade agreement. We pressed two recommendations in particular: first, that the proposed agreement contain each country's explicit commitment to respect the rights articulated in the American Convention on Human Rights, with the strength of these commitments to be monitored through the submission and review of yearly compliance reports; and second, that the agreement contain a mechanism for the adjudication of individual complaints of human rights violations that arise in the context of the commercial relations permitted by the agreement.

Finally, Human Rights Watch/Americas continued litigating on behalf of relatives of the disappeared before the Inter-American Commission for Human Rights (IACHR), seeking reparations and condemnation of the former military regime's egregious violations of the

American Convention on Human Rights. Together with the Center for Justice and International Law (CEJIL), we submitted briefs to the IACHR in a case involving seventy disappearances carried out by state security forces in the mid-1970s.

COLOMBIA

Human Rights Developments

After taking office in August, President Ernesto Samper affirmed that human rights in Colombia was "not a question of image, but reality." But while the actions of the Colombian government in 1994 bespoke an overriding concern for image, they resulted in little substantive progress in resolving chronic problems of political violence, "social cleansing," torture, and impunity. While President Samper did take some positive initial steps, like creating an office of human rights within the Defense Ministry, the record left by his predecessor, OAS General Secretary César Gaviria, was abysmal.

The clearest evidence of this was the presidential veto of the Disappearances Law, passed by Congress with the strong support of human rights groups, which reported forty-three unresolved disappearances in the first nine months of 1994.

Then-President Gaviria vetoed the bill on July 7, arguing that it was unconstitutional because it abolished military court jurisdiction over members of the security forces accused of carrying out disappearances and because it penalized not only those who participated in the violations, but also those who gave the orders. Disappearances, government officials claimed in defending the veto, were "act[s] of [military] service." Both the Procuraduría, the oversight branch of government, and the Public Ombudsman (Defensoría) strongly objected to the veto.

Attacks on leftists, peasant leaders, trade unionists, indigenous activists, and community organizers continued. The Centro de Investigación y Educación Popular (CINEP), a leading human rights group, registered 177 extrajudicial executions by state agents in the first nine months of the year. One of the most prominent was the killing on August 9 of Manuel Cepeda Vargas, the sole remaining Senate representative of the coalition between the Communist Party and the Patriotic Union (PCC-UP) political parties. Cepeda, who had months earlier informed government authorities that he believed members of the military were planning to kill him and other UP leaders, was murdered by armed men as he drove to work in Bogotá. The day of Cepeda's murder, a paramilitary group calling itself Death To Colombian Guerrillas (MACOGUE) claimed responsibility and released death threats against twenty-five others, including political and Church leaders.

The military's direct involvement in human rights violations had been underscored eight months earlier, when two Navy officers testified before the public prosecutor's office about how Navy intelligence planned, participated in, and paid for over one hundred murders in the Middle Magdalena region since 1991. According to their testimony, Navy officers and a band of hired killers under the command of Colonel Rodrigo Quiñonez Cárdenas, systematically hunted down and shot people they considered enemies, among them two members of the Barrancabermeja-based Regional Committee for Human Rights (CREDHOS).

Human rights groups remained highly concerned about the rural operations of army Mobile Brigades, elite counterinsurgency units which continued to be implicated in extrajudicial

execution, torture, arbitrary detention, and threats. Children were prime targets, viewed as potential informants on their parents. In June, for example, a group attached to Mobile Brigade II was accused by peasants in Yondó, Antioquia, of torturing five children, one of whom was four years old. In addition, during the same attack, the group apparently tortured local youths, and said that they would be killed "if the guerrillas keep attacking us."

In one of the most serious incidents, a paramilitary group with alleged ties to Mobile Brigade II was implicated in the extrajudicial executions of nine men, including seventy-year-old Adriano Portillo, a resident of Norean, Cesar. On July 29, armed and hooded men in civilian clothing reportedly forced Norean villagers to assemble, then stole their watches, money, and jewelry, even though a military checkpoint and a provisional post of Mobile Brigade II were located in the village. The men shot and killed Portillo in his house, reportedly for failing to assemble quickly enough. Two other men were executed in front of the crowd, which was warned not to report the killings. Two days later, a group of similarly hooded and armed men executed six villagers in nearby Minas.

In a September article in a Colombian magazine, paramilitary leader Fidel Castaño asserted that his private army, linked to a grisly string of massacres and assassinations, was initially recruited and trained by state security forces. Even though there was an outstanding warrant for Castaño's arrest and he had admitted helping plan the 1990 murder of UP presidential candidate Bernardo Jaramillo, he was apparently free to travel between his Córdoba ranches and Paris home, underscoring the official impunity many paramilitary leaders continued to enjoy.

The Comisión Intercongregacional de Justicia y Paz reported in August that families living in Aguamieluda, Santander, were forced to attend a meeting called jointly by paramilitaries and local Army officers. There, they were told to collaborate, leave, or be killed. Several families apparently lost their farms to paramilitary agents who decided to use their property as a base.

Trade unionists were hard hit by paramilitary killings. According to the Unified Central of Workers (CUT), between January and mid-October, 123 trade unionists were murdered in Colombia, most in incidents tied to paramilitary groups. In Medellín, a group calling itself COLSINGUE (Colombia Without Guerrillas) took responsibility for the murders of three trade unionists in July, including Guillermo Marín, a leader of the Antioquia Unified Federation of Workers (FUTRAN). Two months later, heavily armed men forced their way into FUTRAN offices and shot the union's complaints secretary, Hugo Zapata, who was killed, and its human rights secretary, Carlos Posada, who was seriously injured.

So-called social cleansing killings—the murder of street people, often children—continued to occur in urban areas. A report released by CINEP registered 1,926 "social cleansing" killings between 1988 and 1993, with an additional 256 for the first nine months of 1994. The security forces either participated directly or turned a blind eye when these killings occurred.

Torture remains a daily reality for detainees throughout the country. A study carried out by three human rights groups in the city of Barrancabermeja found that of the 183 individuals detained by state security forces between January 1993 and June 1994, 170 were tortured. Both physical torture—beatings, electric shocks, and near-drowning—and psychological torture—death threats, mock executions, sleep deprivation, and threats against family members—were employed. Over one-third of these incidents of torture occurred in the Nueva Granada army barracks. Despite the frequency of torture, most cases reported to the authorities went unpunished.

Impunity remained the rule for members of the security forces implicated in human rights violations. Although investigations were undertaken in some instances, leading to the identification of the guilty parties, it was truly the exceptional case in which the offenders were punished. For example, the CUT reported that 1,542 trade unionists had been killed since the union was founded in 1986, yet not one of the murders had led to a conviction.

The case of two persons arrested and brutally interrogated during a May Day march was typical. When the officer and two agents of the judicial police (SIJIN) accused of torturing the marchers were absolved by an internal police investigation, Police Commissioner Adolfo Salamanca, a civilian, called for a review. However, the commissioner had no power to punish offenders, a critical weakness that contributed to impunity. The second police investigation again found no faults, arguing that one of the detainees was probably wounded "in a fight during the march . . . or as the result of his work in construction."

Some headway was made by the Procuraduría, however. In April, it denied the appeal of an officer whose dismissal had been ordered for having directed indiscriminate shooting during the retaking of the Palace of Justice, which was violently occupied in 1985 by the M-19 guerrilla group, taking hostage the Supreme Court and many judicial employees. The Procuraduría concluded that General Jesús Arias Cabrales, who led the attack, had ordered his men to dynamite a wall and shoot indiscriminately into a room containing over sixty guerrillas and hostages. Although the decision represented an important step toward curbing impunity, it was mitigated by the fact that Arias was apparently acting on orders from superiors who were not charged. Meanwhile, a military court acquitted Arias of any wrongdoing.

In August, the Procuraduría released a report confirming that soldiers had executed two guerrillas who had been negotiating an amnesty with the government. Evelio Antonio Bolaño and Carlos Prada, leaders of the Corriente de Renovación Socialista, were ambushed by the army on September 22, 1993. The Procuraduría accused four army officers and four soldiers with abuse of authority and negligence, among other charges. However, by mid-November there was no indication that they were punished.

Colombia's justice system remained seriously deficient. Delays caused by inefficiency and corruption prompted President Gaviria to resort to emergency legislation to keep detainees in jail past the six-month limit for specifying charges. Meanwhile, "faceless" courts—which employed judges and witnesses whose identities were concealed, withheld evidence from the defense, relied on evidence gathered by the military, and used prolonged pre-trial detention—continued to violate the right to a fair trial. Although these courts were defended as necessary for prosecuting drug traffickers and insurgents, they were often deployed against other targets, such as peasants and nonviolent protesters.

Measures that further restricted justice were enacted in June under the State of Exception Law, which created broad powers typically used to give the security forces greater latitude in investigating, making arrests, and prohibiting nonviolent protest. The Constitutional Court did, however, strike down some of the law's more egregious provisions. In July, the court disallowed the use of states of exception to keep uncharged detainees in jail, holding that the measure violated due process. Three months later, the court also struck down the ban on the media dissemination of interviews and press releases from armed insurgents.

In an effort to salvage the country's human rights record, the government proposed adopting Protocol II Additional to the Geneva Conventions of 1949. Nevertheless, the Gaviria administration added three reservations to the protocol, including one allowing the government

to determine what constitutes a legitimate military target, robbing the document of much of its value. President Gaviria also inaugurated a cabinet-level committee in June to consider reforms to the military court system, which included creating a separate Attorney General's Office within the military to investigate reports of abuse and transferring jurisdiction over the military courts from the Joint Chiefs of Staff to the Defense Ministry, currently run by a civilian. Like the government's other efforts to address human rights violations, however, this one failed to compensate for the military courts' inherent lack of impartiality.

For their part, guerrillas continued to violate international humanitarian law by engaging in murder, indiscriminate attacks, kidnapping, and the mining of civilian areas. The most egregious incident occurred in January, when hooded guerrillas apparently under the command of the Fifth Front of the Fuerzas Armadas Revolucionarias de Colombia (FARC) attacked a local fundraising party in the La Chinita neighborhood of Apartadó, Antioquia, killing thirty-five. The FARC was also blamed for the July murder of Manuel Humberto Cárdenas Vélez, the mayor of Fusagasugá, Cundinamarca.

In May, militants of the Ejército Nacional de Liberación (ELN) detained a group of forty municipal officials near Aguachica, Cesar. The body of municipal council president Oswaldo Pájaro was found abandoned on a soccer field two days later. A second man, also a community activist, remains missing. The others were released. Four months later, ELN guerrillas claimed responsibility for assassinating Chamber of Representatives member Arlen Uribe Márquez and his driver, who were shot in the parking lot of the University of Medellín, where Uribe taught law.

Among the 221 individuals kidnapped by guerrillas in the first nine months of 1994 were members of Congress, municipal and government authorities, and seven foreigners. As of October 1994, five American missionaries and a scientist remained missing. Besides targeting missionaries, ELN guerrillas also bombed Mormon and Protestant churches, seen as tied to the U.S.

Although the government claimed to have made significant progress against guerrillas and drug traffickers, especially with the killing of Pablo Escobar in December 1993, private violence nonetheless increased. According to the Defense Ministry, 30,050 people were murdered in the year prior to July 20, 1994, a marked increase over the previous year. A National Planning investigation found that only 3 percent of the crimes committed in Colombia ever reached a judicial verdict, an astonishing two verdicts per month for the entire country.

The Right To Monitor

Groups and individuals who spoke up about Colombia's human rights problems continued to be targets of persecution, with activists in rural areas being particularly at risk. For example, Jairo Barahona, a human rights activist in Pailitas, Cesar, was disappeared in September by men who identified themselves as members of the Anti-Extortion and Kidnapping Unit (UNASE) of the National Police. For several years prior to his disappearance, Barahona had been the target of harassment and intimidation by security forces.

During the congressional debate over the Disappearances Law, Yanette Bautista and Gloria Herney Galíndez, leaders of the Asociación de Familiares de Detenidos-Desaparecidos, reported being followed by unidentified men and receiving telephone death threats. Hernando Valencia Villa, the deputy procurador for human rights and one of the key individuals responsible for investigating and sanctioning official abuses, was accused by one senator of being

a guerrilla supporter, which jeopardized Valencia's safety. The basis for the accusation was Valencia's public criticism of the reservations attached to Protocol II by the government, as well as his strong defense of the Disappearances Law.

Government ministers and some pro-government media outlets also accused leading members of the Catholic church who support respect for human rights, of having guerrilla sympathies. In March, Attorney General Gustavo de Griedt publicly accused four bishops, including Bishop Dario Castrillón of Bucaramanga, of collaborating with the guerrillas. Castrillón, who has said that he believes that the military executes some of its detainees, was also sued for "slander and harm" by the armed forces.

Lawyers, too, were threatened due to their advocacy on behalf of victims of abuses. Carlos Alberto Ruiz, who has represented internally displaced people seeking reparations from the state, was one of the lawyers mentioned during the interrogations by the SIJIN of the May Day marchers. Later, Ruiz began receiving telephone death threats from callers who said he would have to "account for his work."

U.S. Policy

A series of controversies led one Clinton administration official to describe relations between the U.S. and Colombia as "strained." After initial, shared euphoria over the death of Pablo Escobar, problems arose regarding the U.S. perception that top Colombian officials were not doing enough to convict surviving drug kingpins. A highly publicized dispute over the sharing of intelligence between the two countries, allegations about newly-elected President Samper's connections to the Cali cartel, and the characterization of Colombia as a "narco-democracy" by the outgoing head of the Drug Enforcement Administration all contributed to increased tensions.

Human rights remained a secondary issue, overshadowed by the drug war and trade negotiations. Even as serious abuses by the Colombian armed forces continued, the U.S. Embassy in Bogotá maintained a virtual silence on human rights. In a positive move, incoming Ambassador Myles Frechette broke this silence once, in a July speech to military officers completing a U.S.-sponsored course on military justice in support of human rights.

But despite U.S. budget cuts in foreign assistance, Colombia remained a priority because of the drug war, with its police in particular receiving a relatively large amount, \$18.2 million in fiscal year 1994, with a similar amount requested for fiscal year 1995. By contrast, Colombia's poor record prompted Germany, a weapons supplier, to suspend sales of guns and helicopter parts and bar certain Colombian military officers from entering the country.

Congress included some restrictions on aid to Colombia in the foreign aid appropriations bill for fiscal year 1995. The legislation required the Clinton administration to provide notification prior to disbursement of funds for Colombia and added a certification to verify that security assistance was being used "primarily" for counternarcotics, not counterinsurgency activities. These requirements stemmed from reports from human rights groups and the General Accounting Office demonstrating that the administration had failed to ensure that those involved in abuses were not receiving aid.

In August, the administration submitted a letter of notification, requesting that the fiscal year 1994 appropriation of \$7.7 million in security assistance to the armed forces be released. Congress agreed to the request, most of which was slated for the Navy and Air Force for counternarcotics efforts. According to the fiscal year 1995 request for \$16.5 million for the military's counternarcotics support efforts, the assistance would be used for "targeting

narco-guerrilla activities, occupying seized real estate, and controlling remote areas." Due to budgetary constraints, the military was expected to receive approximately half of the amount requested for fiscal year 1995.

In addition to generous amounts of security assistance, Colombia acquired \$57 million in U.S. governmental and commercial arms purchases in 1993, more than any other country in Latin America. In fiscal year 1994, sales to Colombia were expected to top \$73 million. The U.S. continued to make or approve arms sales to Colombia despite human rights conditions that should have been applied.

During the year, the administration claimed to have implemented end-use monitoring, although specific details were not revealed. As State Department officials acknowledged, there were no units in the Colombian military devoted exclusively to counternarcotics activities, making definitive prohibitions on aid for other activities impossible, even with enhanced oversight. Documents obtained by Human Rights Watch through the Freedom of Information Act demonstrated that much of the equipment provided to Colombia under the guise of the "war on drugs" was designed for counterinsurgency.

In response to congressional concerns, the U.S. Embassy in Bogotá prepared a confidential document identifying recipients of U.S. assistance and describing the allegations against them. The document reportedly included information about investigations conducted by Colombian officials and measures taken against abusive members of the armed forces. Unfortunately, the administration chose to classify the document, and it remained unavailable to human rights groups.

The Agency for International Development (AID) continued its funding of a \$36 million Administration of Justice program during the year. AID officials assured Human Rights Watch/Americas that U.S. assistance was no longer provided for the controversial "public order courts." In past years, Human Rights Watch/Americas had objected to U.S. support for these courts because of their inherent due process violations and the misuse of this jurisdiction to quell legal protest.

The State Department's annual Country Reports on Human Rights Practices for 1993 continued to characterize violations by state security agencies and nongovernmental forces as equal, even though human rights groups agreed that abuses by the military, police, and their paramilitary clients far outnumbered violations of the laws of war by insurgents. Indeed, the report lumped together insurgents and drug traffickers, overestimating the degree to which they collaborated.

The Work of

Human Rights Watch/Americas

Human Rights Watch/Americas sought to bring the issue of human rights to the forefront of any discussion of Colombia.

We registered frequent protests with the Colombian government regarding human rights abuses, and urged the guerrillas to cease violating international humanitarian law. Together with the Andean Commission of Jurists-Colombian Section and the Center for Justice and International Law (CEJIL), we represented victims of abuses before the Inter-American Commission on Human Rights. In December 1993, we issued *State of War: Political Violence and Counterinsurgency in Colombia*; a Spanish translation was released in 1994. Also during 1994, Human Rights Watch/Americas sent two missions to Colombia, where our representatives

met with senior U.S. and Colombian government officials in Washington and Bogotá, and with the representatives of human rights groups and humanitarian organizations. Finally, in cooperation with the Human Rights Watch Children's Rights Project, we issued *Generation Under Fire: Children and Violence in Colombia* in November, a report on government responsibility for the murders of children.

In the U.S. Congress, we were at the forefront of efforts to give human rights a central role in U.S.-Colombia relations while urging greater accountability regarding the Colombian security forces' use of U.S. aid. We were especially concerned that military and police aid received by Colombia in the name of anti-narcotics operations not be used for counterinsurgency efforts or other operations in which human rights were violated. With the help of key committee members, we insisted on stricter end-use monitoring of aid, particularly lethal aid sent as part of the "drug war."

CUBA

Human Rights Developments

Popular dissatisfaction with the Castro regime deepened in 1994 in the face of continuing political repression and an ever-worsening economic crisis. Increasing numbers of people fled the island by raft and boat, and a spontaneous demonstration by the Havana harbor on August 5 was the largest expression of anti-government sentiment since the 1959 revolution brought Castro to power. During the ensuing weeks more than 30,000 people left the country, taking advantage of Castro's decision to temporarily allow departures. This move was calculated to bring the U.S. to the negotiating table and was partially successful in that regard. On September 9, the United States and Cuba reached an agreement on emigration whereby 20,000 Cubans would be allowed into the U.S. each year. In exchange for this concession, Castro once again clamped down on those attempting to leave the island through informal channels. Meanwhile, more than 32,000 Cubans, picked up at sea by the U.S. Coast Guard and prohibited from entering the United States, continued to be held under U.S. authority at Guantánamo Bay naval base and in Panama.

With the exception of this month-long exodus, Cuba continued to violate its citizens' right to freedom of movement through application of its "illegal exit" laws, which forbid Cubans from leaving the country without government permission. In the past three decades, thousands of Cubans have been arrested and imprisoned on this charge. In 1994, the maximum punishment was three years. Related crimes included the use of violence, intimidation or force while attempting to leave the country (punishable by three to eight years in prison); organizing, promoting or inciting illegal exit (two to five years in prison); and lending material aid or information facilitating illegal exit (one to three years in prison). Exact numbers were unavailable, but illegal exit prisoners were thought to constitute the largest category of political prisoners in Cuba.

Enforcement of the illegal exit law had eased somewhat in recent years, with the trend increasingly to fine first-time offenders and incarcerate only repeat offenders. Despite this overall softening of enforcement, cases of shootings or prosecution for illegal exit were not uncommon. In June 1994, coastal authorities from the port of La Fe, in the municipality of

Guane, shot dead José Inesio Pedraza Izquierdo when he tried to set to sea for the United States. This was followed one month later by the most prominent case in 1994, the sinking of the hijacked state-owned tugboat, the 13 de Marzo. The boat, carrying seventy-two passengers, was intercepted by three government boats a few miles out from the Havana harbor early on the morning of July 13. The Cuban authorities sprayed the 13 de Marzo with high-pressure water cannons, reportedly sweeping several passengers off its deck and into the ocean. According to survivors, the boat's path was then cut off, and one of the pursuing tugs deliberately rammed the 13 de Marzo, causing it to sink. At least thirty-seven people died, including many children who had sought refuge from the water cannons in the hold of the vessel.

Despite these restrictions, the long-standing political repression and deepening economic crisis prompted more and more people to abandon the island. The numbers leaving by boat and small raft have steadily grown and, with increasing frequency, Cubans have fled in stolen or hijacked vessels, despite the serious penalties these crimes carry. Word of successful escapes during the summer of 1994 encouraged a surge of attempts. Eventually, rumors spread in Havana that emigration by boat was to be officially permitted, and it was those rumors that led to the unprecedented clash on August 5 between thousands of would-be emigrants and Cuban authorities near the mouth of the Havana harbor. When police officers attempted to prevent a group of Cubans from launching a raft, hostile crowds turned on them, seizing their weapons. Two officers were killed and a third seriously injured. Thousands of people joined in the fracas, and a spontaneous riot ensued in the downtown commercial area of the Cuban capital.

The next day Fidel Castro made a public speech in which he criticized the U.S. for encouraging illegal emigration while simultaneously refusing to admit substantial numbers of Cubans through legal channels. Castro declared that the government would no longer detain those who sought to leave on their own rafts.

At the same time, Cuban authorities embarked on a crackdown on dissidents and opposition groups, despite the fact that there was no indication that the August 5 riot was an organized or premeditated event. Several hundred people, including dozens of human rights and pro-democracy activists, were detained in subsequent days. Some were released after a few days of interrogation and detention in crowded and dilapidated jails. Others were held for longer periods of time, and at least two of these—Gloria Bravo of the Association of Mothers for Dignity (AMAD) and Carlos Ríos of Cambio 2000—were severely beaten while in detention. Still others remained incarcerated as of October, including 162 people who were transferred on September 17 to the maximum security prison Kilo-7 in Camagüey.

Most of the dissidents released after one or two days of detention reported ongoing harassment after their release, including random assaults and beatings on the street. In some cases activists were picked up for yet another period of detention without charge.

In addition, the Castro regime used the chaos of the August exodus to attempt to force many dissidents and activists out of the country via boats or rafts. At least twenty people were reported to have been forced to leave because of their political activities. In these cases, government agents approached the dissidents, either directly or via an intermediary or family member, and told them that the government had information regarding their "illegal activities" and that, consequently, it would be in their "best interests" to take advantage of the opportunity to leave the country.

The Right to Monitor

Human rights monitoring was illegal in Cuba and the government refused to grant legal status to opposition or pro-democracy groups. Free expression and association continued to be severely restricted, and state security forces maintained close surveillance of activists and dissidents. Persecution took a variety of forms, including frequent harassment, intimidation, and arrests. Pro-democracy and human rights workers were imprisoned on vague and malleable political charges that violated basic political and civil rights. Typical charges included "illicit association," "clandestine printing," and "disrespect to the head of state." After completing their sentences, dissidents might be kept in prison under the commonly used provision of "high dangerousness," which could add as much as four years to the original period of incarceration. "Spreading enemy propaganda," one of the most common political charges, carried prison sentences that frequently reached ten years.

In addition to lengthy prison terms, the government relied increasingly on other patterns of intimidation, including seemingly random acts of violence by anonymous assailants and short-term interrogations and detentions in municipal jail cells that were often crowded, airless and overflowing with excrement.

Human rights activists detained or harassed in 1994 included René del Pozo Pozo, a prominent member of the Cuban Commission for Human Rights and National Reconciliation (CCDHRN), who was detained four times in the chaotic weeks of the exodus and its aftermath. Early on the morning of August 6, five uniformed and two plainclothes police officers came to his house with a search warrant authorizing seizure of "illicit materials." They searched the house and removed personal items, including all of del Pozo's working papers and materials. His telephones were ripped from the walls, and he and his family were insulted and verbally assaulted. After several hours of this treatment, the police arrested del Pozo, his aunt, and his cousin, and took them to a local police station. Del Pozo's aunt and cousin were released later that night. Del Pozo was charged with illegal possession of goods (receptación), for having in his possession three cases of beer left over from his May 1994 wedding party. The following day authorities transferred him to another police station and charged him with spreading enemy propaganda; three days later he was released. His beer was returned to him, but his papers and other working materials were not.

Del Pozo was picked up and detained again on August 23, together with CCDHRN member Vladimiro Roca. Taken to a local police station, Del Pozo was threatened with a lengthy imprisonment if he refused to sign a statement denouncing the pro-democracy Democratic Socialist Current group and his own prior statements, critical of the Cuban government, that had been broadcast on Radio Martí. He signed the statement under duress.

On August 26, del Pozo was picked up a third time and taken in for a "chat." He was told not to talk to foreigners or to go to the U.S. Interest Section (the only U.S. diplomatic presence in Cuba). He was told that if he wished to leave Cuba by boat the government would not stand in the way.

On October 12, del Pozo was detained yet again and held by the National Police in Havana. He was released after several days.

In addition to these short-term detentions and harassment, del Pozo received a threatening telephone call on August 30, and was assaulted on the street by a lone assailant, who beat him with brass knuckles. The blows were strategically placed and caused ongoing neurological damage.

The harassment directed against del Pozo was representative of the experience of dozens

of activists. Elizardo Sánchez, one of Cuba's best-known dissidents, was under virtual house arrest from July to December, the result of a questionable conviction for "illegal possession of goods" (he had a key to a house where gasoline was stored). Labor activist Lázaro Corp, president of the National Commission of Independent Unions (CONSI), was arrested on June 22, 1994 after paying visits to the Belgium and German embassies and interrogated repeatedly before his release the next day. He estimated this to be his eighth detention by state security forces in the past three years. On August 2, Corp and his son were attacked by three unknown assailants near their home and beaten with fists and sticks on their heads and shoulders. Three days later a group of men attacked their house with rocks and bottles. In addition, twice in 1994 cars deliberately knocked Corp off of his bicycle. Other activists reported similar attacks and beatings.

Francisco Chaviano González, president of the National Council for Civil Rights in Cuba (CNDCC) and signatory to an April 1994 petition seeking amnesty for and official recognition of human rights groups in Cuba, was arrested on May 7. Prior to this arrest, Chaviano had been subjected to steadily mounting harassment, including frequent surveillance and acts of vandalism and graffiti against his house. His arrest on May 7 was preceded by an odd early morning visit from a stranger, who gave Chaviano an envelope containing mysterious documents. As Chaviano was looking through these papers, state security agents rushed in, arrested Chaviano and ransacked his house and belongings. The initial charge against him, "illegal possession of goods," was later increased to "possession of state secrets," a reference to the documents planted on him shortly before the police raid.

Chaviano was jailed in Villa Marista, a state security prison outside of Havana. As of this writing he had not been tried, and his lawyer had not been permitted to see him or the indictment sheet listing the charges against him. In addition to Chaviano, four other members of the CNDCC had been arrested and imprisoned since May 1994.

While Cuba maintained its refusal to recognize internal dissident groups, Foreign Minister Roberto Robaina met with three leaders of the Cuban exile opposition in September and announced an intention to hold subsequent meetings. In addition, the Cuban government invited the recently appointed United Nations high commissioner for human rights, Ambassador José Ayala Lasso, to visit the country and conduct a human rights investigation. This was a marked departure from Cuba's ongoing refusal to admit the U.N. Human Rights Commission's designated special rapporteur on Cuba, Ambassador Carl-Johan Groth.

U.S. Policy

The U.S. government's response to the Cuban exodus was two-fold: alarm at the prospect of high numbers of refugees and dismay with Castro for permitting them to leave. Hoping to discourage would-be rafters, on August 19 the Clinton administration announced that it was reversing U.S. policy on Cubans picked up at sea. From that day forward, Cubans rescued or apprehended in international or U.S. territorial waters would not gain automatic entry into the United States, but would instead be detained at the Guantánamo naval base, together with the 14,000 Haitian boat people already being held there. In addition, the new policy declared that Cubans picked up at sea would not be eligible to enter the United States without first returning to Cuba for in-country processing, whether as refugees or immigrants.

On August 26, the Clinton administration announced additional policy changes, intended to punish Castro for the exodus by further tightening the already stringent economic embargo

against Cuba. The administration revoked the general licenses for family visits to Cuba by Cuban-Americans, for professional research in Cuba, and for news-gathering on the island, requiring people seeking to travel under one of these three categories to apply for a specific license from the Treasury Department. The new policy required Cuban-Americans wishing to visit family members in Cuba to demonstrate a compelling humanitarian need, such as the grave illness of a family member. The class of journalists permitted to travel to Cuba on a general license was reduced to professional, full-time journalists; free-lance journalists were required to obtain special permission. These restrictions reduced the number of U.S. travelers to Cuba by approximately 90 percent. In addition, the administration prohibited Cuban-Americans from giving money to any Cuban national, regardless of the reason—reversing existing policy which had permitted Cuban-Americans to make annual cash gifts of up to \$1200 to their families on the island. This draconian new policy was criticized on humanitarian grounds.

In addition to humanitarian concerns, U.S. policy toward Cuba raised several human rights concerns. Primary among these was the detention of Cubans by U.S. authorities in "safe haven" camps, a practice that violated Article 9 of the International Covenant on Civil and Political Rights (ICCPR), which prohibits arbitrary detention. As of November 1994, Cuban detainees had a "choice" of either returning to Cuba or remaining indefinitely detained. They were categorically denied the possibility of entering the United States and no third country had agreed to admit them, nor were they provided an opportunity to demonstrate the legitimacy of their fear of persecution and thus qualify as legally-recognized refugees.

Another area of serious concern was the U.S. insistence that Cuba prevent its citizens from leaving the country outside of official channels, which by themselves offered very limited opportunities for exit. Article 12 of the ICCPR protects the right "to be free to leave any country, including [one's] own." The September 9 agreement between the two countries, in which Cuba agreed to clamp down on extralegal exits in exchange for increased flows of legal immigration, rendered the U.S. complicit in Cuba's ongoing violation of this right to free movement.

Finally, the tighter restrictions on travel curbed the flow of people and information between Cuba and the U.S., in violation of both the First Amendment of the United States Constitution and Article 19 of the ICCPR, which protects the right to freedom of expression, defined as including the "freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers."

The Work of Human Rights Watch/Americas

Human Rights Watch/Americas has long worked to focus international attention on Cuba's persecution of those who attempt to flee the island. After the sinking of the *13 de Marzo* in July, Human Rights Watch/Americas wrote to President Castro expressing concern over the sinking of the ship and resultant loss of life and requesting permission for a Human Rights Watch representative to visit the island to investigate the incident. As of mid-November, we had received no reply. (Despite repeated requests over the years, Cuban authorities have never granted Human Rights Watch permission to visit Cuba and monitor human rights conditions.)

On August 31, Human Rights Watch wrote to President Clinton, criticizing the administration for urging President Castro to prevent flight from Cuba and calling on the U.S. president to publicly recognize the right to free movement. Our letter and the media coverage it engendered prompted debate over this aspect of the policy, which had previously been ignored.

In October, Human Rights Watch/Americas released a report focused on Cuba's response to "illegal exit," the human rights implications of U.S. policy regarding Cuba and Cuban detainees in Guantánamo and Panama, and Cuba's continuing violation of its citizens' basic civil and political rights.

EL SALVADOR

Human Rights Developments

In 1994, the human rights situation in El Salvador showed some improvement over the political violence that was seen at the end of 1993. Important advances were made in the development of a new civilian police force and in the administration of justice. Still, impunity for political violence remained the norm and questions persisted about the hotly contested "election of the century," held in March.

For the first time since the signing of the historic 1992 peace accords, the former rebels of the Frente Farabundo Martí para la Liberación Nacional (FMLN) participated as a legal political party in March's presidential, legislative, and municipal elections. The governing ARENA party won the presidency and the vast majority of municipalities, and fell just short of a majority in the Legislative Assembly, where the FMLN became the second political force. In an April run-off for the presidency, San Salvador Mayor Armando Calderón Sol easily beat the candidate of a FMLN-led leftist coalition Rubén Zamora by a two-to-one margin.

The elections were monitored by the United Nations Observer Mission to El Salvador (ONUSAL), which declared them "acceptable." Nevertheless, ONUSAL and other international observers noted that electoral irregularities ranging from incomplete voter lists to failures in distributing voter cards prevented many people from casting a ballot. The relatively low voter turnout in the elections, furthermore, underscored the alienation from the political process felt by broad sectors of the country's citizens.

On May 19, the FMLN and the outgoing government of President Alfredo Cristiani agreed on the "re-calendarization" of the still unfulfilled aspects of the peace accords. Most importantly, this included a reinvigorated role for ONUSAL in the monitoring of the new National Civilian Police (PNC) and police academy. The PNC comprised primarily civilians who did not participate in the twelve-year civil war but also included former members of the FMLN and the National Police.

In 1994, serious human rights concerns continued to be raised about the new force and in particular about its deputy director, Oscar Peña Durán, a former army captain who had directed the anti-narcotics police unit. Peña Durán was responsible for the rupture of the PNC's close working relationship with ONUSAL, which had been providing key technical assistance to the new police force during its initial deployment. Reports of the PNC's militarization were substantiated by the increased number of abuses being reported and by the privileged position given former anti-narcotics officers who had not attended the new police academy. A dramatic example of PNC abuses was a series of large-scale and aggressive round-ups of supposed "delinquents" in early 1994, operations which captured few criminals but violated the civil rights of many innocent bystanders. ONUSAL received 147 complaints against the PNC between

November 1993 and June 1994, from which it confirmed that fifty-eight violations had occurred, including cases of arbitrary detentions, lack of due process, and torture. In May, before the change of presidential leadership, Peña Durán resigned his post, as did PNC Director José María Monterrey.

Several appointments made by President Calderón Sol, who was sworn in on June 1, raised hopes that the new administration might be more responsive to human rights concerns surrounding the PNC. Among these appointments was that of Hugo Barrera as vice-minister of public security and of Rodrigo Avila as PNC director. In response to criticism of former anti-narcotics and criminal investigations officers who had been transferred into the PNC in early 1993 without having attended the new academy, Barrera and Avila agreed to transfer some of these members out of the agency and to send others to the police academy. Avila was the object of several armed attacks, possibly related to his commitment to a more professional public security force. One encouraging sign of change was that unlike security forces in the past, the PNC went to great lengths to punish agents accused of violations and regularly made such cases known to the public.

Also addressing the problem of political violence in El Salvador was the Joint Group for the Investigation of Illegal Armed Groups with Political Motivation in El Salvador, known as the Grupo Conjunto. The group was established in December 1993 in response both to a recommendation of the United Nations-sponsored Truth Commission and to the upsurge in death-squad assassinations in late 1993.

After eight months of work, the Grupo Conjunto published its findings on July 28, reporting on violent conditions in four separate areas of El Salvador (Guazapa, Morazán, San Miguel and Usulután) as well as on four specific cases of murders and attacks. Contradicting the Cristiani administration's repeated denials of the existence of death squads, the Grupo Conjunto report described how the classic structures of the death squads had undergone a process of "mutation and atomization" in recent years and explained that political violence now "moves within and mimics the underworld of organized crime and delinquency." Finally, the Grupo Conjunto noted that some of these clandestine groups' activities, while not a part of official state policy, "are directed, supported, covered up or tolerated by members of the military and police institutions, and the judicial and municipal organs."

Although the information published by the Grupo Conjunto differed little in content or analysis from that released in ONUSAL's reports, the findings were important because they were well received by President Calderón Sol and some conservative sectors of society. Calling the group's work "patriotic," he pledged to carry out its recommendations, which included the creation of a special PNC unit to look into the cases cited, as well as the writing of new laws that would facilitate the prosecution of cases involving political violence or organized crime.

Another positive development in 1994 was the long-awaited selection in July of a new Supreme Court. All of the justices on the previous court had been asked to resign by the Truth Commission, a recommendation which was ignored. Nevertheless, it had so stigmatized the magistrates that not one was reelected.

The new justices were widely accepted as a great improvement, and immediately began to exercise the kind of independence and professionalism which the previous court lacked. Shortly after taking office, the new court appointed a competent director to the Institute of Legal Medicine, responsible for the judicial branch's forensic work.

The new court also began to tackle the problem of impunity in Salvadoran courts by

implementing a review of all judges, which it hoped to complete by the end of 1994. In its eleventh report, released in July, ONUSAL found that between November 1992 and February 1994, in the seventy-five most serious cases of violations of the right to life, including arbitrary executions, attempted executions, and death threats, no one had been tried or sentenced. An important but incomplete list of constitutional reforms relating to the judicial system was approved by the outgoing Assembly on April 29 and was due to be ratified sometime during the current Assembly's three-year term. These reforms included expanded access to constitutional guarantees such as habeas corpus and invalidation of all extrajudicial confessions. In addition, pending legislative proposals for a new criminal code and criminal procedure code would outlaw extrajudicial confessions.

The dire situation of the country's prison system came to the forefront in 1993-94 as several riots broke out, resulting in dozens of deaths and injuries. ONUSAL provided mediation in all of these instances, in which prisoners generally demanded better prison conditions. The fact that some 80 percent of inmates had not been tried and sentenced, also contributed to the volatile situation. In response to this situation, the new Supreme Court proposed a review of the legal situation of all inmates and a new penitentiary law was brought up for consideration in the Assembly.

Finally, one of the most potentially destabilizing aspects of the post-war political situation involved the plight of demobilized military and security forces. In both July and September, former soldiers took over the Assembly building, in the second instance holding more than two dozen deputies hostage for over two days. In both cases, the assailants demanded indemnization they claimed was due them by the government for their service during the war. Both takeovers were resolved peacefully, and although no amnesty was granted, the government urged that no legal action be taken against those responsible. Some of the deputies held hostage filed charges anyway. Following the September episode, the government agreed to review each case individually and expand the possible number of beneficiaries to include some former civil defense members and others who were not previously eligible. Again ONUSAL played an important role as mediator.

The Right to Monitor

Despite some cases of intimidation and political violence, human rights groups generally felt few limitations in carrying out their activities in 1994.

ONUSAL continued to take complaints from citizens through its offices in Santa Ana, San Salvador, Chalatenango, San Vicente, San Miguel, and Usulután, although it planned to scale back significantly by the end of 1994 in preparation for a withdrawal early next year.

By mid-year, the human rights division of ONUSAL began a closer working relationship with the Office of the Human Rights Ombudsman, which had grown to eight regional offices. The ombudsman, a three-year post, which was due to come up for re-election in February 1995, improved its operations somewhat during 1994, but still lacked trained personnel, financial resources, and the confidence of the Salvadoran citizenry needed to do its job effectively.

U.S. Policy

The U.S. government continued to be supportive of the peace process in 1994. In addition to providing financial support for the work of Grupo Conjunto, the U.S. (along with Spain) was a major contributor to the National Civilian Police and the National Academy for Public Security, providing training and technical assistance as well as material resources. U.S. aid also helped

resolve a potentially explosive problem early in the year by providing funds to the Land Bank, which was required to help resolve the transfer of properties in the former conflict zones.

In July, the U.S. Trade Representative removed El Salvador from the list of countries under examination for labor rights violations, allowing it to be fully eligible for trade benefits under the Generalized System of Preferences.

Addressing recent human rights violations, the State Department twice expressed concern about attacks on FMLN leader Deputy Nidia Díaz which occurred in February and May. The U.S. also, after some hesitation, pressed for the removal of PNC Deputy Director Peña Durán; although this position was slow in evolving due to the resistance of Peña's former benefactors in the Drug Enforcement Agency.

The Work of Human Rights Watch/Americas

In 1994, Human Rights Watch/Americas was principally concerned that human rights considerations should remain an integral part of the peace process. In pursuing this goal, we made clear our support of the human rights organizations working in the country. Human Rights Watch/Americas wrote a letter to U.N. Secretary-General Boutros Boutros-Ghali expressing support for the work done by ONUSAL and underscoring its continued importance. We also supported the work of the Grupo Conjunto by providing documentation on cases of human rights violations in the country.

Also important in maintaining the centrality of human rights in the transition process, Human Rights Watch/Americas continued focusing international public attention on current human rights violations. In March 1994, Human Rights Watch/Americas published a report on the eve of the elections which emphasized continuing human rights problems at a particularly critical juncture in El Salvador, underscoring the need for free and fair elections. We also continued to bring individual cases of human rights abuses to the attention of United States lawmakers in order to continue diplomatic pressure for change.

GUATEMALA

Human Rights Developments

The human rights situation in Guatemala deteriorated in several important respects during 1994, even while the promised installation of a United Nations verification mission raised hopes for significant improvement. The government and guerrillas made important human rights commitments with the signing of a comprehensive human rights accord on March 29, 1994, but then proceeded to violate these commitments flagrantly. And although the accord called for the establishment of a U.N. mission to monitor human rights "at the earliest possible date," the U.N. did not formally approve financing for the mission until September 1994, and the mission was not expected to be fully staffed and operational until late November.

The peace process created the impression that Guatemala is a society in transition, embodying hopes for an end to the cycle of human rights violations and impunity that had produced tens of thousands of disappearances and extrajudicial executions in the last three decades. Besides the human rights accord signed in March, the government and the URNG

guerrillas also reached an agreement regarding the resettlement of refugees and displaced persons, and the establishment of a truth commission to document human rights violations and violations of the laws of war by both parties during the thirty years of armed conflict. Unlike the human rights accord, however, these last two agreements were designed to go into effect only upon the signing of a final accord between the two sides. Several difficult issues remained to be negotiated before the final accord would be reached, including indigenous rights, land reform, and the strengthening of civilian control over the military. Moreover, the record in 1994, in which the government shrank from all meaningful reforms that threatened the army's power, suggested that the signing of agreements might not in itself fundamentally change the human rights situation in Guatemala.

During the eight-month delay between the signing of the human rights accord and the establishment of the U.N. mission, human rights violations surged, yet the government showed no sign of undertaking serious efforts to investigate and prosecute those responsible. According to the statistics of the government's own human rights ombudsman, there were 109 extrajudicial executions and sixteen forced disappearances between the signing of the human rights accord on March 29 and the end of July. Press reports and statistics compiled by the Human Rights Office of the Archbishop of Guatemala also indicated a continued high level of killings in August and September. Meanwhile, a series of violent attacks and threats against judges known for their integrity and independence dimmed prospects for building an independent judiciary capable of prosecuting human rights violations, which is fundamental to bringing those violations to an end.

Also victims of violent attack were trade unionists, journalists, and human rights monitors. Violence against street children intensified, after a relative lull during the first months of the new government.

Much of the deterioration in the human rights situation could be traced to the government's retreat from the series of reforms undertaken shortly after the June 1993 inauguration of President Ramiro de León Carpio, the former human rights ombudsman. During his first months in office, de León Carpio sought to bring Guatemala into compliance with the recommendations of U.N. Independent Expert Christian Tomuschat and his successor Mónica Pinto by thoroughly demilitarizing the National Police, and placing civilians committed to police reform in key positions; these efforts were, however, abandoned early in 1994. The sacking of reformist Interior Minister Arnoldo Ortiz Moscoso and National Police Director Mario René Cifuentes was followed by renewed infiltration of police ranks by elements connected to the army, an upsurge in police violence, and an end to what had been a brief period in which the police genuinely sought to investigate human rights abuses. Moreover, the October 14 murder of a high-ranking police officer, César Augusto Medina, prompted the new interior minister to suggest that several thousand members of the military be assigned to the police. If carried out, such a move would bury hopes for investigations into human rights violations and dramatically enhance the army's power.

Two cases spoke volumes about the change in behavior of the police since the reformers were ousted. One was the August attack by riot police on workers occupying the San Juan del Horizonte farm in Coatepeque. The second was the reaction of the police to the kidnapping of a National Police agent assigned to protect a judge whose life had been threatened.

On August 24, several hundred riot police stormed the San Juan del Horizonte farm to arrest workers who had occupied the property in a work protest. Although the government,

through the executive branch human rights commission COPREDEH, claimed that heavily armed workers fired at the police, all independent investigations, including those by Human Rights Watch/Americas, the Catholic church, and the human rights ombudsman (an independent government official elected by the Congress), concluded that the workers were not armed, except with machetes. During the assault, the riot police shot fifteen workers, savagely beating and kicking several of them as they lay injured on the ground. One of the workers, Basilio Guzmán Juárez, died on the farm, and another, Efraín Recinos Gómez, died en route to the hospital. A third worker, Diego Orozco García, was captured by the police and taken to an undisclosed location. His body was found the next day some sixty kilometers away with a gunshot wound and signs of torture. Two of the riot police were treated for minor injuries at the hospital in Coatepeque and three others in Guatemala City. No charges had been filed against police agents for this brutal attack as of this writing.

Not only was the attack notable for its brutality, it also demonstrated the government's sharp departure from practices developed during the first eight months of the de León Carpio government when Ortiz Moscoso was interior minister. Under Ortiz Moscoso, the Interior Ministry routinely invited the human rights ombudsman to send a representative to any police action with the potential for violence. The presence of the ombudsman was an important element in avoiding violence. As a result, there were no deaths during this kind of police action during Ortiz Moscoso's tenure. However, his successor, Danilo Parrinello Blanco, abandoned cooperation with the human rights ombudsman, a factor which undoubtedly contributed to the tragic events of August 24.

A second case that illustrated the changes in the police was the kidnapping of police agent Miguel Manolo Pacheco. Pacheco had been assigned to provide security for appeals court judge María Eugenia Villaseñor after she received several death threats. On the evening of August 29, Pacheco left the judge's house for what he expected to be a quick trip to a store nearby. As he approached the store, however, three armed men, two of them with the closely cropped hair typical of soldiers, grabbed him and forced him into the cab of a pickup truck. The men drove Pacheco around, beating him and interrogating him about the judge's activities as well as those of Helen Mack, sister of slain anthropologist Myrna Mack. When they released Pacheco, they warned him not to talk about his experience or they would kill him. They also told him to stay away from the judge's residence, because they were going to kill her and her roommate, Helen Mack's attorney.

Despite this serious threat to the life of a police agent for carrying out official police duties, the authorities did not open a serious investigation. Instead, they insisted that agent Pacheco was an epileptic, and most likely invented the story of his kidnapping out of embarrassment for having hurt himself in an epileptic seizure. Pacheco told Human Rights Watch/Americas that he does not suffer from epilepsy. His doctor confirmed this to the Archbishop's Human Rights Office.

Judge Villaseñor was known for her independence and integrity; she had been closely identified with the struggle for justice in the Myrna Mack case, which she handled at several points both as a district court judge and later from the appeals court. Villaseñor had also written a book about the courts' handling of the case. The kidnapping of her police bodyguard was most likely a warning to her and others pressing for prosecution of the intellectual authors of that crime.

In another notorious incident, gunmen shot dead Constitutional Court President

Epaminondas González Dubón on April 1. Although the government interpreted the case as a common crime, this theory appeared highly unlikely. Attorney General Ramsés Cuestas told Human Rights Watch/Americas that the magistrate was killed by a gang who wanted to steal his car, but had no explanation for why the gang made no attempt to steal the car after killing the judge.

The Constitutional Court had several controversial cases pending at the time of González Dubón's slaying, including one involving an imminent criminal investigation into senior military officers thought to have ordered the September 1990 murder of anthropologist Myrna Mack, and another involving the extradition of a powerful ex-army officer wanted in the United States for cocaine trafficking. Shortly before González Dubón was killed, the court had also ruled that changes in the electoral law proposed by the Congress were unconstitutional. Notwithstanding the highly controversial nature of the court's caseload, the attorney general's office failed to investigate the possibility that the murder was related to González Dubón's work on the court.

On August 20, Judge Elías Ogaldez, of the Chimaltenango district court, was gunned down execution-style outside the University of San Carlos in Guatemala City. He had recently ordered the detention of an army officer and a civil patrol chief in connection with two separate murder cases. Judge Yolanda Pérez Ruiz, also from the district court in Chimaltenango, consistently faced threats, harassment, and legal action after she sought to execute a writ of habeas corpus on behalf of a young man detained in the Chimaltenango military base in February.

Given the violent attacks on those judges who had the courage to make decisions that defied army interests, it was no surprise that there was only one prosecution in a human rights case during 1994, the conviction of a police officer for the murder of a student in Chiquimula. In other human rights cases, judges faced obstruction by the police and army. In several important cases, the police simply ignored the arrest warrants that judges issued for civil patrollers or police officers wanted for human rights violations. For example, the police continued to ignore the warrants for the arrest of eleven civil patrollers wanted for the murder in August 1993 of human rights activist Juan Chonay Pablo of Colotenango, even though the orders were issued in September 1993. Moreover, when the judge presiding over this case held a public hearing on charges against two civil patrollers who had been detained, the army brought dozens of civil patrollers to the courthouse in Huehuetenango to demonstrate for their freedom. The chief of staff of the armed forces stated in a letter to Human Rights Watch/Americas that the patrollers rented private vehicles to arrive at the demonstration. Nonetheless, witnesses saw the patrollers arrive in two army trucks. Not surprisingly, the judge freed the civil patrollers a few days later.

For their part, the guerrillas were responsible for several operations which violated the laws of war applicable to internal armed conflicts. On March 11, 1994, guerrillas fired on a truck filled with civilians on the road between Nebaj and Chajul in the northern Quiché department, injuring a nineteen-year-old boy. On August 22, guerrillas launched a surprise attack on the military base at Chupol, on the inter-American highway. In the attack, the rebels stopped civilian vehicles on the highway to block traffic and fired on several that refused to halt. One civilian was slain and several more wounded when the insurgents opened fire, according to the Human Rights Office of the Archbishop of Guatemala. Besides violating the applicable international laws of war, these attacks on civilians also violated the commitments made by the guerrillas in the March 29 human rights accord. Finally, the archbishop's office documented the September murder by the guerrillas of an army officer in Chimaltenango after his capture in violation of the

absolute prohibition on attacks on captured combatants contained in Article 3 common to the Geneva Conventions.

The government, too, honored the human rights accord only in the breach. Among the commitments undertaken and then ignored by the government was the commitment to "combat any manifestation" of "clandestine security machinery." Yet the government made no effort to investigate the continued pattern of killings, abductions, threats and harassment of members of popular organizations, trade unionists, human rights monitors, and journalists, although many of these abuses were perpetuated by armed men in plainclothes, often driving vehicles with no license plates.

The government also vowed to cease using press-gang methods to round up youths for military service, and to end the discriminatory practice of recruiting exclusively indigenous or poor ladino (mixed race) youths in this forcible manner. During the months of May, June, and July, however, the army launched a massive recruitment campaign, rounding up hundreds of indigenous and poor ladino youths without previous citation or family notification, and disregarding completely required exemptions for those who were the sole support of their families or under draft age. After facing a hailstorm of criticism from human rights groups and the press for this abusive campaign, the defense minister, General Mario Enríquez Morales, admitted to "errors" in the recruitment process. The human rights ombudsman, Jorge Mario García Laguardia, obtained the release of 333 youths who had been illegally recruited, including 148 minors.

The repatriation of Guatemalan refugees from Mexican camps proceeded at a snail's pace due to governmental delays in facilitating land acquisition and credit. Approximately 5,900 refugees had returned as of November, and two thousand more were tentatively scheduled to return before the end of the year. Over 40,000 officially recognized refugees, and perhaps as many unrecognized, continued to face uncertainty in conflictive southern Mexico. Refugee communities and church sources reported ongoing tensions in return sites inside Guatemala, including army attempts to foment local opposition to returnees. One repatriate, Manuel Lopez, was found murdered on October 27 in Centro Veracruz in the Ixcán, and as of this writing, no official inquiry into the death had been undertaken.

The Right to Monitor

The persecution of human rights activists in Guatemala by the army and its agents since the formation of the first rights organization in 1984 has been so severe that a special section of the human rights accord signed by the government and guerrillas was dedicated to their protection. In the accord, the government committed itself to "take special measures to protect" human rights monitors; nonetheless, the army and civil patrols, as well as unidentified individuals, continued to persecute them with impunity. José Sucunú Pajol, an active member of the human rights group CERJ, disappeared on October 29 in Guatemala City. He had been repeatedly interrogated by civil patrollers and military commissioners about his human rights activism. On June 22, a leader of the Mutual Support Group (GAM), Guatemala's oldest human rights organization, Sara Poroj Vásquez, was stabbed and seriously wounded by unidentified men in the capital. Poroj, like other GAM leaders, had received death threats and come under surveillance after the group's office was raided by unidentified men in October 1993. In January and April, the commander of army troops stationed in Chel, a village in the municipality of Chajul, threatened to kill members of a human rights commission. Dozens of civil patrollers in San Pedro Jocopilas burst into a

parish meeting of a local human rights commission on May 27, accusing the participants of engaging in guerrilla activities and threatening to kill them. Rosalina Tuyuc, the leader of the National Coordinating Committee of Widows of Guatemala, suffered several incidents of intimidation by the army, as did members of her family. On at least two occasions in 1994, army officials publicly accused Tuyuc of being a guerrilla commander, without offering any evidence to support the charge, but with the clear intention of intimidating her. Meanwhile, neighbors and family members of victims of disappearances committed in the early 1980s in villages near Rabinal faced threats and intimidation from the second in command of the Salamá army base after they helped a forensic team exhume the remains of hundreds of victims of army and civil patrol massacres in the area.

U.S. Policy

The United States was active in the so-called Group of Friends, six countries working to support the United Nations-mediated peace process in Guatemala, and as such was deeply involved in diplomatic efforts to get the military and guerrillas to sign a final accord. Certainly these efforts were important contributions to future improvements in the human rights situation. Nonetheless, at times, the desire to keep the army committed to the peace process caused the Clinton administration to remain mute on human rights issues when its leadership would have been constructive. For example, the administration resisted calls from human rights groups to take a position on the establishment of a truth commission, a critical element in the effort to account for the horrendous human rights violations committed during thirty years of armed conflict. The administration refused to publicly condemn the army's disappearance after capture of Efraín Bámaca Velásquez, a guerrilla commander married to U.S. citizen Jennifer Harbury, even after she fasted for thirty-two days demanding an explanation of his fate. Similarly, late in the year, the administration appeared reluctant to support the renewal of the mandate of the U.N. independent expert on human rights, an issue due to be reconsidered in Geneva in early 1995.

The government of Guatemala was eager to end the mandate of the independent expert, who was named by the U.N. Human Rights Commission and was not part of the U.N.'s effort to mediate between the government and the guerrillas. It was, however, precisely that independence from the U.N.'s diplomatic efforts in Guatemala which made the expert's continued work so important. Although Guatemala was expected to have a large body of international monitors stationed in the country at least through 1995, those monitors would inevitably be less free to publicly denounce abuses and structural problems than would the independent expert. Because of the tremendous influence that the United States wields in the U.N. Human Rights Commission, the mandate of the independent expert was unlikely to be renewed without U.S. support.

U.S. military assistance had been suspended since December 1990 because of human rights abuses, but the administration announced in 1994 that approximately \$4.6 million that had been frozen would be transferred to a "peace fund" once a final peace accord was signed, a move Human Rights Watch/Americas supported. Nonetheless, military training continued, as did joint exercises between the U.S. National Guard and the Guatemalan army. Those exercises boosted the image of the Guatemalan army in rural areas where its power remained excessive and where memories of the scorched-earth policies of the 1980s had not faded.

The administration also spent \$36,000 providing military training to the army in fiscal year 1994; it requested \$125,000 for fiscal year 1995. Human Rights Watch/Americas urged the

administration to use this continued assistance to the army, albeit limited to training and exercises, as a vehicle for raising human rights concerns, in particular regarding cases that directly involved the army. For example, we urged the administration to press the army regarding the failure of the military police to act on arrest warrants issued by the judge in the Colotenango case, described above, before agreeing to bring army officers to the U.S. for training in 1994. Although the U.S. Embassy told us that it had raised this case several times with army officials, the army still failed to act on these warrants, which had been issued more than a year previously against civil patrollers who worked directly with the army. Because diplomatic pressure was fruitless, we believe the Clinton administration should publicly condemn the army's obstruction of justice in this case.

In fiscal year 1994, the administration provided the de León Carpio government with \$11.5 in economic support funds, which had been suspended because of human rights violations during the previous government, but were released as a sign of confidence in the new government's first steps. The administration requested \$2 million dollars in this category of assistance in fiscal year 1995.

Meanwhile, a decision by the United States Trade Representative regarding lifting or extending the review of Guatemala's labor rights practices, a review that was mandated as a condition for benefits under the Generalized System of Preferences, was pending as of this writing. Human Rights Watch/Americas urged the administration to extend the review and thereby continue to pressure the government, because of persecution of trade unionists over the last few years, including the police assault on the workers at San Juan del Horizonte described above.

On the positive side, the U.S. Embassy remained accessible to human rights monitors and was quick to intercede privately with the authorities over specific cases of human rights abuse.

The Work of Human Rights Watch/Americas

Human Rights Watch/Americas sought through frequent visits and publications to take advantage of the unique opportunity offered by the inauguration of a former human rights ombudsman as president of Guatemala and by the continued peace negotiations, to encourage the government to address fundamental human rights issues. At the same time, we continued to press for action on individual cases by mobilizing interest in the U.S. Congress and by presenting cases to the Inter-American Commission on Human Rights of the Organization of American States.

In June, we issued a comprehensive report titled *Human Rights in Guatemala During President De León Carpio's First Year*. In September, we released the book in translation in Guatemala City. In November, we led a delegation pressing for an explanation of the fate of U.S. citizen Jennifer Harbury's disappeared husband, Efraín Bámaca Velásquez, described above.

Through the Inter-American Commission on Human Rights (IACHR), we successfully requested the Inter-American Court of Human Rights to issue an injunction requiring the government of Guatemala to protect several human rights activists and witnesses to the murder of Juan Chonay Pablo after they were threatened or physically attacked by civil patrollers in the Colotenango area. With the injunction, the level of intimidation dropped significantly. We also successfully lobbied the IACHR to press the government to protect the life and guarantee the freedom of expression of a Claretian priest, Father Daniel Vogt, who had been falsely accused of

sedition and threatened with death or expulsion from his parish, and to protect the lives of witnesses in the case of Jorge Carpio Nicolle, murdered with three companions, by elements connected to the army in July 1993. In September, we formally asked the commission to submit the notorious "white van case" for trial at the Inter-American Court, a case that we had pressed through the inter-American system for over five years. The case involved the abduction, torture, and murder of university students by Treasury Police agents during the late 1980s.

In May, we publicly called for the release of four peasants who had spent ten months in pre-trial detention, falsely accused of the Carpio murder. Within days of our press release, the peasants were freed; weeks later, a group of civil patrollers and military commissioners who had been implicated in the crime were detained and charged. (They were later granted provisional liberty.)

In June, we wrote to U.S. Trade Representative Mickey Kantor calling for an extension of the review of labor rights practices in Guatemala; that review was extended for an additional three months.

HAITI

Human Rights Developments

Human rights violations in Haiti mounted in 1994 as the military regime increasingly turned to terror tactics in its effort to eliminate all vestiges of support for elected President Jean-Bertrand Aristide. During the first half of the year, as international efforts to restore democracy foundered, the army joined forces with paramilitary thugs in a marathon of gross human rights violations.

In May, the Clinton administration stepped up pressure on the regime through stiffer international sanctions and threatening the use of force. In September, a last-minute agreement with the regime led to the unopposed occupation of Haiti by a U.S.-led multinational force. Within weeks, the coup leaders had stepped down and President Aristide returned on October 15. The U.S. deployment interrupted the regime's campaign of brutality, although violent incidents continued to occur.

Violations previously less common in Haiti emerged as patterns during the first months of the year. These included forced disappearances, rapes, and grotesque murders, crimes calculated to terrorize the population at large. These acts were increasingly directed against the relatives and neighbors of activists.

The army used armed civilian adjuncts, or *attachés*, to crush civil society. The army-backed paramilitary group calling itself the Front for the Advancement and Progress of Haiti (FRAPH) continued to be implicated in countless human rights crimes. Composed of well-armed neo-Duvalierists and *attachés*, FRAPH opened offices around the country and established informer networks in numerous communities, recruiting members through bribery and terror.

On December 27, 1993, FRAPH agents with police protection torched a section of Cité Soleil, a Port-au-Prince shantytown, killing at least thirty-six, and leaving thousands homeless. The massacre became the blueprint for systematic attacks on poor neighborhoods that, though indiscriminate in their choice of victims, comprised a broader strategy to neutralize opposition to the regime.

On April 23, the army and FRAPH massacred at least fifteen residents of Raboteau, a poor neighborhood of Gonaives that had already suffered numerous army incursions. Hundreds of residents fled the area in the aftermath of the massacre. Similar attacks in the vicinity of Le Borgne were reported, although the army prevented journalists and human rights activists from entering the besieged area. While the army typically justified these operations with the pretext that it was looking for weapons or routing suspected guerrillas, there was no evidence that the scores of victims of these assaults were guerrillas or were armed.

The United Nations/Organization of American States International Civilian Mission investigated over two hundred reports of extrajudicial executions from February to July, adding to the estimated death toll of 3,000-4,000 people since the September 1991 coup d'etat. More than fifty-three cases of forced disappearances were also reported. In most of these cases the victims never reappeared or were found dead, while victims found alive reported that they had been held at clandestine detention sites and tortured.

Rape became a frequent tool used with impunity by state agents to repress women activists and women relatives of activists. The U.N./OAS Mission documented sixty-six cases of politically motivated rape in the first half of 1994; other cases were documented by Human Rights Watch, the National Coalition for Haitian Refugees, and the Inter-American Commission on Human Rights. Victims fearing retaliation by their army-backed assailants, effectively were prevented from reporting the attacks, seeking medical attention, or obtaining legal redress.

The army and FRAPH conducted innumerable warrantless arrests of suspected activists whom they routinely tortured, and usually released only after extorting large sums of money from their families. Other detainees were imprisoned for indefinite periods, without charges, trial, or sentence. In Les Cayes, U.S. soldiers occupying the army barracks found approximately forty emaciated prisoners, some bearing marks of torture; one later died.

In May, the army installed former Supreme Court Justice Emile Jonaissant as de facto president, albeit unrecognized by the international community. In August, he declared a state of emergency which redundantly accorded sweeping powers to the military. Throughout the year basic freedoms were suppressed: journalists continued to be threatened and harassed, meetings were banned, and all expressions of opposition quelled.

An estimated 300,000 Haitians were forced into hiding under the coup regime. Soldiers and paramilitary agents frequently attacked the families of activists already in hiding. As one appalling indication of this practice, forty human rights violations against children were documented by the U.N./O.A.S. Mission during the first half of the year.

Thousands of Haitians continued to flee by sea. In May, de facto President Jonaissant ordered the army to deter boat departures, invoking an arguably illegal 1980 decree that prohibited "clandestine voyages." During the following months, hundreds of Haitians preparing to depart by sea were violently assaulted and arrested by the Haitian army.

The army rampage against Haitian civil society was halted by the U.S. intervention. Human rights violations continued, however, in the form of bloody attacks on exultant pro-Aristide demonstrators. Dozens of people were murdered by the Haitian army and FRAPH around the country during the first weeks of the occupation.

The Right To Monitor

To their credit, Haitian human rights monitors continued to document and report human rights violations, often at great personal risk. The murder of a prominent priest, and death threats

received by members of the Haitian Human Rights Platform, signaled a recrudescence in repression that forced many of them into hiding in August.

The U.N./OAS International Civilian Mission returned to Haiti on January 31 for the first time since its 200-strong observer staff was evacuated in October 1993. Seventy mission observers in Port-au-Prince conducted thorough investigations of reported violations. Disappointingly, the United Nations failed to renew the mission's expired mandate, leaving it vulnerable to the whims of the army regime. In March, mission observers visiting Hinche were harassed and chased out of town by well-armed FRAPH members with army cooperation. On July 11, Jonaissant ordered the mission to leave the country, which it did on July 13.

The Inter-American Commission on Human Rights made two trips to Haiti during the year. During its second visit in October, the commission urged the Haitian government to investigate past violations and hold the perpetrators accountable.

The Role of the International Community

The Clinton administration made a sharp reversal in Haiti policy midway through the year, transforming its failed approach of accommodating the military regime into a face-off that resulted in the September intervention. Throughout the year, however, the administration was consistent in failing to promote accountability for human rights violations or to insist on safeguards to prevent their recurrence.

During the first half of 1994, U.S. officials actively promoted a blanket amnesty for human rights violations committed since the coup, in addition to the amnesty for crimes associated with the coup itself already decreed by President Aristide. Even after the U.S.-led occupation of Haiti, the administration consistently failed to oppose a broad amnesty that would deny victims of human rights crimes their internationally guaranteed right to a legal remedy.

Until April, the administration responded to the army's failure to comply with the July 1993 Governors Island accord by pressing President Aristide to accept a power-sharing arrangement with elements of the military regime. During the first months of the year, U.S. Special Envoy Lawrence Pezzullo and U.N. Envoy Dante Caputo backed initiatives which required additional concessions by President Aristide without insisting that the coup leaders comply with their previous commitments.

Consistent with its pursuit of a power-sharing arrangement, the administration downplayed human rights abuses committed by the Haitian armed forces and its supporters, choosing not to condemn publicly serious abuses or to attribute responsibility for them to the military regime. The Haiti entry of the Department of State Country Reports on Human Rights Practices for 1993, released in February 1994, was characterized by serious omissions and errors of content and analysis. But by far the most damning manifestation was an April 12 confidential U.S. Embassy cablegram, signed by Ambassador William Swing, that was leaked to the press in early May. While admitting that violence was high, the embassy's cablegram exhibited more concern that Aristide supporters were using the human rights situation to their political advantage than for the victims of violations: "The Haitian Left manipulates and fabricates human rights abuses as a propaganda tool, wittingly or unwittingly assisted in this effort by human rights NGOs and by the ICM [U.N./OAS International Civilian Mission]." The cablegram provoked an international furor and deepened the schism between the embassy and Haitian and international human rights monitors that would prove difficult to bridge.

During the first half of the year, U.S. Coast Guard cutters continued to interdict and forcibly repatriate Haitians fleeing by sea, according them no prior hearing to determine their eligibility for recognition as refugees. Scores of these repatriates were detained by the Haitian army upon return. In at least two cases, a repatriated Haitian was assaulted in the presence of U.S. officials.

Asylum-seekers were referred to the U.S. Embassy's in-country processing program, which remained chronically unfair in processing claims. With an inexcusable lack of foresight, the U.S. allowed 2,000 approved refugees to become stranded for months in Haiti after the June suspension of commercial flights. In June, an approved refugee in hiding was kidnapped and left for dead by paramilitary attachés.

Clinton reversed his policy of forced repatriation in early May. In June, thousands of fleeing Haitians quickly overwhelmed an ill-conceived shipboard screening program. On July 6, all interdicted Haitians were interred at the U.S. naval base at Guantánamo Bay, Cuba, where they were offered a choice between voluntary repatriation or indefinite detention. While the new policy effectively ended the illegal practice of summary repatriation, it did little to uphold the right of Haitians to seek asylum. By late October, all but 6,000 of a total population of 20,000 detained since July had repatriated.

In April, with international efforts to restore democracy stymied and outrage over U.S. refugee policy and serious human rights violations mounting domestically, President Clinton overhauled his Haiti policy. Special Envoy Lawrence Pezzullo resigned in late April, and was replaced by a former congressman, United Negro College Fund president William Gray, III. The U.S. also successfully sought a U.N. resolution upgrading the oil and arms embargo to a full-fledged trade embargo with stronger enforcement mechanisms. The lists of Haitian military and civilian coup supporters targeted for the freezing of assets and visa denials was expanded and adopted universally under the U.N. resolution.

On July 31, the U.N. Security Council passed Resolution 940, which invoked Chapter VII of the U.N. Charter and allowed the U.S. to form a multinational force "to use all necessary means to facilitate the departure from Haiti of the military leadership." The defiant Haitian military responded by levying charges of treason against President Aristide, while Lt. General Cédras made a show of training civilian militias who would attack the invading troops.

On September 13, the State Department rectified its past indifference by issuing a strong condemnation of human rights abuses in Haiti. Two days later, President Clinton addressed the nation with an emotional description of the regime's brutality as a principal rationale for invading Haiti. Of course, after months of misleading the U.S. public on human rights and tolerating unfounded CIA attacks on Aristide's fitness for the presidency, Clinton had difficulties convincing a skeptical Congress and public that restoring Aristide to Haiti merited risking the lives of U.S. soldiers.

In a last-ditch effort to avoid an unpopular hostile intervention, President Clinton authorized former President Jimmy Carter, Senator Sam Nunn, and General (Retired) Colin Powell to negotiate with the Haitian army's high command. On September 18, with war planes en route to Haiti, the Carter delegation produced an accord, signed by de facto president Emile Jonaissant, under which the top three coup leaders would step down by October 15, the Parliament would pass a general amnesty, and international sanctions would be lifted. U.N. Special Envoy Caputo resigned in protest over the lack of consultation during the last-minute negotiations.

The Carter agreement allowed U.S. army soldiers and marines to enter the "semi-permissive environment" of Haiti on September 19 without firing a single shot. The U.S. troops were then joined by personnel from other countries, constituting a 16,000 strong multinational force. The mission of the U.S.-led force was to create a "secure environment" which would enable the U.S. to turn the operation over to a U.N. peacekeeping force in early 1995.

While the Carter agreement provided for a bloodless entry into Haiti, U.S. forces were left in the position of working in cooperation with the Haitian army. On September 20, American soldiers watched Haitian police beat two men to death, prompting a reevaluation of the rules of engagement that enabled the troops to intervene to protect Haitian lives. On September 24, an altercation between U.S. soldiers and Haitian policemen in Cap Haitien left ten Haitian police dead and a U.S. army interpreter slightly wounded. Thereafter, a significant portion of the Haitian military, including police, simply deserted to avoid contending with the American troops and an accusing population.

Reluctant to become entangled in internal matters such as law enforcement, the Clinton administration unwisely looked to the Haitian army as the only institution capable of maintaining order pending the creation of a new civilian police force. Alarming, in spite of months of preparation, the U.S. plan did not include adequate mechanisms for the meticulous screening of the army to purge it of human rights violators.

An all-military Haitian commission was charged with selecting 3,000 police recruits from its own ranks for an interim force. The army lists were then reviewed by the U.S. Embassy with information it had compiled on known human rights violators. This cursory screening process lacked essential investigative capability, transparency, and Haitian civilian involvement. Those selected received a six-day course from U.S. police trainers, were issued sidearms, and were redeployed under the same army command structure. These soldiers were expected either to qualify for admission into the new police academy or be retained as part of a smaller, reformed army. About 1,000 former refugees from Guantánamo also recruited for the interim force were likely to be unarmed and assigned to administrative duties.

While disarmament would be essential to ending the violence in the short and long term, the U.S. had no plans for the systematic recovery of weapons held by paramilitary groups. Although U.S. officials reported in November that 14,000 weapons had been recovered, many thousands remained in the hands of soldiers, attachés and FRAPH members still at large. The concentration of international troops in major cities and towns, moreover, had left vast rural areas unprotected.

Press reports in October presented credible evidence of Central Intelligence Agency funding of notorious FRAPH leader Emmanuel Constant, which continued until early 1994. After the intervention, the U.S. maintained close contact with Constant, raising concerns about the U.S. commitment to dismantling the most vicious of the paramilitary groups.

Aristide supporters occasionally turned to violence in efforts to seek retribution for the abuses they had suffered at the hands of state agents. More often, however, they detained and disarmed alleged abusers and turned them over to the multi-national forces. The latter usually released them, to the frustration of their accusers. Clearly, one central requirement was U.S. support for lawful mechanisms to provide justice for serious crimes in part to prevent the recurrence of such crimes in the future and in part to prevent the spread of popular retaliatory violence.

On October 15, President Aristide returned to Haiti and was welcomed by jubilant crowds. After naming a new prime minister and government, he faced the enormous tasks of repairing the ravaged national economy, establishing a permanent, civilian police force answerable to civilian authority, and rehabilitating a crippled judiciary. He was also responsible for establishing a climate favorable to holding parliamentary and local government elections, tentatively scheduled for early in 1995. Most importantly, with financial and technical assistance of the international community, he would have to break the cycle of violence that has plagued Haiti for decades by assuring accountability for thousands of crimes committed under the coup regime.

The Work of Human Rights Watch/Americas

Human Rights Watch/Americas continued to work closely with the National Coalition for Haitian Refugees (NCHR) to press the Clinton administration to make accountability for human rights violations a centerpiece of its efforts to restore democracy to Haiti. A principal goal of our work was to articulate why the U.S. should not promote a broad amnesty excusing human rights crimes. A week after the U.S. intervention, a Human Rights Watch and NCHR delegation arrived in Haiti to raise the profile of accountability issues. Our concern about the amnesty then under consideration by the Haitian parliament was consistent with the views of broad sectors of Haitian society, and was reflected in the limited scope of the amnesty eventually passed.

We also advocated for the establishment of a truth commission, not as a substitute for legal justice, but as a mechanism to investigate past abuses and encourage national debate about the appropriate ways to establish justice and foster reconciliation.

We continued to insist on an end to the U.S. policy of forcibly repatriating Haitians fleeing by sea without a refugee status determination. The halting of summary repatriations in June was a partial victory, yet we continued to assert that the camp established at Guantánamo Bay should be only a temporary measure, and that no Haitian should be returned involuntarily without a full and fair hearing of his or her asylum claim.

We published three reports during the year based on a February mission to Haiti, and the ongoing research of Human Rights Watch's Americas division and Women's Rights Project, and the NCHR. Each of these reports documented the mounting repression and devastation of Haitian society during the first half of the year: *Terror Prevails in Haiti: Human Rights Violations and Failed Diplomacy* (Human Rights Watch and the NCHR, April 1994); *Rape in Haiti: A Weapon of Terror* (Human Rights Watch and the NCHR, July 1994); and *Fugitives from Injustice: The Crisis of Internal Displacement in Haiti* (Human Rights Watch, the NCHR and Jesuit Refugee Service/USA, August 1994).

Jean Claude Jean, the Secretary-General of the Haitian Human Rights Platform, a consortium of nine human rights groups, was invited to participate in Human Rights Watch's annual event honoring selected human rights monitors from around the world.

Throughout the year, we urged the administration to incorporate effective mechanisms for meticulous human rights screening of recruits for the interim and permanent police forces. A mission in late October focused on the issue of police and the dismantling of paramilitary structures of repression, both essential to the credibility of elections due to be held in early 1995, and to the success of Haiti's efforts to build a democracy from the ashes of a dictatorship.

HONDURAS

Human Rights Developments

The past year was one of transition for human rights in Honduras. The fair and free election of noted human rights defender, Carlos Roberto Reina, in November 1993 reaffirmed the stability of democratic processes in Honduras. The new administration made several efforts to guarantee constitutional rights and establish civilian authority over the security forces. Despite the Reina government's apparent interest in respecting human rights, violations continued to occur. Although a systematic campaign of abuse was not evident, forced disappearances, extrajudicial executions, and torture persisted. Illegal detention and abuse of authority by the police and military continued to be common practices, and justice remained a scarce commodity in the inefficient and corrupt criminal justice system.

On December 29, 1993, the national commissioner for human rights, Leo Valladares Lanza, presented *The Facts Speak for Themselves: The Preliminary Report on Disappearances* of the National Commissioner for the Protection of Human Rights in Honduras, a landmark report surveying the disappearances of over 180 Hondurans and foreigners during the 1980s. The Valladares report was the first government acknowledgement of official responsibility for the pattern of disappearances of the previous decade. It cited members of the Honduran military and Nicaraguan insurgents operating in Honduras as responsible for the disappearances, and noted that Argentine and U.S. intelligence units were instrumental in training those responsible. The report also included a controversial military document that named the current chief of the armed forces, General Luis Alonzo Discua, as the commander in 1984 of Battalion 3-16, the infamous army intelligence division condemned by the Inter-American Court on Human Rights for its heinous acts. The Reina government promised to prosecute those responsible, assigning investigation of these cases to the Public Ministry's newly created special prosecutor for human rights.

On June 11, the new administration moved to establish civilian control over the security forces by dissolving the military-run National Investigations Directorate (DNI), notorious for its human rights abuses, and replacing it with the civilian Department of Criminal Investigation (DIC). The DIC's lack of economic resources and qualified recruits, however, delayed its functioning until the end of 1994, leaving the country without an investigative police unit. Most former DNI detectives, including many implicated in human rights abuses, were incorporated directly into the main police force (Fuerzas de Seguridad Publica, FUSEP), which remained under military control. Although initial steps were also taken to transfer the merchant marine, immigration service, and anti-narcotics operations to civilian authority, little attention was devoted to removing FUSEP from military command and creating a professional, civilian force.

The armed forces not only retained control of the police, but also secured a sizable budget increase for 1995 and continued to promote former members of Battalion 3-16 implicated in disappearances and torture, despite public protest.

The Reina administration gained a moral victory with Congress's initial approval in May to suspend the military's brutal practice of forced recruitment, replacing obligatory service with a "voluntary, educational, social, humane, and democratic" corps. Recruitment had not yet been

abolished by year's end, however, pending Congressional ratification in 1995. Meanwhile, the military announced its plans to conduct another nationwide campaign to conscript young men in October 1994, which most expected to be abusive.

Self-proclaimed death squads reappeared in 1994 for the first time in recent years. As common crime increased, FUSEP played an increasingly minor role in combatting delinquency, in what some saw as a deliberate attempt to destabilize the Reina administration. In this context, vigilante groups, such as the self-styled Civilian Squadron to Execute Thieves, claimed responsibility for the assassinations of several suspected criminals.

A clandestine cemetery containing six bodies was discovered in Jacaleapa, El Paraíso, in March, corroborating the Valladares report's conclusions on the disappearances of the 1980s and the existence of makeshift graves. The government, at the insistence of human rights organizations, invited foreign forensic specialists to conduct the exhumation. Although initial speculation by Committee of Families of the Detained and Disappeared in Honduras (COFADEH) and others that the bodies corresponded to victims of the military's systematic campaign of disappearances during the 1980s proved incorrect, the bodies bore signs of torture and summary execution. General Discua admitted the existence of additional clandestine cemeteries along the Nicaraguan border, claiming that the victims were casualties of the contra war. Another cemetery was discovered in July in El Paraíso, Copán, near the Guatemala border. At the time of this report the exhumation process had been interrupted awaiting the arrival of international forensic experts.

The weakness, inefficiency, and corruption inherent in the criminal justice system remained the largest obstacles to establishing the rule of law in Honduras. The Honduran government in December 1993 created the Public Ministry under the guidance of a civilian attorney general and a corps of special prosecutors in the areas of human rights, consumers' rights, women's rights, children's rights, ethnic affairs, the environment, and anti-corruption efforts. The Public Ministry, however, remained in the organizational stages almost a year after its establishment, lacking economic resources and qualified lawyers to staff its offices. Rather than diminishing, the judicial backlog grew as the National Human Rights Commission and other human rights groups referred cases to the Public Ministry for investigation and prosecution.

Judicial reform was attempted including the replacement of incompetent, untrained judges (*jueces de paz*) with those educated in the law (*jueces de letras*); the removal of corrupt judges; and the depoliticization of the judiciary. Little progress, however, was actually made during the year.

Likewise, a commission of Supreme Court justices, members of congress, and attorneys from the Public Ministry undertook an overhaul of the antiquated Code of Criminal Procedure. A final draft of the reform, however, was unlikely to be presented to Congress for debate until the beginning of 1995, at the earliest. Human Rights Watch/Americas pressed for completion and ratification of the new legal code to improve the currently inefficient criminal justice system.

One of the most pervasive violations of basic human rights in Honduras was the blatant denial of justice for the thousands of prisoners trapped in the inefficient and unjust Honduran penal system. Of the more than 6,100 prisoners throughout the country, fewer than 700, or 12 percent, had been sentenced. Additionally, hundreds of prisoners had not even been registered or otherwise officially recognized.

Two exceptionally appalling cases demonstrated the deplorable inefficiency of the Honduran judicial system during 1994. Gustavo Adolfo Sierra, arrested in 1975 for theft and

acquitted six months after his detention, spent seventeen years in prison because his release order (carta de libertad) was never processed. A government commission "discovered" him in April 1994 and subsequently secured his release. Hector Antonio Mendoza spent four years in the Central Penitentiary awaiting trial. Once his case was heard, he was deemed innocent of all charges. In the interim, Mendoza contracted the AIDS virus in prison.

The past year also saw developments in earlier cases of human rights violations. On February 2, 1994, the Inter-American Commission on Human Rights condemned Honduras for the 1988 double murder of Miguel Angel Pavón Salazar and Moisés Landaverde Recarte. (Pavón provided crucial testimony to the Inter-American Court on Human Rights against Honduras in the reknowned Angel Manfredo Velásquez and Saúl Godínez trials.) The commission instructed the Honduran government to conduct a thorough and impartial investigation to resolve the case, which had languished in a San Pedro Sula court for five years. More than five years after its condemnation by the Inter-American Court in the Velásquez and Godínez cases, the Honduran government had still not paid the full indemnizations owed the victims' families.

The 1993 headline trial of the rape and murder of Riccy Mabel Martínez, in which Colonel Angel Castillo Maradiaga became the first high-ranking officer in Honduras convicted of human rights abuses, was revisited in 1994. On April 4, an appeals court, citing irregularities and "procedural errors," annulled Castillo Maradiaga's sixteen-year sentence. After reviewing the evidence and correcting inconsistencies, the lower court reconfirmed the original sentence. The case returned to the appeals court for a final review.

FUSEP was implicated in numerous cases of human rights violations in 1994, underscoring the need for a professionally trained, independent police force. The case of Nicaraguan Juan Pablo Laguna Cruz demonstrated that forced disappearance by security forces was not exclusively an historical phenomenon. On December 11, 1993, seven FUSEP and DNI agents kidnapped and murdered Laguna Cruz, who was carrying U.S. \$15,900 in transit to El Salvador, in El Paraíso in southern Honduras. Following an intensive investigation carried out by the Committee for the Defense of Human Rights in Honduras (CODEH) that made their continued denial implausible, the police, on January 19, 1994, finally admitted complicity in the robbery and murder.

In another disturbing incident in Puerto Lempira, Gracias a Dios, FUSEP agents detained Fernando Flores Salgado on August 11, 1994, for possession of a firearm. The agents then proceeded to torture him for three days, disfiguring his face with acid and attempting to drown him in a river. The local district attorney managed to free Salgado and presented the case before a criminal court in Puerto Lempira, where it remained pending at the time of this writing.

The torture of minors, and their illegal detention with adults, continued throughout 1994. In November 1993, five DNI agents illegally detained and mistreated three minors — Denis David Osorto, Edwin Bonilla, and Iván Antonio Ponce — for eight days at DNI headquarters in Tegucigalpa. On July 10, 1994, eight members of FUSEP illegally imprisoned the minor Mario René Enamorado Lara with adults at the First Squadron police station in Tegucigalpa where he was beaten by both the police and other prisoners. In one week in October 1994, FUSEP illegally detained and tortured at least twelve minors, as young as ten years old, jailing them with adults for periods exceeding twenty-four hours.

The extrajudicial execution of two former activists in late 1993 suggested the resurgence of political assassinations aimed at members of the Honduran left. Roger David Torres Vásquez, alias "Raulito," an ex-guerrilla with the Cinchonero Popular Liberation Movement, was shot six

times at point-blank range by an unidentified assailant in a bus in San Pedro Sula. Rigoberto Quezada Figueroa, a former member of the Honduran Communist Party, was shot eleven times by two unidentified gunmen while stopped at a traffic light in a San Pedro intersection. In both cases, the gunmen took no possessions, discounting robbery as a motive.

Attacks on the indigenous population continued in 1994, with the murders in February and May of Dionisio Martínez and Rutilio Matute, eyewitnesses in the 1991 murder of Xicaque leader, Vicente Matute. In July over 3,000 members of the Honduran indigenous communities marched on the capital Tegucigalpa to demand respect for their rights. Ethnic leaders signed an historic accord with President Reina which promised among other points the investigation of the murders of twenty-three indigenous leaders. As of this writing, however, investigations had stalled and no one had been arrested for the Matute and Martínez murders, nor any of the previous cases.

The Right to Monitor

Human rights organizations in Honduras were permitted to organize legally and operate freely. The continued functioning and expansion of the official National Commission for Human Rights demonstrated the government's interest in human rights protection. Members from various human rights groups, however, suffered intimidation in 1993 and 1994. Beginning in October 1993, National Commissioner for Human Rights Leo Valladares Lanza, and his assistant, Jorge Valladares Valladares (no relation), received death threats on numerous occasions in connection with their work on *The Facts Speak for Themselves*. COFADEH was also targeted for intimidation. Death threats were left in the group's offices, its members were surreptitiously followed, and an unidentified man threatened Berta Oliva de Nativí, its director, and her children.

U.S. Policy

After the end of hostilities in the region in 1990-91, U.S. policy in Honduras shifted dramatically. While U.S. policy in the 1980s focused on bolstering the government through massive military aid, despite its flagrant human rights violations, policy in the 1990s sought to strengthen existing democratic institutions. Current goals include subordination of the military and police to civilian authority and promotion of trade and anti-narcotics programs. Unfortunately, in 1994 the Clinton administration was unable or unwilling to assign the resources necessary to achieve these goals.

Honduras, once a major aid recipient, had not received military assistance since 1992 and for fiscal year 1995, the only grant it received was \$325,000 for military training. The country, however, has \$15.2 million in residual military aid from previous fiscal years, of which \$5.3 million remained unallocated, restricted by U.S. legislation pending payment of arrears to the International Monetary Fund and other foreign lending institutions. Human Rights Watch/Americas recommended that the Clinton administration re-channel this military aid to the professionalization of the new Directorate of Civilian Investigation (DIC) and other democratic reforms.

Though largely accurate with regard to human rights abuses committed by Honduran officials, the State Department's Country Report on Human Rights Practices for 1993 for Honduras had little on policy and grossly denied any implicit U.S. involvement in the disappearances of the 1980s. The report alleged that Dr. Valladares "included in his report [*The Facts Speak for Themselves*] unsubstantiated material from news articles from the 1980's which claimed that U.S. advisers...may have known of and tolerated the disappearances." This comment

was particularly reprehensible given the wealth of available information, including statements by both Honduran and U.S. officials, documenting the close relationship between the U.S. and Battalion 3-16.

The U.S. Agency for International Development worked closely with the Supreme Court to train and replace incompetent judges and the Inspector General's office to help eliminate corruption. The Immigration and Naturalization Service and Drug Enforcement Agency also offered to advise and assist with the transfer of immigration and anti-narcotics operations to civilian authority. Perhaps most important, in conjunction with other U.S. government agencies, the International Criminal Investigative Training and Assistance Program (ICITAP), administered by the Department of Justice, conducted a series of three-week training sessions for the new DIC detectives.

The U.S. failed to support the Reina administration's reforms at a critical juncture. In addition to the ICITAP seminars, the Honduran government had requested further training and assistance for the new DIC. Had the State Department provided sufficient funding for the DIC it could have helped Honduras seize the unprecedented opportunity to replace the corrupt and abusive DNI with a professional unit under civilian authority.

Likewise, the administration dragged its feet on accountability. In December 1993, Human Rights Commissioner Valladares called on the Clinton administration to declassify documents that could help Honduras identify and prosecute those responsible for the disappearances reported in *The Facts Speak for Themselves*. Despite assurances that it would comply with Valladares's request, the administration delayed declassification of the documents, claiming that the financial burden would be too great.

The Work of Human Rights Watch/Americas

Human Rights Watch/Americas sought to further the reform efforts of the current administration, while protesting continuing human rights abuses. In conjunction with the Center for Justice and International Law (CEJIL), Human Rights Watch/Americas continued to press the Honduran government to comply with the Inter-American Court on Human Rights's ruling that it pay the full indemnization owed the families of Angel Manfredo Velásquez and Saúl Godínez Cruz.

In July, Human Rights Watch/Americas released the English translation of the Valladares report, *The Facts Speak for Themselves*, published jointly with CEJIL. Human Rights Watch/Americas, in conjunction with Valladares, lobbied the Clinton administration to declassify documents that could help Honduras identify and prosecute those responsible for the disappearances of the 1980s. In addition, a Human Rights Watch/Americas researcher conducted a fact-finding mission to Honduras in September to monitor recent efforts to improve human rights in Honduras.

MEXICO

Human Rights Developments

In 1994, political killings, police abuse, interference with freedom of expression and association, and the widespread impunity of those responsible for these abuses continued to defeat government efforts to improve Mexico's human rights image. In his final year of office, President Carlos Salinas de Gortari was faced with an Indian rebellion in the southern state of Chiapas and the murder of his hand-picked candidate for the presidential succession.

Ordered at first to suppress the rebellion by force, the Mexican army was responsible for serious human rights violations, including extrajudicial executions and torture. The rebel force, the Zapatista Army of National Liberation (EZLN), occupied four towns in the Los Altos region in a surprise action on New Year's Day which coincided with Mexico's entry into the North American Free Trade Agreement (NAFTA). The EZLN issued a communiqué referring to NAFTA as a "death certificate for the Indian peoples of Mexico" and calling for President Salinas's immediate resignation. After twelve days of heavy fighting in which more than 200 people were killed, President Salinas abruptly reversed his policy and declared a unilateral cease-fire. From February 21 to March 2 his specially appointed envoy, Manuel Camacho Solís, held peace negotiations with EZLN leaders in the cathedral of San Cristóbal de las Casas. The talks resulted in the adoption of a thirty-two point package of reform measures which the EZLN presented to their communities; but on June 10, the EZLN announced that the communities had rejected the agreement, refusing to accept the government's proposals for national political reform. As of mid-November, peace negotiations had not resumed, but both the EZLN and the government had expressed interest in maintaining a dialogue.

Despite promises by President Salinas that human rights would be respected, efforts by the Federal Attorney General's office (PGR), and the military prosecutor to investigate alleged human rights abuses by the Mexican army during the twelve-day conflict were woefully insufficient. As of mid-November, no army personnel had been charged with offenses related to the suppression of the uprising. In several cases, investigations into possible army abuses had been closed and the army exonerated without adequate grounds.

A case in point concerned the summary execution on January 2 of five men, believed to be Zapatista soldiers, in the marketplace of Ocosingo. PGR scientists concluded from autopsy findings of four bodies that the victims had died at different times and that three of them had been killed with weapons which the Mexican army did not possess. Later, investigations carried out by forensic scientists from the government's National Human Rights Commission (CNDH) and the nongovernmental organization Physicians for Human Rights revealed that the PGR had autopsied the wrong bodies. The CNDH called on the Ministry of Defense and the PGR to re-investigate the deaths as probable summary executions. However, on April 7, the PGR announced that it had excluded the army from its inquiries, citing information that was both inconclusive and contradictory.

Although no state of emergency was in force limiting individual guarantees, the Mexican army detained scores of suspected rebel sympathizers, virtually all of them Indians, without warrant, held them in excess of the forty-eight-hour period permitted under the constitution, and interrogated them unlawfully on army premises. The ill-treatment to which detainees were subjected was corroborated by the CNDH in a bulletin published in February, and in June the agency said it had received seventy-six denunciations of torture.

Few, if any, of the seventy civilians charged under state or federal law in connection with

the conflict appeared to have been guilty of participating in the uprising. Twenty-eight federal prisoners interviewed by Human Rights Watch/Americas on February 13 denied being Zapatistas and said they had been beaten and threatened into signing statements. On March 29 the twenty-one prisoners still in detention began a hunger strike to protest their innocence. Sixteen of them were released on April 18, after the CNDH sent recommendations to the PGR requesting that the charges against them be withdrawn.

President Salinas gave the CNDH a prominent role in monitoring respect for human rights during the conflict. By June 6, when the commission released its annual report, it had made no specific recommendations concerning extrajudicial executions or the abuse of force during the conflict. The sparse and selective information published by the CNDH only heightened a sense that it had passively acquiesced in attempts by the army and the PGR to cover up the abuses.

The CNDH's inability to enforce its recommendations also remained a major difficulty. In January, the CNDH published a report with the results of its investigation of 140 cases of human rights violations allegedly committed against members of the center-left opposition party, the Party of the Democratic Revolution (PRD) under the Salinas presidency. Recommendations were made in sixty-seven cases, including fifty-seven killings. Of these, the CNDH itself acknowledged that only eight recommendations had been implemented completely. The CNDH's effectiveness was further hampered by restrictions on its mandate, which barred it from investigating cases under court jurisdiction. According to figures published by the PRD in June, of 246 killings of PRD members between 1988 and 1994, no arrests had been made in three-fourths of the cases, either because they have been excluded from the CNDH's mandate or because CNDH recommendations had been ignored.

While President Salinas refused to negotiate global political issues directly with the EZLN, the rebel army's demands for political reforms, widely supported across the nation, galvanized new negotiations aimed at improving the conditions in which the August 21 presidential elections would be held. Within a month of the outbreak, President Salinas appointed Jorge Carpizo, a noted reformer, as minister of government and titular president of the Federal Electoral Institute (IFE) and signed an electoral reform pact with seven opposition parties. The pact included measures for the appointment of electoral authorities by consensus between the political parties; the compilation of a new electoral registration roll subject to external audits; the issuing of photo-identity voting cards; equal access to media campaign coverage; a prohibition on the use of public resources for electioneering purposes; lower limits on campaign spending; and the appointment of a special prosecutor to investigate electoral crimes.

The elections, which were monitored for the first time ever by almost 1,000 international "visitors" as well as a plethora of Mexican nongovernmental organizations, brought the ruling Revolutionary Institutional Party (PRI) back for another six-year term with a 49 percent majority. Most observers agreed that the contest, with a record 78 percent turnout, was more competitive than earlier elections, despite being marred by numerous irregularities. In a sample of 1,758 polling stations conducted by the Civic Alliance, the largest nonpartisan monitoring group, the secrecy of the ballot was violated in 34 percent of the stations, and in 65 percent the names of some accredited voters were omitted from voter lists. Thousands of these citizens were unable to vote due to an insufficient number of ballots in the special booths installed for out-of-town voters, which were the only ones to which they had access. The Civic Alliance also reported widespread pressure on voters and misuse of the indelible ink used to prevent multiple voting.

Apart from these election-day abuses, the heavy electronic media bias in favor of the PRI and the ruling party's enormous superiority in campaign resources were enormous obstacles to genuinely fair electoral competition. Despite these evident shortcomings, the elections were not followed by the widespread violence that had been widely predicted.

Assassinations, however, continued to blight Mexican political life. In contrast to previous years, the victims were not only militants of left-wing opposition parties, rural organizers, and social activists but prominent reformists within the ranks of the ruling PRI. They included PRI presidential candidate Luis Donaldo Colosio Murillo, who was murdered on March 23 at the close of a campaign rally in Tijuana, and the party's secretary general, José Francisco Ruiz Massieu, who was shot dead in his car in Mexico City on September 28.

Colosio's assassin, Mario Aburto Martínez, was convicted of murder and sentenced to forty-two years in prison, eight years less than the maximum penalty under Mexican law. At one point prior to the October verdict, Miguel Montes, the special prosecutor responsible for the case, declared that there had been a conspiracy to kill Colosio. When he reversed himself and then resigned in July, his conclusion that Aburto had acted alone was widely disbelieved. Public faith in the official view of the killing was further undermined by the fact that the trial proceedings took place in a federal prison, out of public view. Despite the conviction, investigations reportedly continued.

In the Ruiz Massieu case, the PGR accused a PRI member of the Chamber of Deputies, Manuel Muñoz Rocha, of contracting the killers. The PGR cited testimony from one of Muñoz Rocha's co-conspirators to the effect that Ruiz Massieu was on a list of top officials "condemned to death for supporting reforms to modernize the country politically." Muñoz Rocha, whose whereabouts were unknown, later contacted officials of the PGR to inform them that he had acted under threat from individuals linked to a powerful drug cartel. Links between drug traffickers and government officials had already been denounced in September by a former adviser to Jorge Carpizo, Eduardo Valle, who said in testimony to a multi-party commission in Washington that members of the Gulf Cartel had infiltrated Colosio's security team prior to his assassination.

Numerous incidents of violence and intimidation against PRD militants were reported before and after the elections. On July 29, for example, Antonio Zúñiga Díaz, a Federal District police officer assigned to protect PRD senator Porfirio Muñoz Ledo, was abducted by two men at gunpoint, beaten, and threatened. Muñoz's son Alejandro narrowly avoided the same fate, and the family's home was repeatedly broken into.

The Right to Monitor

The extensive network of Mexican nongovernmental human rights groups played a key monitoring role both in Chiapas and during the elections. While there were few reports of physical attacks on monitors, subtle and not-so-subtle tactics of intimidation and discreditation were extremely common. The Mexican National Network of Civil Organizations documented eighty-six illegal acts against nongovernmental organizations (NGOs) from April to July, ranging from arbitrary detention and surveillance to illegal searches of homes and offices.

Sections of the PRI-controlled press resorted frequently to scandal-mongering reports whose obvious purpose was to discredit church-based human rights and indigenous activist groups by falsely linking them with the Zapatistas. On April 21 the Mexican Jesuits filed a lawsuit against the daily newspaper Summa, which had claimed to have leaked intelligence files

showing EZLN spokesman Marcos, who has never revealed his face in public, to be a Jesuit priest named Father Jerónimo Hernández. When the Jesuits produced proof to the contrary, the newspaper refused to publish a retraction, but countered with a different story: Marcos was in fact Father Eugenio Maurer, a sixty-six year-old Jesuit who walked with the help of a cane. On May 11, as defendants in the lawsuit were testifying before the Public Ministry, the Jesuits' provincial curia in Mexico City received three telephoned bomb threats. A month later, the Attorney General's office threw out the charges against Summa. The newspaper was owned by Televisa, the powerful television consortium known to be close to the PRI. The government remained silent on the accusations despite the reference to official intelligence documents. Similar articles in the magazines *Impacto* and *Novedades*, also citing confidential government information, accused a total of nineteen Chiapas human rights workers, journalists, and local NGO members of having links with the EZLN.

Bishop Samuel Ruiz of San Cristóbal de las Casas, who attended the peace talks as an observer, received frequent death threats during the year, and in June social activists belonging to several nongovernmental groups were subjected to surveillance and harassment by undercover military agents. The attacks included a raid by twenty armed men dressed in black on the Jesuit-run social assistance center for children in Palenque, which was run by Father Jerónimo Hernández.

Intimidation also extended to media workers considered sympathetic to the EZLN or the political opposition. The independent video producer, Canal 6 de Julio, set up in 1988 to provide an alternative to the regular television news fare, had its office broken into three times in January, shortly after it had made a documentary on the Chiapas conflict.

In June there were signs that the Ministry of Government was tightening up on immigration restrictions in order to remove foreign observers from the conflict area in Chiapas. A Peruvian doctor and a French nurse from *Médecins du Monde*, who had been volunteers at a church clinic in Altamirano, were expelled on a visa technicality, and long delays were being reported whenever foreign visitors had to pass military checkpoints.

U.S. Policy

The Clinton administration was caught off guard by the rebellion in Chiapas. Throughout the conflict, administration officials went out of their way to avoid criticizing the Mexican government, ignoring reports of the Mexican army's involvement in human rights violations. When questioned by the press on these abuses, State Department spokespersons stated for nearly a month that the U.S. Embassy in Mexico had no independent way of confirming the abuses, so was unable to condemn them. When President Salinas changed course and restrained his forces, U.S. officials praised the decision while continuing to avoid acknowledging human rights violations.

On January 25, Assistant Secretary of State Alexander Watson stated that the U.S. had "raised human rights at the very highest level from the outset of the crisis," but explained that "[the inquiry] was preemptive. It was not reacting to information." Despite the Mexican government's record of impunity, Watson stated that he had no reason to think the Mexican government would not investigate all of the allegations. Assistant Secretary of State for Democracy, Human Rights, and Labor John Shattuck was the first U.S. official to confirm that abuses had taken place, stating at a Congressional hearing on February 2 that the allegations, "must be fully and thoroughly investigated so that those responsible can be brought to justice

under Mexican law." After that statement, however, Shattuck's department did not make any public statements criticizing the inadequate prosecution efforts undertaken by the government against members of the armed forces who committed abuses during the uprising.

The Clinton administration gave similar unqualified support to the Mexican government's electoral reform measures without publicly expressing any reservations about their adequacy or effectiveness. In addition to praising the reforms, the administration also urged members of Congress not to express reservations. For example, in a July 11, 1994 letter, the State Department's assistant secretary for legislative affairs urged members of Congress not to proceed with a draft resolution that merely "expressed the hope" that "the efforts of the government of Mexico, the major political parties and concerned members of civic society to reform the electoral process will be successful." The State Department argued that the resolution might be counterproductive by offending nationalist sensitivities.

The National Democratic Institute for International Affairs (NDI) and the International Republican Institute (IRI), both funded by the U.S. government, sent a ninety-person international delegation to observe the elections and issued a preliminary statement on their findings, which praised the elections but also contained several serious criticisms. Given the numerous doubts that were raised by national observers and international visitors, including these U.S. delegations, Human Rights Watch/Americas finds it unfortunate that the Clinton administration failed to express any of these concerns in public.

In one positive development, U.S. Ambassador to the Organization of American States (OAS) Harriet Babbitt testified in a July Congressional hearing that fraudulent elections in an OAS member state might constitute a sufficient "interruption" in the state's democratic political process to justify calling a meeting of the OAS Permanent Council, pursuant to OAS Resolution 1080. She later told reporters that this interpretation of Resolution 1080 would not exclude Mexico. Although Babbitt did not specifically refer to the Mexican elections in her written statement, her proposal for OAS review of any future elections marred by fraud would be invaluable.

Mexico received a relatively small amount of security assistance from the U.S., but it did purchase large amounts of U.S. weaponry through governmental and commercial channels. In fiscal year 1994, Mexico acquired an estimated \$110 million in arms purchases from private U.S. companies and the government, and its fiscal year 1995 request was higher than for any other Latin American country. The U.S. continued to make or approve arms sales to Mexico, without considering the human rights situation, as required by law.

The Mexican government purchased millions of dollars worth of riot-control vehicles from U.S.-based manufacturers, presumably for post-election protest control, it was reported in April. The armored vehicles purchased featured water cannons and gun ports, with optional features such as side tanks for dyes that could be used to mark protest participants, remote-controlled television systems with recording capabilities, and a hydraulic barricade remover. When asked about the anti-riot equipment in early May, both Assistant Secretary for Inter-American Affairs Alexander Watson and U.S. Ambassador to Mexico James Jones said they had no information about the sales. Although the State Department later advised Human Rights Watch that export licenses were not required from their agency or from the Commerce Department in this case, we believe that administration knowledge of the sales provided an appropriate opportunity to encourage the Mexican government to use the equipment with restraint and in a manner consistent with the rights of peaceful demonstrators.

During the year, labor rights organizations attempted to utilize mechanisms in NAFTA's labor side agreement—one of the agreements negotiated in response to concerns raised by union leaders and others about the effects of the free trade accord—by filing complaints of alleged workers' rights violations in Mexico with the U.S. Department of Labor. After accepting two of the complaints for review, over the protests of Mexican officials and the corporations involved, the Department of Labor refused to pursue the complaints further in October. According to press reports, in defending its determination that the Mexican government had not denied workers the right to organize, the Labor Department conceded that, "The timing of the dismissals appears to coincide with organizing drives at the two plants." The Labor Secretary's decision to halt its inquiry led many rights activists and union leaders to repeat concerns about the weakness of the labor rights complaint mechanism and to question the Clinton administration's commitment to upholding basic labor rights standards. A third complaint was accepted for review and was pending as of mid-November.

The Work of Human Rights Watch/Americas

For the first six months of the year Human Rights Watch/Americas devoted its resources to the human rights crisis in Chiapas. While supporting President Salinas's pacification efforts, our aim was to promote and publicize the quest for justice and accountability on behalf of the victims of human rights violations and their families. In February we published a report on the conflict, Mexico: The New Year's Rebellion, Violations of Human Rights and Humanitarian Law during the Armed Revolt in Chiapas, Mexico. On February 2, Human Rights Watch/Americas' Executive Director testified on the rebellion before the Congressional House Subcommittee on Western Hemisphere Affairs, urging members to push the Mexican government for a full investigation of human rights violations.

Human Rights Watch/Americas worked closely with Physicians for Human Rights (PHR) in undertaking a careful documentation of human rights violations committed by the Mexican army. The results of this investigation were published in December in a joint report titled Mexico: Waiting for Justice in Chiapas. This report criticized the investigations conducted by the PGR and the CNDH into extrajudicial executions and arbitrary killings committed by the army and included the results of field investigations conducted by PHR's own forensic anthropologists. It showed, alarmingly, that not a single killing or case of torture had been satisfactorily investigated.

In June a Human Rights Watch/Americas delegation visited Mexico City, and the states of Michoacán, Oaxaca, and Chiapas, to look into violations of political rights in the context of the election campaign. Our report Mexico at the Cross Roads, Political Rights and the 1994 Presidential and Congressional Elections, released a week before the election, concluded that despite recent electoral reforms political rights were still not fully or equally exercised in Mexico, and called for the government to introduce additional election-day safeguards, for the special prosecutor for electoral crimes to ensure impartiality in his investigations, and for the independence and security of human rights and election monitors to be strictly safeguarded.

PERU

Human Rights Developments

Although professing to uphold human rights, in practice the Peruvian government continued to treat the issue as well as its proponents with disdain. Among the human rights violations Human Rights Watch/Americas continued to monitor in 1994 were extrajudicial executions, disappearance, rape, torture, and a glaring lack of due process in the special courts set up to convict accused insurgents and drug traffickers. For its part, the Communist Party of Peru—the Shining Path—continued to murder opponents, bomb civilian targets, and threaten those it deemed enemies to its political goals. Although political violence decreased markedly since the beginning of the Shining Path's campaign to seize power in 1980, groups that monitor key indicators continued to register disturbing levels of violence perpetrated by both sides.

Since the April 5, 1992 "self-coup" by which elected president Alberto Fujimori took on dictatorial powers, the structure that encouraged and protected egregious abuses in the 1980s not only remained in place but was significantly reinforced. The government's power continued to rest on a military with unlimited license and a civilian bureaucracy willing to cover up military crimes. While the government attempted to modernize economic and trade policies, on human rights it remained entrenched in a model that considered these rights dispensable.

In 1994, recorded disappearances decreased in comparison to previous years, totalling eight for the first eight months of the year. This dramatic fall from last year's total of 168 was due largely to international pressure and clearly indicated the extent of government control over disappearances. None of the more than 4,000 registered disappearances were being seriously investigated, nor were the perpetrators being prosecuted. Over one-third of the country remained under emergency legislation and the de facto control of the military, which continued to violate human rights with impunity.

Military impunity was underscored in April when the army mounted a large-scale operation near Tingo María, Huánuco. In the preceding months, the prosecutor for human rights in the departments of Huánuco and Pasco had documented a series of disappearances, rapes, beatings, and threats by soldiers against the civilian population. After "Operation Aries" concluded, human rights groups documented extrajudicial executions, torture, rape, and the wanton destruction of homes by the army. Thirty-one of the thirty-seven extrajudicial executions recorded between January and October occurred during Operation Aries, according to the Coordinadora Nacional de Derechos Humanos.

Although the army claimed that they targeted Shining Path weapons caches, villagers and journalists who visited the area say that houses were attacked indiscriminately. The dead included the elderly and a two-year-old child. According to a formal report, fifteen soldiers gang-raped and killed a thirteen-year-old girl named Lourdes on April 8. The woman who testified about this incident also told the Coordinadora that soldiers knifed her husband to death and beheaded him. She said six others were also murdered. The woman testified that she was gang-raped but that her life was spared because the troops needed a guide.

Far from taking these reports seriously, the government moved to suppress them by naming as special prosecutor a retired soldier, who failed to visit key sites or direct adequate autopsies. Repeatedly, military authorities accused the International Committee of the Red Cross, denied access to the area, of collaborating with guerrillas. For its part, the pro-government majority in the Democratic Constituent Congress (CCD) passed a motion condemning the Coordinadora for "distributing negative reports about the behavior of the Armed Forces."

In 1994, civil patrols allied with the army continued to be implicated in killings. On February 12, friends of Hugo Zapata Gutiérrez, a teacher near Ulcumayo, Junín, who had been detained by patrol members at his home two months earlier, found his body with other burned remains in a gorge two hours from the village. According to one of the five patrol members accused of killing Zapata, they murdered suspected subversives on orders from the local base commander.

Perhaps the best-known example of government defiance of human rights was the continued cover-up in the "La Cantuta" case, which involved the disappearance of nine students and a professor from the Enrique Guzmán y Valle (La Cantuta) University in July 1992. After the bodies of some of the victims were discovered outside Lima in November 1993, pressure mounted to arrest the military and intelligence officers believed to have planned and carried out the murders. Although the exhumation was a travesty of scientific method, family members managed to identify some remains through clothing, dental work, and belongings, including a set of keys.

Once the bodies were identified, the military and its supporters abruptly stopped denying military involvement and instead rushed to pursue a case in military court. Threatened with a challenge from the civilian court already investigating the case, in February the government pushed through Decree Law 26291. The "Cantuta Law" changed the procedure for determining civilian or military jurisdiction, allowing the Supreme Court's simple majority of pro-Fujimori appointees to vote to send the case to a secret military tribunal. While historically the military has won in such jurisdictional disputes, the new law provided fail-safe insurance.

After a four-day procedure, nine of the eleven men accused were given sentences of between one and twenty years in military prison. Ranking officers believed to have planned and ordered the killings, however, were never charged and remained on active duty. According to subsequent press reports, the convicts, dubbed "Los Cantutos," were enjoying special privileges, including color television, a bar, daily family visits, regular salary payments, cellular telephones, and free run of the prison tennis and indoor soccer courts. The La Cantuta victims' family members enjoyed no such luxuries. After pressing for the return of their loved ones' remains, they were given ragged evaporated milk and computer boxes containing human bones, dirt, and trash.

The Cantuta Law, passed easily by the CCD's pro-Fujimori majority, revealed the lengths to which the highest levels of the Peruvian government would go, in defiance of international condemnation, to protect those implicated in abuses, so long as its victims were labeled enemies of the state. In protest, the Coordinadora withdrew from a dialogue with Peruvian government officials initiated at the request of the U.S. government.

The law also marked the third time that the CCD voted in flagrant violation of the constitution only four months after that document was approved by referendum. Because the judiciary remained weakened by the 1992 coup, which included mass firings of judges and the dissolution of the Constitutional Guarantees Tribunal, there was no legal body with the power to challenge laws that violated the constitution, and open manipulation by the executive continued to be the rule.

Fujimori's manipulation of the judicial system, indeed, made it a principal tool in government repression. Though the number of disappearances fell in 1994, for example, the number of arbitrary detentions skyrocketed. In the twenty months after the terrorism and treason laws were implemented in mid-1992, 7,667 people were arrested. Of that number, 1,219

individuals were sentenced by secret, or "faceless," military and civilian courts, more than double the number sentenced for similar crimes over the previous eleven years. Military courts convicted 95 percent of the treason cases brought before them, an indication that in these courts a defendant is guilty until proven innocent.

Many of those charged with terrorism during 1994 were arrested on the uncorroborated testimony of a single individual, called an *arrepentido*, who claimed to have participated in guerrilla activities and agreed to implicate others in exchange for a reduced sentence. After the CCD passed a new law guaranteeing *arrepentidos* special benefits, authorities began announcing mass surrenders. By mid-1994, 3,095 former members of the Shining Path and 1,044 former members of the Movimiento Revolucionario "Túpac Amaru" (MRTA) had been registered with the office of the special prosecutor for terrorism cases, an astonishing number given that estimates of the armed strength of these groups in previous years had never surpassed 5,000.

A closer look, furthermore, reveals that not a single person charged with terrorism or treason received a fair trial. Trials were conducted in secret by prosecutors, judge, and witnesses whose identities were never revealed; police were permitted to hold defendants for up to thirty days *incommunicado*, during which prisoners were regularly subjected to torture. Defendants remained in prison until a final verdict was rendered and confirmed by a higher court. In Iquitos, Loreto, 600 detainees staged a hunger strike in September to protest trial delays of up to three years.

Hundreds of innocent Peruvians were trapped by planted evidence, perjury, mistaken identities, personal vendettas, political witch hunts, and even typographical errors in court documents. Typical was the case of the couple Juan Carlos Chuchón Zea and Pelagia Salcedo Pizarro. Internal refugees who fled their Ayacucho village in 1982 because of threats from the Shining Path, they resettled in Lima. Their new life ended on December 11, 1992, when police broke into their house. Without the prosecutor required by law to be present, police beat them, forcing Salcedo to sign a declaration admitting that weapons planted in the home by the police were theirs. Chuchón refused to sign until he was taken to the headquarters of the anti-terrorism police (DINCOTE) and tortured with blows, electric shocks to the genitals, and death threats. Chuchón stated that before concluding their report, DINCOTE agents offered to let him go in exchange for money. Despite illegalities and the documented use of torture in the case, the couple was sentenced to thirty years in prison.

While it is true that some prisoners have regained their freedom after concerted campaigns by families, friends, and human rights groups, many others remained behind bars, forced to prove their innocence under a punitive and often life-threatening prison regime worse than that faced by convicted murderers. To this injustice, government authorities have responded with icy indifference. "Unfortunately, unfair arrests and irregularities...have occurred," agreed Special Prosecutor for Terrorism Cases Daniel Espichan in September. "But one can't cry over spilled milk."

Although a few of the most draconian measures were modified—including one restricting lawyers to representing only one client charged with terrorism or treason at a time and a ban on habeas corpus petitions—the essence of the legislation remained fundamentally abusive. While government officials have stated that the faceless court system should be reviewed, the government has taken no action. In October Peru's permanent representative before the OAS called for a modification of the treaties prohibiting an expansion of existing death penalties, heralding the start of a new campaign to impose this sentence, authorized by the new

constitution, on Peruvians convicted of treason.

For its part, although much weakened and diminished in geographical scope, the Shining Path continued to violate the laws of war by murdering opponents, bombing civilian targets, and attacking and threatening its critics. After the arrest of Abimael Guzmán and other top leaders, the group apparently split into a faction that supports Guzmán's plan to negotiate a peace and a group of militants still in the field determined to continue their war.

The latter group was considered responsible for the April 16 massacre of eighteen people, including children and the elderly, in the village of Monterrico, Junín. In June, militants also killed David Chacaliaza García, a long-time activist in the Lima shantytown of Huaycán.

In December 1993, guerrillas put a bomb in the doorway of the Center for the Development and Study of Populations (CEPRODEP), a development group that worked with internal refugees in the southern highlands. Three months later, a similar dynamite blast was left at the home of conservative columnist Patricio Ricketts, killing a passerby and injuring Ricketts's daughter. The Shining Path was believed to be responsible for the March 30 bombing of the Yompián mall in Lima, which caused significant damage but no casualties.

The Right to Monitor

Underscoring the government's scorn for human rights was its continued failure to fund or empower the office of the Defensor del Pueblo, a governmental office created under the new constitution to investigate human rights violations. In an indication of the importance the government attaches to human rights, it shut down the office of the special attorney for human rights, though the defensor, its supposed replacement, had not yet been established.

Lawyers who represented the victims of human rights abuses continued to be harassed. On March 28, Heriberto Benítez Rivas, who represented some of the family members connected with the La Cantuta case, complied with a court order requiring him to give testimony on a matter related to the case. Previously, he had received threatening telephone calls from a member of the Judicial Police, who said that he would be arrested if he testified. After his court testimony, Benítez was arrested with an illegal warrant. He was released after spending twenty-four hours in jail.

Also in relation to the La Cantuta case, family members of General Rodolfo Robles, who left the country after publicly confirming details of the disappearance, murder, and army cover-up published in the press, continued to suffer harassment and telephone death threats. Four La Cantuta students who participated in a peaceful march to protest the killings were briefly detained in September.

Journalists were also the targets of threats for their human rights work. Mariano Paliza Mendoza, who hosts "Urgent Action," a radio program sponsored by the Association for Human Rights (APRODEH), which offers air time to human rights activists and the relatives of victims of violations, received several death threats beginning on March 25. The program also suffered persistent electronic interference with the apparent purpose of stopping its transmission.

U.S. Policy

With the urging of influential members of Congress, the U.S. government continued to press Peru on its dismal human rights record, particularly after the government rejected the recommendations on legal reform made by an international commission of jurists. The commission, known as the Goldman Commission for its chair, Robert K. Goldman, was

established by the Clinton administration with the acquiescence of the Fujimori government in 1993. Its report analyzed the impact on judicial independence of legal changes imposed after Fujimori's "self-coup" and detailed violations of international legal standards represented by the new faceless courts.

Among the recommendations were that the government end military trials of civilians and any trials in which the defendant does not know the identity of the judge and prosecutor; the establishment of an honor council to review the work of district attorneys and judges and to fill vacancies left after Fujimori's purge of the judiciary; the repeal of the treason law, which violates the rights of civilians not to be tried by military courts; a review of all sentences handed down by military courts in cases of treason; and a revision of the definition of terrorism, which the commission determined was currently too broad and prone to erroneous interpretation.

When the commission traveled to Lima in December 1993 to present its conclusions, Justice Minister Fernando Vega Santa Gadea refused to meet with the members. Rather than address the content of the report, the government attacked the commission as a sign of Yankee interventionism and summarily rejected it.

In a statement released after the Cantuta Law was promulgated, the State Department lamented the regime's interference with judicial independence. However, according to the State Department, the U.S. would be satisfied by a "transparent and impartial trial in either jurisdiction," in essence accepting military courts for trials in human rights cases, one of the principal tools the army has used to protect its members from prosecution.

This mixed message seemed to typify a willingness among some to normalize a relationship damaged by the April 5 coup and human rights violations. Interested in supporting privatization, free trade, and anti-narcotics efforts, they have lobbied to make human rights secondary. Before the Cantuta Law was passed, Assistant Secretary of State for Inter-American Affairs Alexander Watson had signaled to human rights groups his interest in releasing \$30 million in balance of payments funding which had been frozen because of the coup. Nonetheless, the funds were not released to the government because of the negative developments noted above.

State Department officials did, however, begin discussions with human rights organizations about the use of some of the suspended funds for support to the judiciary. This plan was modified, however, after Human Rights Watch/Americas and the Washington Office on Latin America together objected to any funding to a judiciary whose independence from the executive branch had not been restored after the 1992 coup. A new plan, using some \$16 million of the suspended funds, was later agreed on which avoided our most significant objections. The program avoided balance of payments support, channeled funds instead to specific projects such as the Central Registry of Detainees, the Defensor del Pueblo, and the human rights and legal defense work of several nongovernmental organizations.

Meanwhile, the administration provided \$8.4 million in anti-narcotics aid to the police, despite continuing human rights abuses attributed to them, including torture. For fiscal year 1995, the administration requested \$18.5 million in "alternative development" assistance and additional police aid. Human Rights Watch/Americas continued strongly to oppose aid to the police so long as its agents continue to torture detainees with impunity.

The drug war assumed a low profile in U.S. policy circles. "Drug czar" Lee P. Brown urged Congress to increase funding to Peru and "find a way to separate our counternarcotics interests in Peru from other foreign policy interests..." In other words, Brown urged the Congress

to suspend human rights concerns.

One bright spot was the inauguration in February of the Central Registry of Detainees, whose creation had been made a condition for some U.S. aid in 1991. The registry was intended to track all detentions and thereby deter disappearances. Although its establishment was long delayed, and its implementation limited initially to Lima, the registry and the drop in the reported number of disappearances described above testified to the influence the United States is able to exert over human rights issues in Peru, despite the Fujimori government's nationalistic rhetoric.

The Clinton administration continued to play an important role in defending the work of domestic human rights monitors. After the CCD denounced the Coordinadora for its criticism of Operation Aries, U.S. Ambassador Alvin Adams visited the Coordinadora. Also important, when Assistant Secretary of State Watson visited Lima in January, his delegation's first stop was the Coordinadora office. These symbolic acts of support, as well as the administration's open door policy towards human rights groups, sent an important message to the Fujimori government that their work was important to U.S. policymakers.

The Work of Human Rights Watch/Americas

Through reports, press releases, frequent communication over specific violations with the U.S. and Peruvian governments, and litigation through the inter-American system of human rights protection, Human Rights Watch/Americas continued to condemn human rights violations and violations of the laws of war by insurgents.

One principle concern of Human Rights Watch/Americas was to focus attention on the deplorable record of the Peruvian justice system. In early 1995, we plan to publish a report that examines the detention of innocent people held on terrorism and treason charges, the impunity with which military and police agents commit human rights violations, and so-called popular trials carried out by the Shining Path. We continued to bring cases to international attention by presenting them to the Inter-American Commission on Human Rights and the Inter-American Court. As noted above, our frequent dialogues with the Clinton administration shaped U.S. aid decisions; our efforts to bring to light Peru's policy of disappearances contributed to their reduction in number. Finally, pressure from Human Rights Watch/Americas on the Fujimori government on behalf of individuals wrongly prosecuted by the faceless courts helped bring about freedom for several of them.

VENEZUELA

Human Rights Developments

In 1992, Venezuela witnessed two military coup attempts; in 1993, President Carlos Andrés Pérez left office under charges of misappropriating public funds; in 1994, events in Venezuela were perhaps less conspicuously dramatic, but not less serious. Facing the worst economic crisis in its history, marked by high inflation, economic contraction, and the collapse of several major banks, the Venezuelan government suspended six constitutional guarantees in late June, including those protecting fundamental rights to liberty and personal security. The suspension inaugurated a wave of human rights violations, adding to the abuses already occurring throughout

the year.

In December 1993, Rafael Caldera, who had previously occupied the presidency from 1969 to 1974, was again elected president. Despite a few promising early measures, Caldera did not squarely confront any of the fundamental human rights problems facing the country, and his mid-1994 suspension of constitutional guarantees did much to exacerbate them.

The single bloodiest event of the year occurred even before Caldera's inauguration, however. On January 3, 1994, a massacre in the Sabaneta prison in Maracaibo left more than a hundred prison inmates dead and scores injured. For about two hours, as prison guards and members of the National Guard stationed at Sabaneta watched, a group of inmates from one section of the prison set fire to cellblocks in another section, and shot or stabbed inmates who managed to escape the inferno. A number of sources interviewed by Human Rights Watch after the attack suspected that the National Guard and prison personnel intentionally delayed restoring order, facilitating the massacre. Whether purposeful or simply negligent, the official failure to act constituted a breach of Venezuela's obligation under international and domestic law to protect prisoners' rights, most importantly, their right to life.

Despite the seriousness of the incident, subsequent developments in its judicial investigation discouraged hopes that those responsible would be held accountable for their conduct. Because the judge investigating the case had issued two arrest warrants against members of the National Guard, out of a total of fifty-four warrants issued, a jurisdictional conflict arose between military and civilian tribunals. In September, the Supreme Court resolved the conflict in favor of military jurisdiction. Under this ruling, not only were the two National Guard members to be tried before a military court, so too were the fifty-two prisoners implicated in the massacre.

Unfortunately, the violence exhibited at Sabaneta, though unique in its severity, was indicative of a general pattern of violence in the Venezuelan prison system. During the first six months of 1994, approximately 400 prisoners died in prison violence. Even though the law clearly provides that prison authorities may be criminally liable for the death of persons under their custodianship, not a single prison official was prosecuted for these killings.

To some extent, those who administered the prisons might have been shielded by the view that the abuses occurring were not their responsibility, but were rather the predictable, even inevitable, result of the state of the prison system. During 1994, there were more than 28,000 prisoners cramped, under deplorable conditions, into a prison network designed to accommodate little more than half that number.

As the prison example illustrates, impunity for human rights violations remained the rule in Venezuela. Much of the responsibility for this state of affairs lay with the judicial system. Civilian courts were plagued by politicization, corruption, inefficiency, and lack of resources; military courts were not impartial and were subject to a high degree of executive control. Unsurprisingly, then, there was no significant progress in several important human rights cases, including one involving the mid-1993 massacre of sixteen members of the Yanomami tribe. In the most notorious past case, in fact, the guilty parties were exonerated by a military tribunal. That case, known as the El Amparo case, involved members of the since-disbanded CEJAP, a special military-police unit, who massacred fourteen fishermen in 1988 near El Amparo in southwestern Venezuela. While extended proceedings continued in the Venezuelan courts, where the case fell under military jurisdiction, an action was begun before the Inter-American Commission on Human Rights (IACHR). On January 15, 1994, the IACHR submitted the case

to the Inter-American Court of Human Rights. The court granted Venezuela three months to comply with recommendations made by the commission: specifically, punish the guilty, indemnify the victims, and amend the Code of Military Justice.

Although Venezuela asked for and received an extension of time for compliance, when the extension finally expired in August Venezuela had not complied with any of the Commission's recommendations. Not only had the CEJAP agents not been punished, but on the contrary, they were absolved of all criminal liability by an ad hoc military court on August 12. This decision, the fruit of six years of proceedings in the Venezuelan courts, underscored fundamental weaknesses in the Venezuelan system of justice.

New human rights violations involving killings, torture, arbitrary detention, and the use of excessive police force, continued to occur in 1994. The assassination of Ildefonso Carmona, a prominent campesino leader, was one of the most notable such incidents. Carmona was shot in the face in front of his wife on November 26, 1993. Before his murder, he had complained before the state legislative assembly and the media that his life was being threatened by members of the Grupo de Tareas 1.2, a special military unit. The crime remained unsolved as of this writing.

In another disturbing incident, three members of the Yupka tribe were killed on February 2, 1994. Reportedly, when women of the tribe tried to block members of the Grupo de Tareas 1.2 from taking wood that they had cut, the military responded by firing indiscriminately. The investigation of this case stalled after March due to a jurisdictional dispute between military and civilian tribunals.

A wave of human rights abuses was introduced by the government's suspension of six basic constitutional guarantees on June 27, 1994. Citing the crisis of the financial system, exchange market instability, and speculation, President Caldera issued a decree suspending the protection against arbitrary searches, the protection against arbitrary arrest, the right of freedom of movement, the right to own private property, the guarantee against expropriation of property without compensation, and the right to freely engage in any legal economic activity. The suspension of guarantees was immediately criticized as unconstitutional: as the Venezuelan Program of Education and Action in Human Rights (PROVEA), a prominent local human rights group, noted, "None of the reasons given by the government demonstrates a threat to the constitutional fabric of the country, the only justification for decreeing restrictions to individual rights." In late July, the Congress rejected the administration's arguments in support of the suspension and voted to reinstate five of the six suspended guarantees.

The following day, President Caldera defied Congress and once again suspended the five restored rights. Equally troubling, he was extremely vague about how long this exceptional circumstance would last, prompting fears that the suspension might be prolonged indefinitely.

Although the government justified the curtailment of constitutional rights as necessary because of the economic crisis—specifically, the grave state of the financial system—it profited from the suspension to take aggressive actions far removed from the economic sphere. After the suspension, the police conducted numerous raids in poor urban areas of Caracas. Along with poor youths—a common target of these raids—social activists, popular leaders, and members of leftist political parties were searched and detained arbitrarily, and often held incommunicado. During the month of July, for example, PROVEA reported that 1,995 persons had been detained in police raids, of which only forty-two had been sought for the commission of crimes. In September, according to Inter Press Service, 1,600 police and military officers carried out an

enormous raid of housing projects in a poor urban area west of Caracas, affecting some 10,000 families. Indeed, rather than a focused effort to resolve the economic crisis, it appeared that the suspension of guarantees facilitated an unrestricted fight against crime, urban violence, and social unrest.

The Right to Monitor

Several human rights monitoring and advocacy organizations worked in Venezuela during 1994.

Their members generally operated with some degree of government cooperation and without physical danger, although some harassment occurred. In July, for example, PROVEA reported five harassment complaints, three of them from activists of the Red de Apoyo por la Justicia y la Paz, an organization that monitors and promotes human rights in Venezuela. According to a letter that the activists sent to Interior Minister Ramón Escovar Salom, the harassment, which included death threats, occurred after the activists appeared on radio and television programs discussing police and military involvement in human rights violations.

U.S. Policy

Because of its tradition of civilian government and, perhaps more significantly, its position as the second largest supplier of oil to the United States, Venezuela has long been considered an important U.S. ally. As the administration explained in presenting Congress with its security assistance request for fiscal year 1995, "Access to Venezuela's vast petroleum reserves remain[s] vital to our national security." Moreover, Venezuela was the second largest purchaser of U.S. goods in Latin America, and, specifically, the third largest purchaser of U.S. arms. U.S. policy was therefore driven by a strong interest in maintaining good relations with the Venezuelan government.

Nonetheless, in its Country Reports on Human Rights Practices for 1993, published in February 1994, the State Department sharply criticized Venezuela's poor human rights record. By contrast, the administration's immediate public reaction to abuses in 1994 was confined to President Clinton's statement, when the incoming Venezuelan ambassador presented his credentials, that the United States expected "an early return of the constitutional guarantees that have been suspended."

Notwithstanding the poor human rights record of the Venezuelan security forces, Venezuela continued to receive U.S. assistance through both the International Military Education and Training (IMET) program, by which military officers are trained in the United States, and the International Narcotics Matters (INM) program. Specifically, Venezuela received \$200,000 in IMET assistance in fiscal year 1994, with \$250,000 requested for fiscal year 1995. The level of anti-narcotics assistance was somewhat higher: \$400,000 in fiscal year 1994 and \$500,000 estimated for the following year. Human Rights Watch/Americas remained concerned that this funding had proven ineffective in promoting respect for human rights, one of the stated goals of the assistance programs.

The Work of

Human Rights Watch/Americas

In conjunction with the Human Rights Watch Prison Project, we sent a fact-finding mission to Venezuela on January 11, 1994, in the immediate aftermath of the Sabaneta prison massacre.

This mission led to the release of a report titled Prison Massacre in Maracaibo, which described

the tragedy, outlined our recommendations regarding investigation and prosecution, and urged that conditions at Sabaneta and other prisons be improved so that similar events might be prevented. Unfortunately, our recommendations were disregarded: neither prison conditions nor the problem of impunity was remedied to any discernible extent during 1994. The lack of improvement was especially disturbing given the notoriety of the problem.

Human Rights Watch/Americas also wrote to President Caldera regarding the suspension of constitutional guarantees and ensuing human rights abuses, the February killing of three members of the Yupka tribe, and the death threats suffered by members of the Red de Apoyo.