

AMERICAS OVERVIEW

Human Rights Developments

MULTI-PARTY DEMOCRACIES REMAINED STABLE THROUGHOUT MOST OF LATIN AMERICA AND THE CARIBBEAN, WITH THE NOTABLE EXCEPTION OF CUBA, WHERE THE GOVERNMENT OF FIDEL CASTRO APPROACHED ITS FORTIETH ANNIVERSARY IN POWER WITH NO SIGN OF A SIGNIFICANT POLITICAL OPENING ON THE HORIZON. THE ANTI-DEMOCRATIC TENDENCIES OF PERU'S PRESIDENT ALBERTO FUJIMORI BECAME MORE PRONOUNCED AS HE MANEUVERED TO SEEK AN UNPRECEDENTED THIRD TERM IN OFFICE, DESPITE A CONSTITUTIONAL LIMIT OF TWO CONSECUTIVE TERMS FOR ANY PRESIDENT. FUJIMORI'S MACHINATIONS TO PERPETUATE HIMSELF IN POWER CONTINUED TO UNDERMINE THE RULE OF LAW AND INDEPENDENCE OF THE JUDICIARY: THE ENTIRE NATIONAL MAGISTRATES' COUNCIL (CONSEJO NACIONAL DE LA MAGISTRATURA, CNM) RESIGNED IN MARCH TO PROTEST LAWS RESTRICTING ITS POWERS PASSED BY THE CONGRESS, DOMINATED BY MEMBERS OF FUJIMORI'S PARTY. THE RUBBER-STAMP CONGRESS ALSO ALTERED THE COMPOSITION OF THE NATIONAL ELECTORAL BOARD (JURADO NACIONAL DE ELECCIONES, JNE) IN DECEMBER 1997 IN A WAY THAT GAVE THE GOVERNMENT GREATER INFLUENCE OVER ITS DECISIONS.

IN MEXICO, IMPORTANT GAINS IN ELECTORAL PLURALISM FOLLOWED UNPRECEDENTED REFORMS PRIOR TO JULY 1997 ELECTIONS AND RESULTED IN THE LOSS OF ONCE-MONOLITHIC POLITICAL POWER BY THE INSTITUTIONAL REVOLUTIONARY PARTY (PARTIDO REVOLUCIONARIO INSTITUCIONAL, PRI). HOWEVER, THESE CHANGES DID NOT LEAD TO AN IMPROVEMENT IN THE HUMAN RIGHTS SITUATION IN MEXICO. INDEED, SERIOUS HUMAN RIGHTS PROBLEMS—INCLUDING TORTURE, ARBITRARY DETENTION, AND A JUSTICE SYSTEM UNRESPONSIVE TO HUMAN RIGHTS VIOLATIONS—CONTINUED TO TAKE PLACE THROUGHOUT THE COUNTRY. PRESIDENT ERNESTO ZEDILLO FAILED TO DEVELOP A STRATEGY TO RESPOND ADEQUATELY TO INDIVIDUAL CASES OF ABUSE, STRENGTHEN HUMAN RIGHTS SAFEGUARDS, OR PROMOTE THE RULE OF LAW.

THE INTERNAL ARMED CONFLICTS THAT ONLY A FEW YEARS AGO ENGULFED COUNTRIES INCLUDING EL SALVADOR, NICARAGUA, GUATEMALA, AND PERU WERE ALL BUT ENDED, WITH THE NOTABLE EXCEPTION OF COLOMBIA, WHICH CONTINUED TO EXPERIENCE HIGH LEVELS OF POLITICAL VIOLENCE TARGETING CIVILIANS. PERU EXPERIENCED CONTINUED INSURGENT ATTACKS BUT ON A GREATLY REDUCED SCALE COMPARED WITH THE EARLY PART OF THE DECADE. GUATEMALA JOINED NICARAGUA AND EL SALVADOR AS THE LAST CENTRAL AMERICAN COUNTRY TO END WITH PEACE NEGOTIATIONS AND AN INTEGRATION OF FORMER GUERRILLAS INTO POLITICAL LIFE. LIKE ITS NEIGHBORS, GUATEMALA'S PEACE WAS UNEASY, AS SOARING RATES OF COMMON CRIME REPLACED POLITICAL VIOLENCE AS THE GREATEST THREAT TO PUBLIC SECURITY. IN GUATEMALA AS IN THE REGION'S OTHER TRANSITIONS FROM POLITICAL VIOLENCE, IMPUNITY REMAINED THE ACHILLES' HEEL OF THE PEACE PROCESS. VIOLENT CRIMES CONTINUED TO GO UNPUNISHED, AND THE SHOCKING ASSASSINATION OF BISHOP JUAN JOSÉ GERARDI SHOWED THE LIMITS OF A PEACE PROCESS THAT FAILED TO ESTABLISH ACCOUNTABILITY FOR EGREGIOUS HUMAN RIGHTS VIOLATIONS.

IMPUNITY FOR POWERFUL, VIOLENT CRIMINALS, A YAWNING GAP BETWEEN RICH AND POOR, AND CORRUPT AND INEFFECTIVE POLICE AND JUDICIARIES CONSPIRED TO LEAVE MANY LATIN AMERICAN AND CARIBBEAN NATIONS VICTIM TO SEEMINGLY UNCONTROLLABLE CRIME. THE INABILITY OF POLICE AND COURTS ACROSS THE CONTINENT TO CONTROL COMMON CRIME BY LEGAL MEANS LED TO SERIOUS SETBACKS IN HUMAN RIGHTS IN 1998. AMID INTENSE PUBLIC PRESSURE FOR CRIME CONTROL, SEVERAL GOVERNMENTS MADE THE RIGHTS OF DEFENDANTS A SCAPEGOAT FOR THE FAILURE OF LAW ENFORCEMENT. SOME ELECTED LEADERS MADE IRRESPONSIBLE PUBLIC STATEMENTS THAT SEEMED TO JUSTIFY OR EVEN INVITE POLICE BRUTALITY. OTHERS WENT SO FAR AS TO ENACT LEGISLATION TO CURTAIL DEFENDANTS' RIGHTS IN CRIMINAL PROCEEDINGS. MEANWHILE A DEFIANT MOVEMENT IN THE CARIBBEAN AND GUATEMALA TO EXPAND THE USE OF THE DEATH PENALTY THREATENED TO SERIOUSLY UNDERMINE REGIONAL ADHERENCE TO INTERNATIONAL INSTRUMENTS OF HUMAN RIGHTS PROTECTION.

THE NOTION OF RESTRICTING DEFENDANTS' RIGHTS APPEALED TO GOVERNMENTS BESET BY COMMON CRIME AS A LESS EXPENSIVE AND PERHAPS MORE POLITICALLY EXPEDIENT OPTION THAN MAKING THE REFORMS NECESSARY TO PROFESSIONALIZE POLICE FORCES AND COURTS. YET IT WAS MOST UNLIKELY TO PROVE EFFECTIVE: COUNTRIES WITH CORRUPT AND VIOLENT POLICE AND WEAK COURTS WERE UNLIKELY TO SUCCEED IN CURBING DELINQUENCY BY RESTRICTING DEFENDANTS' RIGHTS. MANY OF THE COUNTRIES WITH THE MOST SERIOUS CRIME PROBLEMS WERE ALSO THOSE IN WHICH LAW ENFORCEMENT OFFICERS WERE KNOWN TO WORK HAND-IN-HAND WITH CRIMINAL GANGS. IN BRAZIL'S ALAGOAS STATE, FOR EXAMPLE, DOZENS OF POLICE OFFICERS WERE FOUND IN JANUARY TO HAVE BEEN INVOLVED IN CONTRACT KILLINGS, BANK ROBBERIES, AND CAR THEFT RINGS. WHEN STATE AND FEDERAL AUTHORITIES TOOK THE UNPRECEDENTED STEP OF ARRESTING MORE THAN THIRTY POLICE INVOLVED IN THE SO-CALLED UNIFORMED GANG, INVESTIGATIONS LED TO THE DISCOVERY OF THE REMAINS OF THIRTY-TWO BODIES, PRESUMED VICTIMS OF THE GANG'S HOMICIDES.

ARGENTINE PRESIDENT CARLOS MENEM ARTICULATED THE WILLINGNESS TO SACRIFICE HUMAN RIGHTS PROTECTIONS IN THE SERVICE OF FIGHTING CRIME DURING A SERIES OF INTERVIEWS WITH THE DAILY *Clarín* IN SEPTEMBER IN WHICH HE VOWED TO ADOPT A "HARD LINE" TOWARDS DELINQUENTS. ALTHOUGH "SOME HUMAN RIGHTS DEFENSE ORGANIZATIONS CAN OBJECT," MENEM COMPLAINED, IN ARGENTINA "CRIMINALS HAVE MORE PROTECTION THAN THE POLICE OR THE PEOPLE." IN A LATER INTERVIEW HE WENT ON, "WHEN I TALK ABOUT HARD LINE AND ZERO TOLERANCE, IMMEDIATELY SOME PEOPLE SAY THAT WOULD MEAN A RETURN TO THE 'EASY TRIGGER,' BUT WE CAN'T LEAVE THE EASY TRIGGER TO THE CRIMINALS." IN A COUNTRY LIKE ARGENTINA, WHERE POLICE BRUTALITY IS SO INGRAINED AS TO APPEAR ENDEMIC, THESE STATEMENTS CAN EASILY BE READ AS A GREEN LIGHT FOR ILL-TREATMENT AND EVEN EXTRAJUDICIAL EXECUTIONS.

EVEN MORE SERIOUS, MEXICO AND PERU DEVELOPED LEGISLATION THAT CHIPPED AWAY AT DUE PROCESS RIGHTS OF INDIVIDUALS SUSPECTED OF COMMON CRIMES. ARGUING THAT HUMAN RIGHTS GUARANTEES CONSTITUTED A STRAIT JACKET IN THE FIGHT AGAINST INCREASINGLY SOPHISTICATED CRIMES, PRESIDENT ERNESTO ZEDILLO SENT NEW ANTI-CRIME PROPOSALS TO THE CONGRESS THAT WOULD FACILITATE DETENTIONS BASED ON SLIM EVIDENCE—A SERIOUS PROBLEM IN A COUNTRY NOTED FOR ILLEGAL ARRESTS, FABRICATION OF EVIDENCE, AND A BARELY FUNCTIONING SYSTEM OF PUBLIC DEFENDERS.

IN ADDITION TO ARGENTINA AND MEXICO, POLICE BRUTALITY REMAINED NOTORIOUS IN BRAZIL, VENEZUELA, HAITI, AND THE DOMINICAN REPUBLIC, WHERE POLICE IN AUGUST KILLED AN UNARMED CATHOLIC PRIEST, FATHER JOSÉ ANTONIO MUÑOZ, APPARENTLY MISTAKING HIM FOR A CRIMINAL SUSPECT. A POLICE CAPTAIN AND SERGEANT WERE ARRESTED AND HELD FOR "IMPRUDENT CONDUCT" IN CONNECTION WITH THE EXTRAJUDICIAL EXECUTION, BUT AT THIS WRITING HAD NOT BEEN CHARGED WITH A MORE SERIOUS OFFENSE. DOMINICAN POLICE CONTINUED THE PRACTICE OF ARRESTING FAMILY MEMBERS OF CRIMINAL SUSPECTS AND HOLDING THEM HOSTAGE UNTIL THE SUSPECT SURRENDERED TO AUTHORITIES.

MORE DRASTIC MEASURES WERE TAKEN BY PERU'S PRESIDENT ALBERTO FUJIMORI. FOLLOWING AN UPSURGE IN KIDNAPPINGS, BANK ROBBERIES, AND ARMED BURGLARIES—SOME ENDING IN FATALITIES—IN AFFLUENT LIMA NEIGHBORHOODS, THE CONGRESS GAVE FUJIMORI DECREE-MAKING AUTHORITY ON NATIONAL SECURITY MATTERS FOR FIFTEEN DAYS. THE PRESIDENT ISSUED A NUMBER OF DECREES THAT SEVERELY ERODED BASIC DUE PROCESS GUARANTEES FOR COMMON CRIME SUSPECTS AND REPRODUCED SOME OF THE WORST FEATURES OF THE NOW-DEFUNCT FACELESS COURT SYSTEM THAT HAD BEEN USED TO TRY TERRORIST SUSPECTS. UNDER THE NEW SYSTEM, THOSE ACCUSED OF GANG-RELATED ACTIVITIES COULD BE DETAINED WITHOUT CHARGE FOR UP TO FIFTEEN DAYS AND UNDER NO CONDITIONS COULD BE RELEASED BEFORE TRIAL. THOSE ACCUSED—including minors BETWEEN THE AGES OF SIXTEEN AND EIGHTEEN—WERE SUBJECT TO TRIAL BY MILITARY COURTS. JUVENILES FACED A MINIMUM SENTENCE OF TWENTY-FIVE YEARS IN PRISON IF CONVICTED BY THESE COURTS, WHILE ADULTS FACED A MANDATORY PENALTY OF LIFE IN PRISON, EVEN IF ONLY ACCUSED AS ACCOMPLICES. OTHER DECREES DRASTICALLY REDUCED THE EFFECTIVENESS OF HABEAS CORPUS AGAINST ARBITRARY ARREST.

Also with an eye to deterring common crime, Guatemala and several Caribbean nations sought to expand use of the death penalty in defiance of international human rights norms. Two appeals courts in Guatemala cleared the way for the first executions of a prisoner for the crime of kidnapping, even though this action would bring the nation in direct violation of the American Convention on Human Rights, ratified by Guatemala in 1979. At this writing, the cases were pending before the Supreme Court. The American Convention prohibits nations from extending the scope of the death penalty to crimes that were not subject to capital punishment at the time of ratification; in Guatemala, only those abductions resulting in the victim's death were at that time punishable by execution. At this writing, Guatemala's Constitutional Court was considering a motion to declare unconstitutional Guatemala's ratification of the Inter-American Court of Human Rights, which handles cases involving violations of the American Convention.

In an equally dangerous move for the regional system of human rights protection, Prime Minister Basdeo Pandey of Trinidad and Tobago announced in May his government's withdrawal from the American Convention, a step that would take effect in May 1999. Death row inmates in Trinidad and Tobago had appealed aspects of their cases to the bodies of the inter-American human rights system, a route of appeal the government wanted to eliminate in order to speed up executions. This move — unless reversed, as Human Rights Watch requested in June — would restrict the rights of all victims of human rights abuse in the country to seek the protection of the inter-American system for a wide range of violations. The government had also reportedly considered withdrawing from the First Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), a step that would leave citizens of Trinidad and Tobago without recourse to the United Nations' human rights system as well as that of the Organization of American States.

This action by Trinidad and Tobago followed the negative precedent set by Jamaica in 1997 of withdrawing from the ICCPR's First Optional Protocol, also in an effort to avoid international scrutiny of its increased recourse to capital punishment and its appalling prison conditions. In October, the Bahamas hanged two convicts, its first execution in two years, even though their cases were pending at the Inter-American Commission on Human Rights.

On July 20, St. Kitts and Nevis carried out its first execution since independence in 1983. Some 250 prisoners awaited death sentences in the English-speaking Caribbean at this writing.

Although President Fidel Castro told Human Rights Watch in 1995 that he intended to abolish the death penalty, Cuba executed prisoners as recently as 1997 and publicly renewed its commitment to retaining the death penalty in a September 1997 report to the United Nations Secretary-General. Cuba's reliance on the Council of State — an entity presided over by President Castro — as the ultimate arbiter of death penalty appeals undercut any appearance of judicial independence in capital cases. Because the Cuban government withholds information about capital punishment, we were unable to determine whether additional executions were carried out in 1999.

Colombia alone in the region remained awash in political violence as all parties to that country's internal armed conflict continued to commit egregious violations of the laws of war. Renewed discussions of peace under the new government of President Andrés Pastrana, elected in June, did not include initiatives to control these abuses or end the prevailing impunity enjoyed by their authors. The greatest portion of atrocities in Colombia were attributed to paramilitary groups, which continued in many instances to receive support from the armed forces. When not directly participating in paramilitary massacres, government security forces did nothing to protect the population from them. In the case of Puerto Alvirá, Meta, local officials and the Office of the Public Advocate (Defensoría del Pueblo) alerted authorities over a dozen times of an imminent paramilitary attack. Nonetheless, paramilitaries seized the town unhindered on May 4 and reportedly slaughtered at least twenty-one people, including a five-year-old. Rather than being prosecuted, army officers who assisted or failed to pursue paramilitaries continued to be protected and in some cases promoted. A notable exception to the impunity enjoyed by military and paramilitary forces for atrocities was the February 25 capture of Víctor Carranza, a powerful paramilitary commander. Meanwhile Colombian guerrillas continued systematically to violate the laws of war, executing police officers and soldiers after their capture or surrender, launching indiscriminate attacks, and taking hostages.

In Peru, serious armed conflict affected a reduced portion of the country compared with previous years. We did not learn of any extrajudicial executions or "disappearances" by Peru's government forces related to counterinsurgency in the first nine months of 1999, but Shining Path forces continued to use vicious methods against civilians. On August 9, a Shining Path unit attacked an electoral meeting in Saposoa, in the department of Huallaga, assassinating a man and woman. From there they traveled to Atarraya, where they seized an electoral candidate and, in front of a town meeting, forced him to kneel. Ignoring pleas for his life, they shot him dead. Peru's non-governmental Institute for Legal Defense (Instituto de Defensa Legal, IDL) reported thirty-six such assassinations by the Shining Path in the combat-ridden Huallaga region in the first seven months of 1999.

In a positive development, Peru's Congress in February passed a law specifically outlawing torture, providing appropriate penalties, and ensuring that military and police officers accused would be tried in civilian courts. Nonetheless, the practice of torture continued, as evidenced by the death following torture by police of criminal suspect Willi Llerena Macedo that same month in Ucayali. The officers responsible were charged with fatal assault and abuse of authority.

Conditions of detention remained horrendous in much of Brazil, Venezuela, and Central America. Throughout the region, the practice of holding detainees in pretrial detention created situations in which the vast majority of the prison population was unsentenced, usually sharing overcrowded cells with convicted criminals. In Venezuela, prisons were severely overcrowded and understaffed, above all, violent. Even by local standards, the first few months of 1999 witnessed a shocking barrage of incidents of prisoner-on-prisoner violence, facilitated by rampant guard corruption in allowing the entry of weapons into prisons and the abysmal failure of authorities to protect prisoners' lives. In police lockups in Belo Horizonte, Brazil, torture was routinely applied, including such methods as electric shock and near-drowning. Meanwhile severe overcrowding, official violence, and appalling conditions continued to provoke rebellions in Brazil's prisons, jails, and police holding centers, some of them ending in extrajudicial executions of escaped prisoners by police.

Defending Human Rights

Non-governmental organizations (NGOs) defending civil and political rights, women's rights, children's rights, and in some countries gay and lesbian rights have grown steadily across the hemisphere over the last decade. Civil and political rights groups, generally the most established of the NGOs, developed increasing sophistication in their documentation and advocacy, even as they faced a hostile environment. In almost every country in the region, human rights groups faced an unsympathetic public. In many countries they faced threats and harassment. In Cuba, they faced threats, prison terms, or exile. In Colombia and Guatemala, they still faced murder. And while embarrassed governments promised in international fora to take measures to protect human rights defenders, they were negligent in that regard at home. The fact that these groups continued to operate, and their staff to endure threats, harassment, and scorn year after year, was a testament to human perseverance.

Colombia continued to stand out in the region for its shocking record of assassination of human rights defenders, at a time when such crimes have become more unusual throughout the hemisphere. During the first nine months of 1999, six human rights defenders were murdered, among them government officials investigating human rights abuses as well as nongovernmental defenders. The nation's most powerful paramilitary organization was implicated in the February shooting death of human rights lawyer Jesús María Valle Jaramillo, while an army intelligence unit was believed responsible for the April slaying of another human rights attorney, Eduardo Umaña, two months later. Also slain were Edilbrando Roba López and Jhon Alejandro Morales Patiño, assigned to the Attorney General's Human Rights Unit to investigate a series of paramilitary massacres.

In Guatemala, a universally respected senior figure in the human rights movement, Bishop Juan José Gerardi, was bludgeoned to death days after the church human rights office he directed issued a four-volume study of atrocities by all sides in Guatemala's three decades of internal armed conflict. The study, three years in the making, held government forces and their allies responsible for 90 percent of the grave human rights violations committed during the conflict, attributing the remaining 10 percent to guerrillas. The twisted course of the government's shoddy investigation into the Gerardi assassination brought into serious question its ability to make a break with the nation's tradition of granting impunity to human rights violators.

Human rights defenders faced serious threats in Guatemala, Peru, and Mexico, and continued to be the subject of arrests and criminal prosecution in Cuba. At this writing, Cuban authorities prepared to try four leaders of the Internal Dissidents' Working Group on sedition charges emanating from their pleas for release of political prisoners. The four dissidents — Marta Beatriz Roque Cabello, Vladimiro Roca Antón, Félix Antonio Bonne Carcasses, and René Gómez Mantano — had been in pretrial detention in maximum security prisons since their July 16, 1997 arrests.

The Role of the International Community

A Spanish judge and the United Kingdom made historic strides towards establishing accountability for crimes against humanity in October, when British police arrested former Chilean dictator Gen. Augusto Pinochet Ugarte, after he traveled to London for medical treatment. Spanish judge Baltasar Garzón asked that Pinochet be detained for the presumed murder of dozens of Spanish and Chilean citizens during the seventeen years in which Pinochet and the military governed Chile, a time of widespread and egregious violations of the right to life, liberty, and physical integrity, including some 3,000 assassinations or "disappearances." The arrest emanated from an investigation by Spanish judges into the so-called Operation Condor, in which military rulers of Chile, Argentina, and Uruguay cooperated in the assassinations of leftists during the 1970s. The Chilean government officially protested Pinochet's arrest on the grounds that he was traveling on a diplomatic passport based on his status as senator-for-life, even though the general's trip to London was personal. Reportedly Pinochet had intended to travel to France, but was denied a visa.

United States

Unfortunately, at this writing the Clinton administration reportedly had not provided useful information from the files of government agencies to Judge Garzón, limiting the information it has turned over to press accounts and other public documents. Washington's support for the Pinochet dictatorship during the 1970s most likely generated a wealth of documents held in the archives of the Central Intelligence Agency (CIA) and Defense Department that could aid in Pinochet's prosecution.

In October, the Clinton administration released heavily redacted excerpts from an investigation by the CIA's inspector general into death squad activities in Honduras in the 1990s. The inspector general's report had been ordered by then-Director of Central Intelligence John Deutch in 1995, following news reports about CIA connections with a secret military intelligence unit, Battalion 3-16, responsible for scores of "disappearances." In the portions of the report not blotted out, the agency acknowledged "reporting inadequacies" by the CIA to other agencies of the federal government as well as to the Congress. The portions of the report made public did not confront the principal issues of U.S. complicity in Battalion 3-16 atrocities: the longstanding U.S. support for the unit, through funding and CIA training, even as it was engaged in atrocities, and the visits an American CIA agent paid to a 3-16 clandestine safehouse where "disappearance" victims were held. Instead, the agency report denied that its officers "either authorized or were directly involved in human rights abuses...." And without addressing the presence of an agency official at a 3-16 safehouse, the report denied "that any CIA employee was present during sessions of hostile interrogation or torture in Honduras."

The United States policy of unrelenting confrontation towards Cuba came under increasing attack from all corners of the globe. By a record margin, the United Nations General Assembly in October approved a nonbinding resolution calling for an end to the nearly forty-year-old U.S. embargo against Cuba, with only the U.S. and Israel objecting. The number of countries opposing U.S. policy on Cuba at the General Assembly has steadily increased in recent years. Washington's embargo against Cuba was also denounced by Pope John Paul II and in unusually strong terms by Canadian Foreign Minister Lloyd Axworthy. Washington's policy was widely seen as not only ineffective in its political goal — bringing down the Castro government — but also counterproductive with reference to human rights conditions. Moreover, the indiscriminate nature of the sanctions meant that the population as a whole paid a price in terms of health and welfare for the animosity of the United States towards their government.

An increasingly broad sector of U.S. society voiced opposition to the embargo in 1999, including business leaders and editorial boards of the nation's most important newspapers. In October, conservative politicians such as Henry Kissinger, Lawrence Eagleburger, and Republican Sen. John Warner reportedly asked Clinton to name an independent commission to reexamine U.S. policy towards Cuba. Prior to that initiative — whose outcome was unclear at this writing — the Republican congressional leadership remained impervious to the growing calls for a policy review. Since enactment of the Cuban Liberty and Democratic Solidarity Act (also known as Helms-Burton) of 1996, which codified the embargo, the executive branch was no longer at liberty to modify or lift the embargo. The only events that could bring an end to the embargo were a revolution in Cuba or new legislation passed by the Republican-controlled U.S. Congress.

The State Department's annual *Country Reports on Human Rights Practices*, as in past years, provided an accurate and detailed description of human rights problems and practices in the region, largely free from the ideological bias that had marred reports under previous administrations. Yet these reports seemed to have little bearing on U.S. policies towards the region, which gave human rights a very low priority.

Washington's policy towards Colombia — the region's greatest human rights emergency — became suddenly muted with the arrival of a new U.S. ambassador, who maintained a complete silence on human rights issues. This policy sent the wrong message to Colombia's military: even if U.S. officials raised human rights matters privately, military officers were unlikely to take them seriously if they were not voiced in public as well. In the meantime, pressure from the Pentagon and the Congress to support Colombia's anti-narcotics efforts regardless of the associated human rights violations undermined several positive signals emanating from the administration, such as the May denial of a visa to Colombian Gen. Iván Ramírez and the State

DEPARTMENT'S HIGHLY CRITICAL HUMAN RIGHTS REPORT.

The Work of Human Rights Watch

THE AMERICAS DIVISION OF HUMAN RIGHTS WATCH RESPONDED TO CRISES THROUGHOUT THE HEMISPHERE, WHILE FOCUSING THE BULK OF OUR ATTENTION ON A CORE GROUP OF COUNTRIES WITH THE MOST SERIOUS HUMAN RIGHTS PROBLEMS. WE

SOUGHT, IN EACH COUNTRY WHERE WE WORKED, TO ADDRESS THE MOST ESSENTIAL HUMAN RIGHTS PROBLEM: POLICE BRUTALITY IN ARGENTINA, FREEDOM OF EXPRESSION IN CHILE, VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW IN COLOMBIA, PRISON CONDITIONS IN BRAZIL, TORTURE AND IMPUNITY IN MEXICO, TORTURE IN PERU, AND OVERALL HUMAN RIGHTS CONDITIONS AND THE U.S. EMBARGO IN CUBA. SEVERAL OF THESE PROJECTS RESULTED IN PUBLISHED REPORTS. IN OUR REPORTS, AND IN SUBSEQUENT ADVOCACY, WE PROVIDED DETAILED PRACTICAL RECOMMENDATIONS TO ADDRESS FUNDAMENTAL HUMAN RIGHTS ISSUES.

IN DECEMBER 1997, WE RELEASED IN ENGLISH AND SPANISH A REPORT ON TORTURE IN PERU: SHORTLY THEREAFTER ONE OF OUR CHIEF RECOMMENDATIONS, PROMULGATION OF LEGISLATION ABOLISHING TORTURE AND SPECIFYING APPROPRIATELY SEVERE PENALTIES, WAS ACCOMPLISHED. IN JUNE 1998 WE ALSO PUBLISHED A SPANISH-LANGUAGE TRANSLATION AND UPDATE OF OUR 1997 REPORT ON PRISON CONDITIONS IN VENEZUELA. IN OCTOBER 1998, WE RELEASED A REPORT IN ENGLISH AND SPANISH ON VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW IN COLOMBIA—THE FIRST COMPREHENSIVE STUDY ON THE SUBJECT. WE PRESENTED THE REPORT TO THE NEW PRESIDENT, ANDRÉS PASTRANA, AND URGED HIM TO INTEGRATE HUMAN RIGHTS AND HUMANITARIAN LAW CONDITIONS INTO HIS PEACE DISCUSSIONS WITH GUERRILLAS.

ALSO IN OCTOBER, WE RELEASED IN SPANISH A DETAILED STUDY OF POLICE BRUTALITY IN ARGENTINA, IN CONJUNCTION WITH AN ARGENTINE HUMAN RIGHTS GROUP, THE CENTER FOR LEGAL STUDIES (CENTRO DE ESTUDIOS LEGALES, CELS). IN BRAZIL, WE FOLLOWED UP ON OUR PREVIOUS WORK ON POLICE BRUTALITY BY ADDRESSING THE NATION'S OTHER MOST SERIOUS AND WIDESPREAD HUMAN RIGHTS CRISIS: CONDITIONS IN A WIDE RANGE OF DETENTION FACILITIES, WITH A REPORT IN PREPARATION AT THIS WRITING. THE EXECUTIVE DIRECTOR RELEASED THE REPORTS ON ARGENTINA, CHILE, COLOMBIA, PERU, AND VENEZUELA IN THOSE COUNTRIES' RESPECTIVE CAPITALS, DISCUSSING THEIR FINDINGS WITH GOVERNMENT OFFICIALS, THE PRESS, HUMAN RIGHTS ORGANIZATIONS, U.S., EUROPEAN, AND LATIN AMERICAN DIPLOMATS. FOR A LISTING OF RELEVANT REPORTS AND MISSIONS, SEE PAGE 494. PARTIAL LISTINGS ALSO FOLLOW EACH COUNTRY CHAPTER.

ARGENTINA

Human Rights Developments

POLICE BRUTALITY CONTINUED TO BE THE PRINCIPAL HUMAN RIGHTS CONCERN IN ARGENTINA IN 1999, FOLLOWED BY THREATS AND ATTACKS ON INDEPENDENT JOURNALISTS AND THE GOVERNMENT'S UNWILLINGNESS TO PROVIDE JUSTICE FOR ABUSES COMMITTED UNDER THE MILITARY DICTATORSHIPS IN POWER FROM 1976 TO 1983. OF PARTICULAR CONCERN WERE STATEMENTS BY PRESIDENT CARLOS MENEM SUGGESTING A WILLINGNESS TO TOLERATE HUMAN RIGHTS VIOLATIONS BY LAW ENFORCEMENT AGENCIES IN THE NAME OF FIGHTING COMMON CRIME. IN AN INTERVIEW PUBLISHED IN THE NEWSPAPER CLARÍN ON SEPTEMBER 13, PRESIDENT MENEM REPEATED HIS VIEW THAT THE ONLY SOLUTION TO RISING CRIME WAS "ZERO TOLERANCE. HARD LINE." HE ADDED THAT "SOME HUMAN RIGHTS DEFENSE ORGANIZATIONS CAN OBJECT, BUT I THINK THAT HERE CRIMINALS HAVE MORE PROTECTION THAN THE POLICE OR THE PEOPLE." MENEM RETURNED TO THIS THEME ON SEPTEMBER 23 (QUOTED IN CLARÍN THE FOLLOWING DAY), SAYING THAT "WHEN I TALK ABOUT HARD LINE AND ZERO TOLERANCE, IMMEDIATELY SOME PEOPLE SAY THAT WOULD MEAN A RETURN TO THE 'EASY TRIGGER,' BUT WE CAN'T LEAVE THE EASY TRIGGER TO THE CRIMINALS."

BUENOS AIRES' PROVINCIAL GOVERNOR AND PROBABLE 1999 PRESIDENTIAL CANDIDATE EDUARDO DUHALDE RESPONDED TO THESE STATEMENTS BY SAYING, "WE CAN'T CONFUSE A FIRM LINE WITH A HARD LINE. THAT WAS WHY AT THE TIME I DISSOLVED THE THEN BUENOS AIRES POLICE, BECAUSE I DON'T WANT TO HAVE IN MY PROVINCE A HARD LINE POLICE LIKE THERE WAS DURING THE PERIOD OF REPRESSION UNDER THE LAST DICTATORSHIP." MENEM'S STATEMENTS WERE USED BY MEMBERS OF THE RULING PARTY BLOC IN CONGRESS TO TRY TO SPEED UP PASSAGE OF LAWS THAT WOULD IMPOSE HIGHER SENTENCES FOR REPEAT OFFENDERS, REDUCE THE NUMBER OF CASES IN WHICH BAIL WOULD BE GRANTED, AND DEFINE THE ACT OF "CRIMINAL CONSPIRACY," WHICH WOULD ALLOW POLICE TO DETAIN INDIVIDUALS ON THE BASIS OF THEIR "SUSPICIOUS ATTITUDES."

ARGENTINE LAW ENFORCEMENT REMAINED IN THE HANDS OF TWENTY-THREE PROVINCIAL POLICE FORCES AND THE FEDERAL POLICE, WHICH HAD JURISDICTION IN THE CAPITAL, BUENOS AIRES, AND DELEGATIONS THROUGHOUT THE COUNTRY. ALTHOUGH REFORMS WERE INITIATED IN A NUMBER OF FORCES, INCLUDING THE TWO MOST WIDELY QUESTIONED—THE FEDERAL POLICE AND THE BUENOS AIRES PROVINCIAL POLICE—HUMAN RIGHTS VIOLATIONS BY POLICE REMAINED FREQUENT, AND INVESTIGATION AND PROSECUTION RARE. DOTENS OF SUCH CASES REMAINED UNRESOLVED YEARS AFTER THEIR OCCURRENCE.

POLICE ABUSES IN ARGENTINA INCLUDED EXCESSIVE USE OF FORCE IN CONTROLLING DEMONSTRATIONS, SUCH AS AN AUGUST 13, 1999 INCIDENT IN WHICH THE PROVINCIAL POLICE IN JUJUY PROVINCE USED BATONS, TEAR GAS, AND RUBBER BULLETS AGAINST PUBLIC EMPLOYEES DEMANDING PAYMENT OF BACK SALARIES, LEAVING THIRTY WOUNDED. OTHER CASES INCLUDED KILLINGS IN ALLEGED "SHOOT-OUTS" WITH THE POLICE, IN WHICH INVESTIGATIONS OFTEN DEMONSTRATED THAT THE POLICE SHOT THE VICTIMS POINT-BLANK AND THEN FABRICATED EVIDENCE OF A SHOOT-OUT (SUCH AS THE PLANTING OF A GUN ON THE VICTIM'S BODY); THE KILLING OF INNOCENT BYSTANDERS DURING ARMED CONFRONTATIONS BETWEEN THE POLICE AND CRIMINAL SUSPECTS; DEATHS IN POLICE CUSTODY, FREQUENTLY AFTER BEATINGS TO FORCE CONFESSIONS, LATER OFTEN DESCRIBED AS SUICIDE; SO-CALLED "EASY TRIGGER" CASES IN WHICH POLICE OFFICERS SHOT TO KILL RATHER THAN SEEKING TO DETAIN SUSPECTS (SOMETIMES DUE TO MINOR PROVOCATIONS); "DISAPPEARANCES" IN POLICE CUSTODY; AND HARASSMENT OF OR ATTACKS ON WITNESSES TO THESE CRIMES.

ON JANUARY 9, 1999, POLICE DETAINED CARLOS ANDRÉS SUTARA AT THE BUS STATION IN THE NORTHERN CITY OF JUJUY (IN THE PROVINCE OF THE SAME NAME) ON THE PRETEXT OF VERIFYING WHETHER HE HAD A CRIMINAL RECORD AND TOOK HIM TO A POLICE STATION IN THE CITY, WHERE HE LATER DIED. A WITNESS DETAINED WITH SUTARA ALLEGED THAT HE HAD DIED AS A RESULT OF BEATINGS AT THE HANDS OF THE POLICE. IN OCTOBER 1999 FIVE POLICE OFFICERS OF THE INVESTIGATIONS BRIGADE IN JUJUY WERE DETAINED ON CHARGES OF TORTURE FOLLOWED BY DEATH, AND THREE OTHER OFFICERS WERE CHARGED WITH TORTURE THROUGH NEGLIGENCE.

ON JANUARY 15, 1999, WALTER REPETTO WAS SHOT DEAD BY A CORPORAL OF THE BUENOS AIRES PROVINCIAL POLICE, CARLOS DUCAMPO, WHO WAS AT THE TIME IN CIVILIAN CLOTHES. REPETTO HAD PARKED HIS CAR IN THE AREA OF CIUDAD EVITA, GREATER BUENOS AIRES, WHEN CORPORAL DUCAMPO APPROACHED HIM, APPARENTLY BELIEVING HIM TO BE A THIEF. CORPORAL DUCAMPO DID NOT IDENTIFY HIMSELF AS A POLICE OFFICER, ACCORDING TO WITNESSES, AND DID NOT GIVE AN ORDER TO HALT. WHEN REPETTO ATTEMPTED TO DRIVE AWAY, BELIEVING THAT THE OTHER MAN PLANNED TO ASSAULT HIM, CORPORAL DUCAMPO SHOT REPETTO DEAD.

ACCORDING TO HIS RELATIVES, SIXTEEN-YEAR-OLD DIEGO PAVÓN WAS EXECUTED BY TWO AGENTS OF THE BUENOS AIRES PROVINCIAL POLICE ON MAY 22, 1999, IN AVELLANEDA, BUENOS AIRES PROVINCE, FOLLOWING A CHASE. THIS CASE WAS PRESENTED BEFORE A LOCAL CRIMINAL COURT, ON THE GROUNDS OF "ABUSE OF AUTHORITY," ABUSE OF A WEAPON, AND HOMICIDE, BUT THE AGENTS—HECTOR PENALVA AND OSMAR DALMIRO MORENA—WERE NOT DETAINED.

ON SEPTEMBER 17, FEDERAL POLICE SGT. MARCELO HAVRYLEIN SUFFERED AN ATTACK ON HIS HOME, IN WHICH A POLICE GUARD WAS WOUNDED. ON AUGUST 19 ANOTHER POLICE GUARD HAD BEEN WOUNDED IN A SIMILAR INCIDENT AT HAVRYLEIN'S HOME. THE ATTACKS, AS WELL AS DEATH THREATS, FOLLOWED HAVRYLEIN'S PUBLIC

denunciation of corruption at the 16th Police Station in Buenos Aires, including bribes taken by the police for the protection of prostitutes, transvestites, and others, as a result of which the police guard had been assigned to his home. Havrylein was subsequently moved to a hidden location.

Members of the gay and lesbian community and sex workers such as prostitutes and transvestites were among the principal victims of police abuses arising from the security forces' discretionary powers to carry out preventive detentions, including for verification of identity or police record. Many were subjected to torture or other physical and verbal abuse, as well as extortion of bribes in exchange for not being detained. In the city of Buenos Aires, police detention powers were curtailed by a new Misdemeanors Code (or Code of Urban Co-existence) that came into effect in March 1999. This code effectively limited the power to detain those allegedly offering sexual services in public (re-classified as a misdemeanor), except in cases where they were also alleged to be guilty of disorderly conduct or other offenses that could produce danger or damages. In these cases, the detainee had to be brought before a judge immediately if a public prosecutor considered that he or she should remain in custody.

Similarly, reforms began in the Buenos Aires Provincial Police, including the placing of the entire force under civilian control in December 1997 and the removal of 300 superior officers from police functions for a variety of reasons, including corruption and covering up criminal activity. Special brigades set up to fight specific crimes such as drug trafficking were also dissolved, having been determined to have become accomplices rather than enemies of this type of crime. In August 1999, a Law for the Organization of the Police of the Province of Buenos Aires was promulgated, which modified the force's questionable methods of recruitment and training (alleged to favor the recruitment of individuals with a predisposition to violence and to include training in abusive and unprofessional police tactics), modified the system of custody and transfer of detainees, and created three separate types of police force: road safety police, investigative police, and the security (crime prevention) police.

At the same time, on September 29, 1999, a new Code of Penal Procedure entered into force in Buenos Aires Province that, among other provisions, passed responsibility for criminal investigations from judges to public prosecutors and transferred cases currently in the hands of the provincial police to investigating lawyers. The new code also required criminal investigations to be completed within four months from the date of detention of an accused or up to a maximum of fourteen months in exceptionally complex cases, both reducing pre-trial detention periods and ensuring that criminal cases (including those involving accused police officers) would not be dragged out indefinitely.

Although formal restrictions on the right to freedom of expression did not exist in Argentina, threats and attacks on journalists continued to occur. From 1995 through October 1999, forty-three journalists were attacked in Argentina, according to the Committee to Protect Journalists. These attacks ranged from legal harassment to physical assault. One of the most famous cases, in which the Buenos Aires Provincial Police were accused, was the January 25, 1997 kidnapping and murder of journalist José Luis Cabetas. Cabetas had been investigating links between the Buenos Aires Provincial Police and organized crime, as well as the activities of the controversial businessman Alfredo Yabrán, later accused of having hired former provincial police officers to threaten Cabetas. Following the failure of the provincial police to preserve evidence and the arrest of various individuals (later released) on the basis of evidence allegedly invented by the police, as of late 1999 four former police officers, a police informer, and four civilians were detained in connection with the case.

On January 26, 1999, the vice-president of the Photojournalists' Association (Asociación de Reporteros Gráficos, ARGRA) received telephoned death threats, a day after he had been the final speaker at a ceremony commemorating the anniversary of Cabetas's murder. Dozens of journalists, in particular from local or provincial newspapers, suffered threats or attacks during the year, some in connection with reporting on the Cabetas case. Among the most serious assaults was on the Salta province-based journalist David Leiva, whose home was fired on in February after he had already received a number of death threats by letter and telephone. The threats and assault followed publication of an article concerning the actions of the Gendarmería Police force. In March, the car of Chaco province-based journalist Bernardo Balbuena was set on fire, the second attack on a director of his newspaper, *El Diario*. In many other cases, journalists were threatened or accused of being subversives, and a number of public functionaries either denounced journalistic endeavors as invasions of their privacy or directly threatened journalists reporting on their activities. Although in August 1999 two police officers of the Rio Negro Provincial Police were convicted (to suspended sentences) for having beaten three journalists covering a demonstration in December 1995, most instances of persecution of journalists resulted in neither ongoing investigations nor prosecutions.

Other actions limiting press freedom included a series of court rulings ordering journalists or their publications to pay damages for published material relating to investigations of political figures (even where, in the case of a lawsuit against the magazine *Noticias* by President Menem, the court considered the information published to be true), as well as the repeated dismissal from their posts of journalists considered to be "uncomfortable" for the authorities.

In September 1999 the Supreme Court ordered an actress to pay U.S.\$30,000 in damages to a judge whose name was used in a Channel 13 television sketch satirizing the family court system in a comedy program in 1991. Three of the nine judges dissented, and one noted that the use of caricature falls within the freedom to criticize. The ruling was one of several which infringed press freedom during 1999, including a Supreme Court decision ordering the newspaper *Página 12* to publish a reply rectifying an article which was not proved to have been inaccurate and a civil court ruling ordering the magazine *Noticias* to pay U.S.\$150,000 in damages for publishing information on President Menem's illegitimate son. According to the court, this invaded Menem's private life, although the court itself considered the information accurate.

Another Supreme Court ruling in October 1999 had a chilling effect on investigative journalism in the country. The court sentenced the editor of *Humor* to one month of imprisonment for an article on corruption that implicated the president's brother, Senator Eduardo Menem. *Humor* had reprinted information published in an Uruguayan magazine and included Senator Menem's denial with the article. The Supreme Court based its ruling on the unsubstantiated argument that the magazine acted with "actual malice" in publishing the information.

Another episode involving threats against a journalist returned Argentines' attention to the outstanding human rights cases from the period of military rule. In January 1999 the magazine *Puntos* published an interview with retired Navy Capt. Alfredo Astiz, of the former clandestine detention center at the Navy Mechanics' School (Escuela Mecánica de la Armada, ESMA). In that interview, Astiz admitted that the armed forces had adopted the policy of murdering detainees in order to prevent their later release. At the same time, Astiz bragged that he was the person "best prepared technically in this country to kill a politician or a journalist" and warned that journalists "should be careful, or they would end up badly." Astiz also insinuated that Cabetas had been killed with some official involvement. Astiz was expelled from the Navy as a result of his statements, and a federal judge brought charges against him for having made threats in the interview. After the interview was published, the journalist involved, Gabriela Cerruti, received telephoned death threats on two occasions, both couched in language typical of what used to be the military style.

In 1999 Argentina participated in the drafting of the convention leading to the establishment of an international criminal court set up to deal

with war crimes, genocide, and crimes against humanity. Yet this positive international action contrasted with authorities' reluctance to press for domestic investigations or prosecution of the crimes against humanity that had occurred under military rule. The Argentine government consistently refused to collaborate with the judicial investigation opened by Spanish Judge Baltazar Garzón into the "disappearance" of 600 Spanish citizens under the Argentine dictatorship, claiming that the Spanish courts did not have jurisdiction. The government also argued that the cases could not be opened because of the "full stop" and "due obedience" laws of December 1996 and June 1997, which precluded judicial proceedings against all armed forces personnel involved in those human rights violations except those responsible for rape or for abduction and misappropriation of children. Argentine Justice Minister Raúl Granillo Ocampo repeatedly refused to cooperate with the investigations of Judge Garzón (including through extradition of former Argentine junta members) and rejected his competence in these cases. President Carlos Menem also accused Garzón of "harassing" accused members of the Argentine armed forces and instructed ministers to block the investigations.

Within Argentina, attempts to investigate violations under the dictatorship continued, although with little success. In July 1998 Federal Judge Roberto Marquiech ordered the detention of former de facto president, Gen. Jorge R. Videla, in connection with cases of the kidnapping and falsifying of the identity of children of the "disappeared" (most of them born in clandestine detention centers and handed over to military families), one of the few crimes not covered by the full stop and due obedience laws. Although Videla was allowed to remain under house arrest after refusing to testify, public prosecutor Eduardo Treiler later urged the court to charge him, Adm. Emilio Massera, and other former junta members on the same basis, arguing that the practice of the kidnapping of children born in the Campo de Mayo and ESMA detention centers had been ordered by Videla and that he and other junta members had knowledge of the events. A public prosecutor later determined that the issue fell under the jurisdiction of the Armed Forces Supreme Council and should be transferred out of Judge Marquiech's hands.

In a similar case, in August 1998 the Permanent Assembly for Human Rights (Asamblea Permanente de los Derechos Humanos, APDH) in Tucumán province announced that it would present cases relating to five missing children born in detention to "disappeared" mothers in the province in the period 1976–1978. These cases would involve charges against Gen. Antonio Domingo Bussi, then-military governor of the province and chief of the V Infantry Brigade in charge of fighting subversion in the province. (Bussi had since become currently the elected governor of Tucumán.)

Another obstacle to investigation of past violations was imposed by a Supreme Court decision on August 13 to the effect that the mother of a "disappearance" victim, Carmen Aguilar de Lafacó, did not have the right of access to official records in order to learn the fate of her daughter, Alejandra Lafacó. The court denied access on the grounds that the case been legally closed, although prosecution was stated not to be the aim of the plaintiff. Faced with calls for impeachment of the five judges who voted in favor of this decision, Supreme Court Judge Augusto Belluscio denied that the decision closed the possibility of investigations, which he said could be sought via a petition for protection of constitutional rights, but not via the federal courts. In late September, the Supreme Court upheld the right of another relative to access to government files in order to determine the whereabouts of his brother (a guerrilla leader killed in a confrontation in 1976 and whose body was subsequently hidden by the military government).

Defending Human Rights

Argentina continued to benefit from an active human rights community, although with a reduced profile since the return to democracy in 1983. The principal human rights groups, most of them founded during the dictatorship, included the Mothers and Grandmothers of the Plaza de Mayo (Madres y Abuelas de la Plaza de Mayo), the Ecumenical Movement for Human Rights (Movimiento Ecuénico por los Derechos Humanos, MEDH), Peace and Justice Service (Servicio Paz y Justicia, SERPAJ), the APDH, the Argentine League for the Rights of Man (Liga Argentina para los Derechos del Hombre), and the Center for Legal and Social Studies (Centro de Estudios Legales y Sociales, CELS). While all these groups continued to focus on past cases, including presentation of evidence to allow the relatives of the "disappeared" to receive compensation from the government, they also focused on human rights education, investigations of current abuses and, in particular in the case of CELS and the Liga, investigation and representation of victims of police violence.

While human rights organizations did not face official legal obstacles to their activities in 1998, most have been the target of threats or raids on their offices in recent years. In 1998, a theft was reported at the offices of a Tucumán province-based NGO investigating recent cases of abducted children. One of the groups that faced increasing official pressure was HIJOS (Hijos por la Identidad y la Justicia contra el Olvido y el Silencio), formed by children of "disappearance" victims. HIJOS, together with other non-governmental organizations, staged protests outside the homes of human rights abusers, identifying their residences and painting the walls to indicate their whereabouts. Police repression of these actions became increasingly rigid, while members of both the government and the Catholic Church criticized the group's actions.

The Role of the International Community

In addition to the investigations opened by Judge Baltazar Garzón in Spain, in August 1998 a German court opened a case relating to the 1976 "disappearance" of an Argentine-German citizen, Guillermo Augusto Engel, while in the same month it was announced that campaigns had been organized in various European countries to collect 500,000 signatures in favor of trials of former human rights violators in Argentina and Chile. President Menem was faced with similar petitions by members of the governments of Spain, Finland, and Sweden during state visits to those countries.

Organization of American States

The Organization of American States — through its Inter-American Commission on Human Rights and Inter-American Court of Human Rights — also continued to play an important role in monitoring human rights in Argentina, including cases of deaths in police custody, "disappearances," persecution of journalists, and abuse of preventive detention. In March 1997, the Inter-American Commission found that Argentina had violated the rights to personal liberty, presumption of innocence, and the right to trial within a reasonable time in twenty-three specific cases in which individuals had been held in preventive detention for periods ranging from three to nearly seven years. The commission called on Argentina to revise its pre-trial detention practices and immediately release those individuals held in contravention of the Inter-American Convention on Human Rights. Both the Inter-American Commission and the Inter-American Court of Human Rights were also active in pursuing friendly settlements, including indemnity payments for relatives, in the cases of prisoners "disappeared" after their detention by police and in which the Argentine state had recognized its responsibility. These

included the case of Paulo Cristián Guardatti, “disappeared” after detention by the Mendoza provincial police in 1992, in which a friendly settlement was accepted in late 1997. In the cases of Adolfo Garrido and Raúl Baigorria, “disappeared” in 1990 after detention by the same force, the court turned down a solution proposed by Argentina, leaving the case under court scrutiny in 1998.

United States

In its 1999 report, the U.S. Department of State noted in particular the ongoing series of threats against journalists and attacks on press freedom, as well as highlighting the case of José Luis Cabezas who, it stated, appeared to have been killed due to his participation in investigations of criminal activities by the police. The report also noted telephoned threats during 1997 against the organization Periodistas, established two years earlier to defend independent journalism in the face of ongoing threats.

Relevant Human Rights Watch reports:

La Inseguridad Policial: Violencia de las Fuerzas de Seguridad en la Argentina, 10/98.

BRAZIL

Human Rights Developments

In contrast to previous years, no single horrific event constituted the principal human rights development in 1998 in Brazil. Instead, the year was characterized by a series of incidents of police abuse, continued disturbances in Brazil's overcrowded prisons and police lockups, the ongoing failure to prosecute vigorously prior incidents of gross abuse by state agents, and the government's failure to implement the ideals embodied in the National Human Rights Program, released in May.

The issue of police violence continued to seize headlines as officers throughout Brazil killed suspects in incidents that they classified as instances of legitimate use of deadly force. The police in the greater São Paulo area killed 405 civilians in 1997 and 197 in the first five months of 1998. In Rio de Janeiro, State Secretary of Public Security Col. Naldo Alves Silva, appointed in April, continued to promote the suspect policies of his predecessor Gen. Nilton Cerqueira, including pay raises and promotions for “acts of bravery” which Human Rights Watch had demonstrated were awarded to police for killing suspects, despite the existence, in many cases, of evidence contradicting official accounts of the circumstances. Since 1995, more than 3,000 military police and another 1,000 civil police had received pay bonuses for bravery; more than 950 officers had been promoted for bravery in the same period. An October 1997 study by the Institute of Religious Studies (Instituto de Estudos Religiosos, ISER), a leading Rio-based research institute, demonstrated that during this period, the number of civilians killed by police in the city of Rio soared from sixteen to thirty-two per month. In June, following two years of pressure from human rights groups and the media, the Rio de Janeiro State Legislative Assembly took the promising step of voting to suspend both the pay raises and promotions for bravery, overriding Gov. Marcello Alencar's veto of the legislation. Although its impact would take time to evaluate, the vote represented a strong protest to the governor and state secretary of security regarding the stunning homicide record of Rio's police. According to official figures released in September, in the first forty weeks of the year the police in the state of Rio killed 511 civilians, roughly sixty per month and nearly twice as many, per capita, as their São Paulo counterparts. Though less severe than in Rio, the problem of police violence in São Paulo was demonstrated to have been underreported by roughly 30 percent for the decade in official figures which São Paulo authorities recognized in April had systematically failed to include certain types of killings by officers.

São Paulo police continued to be subject to the control of the Police Ombudsman's office (Ouvidoria), which received and processed complaints of police violence, and a separate program, which required those officers involved in homicides to be removed from street duty for three months and subjected to psychological evaluation before returning. No similar programs existed in Rio. In this regard, the appointment in August of long-time human rights activist José Roberto Retende to initiate the work of the newly created police oversight body (Ouvidoria) in neighboring Minas Gerais constituted an important advance.

The northeastern state of Alagoas made national and international news in January when dozens of police officers were found to be involved in contract killings, bank robberies, and car theft rings. To their credit, state and federal authorities took the unprecedented step of arresting more than thirty police involved in the so-called “uniformed gang,” including its reputed leader, Lt. Col. Manoel Francisco Cavalcante, on January 16. Around the time of the arrests, investigations led to the discovery of the remains of thirty-two bodies, presumably victims of the gang's homicides. After the arrests, however, the investigations stalled. A surprise visit to the state morgue in May by Human Rights Watch and local human rights groups exposed the burial of the remains of ten to twelve victims before they could be identified by DNA and other expert examinations. Meanwhile, dozens of crimes attributed to the police in recent years in Alagoas continued without convictions or even judicial proceedings.

Death squad violence, marked by police involvement, continued in the northwestern state of Acre and along Brazil's border with Paraguay in the state of Mato Grosso do Sul. According to Acre State Supreme Court President Gercino José da Silva Filho, who has received death threats and is under Federal Police protection, three death squads composed of civil police, military police and taxi drivers continued to operate in the state of Acre and have been responsible for the executions of at least thirty people in the past eleven years and possibly others among another 110 whose homicides remained unsolved. Recent crimes attributed to these death squads were the killings of Sérgio Rodrigues Soares, eighteen, executed with fifteen shots on March 28, and the early March shooting death of Francisco dos Santos Rocha.

The Marçal de Souza Human Rights Center reported that in 1997, 129 homicides with indicia of executions had been committed in the Grande Dourados Region of Mato Grosso do Sul, along the Brazilian border with Paraguay. Local human rights groups and state authorities suspected the involvement of

the special border operations division of the state police in many of these killings.

Police continued to practice torture as a routine method of investigation throughout Brazil. The propriety and effectiveness of the use of torture became issues of national debate in light of a series of high-profile cases in which the police extracted confessions from defendants who were later shown to be innocent. Most prominent among these was the case of eighteen-year-old student Ana Carolina da Costa Lino, brutally murdered in an affluent section of Rio, some 200 meters from the governor's mansion on April 14. Public pressure to resolve the crime—as well as the governor's irresponsible statements to the press that no police investigation would be opened should the police kill the perpetrators in a shootout—led five teams of police to investigate the crime. Days after the event, a group of detectives presented Delfson Santana, a twenty-three-year-old technician, as one of the assailants. According to his statement, shortly after his arrest Santana had been taken to a deserted area where police threatened him, fired shots nearby to terrorize him, beat him and placed a plastic bag over his head repeatedly, to the point of near-asphyxiation. On May 21, a day after announcing that the crime had been clarified, the police publicly admitted that Santana had not been involved in it, and subsequently released him after their dubious efforts to establish his involvement in another robbery produced no evidence. In July, William Rosa Cinelli, one of those subsequently arrested in connection with the crime, escaped from his cell at the 26th precinct, reportedly after paying police nearly U.S.\$90,000.

In the course of research conducted in late 1997 and 1999, Human Rights Watch took scores of credible statements of torture from detainees in police lockups, jails and prisons in seven Brazilian states. Particularly notable were the police lockups in Belo Horizonte, Minas Gerais. In that city's thefts and robberies precinct, detainees provided detailed accounts of daily torture sessions with electric shock and near-drowning in a special room adjacent to, and within earshot of, the holding cells. Not surprisingly, police authorities initially blocked access to the precinct for a delegation composed of state deputies, a member of the State Human Rights Council, and Human Rights Watch; they permitted the visit three days later pursuant to a state prosecutorial order.

On May 27, Alcioni Serafim de Santana, a Federal Police precinct chief in the internal affairs division, was gunned down in front of his house in São Paulo by hired killers, allegedly contracted by Federal Police officers whom Santana was investigating for involvement in contraband and narcotics trafficking. Santana's killing prompted investigations into the Federal Police force—considered Brazil's most professional—that demonstrated that 106 Federal Police officers in Rio and forty-six others in São Paulo were facing criminal charges but had not been dismissed. An undisclosed number had already been convicted yet continued on the force.

On August 31, Carlos Antônio Ruff, a forty-three-year-old former drug trafficker, was murdered shortly after agreeing to provide information to federal authorities about thirty-three state and Federal Police officers from Rio and São Paulo involved in drug trafficking. Investigations subsequent to Ruff's death confirmed the veracity of his allegations. The utter failure of authorities to guarantee Ruff's security underscored the need to create an effective witness protection program at the federal level and in the state of Rio de Janeiro.

In high-profile cases of police brutality, impunity continued to be the rule, with a few notable exceptions. More than six years after the 1992 massacre at Carandiru prison, in which 111 inmates were killed, no one had been brought to trial, although in March, the ordinary courts ordered eighty-five of the police officers accused to stand trial. The prosecution of the some fifty police officers responsible for the August 1993 massacre of twenty-one residents of the Vigário Geral favela (shantytown) failed to advance in 1999, after the November 1997 conviction of Military Police Officer ARLINDO MAGINÁRIO FILHO. On December 28, 1997, Sirley Alves Ferreira, one of the defendants in the case, escaped from Ari Franco prison in Rio de Janeiro state. In April, a technical error forced the nullification of the trial of ten others.

One positive note was the August 25 conviction and stiff sentence (204 years' imprisonment) imposed on former military policeman Marcos Aurélio Alcântara, the final defendant to be tried for his role in the July 1993 killing of eight street children in the Candelária plaza in downtown Rio de Janeiro. Another important advance in the battle against impunity was the May conviction and forty-seven-year sentence to Rio Grande do Norte police officer JORGE "the smotherer" Fernandes, for the killings of two and injuries to four others in a March 1995 incident known as the massacre of the Mãe Luíza favela in Natal, the state capital. Fernandes was suspected of involvement in at least a dozen other killings for which he still faced trial.

In July a military court in São Paulo convicted seven of the police officer defendants involved in the March 1997 videotaped scenes of beatings, extortion and murder in the Naval favela in Diadema, São Paulo. In August, the same court convicted an eighth defendant, Otávio Gombra, the officer who fired the shot that killed Mário José Josino in the videotaped incidents. All the defendants received relatively light sentences (between one year and eight months and three years and nine months) in the military tribunal but still faced prosecution, along with two others, in the ordinary courts for the crimes of murder, attempted murder and abuse of authority.

Severe overcrowding, official violence and appalling conditions in Brazil's prisons, jails and police holding centers continued to provoke riots and rebellions, several of which resulted in the loss of life. After a record year of riots (195 in São Paulo's lockups and jails alone in 1997), the national prison census for 1997—released and then recalled in early 1999—demonstrated a significant growth in inmate numbers and a prison capacity deficit of 96,010. This deficit (2.3 persons were maintained in detention for every space in the prison system) forced many states to intensify their use of temporary police holding cells as long-term detention centers. The lack of infrastructure, extreme overcrowding and endemic violence in both police lockups and the regular prison system triggered riots throughout the year, several of which were controlled with excessive, often deadly force.

On December 24, 1997, a group of twenty-three prisoners at the Paulo Sarasate prison (Instituto Penal Paulo Sarasate, IPPS) in Ceará took three representatives of nongovernmental organizations (NGOs) and one police lieutenant hostage and initiated a standoff that lasted some twenty-five hours.

After much negotiation—including the release of the police lieutenant but not the civilians—the prisoners and hostages were allowed to flee in four vehicles provided by the police. Shortly after the cars exited the prison, the police opened fire on them, killing seven prisoners and wounding two hostages with gunfire. Surviving prisoners and hostages told Human Rights Watch that the police summarily executed at least two prisoners after they had surrendered.

On February 5, a group of approximately thirty prisoners attempted to escape from the João Chaves prison in Natal, Rio Grande do Norte. The police responded to the escape by gunning down six apparently unarmed prisoners, some of whom received as many as fourteen shots, all from behind. Three days later, police recaptured escapee Moisanil Oliveira da Silva, killing him with a single shot to the temple at point-blank range.

The João Chaves prison had been the subject of reports of extreme prisoner-on-prisoner violence, allegedly promoted or at least tolerated by authorities. Between March 1997 and January 1999, ten prisoners were killed by other inmates. In at least two of these cases, authorities were made aware of the threats facing the endangered prisoners yet failed to take steps to prevent the killings. Prisoner-on-prisoner abuse claimed the lives of dozens of others in 1999. A two-day rebellion at the São José prison in Belém, Pará state ended with the death of three prisoners, whom authorities

CONTENDED HAD BEEN KILLED BY OTHER DETAINEES. ON MAY 29, AT LEAST TWENTY-TWO PRISONERS DIED DURING FIGHTS IN THE BARRETO CAMPELO PRISON IN THE NORTHEASTERN STATE OF PERNAMBUCO.

DETENTION CONDITIONS FOR MINORS, GENERALLY SEPARATED FROM ADULTS IN BRAZIL, FELL WELL BELOW MINIMUM STANDARDS. IN APRIL, SOME 370 JUVENILES HELD IN THE MONIZ SOBRÉ DETENTION CENTER IN RIO DE JANEIRO TOOK THREE STAFF MEMBERS HOSTAGE AND BEGAN A RIOT THAT LASTED JUST OVER AN HOUR. DURING THAT TIME, THE YOUTHS SET FIRE TO MATTRESSES AND DESTROYED PART OF THE FACILITY. A VISIT BY THE STATE BAR ASSOCIATION'S HUMAN RIGHTS COMMISSION THE FOLLOWING MONTH SHOWED THAT REPAIRS HAD NOT BEEN MADE, HUNDREDS OF MINORS HAD BEEN SLEEPING ON THE FLOOR OF A GYMNASIUM AND MANY OF THEM BORE SIGNS OF RECENT BEATINGS.

VIOLENT DISPUTES OVER LAND CONTINUED TO BE WIDESPREAD. ACCORDING TO THE PASTORAL LAND COMMISSION (COMISSÃO PASTORAL DA TERRA, CPT), IN 1997 LAND CONFLICTS NUMBERED 659, A SLIGHT INCREASE FROM THE 653 REGISTERED IN 1996 AND A SIGNIFICANT RISE FROM THE 440 IN 1995 OR THE 379 OF 1994. FIGURES FOR 1999 WERE NOT AVAILABLE AT THIS WRITING, BUT PRESS REPORTS SUGGESTED THAT THIS TREND CONTINUED THROUGHOUT THE YEAR. ON MARCH 26, TWO LANDLESS LABOR LEADERS WHO HAD SURVIVED THE APRIL 17, 1996 MASSACRE OF NINETEEN LANDLESS SQUATTERS IN ELDOBRADO DOS CARAJÁS, ONALÍCIO ARAÚJO BARROS AND VALENTIN DA SILVA SERRA, WERE SHOT TO DEATH IN AN APPARENT EXECUTION SHORTLY AFTER THEY WERE EVICTED ALONG WITH 520 FAMILIES FROM THE GOIÁS II RANCH IN SOUTHERN PARÁ STATE. SUBSEQUENT INVESTIGATIONS ESTABLISHED THAT ELEVEN POLICE OFFICERS HAD PARTICIPATED IN THE EVULSION AND THE SUBSEQUENT SHOOTING. SEVERAL OF THESE OFFICERS HAD ALSO PARTICIPATED IN THE ELDOBRADO DOS CARAJÁS MASSACRE BUT CONTINUED TO SERVE ON ACTIVE DUTY, PENDING TRIAL IN THAT CASE.

THROUGH AUGUST 1999, AT LEAST NINETEEN PERSONS HAD BEEN KILLED IN RURAL CONFLICTS, INCLUDING SEVERAL LEADERS OF THE LANDLESS MOVEMENT. IN FEBRUARY, A GROUP OF EIGHTY HOODED GUNMEN AND LANDOWNERS ATTACKED A GROUP OF LANDLESS LABORERS INVOLVED IN AN OCCUPATION IN PARANÁ STATE, KILLING SIXTY-FIVE YEAR-OLD SEBASTIÃO CAMARGO FILHO AND INJURING TWO OTHERS. IN MARCH, THE BODY OF ADELSON BRITO, A LANDLESS LEADER IN BARRA MANSA, RIO DE JANEIRO STATE WAS FOUND ON THE SIDE OF A ROAD NEAR THE FAZENDA (PLANTATION) WHOSE OCCUPATION HE HAD ORGANIZED, RIDDLED WITH FIVE BULLETS.

THE NUMBER OF INSTANCES AND PERSONS INVOLVED IN THE PRACTICE OF FORCED LABOR FELL DRAMATICALLY (FROM TWENTY-ONE CASES INVOLVING 26,047 PERSONS IN 1995 TO NINETEEN CASES INVOLVING 2,497 PERSONS IN 1996 AND TO SEVENTEEN CASES INVOLVING 972 PERSONS IN 1997), DUE LARGELY TO THE EFFORTS OF FEDERAL LABOR INVESTIGATION TEAMS IN CONJUNCTION WITH CIVIL SOCIETY. NONETHELESS, THE CPT REGISTERED SIXTY-SIX CASES OF EXTREME ABUSE OF WORKER RIGHTS IN 1997, INCLUDING FORCED LABOR AND HYPER-EXPLOITATION INVOLVING 25,660 PEOPLE.

INDIGENOUS PEOPLES CONTINUED TO SUFFER INVASIONS ON THEIR TRADITIONAL LANDS BY LOGGERS, MINERS AND OTHERS, OFTEN VIOLENT. ON MAY 20, YUCURU INDIAN LEADER FRANCISCO DE ASSIS ARAÚJO WAS SHOT BY A HIRED GUNMAN IN PESQUEIRA, IN THE NORTHEASTERN STATE OF PERNAMBUCO, IN WHAT APPEARED TO BE A TARGETED ASSASSINATION. ARAÚJO HAD LED A CAMPAIGN TO INCREASE THE AREA DEMARCATED AS YUCURU LAND. SOME 191 FAZENDAS HAD OCCUPIED THE AREAS CLAIMED BY THE TRIBE.

IN MARCH, FEDERAL POLICE AUTHORITIES TOOK STEPS TO EXPEL DUTCH MISSIONARY WINIFRIDUS OVERBEEK FROM BRAZIL ON UNFOUNDED CHARGES THAT OVERBEEK ENCOURAGED INDIGENOUS TRIBES TO INVADE PRIVATE LANDS. THE RESPONSE OF NGOS DEDICATED TO INDIGENOUS RIGHTS AND CIVIL SOCIETY FORCED THE GOVERNMENT TO RECONSIDER AND ALLOW OVERBEEK TO CONTINUE HIS WORK WITH THE TUPINÍQUIM AND GUARANI INDIANS IN ESPÍRITO SANTO STATE.

THE ISSUE OF GRAVE HUMAN RIGHTS VIOLATIONS COMMITTED DURING THE MILITARY DICTATORSHIP CONTINUED TO PROVOKE REVELATIONS AND REACTION BY CIVIL SOCIETY IN 1999. IN FEBRUARY IT BECAME KNOWN THAT RICARDO FAYAD, A DOCTOR WHO OVERSAW TORTURE SESSIONS OF POLITICAL DISSIDENTS DURING THE DICTATORSHIP, HAD BEEN PROMOTED TO HEALTH DIRECTOR FOR THE ARMY. IN APRIL, PRESIDENT CARDOSO CEDED TO THE PRESSURE OF HUMAN RIGHTS GROUPS, INCLUDING HUMAN RIGHTS WATCH, AND REVERSED FAYAD'S PROMOTION. THE SPECIAL COMMISSION ON DEATHS AND DISAPPEARANCES, A GOVERNMENTAL BODY ESTABLISHED BY A DECEMBER 1995 LAW, CONTINUED TO HOLD STATE AGENTS RESPONSIBLE FOR CUSTODIAL DEATHS PREVIOUSLY MISCHARACTERIZED AS SHOOTOUTS, RESISTANCE TO ARREST OR OTHERWISE, AND AUTHORIZED COMPENSATION TO VICTIMS' SURVIVORS IN A TOTAL OF 148 OF THE 234 CASES DECIDED FROM ITS CREATION IN DECEMBER 1995 THROUGH MAY 1999. IN APRIL, THE RIO DAILY O GLOBO RAN A SPECIAL SERIES OF ARTICLES BASED ON SECURITY FORCE DOCUMENTS FROM 1970 TO 1991 RELEASED BY THE FAMILY OF ARMY GEN. ANTONIO BANDEIRA. THE DOCUMENTS PROVIDED DETAILS ABOUT THE CONDUCT OF THE MILITARY CAMPAIGN TO ELIMINATE THE ARACUATA GUERRILLA MOVEMENT IN THE 1970S, DEMONSTRATING STATE RESPONSIBILITY FOR THE DETENTION AND DEATH OF PERSONS WHOSE WHEREABOUTS THE MILITARY HAD CONSISTENTLY DENIED KNOWING. IN THE CASES OF LEFTIST LEADERS CARLOS DANIELLI AND JOAQUIM CÂMARA FERREIRA, FOR EXAMPLE, THE DOCUMENTS ESTABLISHED THAT BOTH MEN HAD BEEN ARRESTED AND WERE THUS KILLED AFTER DETENTION, NOT WHILE RESISTING ARREST AS AUTHORITIES HAD CONTENDED AT THE TIME. THE REVELATIONS PROMPTED RENEWED CALLS FOR THE RELEASE OF ALL DOCUMENTS HELD BY GOVERNMENTAL AUTHORITIES CONCERNING THE ABUSES OF SECURITY FORCES AND THE MILITARY DURING THE DICTATORSHIP (1964-1995).

THROUGHOUT 1999, IMPORTANT MEASURES SET FORTH IN THE NATIONAL HUMAN RIGHTS PROGRAM FAILED TO GAIN APPROVAL FROM THE FEDERAL CONGRESS OR STATE AUTHORITIES. AT THIS WRITING, MEASURES TO LIMIT THE JURISDICTION OF MILITARY COURTS, TO GRANT FEDERAL POLICE AND COURTS JURISDICTION OVER CERTAIN HUMAN RIGHTS VIOLATIONS, TO CREATE A FEDERAL WITNESS PROTECTION PLAN, TO REVISE THE PENAL CODE (PARTICULARLY SEX OFFENSES), TO ESTABLISH A STATUTE TO GOVERN INDIGENOUS AREAS AND DOZENS OF OTHERS REMAINED STALLED IN CONGRESS. ALMOST ALL BRAZILIAN STATES FAILED TO ESTABLISH MECHANISMS OF EXTERNAL CONTROL OF THE POLICE OR TO REDUCE PRISON OVERCROWDING, AS RECOMMENDED BY THE PROGRAM.

BRAZIL CONTINUED TO SEEK A PERMANENT SEAT ON THE UNITED NATIONS SECURITY COUNCIL, ADOPTING INITIAL MEASURES TO DEMONSTRATE A COMMITMENT TO INTERNATIONAL HUMAN RIGHTS STANDARDS. IN DECEMBER 1997, THE BRAZILIAN GOVERNMENT SIGNED THE CONVENTION ON THE PROHIBITION OF THE USE, STOCKPILING, PRODUCTION AND TRANSFER OF ANTI-PERSONNEL MINES AND ON THEIR DESTRUCTION (1997 MINE BAN TREATY). AT THIS WRITING, HOWEVER, IT HAD NOT YET RATIFIED THE TREATY. IN JULY, BRAZIL VOTED TO SUPPORT THE ROME TREATY TO ESTABLISH AN INTERNATIONAL CRIMINAL COURT (ICC). ALTHOUGH PRESS REPORTS INDICATED THE GOVERNMENT'S INTENT TO RECOGNIZE THE JURISDICTION OF THE INTER-AMERICAN COURT OF HUMAN RIGHTS IN SAN JOSÉ, COSTA RICA, AT THIS WRITING AUTHORITIES HAD NOT DEPOSITED AN INSTRUMENT TO THAT EFFECT. THROUGHOUT 1999, THE GOVERNMENT SHOWED AN INCREASED WILLINGNESS TO NEGOTIATE FRIENDLY SETTLEMENTS IN CASES PENDING BEFORE THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR) AND RECOGNIZED THE EXISTENCE OF GRAVE HUMAN RIGHTS VIOLATIONS AS REPORTED BY THAT BODY IN A SPECIAL REPORT RELEASED IN DECEMBER 1997. IN SEPTEMBER 1999, PRESIDENT CARDOSO ISSUED A DECREE GRANTING AMNESTY TO THOUSANDS OF FOREIGNERS RESIDING ILLEGALLY IN BRAZIL.

Defending Human Rights

BRAZIL WAS FORTUNATE TO HAVE A BROAD RANGE OF HUMAN RIGHTS ORGANIZATIONS, RELIGIOUS GROUPS, CIVIC ASSOCIATIONS AND UNIONS THAT WORKED IN THE DOCUMENTATION, DEFENSE AND PROMOTION OF HUMAN RIGHTS WITHOUT LEGAL IMPEDIMENTS. THESE GROUPS WERE RESPONSIBLE FOR A SERIES OF CAMPAIGNS RELATED TO INDIVIDUAL CASES OF RIGHTS VIOLATIONS AND REGARDING STATE POLICIES THAT FACILITATED ABUSE. THESE EFFORTS EFFECTIVELY PRODDED THE FEDERAL AND STATE GOVERNMENTS TO TAKE CONCRETE ACTIONS ON A NUMBER OF FRONTS.

FEDERAL AUTHORITIES WERE EXPECTED TO REOPEN THE INVESTIGATION OF THE OCTOBER 1996 MURDER OF RIO GRANDE DO NORTE HUMAN RIGHTS ATTORNEY GILSON

NOGUEIRA. THE DECISION WAS THE RESULT OF NEW EVIDENCE INDICATING POLICE RESPONSIBILITY IN THE KILLING, AS WELL AS PRESSURE FROM LOCAL AND INTERNATIONAL GROUPS WHICH FILED A PETITION ADMITTED BY THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS OF THE OAS.

AS RECOMMENDED IN THE NATIONAL HUMAN RIGHTS PROGRAM, LEGISLATIVE BODIES AT THE MUNICIPAL AND STATE LEVEL EITHER CREATED OR STRENGTHENED EXISTING HUMAN RIGHTS COMMISSIONS. THESE HUMAN RIGHTS COMMISSIONS, THOUGH GOVERNMENTAL BY DEFINITION, ACTED WITH NOTABLE INDEPENDENCE, RECEIVING COMPLAINTS OF ABUSE FROM CITIZENS, OVERSEEING POLICE, PRISONS AND OTHER STATE AGENTS, AND DENOUNCING ABUSES TO PROSECUTORS AND THE MEDIA. IN MANY CITIES AND STATES, THESE HUMAN RIGHTS BODIES COORDINATED EFFORTS TO DRAFT MUNICIPAL OR STATE-LEVEL HUMAN RIGHTS PROGRAMS, PATTERNED ON THE NATIONAL HUMAN RIGHTS PROGRAM. THE CONTINUED GROWTH OF THIS SECTOR IN 1999 CONSTITUTED PERHAPS THE MOST POSITIVE DEVELOPMENT IN THIS AREA.

AT THE SAME TIME, NONGOVERNMENTAL ORGANIZATIONS CONTINUED TO CREATE WORKING TIES WITH THE FEDERAL AND STATE GOVERNMENTS, PARTICULARLY WITH REGARD TO WITNESS PROTECTION. THE OFFICE OF LEGAL ASSISTANCE FOR GROSSROOTS ORGANIZATIONS (GABINETE DE APOIAMENTO JURÍDICO ÀS ORGANIZAÇÕES POPULARES, GAJOP), A LEADING NGO BASED IN RECIFE, WORKED WITH THE MINISTRY OF JUSTICE AND THE UNITED NATIONS DEVELOPMENT PROGRAM TO ESTABLISH JOINT GOVERNMENT-NGO WITNESS PROTECTION PROGRAMS IN THE STATES OF RIO GRANDE DO NORTE, ESPÍRITO SANTO, AND BAHIA, BASED ON A SUCCESSFUL PROGRAM IN PERNAMBUCO STATE. AUTHORITIES PLANNED TO ESTABLISH SIMILAR PLANS IN FOUR MORE STATES, INCLUDING SÃO PAULO IN 1999.

The Role of the International Community

European Union

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

IN JUNE, THE E.U. ESTABLISHED NEW GUIDELINES FOR IMPORT TARIFFS FOR PRODUCTS FROM ASIA AND LATIN AMERICA INTENDED TO CREATE FINANCIAL INCENTIVES FOR DEVELOPING NATIONS TO FULLY RESPECT LABOR RIGHTS AND TO CURB CHILD LABOR. THROUGH THE MEASURES, WHICH WOULD AUTHORIZE REDUCTIONS FROM 15 PERCENT TO 35 PERCENT FOR PRODUCTS FROM COUNTRIES THAT COMPLY FULLY WITH INTERNATIONAL LABOUR ORGANISATION (ILO) NORMS RELATING TO THE RIGHTS OF UNIONS, COLLECTIVE BARGAINING AND MINIMUM WORK AGE, THE E.U. HOPED TO PRESS BRAZILIAN, AND OTHER, AUTHORITIES TO TAKE CONCRETE MEASURES IN THESE AREAS. THE BRAZILIAN GOVERNMENT OBJECTED TO THE APPLICATION OF THE NEW MEASURES.

IN SEPTEMBER, THE BRAZILIAN GOVERNMENT ANNOUNCED THE CREATION OF A PROGRAM TO TRAIN POLICE OFFICERS RUN BY THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) WITH SUPPORT FROM THE DUTCH AND SWEDISH GOVERNMENTS. THE ICRC PROGRAM BUILDS ON A PILOT PROGRAM IMPLEMENTED IN 1997 AND SEEKS TO TRAIN OFFICERS IN PROFESSIONAL POLICING TECHNIQUES THAT INCLUDE SAFEGUARDS FOR SUSPECTS' FUNDAMENTAL RIGHTS.

United States

IN 1999, THE U.S. GAVE RELATIVELY LITTLE DIRECT ASSISTANCE TO BRAZIL, BUT TOOK SOME MEASURES TO PROMOTE HUMAN RIGHTS TRAINING AND EDUCATION. FOR FISCAL YEAR 1999, THE CLINTON ADMINISTRATION REQUESTED U.S.\$1.2 MILLION IN COUNTERNARCOTICS ASSISTANCE. FOR FISCAL YEAR 1999, CONGRESS APPROVED U.S.\$1.4 MILLION IN COUNTERNARCOTICS ASSISTANCE, INCLUDING U.S.\$450,000 FOR DRUG ENFORCEMENT AGENCY OPERATIONS AND AN ADDITIONAL U.S.\$207,000 IN DIRECT PROGRAMMING AND SPENDING. AN ADDITIONAL U.S.\$2 MILLION TO EQUIP ANTI-DRUG POLICE OPERATIONS WAS EXPECTED TO BE DISBURSED AS PART OF FISCAL YEAR 1999 EXPENDITURES. FOR FISCAL YEAR 1999, THE ADMINISTRATION REQUESTED U.S.\$225,000 FOR BRAZIL THROUGH THE INTERNATIONAL MILITARY EDUCATION AND TRAINING PROGRAM.

DURING THE YEAR, THE U.S. GOVERNMENT SPONSORED NUMEROUS VISITS FOR HUMAN RIGHTS ACTIVISTS, ATTORNEYS, AND COMMUNITY ORGANIZERS TO THE UNITED STATES THROUGH THE ADMINISTRATION OF JUSTICE AND UNITED STATES INFORMATION SERVICES PROGRAMS, AS WELL AS VISITS TO BRAZIL BY EXPERTS ON HUMAN AND CIVIL RIGHTS, PARTICULARLY IN THE AREA OF DIVERSITY. THE STATE DEPARTMENT'S CHAPTER ON BRAZIL IN ITS *COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1997* ACCURATELY PORTRAYED THE HUMAN RIGHTS SITUATION IN BRAZIL, HIGHLIGHTING POLICE VIOLENCE, TORTURE, AND THE ABUSES SUFFERED BY WOMEN, MINORITIES, AND PRISONERS.

Relevant Human Rights Watch report:

BEHIND BARS IN BRAZIL, 12/99

COLOMBIA

Human Rights Developments

DESPITE INCREASED NATIONAL AND INTERNATIONAL ATTENTION TO HUMAN RIGHTS AND LAWS OF WAR VIOLATIONS, THE CIVILIAN TOLL IN COLOMBIA'S WAR REMAINED HIGH IN 1999. PRESIDENTIAL ELECTIONS IN JUNE PROMPTED CALLS FOR PEACE, BUT BOTH GUERRILLAS AND PARAMILITARIES, THE LATTER OFTEN WORKING WITH THE ACQUIESCENCE OR OPEN SUPPORT OF THE SECURITY FORCES, LAUNCHED OFFENSIVES THAT DIMMED HOPES. AT THIS WRITING, A NEW PRESIDENT, HIS CABINET, AND A NEW MILITARY HIGH COMMAND HAD YET TO MAKE THE FIRST STEPS NECESSARY TO END IMPUNITY AND BRING HUMAN RIGHTS CRIMINALS TO JUSTICE. FOR THEIR PART, GUERRILLAS CONTINUED TO FLOUT THE LAWS OF WAR EVEN AS THEY CRITICIZED GOVERNMENT FORCES FOR VIOLATIONS.

ALTHOUGH EXACT FIGURES REMAINED DIFFICULT TO CONFIRM AND MANY CASES WENT UNREPORTED OR UNINVESTIGATED, THE DATA BANK RUN BY THE CENTER FOR RESEARCH AND POPULAR EDUCATION (CENTRO DE INVESTIGACIÓN Y EDUCACIÓN POPULAR, CINEP) AND THE INTERCONGREGATIONAL COMMISSION OF JUSTICE AND PEACE (JUSTICE AND PEACE), HUMAN RIGHTS GROUPS, REPORTED THAT 619 PEOPLE WERE KILLED FOR POLITICAL REASONS IN THE FIRST SIX MONTHS OF 1999. IN CASES WHERE A PERPETRATOR WAS SUSPECTED, 73 PERCENT OF THESE KILLINGS WERE ATTRIBUTED TO PARAMILITARIES, 17 PERCENT WERE ATTRIBUTED TO GUERRILLAS, AND 10 PERCENT TO STATE AGENTS. THESE FIGURES DID NOT INCLUDE COMBATANTS KILLED IN ACTION.

EFFORTS TO PASS CRUCIAL HUMAN RIGHTS LEGISLATION STALLED IN CONGRESS, INCLUDING A MILITARY PENAL CODE REFORM AND A BILL CRIMINALIZING FORCED DISAPPEARANCES. THE OUTGOING ADMINISTRATION OF ERNESTO SAMPER FAILED TO PROMOTE THESE MEASURES AGGRESSIVELY, IGNORING AN OPPORTUNITY TO ACHIEVE CRUCIAL HUMAN RIGHTS REFORMS. THAT OBLIGATION PASSED TO THE GOVERNMENT OF ANDRÉS PASTRANA, WHO HAD NOT, AT THIS WRITING, ANNOUNCED A PLAN FOR ADDRESSING ISSUES LIKE CONTINUING MILITARY SUPPORT FOR PARAMILITARY GROUPS AND IMPUNITY.

The Colombian army continued to commit serious violations with little apparent will to investigate or punish those responsible. As in the past, at the root of these abuses was the Colombian army's consistent and pervasive failure to enforce human rights standards and distinguish civilians from combatants. In eastern Colombia, where paramilitary forces were weak, the army was directly implicated in the killing of civilians and prisoners taken *hors de combat*, as well as torture and death threats. In the rest of the country, where paramilitaries had developed a pronounced presence over the past decade, the army still failed to move against them and tolerated their activity, including egregious violations of international humanitarian law: provided some paramilitary groups with intelligence and logistical support to carry out operations; and actively promoted and coordinated joint maneuvers with them.

High-ranking army officers continued to claim that soldiers were directly implicated in fewer abuses than in years past even as the army's use and tolerance of paramilitaries persisted. As the Bogotá-based office of the United Nations High Commissioner for Human Rights noted in its March 1999 report, "Witnesses frequently state that [massacres] were perpetrated by members of the armed forces passing themselves off as paramilitaries, joint actions by members of the armed forces or police and paramilitaries, or actions by paramilitaries enjoying the complicity, support or acquiescence of the regular forces."

Throughout the year, paramilitary threats of massacres were ignored by the security forces, which took few measures to protect civilians. In the case of Puerto Alvirá, Meta, local officials and the Office of the Public Advocate (*Defensoría del Pueblo*) warned authorities over a dozen times of an imminent attack. Nevertheless, paramilitaries seized the town unhampered on May 4 and reportedly killed at least twenty-one people, including store owners and a five-year-old child.

The Colombian army's Twentieth Brigade, which centralized military intelligence, was among the most feared units in Colombia until it was suspended pending a reorganization on May 19, 1999, in part because of human rights violations. Government investigators linked the Twentieth Brigade to the 1995 murder of prominent leader Álvaro Gómez Hurtado, an apparent plot to provoke a military coup d'état.

In November 1997 four Twentieth Brigade intelligence officers were passed over for promotion, effectively ending their careers, and the military retired a former brigade commander. However, we are not aware of any criminal investigations of Twentieth Brigade commanders who presided over the unit when it amassed its homicidal record.

Impunity remained the rule for officers who violated human rights. Typical is the case involving the Naval Intelligence Network No. 7, responsible for dozens of extrajudicial executions in and around the city of Barrancabermeja, Santander from 1991 through 1993. Despite overwhelming evidence showing that Lt. Col. Rodrigo Quinones and seven other soldiers planned, ordered, and paid hit men and paramilitaries to carry out these killings, all eight were speedily acquitted by a military tribunal in 1994.

A civilian court convicted two civilian employees of Naval Intelligence Network No. 7 for murder in 1999. In his ruling, the civilian judge described himself as "perplexed" by the military acquittals of the officers involved, since he considered the evidence against the officers "irrefutable... With [this acquittal] all that [the military] does is justify crime, since the incidents and the people responsible for committing them are more than clear," he wrote. In September, Colombia's Internal Affairs office (*Procuraduría*) also concluded that naval officers had formed, promoted, led, and financed paramilitary groups in order to carry out dozens of extrajudicial executions.

Although Colombia's Constitutional Court ruled in 1997 that cases involving members of the armed forces accused of violations of human rights and the laws of war should be prosecuted in civilian courts, the Superior Judicial Council, the body charged with resolving jurisdictional disputes between civilian courts and military tribunals, continued to rule frequently in favor of the military. The few cases transferred to civilian jurisdiction mainly involved police officers, not soldiers, and none ranked above the level of major.

As of this writing, the Pastrana administration had yet to announce its position on a bill, stalled in the Colombian Senate, to reform the military penal code. However, cases like the one involving Naval Intelligence Network No. 7 underscored the urgent need to pass such legislation to end the impunity so far guaranteed for officers by military tribunals.

Army officers who failed to arrest or even pursue paramilitaries continued to be shielded and even promoted. Instead of being sanctioned for allowing repeated paramilitary massacres in his jurisdiction in 1997, Seventh Brigade Commander Gen. Jaime Uscátegui was promoted to an elite unit in the department of Caquetá in 1999.

The national police were also implicated in abuses, among them the extrajudicial executions of young men suspected of sympathizing with guerrillas. In areas where paramilitaries were present, police officers were directly implicated in joint army-paramilitary actions and sometimes organized paramilitaries and supplied information to them to assemble death lists. For instance, government investigators concluded in 1999 that police in La Ceca, Antioquia organized and deployed paramilitaries considered responsible for at least thirty killings in 1996 and 1997.

After the Catholic Church sponsored workshops on human rights in El Penol, Antioquia in March 1999 and invited local police, organizers learned that police planned to attend only to take notes and photograph those present, suggesting an attempt to identify and later persecute human rights defenders or simply discourage residents from taking part. Subsequently, the workshop organizers began receiving telephone death threats.

After a flood of reports of abuses, including massacres, perpetrated by Special Vigilance and Private Security Services (*Servicios de Vigilancia y Seguridad Privada*, CONNIVIR) groups of civilians licensed by the government to provide local security, outgoing President Ernesto Samper suspended the creation of new associations. Renamed "Community Services" (*Servicios Comunitarios*), these associations were barred by the Constitutional Court from collecting intelligence for the security forces and receiving military-issued weapons, formerly common practices.

Meanwhile, government investigators launched investigations of army officers who set up and supported these associations without government approval. For example, the Las Colonias association in Lebrija, Santander was set up without government authorization by Gen. Fernando Millán at the Fifth Brigade base he commanded. The association regularly extorted money from residents and allegedly committed a series of killings, robberies, and death threats. Among its members before its dismantlement were several known paramilitaries from the Middle Magdalena region. The army high command prevented prosecutors from questioning Millán, then interposed a jurisdictional dispute, claiming that since Millán was on active service and carrying out his official duties, the case should be tried before a military tribunal. In October, the case, like hundreds before it, was sent to a military tribunal.

For their part, paramilitaries continued to commit massacres, murders of civilians and combatants *hors de combat*, torture, the mutilation of corpses, death threats, forced displacement, hostage-taking, and looting, among other violations. In the first eight months of 1999, for example,

PARAMILITARIES WERE LINKED TO MOST OF THE MASSACRES COMMITTED, MEANING THE KILLING OF FOUR OR MORE PEOPLE AT THE SAME PLACE AND AT THE SAME TIME. IN MANY CASES, BODIES WERE ALSO DISMEMBERED, DECAPITATED, AND MUTILATED WITH MACHETES, CHAIN SAWS, AND ACID.

AMONG THE MOST BRAZEN MASSACRES OCCURRED IN THE CITY OF BARRANCABERMEJA, SANTANDER. ON MAY 16, 1999, THE SANTANDER AND SOUTHERN CESAR SELF-DEFENSE GROUP KILLED ELEVEN RESIDENTS AND ARBITRARILY DETAINED AT LEAST THIRTY-ONE OTHERS. SUBSEQUENTLY, THE GROUP, ONE OF SEVEN ALLIED UNDER THE UNITED SELF-DEFENSE GROUPS (AUDEFENSAS UNIDAS DE COLOMBIA, AUC), TOOK RESPONSIBILITY FOR MURDERING MOST OF THE MEN THEY HAD ARBITRARILY DETAINED AND BURNING THEIR BODIES. THE ATTORNEY GENERAL'S OFFICE (FISCALÍA) LATER LINKED AT LEAST ONE ARMY SOLDIER TO THE PREPARATION FOR THE PARAMILITARY INCURSION.

ALTHOUGH THE ATTORNEY GENERAL'S OFFICE ISSUED A GROWING NUMBER OF WARRANTS FOR PARAMILITARY LEADERS, INCLUDING AUC LEADER CARLOS CASTAÑO, THE SECURITY FORCES MADE FEW ARRESTS. A NOTABLE EXCEPTION WAS THE FEBRUARY 25 CAPTURE OF VÍCTOR CARRANZA, A POWERFUL CASTAÑO ALLY. SIGNIFICANTLY, CARRANZA WAS CAPTURED BY THE CIVILIAN SECURITY AGENCY ATTACHED TO THE ATTORNEY GENERAL'S OFFICE, THE TECHNICAL INVESTIGATION UNIT (CUERPO TÉCNICO DE INVESTIGACIÓN, CITI), WHICH DID NOT NOTIFY SECURITY FORCE AGENCIES BEFOREHAND FOR FEAR THEY WOULD ALERT CARRANZA.

GUERRILLAS ALSO COMMITTED SERIOUS ABUSES IN 1999. WHEN THE REVOLUTIONARY ARMED FORCES OF COLOMBIA (FUERZAS ARMADAS REVOLUCIONARIAS DE COLOMBIA, FARC) PERCEIVED A POLITICAL ADVANTAGE, IT EMPHASIZED ITS RESPECT FOR THE LAWS OF WAR. HOWEVER, WHEN NO POLITICAL ADVANTAGE WAS APPARENT, THE FARC MADE LITTLE IF ANY ATTEMPT TO ABIDE BY THESE STANDARDS. FOR INSTANCE, HUMAN RIGHTS WATCH RECEIVED CREDIBLE AND CONSISTENT INFORMATION ABOUT THE FARC'S USE OF THE BODIES OF SLAIN COMBATANTS AS BOOBY TRAPS, AN ACT OF PERFDY UNDER THE LAWS OF WAR. AFTER COMBAT NEAR FOMEQUE, CUNDINAMARCA, ON FEBRUARY 16, 1999, THE ARMY COLLECTED THE BODIES OF THREE SOLDIERS, WHICH WERE FLOWN BY HELICOPTER TO SANTAFÉ DE BOGOTÁ. THERE, THE EXPLOSIVES HIDDEN IN THE BODY OF CAPT. LUIS HERNÁNDO CAMACHO DETONATED, KILLING TWO SOLDIERS AND WOUNDING FIVE.

THE CAMILIST UNION-NATIONAL LIBERATION ARMY (UNIÓN CAMILISTA- EJÉRCITO DE LIBERACIÓN NACIONAL, UC-ELN) ROUTINELY EXECUTED SOLDIERS AND POLICE OFFICERS TAKEN HORS DE COMBAT, OFTEN IN FRONT OF DOZENS OF WITNESSES. IN THE FIRST SIX MONTHS OF 1999 ALONE, THE UC-ELN KILLED AT LEAST THIRTY-TWO CIVILIANS AND COMBATANTS HORS DE COMBAT ACCORDING TO THE DATA BANK.

IN THAT SAME TIME PERIOD, THE UC-ELN REPORTEDLY BOMBED THE 770-KILOMETERS-LONG PIPELINE LINKING COLOMBIA'S EASTERN OIL FIELDS WITH THE CARIBBEAN PORT OF COVENAS OVER FORTY TIMES. THE UC-ELN TARGETED THE PIPELINE NOT FOR MILITARY REASONS BUT TO EXTORT MONEY AND MAKE A POLITICAL POINT ABOUT ITS OPPOSITION TO THE WAY COLOMBIA DEALS WITH THE MULTINATIONAL CORPORATIONS.

THE POPULAR LIBERATION ARMY (EJÉRCITO POPULAR DE LIBERACIÓN, EPL) ALSO ENGAGED IN PERSISTENT AND EGREGIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW, INCLUDING THE MURDERS OF THE RELATIVES OF DESERTERS. FOR INSTANCE, AFTER EPL KIDNAP VICTIMS MARIA CONSTANZA AND JUAN CARLOS MORALES BALLESTEROS ESCAPED WITH THE HELP OF AN EPL MILITANT, EPL GUERRILLAS HUNTED DOWN THE MAN'S FAMILY ON NOVEMBER 19, 1997, AND KILLED HIS MOTHER AND BROTHER AND WOUNDED ANOTHER BROTHER IN REPRISAL.

ALL GUERRILLA GROUPS CONTINUED TO ENGAGE IN HOSTAGE-TAKING FOR EXTORTION OR TO PRESS A POLITICAL POINT. ACCORDING TO THE PAÍS LIBRE FOUNDATION, A NONGOVERNMENTAL GROUP THAT COLLECTS INFORMATION ON KIDNAPING, GUERRILLAS ARE RESPONSIBLE FOR HALF OF THE ESTIMATED 1,099 KIDNAPINGS REGISTERED IN THE FIRST SEVEN MONTHS OF 1999.

ALL PARTIES TO THE CONFLICT CONTINUED TO USE LAND MINES. FOR INSTANCE, THE UC-ELN USED LAND MINES IN POPULATED AREAS OF ANTIOQUIA, ARAUCA, AND SANTANDER, AMONG OTHERS, ENDANGERING THE CIVILIAN POPULATION AND CAUSING CASUALTIES AMONG FARMERS AND CHILDREN. ALTHOUGH COLOMBIA SIGNED THE MINE BAN TREATY IN DECEMBER 1997, IT HAS YET TO RATIFY IT.

FORCED DISPLACEMENT CONTINUED TO BE A SERIOUS PROBLEM. ACCORDING TO THE DISPLACED SUPPORT GROUP (GRUPO DE APOYO A DESPLAZADOS, GAD), AN ALLIANCE OF HUMAN RIGHTS, CHURCH, AND HUMANITARIAN AID GROUPS, OVER ONE MILLION COLOMBIANS HAVE BEEN DISPLACED BY VIOLENCE. CHIEF AMONG THE CAUSES OF FORCED DISPLACEMENT WERE VIOLATIONS OF HUMAN RIGHTS AND THE LAWS OF WAR. DISPLACEMENT WAS ALSO CAUSED BY POWERFUL BUSINESS INTERESTS, WHICH JOINED FORCES WITH PARAMILITARIES TO FORCE POOR FARMERS FROM THEIR LAND, THEN OCCUPIED IT OR BOUGHT IT FOR PALTRY SUMS.

SEVERAL REGIONS BUFFETED BY MASSACRES, FIGHTING, TARGETED KILLINGS, AND THREATS PRODUCED FORCED DISPLACEMENT IN 1999: THE NORTHERN DEPARTMENTS OF ANTIOQUIA, BOLÍVAR, CESAR, AND NORTE DE SANTANDER; THE MIDDLE MAGDALENA REGION; AND THE REGION KNOWN AS URABÁ, BORDERING PANAMA AND INCLUDING NORTHERN CHOCÓ DEPARTMENT. FORCED DISPLACEMENT ALSO SPREAD TO NEW AREAS FORMERLY AT THE MARGINS OF CONFLICT, INCLUDING THE DEPARTMENTS OF CHOCÓ AND PUTUMAYO.

ANOTHER RELATIVELY NEW PHENOMENON IN 1999 WAS THE PERSECUTION OF LEADERS OF DISPLACED COMMUNITIES, ACCUSED BY COMBATANTS OF SYMPATHIZING WITH THE ENEMY OR ARRANGING DISPLACEMENTS AS A MILITARY MANEUVER. ON APRIL 29, 1999, ARMED MEN CLAIMING TO BELONG TO THE ACCU SEIZED SIX MEN FROM A BELLO, ANTIOQUIA, SETTLEMENT OF FORCIBLY DISPLACED FAMILIES, KILLING AT LEAST FOUR AND FORCIBLY DISAPPEARING THE REST.

GOVERNMENT MEASURES TO ASSIST THE DISPLACED FELL PREY TO LACK OF FUNDING, INSUFFICIENT COORDINATION AMONG GOVERNMENT AGENCIES, AND POOR INFORMATION. MOST DISPLACED COLOMBIANS CONTINUED TO LIVE IN MISERY AND FEAR. COLOMBIA'S CITIES ABSORBED DISPLACED FAMILIES INTO THEIR GROWING SLUMS, AND THE DISPLACED OFTEN LIVED ON THE MARGINS OF THESE ALREADY MARGINAL SETTLEMENTS. OTHERS TOOK SHELTER IN TEMPORARY CAMPS. IN AUGUST, HUNDREDS OF DISPLACED FAMILIES FROM SOUTHERN BOLÍVAR BEGAN ARRIVING IN BARRANCABERMEJA, SANTANDER, AND NEGOTIATED AN ACCORD WITH THE GOVERNMENT FOR THEIR SAFE RETURN. HOWEVER, EVEN AS FAMILIES BEGAN THE TREK BACK TO THEIR HOMES AND FARMS, NEW CONCERNS WERE RAISED ABOUT THEIR SAFETY IN A REGION STILL TORN BY COMBAT.

IN SOME CASES, THE GOVERNMENT COMPELLED THE DISPLACED TO RETURN TO THEIR COMMUNITIES DESPITE ITS INABILITY TO GUARANTEE THEIR SECURITY. FOR EXAMPLE, ACCORDING TO VIRTUALLY ALL INFORMED OBSERVERS AND THE DISPLACED THEMSELVES CONSULTED BY THE U.S. COMMITTEE FOR REFUGEES, FROM THE MOMENT THAT THE HUNDREDS OF RIOSUCIO DISPLACED ARRIVED IN PAVARANDÓ AND TURBO IN LATE 1997, THE GOVERNMENT BEGAN PRESSURING THEM TO RETURN HOME. WHILE MANY DISPLACED PEOPLE SAID THAT THEY WANTED TO RETURN, THEY INSISTED THAT THE GOVERNMENT GUARANTEE THEIR SECURITY. IN NOVEMBER 1997, THE GOVERNMENT ANNOUNCED THAT THE DISPLACED IN PAVARANDÓ HAD AGREED TO RETURN HOME AND WOULD SIGN AN AGREEMENT TO THAT EFFECT. BUT THE DISPLACED PEOPLE REFUSED TO SIGN, BECAUSE THE AGREEMENT DID NOT GUARANTEE THEIR SECURITY.

ACCORDING TO THE OFFICE OF THE U.N. HIGH COMMISSIONER FOR HUMAN RIGHTS IN MARCH 1999, RETURN "HAS BEEN PROMOTED EVEN THOUGH MINIMUM CONDITIONS OF SECURITY COULD NOT BE GUARANTEED AND THE CAUSES WHICH GAVE RISE TO THE DISPLACEMENT HAD NOT BEEN ELIMINATED."

PRISON CONDITIONS REMAINED GRIM, ESPECIALLY FOR INDIVIDUALS BELIEVED TO OCCUPY MIDDLE TO LOWER-LEVEL POSITIONS WITHIN INSURGENT ORGANIZATIONS. WHILE LEADERS WERE PROVIDED WITH VIRTUAL SUITES WITHIN MAXIMUM SECURITY FACILITIES AND ACCESS TO FOODS AND MEDICINES OF THEIR CHOOSING, RANK-AND-FILE PRISONERS LIVED IN SEVERELY OVERCROWDED CELL BLOCKS WHERE ACTS OF VIOLENCE WERE COMMON ALONG WITH CHRONIC SHORTAGES OF FOOD, WATER, AND MEDICAL CARE. IN A BLOODY INCIDENT THAT TOOK PLACE IN APRIL, FIFTEEN INMATES WERE KILLED IN A GANG CLASH IN LA PICOTA PRISON SOUTH OF BOGOTÁ.

ACCORDING TO THE NATIONAL PENITENTIARY AND JAIL INSTITUTE, WHICH RUNS COLOMBIA'S PRISONS, 49 PERCENT OF PRISONERS OVERALL HAD NOT YET BEEN CONVICTED OF ANY CRIME. ALTHOUGH COLOMBIA'S PRISON WERE BUILT TO HOLD ABOUT 32,000 PRISONERS, THE ACTUAL POPULATION WAS WELL OVER 43,000.

Defending Human Rights

DEFENDING HUMAN RIGHTS REMAINED A DANGEROUS PROFESSION IN COLOMBIA. IN THE FIRST NINE MONTHS OF 1999, AT LEAST SIX HUMAN RIGHTS DEFENDERS WERE MURDERED, AMONG THEM GOVERNMENT INVESTIGATORS, OFFICIALS CHARGED WITH INVESTIGATING COMPLAINTS ABOUT RIGHTS ABUSES. AMONG THE MOST DANGEROUS DEPARTMENTS FOR HUMAN RIGHTS WORK WAS ANTIOQUIA. ON FEBRUARY 27, 1999, THREE ASSASSINS GUNNED DOWN HUMAN RIGHTS LAWYER JESÚS MARÍA VALLE JARAMILLO, PRESIDENT OF THE "HÉCTOR ABOG GÓMEZ" PERMANENT COMMITTEE FOR HUMAN RIGHTS IN ANTIOQUIA, IN HIS MEDELLÍN OFFICE. HE WAS THE FOURTH PRESIDENT OF THE COMMITTEE KILLED SINCE 1997. AS OF THIS WRITING, TWO MEN WITH LINKS TO THE AUC WERE UNDER ARREST IN CONNECTION WITH THE MURDER.

LESS THAN TWO MONTHS AFTER VALLE'S MURDER, THREE ASSASSINS KILLED HUMAN RIGHTS LAWYER EDUARDO UMANA IN HIS BOGOTÁ APARTMENT. UMANA'S MURDER CAME ONLY A SHORT TIME AFTER THE U.N. PASSED A DECLARATION SUPPORTING THE WORK OF HUMAN RIGHTS DEFENDERS IN COLOMBIA. DURING A STRIKE OF STATE EMPLOYEES ON OCTOBER 19, JAIME ORTEGA, VICE-PRESIDENT OF ONE OF COLOMBIA'S LARGEST UNIONS AND A HUMAN RIGHTS DEFENDER, WAS KILLED. ORTEGA HAD BEEN THE TARGET OF MANY DEATH THREATS AND HAD MADE A FINAL REQUEST FOR GOVERNMENT PROTECTION THE DAY BEFORE HIS MURDER. NEVERTHELESS, THE GOVERNMENT HAD DELAYED PROVIDING HIM WITH A BODYGUARD, AND ORTEGA WAS ALONE WHEN HE WAS SHOT BY A GUNMAN OUTSIDE HIS BOGOTÁ APARTMENT.

THE COLOMBIAN ARMY'S TWENTIETH BRIGADE CONTINUED THREATENING HUMAN RIGHTS DEFENDERS UNTIL SHORTLY BEFORE THE UNIT WAS SUSPENDED AND LATER REORGANIZED AND RENAMED THE MILITARY INTELLIGENCE CENTER (CENTRO DE INTELIGENCIA MILITAR, CIME). AFTER HUMAN RIGHTS WATCH STATED, CORRECTLY, THAT GOVERNMENT INVESTIGATORS BELIEVED THE KILLINGS OF VALLE AND UMANA MAY HAVE BEEN LINKED TO THE TWENTIETH BRIGADE, THE ARMY COMMANDER SINGLE-OUT THE HUMAN RIGHTS WATCH DIRECTOR FOR THE AMERICAS FOR ATTACK AS AN "ENEMY OF COLOMBIA." WHEN A RETIRED GENERAL AND FORMER DEFENSE MINISTER WAS ASSASSINATED IN SANTAFÉ DE BOGOTÁ THE NEXT DAY, MAY 12, 1999, THE ARMY AGAIN ACCUSED HUMAN RIGHTS WATCH, THIS TIME OF ENGAGING IN A "CAMPAIGN OF DEFAMATION AND COLUMNY AGAINST THE MILITARY FORCES" THAT "LED TO THE ASSASSINATION."

SUBSEQUENTLY, THE TWENTIETH BRIGADE SUPPLIED FRAUDULENT INFORMATION TO THE ATTORNEY GENERAL'S OFFICE LINKING THE CRIME TO JUSTICE AND PEACE, A RESPECTED HUMAN RIGHTS GROUP. ON MAY 13, SOLDIERS SEIZED THE GROUP'S OFFICES. SOLDIERS CONCENTRATED THEIR SEARCH ON THE OFFICE OF "NUNCA MÁS," A RESEARCH PROJECT SPONSORED BY JUSTICE AND PEACE THAT DOCUMENTS CRIMES AGAINST HUMANITY. SOLDIERS FORCED EMPLOYEES TO KNEEL AT GUNPOINT, IN ORDER, THEY CLAIMED, TO TAKE THEIR PICTURES, AN ACT MORE LIKELY INTENDED TO INSPIRE TERROR AND EVOKE A SUMMARY EXECUTION. DURING THE SEARCH, SOLDIERS ADDRESSED EMPLOYEES AS "GUERRILLAS" AND FILMED THEM AND DOCUMENTS IN THE OFFICE. AT ONE POINT, SOLDIERS TOLD THE EMPLOYEES THEY WANTED PRECISE DETAILS OF THE OFFICE IN ORDER TO LATER CONSTRUCT A SCALE MODEL, APPARENTLY TO PLAN FURTHER INCURSIONS. SOLDIERS ALSO SET UP A CAMERA TO FILM HUMAN RIGHTS DEFENDERS GATHERED OUTSIDE TO SHOW CONCERN.

THE GOVERNMENT'S OWN INVESTIGATORS ALSO WERE TARGETED. IN SEPTEMBER, JUDICIAL INVESTIGATORS EDILBRANDO ROA LÓPEZ AND JHON ALEJANDRO MORALES PATINO, ASSIGNED TO THE ATTORNEY GENERAL'S HUMAN RIGHTS UNIT TO INVESTIGATE A SERIES OF MASSACRES LINKED TO PARAMILITARIES IN SONSON, ANTIOQUIA, WERE ABDUCTED AT A ROADBLOCK AND LATER MURDERED. AFTER THE HUMAN RIGHTS UNIT OF THE ATTORNEY GENERAL'S OFFICE ISSUED ARREST WARRANTS FOR CARLOS CASTAÑO AND HIS ELDER BROTHER, FIDEL, AS THE ALLEGED INTELLECTUAL AUTHORS OF THE 1997 KILLINGS OF CINEP EMPLOYEES MARIO CALDERÓN AND ELSA ALVARADO AND HER FATHER, CARLOS ALVARADO, THE UNIT RECEIVED DEATH THREATS FROM CASTAÑO. FOUR OF THE SUSPECTED GUNMEN WERE UNDER ARREST.

IN JULY, THE SANTANDER AND SOUTHERN CESAR SELF-DEFENSE GROUP CIRCULATED A THREAT NAMING OSIRIS BAYTHER, PRESIDENT OF THE REGIONAL COMMITTEE FOR THE DEFENSE OF HUMAN RIGHTS (COMITÉ REGIONAL PARA LA DEFENSA DE LOS DERECHOS HUMANOS, CREDHOS), A COLOMBIAN HUMAN RIGHTS GROUP THAT COVERS THE MIDDLE MAGDALENA REGION, AND HERIBERTO HERNÁNDEZ, PRESIDENT OF THE OIL WORKERS' UNION (UNIÓN SINDICAL OBRERA, USO) AS "MILITARY TARGETS" FOR ALLEGEDLY WORKING IN COORDINATION WITH GUERRILLAS. ALSO THREATENED WAS FATHER JAVIER GIRALDO, THE DIRECTOR OF JUSTICE AND PEACE AND A LONG-TIME ADVOCATE FOR AN END TO IMPUNITY FOR THE SECURITY FORCES.

IN THE WAKE OF THE VALLE AND UMANA MURDERS, THE SAMPER ADMINISTRATION ALLOCATED ALMOST U.S. \$1 MILLION IN EMERGENCY FUNDS TO PROTECT THREATENED HUMAN RIGHTS DEFENDERS WITH BULLET PROOF GLASS, SECURITY CAMERAS, AND REINFORCED OFFICE DOORS, MEASURES RECOMMENDED BY THE NATIONAL POLICE. IN ADDITION, THE INTERNAL AFFAIRS OFFICE (THE GOVERNMENT AGENCY THAT INVESTIGATES REPORTS OF OFFICIAL MISCONDUCT) HAD AGREED TO REVIEW GOVERNMENT INTELLIGENCE FILES IN ORDER TO PURGE THEM OF INFORMATION CRIMINALIZING LEGITIMATE HUMAN RIGHTS WORK. HOWEVER, AS OF THIS WRITING, NOT A SINGLE MEASURE HAD BEEN TAKEN AND THE HEAD OF INTERNAL AFFAIRS HAD YET TO BEGIN A REVIEW OF INTELLIGENCE FILES.

The Role of the International Community

United Nations

APRIL 6, 1997 MARKED THE OFFICIAL OPENING OF THE BOGOTÁ OFFICE OF THE U.N. HIGH COMMISSIONER FOR HUMAN RIGHTS, LED BY AMB. ALMUDENA MAZARRASA AND STAFFED BY FIVE EXPERTS AND A DEPUTY DIRECTOR. IN 1999, THE OFFICE CONTINUED TO PRESS THE GOVERNMENT ON HUMAN RIGHTS ISSUES, INCLUDING REFORMS TO THE MILITARY PENAL CODE AND RESPECT FOR INTERNATIONAL HUMANITARIAN LAW. EXPERTS TRAVELED THROUGHOUT THE COUNTRY TO DOCUMENT ABUSES AND HELD REGULAR MEETINGS WITH GOVERNMENT OFFICIALS, REPRESENTATIVES OF HUMAN RIGHTS GROUPS, AND COLOMBIANS WISHING TO DELIVER COMPLAINTS.

DURING THE FIFTY-FOURTH SESSION OF THE U.N. COMMISSION ON HUMAN RIGHTS, THE OFFICE SUBMITTED ITS FIRST REPORT, WHICH WAS CONSIDERED HARD-HITTING. THE REPORT CONCLUDED THAT THERE WAS ABUNDANT EVIDENCE OF CONTINUED JOINT MILITARY AND PARAMILITARY ACTIONS THAT ENDED WITH HUMAN RIGHTS VIOLATIONS AS WELL AS A DISREGARD FOR THE LAWS OF WAR BY ALL PARTIES TO THE CONFLICT.

IN RESPONSE, THE COMMISSION ON HUMAN RIGHTS INCREASED THE NUMBER OF EXPERTS IN THE BOGOTÁ OFFICE FROM SEVEN TO TWELVE. IN ADDITION, HIGH COMMISSIONER MARY ROBINSON EXPRESSED HER PROFOUND CONCERN ABOUT COLOMBIA AND NOTED THAT MOST VIOLATIONS REPORTED ARE ATTRIBUTED TO PARAMILITARIES OFTEN WORKING WITH THE TOLERANCE OF THE SECURITY FORCES. ROBINSON ALSO NOTED THAT MANY ATTEMPTED KILLINGS, AMONG THEM THE SO-CALLED SOCIAL CLEANSING OPERATIONS AGAINST STREET PEOPLE AND HOMELESS CHILDREN, CONTINUED TO OCCUR. DURING HER VISIT TO COLOMBIA IN OCTOBER, ROBINSON SPOKE OUT FORCEFULLY IN DEFENSE OF HUMAN RIGHTS DEFENDERS AND AGAINST THE IMPUNITY FOR OFFICERS THAT CONTINUES TO REIGN IN THE TRIBUNALS RUN BY THE MILITARY.

European Union

SOME EUROPEAN EMBASSIES AND DIPLOMATS ADOPTED A HIGH PROFILE IN ATTEMPTING TO LESSEN POLITICAL VIOLENCE AND THE SUFFERING IT CAUSES. FOR ITS PART, THE E.U. CONTINUED TO PRESS COLOMBIA TO IMPROVE ITS HUMAN RIGHTS RECORD BY ISSUING STRONG STATEMENTS CRITICIZING IMPUNITY AND CALLING FOR THE IMPLEMENTATION OF THE RECOMMENDATIONS OF THE U.N. COMMISSION ON HUMAN RIGHTS. AFTER THE MURDERS OF HUMAN RIGHTS DEFENDERS JESÚS MARÍA VALLE JARAMILLO AND EDUARDO

Umaná, the European Parliament passed resolutions condemning the killings and calling on the Colombian authorities to investigate, "take urgent, effective and preventive measures to protect and safeguard the activity of those campaigning for human, social, trade union and peasant rights and political leaders," and dismantle paramilitary groups.

United States

The United States pursued a two-pronged policy in Colombia. On the one hand, the Clinton administration made human rights an important part of U.S.-Colombia relations and supported peace negotiations. At the same time, the war on drugs remained the centerpiece of U.S. policy. In fiscal year 1999, Colombia was slated to receive at least U.S.\$119 million in U.S. counternarcotics assistance, including military equipment and training. The final budget for 1999 was expected to increase substantially with the addition of six Black Hawk helicopters for the National Police.

In 1999, the State Department issued its most detailed and critical human rights report ever on Colombia, concluding that "the armed forces committed numerous, serious human rights abuses." In addition, the report noted, "the Samper administration has not taken action to curb increased abuses committed by paramilitary groups, verging on a policy of tacit acquiescence." Addressing impunity, the report noted, "At year's end [1997], the military exercised jurisdiction over many cases of military personnel accused of abuses, a system that has established an almost unbroken record of impunity."

This report was followed by an April letter from Secretary of State Madeleine Albright to Sen. Patrick Leahy, co-sponsor of an amendment that placed human rights conditions on antinarcotics aid provided by the State Department. The so-called Leahy Amendment prohibited these funds from being provided to any unit of the security forces of a foreign country if the secretary of state had credible evidence that the unit had committed gross violations of human rights, unless the secretary determined and reported to the congressional appropriations committees that the government involved was taking effective measures to bring the responsible members of the security forces unit to justice.

In her letter, Secretary Albright announced that the spirit of the amendment would be applied to most antinarcotics aid, including monies suspended after Colombia was "decertified" a second time in a row in 1997 for failing to meet U.S. goals in fighting drugs. By mid-1999, only one Colombian army unit had been fully cleared to receive aid. U.S. officials asked the Colombian army to transfer out two officers belonging to an additional unit under consideration, the Twelfth Brigade, because of outstanding human rights allegations against them.

Human Rights Watch and other groups protested the idea that a simple transfer would satisfy the amendment, since it called for "effective measures" to bring the responsible members of the security forces unit to justice. In general, the way in which the United States vetted security force units for human rights violations before they received aid remained largely secret, precluding full accountability.

In a welcome move in May 1999, the U.S. revoked the visa of Gen. Iván Ramírez to travel to the United States, allegedly because of his longstanding ties to drug traffickers, paramilitaries, and human rights violations. The *Washington Post* also reported that he had been a paid informant for the CIA, a charge he denied.

For its stand on the Leahy Amendment, the administration was harshly criticized by some Republicans in the U.S. Congress, who argued that human rights concerns hampered the drug war. Led by the International Relations Committee and its chair, Rep. Benjamin Gilman, Republicans attempted unsuccessfully to remove the Leahy Amendment from the 1999 Foreign Operations Bill. Instead, the Leahy Amendment was included in Section 570 of the Foreign Operations Appropriations Act, significantly expanding its scope to include all antinarcotics assistance authorized under this legislation.

Nevertheless, the Central Intelligence Agency and U.S. Defense Department continued to work with Colombian security force units that had not been reviewed for human rights abuses, since aid is authorized under separate legislation that does not include human rights conditions. According to the *Washington Post*, U.S. officers continued to train Colombian units in "shoot and maneuver" techniques, counterterrorism and intelligence-gathering, even though their members have not been vetted." After similar programs in Indonesia and Rwanda were reported, Senator Leahy proposed legislation that would bar the Pentagon from holding joint exercises with human rights abusers unless the secretary of defense finds an extraordinary need to waive the law. The legislation had not been enacted as of this writing.

After a series of army defeats at the hands of the FARC in the first months of 1999, U.S. officials began speaking of Colombia as a threat to regional security and in need of direct counterinsurgency assistance for the military. In testimony before the House International Relations Committee on March 31, 1999, Gen. Charles Wilhelm, head of the U.S. Southern Command, called Colombia "the most threatened country in the United States Southern Command area of responsibility." Rather than discussing the country's serious human rights situation, however, after a visit to Colombia that same month Wilhelm told journalists that criticism of military abuses was "unfair" and that guerrillas abused human rights more frequently than the security forces or paramilitaries, an assertion that not only displayed a profound misunderstanding of human rights law, but also seriously misrepresented the facts, contradicting even the State Department's grim assessment.

Far from continuing to keep human rights at the top of the U.S. Embassy's agenda, new Amb. Curtis Kamman imposed a virtual blackout on public statements in support of human rights after assuming the post in March, a step backwards. Although Embassy officials claimed that human rights remained on the private agenda, the net effect was negative, lowering the issue's profile and impact in Colombia at a crucial moment.

Relevant Human Rights Watch reports:

War Without Quarter: Colombia and International Humanitarian Law, 10/99

CUBA

Human Rights Developments

Pope John Paul II's January 1999 pilgrimage to Cuba sparked hope that the government would ease its repressive tactics. The papal visit provided unprecedented opportunities for public demonstrations of faith—in a country that imposed tight restrictions on religious expression in 1959 and was officially atheist until 1992—and was attended by an enormous international press contingent. Although Cuba refused visas to some foreign journalists and pressured some domestic critics, the pope's calls for freedom of religion, conscience, and expression and the release of political prisoners created an unprecedented air of openness. Following the papal visit, Cuba released some one hundred political prisoners, but most of these had served the

majority of their sentences and police required them to refrain from opposition activities. Cuba freed seventeen prisoners on the condition that they accept exile in Canada, violating their right to remain in their homeland. As 1999 drew to a close, Cuba's stepped-up prosecutions and harassment of dissidents, along with its refusal to grant amnesty to hundreds of remaining political prisoners or reform its criminal code, marked a disheartening return to heavy-handed repression.

Cuban laws allowed the government to silence opponents under a veil of legality. The government rejected pleas to repeal offensive provisions such as the crime of enemy propaganda and spreading false news, which criminalized dissent and independent reporting. Cuban law broadly defined sedition as including nonviolent opposition that "perturbed" the socialist order. Cuba's laws against insulting public figures, mass organizations, and dead heroes also sweepingly denied freedom of speech. Justice Minister Roberto Díaz Sotolongo justified the restrictions by explaining that, as Spanish laws protected the monarch, Cuba also had laws to protect its "king," Fidel Castro. Cuba's provision against contempt for authority (*desacato*), which barred truthfulness as a defense, punished those who offended high-ranking authorities with one to three years in prison. The criminal code's dangerousness (*el estado peligroso*) and official warning (*advertencia oficial*) provisions permitted authorities to imprison or mandate police surveillance of individuals who demonstrated criminal tendencies but had committed no criminal act. Cuba retained on its books the crime of illegal exit, which prohibited unapproved emigration. Cuba's associations law effectively barred the establishment of independent groups, leaving members at risk of up to one year in prison.

Cuban legislation also undercut the right to a fair trial by allowing political figures to control the courts, granting broad authority for warrantless arrests and pre-trial detentions and restricting the right to a defense. Charging dissidents with state security crimes, such as sedition or enemy propaganda, afforded authorities the legal right to impose lengthy pre-trial detentions and to conduct closed trials.

Several trials in 1999 demonstrated Cuba's willingness to use the criminal code to crush dissent. On August 29, 1999, a Havana court sentenced Reynaldo Alford García, vice-president of the Association for the Struggle Against National Injustice (*Asociación para la Lucha Frente a la Injusticia Nacional*) and a member of the Democratic Solidarity Party (*Partido de Solidaridad Democrática*, PSD), to three years for spreading false news. Police had arrested him on May 9, 1997, after he called for the release of political prisoners and denounced prison beatings. On April 24, 1999, a Santiago court found Julio César Coiteau Rizo, a member of the Club of Ex Political Prisoners "Geraldito González" (*Club de Ex-Presos Políticos "Geraldito González"*), guilty of contempt for authority. The court sentenced him to three years for posting some twenty anti-government flyers.

On February 13, 1999, a Santa Clara tribunal sentenced Cecilio Monteagudo Sánchez, a PSD vice-delegate, to four years in prison for enemy propaganda. Cuban police arrested him on September 15, 1997, after he had drafted, but not published, a document calling for abstention from local elections. The same tribunal convicted Juan Carlos Recio Martínez, a local journalist with the Cuba Press agency whom Monteagudo Sánchez had asked to type the document, of failing to comply with his duty to denounce (*incumplimiento del deber de denunciar*) and sentenced him to one year in a labor camp without internment (*correccional sin internamiento*).

In late September 1999, Havana prosecutors charged the four leaders of the Internal Dissidents' Working Group (*Grupo de Trabajo de la Disidencia Interna*, GTDI), economists Marta Beatriz Roque Cabello and Vladimiro Roca Antúnez, professor Félix Antonio Bonne Carcasses, and attorney René Gómez Manzano, with sedition. Cuban authorities already had held them for over fourteen months in maximum security prisons, since their July 16, 1997 arrests. At this writing, Cuban prosecutors sought a six-year term for Roca Antúnez and five-year sentences for the other three leaders. In June 1997 the GTDI released "The Homeland Belongs to All" (*La patria es de todos*), a paper that analyzed Cuba's economy, proposed reforms to the Cuban constitution, discussed human rights, and challenged Cuba's exclusive recognition of one political party. Throughout 1999 Cuba ignored high-level appeals for their release, including pleas from the Pope and the Canadian prime minister.

On November 19, 1997, a Santiago tribunal tried Dr. Dessy Mendoza Rivero, president of the Independent Medical College of Santiago (*Colegio Médico Independiente de Santiago*), found him guilty of enemy propaganda, and sentenced him to eight years. Cuban police arrested Dr. Mendoza in June 1997, shortly after he alerted the international press of a dengue fever epidemic in Santiago. On November 11, 1997, a Santiago court sentenced Orestes Rodríguez Horruffiner, a local leader of two opposition groups, to four years for enemy propaganda. Police arrested him in July 1997 after searching his home and seizing books by prominent leaders of Latin American independence movements—José Martí, Máximo Gómez, and Antonio Maceo—which later served as evidence of his crime.

Whether held for political or common crimes, inmates endured severe hardships in Cuba's prisons. Most prisoners faced malnourishment on the prison diet and suffered in overcrowded cells without sufficient medical attention. Prison authorities insisted that all detainees participate in politically oriented reeducation sessions, such as chanting "Long live Fidel" or "Socialism or Death," or face punitive measures including beatings and solitary confinement. Prison guards in men's facilities relied on "prisoners' councils" (*consejos de reclusos*) to maintain internal discipline with beatings and control over the meager food rations. Prison authorities restricted inmates' access to receiving religious guidance, in some cases with interrogations about their religious beliefs. In some prisons, pre-trial detainees were held together with convicts and minors with adults. Minors also risked indefinite detention in juvenile facilities.

Cuba's refusal to allow prison monitoring made arriving at a precise number of political prisoners impossible. In recent years, the numbers of political prisoners declined due to a general trend toward shorter prison terms. One Cuban human rights group estimated that, following the papal releases, approximately 400 political prisoners remained. Human Rights Watch interviews with former political prisoners, dissident groups, and prisoners' family members revealed that Cuban political prisoners face serious human rights abuses. Cuba's confinement of nonviolent political prisoners with prisoners convicted of violent crimes was degrading and dangerous. Guards imposed undue restrictions on political prisoners' visits with family members. Prison authorities also punished political prisoners who denounced prison abuses or failed to participate in political reeducation or wear prison uniforms.

Many Cuban political prisoners spent excessive periods in pre-trial detention, often in isolation cells. Following conviction, they faced additional punitive periods in solitary confinement. Police or prison guards often heightened the punitive nature of solitary confinement with additional sensory deprivation, by darkening cells, removing clothing, or restricting food and water. The punitive and intimidatory measures against political prisoners that caused severe pain and suffering and the retaliations against those who denounced abuses violated Cuba's obligations under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which it ratified in 1995.

The July 1999 death of Reinery Marrero Toledo, while he was in police custody, raised concern about police brutality and torture. On June 30, 1999, Havana police arrested Marrero Toledo, accusing him as an accessory to sacrificing livestock (*sacrificio ilegal de ganado mayor*). On July 9, 1999, agents

of the Technical Department of Investigations in Havana (Departamento Técnico de Investigaciones) told his family that he had committed suicide by hanging himself with a sheet. However, a family member who viewed his corpse noted that it was heavily bruised, calling the police claim into question.

In early 1999, Guantánamo Provincial Prison authorities reportedly ordered beatings of political prisoners who denounced prison conditions, including Néstor Rodríguez Lobaina, Jorge Luis García Pérez (also known as Antúnez), Francisco Heródes Díaz Echেমendía, and Orosman Betancourt Devidor. On April 11, 1999, Capt. Hermés Hernández and Lt. René Orlando allegedly beat severely Bernardo Arévalo Padrón, a journalist serving a six-year sentence for contempt for authority at the Ariza Prison in Cienfuegos. In a positive step, Cuban military prosecutors accused both officers of wrongdoing in early May, but at this writing, it remained unclear whether the two had been arrested or tried. On April 5, 1999, common prisoners at the Canaleta Prison in Matanzas beat Jorge Luis Cruz Arancibia. Prison authorities reportedly refused to provide Cruz Arancibia with medical care for his injuries.

Cuba's criminal code retained the death penalty for many crimes. Although Cuba tightly guarded information about the application of death sentences, Human Rights Watch received credible reports that a firing squad executed Daniel Reyes, an inmate in the Las Tunas Provincial Prison, on October 29, 1997. Cuba's reliance on the Council of State—a political entity presided over by President Castro—as the ultimate arbiter in death penalty cases undercut any appearance of judicial independence.

After an apparent opening early in 1999, Cuba took firm action against nonviolent government critics as the year progressed with surveillance, harassment, and intimidations. Cuba used short-term arbitrary detentions together with official warnings of future prosecution to urge activists to leave Cuba, abandon their opposition activities, or distance themselves from "counterrevolutionary" colleagues or family members.

On August 28, 1999, about twenty people protested the Havana trial of activist Reynaldo Alfaro García. In early September, Havana police arrested seven of the protesters and detained them for twelve to forty-eight hours. The detentions prohibited the activists from participating in a September 9, 1999 march celebrating the feast day of Cuba's patron saint, Our Lady of Charity of Cobre. Police questioned the detainees about the Alfaro García demonstration and about their plans for the march. The detainees were: Nancy de Varona, a leader of the Thirteenth of July Movement (Movimiento 13 de Julio); Ofelia Nardo, of the Confederation of Democratic Workers of Cuba (Confederación de Trabajadores Democráticos de Cuba); Vicky Ruiz Labrit, of the Committee of Cubans in Peaceful Opposition (Comité Cubano de Opositores Pacíficos); Leonel Morejón Almagro, the national leader of the Cuban Council (Concilio Cubano); Miriam García Chávez, of the College of Independent Teachers (Colegio de Pedagogos Independientes); and Dr. Oscar Elías Bicest González and Rolando Muñoz Yyobre, of the Lawton Human Rights Foundation (Fundación Lawton de Derechos Humanos). State security agents also impeded thirty human rights and other activists who had gathered at the Havana home of Isabel del Pino Sotolongo, of the Christ the King Movement (Movimiento Cristo Rey), from taking part in the feast day celebrations.

Cuba's independent journalists faced mistreatment throughout the year. State security officials in Havana arrested Luis López Prendes, director of the Independent Press Bureau of Cuba (Buro de Prensa Independiente de Cuba, BPIC), on September 7, 1999 and detained him for over forty-eight hours. Police detained Luis Alberto Lazo, a reporter for the New Press Agency (Agencia Nueva Prensa, ANP) in Artemisa for approximately twenty-four hours on June 17, 1999 and gave him an official warning. Santiago-based state security agents briefly detained Margarita Sara Sosa Llerio, a senior correspondent with the Independent Press Agency of Cuba (Agencia de Prensa Independiente de Cuba, APIC) on November 17, 1997. The government also appeared to single out independent reporters with the discriminatory application of legal measures. On September 23, 1999, for example, officials told ANP journalist Mercedes Moreno that she could not reside legally in her sister's Havana home and imposed heavy fines on both women. In June 1999, Cuba denied Raúl Rivero, Cuba Press's founder and director, permission to travel to Spain on a personal visit.

The government exercised strict control over labor rights and refused to legalize independent unions and agricultural cooperatives. Havana police detained José Orlando González Bordón, of the Federation of Cuban Workers (Federación de Trabajadores Cubanos), for twenty-four hours in July and for several hours on September 9 and 23, 1999. On July 2, 1999, Havana police detained Evaristo Pérez Rodríguez, vice-president of the Cuban Union of Independent Workers (Unión Sindical de Trabajadores Independientes de Cuba, USTIC) and the president of the Patriotic Union of Independent Christians (Unión Patriótica de Cristianos Independientes), for twenty-four hours. In early May 1999, Cuban authorities prevented a conference of independent cooperatives from taking place in Santiago. On May 5, over one dozen police and members of a Rapid Response Brigade (Brigada de Respuesta Rápida) blocked access to the home of Jorge Béjar, president of the Transition Cooperative (Cooperativa Transición) and host of the conference. Police arrested Béjar and his wife, holding them for several hours. On May 3, police arrested Reynaldo Hernández, president of both the National Alliance of Independent Farmers of Cuba (Alianza Nacional de Agricultores Independientes de Cuba) and the Progreso I agricultural and fishing cooperative in Guantánamo, holding him for two days.

In recent years, Cuba has adopted several laws that tightly control labor rights in businesses backed by foreign investment. Under these laws, the Cuban government played a prominent role in the selection, payment, and firing of workers during 1999, thus barring employees from forming unions or even from entering into independent, direct discussions of labor rights with their foreign employers. In the tourist industry, on-the-job racism emerged as a persistent problem.

Cuba maintained its extensive system of prison agricultural camps and ran clothing assembly, construction, furniture, and other factories at its prisons. Cuba's insistence that some political prisoners participate in work programs and its inappropriate pressuring of inmates to work without pay in inhuman conditions violated international labor and prison rights standards.

Defending Human Rights

Cuba harshly repressed domestic human rights defenders in 1999. The government maintained a steady campaign of surveillance, phone interruption, and other intimidations. The government took firm steps to silence human rights critics, including the four leaders of the GTDI, who had called for the release of political prisoners and faced trial for sedition, and Reynaldo Alfaro García, who had denounced prison abuses and received a three-year sentence for spreading false news. Prisoners who spoke out against abuses faced physical violence and other punishments.

On March 12, 1999, a Cienfuegos court found five members of the Pro Human Rights Party of Cuba (Partido Pro Derechos Humanos de Cuba, PPDH), Israel García Hidalgo, Benito Fajaco Iser, Angel Nicolás González, José Ramón López Filgueira, and Reynaldo Sardiñas Delgado, guilty of other acts committed against state security (*otros actos contra la seguridad del estado*). Police had arrested them in October 1997. The tribunal sentenced García Hidalgo and Fajaco Iser to two years in prison, while López Filgueira received a one-year sentence. Sixty-nine-year-old González and sixty-six-year-old

SARDINOS DELGADO BOTH RECEIVED ONE-YEAR SENTENCES TO LABOR CAMPS WITHOUT INTERNMENT.

IN DECEMBER 1997 CUBAN POLICE ARRESTED DAULA CARPIO MATA, THE PPDH LEADER IN VILLA CLARA, AND IMPRISONED HER IN THE GUAMAJAL PRISON. IN OCTOBER 1997, SHE HAD RECEIVED A LIGHTER SENTENCE TO A WORK CAMP FOR "RESISTANCE," DUE TO HER DEFENDING A COLLEAGUE AT A PRIOR TRIAL. A VILLA CLARA COURT HAD ALSO TRIED TEN OTHER MEMBERS OF THE PPDH IN OCTOBER 1997, CONVICTING THEM OF ASSOCIATION TO COMMIT CRIMINAL ACTS (*ASOCIACIÓN PARA DELINQUIR*) AND "DISOBEDIENCE." IN EARLY 1999, IN APPARENT RETALIATION FOR PROLONGED HUNGER STRIKES THAT DREW THE ATTENTION OF THE INTERNATIONAL PRESS COVERING THE POPE'S VISIT, LOCAL AUTHORITIES IMPRISONED SEVERAL OF THE ACTIVISTS WHO PREVIOUSLY HAD RECEIVED NON-CUSTODIAL SENTENCES.

IN FEBRUARY 1999, DR. OSCAR ELIAS BICEST GONZÁLEZ, A LEADER OF THE LAWTON HUMAN RIGHTS FOUNDATION, PUBLICLY STATED HIS OPPOSITION TO ABORTION AND THE DEATH PENALTY. IN EARLY MARCH, THE PROVINCIAL DIRECTOR OF PUBLIC HEALTH FIRED DR. BICEST GONZÁLEZ AND NOTIFIED HIM THAT HE WOULD BE EVICTED. HIS WIFE, NURSE ELSA MOREJÓN HERNÁNDEZ, LOST HER JOB A FEW DAYS LATER. ON JUNE 9, THE DOCTOR SENT A LETTER TO THE COUNCIL OF STATE EXPRESSING HIS OPPOSITION TO THE DEATH PENALTY. POLICE ARRESTED HIM ON JULY 9, HOLDING HIM AND ROLANDO MUÑOZ YYOURE, A FOUNDATION COLLEAGUE, FOR TWO WEEKS.

THE CUBAN GOVERNMENT BARRED REGULAR ACCESS TO ITS PRISONS BY DOMESTIC AND INTERNATIONAL HUMAN RIGHTS AND HUMANITARIAN MONITORS. THE GOVERNMENT LAST PERMITTED THE INTERNATIONAL COMMITTEE FOR THE RED CROSS (ICRC), WHICH VISITED PRISONERS IN CUSTODY FOR POLITICAL AND SECURITY OFFENSES, TO CONDUCT PRISON VISITS IN CUBA IN 1999. THE CUBAN GOVERNMENT HAD NOT ALLOWED HUMAN RIGHTS WATCH TO RETURN TO CUBA SINCE 1995. CUBA NEVER ALLOWED THE UNITED NATIONS SPECIAL RAPPORTEUR ON HUMAN RIGHTS IN CUBA TO ENTER THE COUNTRY.

The Role of the International Community

United Nations

FROM 1991 THROUGH 1997, THE U.N. HUMAN RIGHTS COMMISSION APPROVED ANNUAL U.S.-BACKED RESOLUTIONS CONDEMNING HUMAN RIGHTS VIOLATIONS IN CUBA. THE RESOLUTIONS RENEWED THE MANDATE OF A SPECIAL RAPPORTEUR, SWEDISH DIPLOMAT CARL-JOHAN GROTH, WHO PRODUCED SEVERAL EXCELLENT REPORTS ON THE CUBAN HUMAN RIGHTS SITUATION. ON APRIL 21, 1999, THE COMMISSION DEFEATED THE CUBA RESOLUTION, ENDING THE SPECIAL RAPPORTEUR'S MANDATE BEFORE CUBA EVER GRANTED HIM PERMISSION TO ENTER THE COUNTRY. INTERNATIONAL RESISTANCE TO U.S. POLICY TOWARDS CUBA DOOMED THE VOTE, RESULTING IN AN UNWARRANTED EASING OF U.N. HUMAN RIGHTS MONITORING. (IN OCTOBER 1999, THE GENERAL ASSEMBLY VOTED TO CONDEMN THE U.S. EMBARGO AGAINST CUBA FOR THE SEVENTH TIME.)

DUE TO ITS RATIFICATION OF INTERNATIONAL HUMAN RIGHTS TREATIES, CUBA REMAINED ACCOUNTABLE TO SEVERAL U.N. HUMAN RIGHTS BODIES. THE COMMITTEE AGAINST TORTURE AND THE COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION URGED CUBA TO COMPLY MORE FULLY WITH ITS INTERNATIONAL OBLIGATIONS AND TO PROVIDE MORE COMPLETE REPORTS TO THE U.N. TREATY BODIES. THE WORKING GROUP ON ARBITRARY DETENTION CONTINUED TO INVESTIGATE CUBAN CASES.

Organization of American States

IN APRIL 1999, THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS RELEASED A DETAILED REPORT ON HUMAN RIGHTS ABUSES IN CUBA. WHILE THE ORGANIZATION OF AMERICAN STATES REMOVED CUBA IN 1962, THE COMMISSION STRESSED THAT CUBA STILL WAS OBLIGED TO PROTECT ITS CITIZENS' RIGHTS UNDER THE AMERICAN DECLARATION OF THE RIGHTS AND DUTIES OF MAN.

European Union

IN 1999 THE SURGE OF EUROPEAN TRADE AND INVESTMENT IN CUBA CONTINUED. THE EUROPEAN UNION (E.U.) EXPRESSED STRONG OPPOSITION TO THE U.S. TRADE EMBARGO WHILE PROMOTING POLITICAL AND ECONOMIC OPENINGS WITH CUBA. BUT HAVANA REBUFFED EFFORTS TO USE EUROPEAN AID AS A CARROT TO INDUCE CASTRO TO IMPLEMENT HUMAN RIGHTS REFORMS, LEAVING EUROPEAN POLICY IN A STALEMATE. THE "COMMON POSITION," WHICH THE E.U. ADOPTED IN DECEMBER 1996 AND RENEWED AT SIX-MONTH INTERVALS, MADE FULL ECONOMIC COOPERATION CONDITIONAL ON "IMPROVEMENTS IN HUMAN RIGHTS AND POLITICAL FREEDOM...." IN PARTICULAR, THE E.U. CALLED FOR "REFORM OF INTERNAL LEGISLATION CONCERNING POLITICAL AND CIVIL RIGHTS, INCLUDING THE CUBAN CRIMINAL CODE, AND... THE ABOLITION OF ALL POLITICAL OFFENCES, THE RELEASE OF ALL POLITICAL PRISONERS AND THE ENDING OF THE HARASSMENT AND PUNISHMENT OF DISSIDENTS...." IN JUNE 1999 THE E.U. PERMITTED THE CASTRO GOVERNMENT TO PARTICIPATE AS AN OBSERVER IN THE NEGOTIATIONS OF THE LOMÉ TREATY, WHICH OFFERED PREFERENTIAL TRADE STATUS TO LESS DEVELOPED COUNTRIES. THE E.U. CONDITIONED CUBA'S FULL INTEGRATION INTO THE GROUP ON SUBSTANTIAL PROGRESS IN HUMAN RIGHTS AND POLITICAL FREEDOM, TERMS CUBAN FOREIGN MINISTER ROBERTO ROBBINGA QUICKLY REJECTED. THE E.U. MEMBER STATES CONTINUED TO PROVIDE ECONOMIC COOPERATION AND HUMANITARIAN AID ON AN *AD HOC* BASIS THROUGH NONGOVERNMENTAL ORGANIZATIONS.

CUBA'S REFUSAL TO ALLOW WORKERS TO ORGANIZE OR BARGAIN COLLECTIVELY MADE EUROPEAN COMPANIES—AND ALL FOREIGN INVESTORS IN CUBA—COMPLICIT IN THE GOVERNMENT'S HUMAN RIGHTS VIOLATIONS. FOREIGN INVESTORS FAILED TO ADOPT EFFECTIVE STRATEGIES TO PROMOTE LABOR RIGHTS.

Canada

THE CANADIAN GOVERNMENT SUSTAINED BILATERAL DIALOGUE WITH CUBA ABOUT HUMAN RIGHTS IN 1999. BUT CANADA'S POLICY OF "EFFECTIVE INFLUENCE" AND ITS JANUARY 1997 JOINT ACCORD WITH CUBA, WHICH PROVIDED FOR SEMINARS AND TRAINING ON HUMAN RIGHTS ISSUES, REAPED FEW BENEFITS. CANADA OFFERED HUMANITARIAN ASSISTANCE TO THE SEVENTEEN POLITICAL PRISONERS THAT CUBA FORCED INTO EXILE FOLLOWING THE POPE'S PLEA FOR PRISONER RELEASES. BUT PRIME MINISTER JEAN CHRÉTIEN'S APRIL MISSION TO CUBA FOCUSED LITTLE ATTENTION ON POLITICAL AND CIVIL RIGHTS, AND PRESIDENT CASTRO DISMISSED CHRÉTIEN'S APPEAL FOR THE RELEASE OF THE FOUR LEADERS OF THE INTERNAL DISSIDENTS' WORKING GROUP. PRIME MINISTER CHRÉTIEN'S RETICENCE ON HUMAN RIGHTS SUGGESTED A DESIRE TO MAXIMIZE OPPORTUNITIES FOR TRADE AND INVESTMENT IN CUBA. CANADIAN COMPANIES, LIKE THEIR EUROPEAN COUNTERPARTS, BENEFITED FROM CUBA'S TIGHT CONTROLS ON LABOR RIGHTS.

United States

WASHINGTON'S APPROACH TO HAVANA REMAINED DEFINED BY THE TRADE EMBARGO. THE 1996 PASSAGE OF THE CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY ACT, ALSO KNOWN AS THE HELMS-BURTON LAW, REMOVED FROM THE PRESIDENT'S AUTHORITY ANY POSSIBILITY OF MODIFYING THE EMBARGO WITHOUT PASSING NEW LEGISLATION. BY 1999 THE EMBARGO HAD NOT ONLY FAILED TO BRING ABOUT HUMAN RIGHTS IMPROVEMENTS IN CUBA BUT HAD BECOME COUNTERPRODUCTIVE. AND THE U.S. WAS INCREASINGLY ISOLATED FROM LIKELY PARTNERS IN PUSHING FOR HUMAN RIGHTS IMPROVEMENTS—including POPE JOHN PAUL II, THE UNITED NATIONS GENERAL ASSEMBLY, AND GOVERNMENTS OF EVERY POLITICAL STRIKE AROUND THE WORLD—who HAD CONDEMNED THE EMBARGO IN UNEQUIVOCAL TERMS. FURTHERMORE, PRESIDENT CASTRO REGULARLY INVOKED THE

EMBARGO AS AN EXCUSE FOR HEIGHTENED REPRESSION.

THE EMBARGO CONTINUED TO RESTRICT THE RIGHTS TO FREE EXPRESSION AND ASSOCIATION AND THE FREEDOM TO TRAVEL BETWEEN THE U.S. AND CUBA, THUS VIOLATING ARTICLE 19 OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, A TREATY RATIFIED BY THE UNITED STATES. IN 1999, ONLY DIPLOMATS OR MEMBERS OF INTERGOVERNMENTAL ORGANIZATIONS SUCH AS THE U.N. COULD TRAVEL FROM THE U.S. TO CUBA WITHOUT A SPECIAL LICENSE. FOLLOWING THE POPE'S JANUARY 1999 VISIT TO CUBA, PRESIDENT CLINTON RESTORED DIRECT CHARTER FLIGHTS FROM THE U.S. TO CUBA, WHICH THE U.S. HAD BANNED IN 1996.

CRITICISM OF THE EMBARGO'S HARSH IMPACT ON THE CUBAN POPULATION SPURRED CONGRESSIONAL EFFORTS TO EASE ITS INDISCRIMINATE EFFECTS. LEGISLATION WAS INTRODUCED IN BOTH HOUSES OF CONGRESS IN 1997 TO LIFT RESTRICTIONS ON THE SALE OF FOOD AND MEDICINES. IN EARLY 1999, SEN. JESSE HELMS CALLED FOR HUMANITARIAN ASSISTANCE TO "UNDERMINE THE POLICIES OF FIDEL CASTRO." THE INTENDED DISTRIBUTOR OF HELMS'S ASSISTANCE, CUBA'S CATHOLIC CHURCH, MADE CLEAR IT WOULD NOT PLAY THAT ROLE SHOULD THE BILL BECOME LAW. IN OCTOBER, FIFTEEN SENATORS, LED BY REPUBLICAN SEN. JOHN WARNER, AND SEVERAL PROMINENT FOREIGN POLICY EXPERTS, INCLUDING FORMER SECRETARIES OF STATE LAWRENCE EAGLEBURGER AND HENRY KISSINGER, CALLED ON CLINTON TO ESTABLISH A BIPARTISAN COMMISSION TO REEVALUATE U.S. POLICY TOWARDS CUBA.

THE U.S. PRACTICE OF INTERDICTING CUBAN REFUGEES CONTINUED IN 1999, WITH OVER 1,000 CUBANS REPATRIATED TO CUBA SINCE THE ADOPTION OF THE POLICY IN MAY 1995. BUT CONCERNS REMAINED ABOUT THE PROCEDURAL PROBLEMS ASSOCIATED WITH SHIPBOARD SCREENINGS OF TRAUMATIZED ASYLUM SEEKERS WHO LACKED LEGAL REPRESENTATION.

IN A JULY 1999 ARTICLE, THE NEW YORK TIMES QUOTED CUBAN EXILE LUIS POSADA CARRILES SAYING THE MIAMI-BASED CUBAN AMERICAN NATIONAL FOUNDATION (CANF) AND ITS LATE PRESIDENT, JORGE MÂS CANOSA, FOR YEARS HAD FINANCED HOTEL BOMBINGS AND OTHER ACTS OF VIOLENCE IN CUBA, AN ALLEGATION THE CANF DENIED AND POSADA LATER DISAVOWED. THE TIMES REPORTED THAT A CUBAN-AMERICAN BUSINESS PARTNER OF POSADA CARRILES TRIED TO INFORM U.S. LAW ENFORCEMENT OF POSADA'S INVOLVEMENT AND POSSIBLE LINKS TO CUBAN EXILES IN NEW JERSEY, BUT THE F.B.I. SHOWED LITTLE INTEREST. IN MID-AUGUST, THE U.S. REPORTEDLY NOTIFIED CENTRAL AMERICAN GOVERNMENTS THAT IT EXPECTED THEM TO INVESTIGATE POSADA AND PROSECUTE HIM FOR ANY INVOLVEMENT IN CRIMINAL ACTIVITIES. THE SAME MONTH, U.S. PROSECUTORS FILED ATTEMPTED MURDER CHARGES AGAINST SEVEN CUBAN EXILES WHO ALLEGEDLY PLOTTED TO KILL CASTRO.

GUATEMALA

Human Rights Developments

NEARLY TWO YEARS AFTER THE SIGNING OF THE FINAL PEACE ACCORD BETWEEN THE GOVERNMENT OF PRESIDENT ALVARO ARZÚ AND THE GUATEMALAN NATIONAL REVOLUTIONARY UNION (UNIÓN REVOLUCIONARIA NACIONAL GUATEMALTECA, URNG), HOPES FOR AN END TO IMPUNITY AND GREATER RESPECT FOR HUMAN RIGHTS WERE OVERSHADOWED BY THE ASSASSINATION OF A SENIOR HUMAN RIGHTS FIGURE AND THE GOVERNMENT'S POOR HANDLING OF THE MURDER INVESTIGATION. MOREOVER, THE JUNE 1999 HUMAN RIGHTS REPORT BY THE MISSION THE UNITED NATIONS FOR GUATEMALA (MISIÓN DE LAS NACIONES UNIDAS EN GUATEMALA, MINUGUA) — INSTALLED IN LATE 1994 TO OVERSEE IMPLEMENTATION OF A HUMAN RIGHTS AGREEMENT BETWEEN THE PARTIES TO THE CONFLICT — REVEALED AN INCREASE IN EXTRAJUDICIAL EXECUTIONS AND TORTURE. ON A MORE OPTIMISTIC NOTE, HOWEVER, THE MINUGUA REPORT FOUND A DECLINE IN VIOLATIONS OF THE RIGHT TO LIBERTY, DUE PROCESS, AND FREEDOM OF ASSOCIATION.

THE TRAGIC MURDER OF BISHOP JUAN JOSÉ GERARDI, ONE OF LATIN AMERICA'S MOST PROMINENT HUMAN RIGHTS FIGURES, ON APRIL 26, SERVED AS A REMINDER THAT GUATEMALA HAD NOT YET ESCAPED ITS PAST. THE RESOLUTION OF THE BISHOP'S KILLING PRESENTED A CHALLENGE TO THE GOVERNMENT TO DEMONSTRATE THE SERIOUSNESS WITH WHICH IT WOULD PURSUE JUDICIAL REFORM AND COMBAT IMPUNITY; THE RESULTS, AT THIS WRITING, WERE EXTREMELY DISHEARTENING. APART FROM THE GERARDI CASE, MOST OF THE VICTIMS OF GRAVE HUMAN RIGHTS ABUSES WERE POOR AND OFTEN SUSPECTED OF CRIMINAL ACTIVITIES.

CONGRESS APPROVED SEVERAL LONG DELAYED CONSTITUTIONAL REFORMS AGREED TO AS PART OF THE PEACE ACCORD IN OCTOBER, INCLUDING A FORMAL END TO THE MILITARY'S CONSTITUTIONAL ROLE IN INTERNAL SECURITY. THE REFORMS DID ALLOW, HOWEVER, A TEMPORARY ROLE FOR THE MILITARY IN LAW ENFORCEMENT FOR LIMITED PERIODS AND UNDER CIVILIAN CONTROL. MEANWHILE, THE DESPERATELY NEEDED ENACTMENT OF A NEW MINOR'S CODE WAS PUT OFF UNTIL THE YEAR 2000.

THE CONTINUED AUTHORITY OF GOVERNMENTAL DECREE (ACUERDO GUBERNAMENTAL) NO. 90-96, AUTHORIZING MILITARY INVOLVEMENT IN THE MAINTENANCE OF INTERNAL SECURITY, CONTRADICTED BOTH THE LETTER AND THE SPIRIT OF THE COMMITMENTS MADE IN THE PEACE ACCORDS TO PLACE LAW ENFORCEMENT ENTIRELY UNDER CIVILIAN CONTROL. MINUGUA'S JUNE 1999 REPORT INDICATED THAT THE COMBINED MILITARY AND POLICE FORCES PERMITTED UNDER THE DECREE DID NOT REDUCE CRIME AND THEIR ACTIONS AT TIMES VIOLATED HUMAN RIGHTS. WHEN THE DECREE WAS ISSUED IN 1996 THE GOVERNMENT STATED THAT THE ARMY WOULD BE USED ONLY TO SUPPORT POLICE OFFICERS WHILE THE NEW NATIONAL CIVILIAN POLICE (POLICÍA NACIONAL CIVIL, PNC) WAS BEING FORMED. HOWEVER, THE PNC BECAME OPERATIONAL IN 1999 WITHOUT ANY END TO THE USE OF JOINT MILITARY-POLICE PATROLS. AND ALTHOUGH THE POLICE WERE NOMINALLY IN COMMAND OF THE JOINT PATROLS, BOTH MILITARY AND POLICE SOURCES AGREED THAT THE ARMY TRULY CONTROLLED AND NUMERICALLY DOMINATED THE PATROLS.

THE MILITARY ALSO CONTINUED TO PLAY A CENTRAL ROLE IN CRIME CONTROL THROUGH THE PRESIDENTIAL GENERAL STAFF (ESTADO MAJOR PRESIDENCIAL, EMP), AN INTELLIGENCE UNIT WITH A HISTORY OF EGREGIOUS HUMAN RIGHTS VIOLATIONS. IN 1996, THE "ARCHIVO," THE CLANDESTINE INTELLIGENCE BRANCH LOCATED WITHIN THE EMP, WAS FORMALLY DISSOLVED AND REPLACED BY THE CENTER OF STRATEGIC ANALYSIS AND THE ANTI-KIDNAPPING COMMAND OR CRISIS COMMITTEE. THE CIVILIAN-DIRECTED CENTER PROVIDED THE PRESIDENT WITH WEEKLY REPORTS OF POLITICAL, ECONOMIC, AND INTELLIGENCE ANALYSIS. WHILE ITS DIRECTOR WAS A CIVILIAN, THE SECOND AND THIRD POSTS WERE FILLED BY ARMY OFFICERS.

IN CONTRAST, THE ANTI-KIDNAPPING COMMAND, WHOSE EXISTENCE THE GOVERNMENT CONTINUED TO DENY, WAS DIVIDED INTO THREE PARTS: INTELLIGENCE GATHERING, CRIMINAL INVESTIGATIONS, AND OPERATIONS. THE INTELLIGENCE COMPONENT CONTINUED TO USE THE NETWORK OF INFORMANTS THAT WAS SET UP AS PART OF THE COUNTERINSURGENCY STRATEGY. MINUGUA'S JUNE REPORT ATTRIBUTED THE SEPTEMBER 11, 1997, "DISAPPEARANCE" OF TWO INDIVIDUALS, RICARDO II FIGUEROA DELGADO AND ISSAC VALDÉS MAYEN, TO GOVERNMENT SECURITY FORCES.

THE INVOLVEMENT OF THE ANTI-KIDNAPPING COMMAND IN COMBATTING ORGANIZED CRIME BACKFIRED IN THE COURTS, WHICH OFTEN REJECTED EVIDENCE IT COLLECTED AS ILLEGALLY OBTAINED AND IN SOME CASES OVERTURNED CONVICTIONS ON THOSE GROUNDS.

MEANWHILE, THE FAILURE TO CURB COMMON CRIME PROMPTED MANY CITIZENS TO TAKE JUSTICE INTO THEIR OWN HANDS. MINUGUA CALCULATED THAT BETWEEN MARCH 27, 1996, AND APRIL 1, 1999 THERE WAS AN AVERAGE OF MORE THAN ONE LYNCHING PER WEEK. ACCORDING TO MINUGUA, MOST LYNCHINGS OCCURRED IN RURAL AREAS WITH LITTLE POLICE PRESENCE, AND IN AREAS WHERE THE OFFICIALLY DISBANDED CIVIL PATROLS HAD BEEN PREVALENT, FORMER PATROLLERS OFTEN INSTIGATED THE ATTACKS.

OF EQUAL CONCERN WERE THE INSTANCES OF "SOCIAL CLEANSING" REPORTED BY MINUGUA AND LOCAL HUMAN RIGHTS GROUPS. IN THESE CASES, THERE WAS MORE

apparent premeditation than with lynchings, as in the case of La Libertad, Petén, where in January 1998 a list appeared of "persons condemned to death." During the first three months of 1998, ten men on the list were murdered, their corpses often left with notes stating that the victims were thieves who should die. In its verification of these killings, MINUGUA discovered that they were committed by an organized group which included at least two ex-army officers.

The administration of justice in human rights-related cases showed little improvement. The prosecution of the suspected authors of the 1995 Yámán massacre finally went to trial on April 21, 1998. The trial, however, was suspended on its seventh day when the prosecution complained of a lack of impartiality of the three-judge trial court.

In August 1997 the prosecution of the intellectual authors of the assassination of anthropologist Myrna Mack experienced an important advance when Guatemala's highest court, the Court of Constitutionality, ruled the generals and other officers accused of planning the killing were to be tried under the new Penal Code and not under the old code or in a military tribunal. This court held that all prior evidence collected under the old code and by the military judge remained valid and should serve as the foundation for the second phase of the investigation. There were also a number of setbacks in the case, however. The new judge, Isaías Figueroa, exhibited partiality in favor of the military defendants and against both Special Prosecutor Myrta Melgar and the victim's sister, Helen Mack, prompting the special prosecutor to seek the judge's removal. If successful this would be the twenty-fifth time a judge assigned to the case either resigned in fear or was removed.

Nor was there progress in the prosecution of a series of pending human rights cases that began with the exhumations of clandestine mass graves. The Río Negro, Rabinal case, a 1992 massacre of one hundred children and seventy-two women, was prepared to go to trial when on May 27, 1996, the three defendant—two former civil patrollers and one soldier—applied for amnesty under a 1996 law. Their amnesty application was rejected by every lower court until February 1997, when it went to the Court of Constitutionality. That court had a maximum of fifteen days to resolve the petition, yet at this writing it had still not been resolved.

The Center for Human Rights and Legal Action (CHRLA) reported that the government "lost" evidence regarding similar atrocities in the early 1980s in the villages of Plan de Sánchez and Chichupac, Rabinal. During hearings on the case in February 1997, the Inter-American Commission on Human Rights admonished the Guatemalan government to actively investigate the 1992 Plan de Sánchez massacre of 268 people. The only visible response was the disappearance from the Public Prosecutor's Office of forensic reports and ballistic evidence. Meanwhile, in the case of the Chichupac massacre of thirty-five men in which various soldiers stood accused, the entire file of the case disappeared during 1998 with the Public Prosecutor's Office and judiciary blaming each other. Implementation of a crucial component in the struggle against impunity, a judicial protection program, was postponed for the second consecutive year. The dire need for such a program became sadly apparent with the murder of Public Prosecutor Silvia Jerez on May 20. In addition to serving as the special prosecutor investigating the "disappearance" of American attorney Jennifer Harbury's husband, Guatemalan guerrilla leader Efraín Bámaca, Jerez was also prosecuting a band of kidnappers who had killed Spanish citizen Danilo Blank on December 30, 1997. In June 1998, several of these kidnappers escaped from jail. One month later, the only witness to the case, Blank's husband, Dr. Edgar Orellana, was murdered. Meanwhile, the trial for the 1992 massacre in Dos Ríos, Petén was postponed because the key witnesses—two ex-members of the Guatemalan Special Forces—refused to testify without protection.

The expansion of the death penalty to new crimes in Guatemala threatened at this writing to bring the Arzú government into direct conflict with the inter-American system for protection of human rights. The American Convention on Human Rights, ratified by Guatemala in 1978, precludes member states from extending the use of the death penalty to crimes to which it did not apply at the time of ratification. In 1995 Guatemala amended its criminal code to punish abduction with the death penalty—previously only applicable in those kidnappings that resulted in the death of the victim. Although some lower courts in 1997 commuted death sentences citing Guatemala's obligations under the American Convention, in October 1998 two appeals courts cleared the way for the first official executions under the expanded death penalty. At the time of this writing, the cases were pending before the Supreme Court. In an apparently related move, an attorney with close ties to the military sought a ruling from the Constitutional Court challenging the legality of Guatemala's acceptance of the compulsory jurisdiction of the Inter-American Court of Human Rights, where Guatemala would ultimately face censure for violating the American Convention through expansion of the death penalty.

Defending Human Rights

The overall conditions for human rights monitors in Guatemala remained precarious. The June MINUGUA report noted "an increase in threats and intimidations against individuals and entities working for the protection of human rights...." The most dramatic of these was the assassination of Bishop Juan José Gerardi, the director of the Archbishop of Guatemala's Human Rights Office (Oficina de Derechos Humanos del Arzobispado de Guatemala, ODHA-G).

On April 24, 1998, before the eyes of the nation, Bishop Gerardi presented *Guatemala: Never Again*, a four-volume work documenting the human rights abuses committed by state agents and the insurgency during thirty-six years of civil war. The report—the culmination of three years of research involving nearly 600 investigators—found the military, other official forces, state-sponsored civil patrols, and clandestine death squads responsible for 90 percent of the grave human rights violations committed during the conflict, while the remaining 10 percent of the abuses were attributed to the URNG guerrilla alliance.

Just two days after the public presentation of the report, on the evening of April 26, Monsignor Gerardi was bludgeoned to death by a cinderblock while entering his house in the parish of San Sebastián in Guatemala City. Although several people were detained and subsequently released, and one remained in detention, the crime was not solved as of late 1998 and its political impact continued to reverberate. On October 21, the government's prosecutor formally charged a priest who resided in the same parish house as Bishop Gerardi, Rev. Mario Orantes in the slaying, despite an absence of evidence implicating him.

Throughout the investigation, the government went to great lengths to dismiss the notion that the assassination was politically motivated. On April 30, an indigent, Carlos Enrique Vielman Viani, was arrested and charged with the killing. Interior Minister Rodolfo Mendoza announced that the murder was almost solved, implying that the motive was one of common crime. Nearly three months later, Vielman was released as both church authorities and the government agreed that he had not been involved in the crime. On July 22, authorities arrested Father Mario Orantes, the priest who also lived in the San Sebastián house, along with the parish cook, Juana Margarita López. The state's main evidence against the pair rested on enlarged photographs of the corpse, which according to some experts revealed a dog bite that went unnoticed during the autopsy; the teeth marks purportedly matched those of Orantes's German shepherd. Although the corpse of Bishop Gerardi was exhumed in September, and Guatemalan and U.S. forensic specialists present concluded that there were no traces of a dog bite, the priest was subsequently charged with the murder and remained in jail. (A

Spanish specialist present reportedly did not concur with his colleagues' views.)

Errors and negligence in the investigation by Guatemalan authorities began at the crime scene, which the public prosecutor failed to properly secure. Despite years of training in crime scene preservation from the United States Justice Department and the Spanish Civil Guard, authorities permitted onlookers to roam freely around the site, including two who allegedly worked for the EMP. Videotapes from the night of the crime show prosecutor Otto Ardón and his investigator examining the presumed murder weapon without latex gloves and tramping through the pools of blood surrounding the bishop's corpse. Few efforts were made to sustain the chain of custody as forensic samples were sent to the PNC and to the public prosecutor's crime lab in unsealed vials.

Shortly after the murder, the government established a High-Level Commission (Comisión de Alto Nivel) to support the investigation and facilitate communication between the church and the public prosecutor's office. The commission was composed of government officials with justice and human rights-related expertise. Its work proved disappointing however: in May and June, it rejected or ignored a series of requests from the church, including that the commission ask the British government to send a Scotland Yard investigator and that commission replace the public prosecutor, Otto Ardón, because of his prior links to the military.

In late May, the ODHAG provided a license plate number of a vehicle registered to a military base seen circling the parish the night of the crime as well as the names of Gen. (R) Byron Disrael Lima Estrada and his son, Capt. Byron Miguel Lima Oliva of the EMP, both of whom the office believed to be linked to the crime. The commission reportedly responded by providing publicly available information from the vehicle's registration card, denying the retired general had anything to do with the crime, and declining to investigate Captain Lima Oliva. The government disbanded the commission in July.

In late July, after ODHAG coordinator Ronaldti Ochoa mentioned the two men at a press conference in Madrid, the government announced that both officers would be investigated. Following the murder of Monsignor Gerardi, members of the ODHAG were subjected to sporadic surveillance by unknown individuals and received anonymous threatening phone calls. The week following the bishop's death, Carlos Federico Reyes López, coordinator of the ODHAG forensic anthropology team, received several anonymous threatening telephone calls in his office. Reyes López was closely involved in the initial stages of the Gerardi investigation and testified before the U.S. Congress about the case.

Catholic priest Pedro Nola, who worked closely on the preparation and dissemination of the *Guatemala: Never Again* report, also received serious threats. During the day on April 29, 1999, a double-cab pick-up truck circled his house for thirty minutes. On May 4, a white sedan with polarized windows and no license plates arrived outside his house. A man exited the vehicle, furtively took some photographs, and then drove away. Six days later, as the wife of a worker in Father Nola's parish left to go grocery shopping, she noticed two individuals behind her who were accompanied by the same white sedan. As she turned to cross the street, the two men blocked her path and told her to tell the priest to flee the country because they had him under surveillance (*lo tenían controlado*) and they were going to kill him if he did not leave. Father Nola left Guatemala on May 24.

On July 12, a member of the ODHAG received a telephone call in which a male caller said: "We've got you under surveillance (*controlado*), you son of a bitch. We're going to kill you and you won't even realize it." This individual, accompanied by other members of the ODHAG and representatives of MINUGUA, had gone the day before to the El Salvador-Guatemala border to pick up a shipment of copies of the *Guatemala: Never Again* report.

On August 16, El Estor, Izabal parish priest Don Vogt was warned by a friend who had recently overheard individuals discussing a plan to murder Vogt in a feigned robbery. Another informant told the priest he had been questioned about Vogt's comings and goings by individuals who did not identify themselves. Vogt has been the subject of numerous death threats related to his human rights work in El Estor.

The Role of the International Community

United Nations

Officially known as the Guatemalan Historical Clarification Commission (Comisión de Esclarecimiento Histórico, CEH) Guatemala's U.N.-sponsored truth commission began its work in August 1997; its report was expected in December 1999. CEH chief commissioner Christian Tomuschat, a former U.N. Independent Expert for Human Rights in Guatemala, publicly denounced the lack of cooperation from the military in providing documents and interviews to its investigators, in violation of the accords setting up the commission.

The July 17 detention of Col. Otto Nock exemplified the military's recalcitrance. In an interview with Radio Netherlands in early July, Nock acknowledged that members of both the military and the insurgency had committed grave human rights violations. He suggested that all should testify before the CEH and if necessary apply to the Guatemalan court for amnesty. Nock's comments sparked his arrest for speaking with the press without prior consent from his military superiors, a military regulation rarely enforced.

After visiting Nock in detention, Tomuschat called on other officers to follow his example of admitting past abuses and denounced the Guatemalan military for its action. The government accused Tomuschat of meddling in internal politics and announced it would file a formal complaint with the U.N. secretary-general requesting Tomuschat's destitution.

After the signing of the peace accords, MINUGUA's work broadened from human rights monitoring and advocacy to include assistance with the implementation of several accords as well as extensive institution-building endeavors with the Public Prosecutor's Office, the PNC, and the Human Rights Ombudsman's (Procurador de los Derechos Humanos) office. This inevitably left fewer resources for human rights verification. The murder of Bishop Gerardi and increased threats against human rights defenders suggested that the reduction in resources dedicated exclusively to human rights verification was premature.

During its annual meeting in Geneva in 1999, the United Nations Human Rights Commission, for the first time since 1992, ended the mandate of its special expert reporting on the human rights situation in Guatemala. (For several years Guatemala's expert had the status of a "special rapporteur," placing it in the category of the world's worst human rights observers. In recent years, Guatemala was assigned an "independent expert," who provided detailed reports as well as advising the government on human rights improvements.) Many of the recommendations that independent experts Christian Tomuschat and Mónica Pinto had made over the years were incorporated by the government, although several key reforms called for—such as civilian control of law enforcement and intelligence gathering and suppression of clandestine security forces—remained empty promises.

United States

ALTHOUGH THE CLINTON administration was a strong supporter of the ARZÚ government, the State Department's annual review of human rights conditions in Guatemala provided objective reporting on a wide range of abuses. Washington's aid to Guatemala included training for the military in non-combat-related issues such as planning, administration, and relations with civilians. Significantly, the administration provided support to a wide array of nongovernmental human rights and indigenous organizations, some of them quite critical of the government and military. The U.S. Embassy in Guatemala City was responsive to communications on behalf of El Estor parish priest Dan Vogt, a U.S. citizen, and convinced police investigators to conduct an inquiry into threats he received in August.

HAITI

Human Rights Developments

POLICE ABUSES AND impunity for past human rights violations remained Haiti's most pressing human rights problems during 1999. Haiti's unresolved political crisis, which left the country without a prime minister after Rosny Smarth resigned in June 1997, impeded progress on human rights concerns. Disputes over the controversial April 1997 elections persisted, and the Provisional Electoral Council, which had dwindled to two of its nine members, was inoperable. Hundreds of United Nations Civilian Police and United States troops helped stabilize the uncertain environment.

The Haitian National Police (HNP) beat detainees with disturbing frequency in 1999, although the number of police killings was lower than in 1997. The United Nations (U.N.) / Organization of American States (OAS) International Civilian Mission in Haiti documented thirteen killings by police using excessive force in the first five months of 1999, in contrast with twenty-two during the same period of 1997. From January to May 1999, the mission confirmed 150 reports of police brutality, including cases of police clapping their hands over detainees' ears and burning them with cigarettes. Many beatings occurred as police were carrying out arrests or when they held detainees in police lock-ups. Persistent police violence angered the public, sparking several retaliatory attacks. On August 6, 1999, an off-duty officer killed a resident of Cabaret, reportedly after a minor disagreement. In protest, local people burned tires, damaged the police station, and freed detainees from the local police lock-up.

POLICE UNITS, the Company for Intervention and Maintaining Order (Compagnie d'Intervention et de Maintien de l'Ordre, CMO) and the Intervention Group (Groupe d'Intervention), emerged as particularly abusive elements within the HNP. The units, which were modeled after U.S. Special Weapons and Tactics (SWAT) teams and received U.S. equipment and training, violated Haitian police law by carrying heavy weapons. Rather than defuse crises, the units' aggressive practices, which included gratuitous destruction of property and beating and kicking passersby, often worsened tense situations.

ON APRIL 5, CMO ransacked the Women's Clinic (Klinik Famen) in Port-au-Prince, claiming that the staff had hidden weapons in boxes of medicine. CMO found no weapons but caused extensive damage, destroying medical equipment, medicine, and furniture. Several months after the intervention, the clinic, which had provided women's health care and assistance to rape survivors, including those who had suffered politically motivated rapes under Haiti's military government, from 1991 to 1994, remained closed due to CMO's destructive actions. In March, the HNP sent CMO to respond to an ongoing land dispute in Milot. CMO officers entered a radio station run by the Milot Peasants' Movement (Mouvement Peyizan Milot) after midnight on March 19, ransacked the station, and shot the janitor. In February 1999, a melee erupted in Mirebalais after local police killed a resident, in unclear circumstances. The police had been trying to disperse a crowd that included members of Put Order Into Disorder (Met Lod nan Dezod), an organization linked to the political party of former President Jean-Bertrand Aristide. Angered by the death, the crowd entered the police station and killed the police chief, Ricélin Dormeus. Hours later, the Intervention Group and CMO arrived in Mirebalais, carried out some forty warrantless arrests, and beat many detainees severely.

THE HNP arrested several individuals charged with plotting against state security, including former soldiers and members of the paramilitary organization, the Front for the Advancement and Progress of Haiti (Front pour l'Avancement et Progrès d'Haiti, FRAPH), but the government's extra-legal measures against these individuals did nothing to advance the rule of law. Several developments, including FRAPH leader Emmanuel Constant's statements that the organization was still active and the August deaths of Father Jean Pierre-Louis, an activist priest, and Versailles Clotaire, a member of the president's security detail, had raised concern about Haiti's internal security.

ON NOVEMBER 16, 1997, a police unit carrying heavy weapons entered the home of former police chief and presidential candidate Léon Jeanne, beating and arresting both Jeanne and his driver, Lony Benoît. The police acted without a warrant and, despite claims that the two men had threatened state security, the government never provided evidence of such activities. Authorities released the men on December 11, 1997. At this writing, several detainees charged with plotting against the state remained in police lock-ups or the National Penitentiary despite judges' having ordered them to be freed. Whether prosecutors, police or prison authorities, or other government actors were responsible for their continued detention remained unclear. The HNP arrested former army Gen. Claude Raymond in July 1996 and, despite a July 1999 release order, he remained in detention at this writing. Evans François, the brother of one of the leaders of the 1991-1994 military government, Michel François, remained in the National Penitentiary despite an order to free him dated May 1997. Others detainees with judicial orders for their freedom reportedly included Guetchy Henri and Thomas Sabath, ordered released in July 1999 and Eric Dertulien and Patrick Moïse, ordered released in December 1997.

DURING 1999, Haiti received increased international attention as a key transshipment point for drug trafficking between South America and the United States. The involvement of numerous HNP officers in drug scandals damaged public confidence in the force. The HNP Inspector General's office disciplined several officers implicated in the burgeoning drug trade. The Inspector General also investigated and disciplined officers for other criminal activities and violations of police rules but lagged in pursuing the dozens of cases of police beatings and killings. The office referred only a handful of its many drug trafficking and other criminal and human rights cases to the justice system for criminal prosecution.

HAITI'S prisons remained overcrowded in 1999. Approximately 90 percent of Haiti's inmates were in pre-trial detention. The U.N./OAS mission noted that the National Penitentiary Administration (Administration Pénitentiaire Nationale), which became part of the HNP in 1997, had sanctioned few prison guards for mistreating prisoners. Overcrowding aggravated the poor physical conditions for prisoners and contributed to cases of physical and sexual abuse among prisoners, including those held in the Fort National facility for women and minors.

THE Haitian justice system failed to address these and other human rights concerns effectively. Haiti's weak courts pursued few criminal charges against abusive police or prison guards. Human rights activists demonstrated weekly outside the National Palace, demanding an end to impunity and

reparations for human rights victims, but no major human rights case went before a Haitian court. Government attorneys continued to prepare the case against some twenty defendants implicated in the April 1994 massacre of at least fifteen individuals in Raboteau. In February 1999, government lawyers alleged that the former military government's top leaders, Raul Cedras, Philippe Biamby, and Michel François, who had fled Haiti to Panama, the United States, and Honduras respectively, had played a role in the Raboteau attack. The government attorneys sought the extradition of the former officials, but Honduras promptly refused Haiti's plea, and the other requests had not proven successful at this writing. In September 1999, the abrupt resignation of the judge assigned to the Raboteau case, Abraham Thélusme, shortly after he had freed one of the defendants, raised concerns of possible interference with the case and delayed setting a trial date.

The judicial system's outdated, inefficient structure impeded prompt, fair trials. But the Haitian Parliament's May 1999 passage of a judicial reform law offered hope for improvements. In late 1997, Haiti had opened two government offices to address citizens' human rights concerns. The Office of Citizen Protection (Office de la Protection Citoyenne) offered Haitians a new avenue to present human rights complaints against the government but had received limited funds and was barely operational in 1999. The government also created the Office for Pursuit and Follow-up (Bureau des Poursuites et Suivi) to address the concerns raised in the 1,200-page final report of Haiti's National Commission of Truth and Justice (Commission de la Vérité et de Justice), which had documented human rights violations under the military government, including extrajudicial executions and torture. The office had minimal impact in 1999.

On a positive note, in November 1997 a broad coalition of women's and human rights organizations sponsored an International Tribunal Against Violence Against Haitian Women. The mock tribunal provided a historic opportunity for victims of political, sexual, and domestic violence and violence against women with disabilities to speak publicly about their experiences. The Haitian Parliament received recommendations from the tribunal's judges and, at this writing, was considering draft laws to eliminate discrimination against women in cases of rape, sexual harassment, and adultery.

Defending Human Rights

The Haitian government did not systematically target human rights defenders in 1999. However, the CMO attack on Klinik Fanm, whose founders worked closely with human rights activists to document and denounce rape under the military government, raised concern for the security of women's and human rights workers.

The Role of the International Community

United Nations and Organization of American States

After almost three years, the U.N. terminated its military mission in Haiti in late 1997. The U.N. Civilian Police Mission in Haiti (Mission de la Police Civile des Nations Unies en Haiti, MIPONUH), with 295 officers, commenced a twelve-month mandate in late November 1997, with a focus on training Haitian police supervisors. In a May 1999 report to the Security Council, U.N. Secretary-General Kofi Annan urged Haiti and the international community to resolve Haiti's political crisis and back institutional reforms to diminish police abuses. The U.N./OAS International Civilian Mission provided police training, human rights education, and human rights monitoring. In December 1997, the U.N. extended the mission's mandate through December 31, 1999. The secretary-general's independent expert on Haiti, Adama Dieng, continued his excellent work with an October 1997 report on human rights in Haiti. In April 1999 the Human Rights Commission extended Dieng's mandate for another year. Haiti failed in 1999, as it had since 1999, to comply with its reporting requirements before the Committee on the Elimination of All Forms of Racial Discrimination.

United States

The Clinton administration continued to block efforts to establish truth and justice for past abuses in Haiti. In April 1999, Secretary of State Madeleine K. Albright stated that Haiti could take possession of materials seized by U.S. forces in September 1994 from the Haitian military and paramilitary organization FRAPH. However, more than four years after the seizure, the items, which reportedly included some 160,000 pages of documents, videotapes, "trophy" photographs of torture victims, passports, and identification cards, remained under U.S. control. Reportedly founded with Central Intelligence Agency assistance, FRAPH was responsible for atrocities under the military government that ruled Haiti from 1991 to 1994. The U.S. continued to insist that the documents would only be returned after U.S. citizens' names had been excised, apparently for the illegitimate purpose of covering up U.S. complicity in political murder and other abuses, particularly the role of U.S. intelligence assets with the military government and FRAPH. The U.S. also acted to prevent the deportation of FRAPH leader Emmanuel Constant from New York and failed to disclose U.S. documents detailing U.S. investigations of atrocities.

MEXICO

Human Rights Developments

Although President Ernesto Zedillo recognized in the abstract that human rights violations took place in Mexico, his government failed to develop a strategy to respond adequately to individual cases of abuse, strengthen human rights safeguards, or promote the rule of law. Long-simmering human rights problems received government attention only after becoming national and international scandals, while other deeply troubling practices—such as torture, rural violence, abuses by the military, and attacks against human rights monitors and journalists—continued apace. At the same time, the Zedillo administration undertook two initiatives that undercut human rights protections, establishing new restrictions on international human rights monitors and initiating constitutional reforms designed to fight crime through the limitation of the rights of criminal suspects. As the international community paid increasing attention to human rights concerns in Mexico, the government selectively reacted to what it deemed foreign intervention in Mexican human rights affairs—strongly rejecting some human rights entities while demonstrating an openness to dialogue or work with others. Authorities consistently failed, however, to implement recommendations made by United Nations and Organization of American States human rights monitoring bodies.

PRESIDENT ZEDILLO'S FOURTH YEAR IN OFFICE BEGAN WITH INTENSE NATIONAL AND INTERNATIONAL SCRUTINY OF HUMAN RIGHTS VIOLATIONS IN THE SOUTHERN STATE OF CHIAPAS, FOLLOWING THE DECEMBER 22, 1997 MASSACRE BY PRO-GOVERNMENT ARMED CIVILIANS OF FORTY-FIVE PEOPLE IN THE MOUNTAINSIDE HAMLET OF ACTEAL, IN CHENALHÓ MUNICIPALITY. IN THE CONTEXT OF INTENSE COMMUNITY CONFLICT OVER RESOURCES AND POLITICAL LOYALTY, AN ESTIMATED SIXTY ARMED CIVILIANS GATHERED ON THE MORNING OF THE ATTACK AND CONVERGED ON THE COMMUNITY, OPENING FIRE ON AND KILLING MOSTLY WOMEN AND CHILDREN. THE VICTIMS WERE UNAFFILIATED WITH EITHER OF THE TWO POLITICAL GROUPS WITH THE STRONGEST BACKING IN THE MUNICIPALITY: THE RULING INSTITUCIONAL REVOLUCIONARIO PARTY (PARTIDO REVOLUCIONARIO INSTITUCIONAL, PRI) AND SUPPORTERS OF THE ZAPATISTA ARMY OF NATIONAL LIBERATION (EJÉRCITO ZAPATISTA DE LIBERACIÓN NACIONAL, EZLN), THE LEFTIST GUERRILLA GROUP THAT LAUNCHED AN UPRISING IN CHIAPAS IN JANUARY 1994.

THE IMMEDIATE MOTIVE FOR THE MASSACRE APPEARED TO HAVE BEEN REVENGE FOR THE MURDER OF A PRI SUPPORTER JUST DAYS BEFORE, PART OF A PATTERN OF FIT-~~FOR~~-FOR-~~TAT~~ ATTACKS BETWEEN PRI AND EZLN SUPPORTERS. NINETEEN PARTISANS OF THE RULING PARTY HAD REPORTEDLY BEEN KILLED IN THE MUNICIPALITY DURING THE YEAR PRIOR TO THE MASSACRE, MORE THAN TWICE THE NUMBER OF MURDERED SUPPORTERS OF THE EZLN.

EVEN THOUGH VIOLENCE IN THE MUNICIPALITY HAD BEEN TWO-SIDED, THE STATE GOVERNMENT HAD REPEATEDLY FAVORED SUPPORTERS OF THE PRI. BEFORE THE MASSACRE, FOR INSTANCE, CHIAPAS STATE SECURITY POLICE HAD GIVEN PROTECTION TO PRI SUPPORTERS, ACCOMPANYING THEM FOR SAFETY TO THEIR FIELDS FOR HARVESTING. MOREOVER, AT LEAST ONE COMMANDER HAD HELPED THE CIVILIANS WHO CARRIED OUT THE ATTACK OBTAIN WEAPONS. GOVERNMENT OFFICIALS WHO WERE WARNED OF THE IMPENDING MASSACRE ON THE MORNING OF DECEMBER 22 DOWNPLAYED INITIAL REPORTS, ENSURING THAT NO EFFECTIVE ACTIONS WERE TAKEN TO STOP THE BLOODBATH. DURING THE MASSACRE, STATE SECURITY POLICE IN ACTEAL DID NOTHING TO IMPEDE THE BLOODSHED; WHEN STATE OFFICIALS ARRIVED AFTERWARD, THEY FAILED TO PRESERVE THE CRIME SCENE.

AS IN OTHER AREAS OF CHIAPAS, THE STATE JUSTICE SYSTEM HAD CONSISTENTLY FAILED OVER THE YEARS TO HANDLE CASES OF RURAL VIOLENCE PROPERLY IN CHENALHÓ: PROSECUTORS RESPONSIBLE FOR INVESTIGATING CRIMES, FOR INSTANCE, DID NOT DO SO. BETWEEN MAY AND DECEMBER 1997, FOR EXAMPLE, AT LEAST THIRTY-FOUR INCIDENTS OF VIOLENCE WERE REPORTED IN CHENALHÓ MUNICIPALITY, INCLUDING MURDERS, EXPULSIONS FROM COMMUNITIES, AND KIDNAPPINGS. ALL MEMBERS OF THE COMMUNITY SUFFERED, REGARDLESS OF POLITICAL AFFILIATION. ACCORDING TO THE OFFICE OF THE FEDERAL ATTORNEY GENERAL (PROCURADURÍA GENERAL DE LA REPÚBLICA, PGR), HOWEVER, NONE OF THE CASES HAD BEEN PROPERLY INVESTIGATED, DESPITE FORMAL COMPLAINTS LODGED WITH PROSECUTORS. ATYPICALLY, FEDERAL INVESTIGATORS WHO HAD ASSUMED RESPONSIBILITY FOR THE CASES FOLLOWING THE MASSACRE HAD REPORTEDLY MADE PROGRESS IN GATHERING EVIDENCE FOR PROSECUTION OF THE UNRESOLVED RURAL VIOLENCE INCIDENTS FROM CHENALHÓ.

ALTHOUGH THE MASSACRE FIT THE PATTERNS OF VIOLENCE AND IMPUNITY FOUND IN OTHER REGIONS OF CHIAPAS, IT WAS DISSIMILAR IN ONE FUNDAMENTAL WAY. UNLIKE OTHER AREAS OF CHIAPAS, SUCH AS THE STATE'S NORTHERN ZONE, THE STATE JUSTICE SYSTEM IN CHENALHÓ HAD FAILED FOR SUPPORTERS OF THE PRI AS WELL AS PARTISANS OF THE EZLN. THE RELATIVE STRENGTH OF THE EZLN IN CHENALHÓ MAY HAVE POSED AS STRONG A DETERRENT TO PROSECUTIONS OF THEIR SUPPORTERS AS PRI SUPPORT DID FOR ITS FOLLOWERS THROUGHOUT THE STATE.

FOLLOWING THE MASSACRE, THE FEDERAL GOVERNMENT ASSUMED JURISDICTION OF THE CASE, ACTING SWIFTLY TO INVESTIGATE AND JAIL THE MATERIAL AUTHORS. BY MAY 1999, THE PGR HAD TAKEN LEGAL ACTION AGAINST 124 PEOPLE, SIXTY-NINE OF THEM FOR THEIR ALLEGED ACTIVE PARTICIPATION IN THE KILLINGS AND THE OTHERS FOR AIDING OR COVERING UP FOR THE AGGRESSORS. UNFORTUNATELY, LIKE THEIR STATE COUNTERPARTS, FEDERAL OFFICIALS HAD IGNORED SIGNS THAT THE MASSACRE WAS IMMINENT. JUST THREE WEEKS BEFORE THE KILLINGS, A GROUP OF NATIONAL AND INTERNATIONAL HUMAN RIGHTS DEFENDERS VISITED CHENALHÓ AND WARNED OF IMPENDING VIOLENCE. AT ALMOST THE SAME TIME, THE GOVERNMENT'S OWN NATIONAL HUMAN RIGHTS COMMISSION (COMISIÓN NACIONAL DE DERECHOS HUMANOS, CNDH) HAD ALSO ISSUED A DECREE CALLING ON THE CHIAPAS STATE GOVERNOR TO PROVIDE PROTECTION TO LIKELY VICTIMS OF VIOLENCE IN THE MUNICIPALITY.

PUT ON THE DEFENSIVE AFTER THE MASSACRE, THE FEDERAL GOVERNMENT RESPONDED NOT BY REINING IN PRI SUPPORTERS WILLING TO USE VIOLENCE BUT BY AGGRESSIVELY MOVING AGAINST EZLN SUPPORTERS AND INTERNATIONAL OBSERVERS IN CHIAPAS. PRO-EZLN COMMUNITIES KNOWN AS AUTONOMOUS MUNICIPALITIES WERE RAIDED BY STATE AND FEDERAL POLICE ACTING WITH ARMY BACKUP. THE COMMUNITIES, WHICH HAD BEEN SET UP IN AREAS WHERE GUERRILLA SUPPORTERS REFUSED TO RECOGNIZE THE LEGITIMACY OF LOCAL GOVERNMENTS CONTROLLED BY PRO-GOVERNMENT POLITICIANS, HAD ESTABLISHED INDEPENDENT GOVERNMENT STRUCTURES THAT WERE NOT OFFICIALLY RECOGNIZED BY STATE AUTHORITIES. ON APRIL 11 AND 13, FOR INSTANCE, AUTHORITIES DISMANTLED AN AUTONOMOUS MUNICIPALITY WITHIN TÁNIPERLA, CALLED RICARDO FLORES MAGÓN BY EZLN SUPPORTERS, DETAINING SIXTEEN MEXICANS AND TWELVE FOREIGNERS. THE FORMER WERE CHARGED WITH CRIMES RANGING FROM USURPATION OF AUTHORITY TO KIDNAPPING. AMONG THE MEXICANS DETAINED WERE SEVERAL HUMAN RIGHTS DEFENDERS. THE FOREIGNERS—LIKE OTHERS BEFORE AND AFTER THEM—WERE SUMMARILY EXPELLED FROM THE COUNTRY IN VIOLATION OF BASIC DUE PROCESS PRINCIPLES.

THE CNDH REVIEWED THE APRIL 11 AND 13 DETENTIONS, CONFIRMING THE ALLEGATIONS OF MEXICAN NONGOVERNMENTAL HUMAN RIGHTS ORGANIZATIONS OF A LACK OF EVIDENCE AGAINST THE DETAINEES. CHASTISING THE STATE GOVERNMENT FOR PROSECUTING THE DETAINEES WITHOUT EVEN SHOWING THAT ANY CRIME HAD TAKEN PLACE, THE COMMISSION SUGGESTED THAT AUTHORITIES DESIST IN THEIR PROSECUTION. AT THIS WRITING, ALL BUT FOUR OR FIVE OF THE DETAINEES HAD BEEN RELEASED ON BAIL, BUT THE PROSECUTIONS CONTINUED.

OFFICIALS IN THE MINISTRY OF GOVERNMENT EXPELLED THE FOREIGNERS, WHOM THEY ACCUSED OF PARTICIPATING IN THE CREATION OF A ZAPATISTA AUTONOMOUS MUNICIPALITY, AND BARRED THEM FROM EVER RETURNING TO MEXICO—DESPITE A COURT ORDER PROVIDING THEM INJUNCTIVE RELIEF AGAINST EXPULSION. ACCORDING TO MEXICO'S MIGUEL AGUSTÍN PRO JUÁREZ HUMAN RIGHTS CENTER (CENTRO DE DERECHOS HUMANOS "MIGUEL AGUSTÍN PRO JUÁREZ, OR PRODH), WHICH FILED THE REQUEST FOR INJUNCTION, AUTHORITIES WERE NOTIFIED OF THE COURT DECISION IN TIME TO ENSURE THAT IT WAS ENFORCED FOR MOST OF THE FOREIGNERS. DURING THE YEAR, THERE WERE OTHER TROUBLING EXPULSIONS MADE WITHOUT DUE PROCESS GUARANTEES. THEY INCLUDED FRENCH PRIEST MICHEL CHANTEAU, WHO WORKED IN CHENALHÓ; TOM HANSEN, AN AMERICAN WORKING IN SUPPORT OF INDIGENOUS COMMUNITIES IN CHIAPAS; AND PETER BROWN, A U.S. CITIZEN SUPPORTING AN EDUCATION PROJECT. IN SEPTEMBER, HANSEN WON A CONSTITUTIONAL CHALLENGE TO HIS EXPULSION, BUT THE GOVERNMENT MINISTRY VOWED TO APPEAL THE DECISION.

MEXICO'S HUMAN RIGHTS PROBLEMS EXTENDED FAR BEYOND THE OCCURRENCES IN CHIAPAS. IN MANY PARTS OF THE COUNTRY, SERIOUS HUMAN RIGHTS VIOLATIONS, INCLUDING TORTURE AND ILLEGAL ARRESTS, CONTINUED TO TAKE PLACE IN INCIDENTS RELATED TO COUNTERINSURGENCY, DRUGS, AND COMMON CRIME.

UNITED NATIONS SPECIAL RAPPORTEUR ON TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT NIGEL RODLEY ISSUED A REPORT ON MEXICO IN EARLY 1999, FOLLOWING AN ON-SITE VISIT THE PRIOR YEAR. HE DETERMINED, "TORTURE AND ANALOGOUS MISTREATMENT OCCUR WITH FREQUENCY IN MANY PARTS OF MEXICO, ALTHOUGH THE INFORMATION RECEIVED BY THE SPECIAL RAPPORTEUR DOES NOT PERMIT THE CONCLUSION THAT IT IS A SYSTEMATIC PRACTICE IN ALL PARTS OF THE COUNTRY." THE SPECIAL RAPPORTEUR CONCLUDED THAT TORTURE OFTEN TOOK PLACE DURING EFFORTS BY AUTHORITIES TO GATHER INFORMATION THAT WOULD ALLOW PROSECUTION OF THE VICTIM AND THAT THE INSTITUTIONAL SAFEGUARDS DESIGNED TO PROTECT AGAINST TORTURE ROUTINELY FAILED.

ABUSES TENDED TO TAKE PLACE IN THREE INTERRELATED STAGES IN HUMAN RIGHTS CASES: VIOLATIONS OF INDIVIDUAL GUARANTEES PRIOR TO VIOLENT ABUSE, INCLUDING ILLEGAL ARREST AND DETENTION IN EXCESS OF LEGALLY MANDATED LIMITS; THE VIOLENT HUMAN RIGHTS VIOLATIONS THAT FOLLOWED, SUCH AS TORTURE AND "DISAPPEARANCE"; AND DUE PROCESS VIOLATIONS IN SUBSEQUENT CRIMINAL PROCEDURES, INCLUDING THE USE OF COERCED CONFESSIONS. IN CASE AFTER CASE STUDIED BY

Human Rights Watch, prosecutors seemed disinterested in evidence of illegal arrests, detentions in excess of legally mandated limits, ill-treatment, and torture. They failed to ensure that statements made by witnesses or defendants had not been coerced. Judges, too, overlooked evidence of illegal or prolonged detention and well-founded allegations of torture in order to find the victims guilty.

Given the lack of effective safeguards for detainees in Mexico, a set of government proposals to fight crime promised only to complicate human rights problems. Faced with a growing incidence of common crime, President Ernesto Zedillo sent several new anti-crime proposals to the Senate in December 1997, arguing essentially that human rights guarantees constituted a straitjacket in the fight against increasingly sophisticated crime. Among the most questionable proposed reforms were changes in the requirements for obtaining an arrest warrant and for a judge to jail a suspect. If ultimately approved, the reforms would make it much easier for police and judges to act on weaker evidence—a serious problem in a country noted for illegal arrests, fabrication of evidence, and an ineffective system of public defenders.

Mexico's armed forces continued to engage in abusive practices in fighting insurgency and common crime. In retaliation after a soldier's weapon was stolen in Jalisco state, elite soldiers, some trained in the United States, arbitrarily detained and tortured some twenty people between December 14 and 15, 1997. One of the victims was killed. The soldiers, from the Mobile Air Special Forces Groups (Grupos Aeromóviles de Fuerzas Especiales, GAFE), planned the attack in advance and tortured the victims at the military base. They were arrested but faced trial in military, not civilian, court. On June 7, soldiers engaged in an alleged armed confrontation with an offshoot of the leftist Popular Revolutionary Army (Ejército Popular Revolucionario, EPR) calling itself the Popular Revolutionary Army of the Insurgent People (Ejército Popular Revolucionario del Pueblo Insurgente, ERPI). According to PRODH, which investigated the clash in El Charco, Guerrero state, the army appeared to have extrajudicially executed some of the eleven people killed. The official investigation into the incident was plagued by irregularities, PRODH reported.

As in past years, independent labor activists and journalists came under government pressure during 1998. In part, the government's system of labor tribunals limited freedom of association, as happened in the Baja California union struggle within Han Young, a factory that assembles truck trailer chassis for Hyundai. In a report on the incident issued in April under the authority of the North American Free Trade Agreement (NAFTA), the U.S. Department of Labor determined that the state labor tribunal had engaged in manipulation to favor the pro-government union. The department found, "It is apparent that independent unions can experience difficulty in obtaining registration and collective bargaining rights." Other labor rights violations included widespread sex discrimination in export-processing factories and the government's failure to address the problem (see Women's Human Rights section).

At least one journalist was killed in retaliation for his work during the year, and others were threatened, physically attacked, prevented from doing their jobs, or questioned by immigration authorities. Luis Mario García Rodríguez, a reporter for the Mexico City daily *La Tarde*, was shot to death on February 12; he had reported on corruption in the federal attorney general's office. Jesús Blancornelas, editor of the Tijuana, Baja California weekly *Zeta*, was luckier. He survived a shooting attack on November 27, 1997. According to the New York-based Committee to Protect Journalists (CPJ), reporters covering insurgencies in Chiapas and Guerrero states suffered restricted access to the scenes of clashes. CPJ also complained to President Zedillo of broad restrictions placed on reporters, writing in a July letter, "We have received a number of complaints from journalists in the United States who have requested visas at Mexican consulates. According to journalists' reports, consular officials questioned them about who they planned to interview and what they planned to write about. Often their visas are held up for weeks."

Defending Human Rights

Mexican and international human rights nongovernmental organizations continued to play an important role in Mexico, not only gathering and publicizing detailed information on human rights violations but also defending victims in court and working in the United States and Europe to promote pressure abroad for Mexican authorities to improve their human rights practices. As in the past, human rights organizations also came under attack for their work.

Internationally, Mexican human rights groups gained greater presence than ever. Twice during the year Mexican activists traveled to Washington, D.C., to present information to the Inter-American Commission on Human Rights. Representatives of Mexican human rights organizations also traveled to Brussels and Geneva to press their human rights concerns before the European Union and United Nations. The coordinated presentation of detailed information to these international entities played an important role in countering the Mexican government's official view on human rights, which tended to paint the picture of a strong and effective response to human rights problems.

Perhaps in response to the growing influence of human rights groups, Mexican officials strongly criticized local human rights organizations and tried to divide Mexican groups from their international counterparts. In July, for instance, President Zedillo lashed out at Mexican human rights groups in Chiapas, criticizing those who urged international human rights defenders to visit the state. He suggested that encouraging such visits was at odds with promoting respect for the constitution and the rule of law.

Just one month before his comments, the Ministry of Government had imposed new restrictions on human rights monitors wishing to travel to Mexico. The new visa requirements included a thirty-day waiting period, a ten-day maximum stay, and a maximum of ten people for any human rights delegation; the new rules provided for facilitated visa receipt in cases of emergency and for extending the trip beyond ten days in exceptional circumstances. To receive a visa, the applicant would have to submit a Spanish-language copy of the organization's articles of incorporation and prove that the organization he or she represented had consultative status with the United Nations or had been in existence for at least five years. People soliciting visas would have to provide a "work plan," which, in practice, authorities sometimes interpreted to mean that they needed to provide details of all people to be interviewed and all communities to be visited.

Although the Ministry of Government announced that the new rules would eliminate the arbitrary decision-making on visas that had been strongly criticized by human rights groups, the new process was no less arbitrary. Members of human rights organizations who applied for visas after the new requirements came into effect reported confusing and contradictory responses from Mexican consular officials in the United States, Canada, and the United Kingdom.

Mexican human rights defenders remained under threat during the year. According to a report produced by the All Rights for All Network of Civil Human Rights Organizations (Red de Organismos Civiles de Derechos Humanos "Todos los Derechos para Todos," or the Human Rights Network), in Chihuahua state, members of the nongovernmental Commission for Solidarity and Defense of Human Rights (Comisión de Solidaridad y Defensa de los Derechos Humanos, COSYDDHAC) received death threats, and the Catholic parish in Chihuahua city, which supports the commission, suffered two arson attacks. In Chiapas,

POLICE ARRESTED LUIS MENÉNDEZ MEDINA, A MEMBER OF THE FRAY PEDRO LORENZO DE LA NADA HUMAN RIGHTS CENTER (CENTRO DE DERECHOS HUMANOS "FRAY PEDRO LORENZO DE LA NADA"), DURING THE APRIL 11 RAID ON TÂNIPERLA. FOUR HUMAN RIGHTS PROMOTERS WERE ALSO DETAINED. SOME HUMAN RIGHTS DEFENDERS WORKING IN GUERRERO AND OAYACA CAME UNDER IMPLICIT THREAT BY AUTHORITIES WHO LINKED THEM TO THE EPR, A DANGEROUS EQUATION LIKELY TO LEAD TO PHYSICAL ATTACK.

The Role of the International Community

European Union

ON DECEMBER 9, 1997, MEXICO AND THE EUROPEAN UNION SIGNED AN ECONOMIC PARTNERSHIP, POLITICAL COORDINATION, AND COOPERATION AGREEMENT, BRINGING TO A CLOSE NEGOTIATIONS THAT INCLUDED INTENSE SCRUTINY OF MEXICO'S HUMAN RIGHTS RECORD. DESPITE INITIAL OBJECTIONS FROM MEXICO, THE FINAL ACCORD INCLUDED A CLAUSE ON DEMOCRACY AND HUMAN RIGHTS THAT IS STANDARD FOR E.U. AGREEMENTS. THE CLAUSE EXPRESSES THAT RESPECT FOR DEMOCRATIC PRINCIPLES AND FUNDAMENTAL HUMAN RIGHTS UNDERPINS THE DOMESTIC AND FOREIGN POLICY OF THE SIGNATORIES; CONTINUATION OF THE AGREEMENT COULD BE MADE CONTINGENT UPON ITS OBSERVATION. THE EUROPEAN PARLIAMENT IN PARTICULAR PLAYED AN IMPORTANT ROLE IN TRYING TO USE THE AGREEMENT TO PROMOTE HUMAN RIGHTS IN MEXICO, HOLDING PUBLIC HEARINGS IN WHICH MEXICAN AND INTERNATIONAL HUMAN RIGHTS ORGANIZATIONS PARTICIPATED PRIOR TO THE RATIFICATION OF THE ACCORD AND PRESSING OTHER BODIES WITHIN THE UNION TO TAKE UP HUMAN RIGHTS ISSUES IN MEXICO. AT THIS WRITING, MEXICO AND THE E.U. HAD YET TO DETERMINE HOW FUNDING FOR DEMOCRACY AND HUMAN RIGHTS PROJECTS IN MEXICO WOULD BE IMPLEMENTED.

United States

AS IT HAD IN PRIOR YEARS, THE STATE DEPARTMENT RECOGNIZED MEXICO'S SERIOUS HUMAN RIGHTS PROBLEMS IN 1999 BUT TOOK NO DIRECT STEPS TO NUDGE MEXICO TOWARD IMPROVING ITS HUMAN RIGHTS RECORD. THE STATE DEPARTMENT WAS WELL AWARE OF THE SERIOUS HUMAN RIGHTS PROBLEMS SUFFERED IN MEXICO. THE COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES IN 1997 NOTED A LONG LIST OF PROBLEMS QUALIFYING AS "MAJOR ABUSES," INCLUDING EXTRAJUDICIAL KILLINGS, "DISAPPEARANCES," TORTURE, ILLEGAL ARRESTS, AND ARBITRARY DETENTIONS.

THE STATE DEPARTMENT HELD IMPORTANT MEETINGS WITH MEXICAN HUMAN RIGHTS ORGANIZATIONS AND CARRIED OUT HUMAN RIGHTS FACT-FINDING MISSIONS HEADED BY DEPUTY ASSISTANT SECRETARY OF STATE STEVE COFFEY. THESE EFFORTS SENT A PRO-HUMAN RIGHTS MESSAGE TO MEXICAN GOVERNMENT OFFICIALS AND HUMAN RIGHTS DEFENDERS Alike. WHEN IT CAME TO ESTABLISHING U.S. POLICY TOWARD MEXICO, HOWEVER, HUMAN RIGHTS OCCUPIED A PLACE ON THE BILATERAL AGENDA FAR BEHIND TRADE, IMMIGRATION, AND DRUG TRAFFICKING. THE STATE DEPARTMENT TREAD LIGHTLY ON HUMAN RIGHTS IN MEXICO, FAILING TO TAKE PUBLIC OR EVEN PRIVATE POSITIONS ON KEY HUMAN RIGHTS ISSUES, SUCH AS THE ARBITRARY EXPULSION OF U.S. CITIZENS FROM MEXICO. WHEN TWO U.S. CITIZENS WERE EXPELLED IN APRIL 1999, U.S. OFFICIALS ONLY RAISED WITH THEIR MEXICAN COUNTERPARTS CONCERN OVER WHETHER U.S. EMBASSY PERSONNEL HAD BEEN ADEQUATELY NOTIFIED. NO CONCERN WAS RAISED OVER THE ARBITRARY EXPULSION ITSELF.

AT THE SAME TIME, THE UNITED STATES ARMED FORCES CONTINUED THEIR INCREASINGLY ACTIVE ROLE IN TRAINING MEXICAN SOLDIERS AND PROVIDING ASSISTANCE TO MEXICAN CIVILIAN AGENCIES INVOLVED IN COUNTERNARCOTICS INITIATIVES. MEXICO RECEIVED MORE INTERNATIONAL MILITARY EDUCATION AND TRAINING (IMET) FUNDING THAN ANY OTHER LATIN AMERICAN OR CARIBBEAN COUNTRY DURING THE YEAR, ESTIMATED TO COST U.S.\$1 MILLION FOR 190 MEXICAN STUDENTS IN 1999, WITH A SIMILAR AMOUNT REQUESTED FOR 1999. ANOTHER U.S.\$5 MILLION WAS EXPECTED TO BE SPENT DURING 1999 ON INTERNATIONAL NARCOTICS CONTROL (INC) INITIATIVES IN MEXICO; U.S.\$8 MILLION HAD BEEN REQUESTED FOR THE FOLLOWING YEAR.

IN ADDITION, THE PENTAGON WAS EXPECTED TO SPEND SLIGHTLY MORE THAN U.S.\$20 MILLION FOR MEXICO-RELATED TRAINING IN 1999. THIS FUNDING—KNOWN AS SECTION 1004, AFTER ITS LOCATION IN THE 1991 DEFENSE AUTHORIZATION ACT—WAS FOR COUNTERNARCOTICS INITIATIVES ONLY, INCLUDING U.S. MILITARY TRAINING OF FOREIGN POLICE FORCES. UNDER THE PROGRAM, THE UNITED STATES TRAINED 929 MEXICANS. MANY OF THE MEXICANS WHO HAVE PARTICIPATED IN THIS PROGRAM CAME FROM THE GAFE, INCLUDING OFFICERS INVOLVED IN THE DECEMBER 1997 ARBITRARY DETENTION AND TORTURE, IN WHICH ONE CIVILIAN DIED, IN JALISCO STATE, AS NOTED ABOVE.

THE UNITED STATES ENCOURAGED MEXICO'S MILITARY TO PLAY A LARGER ROLE IN COUNTERNARCOTICS EFFORTS. MISSING FROM MUCH OF THE UNITED STATES TRAINING OF MEXICANS, HOWEVER, WAS ANY MONITORING CAPABILITY TO ENSURE THAT U.S.-TRAINED MEXICANS DID NOT ENGAGE IN HUMAN RIGHTS VIOLATIONS. SIMILARLY, AS THE UNITED STATES ENCOURAGED MEXICO'S MILITARY TO BECOME FURTHER INVOLVED IN CIVILIAN-RELATED LAW ENFORCEMENT ACTIVITIES, THE U.S. GOVERNMENT DID NOT ENUNCIATE A MEDIUM- OR LONG-TERM PLAN TO STRENGTHEN CIVILIAN INSTITUTIONS SO THAT MEXICO'S ARMY WOULD NOT INDEFINITELY NEED TO PLAY THE ROLE IT HAS CURRENTLY ASSUMED. THE UNITED STATES DID NOT MAKE MEXICO'S DEVELOPMENT OF SUCH A PLAN A CONDITION OF U.S. TRAINING.

HUMAN RIGHTS CONCERNS WITH U.S. TRAINING PERSISTED DURING THE YEAR. UNITED STATES SUPPORT OF MEXICO'S ARMY IN THESE ROLES MAY HAVE UNDERMINED THE CIVILIAN INSTITUTIONS THAT SHOULD UNDERGIRD ANY DEMOCRATIC SOCIETY, AND ALTHOUGH TRAINING WAS OSTENSIBLY TO FIGHT DRUG TRAFFIC, THE DISTINCTION BETWEEN COUNTERINSURGENCY AND COUNTERNARCOTICS IN MEXICO CAN, AT TIMES, BE THEORETICAL AT BEST. MEXICO'S GUERRERO STATE, FOR INSTANCE, PRODUCES DRUGS AND HAS A GUERRILLA PRESENCE. SOLDIERS WORKING ON ONE ISSUE CANNOT REALISTICALLY BE EXPECTED NOT TO ENGAGE IN THE OTHER. THE RESPONSIBILITY ENGENDERED BY U.S. TRAINING, FUNDING, AND EQUIPPING OF MEXICAN OFFICIALS MADE PROMOTING AND PROTECTING HUMAN RIGHTS THERE A NECESSITY, NOT AN OPTION.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT (USAID) PROGRAMS IN MEXICO, VALUED AT U.S.\$15 MILLION FOR FISCAL YEAR 1999 AND U.S.\$13 MILLION FOR 1999, INCLUDED A JUDICIAL EXCHANGE INITIATIVE FOCUSED ON BRINGING U.S. AND MEXICAN JUDGES TOGETHER.

THE U.S. DEPARTMENT OF LABOR CONTINUED TO FOCUS ON MEXICO THROUGH THE APPLICATION OF NAFTA'S LABOR SIDE AGREEMENT. THE DEPARTMENT'S NATIONAL ADMINISTRATIVE OFFICE (NAO), WHICH IS RESPONSIBLE FOR RECEIVING COMPLAINTS OF LABOR RIGHTS VIOLATIONS IN MEXICO AND CANADA, WORKED ON FIVE CASES BETWEEN OCTOBER 1997 AND THE TIME OF THIS WRITING. TWO OF THE PETITIONS HAD BEEN SUBMITTED JOINTLY BY HUMAN RIGHTS WATCH, THE INTERNATIONAL LABOR RIGHTS FUND, AND MEXICO'S NATIONAL ASSOCIATION OF DEMOCRATIC LAWYERS (ASOCIACIÓN NACIONAL DE ABOGADOS DEMOCRÁTICOS, ANAD). ONE, SUBMITTED IN JULY 1997, ACCUSED THE MEXICAN GOVERNMENT OF FAILING TO ENFORCE ANTI-DISCRIMINATION LAW BY PERMITTING FORCED PREGNANCY TESTING IN EXPORT-PROCESSING FACTORIES KNOWN AS MAQUILADORAS. ON OCTOBER 7 AND 9, THE U.S. AND MEXICAN LABOR SECRETARIES MET TO DETERMINE A STRATEGY FOR HANDLING THE ISSUE. (SEE WOMEN'S HUMAN RIGHTS SECTION.)

THE OTHER JOINTLY SUBMITTED CASE, DATING FROM JUNE 1996, DEALT WITH FREEDOM OF ASSOCIATION VIOLATIONS SUFFERED BY MEXICO'S SINGLE UNION OF WORKERS OF THE FISHING MINISTRY (SINDICATO ÚNICO DE TRABAJADORES DE LA SECRETARÍA DE PESCA, SUISP), BIAS WITHIN MEXICO'S FEDERAL LABOR TRIBUNALS, AND MEXICAN LABOR LAW'S LIMITATION ON UNION ORGANIZING WITHIN GOVERNMENT MINISTRIES, A VIOLATION OF BINDING INTERNATIONAL LABOR LAW. ON APRIL 20, THE NAO REFUSED A DECEMBER 3, 1997, REQUEST BY THE PETITIONERS TO RECONSIDER ITS JANUARY 1997 DISMISSAL OF THE FIRST TWO ISSUES: PETITIONERS HAD ARGUED THAT MAJOR PORTIONS

of their argument had been ignored. In December 1997, the NAO organized a conference at which U.S., Mexican, and Canadian experts discussed the relationship between international and domestic labor standards, in fulfillment of the commitment made in the January 1997 report to examine the relevance of international labor standards to Mexican law. The conference offered no opportunity to resolve the labor rights problems highlighted by the petitioners, and labor rights defenders were not invited to participate on the panels.

As in prior years, the NAO's work was characterized by an openness to receiving complaints and a desire to broadly seek relevant information, and its public hearings and documentation constituted important opportunities to highlight complex labor rights violations in Mexico. The remedies for labor rights violations available through the NAFTA labor rights process remained weak, however.

United Nations and Organization of American States

The United Nations paid increasing public attention to Mexico during the year, beginning with the U.N. special rapporteur's report on torture. In June, U.N. High Commissioner for Human Rights Mary Robinson expressed concern about human rights violations in Chiapas and announced that her office stood ready to provide technical assistance if it was requested by the Mexican government. The U.N. secretary-general visited the country in August, during which time the government hinted that it might reverse its initial rejection of the U.N. High Commissioner's involvement in Mexican human rights affairs. In September, the government invited the High Commissioner to Mexico, but as of this writing neither the timing nor the agenda for the visit had been determined.

Both the secretary-general and High Commissioner for Human Rights met with Mexican human rights organizations, the former during his trip to Mexico and the latter in Geneva. These meetings served both as a message of support for the human rights community and as an important opportunity for the United Nations officials to receive first-hand information about human rights violations in Mexico.

The U.N.'s Subcommission on Prevention of Discrimination and Protection of Minorities issued a resolution on Mexico calling on authorities to protect human rights and requesting the U.N. Human Rights Committee to examine human rights concerns there. The U.N. Committee on the Elimination of Discrimination Against Women (CEDAW) also considered Mexico during the year and found serious areas of concern.

The Inter-American Commission on Human Rights, part of the Organization of American States, also played an increasingly active role in Mexico. Based on an unprecedented 1996 fact-finding mission to the country, in September 1998 the commission released a comprehensive report on human rights in Mexico, finding that despite reforms designed to improve the human rights situation, serious problems remained, including illegal detentions, torture, violations of women's rights, and a justice system that inadequately handled human rights issues. The commission also investigated several individual cases of human rights violations in Mexico and urged Mexican authorities to resolve the problems found.

PERU

Human Rights Developments

President Alberto Fujimori and the political party he leads, Change 90-New Majority (Cambio 90-Nueva Mayoría, C90-NM), continued to undermine the rule of law and independence of the judiciary during 1998. At the same time, they impeded the exercise of political rights. Although political violence and human rights violations associated with counterinsurgency continued to decline, the incidence of criminal violence increased, provoking the C90-NM-controlled Congress to delegate powers to the executive branch to impose tough new anti-crime decrees likely to lead to violations of the rights of criminal suspects. The decrees permitted the use of military courts to try serious crimes, systematic restrictions of suspects' rights and due process guarantees, and a special coordinating role for the abusive National Intelligence Service, which was responsible for grave human rights violations committed in combatting leftist insurgencies.

Judicial independence, already precarious in Peru, suffered a major setback in March, when the entire seven-person National Magistrates' Council (Consejo Nacional de la Magistratura, CNM), an autonomous body established in the constitution to appoint and dismiss judges and prosecutors, resigned in protest over a law restricting its powers to investigate irregularities committed by judges and to dismiss those it found culpable. The CNM had already suffered progressive limitations of its authority: in 1996, executive commissions headed by government appointees were given control of the reorganization of the judiciary and the public prosecutor's office, and in January 1997 the CNM lost its constitutional powers to appoint prosecutors. The March 1998 law was reportedly prompted by an impending investigation by the CNM into the conduct of six judges who were alleged to have signed a forged ruling ordering the Central Reserve Bank to pay a U.S.\$40 million compensation claim to a private corporation.

The overwhelming presence of the executive branch was also seen in electoral matters during the year, as President Fujimori continued to maneuver to permit himself to stand for election a third time despite a constitutional limit of two consecutive terms for any president. In December 1997, Peru's rubber-stamp Congress altered the composition of the National Electoral Board (Jurado Nacional de Elecciones, JNE) by giving provisional judges the same powers as tenured judges, thereby allowing them to vote for and be elected to the JNE. The appointment of judges without tenure to the JNE, envisaged in the constitution as an autonomous body that monitors the legality of elections, gave the government powerful influence over its decisions.

In August 1998, the JNE ruled that a congressional vote was required to authorize a referendum on Fujimori's right to stand for reelection, contradicting a ruling it had made prior to the alteration of the board's make-up and ensuring that Congress would be able to block a citizens' initiative to force a referendum. Citizens' groups had already collected the required 1.4 million signatures needed for the referendum, and polls in Lima indicated that 70 percent of the city's population supported it, but Congress voted not to authorize the initiative.

Human rights and civil liberties groups continued to allege that the shadow National Intelligence Service (Servicio Nacional de Inteligencia, SIN) was behind persistent harassment of opponents of the Fujimori administration, especially journalists. Meanwhile, SIN agents enjoyed impunity for serious human rights abuses committed in previous years. During 1998, several intelligence officials accused of human rights crimes in 1996 and 1997 were released or absolved, while a congressional board of inquiry cleared the SIN of responsibility for electronic surveillance of opposition leaders, despite overwhelming evidence of its involvement.

In mid-1998, over one-fifth of the Peruvian population and 16 percent of the nation's territory were still governed under emergency powers, maintained on the grounds that leftist guerrilla groups continued to carry out attacks. Emergency powers subordinated civilian authorities to political-

military commands and limited enjoyment of rights such as personal liberty, inviolability of the home, and freedom of movement. During 1999, serious armed actions by anti-government guerrilla forces were not reported in all the areas regulated under emergency decrees. Such activity was generally limited to isolated pockets of the departments of Ayacucho, Huánuco, Junín, Pasco, San Martín, and Ucayali, where columns belonging to the Shining Path (Sendero Luminoso) continued to attack soldiers and to commit grave abuses against the civilian population.

According to the Institute for Legal Defense (Instituto de Defensa Legal, IDL), Sendero Luminoso assassinated thirty-six civilians, mostly lower-level community officials and leaders of social movements, in the Huallaga valley area between January and July. Sendero Luminoso was also responsible for an August 9 attack that took place during an electoral meeting in Saposoa, in the department of Huallaga, and shot to death a man and a woman. From there they traveled seventy-five kilometers to the town of Ataraya, where they broke in on another electoral meeting being held by the Let's Go, Neighbor (Vamos, Vecino) group, seized Celso Rodríguez Vargas, the mayor of Saposoa and an electoral candidate, tied him up, and subjected him to a summary "trial." A witness said that the villagers pleaded for his life, but the guerrilla chief told them he was being brought to justice for being a candidate for the government's party. According to the witness, they made him kneel and fired a shot into his head. Before leaving, they burned Rodríguez's truck and warned the villagers to stop supporting government candidates. The Shining Path also delivered threatening leaflets to the homes of mayoral candidates in several provinces of Huánuco and San Martín departments.

At this writing, Peruvian human rights groups had not reported any political "disappearances" or extrajudicial executions by government forces, compared with two cases reported in 1997, neither of which resulted in the conviction of those responsible. Violent abuses carried out in the name of fighting common crime, however, including at least one extrajudicial execution, did take place.

As political violence continued to decline, public concern grew about an apparently dramatic increase in violent common crime, much of it attributed to organized gangs operating in large cities, particularly Lima. While in previous years criminal violence had been associated mainly with poor urban neighborhoods, during 1997 the city's affluent residential areas were increasingly threatened by the activities of heavily armed gangs. Bank robberies, armed burglaries, and kidnappings for ransom became increasingly common. Some victims were shot and killed by their attackers. Many former off-duty police and military personnel participated in organized crime, using military-style procedures that made detection more difficult. To deal with criminal violence, the executive branch of government introduced ten decrees under powers delegated to it by Law No. 26950, enacted by Congress on May 19. Equating national security with public order and crime-prevention, Congress gave the Fujimori administration fifteen days to pass decrees "on questions of national security." The government announced that its measures were designed to deal with "a situation of growing violence that has been a product of the actions of ordinary criminals organized in gangs using combat weapons and explosives and provoking a state of alarm and permanent insecurity in society."

Taken together, the decrees eroded the due process guarantees of criminal suspects in numerous ways, opened the doors to arbitrary prosecutions. At the same time, they transferred powers to enforce law and order away from civilian courts and the National Police (Policía Nacional, PN) to military tribunals and the SIN. Decree No. 995, for instance, created a new crime of "aggravated terrorism," applicable to those who "belong to or are accomplices of a gang, association, or criminal grouping that carries or uses combat weapons, grenades, or explosives to carry out a robbery, kidnapping, extortion, or other crime..." Police were allowed to detain suspects without charge for up to fifteen days, and no pre-trial release would be permitted for any reason. Civilians accused of aggravated terrorism were to be tried by military courts, including minors between the ages of sixteen and eighteen, who would previously have been tried by specialized juvenile courts. Military courts, which already have jurisdiction over civilians accused of treason, are made up of serving military officers without adequate judicial training, and they have been consistently criticized by international human rights bodies for systematic denial of due process. Juveniles faced a minimum sentence of twenty-five years in prison if convicted by these courts. For adults, the mandatory penalty for aggravated terrorism was life in prison, both for people who committed the crime and those who aided them. Included in the latter category would be anyone who provided information used in the commission of the crime, whether or not that information was provided with the intent of aiding the criminal. The breadth of possible circumstances that could be construed as aiding a terrorist opened the door to unfounded prosecutions and convictions. The effectiveness of habeas corpus against arbitrary arrest was limited by two provisions in the decrees. In cases of aggravated terrorism, habeas corpus petitions were to be heard by military judges, who lack the guarantees of independence necessary to rule against an arrest made without reasonable legal grounds. Decree No. 900 transferred competence to hear habeas corpus petitions in other cases from the more than forty criminal judges in the Lima area to one specialized judge, a measure likely to make habeas corpus even less rapid and expeditious than in the past.

The anti-crime decrees borrowed features from laws designed to fight leftist guerrillas, even though those laws had been shown to lead to human rights violations and impunity. Decree No. 997, for instance, prohibited courts from calling police officers who interrogated suspects to give evidence in their cases, a feature of current anti-terrorist laws that has drastically reduced the possibility of proving that a confession was forced. Decree No. 901, allowing immunity or reductions of penalties to those volunteering intelligence on criminal activities, was identical to a provision in anti-terrorism law that had led to scores of wrongful convictions because authorities had failed to establish effective means to eliminate coerced or otherwise false statements from the judicial process. Decree No. 904 created a National Directorate of Intelligence for Social Protection and Tranquility (Dirección Nacional de Inteligencia para la Protección y Tranquilidad Social), an Orwellian-sounding body dependent on the SIN that was given responsibility for coordinating and directing police intelligence. The role allotted to the SIN was particularly troubling in view of well-founded evidence of the intelligence organization's involvement in the harassment of political opponents of the current government.

Police, soldiers, and intelligence units received greater authority to fight common crime—while being subject to fewer institutional safeguards—despite the fact that torture and brutality already characterized the way police treated criminal suspects. On February 7, two officers belonging to the National Police detained Willi Llerena Macedo and Paolo Herrera Lesama in the town of Pucallpa, Ucayali department. The police allegedly beat both men on arrest and during the journey to the police station. They eventually released Herrera but refused to provide Llerena's relatives with information about his whereabouts or condition. On February 9, the police told them that Llerena had been taken to a hospital, where his family found him in the morgue. According to the death certificate, he had suffered serious head injuries. As had happened in cases in previous cases involving death under torture, both police officers were charged with fatal assault and abuse of authority. In non-fatal cases, however, such charges continue to be very rare.

To its credit, in February the Congress passed a law making torture a specific offense in the criminal code. Advocated for years by human rights groups, this reform was first proposed by an opposition congressman in April 1996. Torture, along with genocide and "disappearances," was classified as

a crime against humanity. The law prescribed penalties ranging from five years in prison for less serious instances to twenty years if the victim died as a result of the torture. Doctors who assisted in torture were subject to the same penalties. The law explicitly provided that police or military officers accused of torture would be tried by civilian courts; in the past, military jurisdiction had been a major obstacle to successful prosecution of torturers.

The Fujimori government did make progress on cases of people wrongly accused or convicted of terrorism. Following recommendations made by a commission appointed in 1996 to review such cases, President Fujimori continued to pardon innocent prisoners. Seventy-eight had been pardoned during the year by September 1, bringing the total number released to 439. The mandate of the commission was set to expire on December 31, 1999.

Journalists who exposed wrongdoing by public officials continued to face anonymous threats and reprisals meted out through the legal system. Critics of the Fujimori government suffered similar problems. The victims attributed the attacks to direct or indirect actions of the SIN. José Arrieta Matos, a well-known reporter on Channel 2 television (Frecuencia Latina), left the country in January after learning that he was about to face arrest on bogus charges of obstructing justice and contempt. Arrieta had led an investigation in 1997 into the case of Leonor La Rosa, a former agent of the Army Intelligence Service (Servicio de Inteligencia del Ejército, SIE) tortured by her superior officers after they suspected her of informing journalists about human rights violations. In March he was charged in his absence for allegedly inducing another former intelligence agent into making false allegations of army participation in a 1991 attack on the home of opposition congressman Javier Díez Canseco. The agent, José Luis Bazán Adrianten, was detained by the army in April 1997 for revealing state secrets, and after his release in December retracted the statements he had previously given Arrieta, evidently under pressure. In March 1999 the Second Criminal Court of Lima ruled that there was no evidence to prosecute Arrieta, but his family continued to suffer intimidation. In May, in a pattern of harassment now familiar in Peru, tax officials visited his home and allegedly tried to persuade his mother to sign documents that might have implicated him in tax evasion. In July, Arrieta was granted political asylum in the United States.

Other reports of harassment of journalists centered on the newspaper *La República*, an outspoken critic of the Fujimori administration. Ángel Páez, one of the paper's leading investigative reporters, received anonymous death threats in April following the publication of a photograph of a former army intelligence agent in an office the paper alleged was used for tapping the telephones of opposition leaders. During the same month, journalists began to suspect that Peruvian intelligence services were behind a smear campaign against *La República* journalists mounted in four popular tabloids: *El Chino*, *El Tío*, *La Nueva Chuchi*, and *El Mananero*. In addition to Páez, the targets included Fernando Rospigliosi, Edmundo Cruz, and the newspaper's owner, Gustavo Mohme, who were accused of being traitors to the nation, false democrats, communists, or guerrilla sympathizers. Given the fierce and often abusive measures taken by authorities against people suspected of sharing these characteristics, the smear campaign posed a serious risk to its subjects.

In May, journalists from *El Dominical*, the Sunday supplement of one of Lima's longest established dailies, *El Comercio*, were reported to have received death threats. The threats preceded the publication of an interview with Julio Salas, a former police officer who fled Peru in 1997 because of harassment after he had denounced the SIN's involvement in a bogus tax investigation against the owner of Channel 2 television, Baruch Ivcher Bronstein. Representatives of the newspaper suspected that information about the impending news story had been obtained by illegal interception of telephone calls. Also in May, an anonymous caller threatened to kill Cecilia Valentzuela, another renowned reporter working for Andean Television (Andina de Televisión).

The Fujimori administration made no attempt to reverse the negative effects of the amnesty passed in 1995 to protect military and police personnel accused of human rights violations from prosecution, despite condemnation of the measure by the United Nations and the Inter-American Commission on Human Rights. Impunity was the rule with regard to human rights crimes committed by members of the security forces since the amnesty, even though crimes committed since 1995 were not covered by its terms. In January, the First Criminal Court of Puno acquitted seven men of terrorism in connection with an October 1996 bomb attack on the Puno branch of Channel 13—Global Television (Canal 13—Global Televisión). Five of the men were soldiers, and one was reputed to be a member of the so-called Colina group, an army death squad responsible for "disappearances" and selective political killings in recent years. On September 9, the Supreme Court reversed the decision on appeal and ordered a new trial of the accused, but by that time they had already been released. No one was detained or charged in relation to the murder in March 1997 of Mariella Lucy Barreto Riofano, a former SIE agent believed to have been killed by members of the Colina group for revealing to the press information about human rights violations committed by the death squad.

On May 29, the congressional Committee on National Defense, headed by Fujimori loyalist Marta Chávez, issued a final report on its investigation into alleged wiretapping by SIN agents of opposition leaders and journalists, which had been denounced in 1997 by Channel 2 television and other media, in part on the basis of testimony by former intelligence agents who claimed to have been involved. The report found no evidence of involvement by the army or the intelligence services in the wiretaps—which had affected nearly 200 politicians and personalities—and it claimed that the equipment needed to intercept calls was neither expensive nor sophisticated, implying that anyone might have been responsible. While finding no executive branch culpability, Chávez accused journalists of refusing to cooperate with the investigation and called for a debate to consider limiting the confidentiality of journalists' sources.

Defending Human Rights

Under Peruvian conditions, in which the effectiveness of constitutional watchdog bodies had been severely reduced and the judiciary was only nominally independent, the preventive action of the press, independent judges, lawyers, and nongovernmental human rights groups acquired prime importance in the defense of human rights. Outspoken human rights advocates in each of these groups continued to face intimidation and harassment. In April, Delia Revoredo Marsano, dean of the Lima Bar Association (Colegio de Abogados de Lima), left Peru for Costa Rica, where she and her husband were given political asylum. Revoredo, who was one of the judges impeached and dismissed in 1997 from the Constitutional Court, said she feared for her physical safety after receiving repeated death threats against herself and her family. Following her election as dean, the Lima Bar Association had requested that the National Magistrates' Council investigate the conduct of several judges, one of the factors that may have prompted the pro-Fujimori Congress to

pass a law limiting the council's powers. Revoredo's attorney, Heriberto Benítez, received threats in April and July. Authorities initiated an investigation into what appeared to be trumped-up charges of customs and fraud violations committed by Revoredo and Benítez; both had been previously acquitted on the same charges.

On August 30, Sofía Macher, executive secretary of the National Coordinating Committee of Human Rights (Coordinadora Nacional de Derechos Humanos, or the Coordinadora), a major nongovernmental human rights umbrella group, received death threats. An anonymous caller telephoned the Coordinadora's watchman and told him to "tell Sofía that we are going to kill her. Tell her to shut up." According to the Coordinadora, the caller complained about its public support for the referendum campaign on Fujimori's expected third bid for the presidency.

The Role of the International Community

United States

ENDING A SILENCE THAT HAD BEEN SEEN BY HUMAN RIGHTS GROUPS AS FACIT U.S. SUPPORT FOR PERU'S ABUSIVE SIN, THE HEAD OF THE U.S. OFFICE OF NATIONAL DRUG CONTROL POLICY, GEN. BARRY MCCAFFREY, PUBLICLY DISTANCED U.S. ANTI-NARCOTICS EFFORTS FROM VLADIMIRO MONTESINOS, THE SIN'S REPUTED DE FACTO LEADER. MONTESINOS WAS WIDELY BELIEVED TO HAVE HAD LONG-TERM LINKS WITH THE CENTRAL INTELLIGENCE AGENCY. MCCAFFREY TOOK THE INITIATIVE AFTER THE "PANORAMA" NEWS PROGRAM, AIRED ON PERU'S CHANNEL 5 TELEVISION STATION, SHOWED A VIDEO ON MAY 10 DEPICTING MONTESINOS AND OTHER SENIOR PERUVIAN AUTHORITIES IN A MEETING WITH U.S. OFFICIALS, INCLUDING MCCAFFREY. THE FOOTAGE INCLUDED A SPEECH BY MONTESINOS AND HANDSHAKES BETWEEN HIM AND U.S. OFFICIALS BEFORE AND AFTER THE MEETING. MCCAFFREY SUBSEQUENTLY CALLED A PRESS CONFERENCE TO SAY THAT MONTESINOS HAD CAUSED HIM OFFENSE BY MANIPULATING HIS VISIT AND DOCTORING THE VIDEOTAPE TO CLEAN UP HIS IMAGE. MCCAFFREY ALSO SAID THAT HE SHARED MANY OF THE CONCERNS OF HUMAN RIGHTS GROUPS ABOUT MONTESINOS. THIS FORCEFUL INTERVENTION WOULD MAKE IT MORE DIFFICULT IN THE FUTURE FOR MONTESINOS TO GAIN STATUS FROM HIS ASSOCIATION WITH HIGH-RANKING U.S. ANTI-NARCOTICS OFFICIALS. HOWEVER, MCCAFFREY'S STATEMENTS DID NOT CLARIFY THE EXTENT OF THE UNITED STATES' DEALINGS WITH THE SIN.

MEANWHILE, THE U.S. AMBASSADOR IN LIMA, DENNIS JEFF, CONTINUED TO SPEAK OUT IN SUPPORT OF HUMAN RIGHTS. HE MADE SEVERAL PUBLIC STATEMENTS IN SUPPORT OF FREEDOM OF EXPRESSION, CRITICIZED THE CONGRESSIONAL DECISION ON THE FUJIMORI REFERENDUM, AND EXPRESSED CONCERN ABOUT HUMAN RIGHTS WHEN QUESTIONED ABOUT THE ANTI-CRIME MEASURES. WHEN THE HARASSMENT OF JOURNALISTS WAS AT ITS HEIGHT, HE MADE A WELL-PUBLICIZED VISIT TO THE OFFICE OF *La República*, A GESTURE OF MORAL SUPPORT. IN OCTOBER 1999, JEFF TOLD REPORTERS THAT THE WORK OF NONGOVERNMENTAL HUMAN RIGHTS GROUPS WAS NECESSARY "WHEN THERE ARE INSTITUTIONS THAT ARE LOSING CREDIBILITY DAY BY DAY." IT WAS ANNOUNCED ON THE SAME DAY THAT THE AGENCY FOR INTERNATIONAL DEVELOPMENT (AID) HAD PLEDGED U.S.\$750,000 TO SUPPORT THE WORK OF THE PEOPLE'S DEFENDER (DEFENSOR DEL PUEBLO), A GOVERNMENT HUMAN RIGHTS AGENCY. AID ALSO ANNOUNCED IT WOULD SUPPORT NONGOVERNMENTAL HUMAN RIGHTS MONITORS, INCLUDING THE COORDINADORA AND THE INSTITUTE FOR LEGAL DEFENSE.

World Bank

IN MARCH THE WORLD BANK HELD UP DISBURSEMENT OF ITS U.S.\$22.5 MILLION AID PACKAGE TO PERU'S PROGRAM OF JUDICIAL REFORM IN PROTEST OVER THE LAW LIMITING THE POWERS OF THE NATIONAL MAGISTRATES' COUNCIL. IN SEPTEMBER, WHEN CONGRESS PASSED A NEW LAW RESTORING A SMALL PART OF THE CNM'S POWERS BUT FAILED TO MEET THE REQUIREMENTS OF THE BANK, THE GOVERNMENT REJECTED THE LOAN ALTOGETHER, APPARENTLY TO AVOID A REBUFF BY WORLD BANK.

Relevant Human Rights Watch report:

Torture and Political Persecution in Peru,
12/97.

VENEZUELA

Human Rights Developments

VENEZUELA'S INTRACTABLE HUMAN RIGHTS PROBLEMS, ESPECIALLY THE INGRAINED ABUSES THAT HAVE LONG BEEN A FEATURE OF LAW ENFORCEMENT WORK, REMAINED OF PRIMARY CONCERN TO HUMAN RIGHTS DEFENDERS DURING 1999. POLICE CONTINUED TO USE EXCESSIVELY VIOLENT METHODS AGAINST CRIMINAL SUSPECTS, INCLUDING UNJUSTIFIED LETHAL FORCE. ALTHOUGH VENEZUELAN HUMAN RIGHTS GROUPS REPORTED A SIGNIFICANT DECLINE IN THE NUMBER OF DEATHS IN SUCH CIRCUMSTANCES COMPARED WITH PREVIOUS YEARS, THE TOTAL NUMBER WAS STILL OVER ONE HUNDRED FOR THE FIRST SEVEN MONTHS OF THE YEAR. BOTH POLICE AND MILITARY PERSONNEL BEAT AND TORTURED SUSPECTS WITH LITTLE FEAR OF PUNISHMENT, GIVEN THE VIRTUAL ABSENCE OF PROSECUTIONS FOR THIS TYPE OF ABUSE. ALTHOUGH A VAGRANCY LAW THAT HAD BEEN USED TO ARBITRARILY DETAIN SUSPECTS WAS DECLARED UNCONSTITUTIONAL IN OCTOBER 1997, WIDESPREAD ARBITRARY ARRESTS WERE STILL REPORTED DURING POLICE ANTI-CRIME SWEEPS. AT THE SAME TIME, ARCHaic JUDICIAL PROCEDURES AND AN UNDERPAID AND INEFFICIENT JUDICIARY CONTRIBUTED TO LONG DELAYS IN THE TRIALS OF CRIMINAL SUSPECTS. PRE-TRIAL IMPRISONMENT OFTEN EXTENDED FOR YEARS, AND TWO-THIRDS OF THE PRISON POPULATION HAD NOT EVEN RECEIVED A FINAL SENTENCE. PRISON CONDITIONS WERE AMONG THE GRIMMEST ON THE CONTINENT, DUE TO OVERCROWDING, LACK OF STAFF, CORRUPTION, AND EXTREME LEVELS OF INMATE VIOLENCE.

A MORE CONSTRUCTIVE POSITION ADOPTED BY THE GOVERNMENT OF PRESIDENT RAFAEL CALDERA TOWARD NONGOVERNMENTAL HUMAN RIGHTS GROUPS CREATED A FAVORABLE CLIMATE FOR MEASURES TO IMPROVE RESPECT FOR HUMAN RIGHTS. PARADOXICALLY, HOWEVER, THE GREATER LEGITIMACY AND OFFICIAL ACCEPTANCE ENJOYED BY HUMAN RIGHTS DEFENDERS WAS OFFSET BY AN INCREASE IN THE NUMBER OF DEATH THREATS AND OTHER FORMS OF HARASSMENT THEY SUFFERED DURING THE YEAR.

THE VENEZUELAN PROGRAM OF ACTION AND EDUCATION IN HUMAN RIGHTS (PROGRAMA VENEZOLANA DE EDUCACIÓN Y ACCIÓN EN DERECHOS HUMANOS, PROVEA), A RESPECTED HUMAN RIGHTS MONITORING GROUP, REPORTED 104 DEATHS RESULTING FROM THE ILLEGAL USE OF LETHAL FORCE IN THE FIRST SEVEN MONTHS OF THE YEAR. THIS ALARMING FIGURE REPRESENTED A DROP OF MORE THAN 30 PERCENT FROM THE ANNUAL AVERAGE OF SUCH CASES REPORTED SINCE 1994. MORE THAN HALF OF THESE CASES WERE ATTRIBUTED TO MEMBERS OF STATE AND MUNICIPAL POLICE FORCES, THE WORST OFFENDERS BEING THE METROPOLITAN POLICE (POLICIA METROPOLITANA, PM) AND MUNICIPAL POLICE FORCES IN CARACAS AND THE STATE AND MUNICIPAL POLICE FORCES OF ZULIA AND LARA STATES. ALL THREE POLICE FORCES THAT OPERATED AT A

NATIONAL LEVEL WERE ALSO BLAMED BY HUMAN RIGHTS GROUPS AND IN PRESS REPORTS FOR DEATHS: THE TECHNICAL JUDICIAL POLICE (Policía Técnica Judicial, PTJ), WHICH IS RESPONSIBLE FOR CRIMINAL INVESTIGATIONS, THE NATIONAL GUARD (Guardia Nacional, GN), A VOLUNTEER FORCE THAT IS PART OF THE VENEZUELAN ARMED FORCES, AND THE DIRECTORATE OF SERVICES OF INTELLIGENCE AND PREVENTION (Dirección de Servicios de Inteligencia y Prevención, DISIP), DEPENDENT ON THE INTERIOR MINISTRY AND RESPONSIBLE FOR INVESTIGATION OF SUBVERSION AND DRUG TRAFFICKING. APPROXIMATELY HALF OF THE DEATHS RECORDED WERE APPARENT EXTRAJUDICIAL EXECUTIONS, WHILE TWENTY-TWO CRIMINAL SUSPECTS WERE REPORTED TO HAVE DIED IN CUSTODY.

IN SOME INSTANCES, POLICE APPEARED TO HAVE SEARCHED FOR CRIMINAL SUSPECTS THEN EXECUTED THEM ON THE SPOT. POLICE, FABRICATING EVIDENCE, SOMETIMES CLAIMED AFTERWARD TO HAVE FIRED IN SELF-DEFENSE. IN SOME CASES, POLICE SEEMED TO HAVE EXECUTED CRIMINAL SUSPECTS AS REVENGE FOR PRIOR ATTACKS AGAINST OFFICERS. IN A NUMBER OF CASES, THE KILLINGS APPEARED TO BE THE RESULT OF MISTAKEN IDENTITY. IN ADDITION TO DELIBERATE KILLINGS, INNOCENT CIVILIANS WERE KILLED OR WOUNDED BECAUSE OF INDISCRIMINATE OR RECKLESS SHOOTING BY POLICE, OFTEN APPARENTLY UNPROVOKED.

THE CASE OF SIXTEEN-YEAR-OLD ARTURO JOSÉ HERNÁNDEZ, A VENDOR AT A VEGETABLE MARKET, ILLUSTRATED THE PROBLEM OF POLICE VIOLENCE. HERNÁNDEZ WAS HIT BY GUNFIRE ON JANUARY 24, WHEN MEMBERS OF THE METROPOLITAN POLICE ENTERED THE PLAN DE LA SILSA NEIGHBORHOOD IN CARACAS, REPORTEDLY FIRING THEIR WEAPONS WILDLY. ACCORDING TO NEIGHBORS' ACCOUNTS PUBLISHED IN THE PRESS, HERNÁNDEZ WAS SURROUNDED BY POLICE AFTER FALLING WITH A GUNSHOT WOUND. RISING TO HIS KNEES, HE SHOWED HIS IDENTIFICATION AND BEGGED FOR HIS LIFE TO BE SPARED. THE POLICE TOOK HIM AWAY ON A MOTORCYCLE. HERNÁNDEZ'S MOTHER, LUISA RAMÍREZ MORA, AFTER SEARCHING IN VAIN IN HOSPITALS AND POLICE STATIONS, WENT TO THE METROPOLITAN POLICE HEADQUARTERS, WHERE SHE WAS TOLD THAT HER SON WAS IN THE BELLO MONTE MORGUE. SHE FOUND HIM WITH THREE BULLET WOUNDS IN THE CHEST. THE FORENSIC REPORT REPORTEDLY DOCUMENTED OTHER INJURIES, INCLUDING COMPOUND FRACTURES IN HIS LEFT LEG AND RIGHT WRIST, A COLLAPSED SKULL, AND BRUISES TO HIS BACK AND DISFIGUREMENT, SUGGESTING THAT HE HAD BEEN TORTURED AFTER ENTERING POLICE CUSTODY.

RELATIVES WHO DENOUNCED UNLAWFUL KILLINGS BY POLICE OFTEN FACED HARASSMENT AND THREATS. ON JUNE 9, FOR INSTANCE, MUNICIPAL POLICE FROM THE CARACAS DISTRICT OF SUCRE FATALLY SHOT EIGHTEEN-YEAR-OLD FREDDY ANTONIO DÍAZ IN CIRCUMSTANCES THAT INDICATED THAT THE POLICE HAD, AT THE VERY LEAST, USED THEIR WEAPONS RECKLESSLY. AT ABOUT 10:00 THAT EVENING, YOLIMA DÍAZ RANGEL, A RESIDENT OF THE CARACAS SUBURB OF PETARE, WAS TOLD THAT MUNICIPAL POLICE OFFICERS WERE MISTREATING HER FOURTEEN-YEAR-OLD NEPHEW, ALÍ EDUARDO SOJO DÍAZ. ARRIVING ON THE SCENE, YOLIMA DÍAZ SPOKE WITH THE OFFICERS BUT RECEIVED A SLAP IN THE FACE IN RESPONSE. SHE MANAGED TO RESCUE HER NEPHEW AND, WITH THE POLICE IN PURSUIT, TOOK HIM INTO HER HOME. ACCORDING TO WITNESSES PRESENT AT THE SCENE, ONE OF THE OFFICERS HAD DRAWN HIS WEAPON AND POINTED IT AT HER. DESPITE YOLIMA DÍAZ'S WARNING THAT THERE WERE CHILDREN IN THE HOUSE, THE OFFICER OPENED FIRE, WOUNDING HER IN THE LEFT ARM AND HITTING HER SON, FREDDY ANTONIO DÍAZ, WHO FELL TO THE GROUND. THE MUNICIPAL POLICE OFFICERS INITIALLY REFUSED TO TAKE THE WOUNDED BOY TO HOSPITAL UNTIL THE ARRIVAL OF A METROPOLITAN POLICE OFFICER, WHO EVENTUALLY PERSUADED THEM TO DO SO. FREDDY DÍAZ WAS DEAD ON ARRIVAL. SEVERAL MEMBERS OF HIS FAMILY, INCLUDING YOLIMA DÍAZ, HIS MOTHER, WERE ARRESTED AND TAKEN TO THE MUNICIPAL POLICE STATION, WHERE THE POLICE ALLEGEDLY THREATENED THEM NOT TO DENOUNCE WHAT HAD HAPPENED.

VENEZUELAN LAW MADE THE PUNISHMENT OF POLICE RESPONSIBLE FOR ABUSES VERY DIFFICULT. INVESTIGATORS MUST CARRY OUT PRE-TRIAL ADMINISTRATIVE INQUIRIES, KNOWN AS *NUDO HECHO*, BEFORE AN OFFICIAL COULD EVEN BE CHARGED. SUCH INQUIRIES WERE NOTORIOUS FOR PROTRACTED DELAYS RANGING FROM MONTHS TO YEARS. AT THE SAME TIME, THE PROCEEDINGS IN CRIMINAL INVESTIGATIONS WERE SECRET, SO HUMAN RIGHTS DEFENDERS AND VICTIMS COULD NOT ASCERTAIN THE STATUS OF PROBES OR ADVOCATE FOR GREATER OFFICIAL INTEREST IN THE CASES.

VENEZUELAN HUMAN RIGHTS GROUPS REPORTED FREQUENT CASES OF PROLONGED DETENTIONS WITHOUT CHARGE, SOME EXCEEDING SIXTY DAYS, IN EMERGENCY ZONES ALONG VENEZUELA'S BORDER WITH COLOMBIA, WHERE CONSTITUTIONAL GUARANTEES WERE SUSPENDED THROUGHOUT THE YEAR DUE TO INCURSIONS BY COLOMBIAN GUERRILLAS. AUTHORITIES ALSO EXPLAINED THE SUSPENSION OF GUARANTEES IN TERMS OF THE RISKS RUN BY CATTLEMEN AND TRADERS OF KIDNAPPINGS BOTH BY GUERRILLAS AND COMMON CRIMINALS. MOST OF THOSE DETAINED WERE HELD IN MILITARY OUTPOSTS ON SUSPICION OF COLLABORATING WITH GUERRILLAS. IN PAST YEARS, REPORTS OF THE TORTURE OF DETAINEES HELD WITHOUT CHARGE IN THE BORDER ZONES RECEIVED CONSIDERABLE PUBLICITY IN THE PRESS. ACCORDING TO PROVEA, THE THEATER OF OPERATIONS NO. 1 (TEATRO DE OPERACIONES NO. 1), A MILITARY TASK FORCE IN CHARGE OF LAW-ENFORCEMENT IN THE BORDER ZONE, WAS RESPONSIBLE FOR ELEVEN OF THE THIRTY-FIVE CASES OF TORTURE REPORTED IN JANUARY THROUGH JULY. DETAINEES ALSO FREQUENTLY REPORTED BEING BEATEN OR OTHERWISE MISTREATED AT THE TIME OF ARREST.

ACCORDING TO THE NETWORK IN SUPPORT OF JUSTICE AND PEACE (RED DE APOYO POR LA JUSTICIA Y LA PAZ, OR RED DE APOYO), MILITARY CONSCRIPTS, FORCIBLY INDUCTED, ALSO SUFFERED BRUTAL TREATMENT. ONE SUCH CASE WAS THAT OF ROBERT ANTONIO CABRERA MÁRQUEZ, A YOUNG JEHOVAH'S WITNESS WHO WAS DETAINED ON A BUS IN CARACAS ON AUGUST 17 BY THE METROPOLITAN POLICE AND TAKEN THE NEXT DAY TO AN AIR FORCE BASE IN MARACAY. AFTER HE CLAIMED TO BE A CONSCIENTIOUS OBJECTOR, CABRERA WAS ALLEGEDLY BEATEN BY SERVICEMEN. CABRERA ALLEGED THAT THEY TOOK HIM INTO A ROOM WHERE THEY LOCKED HIM IN A CUPBOARD AND THREW IN FEARGAS GRENADES, WHICH MADE HIM NEARLY SUFFOCATE AND CAUSED SERIOUS BURNS TO HIS BODY.

CONGRESS TOOK A STEP TOWARD THE IMPROVEMENT OF THE NOTORIOUSLY SLOW JUDICIAL SYSTEM WHEN, IN JANUARY, IT ADOPTED A NEW CODE OF CRIMINAL PROCEDURE PROPOSED BY THE CALDERA ADMINISTRATION. EXPECTED TO ENTER INTO FULL FORCE IN JULY 1999, THE NEW CODE WOULD ALLOW FOR THE ORAL, RATHER THAN EXCLUSIVELY WRITTEN, PRESENTATION OF EVIDENCE, PROMISING TO FACILITATE LEGAL PROCESSES. THE NEW CODE, IF IMPLEMENTED, WOULD ALSO PROVIDE OTHER HUMAN RIGHTS-RELATED BENEFITS. THE *NUDO HECHO* PROCEDURE, IDENTIFIED BY HUMAN RIGHTS GROUPS AS ONE OF THE MOST SERIOUS OBSTACLES TO POLICE ACCOUNTABILITY, WAS DUE TO BE ELIMINATED WHEN THE NEW CODE ENTERED FORCE, ALTHOUGH IT CONTINUED TO BE APPLIED THROUGHOUT THE YEAR. DURING THE TRANSITIONAL PERIOD, CERTAIN PROVISIONS OF THE NEW CODE WERE IMPLEMENTED. STARTING IN MARCH, FOR INSTANCE, CRIMINAL SUSPECTS AND THEIR LEGAL COUNSEL WERE GIVEN ACCESS TO THE FINDINGS OF PRE-TRIAL CRIMINAL INVESTIGATIONS, WHICH WERE PREVIOUSLY KEPT SECRET. IN CONTRAST, NEITHER VICTIMS OF POLICE ABUSE NOR THE VICTIMS' LEGAL REPRESENTATIVES WERE ALLOWED ACCESS.

WITH SOME 25,000 INMATES CROWDED INTO FACILITIES BUILT FOR FAR FEWER, CONDITIONS IN VENEZUELA'S PRISONS REMAINED GRIM. OVERCROWDED, UNDERSTAFFED, PHYSICALLY DETERIORATED, LACKING ADEQUATE MEDICAL SERVICES, CONDITIONS IN MANY PRISONS WERE CRUEL, INHUMAN, OR DEGRADING, BUT THEIR MOST APPALLING PROBLEM WAS THEIR HIGH LEVELS OF VIOLENCE. WITH SMALL NUMBERS OF GUARDS EXERCISING LITTLE EFFECTIVE CONTROL WITHIN THE PRISONS, INMATES—ARMED WITH KNIVES, HOMEMADE FIREARMS, PISTOLS, AND EVEN GRENADES—KILLED EACH OTHER WITH IMPUNITY. REFLECTING ON THE ABUNDANCE OF SUCH ARMS, A VENEZUELAN NEWSPAPER OPINED IN MARCH THAT, "THE CAPACITY FOR THE PRODUCTION OF RUDEMENTARY WEAPONS IN THE COUNTRY'S PRISONS OUTSTRIPS, BY FAR, THAT OF ANY OTHER CRAFT ACTIVITY IN VENEZUELA." THE MORE THAN TWO TONS OF ARMS CONFISCATED FROM SEVERAL CARACAS-AREA PRISONS OVER A THREE-MONTH PERIOD CERTAINLY LENT CREDENCE TO THIS CLAIM.

THE FIRST FEW MONTHS OF THE YEAR WITNESSED A SPECTACULAR BARRAGE OF PRISON VIOLENCE, EVEN BY VENEZUELAN STANDARDS. IN THE OPENING DAYS OF JANUARY, SEVERAL PRISONERS AT LA PLANTA PRISON AND YARE I PRISON HAD ALREADY REPORTED BEEN KILLED. BY THE END OF THE MONTH, SOME THIRTY-SIX INMATES HAD DIED VIOLENTLY. BESIDES INDIVIDUAL KILLINGS, VIOLENT INCIDENTS IN WHICH SEVERAL PRISONERS DIED OCCURRED WITH ALMOST MONOTONOUS REGULARITY OVER THE COURSE OF THE

year. On January 16, five inmates were killed at La Planta prison; on March 27, four were killed at the Venezuelan National Penitentiary; in mid-April, five more were killed there; in late May, seven were killed at the Judicial Internment Center of San Juan de los Morros; in mid-June, four were killed at the Tocuyito prison, and on July 23, five were killed at the Tocorón prison.

The rampant corruption of guards facilitated the entry of arms, drugs, and other contraband into the prisons. Even high-level prison officials were not immune to such illicit dealings, as suggested by the dismissal and criminal investigation of the director of Tocuyito prison in August; he was reportedly accused of misappropriating funds meant for the renovation of the prison infrastructure and for—in return for a substantial bribe—facilitating the escape of an inmate. Such corruption favored a minority of inmates, particularly those with money, to the detriment of larger inmate population.

Women prisoners were generally held in somewhat better conditions than men prisoners, although in Ciudad Bolívar, where a small number of women prisoners were confined within the men's prison, living conditions for both men and women were horrendous, and women prisoners faced a heightened threat of sexual abuse. At the National Institute for Women, the country's only women's prison, some members of the National Guard allegedly engaged in sexual misconduct with inmates.

The main cause of prison overcrowding remained the confinement of high numbers of unsentenced inmates. Indeed, some two-thirds of the Venezuelan prison population was made up of unsentenced inmates and others whose sentence was not final. In August, the minister of justice announced that 1,500 unsentenced inmates had languished for over three years in the prisons, compelling proof of the slowness of the criminal justice process.

Prison authorities primarily sought to handle overcrowding by building new penal facilities, a program of expansion begun in 1997—after nearly a decade without any new prison construction—with the opening of two new Caracas-area prisons. In late January, the Lagunillas prison opened in the state of Mérida, adding incrementally to the prison system's overall capacity. A much more troubling development was the expansion and renovation of El Dorado prison, formally called the Penal Center of the Eastern Region (Centro Penitenciario de la Región Oriental), which was located in a remote jungle region near Venezuela's border with Guyana. The prison's relative inaccessibility reduced prisoners' ability to maintain contact with their families, rendering it an extremely poor choice for expansion. Despite this obvious problem, the Ministry of Justice announced the reopening of the facility in August, stating that it would henceforth be used for the confinement of convicted prisoners from the country's entire eastern region. In late September, the 1,300 prisoners held there initiated a hunger strike to call for improvements at the facility.

As this incident suggests, the prisons' chronic deficiencies inspired numerous inmate protests, including frequent hunger strikes, some involving large numbers of prisoners. In March, at the Los Llanos prison in Guáre state, inmates' family members participated in a protest against physical abuse by members of the National Guard. More than one hundred people, including some ninety women, refused to leave the prison when visiting hours were over, spending several days inside the facility in an attempt to draw attention to the need for improvements.

With El Dorado prison as a notable exception, the prison system's strong suit remained its support of prisoners' family relationships. Prisoners were allowed frequent and close contact with family members and friends, including conjugal visits. In late March, the Ministry of Justice announced a plan to install public telephones in all of the prisons, an innovation that would further assist prisoners in maintaining strong ties with relatives and friends.

Defending Human Rights

The improvement in the political climate for human rights advocacy noted in 1997 was maintained during the year, as the National Commission for Human Rights (Comisión Nacional de Derechos Humanos, CNDH), composed of key government ministers and the governor of Caracas, continued to meet with nongovernmental organizations to discuss a national agenda of human rights reforms and to participate in joint activities. The formation of a human rights commission within the armed forces brought the Venezuelan military into these discussions. Despite the holding of events and the release of publications aimed at promoting human rights, progress in implementing reforms was slow. The CNDH was not empowered to investigate human rights violations, but it did receive complaints and channel them to the respective authorities for investigation and action. The formation of a National Police Committee in 1997 led to the introduction of police human rights training programs, and police chiefs showed greater willingness to admit that abuses had taken place. In March, a human rights course for prison directors organized by the main non-governmental prison reform group was inaugurated with support from the embassy of Switzerland and the Basque Government.

By the end of July, eight human rights defenders had been subjected to death threats and harassment for their work in favor of alleged victims of police abuse or advocating prison reform. Among those who received threats were Liliana Ortega, executive director of the Committee of Relatives of Victims of the Events of February–March 1989 (Comité de Familiares de los Sucesos de Febrero–Marzo de 1989, COFANIC), a group that has played a prominent role advocating prisoners' rights, and Noel Azócar, president of the Human Rights Foundation of the State of Anzoátegui (Fundación de los Derechos Humanos del Estado Anzoátegui), which has denounced summary executions by Anzoátegui state police officials. Death threats made against volunteers for the Red de Apoyo appeared to be connected directly to their work on behalf of victims of police brutality. On June 5, Nilson Enrique Benítez Vides, a taxi driver, and José Pirela, a blacksmith, were killed in Maracaibo, Zulia state, allegedly by members of the Technical Branch of the Judicial Police (Cuerpo Técnico de la Policía Judicial, CPTJ). Relatives of the victims, who strongly disputed the police version of the killings, enlisted the support of the Red de Apoyo. Thereafter, several relatives and two Red de Apoyo volunteer workers, Sergio Salvador and Maridey Valera, began to receive anonymous telephone calls. When they picked up the telephone they could hear only the sounds of office equipment. Sergio Salvador, accompanying relatives, was shadowed by vehicles with darkened windows, while he tried to interview witnesses close to the scene of the shootings. On July 27, he was approached in the street by two men, who told him that if he persisted in seeking an exhumation of the bodies of Benítez and Pirela, "he would be the next to be exhumed."

In June, PROVEA reported that human rights defenders in the state of Aragua had been publicly accused by state government officials of defending criminals and obstructing law enforcement. The officials allegedly encouraged individuals claiming to represent neighborhood groups to physically attack the activists. In PROVEA's 1997 annual report Aragua had been signaled as the state with the highest number of extrajudicial killings in Venezuela, with more than thirty alleged cases. During the first seven months of 1998, the organization recorded only seven cases.

On June 5, three men claiming to be police officers stopped Carlos Nieto Palma, a human rights attorney and president of A Window to Freedom (Una Ventana a la Libertad), a prison reform group, as he arrived at his office in central Caracas and ordered him to accompany them. They took him by

CAR TO A HOUSE WHERE THEY INTERROGATED HIM ABOUT HIS ACTIVITIES, INTIMATING THAT THEY SUSPECTED HIM OF INSTIGATING PRISON RIOTS. THE MEN WARNED HIM TO "TAKE CARE WHAT HE WAS GETTING INTO SINCE THEY WERE WATCHING HIM AND TO LEAVE THE PRISONERS IN OUR JAILS ALONE, SO THAT THEY CAN KILL ONE ANOTHER."

The Role of the International Community European Union

DIRECT FINANCIAL SUPPORT FROM EUROPEAN UNION MEMBER COUNTRIES TO A RANGE OF VENEZUELAN NONGOVERNMENTAL HUMAN RIGHTS AND PRISON REFORM ORGANIZATIONS CONTINUED. EMBASSY OFFICIALS HELPED TO FACILITATE THE ONGOING DIALOGUE BETWEEN THE NON-GOVERNMENTAL ORGANIZATIONS AND GOVERNMENT OFFICIALS, AND ATTENDED POLICY-SETTING MEETINGS AS OBSERVERS.

United States

AS IN PREVIOUS YEARS, PUBLIC COMMENT BY THE CLINTON ADMINISTRATION ON HUMAN RIGHTS ISSUES WAS LIMITED TO THE STATE DEPARTMENT'S ANNUAL *COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1997*, WHICH IN GENERAL PROVIDED A COMPREHENSIVE AND ACCURATE PICTURE OF HUMAN RIGHTS CONDITIONS IN THE COUNTRY.

World Bank and Inter-American Development Bank

THE INTERNATIONAL COMMUNITY CONTINUED TO DIRECT ITS EFFORTS TOWARD SUPPORTING REFORM OF VENEZUELA'S CRIMINAL JUSTICE AND PRISON SYSTEMS. WORLD BANK SUPPORT FOR VENEZUELAN JUDICIAL REFORM CONTINUED. A U.S.\$150 MILLION INTER-AMERICAN DEVELOPMENT BANK LOAN FOR PRISON MODERNIZATION, RESTRUCTURING OF THE PUBLIC PROSECUTOR'S OFFICE AND THE JUDICIAL POLICE WAS UNDER DISCUSSION IN AUGUST WITH GOVERNMENT AUTHORITIES. BANK OFFICIALS AIMED TO ESTABLISH TARGETS OF A 10 PERCENT IMPROVEMENT IN KEY INDICATORS SUCH AS LEVELS OF PRISON VIOLENCE AND DELAYS IN JUSTICE; THESE TARGETS REMAINED UNDER DISCUSSION AT THE TIME OF WRITING.