

AMERICAS OVERVIEW

The failed coup in politically polarized Venezuela was the most dramatic sign of problems that were increasingly apparent across Latin America and the Caribbean: the fragility of electoral democracy and the weakness of the rule of law. Even though, with the glaring exception of Cuba, the formal trappings of democracy were in place throughout the region, voters seemed to be losing confidence in the ability of elected governments to cope effectively with the challenges of the day. With poverty and inequality on the rise, widespread popular disenchantment with the region's shallow democracies raised serious concern.

Argentina was another extreme case, with three presidents shuffling through the office during a single ten-day period in December 2001, a crisis provoked by the country's near-total economic collapse. Haiti, whose government's democratic credentials were already subject to question, saw increasing political turmoil. Street protests and rioting erupted in both countries, as well as in Venezuela, Paraguay, and Bolivia. The violence and brutality of the police response to such incidents brought deserved attention to the deeply ingrained failings of the region's criminal justice systems.

Unable to bring prosperity to the electorate, some political leaders seemed all too capable of securing financial benefits for themselves. In certain cases, as a commentator observed with regard to Argentina, government officials treated public money as "the spoils of war." For all the talk of anti-corruption efforts, little concrete progress was made in stemming the practice. And it was official corruption that—perhaps more than any other single factor—eroded public trust in government. The region's vigorous press helped to monitor corrupt practices, but its ability to do so was limited in some countries by oppressive criminal defamation laws. In Panama, most notably, government officials retaliated against investigative journalists by bringing many of them to court.

The lack of government transparency that facilitated corruption received increased attention, however, and some countries made progress toward remedying it. In Mexico and Peru, laws on freedom of information were passed that affirmed that information in the hands of the state was, in principle, public. Such laws also established procedures for citizens to seek the release of government documents and fixed penalties for improper denials of access.

In Colombia, the region's only armed conflict and most pressing human rights crisis worsened. Indicating an apparent preference for a more hard-line approach, voters elected President Álvaro Uribe Vélez in May by an unprecedented majority.

Uribe immediately imposed emergency measures that weakened the ability of state institutions to monitor and investigate human rights violations. He also tried to permit warrantless searches and wiretaps and to restrict the movement of journalists, measures ruled unconstitutional by the country's highest court. And in a particularly worrying move, Uribe authorized the army to recruit and arm a force of fifteen thousand peasant allies, raising fears that the army's existing paramilitary allies might simply be "legalized." Although President Uribe and his defense minister announced a zero-tolerance policy toward any collaboration between government forces and illegal paramilitary groups, numerous credible reports of joint military-paramilitary operations and tolerance for paramilitary activities persisted.

The Revolutionary Armed Forces of Colombia-People's Army (Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo, FARC-EP), the country's largest guerrilla group, intensified attacks after the breakdown of peace negotiations in February. In the deadliest incident, in May, guerrillas launched a gas cylinder bomb that hit a church where displaced persons were gathered in Bojayá, Chocó, killing 119, including at least forty-eight children. The FARC also escalated its offensive against the state's civilian infrastructure, killing mayors and other local officials.

Venezuela, though not in a state of armed conflict, was repeatedly on the brink of violence. The continuing political strife, which resulted in an April coup attempt, abated somewhat in the wake of Hugo Chávez's reinstatement as president, but worsened notably toward the end of the year.

President Chávez, a one-time coup plotter himself, was forced from office on April 11 by the military after shootings disrupted a massive protest march. The march, which was called in support of a general strike, involved the participation of labor groups, business organizations, the political opposition, and members of civil society. As some five hundred thousand people headed toward the presidential palace in downtown Caracas, where Chávez's supporters had gathered to oppose the march, marksmen in nearby buildings opened fire. Eighteen civilians died and more than 150 others were injured during the protest. Victims included both government supporters and members of the opposition, as well as a press photographer covering the event.

Late that evening, a group of senior military officers ousted President Chávez and allowed Pedro Carmona Estanga, the head of the country's leading business association, to declare himself president. This rupture of the constitutional order gave way to a broader attack on the rule of law as Carmona dissolved the legislature and the Supreme Court, and revoked the country's new constitution. Although Chávez was reinstated as president on April 14, some forty to sixty people were killed in a second eruption of violence that took place during the weekend he was deposed. Most of the victims were believed to be Chávez supporters who were killed by security forces during rioting in poor neighborhoods of Caracas.

In Haiti, although events were less dramatic, a similar level of political polarization was evident. The political opposition, already skeptical of continuing promises made by President Jean-Bertrand Aristide, was further embittered by the violent events of December 17, 2001. Taking advantage of reports of a coup attempt (later shown to be unfounded), gangs of youths—members of the so-called popular

organizations aligned with the party of President Aristide—embarked on large-scale reprisal attacks against the opposition. Burning the headquarters of political parties and destroying the homes of opposition leaders, the gangs roamed through cities and towns unhindered by the police.

Haiti's underlying political stalemate stemmed from legislative elections held in 2000 that were plagued by fraud. Although international negotiators continued their efforts to facilitate a solution to the impasse in 2002, the lack of progress discouraged donor states, leaving hundreds of millions of dollars in international aid frozen. President Aristide complained vociferously of the aid suspension, but showed little inclination to take the concrete steps needed to resolve the situation.

Massive political protests in Argentina, a symptom of the country's ruinous economic conditions, led President Fernando De la Rúa to resign in December 2001. Two more presidents followed in quick succession, until finally the Congress elected Peronist Eduardo Duhalde to the presidency. Nationwide, at least twenty-three people were killed during the violent clashes and rioting that accompanied the protests. The economic crisis brought with it a sharp increase in violent crime and kidnappings. Police brutality, an already chronic problem, worsened.

Police violence raised serious concern in other countries as well, particularly Venezuela, where high rates of violent crime led to public indifference to abuses against suspected criminals. "Social cleansing"-type killings by Venezuelan police were a grave problem, especially in the provinces. In the state of Portuguesa, a self-styled "extermination group" composed of off-duty members of the state police and National Guard was responsible for killing alleged street criminals and drug-users.

In the English-speaking Caribbean, where violent crime rates were also extremely high, several states persisted in efforts to strengthen the death penalty. These states—notably Barbados, Belize, and Jamaica—sought to evade certain rulings of the Privy Council, the London-based appellate tribunal, and the Inter-American Court of Human Rights that hindered their application of the penalty. In December, for example, Jamaican Prime Minister P.J. Patterson announced during a nationally televised speech that he would seek a constitutional amendment to reinstate hangings. Earlier, Patterson had asserted that the Privy Council was "making it impossible for the [death penalty] to be carried out." He was referring to the fact that in Jamaica, as in other Caribbean countries, the death penalty existed as a legal punishment, but its application had been narrowed by several appellate rulings.

One such ruling was handed down in March, when the Privy Council, upholding an earlier decision of the Eastern Caribbean Court of Appeal, struck down the mandatory death penalty that existed in seven Eastern Caribbean countries. In October, the Privy Council overturned the death sentences of two men convicted of a 1999 killing in Trinidad. As of November, legislatures in Belize and Barbados, reacting against such rulings, were considering proposed constitutional amendments to restrict appeals in capital cases.

Guatemala and Cuba remained the only Spanish-speaking countries in the region to apply the death penalty to normal crimes, although several other Latin American states reserved the right to execute persons convicted of treason during wartime or of other extraordinary offenses. In Guatemala, however, President Por-

tillo announced a moratorium on the application of the death penalty, and, at this writing, neither Guatemala nor Cuba had carried out any death sentences in 2002.

Prison conditions in Latin America were generally abysmal, with many prisons overcrowded, understaffed, decaying, and dangerous. A riot in La Vega prison, in the Dominican Republic, left twenty-nine inmates dead on September 20. Most of the victims died of smoke inhalation, the result of a fire that prisoners lit to protest a weapons search. The overcrowded and badly managed facility, built for three hundred people, held nearly twice that number at the time of the riot. In January, twenty-seven prisoners in Brazil were killed during a riot in the prison of Porto Velho, in the state of Rondonia, and. In Peru, the inmate population of the remote Challapalca high security prison, located at fourteen thousand feet in the Andes, doubled from fifty to more than one hundred over the course of the year. Due to its oxygen-thin air, isolation, and freezing temperatures, Peru's human rights ombudsman and the Inter-American Commission on Human Rights had repeatedly called for the prison's closure, saying it posed unacceptable health hazards to both inmates and staff.

Throughout Latin America and the Caribbean, workers continued to suffer myriad violations of internationally recognized labor rights. Common abuses included the worst forms of child labor, employment discrimination, and violations of the right to freedom of association. In some cases, violations were perpetuated by the government's failure to enforce domestic labor legislation and, in other cases, national labor laws fell short of international labor standards. The result was the same, however: employers were able to violate workers' rights with impunity. In Colombia, where the defense of labor rights was an extremely dangerous activity, union leaders and members were frequently killed.

In an encouraging sign of progress, several countries took meaningful steps toward accountability for past abuses. In Mexico, for example, the government made the historic decision to publicly acknowledge acts of political violence committed by its security forces during the 1960s and 1970s, and to try to bring to justice those responsible for such crimes. President Vicente Fox, in November 2001, announced the creation of a special prosecutor's office that was charged with this task. In Argentina, a number of senior military officers implicated in abuses committed during that country's "dirty war" were in detention or under house arrest, including former military ruler Leopoldo Galtieri. As of November, however, the Argentine Supreme Court had yet to rule on appeals of two federal court decisions striking down the country's amnesty laws, a ruling that would be critical to the success of efforts to establish accountability.

In Chile, although courts made significant progress in prosecuting members of the military implicated in the "disappearances" committed during the Pinochet era, General Augusto Pinochet himself escaped justice. Disagreeing with many legal experts, Chile's Supreme Court held that the "moderate dementia" Pinochet was deemed to be suffering from was sufficient to satisfy the statutory requirements for terminating proceedings in the notorious "Caravan of Death" case.

Peru's truth commission held public hearings in cities and rural areas all across the country, beginning in April. The hearings, which were televised, were devoted to first-hand testimonies regarding massacres, extrajudicial executions, rapes, and

other abuses committed in Peru from 1980 to 2000. Also in April, as the result of negotiations with the Inter-American Commission on Human Rights, the attorney general named a special prosecutor to investigate and prosecute hundreds of forced disappearances, killings, and other crimes, mainly committed during the 1980s. The special prosecutor was also mandated to exhume and identify human remains in the more than five hundred clandestine burial sites believed to exist in Peru.

In Central America, too, the gross human rights violations of past decades continued to receive attention, with exhumations of mass graves taking place in a number of countries. In Panama, in April, a government-sponsored truth commission issued its final report on abuses committed during military rule. In Guatemala, the country with the most tragic past record of large-scale killings and massacres, the intimidation of witnesses, justice officials, and human rights defenders was a serious problem, hindering the quest for accountability.

Another important milestone in the push for accountability in Latin America was the establishment of the International Criminal Court (ICC), which entered into force on July 1. The ICC was designed to prosecute individuals accused of committing genocide, crimes against humanity, and war crimes. Several Latin American countries ratified the ICC treaty over the course of the year, namely, Ecuador, Panama, Brazil, Bolivia, Uruguay, Honduras, and Colombia. Although there was considerable regional support for the court, many countries—including Chile, Cuba, the Dominican Republic, El Salvador, Guatemala, Haiti, Mexico, and Nicaragua—had yet to join the ICC at this writing.

By implementing appropriate national legislation, several countries showed that they took seriously their obligation to ensure the effective functioning of the ICC. On September 25, for example, Brazil adopted the Rome Statute for the International Criminal Court as national law. Argentina and Ecuador made progress with draft implementing legislation, while Peru, Bolivia, and Venezuela were starting the implementation process.

DEFENDING HUMAN RIGHTS

The human rights movement in Latin America and the Caribbean showed impressive grassroots strength, while benefiting from acknowledged legitimacy at the governmental level. Numerous local and regional nongovernmental organizations (NGOs) were dedicated to the defense of human rights, including concerns such as women's rights, gay and lesbian rights, and free expression. Made up of talented and committed activists, lawyers, community leaders, and others, these groups worked to put human rights principles into practice locally. In some countries, the work of nongovernmental groups was supplemented by that of permanent national human right commissions, ad hoc parliamentary bodies, and other government organs. Attesting to their expertise and ability, a number of Latin American human rights defenders played high-profile international roles at the United Nations and other fora.

In several countries, however, including Colombia, Guatemala, Haiti, and Brazil, individual activists faced intimidation, assault, and sometimes death for

their advocacy of human rights. Colombia remained the most dangerous country for human rights defenders. In the first eleven months of 2002, sixteen defenders were reported killed there. Government investigators handling prosecutions of paramilitary leaders were also at risk, as were witnesses in such cases.

In Cuba, unlike other countries in the region, human rights monitoring was not recognized as a legitimate activity, but stigmatized as a disloyal betrayal of Cuban sovereignty. Cuban human rights defenders continued to work under extremely difficult conditions, facing surveillance, harassment, and possible criminal prosecution.

The public in many Latin American countries, having lived through repressive military governments, generally recognized the importance of human rights principles. Nonetheless, human rights defenders were frequently stigmatized for protecting the rights of unpopular groups, particularly criminal suspects.

THE ROLE OF THE INTERNATIONAL COMMUNITY

United Nations

Given world attention to other regions, human rights conditions in Latin America and the Caribbean were not extremely prominent on the United Nations's agenda, although specific problems and situations received attention.

James LeMoyné, the special adviser on Colombia to the U.N. secretary-general, was a frequent visitor to Colombia over the course of the year. He played an extremely active role in trying to salvage peace talks between the Colombian government and the country's largest guerrilla group, although the talks ultimately failed.

In both Colombia and Guatemala, the United Nations maintained a long-term human rights field presence. In Mexico, the government agreed in July to the opening of an in-country U.N. human rights office. The U.N. verification mission in Guatemala, known as MINUGUA, played a central role in monitoring compliance with the country's 1996 peace accords. In Colombia, the U.N. maintained a field office of the High Commissioner for Human Rights that documented abuses committed by all parties to the country's armed conflict. There were moments of high tension between the office and the Colombian government, notably after the office raised questions regarding the role of the Colombian army at Boyajá, the site of a large-scale killing by guerrillas. The U.N. High Commissioner for Refugees also had field offices in Colombia, with an operational capacity in the Urabá and Middle Magdalena regions as well as the department of Putumayo.

For the tenth time in eleven years, the U.N. Commission on Human Rights passed a resolution on human rights in Cuba. The language of the resolution was weaker than in the past, but, notably, the resolution was sponsored by Latin American governments. Ignoring strongly worded Cuban denunciations, a large majority of Latin American states with seats on the commission voted in favor of the resolution.

As of this writing, six countries in Latin America—Argentina, Brazil, Costa Rica,

Guatemala, Mexico, and Peru—had issued standing invitations for visits of U.N. human rights monitoring mechanisms. Mexico, for example, hosted two such visits during the year: the February fact-finding mission of the special rapporteur on the human rights of migrants, and the August mission of the representative of the U.N. secretary-general on internally displaced persons. In September, Haiti hosted the visit of Louis Joinet, the U.N.'s newly-appointed independent expert on the situation of human rights in Haiti. Cuba, which in past years had allowed only a select few U.N. human rights representatives to visit, lobbied to weaken the U.N.'s monitoring mechanisms at the April session of the U.N. Commission on Human Rights.

Organization of American States

The Organization of American States (OAS) expended significant diplomatic energies in trying to contain the twin political crises in Venezuela and Haiti. On April 13, in the immediate wake of President Hugo Chávez's ouster in Venezuela, the OAS Permanent Council held an emergency meeting as contemplated under the terms of the newly created Inter-American Democratic Charter. At the close of the meeting, the Permanent Council issued a resolution condemning the coup and stating that the events in Venezuela justified the charter's application—a decision that could have led to the application of sanctions had Chávez not been reinstated as president. OAS Secretary General César Gaviria traveled to Venezuela several times over the course of the year, attempting to facilitate a political dialogue between the opposing forces and avoid a deepening of the crisis.

In Haiti, OAS Assistant Secretary General Luigi Einaudi worked to effect a negotiated resolution to that country's political crisis, undertaking several missions to the country. The OAS Permanent Council, at a January meeting, also examined the Haitian situation. Concerned about the violent and systematic attacks on the political opposition that took place on December 17, 2001, the Permanent Council issued a resolution calling upon the Haitian authorities to carry out a thorough investigation of the attacks. In March, at a follow-up to the January meeting, the OAS and the Haitian government signed an agreement to establish an OAS Special Mission to Haiti. The mission, which began functioning the following month, was designed to help address the country's failings in the areas of democracy and human rights.

The Inter-American Commission on Human Rights, an OAS human rights body, sent fact-finding and advocacy missions to several countries in the region, including Venezuela, Haiti, and Argentina. In October, the commission held hearings regarding the situation of people living with HIV/AIDS. One hearing provided a general overview of human rights issues pertaining to the HIV/AIDS pandemic; the others covered the denial of access to anti-retroviral medication to people in Ecuador, and a similar case in El Salvador. Throughout the year, the commission issued recommendations to Latin American governments regarding specific human rights cases.

The Inter-American Court of Human Rights, the OAS tribunal whose jurisdiction covered human rights—and whose rulings had binding force—issued several important decisions. In August, for example, it ordered Venezuela to pay compen-

sation amounting to U.S. \$1,559,800 to the relatives of thirty-seven people killed by security forces during a February 27, 1989 popular revolt.

Europe

The European Union (E.U.) supported efforts to address the region's most pressing human rights and humanitarian problems, including, most notably, the armed conflict in Colombia. Among other forms of help, it provided financial support for the Colombian peace process and for humanitarian assistance to displaced persons. When peace talks between the Colombian government and the FARC-EP broke down in February, however, the E.U. adopted a noticeably harder stance toward the FARC-EP. In June, after sustained debate and significant pressure from Colombia's then-President Andrés Pastrana, the E.U. added the FARC-EP to its blacklist of "terrorist" organizations.

As of November, Cuba remained the only Latin American country lacking an E.U. cooperation agreement covering trade and development. Although the Cuban government and E.U. representatives engaged in discussions regarding such an agreement, Cuba was unwilling to implement the reforms necessary to satisfy the E.U.'s "common position" on Cuba, which made full economic cooperation contingent on steps toward greater democracy and respect for human rights.

European courts, via efforts to extradite suspected perpetrators of gross human rights abuses, played a useful role in pressing for accountability for such crimes. In January, for example, Swedish courts sought the extradition of former Argentine naval officer Alfredo Astiz, known as the "Angel of Death" for his activities during Argentina's period of military rule. The Argentine government rejected the extradition request, however, asserting the principle of territorial sovereignty.

In May, the second Summit of Heads of State and Government of Latin America, the Caribbean and the European Union (E.U.-LAC) was held. Participants at the summit condemned human rights abuses and agreed to cooperate more closely to protect human rights and strengthen the rule of law.

United States

The U.S. government devoted relatively little high-level attention to Latin America, reflecting a shift in priorities dating from the September 11, 2001 terrorist attacks. Scant progress was made toward deepening bilateral relationships in the region, disappointing countries like Mexico, which had hoped to negotiate a joint migration policy that would include protections for Mexicans living in the United States. To the extent that Latin American countries remained on the U.S. foreign policy agenda, U.S. officials concentrated primarily on counter-narcotics and trade policy, with human rights issues being of secondary importance.

In Colombia, U.S. anti-drug efforts were increasingly assimilated into U.S. anti-terrorism efforts, which meant, in practice, counter-insurgency. The country's main guerrilla forces and its umbrella paramilitary alliance were both included on the State Department's official list of terrorist groups, and both were accused by U.S. officials of involvement in drug trafficking. Colombia remained the world's

third largest recipient of U.S. military aid, after Israel and Egypt, receiving \$374 million in military aid in 2002. In a new development, the U.S. lifted restrictions that had prevented the funding from being allocated to combat illegal armed groups, thus permitting direct U.S. funding of Colombian efforts to fight guerrillas and paramilitaries.

U.S. aid legislation included human rights conditions that required the Colombian military to take effective steps to break ties with paramilitary groups, suspend from duty officers implicated in gross human rights violations, and cooperate with civilian authorities in prosecuting alleged human rights abusers. Despite clear evidence that Colombia had failed to comply with a single one of the statutory requirements, the conditions were not enforced. The U.S. State Department certified Colombia's compliance with the conditions in May, thereby releasing 60 percent of the funds available, and again in September, releasing the remaining funds. The certification decisions sent a clear and disturbing message to the Colombian military that there would be no consequences for flouting the law's human rights requirements.

Nevertheless, in November, the State Department suspended an air force unit from receiving U.S. funding because of evidence that the unit was implicated in an indiscriminate attack near the town of Santo Domingo, Arauca, in 1998. U.S. pressure also led to the resignation of Navy Admiral Rodrigo Quinoñes, one of the most senior Colombian officers linked to support for paramilitary abuses.

Another major focus of U.S. policy in Latin America was trade. In August, legislation on Trade Promotion Authority (TPA), known as "Fast Track," was passed, granting the president the power to negotiate trade agreements that would not be subject to amendment by Congress. The TPA legislation included a set of objectives to guide the negotiation of future trade accords, including an objective that such accords should protect workers' rights. Armed with TPA, the Bush administration sought to conclude a free trade agreement with Chile by the end of 2002, as well as to negotiate another trade accord with five Central American countries, and, ultimately, a hemisphere-wide Free Trade Area of the Americas (FTAA). Unfortunately, there was no indication that U.S. trade negotiators intended to push for strong protections that would require parties' labor laws to meet international labor standards.

In negotiating trade agreements, the United States also continued to promote strict patent protections for pharmaceutical innovations, thus undermining access to essential HIV/AIDS medicines. U.S.-backed patent provisions in the draft FTAA went beyond existing World Trade Organization (WTO) rules in their protection of pharmaceutical patents. These protections restricted the ability of prospective member states to make full use of indirect price controls, such as compulsory licensing, contained in the WTO's Agreement on Trade Related Aspects of Intellectual Property (TRIPS). The United States also sought to include such "TRIPS-plus" proposals in its bilateral agreement with Chile, as well as in the multilateral accord being negotiated with a block of Central American countries. These proposals undermined the 142-country consensus reached at the WTO's Fourth Ministerial Conference in Doha, Qatar, regarding the appropriate balance between intellectual property right protections and public health concerns.

Cuba remained the exception to the U.S. government's region-wide push for

strengthened trade relations. Although a number of U.S. political leaders traveled to the island, including former President Jimmy Carter in May, Bush administration officials remained adamantly opposed to any softening in the U.S. economic embargo on Cuba.

The U.S. government described the promotion of democracy as a central pillar of its policy in the region. In April, however, when Venezuelan President Hugo Chávez was temporarily ousted in a military coup, U.S. officials failed to immediately condemn the interruption in the constitutional order and instead publicly blamed the Chávez government for provoking the crisis. Only after other governments in the region denounced the coup did the United States join them in supporting an OAS resolution condemning it.

The Bush administration sought to undermine regional support for the International Criminal Court, threatening to cut off military aid to countries that supported the court.

On a bilateral basis, in contrast, the U.S. government did make some significant contributions toward promoting accountability for human rights abuses. In August, the State Department released 4,677 declassified documents containing information on human rights violations that took place in Argentina during that country's period of military rule. Many of the documents proved highly relevant to cases under investigation in the Argentine courts. In Guatemala, the U.S. government provided assistance to local efforts to investigate and prosecute past abuses, supporting the work of forensic teams exhuming clandestine cemeteries and of NGOs involved in human rights prosecutions. In Colombia, Department of Justice officials administered a \$25 million program to strengthen the capacity of the attorney general's Human Rights Unit by funding satellite offices, providing the office with training and equipment, and working to improve the security of threatened prosecutors and witnesses.

THE WORK OF HUMAN RIGHTS WATCH

The Americas division of Human Rights Watch kept abreast of human rights developments around the region through close contact with local advocates, frequent country visits, and intensive monitoring of the news media and other sources of information. The division sought not only to identify pressing human rights problems but also to understand the root causes of violations and develop effective strategies for addressing them. These strategies involved targeted advocacy with policy-makers, careful coordination with local NGOs, and outreach to the broader public via the media and the Internet.

Among the issues the division addressed in 2001 were accountability and child soldiers in Colombia; the protection of human rights defenders in Guatemala; the political crisis in Venezuela; freedom of association and child labor in Ecuador; the treatment of Haitian immigrants and Dominico-Haitians in the Dominican Republic; freedom of expression in Chile; accountability, press freedoms, and political prisoners in Mexico; human rights prosecutions in Argentina; and the treatment of political dissidents in Cuba.

Over the course of the year, the Americas division fielded investigative and advocacy missions to Argentina, Chile, Colombia, the Dominican Republic, Ecuador, Guatemala, Mexico, Peru, and Venezuela. With the information collected during these trips, the division prepared detailed reports, briefing papers, and other materials to document the problems under review. To facilitate the broad dissemination of its findings, the division put a high priority on translating its materials into Spanish (and Portuguese, in some instances) and posting them on the Human Rights Watch website.

Besides disseminating information via written materials, Human Rights Watch directly addressed high-level government officials and representatives of relevant regional and international bodies. In several countries, Human Rights Watch representatives held meetings with presidents and other top government officials. In meetings, as well as in correspondence and written statements, the Americas division made specific recommendations for improving human rights conditions.

As the region's gravest human rights crisis, Colombia was a major focus of the Americas division's energies during 2002. The division's work in support of human rights in Colombia had three tracks: pressing for change within the country, working to influence U.S. policy toward Colombia, and promoting U.N. and other international efforts. Human Rights Watch conducted two research missions to Colombia. During the first mission, researchers collected the testimonies of former child soldiers, and held meetings with NGOs and others with expertise relevant to the issue. The second visit gathered material for a report on the record of Colombia's attorney general's office, in particular investigations of alleged human rights abuses by high-ranking military officers and paramilitary leaders. The resulting report, *A Wrong Turn: The Record of the Colombian Attorney General's Office*, found that Attorney General Luis Camilo Osorio had undermined key investigations and contributed to a climate of fear within the Human Rights Unit. A Human Rights Watch delegation released the report at a press conference in Bogotá on November 8, after meeting with the Colombian president, the attorney general, and others.

In Guatemala, the Women's Rights Division released a report in February documenting persistent sex discrimination and abuse in Guatemala's largest female-dominated labor sectors—export processing plants and domestic labor. The Americas division conducted an advocacy mission in August to press the government to take more aggressive steps to protect human rights defenders, who had been subject to numerous acts of intimidation during the course of the year. It also pressed for progress on judicial cases involving egregious human rights abuses committed during Guatemala's civil war, which ended in 1996.

In Ecuador, the Americas division released a report in April documenting harmful child labor and obstacles to unionizing in that country's banana sector. After the release, Human Rights Watch pressed the government to enforce child labor laws while urging the banana industry to respect those laws. In July, the banana industry signed an agreement to eliminate illegal child labor in the sector within roughly one year, and in October, the government created a new System of Child Labor Inspection and Monitoring. Human Rights Watch applauded these initiatives, while expressing serious concerns about their implementation. Human Rights Watch also pushed for greater respect for workers' right to freedom of association

and was disappointed by the banana industry's lack of response to these concerns. As a condition for receiving enhanced tariff benefits under the U.S. Andean Trade Promotion and Drug Eradication Act (ATPDEA), the government of Ecuador committed to take steps to improve respect for workers' right to organize, but the commitment was expressed only in vague and general terms.

Concerned about the racist treatment of Haitian immigrants and Dominico-Haitians in the Dominican Republic, a Human Rights Watch delegation traveled to Santo Domingo in April to release a new report on the topic. The report described how Dominicans of Haitian descent are systematically denied Dominican citizenship, despite the Dominican constitution's conferral of citizenship to persons born on Dominican soil. As a result, the report explained, many Dominicans of Haitian descent live a precarious existence, perpetually at risk of expulsion from their own country. The report also documented the myriad due process violations that "Haitian-looking" people are subject to during deportations. In a meeting with Dominican President Hipólito Mejía, the Human Rights Watch delegation recommended a number of reforms to help prevent future abuses.

In Chile, Human Rights Watch continued to press the government to move forward with legal reforms aimed at scrapping the country's repressive laws on "insult to authority" (known as *desacato*), which place journalists and others at risk of incarceration when commenting on governmental policies. The Americas division obtained commitments to make the issue a top legislative priority from both Chilean President Ricardo Lagos and the chair of a congressional committee due to initiate the debate on a reform law.

ARGENTINA

Argentina was gripped in 2002 by the worst economic, political, and social crisis in its recent history. Half the population was living below the poverty line, according to government statistics, and unemployment stood at 22 percent. Argentines of all social classes took to the streets to protest when the government blocked the withdrawal of bank deposits. Social unrest and crime escalated.

Under these very difficult conditions, the human rights situation deteriorated on most fronts. Police violence, already a serious problem, continued unchecked. Journalists covering public protests suffered numerous attacks and threats, even as the press remained vigorous and independent. Although confidence in the judiciary was low, a few judges took positive steps to pursue investigations of the grave and systematic human rights violations committed during the country's period of military rule.

HUMAN RIGHTS DEVELOPMENTS

As protests against austerity measures engulfed the country, President Fernando De la Rúa of the Radical Party declared a state of emergency on December 19, 2001. Unable to muster support to lead a national unity government, he resigned office the following day. Senate President Ramón Puerta briefly took the reins until the legislative assembly elected Peronist Adolfo Rodríguez Saá as president for a sixty-day period. After seven days in power, Rodríguez lost the support of his party and resigned. Following another brief interregnum, the Congress elected Peronist Eduardo Duhalde to head a government of "national salvation." In July 2002, as the economy nose-dived and street violence continued, Duhalde agreed to hold elections in March 2003.

Seven people were killed, most from gunshot wounds, during protests on December 19 and 20, 2001, in the Plaza de Mayo and adjoining Buenos Aires streets. Police used tear gas and rubber bullets to disperse demonstrators, some of whom carried sticks, hurled stones and firebombs, broke windows of banks and shops, and lit fires. At least sixteen others died nationwide in violent clashes and incidents of looting.

In the early hours of December 29, Juan de Díos Velaztiqui, a police sergeant working off-duty as a security guard, shot dead three youths, Cristián Gómez, Maximiliano Tasca, and Adrián Matassa, in a Buenos Aires gas station café. The youths had been watching scenes of the protests on the café's television. The guard reportedly drew his pistol and shot them at point blank range after they jeered at images of a policeman being beaten by protesters. Velaztiqui was arrested and charged with homicide.

The shooting by police of two protesters in June led to the resignation of the security minister of the province of Buenos Aires and the chief and deputy chief of the provincial police force. Dario Santillán and Maximiliano Kosteki, both in their twenties, were killed by close-range shotgun fire in a train station during a protest of unemployed workers on June 26 at the Pueyrredón bridge in the suburb of Avellaneda. At least two others were wounded. In July, a Buenos Aires province police inspector and another officer were charged with aggravated homicide, and four others were accused of trying to cover up the crimes.

The economic crisis brought with it a sharp increase in violent crime, robberies, and kidnappings. Many police officers lost their lives in armed confrontations. Both criminal suspects and innocent citizens were killed by police in confused incidents in poor neighborhoods of Buenos Aires province. Press reports suggested that in several of these cases, police failed to observe international norms on the use of lethal force, and planted evidence to avoid criminal charges.

Torture continued to be a deeply engrained problem. Victims included criminal suspects in police custody and prisoners in the penitentiary system. In August, a court official of the Buenos Aires Criminal Cassation Court told a visiting representative of the Inter-American Commission of Human Rights that from March 2000 until July 2002, the court had registered 1,236 torture complaints in Buenos Aires province alone. The source of the court's information was a data bank set up

in March 2000 to monitor allegations of torture and ill-treatment. There was also a sharp increase in alleged ill-treatment of minors in police custody. The number of complaints registered by the juvenile division of the Buenos Aires Province Supreme Court doubled in less than a year, from 738 cases in May 2001 to 1,516 in April 2002.

Torturers acted with almost complete impunity, and victims who denounced abuses often suffered reprisals. According to official figures released in January by the attorney general's office, out of 676 complaints of torture or ill-treatment made in the year 2000, only four resulted in trials and there were no convictions. During the first six months of 2001, of 271 complaints made to the courts, two resulted in trials, with only one ending in conviction.

The governor of Buenos Aires province, Felipe Solá, took some important steps to tackle the problem of torture and prison abuses. He established a human rights secretariat in the province, among the objectives of which was to combat torture. The provincial government also proposed legal reforms to alleviate overcrowding in prisons and police stations. Both the human rights secretariat and the province's vice-minister of security also signed a declaration on police abuses presented to the provincial supreme court in Buenos Aires in September.

Conditions of detention were extremely poor, due to severe prison overcrowding and the continuing use of police lockups to detain suspects awaiting trial. More than eighteen thousand prisoners were being held in Buenos Aires province's thirty-six prisons, whose capacity was fourteen thousand. In August, some seven thousand people, including juveniles, were reportedly being held in police stations in Buenos Aires province, which had a capacity of fewer than three thousand. Conditions were often appalling. According to the Center for Legal and Social Studies (CELS), a respected nongovernmental human rights organization, minors alleged that they were forced to use bottles and plastic bags to urinate and defecate in due to the lack of toilet facilities. Several police detention centers were closed down on court orders due to the bad conditions. CELS reported that in addition to beatings with fists and nightsticks, kicking, and burning with cigarettes, police used electric shocks and plastic bags placed over the head to produce asphyxiation, torture methods commonly used during military rule.

Journalists were frequent victims of police aggression. The nongovernmental press freedom group Periodistas recorded fifty-two attacks on journalists, press photographers, and television camera crews from November 2001 to July 2002. While the violence that accompanied many protests placed journalists at inevitable physical risk, in several incidents police deliberately targeted reporters and photographers covering demonstrations, or detained, insulted, and beat them. Alberto Noal, who was covering a protest by hospital workers in the regional hospital of Rio Grande, Tierra del Fuego province, on December 28, 2001, was allegedly pulled down by his hair, handcuffed, beaten, trodden on, and kicked by six or seven officers, one of whom fractured his ribs with a wooden truncheon. He was hospitalized for three days. Marcos Díaz Muñoz, Salta province correspondent of América TV, was hit in the stomach with a truncheon while filming a policeman clubbing a demonstrator during a June 20 protest.

In September, journalists' right to protect the secrecy of their sources came

under attack when federal judge Claudio Bonadío subpoenaed telecommunications companies to provide a list of calls made and received by Thomas Catán, the Argentine correspondent of the London *Financial Times*. Judge Bonadío was investigating allegations that members of Congress had solicited bribes from foreign banks to halt a bill to reintroduce a health scheme for bank employees, which would have cost the banks hundreds of millions of dollars a year. In two articles published by the *Financial Times* in August, Catán described a meeting with the ambassadors of the United States and the United Kingdom, in which senior bankers had allegedly complained that legislators had approached them for money. Catán applied to the Federal Court for an injunction to safeguard his rights under article 43 of the constitution, which protects the secrecy of journalists' sources. The Federal Court met and issued a resolution reprimanding Judge Bonadío for "grave disdain for basic constitutional guarantees." In October, the court ordered Judge Bonadío to destroy the list of calls, stating that the judge's measure was an "unreasonable restriction of freedom of expression."

In December 2001, during his short tenure as president, Alberto Rodríguez Saá sent a bill to Congress to eliminate the crime of criminal defamation in cases involving public figures. By the end of September the bill had still not been debated.

There were some notable advances in investigations of human rights violations committed when Argentina was under military rule. In July, Judge Claudio Bonadío ordered the house arrest of former military ruler Leopoldo Galtieri for the "disappearance" in 1979 and 1980 of eighteen members of the Montoneros, a left-wing Peronist guerrilla organization, who had returned or were planning to return to Argentina from exile.

Facing charges as well were former army chief General Cristino Nicolaides and former general Carlos Suárez Mason, both of whom were already under house arrest for the theft of babies born to mothers abducted during military rule. Judge Bonadío also ordered the arrest of some forty lower level police and army agents, many of them formerly attached to a unit of the army's notorious 601st Battalion responsible for overseas intelligence operations. Among them was Col. Alberto Crinigan, a former army intelligence expert who was still in active service. The newspaper *Clarín* cited a senior army source as saying that Crinigan's arrest "does not help to pacify spirits." In October 2001, Bonadío became the second federal judge (the first was Gabriel Cavallo) to nullify Argentina's amnesty laws (the full stop and due obedience laws, passed in 1986 and 1987 respectively) as unconstitutional and in violation of international norms.

At the end of September, the Supreme Court had still to rule on appeals of the two federal court rulings striking down the amnesty laws, both of which had been unanimously confirmed by the Federal Court of Buenos Aires in November 2001. The future of the Galtieri prosecution, as well as others, was dependent on the Supreme Court upholding the laws' nullification. In an opinion provided by the Supreme Court at the end of August, Attorney General Nicolás Becerra recommended that the court declare the laws to be unconstitutional. Becerra stressed the link between Argentina's present-day violence and its legacy of human rights violations: "the violence which still breaks out within some institutions and is now invading the daily life of our country in a generalized way must be halted by a clear

message that the rule of law is in force.” The minister of defense, Horacio Jaunarena, who had previously served in that post under the governments of Raúl Alfonsín and Fernando De la Rúa, expressed once again his opposition to the re-opening of human rights trials, stating that such proceedings would “contribute to generating or aggravating the state of uncertainty that exists in the armed forces.”

Three days before his resignation in December 2001, President De la Rúa passed a decree formalizing his government’s refusal, on grounds of territoriality, to consider the extradition of Argentines to stand trial abroad for human rights crimes. The De la Rúa government undertook, however, to submit such cases to national courts for possible prosecution in Argentina. During the brief interregnum of Alberto Rodríguez Saá, the newly appointed minister of justice, respected jurist Alberto Zuppi, announced that he would seek to reverse this policy and to allow the Argentine courts to decide each case on its merits. The Duhalde government, however, left the De la Rúa decree in place.

DEFENDING HUMAN RIGHTS

Journalists, public officials, lawyers, and relatives of victims who denounced police abuses were threatened and intimidated. At about 4:00 a.m. on September 20, unidentified gunmen fired at the La Plata home of Estela de Carlotto, president of the Grandmothers of the Plaza de Mayo (Abuelas de Plaza de Mayo) and also of the Provincial Commission for Memory (Comisión Provincial por la Memoria), a nongovernmental group dedicated to the memory of victims of military rule. According to the commission, the bullets shattered the windows of Carlotto’s front door, entering her living room and bedroom. Police officials reported that a shotgun of the type issued to the security forces was used in the attack. The minister for security of the province of Buenos Aires, Juan Pablo Cafiero, said he was convinced it was politically motivated.

Two days before, the commission had presented a document to the province’s Supreme Court denouncing police abuses, which it compared to those committed during the dictatorship. On the morning of September 25, a commission employee answered the telephone to an angry caller who threatened: “guerrilla sons-of-bitches, stop fucking around and watch out because we are going to kill (*reventar*) all of you.” Sara Derotier, the provincial government’s under-secretary for human rights and also president of the commission, told Human Rights Watch that two suspicious cars had been parked at night outside her home in Merlo the previous June, arousing the concern of her neighbors. The provincial government gave her home police protection.

THE ROLE OF THE INTERNATIONAL COMMUNITY

United Nations

In September the Committee on the Rights of the Child met to consider Argentina’s second periodic report on compliance with the Convention on the

Rights of the Child. The government presented alarming statistical evidence of the growing poverty of Argentina’s children. In its comments on the government report, issued in October, the committee expressed “deep concern” at reports of torture and police brutality of which children were victims.

Organization of American States

Following a timely visit to Buenos Aires in July and August, the Inter-American Commission on Human Rights issued a public statement in which it referred to “the profound impact on the human rights situation in the country of the unprecedented social and economic crisis.” The commission welcomed President Duhalde’s assurances rejecting future army participation in public security.

European Union

On January 17, Sweden asked Argentina to extradite naval officer Alfredo Astiz, who had been arrested at the end of December on an international warrant issued by a Stockholm court. Popularly known as the “Angel of Death,” Astiz had worked as an undercover agent at the Navy Mechanics School (Escuela Mecánica de la Armada, ESMA) a notorious torture center during the period of military rule. Ever since Argentina’s 1983 return to democracy, Sweden had sought his extradition for the January 1977 “disappearance” of seventeen-year-old Argentine-Swede Dagmar Hagelin.

On January 28, the Argentine government denied the extradition request, arguing that it would violate Argentine sovereignty. Astiz walked free after being held for thirty-two days at a naval base close to his parents’ home in Mar del Plata.

In early November, the government was due to rule on a request by France for the extradition of retired Chilean general Luis Ramírez Pineda, who was detained on an international arrest warrant on September 13 while on a private visit to Buenos Aires. Ramírez was facing charges in France for the “disappearance” of Georges Klein Pipper, a French-born psychiatrist who was taken by soldiers on September 13, 1973 to the Tacna Regiment base, of which Ramírez was commander at the time.

United States

On August 21, the State Department released 4,677 declassified documents about human rights violations that took place during military rule. Although the documents had been promised by Secretary of State Madeleine Albright in November 2000 in response to requests from Argentine human rights groups and judges, their release was delayed by the events of September 11, and by the crisis in Argentina.

Many of the documents proved highly relevant to cases under investigation in the Argentine courts, and especially to the case against General Galtieri. An April 1980 U.S. embassy memorandum, reporting on a conversation with an Argentine intelligence official, describes how agents of the 601st Battalion detained two of the Montoneros, Horacio Campiglia and Susana de Binstock, in Brazil with Brazilian

cooperation, and secretly interned them in the detention camp at Campo de Mayo, from where they “disappeared.” The memorandum reports how a tip-off led to the arrest of twelve other Montoneros who were on their way by bus to Argentina from Brazil, Paraguay, and Uruguay. Another document, containing an organizational chart of the 601st Battalion, traced a chain of command leading directly up to Galtieri.

BRAZIL

Brazil made only limited progress in curbing such long-standing human rights problems as police brutality, inhumane prison conditions, assaults on freedom of the press, and forced labor. Positive steps taken by the outgoing administration of President Fernando Henrique Cardoso included the passage of a renewed National Human Rights Program and the opening of police archives containing information on abuses committed during the 1964-1985 dictatorship.

The October election to the presidency of the Workers’ Party candidate, Luiz Inácio Lula da Silva, raised hopes for human rights improvement. Although human rights issues were not central to his political campaign, President-elect da Silva publicly committed himself to promoting the welfare of Brazil’s marginalized populations.

HUMAN RIGHTS DEVELOPMENTS

Extrajudicial killings and abusive police practices continued to be a severe problem in many parts of the country. In the coastal state of Espírito Santo, for example, a paramilitary vigilante group called Scuderie Detetive Le Cocq—composed mainly of members of the civil and military police forces—was known to operate freely, engaging in death squad activity as well as organized crime.

In July, the country’s top official human rights body—the federal Human Rights Defense Council (Conselho de Defesa dos Direitos da Pessoa Humana, CDDPH), headed by Justice Minister Miguel Reale Junior—recommended that the federal government intervene in Espírito Santo to re-establish order. The council’s recommendation for federal intervention was made after the local bar association filed a complaint claiming that the state government had been infiltrated by organized crime and after the president of the bar association had received several death threats. Federal Attorney General Geraldo Brindeiro overruled the council’s request for federal intervention, arguing that it was not a viable option during an election year. This decision, supported by President Cardoso, prompted Reale Junior’s resignation, as well as that of the head of the Federal Police and other high-ranking law enforcement officials.

Instead of intervening in Espírito Santo, the federal government decided to cre-

ate a joint federal and state police task force to investigate organized crime and human rights abuses. At this writing, the task force was investigating the murder of human rights lawyer Joaquim Marcelo Denadai (described below), the links between the Scuderie and the state’s public authorities, and several death threats against state judges.

Despite widespread police abuses, only four of Brazil’s twenty-six states (São Paulo, Pará, Minas Gerais, and Rio de Janeiro), and the Federal District, had a police ombudsman’s office to respond to complaints of police brutality. Low wages, poor training, and inadequate equipment all contributed to widespread corruption and violence among police forces. In certain cases, police allegedly resorted to extrajudicial killings to eliminate potentially incriminating witnesses. On May 29, for example, two hooded men—who according to local press reports were members of São Paulo’s military police—murdered José Luciano do Nascimento, a construction worker with no previous criminal record. Nascimento had previously filed a complaint for grievous bodily harm against police sergeant Wagner Gomes de Oliveira, who shot him in the knee during a police operation in Vila Bulow, causing serious injuries and forcing him to use crutches.

Violence against rural workers remained widespread and sometimes involved police participation. According to the Pastoral Land Commission (Comissão Pastoral da Terra, CPT) a total of 1,548 rural workers were killed in land disputes in Brazil from 1988 to August 2002. In 2002 alone, at least sixteen rural laborers were murdered in land conflicts and seventy-three people received death threats.

Violence against rural workers was primarily directed at the leaders of peasant organizations. On January 19, for instance, Jose Rainha Junior, the general coordinator of the Rural Landless Worker’s Movement (Movimento dos Trabalhadores Rurais Sem Terra, MST), was shot in the shoulder as he escaped an ambush in western São Paulo state. According to a Brazilian rights group, the ambush was organized by a local landowner whose farm had been occupied by MST members earlier that day. On June 27, Ivo Laurindo do Carmo, another MST leader, was stabbed to death in the Irituia region, in the east of Pará state. Do Carmo was a prominent land reform activist who promoted occupation of farms and plantations by peasants as a means of putting pressure on the government to accelerate land reform. According to MST officials, in the months prior to his killing Do Carmo had received repeated threats from gunmen hired by plantation owners. On July 23, another MST leader from the state of Pará—Bartolomeu Moraes da Silva—was tortured (both of his legs were broken) and killed with twelve shots to the head. As with Do Carmo, Da Silva had received anonymous death threats prior to his assassination, and believed that local landowners were responsible.

Cases of rural violence, including killings, were rarely prosecuted, and criminal prosecutions rarely ended in convictions. An exception was the case of the Eldorado dos Carajás massacre, which came to trial in 2002. The massacre occurred in 1996 during a protest roadblock organized by members of the MST. On April 16, 1996, around 1,500 peasants blocked a rural highway in Eldorado dos Carajás, in the Amazonian state of Pará, to demand agricultural reform and to draw attention to their petition for the right to settle on idle farmland nearby. On April 17, the state governor of Pará, Almir Gabriel, and the secretary of public security, Pablo Sette

Cbmará, ordered the military police to disperse the crowd. In the ensuing confrontation, nineteen landless peasants were killed and sixty-nine were wounded. According to judicial investigations, some of the victims were shot at point-blank range, while others were killed at a considerable distance from the site of the clash. The three commanding officers in charge of the operation were Col. Mario Pantoja, Maj. Jose Maria Oliveira, and Capt. Raimundo Lameira, all members of Pará's military police force.

In May 2002, a Pará court found Colonel Pantoja guilty of the murder of the nineteen peasants, sentencing him to 228 years in prison. Major Oliveira, one of Pantoja's subordinates, was sentenced to 158 years in prison: eight years and four months for each of the people killed. Despite their convictions, Pantoja and Oliveira were not arrested, being allowed to appeal their sentences in freedom. Captain Lameira, the third commanding officer charged in the case, was acquitted. The tribunal also absolved nine police sergeants and another 126 military police officers, ruling that they had only "fired their weapons into the air" and not at peasants. The prosecutors handling the case announced plans to appeal the acquittals, arguing that "the condemnation of the high-ranking officers and not those who perpetrated the massacre is absurd."

The government officials with political responsibility for the institutions that carried out the massacre—the governor of the state of Pará, Almir Gabriel, and the general commander of the military police at that time, Colonel Fabiano Lopes—were not prosecuted for the massacre. The MST and the Pará Society for the Protection of Human Rights, both of which withdrew from the trial claiming that judges were subject to pressure from local politicians and landowners, continued their efforts to transfer cases involving human rights violations to federal courts in Brasilia. Advocates of federalizing human rights crimes believed that such transfers were needed because of the undue influence of local authorities and powerful land-owning elites over trials affecting their interests. At this writing, a bill was pending before Congress that would grant the federal government jurisdiction over serious human rights violations.

The torture of criminal suspects remained a widespread practice. A particularly notorious case of torture and negligent treatment was that of Fernando Dutra Pinto, who died in January 2002. Dutra Pinto had kidnapped Brazilian media tycoon Silvio Santos and his daughter, killed two police officers, and then turned himself in to the local authorities. The governor of São Paulo state, Geraldo Alckmin, publicly guaranteed Pinto's safety, promising him protection from police retaliation. Only six months later, however, Dutra Pinto was dead. According to the Teotônio Vilela Human Rights Commission (Comissão Teotônio Vilela de Direitos Humanos), a respected nongovernmental organization (NGO), Dutra Pinto was attacked and severely beaten by prison guards at the Belém Temporary Detention Center (Centro de Detenção Provisória do Belém). He was denied adequate medical treatment in prison and, as a result, died of a pulmonary infection three weeks later.

The living conditions of many of Brazil's penitentiaries, jails, and police lockups remained inhumane, and violence against prisoners was common. A central problem was the overcrowding of Brazil's penal system, especially in the states of São

Paulo, Rio de Janeiro, Bahia, Rio Grande do Sul, and Pernambuco. According to official figures, as of April, Brazil's 903 penal institutions housed 235,000 inmates, well above the system's capacity of 170,000. The lack of space, combined with an underfunded and understaffed penal system, led to frequent prison riots and other outbreaks of violence.

In January, for example, twenty-seven inmates were killed during a prison riot in the Urso Branco penitentiary, near the Rondonia state capital of Porto Velho. The uprising began after a failed escape attempt and a protest against overcrowding and restrictions on circulation inside the prison. According to local press reports, the victims were stabbed, shot, hung, or flung from the roof of the penitentiary by prisoners belonging to rival gangs.

A similar incident occurred in late May, when twelve inmates and a guard were killed during a riot at a maximum-security prison in Manaus, Amazonas. Prisoners organized the riot to protest the death of an inmate who, according to press reports, had been beaten and tortured to death by prison guards. Inmates also demanded improved health care and that steps be taken to address overcrowding.

On September 15, São Paulo state authorities shut down the largest prison in Latin America, the Casa de Detenção, in the Carandirú prison complex. The prison was notorious as the site of a 1992 massacre in which 111 inmates were killed by riot police. Prisoners were transferred to smaller and more modern penitentiaries in the state's interior.

Youth within the penal system were also subject to a range of abuses and ill-treatment. Human Rights Watch research in northern Brazil revealed that it was common practice for youth detention facilities to punish inmates through improper cell restriction, sometimes for periods of a month or more. Many detained youth were deprived adequate health care and education, despite the requirements of Brazilian law. They were also vulnerable to violence. Responding to a disturbance in a facility in the state of Pará in April, military police shock troops fired tear gas and rubber bullets at the youth inside, and beat some of them with batons and tree branches.

Censorship prior to publication, exorbitantly high lawsuits against the press, and violence against journalists continued to undermine freedom of expression in Brazil. Federal and local judges repeatedly banned publications and ordered the confiscation of newspapers and magazines under the guise of protecting "honor and integrity." On May 24, Judge Marcelo Oliveira da Silva censored *CartaCapital*, a weekly magazine published in the city of São Paulo. The magazine was ordered not to disclose the contents of taped conversations between presidential candidate Anthony Garotinho and Guilherme Freire, a donor to Garotinho's previous campaigns, or else incur a U.S.\$200,000 fine. Media outlets suffered disproportionately high monetary damages in civil lawsuits involving libel charges. Journalists investigating acts of corruption and embezzlement often ended up facing criminal prosecution.

Violent attacks against journalists, including threats and killings, were also of concern. According to the National Newspapers Association (Associação Nacional de Jornais, ANJ), an organization of newspaper publishers, nine journalists were murdered since 1995. At the time of this writing, most of these crimes remained

unsolved, contributing to impunity and encouraging further violence against members of the press. A particularly violent case involved Tim Lopes, an investigative reporter for the Brazilian television network TV Globo who disappeared on June 2. Lopes was last seen in a shantytown in the city of Rio de Janeiro, where he was investigating drug trafficking and the sexual exploitation of minors. According to police reports, Lopes was executed by Elias Pereira da Silva, a powerful local drug trafficker. Lopes was tortured and dismembered, after which his body was burned and buried in a clandestine cemetery. On August 8, Maurício de Lima Matias, a suspected accomplice in the assassination, was killed in a shoot-out with police officers. At this writing, seven suspects in Lopes' murder were in custody, including Pereira da Silva.

Journalist Domingos Sávio Brandão, owner and publisher of the *Folha do Estado* daily newspaper, was killed by two unidentified gunmen on September 30. According to local press reports Brandão's death was related to his investigations of drug trafficking and corruption among public officials. However, no suspects had been apprehended at this writing.

Violence against gay men and lesbians was also a cause of concern. Hate crimes against gay men were believed to be especially serious in the states of São Paulo, Pernambuco, and Bahia, and in the Federal District.

Forced labor—formally abolished in 1888—re-emerged over the past years, especially in the northern states' ranches and timber industries. According to the Catholic Church's Pastoral Land Commission, at least twenty-five thousand people were subject to forced labor in Brazil in 2002, and local authorities—including state police forces, attorneys, and courts—largely tolerated such abuses. Earlier in the year the Ministry of Labor's special antislavery Mobile Enforcement Team reported that 1,400 workers had been freed, many of them showing signs of malnourishment and suffering from potentially deadly diseases such as malaria and hepatitis.

In September, the federal government opened police archives from the 1964-1985 dictatorship, bringing to light information regarding the killing or disappearance of hundreds of activists who had opposed the military government. However, the archives were only made available to victims and their families, as well as to a special commission investigating the crimes committed during this period.

In May, President Cardoso launched a renewed version of the 1996 National Human Rights Program, created to curb discrimination and protect the rights of minority groups, including blacks, indigenous people, lesbians and gay men, and the elderly. The right to same-sex unions, which permitted the transfer of property and the extension of social security and health benefits to partners of the same sex, was one of the highlights of the 518-item program. Some of the measures, like the right to same-sex marriages, were discussed in Congress.

While this program represented a step forward, history indicated the need for sustained attention to the program's implementation. For six years, the Cardoso administration had failed to adequately put into practice the 1996 human rights plan and to bring about significant improvements in human rights conditions.

DEFENDING HUMAN RIGHTS

Human rights defenders faced death threats and harassment. A report released in early 2002 by Brazil's Global Justice Center and Ireland's Front Line analyzed fifty-six cases of violence against human rights activists over the preceding five years. The report identified nineteen homicides and thirty-seven other incidents, including attempted murders, beatings, kidnappings, and disappearances.

The paramilitary group Scuderie Detetive Le Cócq, active in the state of Espírito Santo, was believed to be responsible for the murder of local human rights lawyer Joaquim Marcelo Denadai on April 15. Prior to his assassination, Denadai had accused the Scuderie of "death squad" killings and complained about widespread corruption in the state's police forces, including police participation in numerous illegal activities. At this writing, police officer Dalberto Antunes da Cunha, an alleged member of the Scuderie, was awaiting trial. A police detective who had been investigating the Scuderie, Francisco Badenes, also received death threats.

THE ROLE OF THE INTERNATIONAL COMMUNITY

United Nations

In January, United Nations High Commissioner for Human Rights Mary Robinson visited the country for three days. She met with Ministry of Justice officials to follow up on the implementation of the results of the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance. She also met with President Cardoso and participated in a number of activities organized by the World Social Forum in Porto Alegre.

Jean Ziegler, U.N. special rapporteur on the right to food, visited Brazil in March. After meeting with the president, other political and judicial figures, and NGO representatives, he declared that serious and chronic malnutrition in a country as rich as Brazil was unacceptable and constituted a violation of the right to food.

In March, Brazil extended a standing invitation to the United Nations Commission on Human Rights to send special thematic rapporteurs to investigate human rights conditions in the country.

Organization of American States

In February, the Inter-American Commission on Human Rights (IACHR) issued a report on the 1993 extrajudicial execution of Deniz Bento da Silva—a landless activist—by members of the military police of Paraná state. The commission concluded that the police violated da Silva's right to life, among other rights.

In March, the IACHR urged the Brazilian government to take measures to protect inmates at the Urso Branco penitentiary, in the city of Porto Velho, state of Rondônia, after a January prison riot ended in the killing of twenty-seven inmates. The

government's failure to adopt such measures, leading to the killing of ten more inmates after the commission's report, forced the intervention of the Inter-American Court of Human Rights, which in June ordered the government to adopt measures to prevent further inmate deaths at Urso Branco.

European Union

Bilateral relations between the European Union and Brazil were strengthened in 2002. The European Union remained Brazil's main trading partner, absorbing the largest share of its exports, and serving as the most important source of development aid and foreign investment. As of April, the European Union had committed €210 million (roughly U.S.\$205 million) to cooperation projects in Brazil.

United States

In its 2002 human rights report, the U.S. Department of State identified police brutality as an ongoing problem, observing that state police forces engaged in extrajudicial killings, arbitrary detentions, and torture. The State Department also lamented the failure of state governments to adequately investigate and prosecute human rights violations. Other issues addressed in the report were harsh prison conditions, violence against land reform leaders, the harassment of human rights defenders, child abuse and prostitution, and violence against women and gays and lesbians.

At this writing, the United States government had not engaged in any programs aimed at addressing human rights issues in Brazil.

CHILE

The Chilean courts persevered in efforts to clarify the fate of victims of the military dictatorship and to hold accountable those responsible for killings, "disappearances," and other serious abuses. In two separate cases, however, the Supreme Court and the Santiago Appeals Court ruled that the mental infirmity of former dictator Gen. Augusto Pinochet was serious and irreversible, leading them to exempt him from prosecution for human rights crimes. The government of President Ricardo Lagos suffered reverses in its efforts to ratify important human rights treaties, including the Rome Statute establishing the International Criminal Court. Congress approved a law abolishing film censorship and began discussion of a bill to strengthen free expression guarantees.

HUMAN RIGHTS DEVELOPMENTS

On July 1, the Supreme Court held that General Pinochet was unfit to undergo trial in the notorious "Caravan of Death" case, involving the murder of fifty-seven political prisoners and the abduction of eighteen others not long after the September 1973 military coup. Expanding upon an appeals court ruling issued a year previously that had suspended the proceedings on mental health grounds, the Supreme Court panel ruled by four votes to one that Pinochet's condition was irreversible, and closed the case against him permanently. Disagreeing with many legal experts, the court held that the "moderate dementia" Pinochet was deemed to be suffering from was sufficient to satisfy the statutory requirements for terminating proceedings.

A week later Pinochet resigned his honorary lifetime seat in the Senate, which had been empty since he was arrested in October 1998 in Britain. Due to a constitutional amendment introduced by President Lagos's government in April 2000, Pinochet was allowed to retain both his parliamentary immunity from prosecution and his senatorial stipend because of his status as former president. Immediately after the court proceedings, Pinochet embarked with his family and entourage on a visit to the northern port of Iquique. His frequent public outings in the city prompted the minister of defense to urge the general to "rest up," and he returned earlier than planned to Santiago. Although the Supreme Court decision satisfied members of the government, the armed forces, and the Catholic Church, many Chileans remained unconvinced that Pinochet was seriously ill.

Argentine judge María Servini de Cubría continued to seek the former dictator's extradition to stand trial for the car-bomb attack that killed Gen. Carlos Prats, Pinochet's predecessor as army commander, and Prats' wife, Sofia Cuthbert. The assassination occurred in September 1974, when the couple was living in exile in Buenos Aires. As a first step toward the extradition, Judge Servini petitioned the Santiago Appeals Court to lift Pinochet's immunity. On October 7, the Santiago Appeals Court dismissed the request by sixteen votes to five, holding that the July Supreme Court ruling was applicable to this case also. Lawyers for the Prats family appealed to the Supreme Court, arguing that the appellate court had exceeded its competence and should have ruled only on the merits of the case. A Supreme Court justice also denied a request for the extradition of five former secret agents already charged in Argentina for the murder, holding that evidence of their involvement was insufficient. At this writing, the Supreme Court had still to rule on an appeal lodged by lawyers for the Prats family against this ruling.

In April, the Supreme Court renewed the mandate of more than twenty "special judges" appointed to investigate, exclusively or with priority, the fate of hundreds of people who "disappeared" under military rule. The judges were commissioned to continue the investigations after an official civil-military roundtable initiated in August 1999 to provide information about the "disappeared" produced flawed and incomplete information on their fate and the whereabouts of their bodies. The court investigations led to dozens of former military officials being charged for extrajudicial executions and "disappearances."

Concluding its work in June 2000, the roundtable had agreed that each branch of the armed forces would provide the fullest possible information on the whereabouts of the “disappeared” within six months. The suspicions of relatives and human right lawyers that some branches had concealed information collected as a result of the agreement were confirmed in October, when air force general Patricio Campos was arrested and charged with obstruction of justice. Campos, who had been given the job of collating information volunteered by members or former members of the air force, confessed that he had concealed and destroyed details about five of the “disappeared.” The facts came to light as a result of interviews published in the newspaper *La Nación* with a former member of the Combined Command (Comando Conjunto), a death squad active during the military government. The former agent said that the squad had regrouped recently in order to thwart the judicial investigations. Campos’ prosecution led to the resignation of air force commander-in-chief Gen. Patricio Ríos, who had appointed Campos knowing that the latter’s wife had been a member of the Combined Command.

Human rights groups, and some judges, accused the Medical Legal Service (Servicio Medico Legal, SML, a forensic branch of the Ministry of Justice which identifies skeletal remains) of incompetence, excessive delays, and of hiding evidence from the courts. It became known in August that the SML had suppressed for seven years a report by the Department of Forensic Medicine and Science of the University of Glasgow, Scotland, which had been commissioned by the Ministry of Justice in 1994 to identify the remains of twenty-seven bodies recovered from a grave in Santiago, thought to be victims of “disappearance” during military rule. The report cast doubt on the identification by the SML of three victims whose remains had been already returned to their relatives and buried. Lack of confidence in the work of the SML led several judges, including the judge who had investigated the Caravan of Death case, Juan Guzmán, to rely on the services of former members of the institution who had been dismissed or who had resigned to work independently.

The courts achieved justice in other cases dating from the military dictatorship. On August 5, Judge Sergio Muñoz sentenced Maj.(Rtd.) Carlos Herrera Jiménez, a former army intelligence agent, to life imprisonment for the 1982 murder of trade union leader Tucapel Jiménez, an influential opponent of the dictatorship. High level cover-ups and the inactivity of the former investigating judge had prevented clarification of the crime for twenty years. The director of army intelligence at the time, Gen.(Rtd.) Ramsés Álvarez Scoglia, received a ten-year prison sentence for ordering the murder. Three other former army generals who helped cover it up received suspended sentences. Each of the generals implicated benefited from a reduction of sentence due to the time that had passed before they were indicted, even though their own cover-ups had contributed to the delays.

Freedom of expression continued to be limited by outmoded laws protecting public authorities from criticism. On January 15, television panelist Eduardo Yáñez Morel was arrested and charged with contempt of authority (*desacato*) for his remarks on a talk show dedicated to miscarriages of justice, aired in November 2001. After a former prisoner complained that the courts had not offered her an apology for a wrongful conviction, Yáñez commented: “the justice system is immoral, cowardly and corrupt I think not to show its face is a sign of moral

cowardice.” The Supreme Court promptly filed charges against him under article 263 of the criminal code, which makes anyone who offends the president, members of Congress, or the higher courts of justice, “by word or deed,” liable to fines and imprisonment. Yáñez was held overnight in prison. In October, the Santiago Appeals Court ruled by two votes to one against the appeal of his indictment.

Largely due to the Yáñez case, the government presented a bill to Congress in September proposing repeal of article 263, as well as provisions of the code of military justice making it a crime to insult the armed forces, and prohibiting civilians from making comments considered likely to damage military morale or discipline. Human Rights Watch had advocated each of these reforms in its 1998 and 2001 reports on freedom of expression in Chile.

After long debate, Congress approved at the end of October a bill eliminating the powers of the film classification board to censor films, and removing members of the armed forces from the board. The reform put into effect a July 2001 constitutional amendment abolishing film censorship, and allowed Chileans to see more than four hundred films banned by the board during military rule.

A dramatic inmate protest in the high security “Alpha Module” of Santiago’s Colina Dos prison in January drew attention to ill-treatment and inhumane conditions of detention in this unit and led to the dismissal of seven prison guards. On January 18, guards allegedly beat and clubbed some twenty-five inmates after they had demanded a meeting with a prison official to discuss grievances. Some of the prisoners then cut and stabbed themselves with knives to draw attention to the abuses. In a letter to relatives cited in an electronic newspaper, one prisoner said that they were kept locked in their cells for hours without light or any toilets, so that they were forced to “defecate in bags or newspapers and throw them into the corridor.” An official of the Supreme Court visited the prison soon afterwards and confirmed the reports of ill-treatment. The Santiago Appeals Court granted a habeas corpus petition filed by one of the prisoners injured in the protest, and ordered the Alpha Module closed until improvements had been made. In April, a Colina Dos prison guard was charged with the sexual abuse of a prisoner held on drug charges.

In September, the head of the prison service (*gendarmería*) announced measures intended to fully segregate youth held in adult prisons from adult prisoners. The instructions followed a ruling by the Santiago Appeals Court that current practices infringed Chile’s obligations under the Convention on the Rights of the Child.

In January, the president of the Episcopal Conference, Cardinal Francisco Javier Errázuriz, appeared in person in the Senate to persuade the committee considering Chile’s ratification of the Optional Protocol to the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) not to recommend ratification. The prelate argued that the convention expressed a “unilateral vision” of women, and criticized recommendations to Chile made by the committee established to monitor compliance with the convention. He also warned that ratification of the Optional Protocol would intensify pressure on Chile to legalize abortion. Human Rights Watch wrote to the chair of the Senate Foreign Relations Committee urging ratification. In the wake of the Cardinal’s intervention, however, the government postponed consideration of the protocol and chances of its early approval by the Senate receded.

On April 8, the Constitutional Court ruled by five votes to one that Chile could not ratify the Rome Statute establishing the International Criminal Court without a prior constitutional reform. The government presented to the Senate a constitutional amendment. This required a two-thirds majority of both chambers to be approved, and by October debate on the reform had not progressed. Many right-wing Congress members were said to oppose ratification, partly as a reaction to the detention of Pinochet in London.

Chile ratified the Mine Ban Treaty in September 2001. In August 2002, the army destroyed some seventy-six thousand landmines warehoused near the northern city of Arica, in a ceremony attended by President Lagos, the minister of defense, and the minister of foreign affairs. The rest of Chile's stockpile of more than two hundred thousand mines was to be destroyed by 2003, and the localization and destruction of mines in the ground was expected to follow. The press reported that twelve people had died and seventy had been wounded by mine accidents in recent years.

DEFENDING HUMAN RIGHTS

Chile had a sturdy network of human rights defenders, who worked freely and without government restriction.

THE ROLE OF THE INTERNATIONAL COMMUNITY

United Nations

In April, the Committee on the Rights of the Child published its observations on Chile's compliance with the Convention on the Rights of the Child. The committee praised Chile for several improvements in legislation protecting children's rights. However, it urged stronger measures to combat child abuse, including abuse taking place in state institutions run by the National Service for Minors (Servicio Nacional de Menores, SENAME). It also recommended that more effective steps be taken to prevent discrimination against disadvantaged children, particularly those belonging to indigenous groups, children with disabilities, and children living in rural areas.

European Union

Enforcing an international arrest warrant, in September Interpol arrested seventy-seven-year-old Gen. Luis Ramírez Pineda in Buenos Aires. He was one of eighteen Chilean former military officials, including General Pinochet, wanted for questioning by French judge Sophie-Helene Chateau in connection with the "disappearance" of five French nationals during and after the 1973 military coup. Ramírez had been commander of the Tacna regiment army base in Santiago, where twenty-four supporters of deposed President Salvador Allende were taken after

surrendering on the day of the coup. French-born doctor Georges Klein Pipper, an advisor to Allende, was among those who "disappeared" after being taken to the army base and tortured. In early November the government was still considering a request from the French government for Ramírez's extradition.

Organization of American States

In March, the Inter-American Commission on Human Rights published details of two settlements awarding compensation to victims of discriminatory court decisions and miscarriages of justice. Under the terms of the settlement between Juan Manuel Contreras, Víctor Eduardo Osses, José Alfredo Soto, and Chile, the government provided a life-time pension and issued a public apology to the aforementioned young men, who had been wrongly convicted of a murder they did not commit, after confessing under duress and without legal representation. The Supreme Court had rejected their plea for compensation claiming that the trial court's acceptance of their confessions was not "unreasonable," the grounds required under the constitution for compensation to be awarded. As part of the settlement, the government agreed to carry out studies and propose a constitutional amendment to strengthen the right to compensation for miscarriages of justice.

United States

On October 1, the Bush administration notified the U.S. Congress that it hoped to complete negotiations with Chile on a free trade agreement by the end of the year. In August, Congress approved President George W. Bush's request for fast-track trade promotion authority to conduct the negotiations, enabling the president to present proposals to Congress for approval or rejection without amendment. Chilean and U.S. negotiators continued to meet throughout the year, and by October had completed twelve rounds of talks. The agenda included agreements on labor rights and environmental issues.

COLOMBIA

HUMAN RIGHTS DEVELOPMENTS

Colombia's internal war intensified in 2002 following the February 20 collapse of three years of formal talks between the government and Colombia's largest guerrilla group. Paramilitary groups operating with the tolerance and often support of units within Colombia's military were linked to massacres (defined in Colombia as the killing of three or more people at the same place and time), selective killings, and death threats. There were numerous and credible reports of joint military-paramilitary operations and the sharing of intelligence and propaganda, including

army-generated appeals to guerrillas to turn themselves in. Throughout Colombia, paramilitaries continued to move uniformed and heavily armed troops unhindered past military installations.

Compared to past years, the government reported more clashes between its troops and paramilitaries, and more arrests of suspected paramilitaries. Yet paramilitaries appeared more numerous and militarily stronger than ever. They claimed to have over ten thousand armed and trained members, a number that was not disputed by government or other sources.

In July, paramilitary leader Carlos Castaño announced the dissolution of the United Self-Defense Forces of Colombia (Autodefensas Unidas de Colombia, AUC), the paramilitary alliance he headed. But by September, the AUC had reunited, though it continued to be prey to internal conflicts over profits reaped from drug trafficking. Mayors, municipal officials, governors, human rights groups, the public advocate's office, and even some police detachments regularly informed the appropriate authorities about credible threats by paramilitaries. Yet only rarely did military forces take effective action to stop paramilitary advances.

A tragic example was the case of Boyajá, Chocó, one of the worst slaughters of the entire Colombian conflict. In April, the Catholic Church and public advocate sent warnings to military and police commanders about large groups of paramilitaries traveling along the Atrato River past military installations maintained by the army's Seventeenth Brigade and the navy's River Battalion No. 50, a unit that has received U.S. training and weapons. The Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo, FARC-EP), which also maintained a presence in the region, clashed with paramilitary forces at Boyajá on May 1. During the fighting, guerrillas launched at least one gas cylinder bomb that hit a church where displaced persons were gathered, killing 119, including at least forty-eight children.

The Bogotá office of the U.N. High Commissioner for Human Rights (UNHCHR) concluded that guerrillas were directly responsible for the displaced persons' deaths. U.N. investigators also criticized the military's failure to heed reports of paramilitary forces in the area and mount an operation to catch them. Investigators received credible information suggesting that, after the clash, soldiers met with a paramilitary commander whose forces remained in the area despite the military's presence. On July 9, the inspector general's office (Procuraduría) opened an investigation of the commanders of the security force units in the region, among them Maj. Gen. Leonel Gómez Estrada, commander of the Colombian army's First Division, and Fourth Brigade commander Brig. Gen. Mario Montoya. In a disturbing development apparently aimed at stifling human rights reporting, three of the generals targeted in the investigation filed slander charges in May against Father Jesús Albeiro Parra Solís, a priest who had helped raise the alarm about the paramilitary presence.

Even when the authorities were under orders to arrest paramilitary leaders, they rarely did so. As of this writing, for example, the attorney general's office had at least twenty-six outstanding arrest warrants against Castaño. In addition, Colombian courts had returned guilty verdicts against him *in absentia* in three cases, including the murder of presidential candidate Bernardo Jaramillo in 1990.

Massacres, traditionally used by paramilitaries to spread terror, were less numerous than in 2001, but the decrease appears to have reflected a change in paramilitary tactics rather than a decrease in overall violence. Witnesses, church officials, and municipal observers, among others, described to Human Rights Watch how paramilitaries seized large groups of people, then killed individuals separately, to avoid the publicity that results when incidents are recorded as massacres. As the Bogotá office of the UNHCHR noted in March, "Although these [tactics] had less drastic effects than the massacres, [paramilitaries] committed numerous individual executions. The Office was informed of cases in which the paramilitaries, after choosing their victims from a large group of people they had abducted, killed them individually or in small groups, leaving the bodies scattered in different locations."

Elected in May with 53 percent of the vote, an unprecedented majority, President Álvaro Uribe Vélez immediately imposed several emergency measures to address political violence. Some weakened the ability of state institutions to monitor and investigate human rights violations, and gave the security forces power to arrest and tap telephones without warrants in certain circumstances. Another measure allowed the executive branch to place large areas under military control and restrict the movement of civilians and the entry of foreigners, including journalists working for international media. In September, the Uribe administration announced that twenty-seven municipalities containing over one million people in the departments of Bolívar, Sucre, and Arauca had been designated "rehabilitation and consolidation" zones where rights were curtailed.

Fernando Londoño, who headed the newly combined interior and justice ministries, told the Colombian Congress that he intended to make emergency measures "permanent," raising fears that Colombia would return to a pattern of decades past, when presidents maintained the country under a virtually unbroken state of siege and rights were routinely violated by state agents.

President Uribe began recruiting a planned one million civilian informants to provide information in exchange for cash. By mid-September, the army reported having paid over U.S.\$340,000 for information that led to the capture of members of illegal armed groups. In addition, President Uribe authorized the army to recruit a force of fifteen thousand peasants to fight in their home regions with regular troops. Both strategies raised serious questions about the government's ability to ensure that informants and new recruits were not drawn from paramilitary groups, whose forces were already working with some military troops but were seeking to "legalize" the relationship. It also threatened to repeat the tragic history of the 1980s, when similar laws combined with a lack of oversight led to egregious human rights violations.

The criminal prosecution of the perpetrators of human rights crimes deteriorated markedly as Attorney General Luis Camilo Osorio, who took office in mid-2001, undermined or derailed key cases. His hostility to human rights investigations was evidenced, most notably, by his purge of prosecutors and investigators willing to pursue such cases.

In April 2002, seven prosecutors with the attorney general's Human Rights Unit and one member of the Technical Investigation Unit (Cuerpo Técnico de Investi-

gaciones, CTI) received credible and serious threats related to their work investigating high-profile cases of human rights violations. Attorney General Osorio failed to take any measures to protect the officials. Subsequently, they requested protective measures from the Inter-American Commission on Human Rights (IACHR). Dozens of other prosecutors and investigators resigned or fled Colombia. After the Spanish government extradited former Colombian ambassador to the European Union Carlos Arturo Marulanda to Colombia to face charges of supporting illegal paramilitary groups, the attorney general's office dropped the most serious charges against him and ordered his release on November 1. In its annual report, the UNHCHR office said that Osorio's record raised "serious concerns about the prospects for strengthening the institution and its commitment to combating impunity [and] ...the independence and autonomy of prosecutors in their investigations into human rights violations, particularly those involving paramilitary groups and public officials."

According to Colombia's national planning department, illegal armed groups increased in number again in 2002. In addition to paramilitaries, there were over twenty-one thousand guerrillas, most of whom belonged to the FARC-EP. The FARC-EP, the National Liberation Army (Ejército de Liberación Nacional, ELN), and the AUC all actively incorporated children into their ranks, severely punishing or even killing them if they attempted to leave.

The FARC-EP escalated attacks on civilians, among them hundreds of mayors and other local officials. "Our orders are to prevent all representatives of the state from functioning in every part of Colombia," guerrillas announced in June. On June 5, FARC-EP gunmen killed the mayor of Solita in the southern department of Caquetá. When President Uribe was sworn in on August 7, guerrillas launched an attack with mortars and explosives in Colombia's capital, Bogotá, killing at least nineteen bystanders.

In several regions, paramilitaries were in control of towns while guerrillas controlled the countryside, making travel across these areas highly risky. At roadblocks, armed fighters demanded to see identification cards from all travelers, and the possession of identification from an area deemed to be under the influence of the enemy could be a death sentence.

Armed groups extrajudicially executed perceived opponents and, on some occasions, those who simply broke their rules. For example, the FARC-EP reportedly executed a leader of a community of Emberá indigenous people, Bertulfo Domicó Domicó, near Dabeiba, Antioquia, in July, for violating local rules on travel. Paramilitaries also targeted indigenous leaders, reputedly ordering three of them killed near the town of La Hormiga, Putumayo, in August.

In some areas, guerrillas imposed rules regarding hair length and clothing, including prohibiting girls and women from Medellín's poor neighborhoods from wearing midriff-baring shirts. In Barrancabermeja, Santander, paramilitaries reportedly punished young people who violated similar rules by whipping them, binding them to posts in public places for up to twenty-four hours, and shaving their heads and facial hair.

Guerrillas sought to influence politics and raise money via kidnapping. As of this writing, presidential candidate Ingrid Betancourt, seized in February 2002,

remained in FARC-EP custody along with the governor of Antioquia; the former governor of Meta; a former defense minister; Msgr. Jorge Enrique Jiménez Carvajal, a Colombian bishop who heads the Latin American Episcopal Council (CELAM); and hundreds of Colombians kept for ransom. Victims included children as young as three years old, such as a girl kidnapped on July 18 in an effort to force her father, a mayor, to resign. (The mayor had submitted his resignation before the child was taken, but the government had refused to accept it.) According to País Libre, a nongovernmental organization that collected information on kidnapping, guerrillas were responsible for 58 percent of the 2,253 kidnappings recorded in the first nine months of 2002, roughly comparable to the previous year's rate. Paramilitaries were linked to 6 percent.

In the first ten months of 2002, the FARC-EP used gas cylinder bombs in over forty attacks on cities and towns, causing mainly civilian casualties. The FARC-EP's use of these weapons in civilian areas was a blatant breach of international law and demonstrated a disregard for the most basic standards of respect for human life.

According to the Consultancy for Human Rights and Internal Displacement (Consultoría para los Derechos Humanos y el Desplazamiento, CODHES), over two hundred thousand Colombians were forcibly displaced in the first eight months of 2002, most by paramilitaries. In addition, at least 1.2 million Colombians permanently left the country over the past five years, according to the International Organization on Migration. In 2001 alone, twenty-three thousand Colombians sought asylum as refugees across international borders according to the U.S. Committee for Refugees.

CODHES noted a dramatic increase in forced displacement provoked by the FARC-EP. In one dramatic case, the office of the public advocate reported that FARC-EP guerrillas forced over one thousand residents of the river hamlet of Puerto Alvira, Meta, to abandon their homes in July, then used them as human shields to block government forces, in violation of humanitarian law. Calling it an "unprecedented event," Public Advocate Eduardo Cifuentes said that investigators also found that guerrillas had looted homes and stores.

On August 5, Colombia ratified the Rome Statute for the International Criminal Court, bringing the number of ratifications to seventy-seven. However, before leaving office and in coordination with incoming President Uribe, President Pastrana invoked article 124 of the statute, which allows a state party to decline the ICC's competence for up to seven years for war crimes committed by one of its nationals or on its territory. Such crimes were committed routinely by both rebel and paramilitary forces in Colombia, as well as by the military officers who worked with paramilitary groups. The article 124 declaration was not made public at the time of Colombia's ratification nor was it discussed in the Colombian Congress.

DEFENDING HUMAN RIGHTS

Especially in rural areas and small towns, attacks against rights defenders remained common. In the first eleven months of 2002, sixteen defenders were reported killed, most by groups that were not clearly identified at the time of this

writing. In addition, the individuals responsible for over a decade's worth of previous attacks remained largely unpunished. A two-year government effort to resolve outstanding cases, including the murders of human rights defenders, through a special interministerial committee had yet to deliver results.

Among the year's victims was José Rusbell Lara, a member of the "Joel Sierra" Human Rights Committee in the department of Arauca, one of the most violent areas of Colombia. After visiting Colombia in July, the IACHR issued precautionary measures asking the Colombian authorities to protect the members of the Arauca-based committee. However, effective protection measures were not taken. Rusbell was shot and killed by presumed paramilitaries on November 8.

In a new and disturbing development, church leaders who spoke out in favor of peace and human rights or who protested abuses were targeted by both sides, often during mass or prayer services. For instance, guerrillas were believed responsible for the murders of two Protestant pastors as they were preaching in a hall near San Vicente del Caguán, Caquetá, the unofficial capital of the zone previously ceded to guerrillas for peace talks. José Vicente Flórez, a member of the United Pentecostal Church, was shot and killed on July 14; Abel Ruiz, also a Pentecostal minister, was shot and killed in the same spot two weeks later. On March 16, a gunman killed Cali Archbishop Isaias Duarte Cancino, who frequently spoke out against corruption. In the first eleven months of 2002, eleven other priests, one nun, and eighteen Protestant pastors were killed in Colombia, more church leaders killed in any comparable period in the country's recent history.

Threats against human rights defenders were serious and included threatening telephone calls, fake invitations to the defender's funeral, and obvious surveillance by armed men. A frequent target was the "José Alvear Restrepo" Lawyers Collective, which represented victims of human rights abuses, among them trade unionist and congressional representative Wilson Borja. Prior to his election to Colombia's lower house, Borja survived an assassination attempt in 2000. Evidence collected since points to the involvement of several active-duty and retired security force officers working with paramilitaries. In May, the collective was named on posters distributed at Bogotá's National University, Colombia's largest, alleging that it was engaged in a campaign of "open persecution" against the army and represented a "narcoterrorist organization" run by guerrillas.

There were continuing indicators that military intelligence, which kept the names of rights defenders on file, viewed human rights work as evidence of guerrilla sympathies. On August 16, troops from the Cali-based Third Brigade searched the home of Jesús Antonio González Luna, the human rights director of the United Workers Federation (Central Unificado de Trabajadores, CUT), Colombia's main labor federation, allegedly in search of guerrilla propaganda. Using the new powers included in President Uribe's emergency measures, the security forces forcibly entered the Bogotá office of the Permanent Assembly by Civil Society for Peace, a non-profit group dedicated to promoting peace efforts, on October 25 without the presence of any oversight agencies.

The year 2002 was especially devastating for trade unionists. According to the National Trade Unionist School (Escuela Nacional Sindical, ENS), 146 trade unionists were murdered in the first ten months of the year, more than in the same period

in 2001. The ENS believed that most of the killings were committed by paramilitaries, but it noted an alarming increase in attacks by the FARC-EP, thought to be responsible for at least nineteen of the killings. Of that number, guerrillas killed seven in a massacre that took place on April 26 at a farm near Apartadó, Antioquia, by far the most dangerous state for trade union activity.

The Association of Family Members of the Detained and Disappeared (Asociación de Familiares de los Detenidos y Desaparecidos, ASFADDES) also reported continuing threats. On July 10, men identifying themselves as police investigators tried unsuccessfully to argue their way into an ASFADDES office in Bogotá. This incident followed several others in which ASFADDES members received threatening telephone calls or noted that they were being followed. Yolanda Becerra, the director of a women's group in Barrancabermeja, Santander, also reported threats, most apparently made by paramilitary groups. Both groups were issued precautionary measures by the IACHR.

Witnesses to alleged crimes remained extremely vulnerable, and government programs to protect them remained dramatically underfunded and poorly managed. On January 25, for example, twelve heavily armed men shot and killed Angel Riveros Chaparro, the leader of a local peasant association. Chaparro was a witness to the 1998 Santo Domingo incident, in which a Colombian air force helicopter allegedly shot a rocket at civilians, killing nineteen, among them seven children. The case remained stalled in Colombia's military courts.

The government invested more than in years past on protection measures. A range of officials, including the Colombian National Police and Interior Ministry, took steps to protect defenders, providing bodyguards, police escorts, and other measures. Nevertheless, these efforts remained dramatically underfunded and were concentrated in large cities, meaning that defenders in outlying areas remained vulnerable.

The UNHCHR office expressed concern over the lack of resources to critical institutions, among them the public advocate's office and the witness protection programs administered by the attorney general. It was also clear that prosecutors and investigators working on human rights cases were extremely vulnerable. At the new Human Rights Unit satellite office in Medellín, for example, prosecutors suffered under crushing case loads, insufficient resources, poor equipment, no travel funds, and constant tension related to the investigations themselves, which often targeted Colombia's most ruthless and dangerous people.

THE ROLE OF THE INTERNATIONAL COMMUNITY

Members of the international community, acting separately, in country alliances, and through the European Union and the United Nations, continued to play a critical and sometimes highly controversial role in Colombia. One of the most high-profile contributions came during the Colombian government's attempt, in January and February, to salvage its ultimately unsuccessful peace talks with the FARC-EP. Along with U.N. representative James LeMoyné, the ambassadors of Canada, Cuba, Spain, France, Italy, Mexico, Norway, Sweden, and Switzer-

land spent many days in the zone designated for talks, trying to facilitate the negotiating efforts of government and guerrilla representatives.

European Union

After peace talks failed, the European Union adopted a significantly harder stance toward the FARC-EP. In June, after sustained debate, the European Union added the FARC-EP to its blacklist of “terrorist” organizations, in part motivated by evidence that guerrillas had been using the zone ceded to them for talks to train fighters and make weapons and explosives.

Three members of the Irish Republican Army, captured in 2001, remained detained in Colombia on charges of training the FARC-EP to make sophisticated explosives.

United Nations

The office of the UNHCHR maintained a high profile and continued to play a critical role in documenting abuses committed by all sides. It also provided the Colombian government with technical and other assistance related to improving human rights protection, and training prosecutors, Internal Affairs investigators, and members of the security forces in human rights and international humanitarian law.

Anders Kompass, the head of the UNHCHR office in Bogotá, completed a three-year term and was replaced in October by Swedish diplomat Michael Fruhling. There were moments of high tension between the office and the government. In May, after U.N. investigators invited by the government to visit Boyajá raised questions about the role of the security forces there, Colombian General Mario Montoya accused the U.N. of promoting “baseless” reports and failing to help restore stability to the area.

The U.N. special rapporteur on violence against women, Radhika Coomaraswamy, visited Colombia in November 2001. Coomaraswamy emphasized her concerns about sexual violence against women by illegal armed groups and the plight of the internally displaced, the majority of whom are women and children.

United States

The United States continued to play a pivotal role in Colombia because of its status both as the primary purchaser of the illegal narcotics produced in Colombia and used by armed groups to finance war, and as the main supplier of military aid to the Colombian government. In 2002, the U.S. government provided Colombia with \$374 million in military aid and, in a new development, lifted restrictions preventing the Colombian security forces from using the funding to combat illegal armed groups. The change revoked a long-standing requirement that funds only be spent on antinarcotics activities. As of September 13, according to government reports, there were 138 temporary and permanent U.S. military personnel and 250 U.S. civilians retained as individual contractors in Colombia.

The aid legislation included human rights conditions that required the Colombian military to take effective steps to break ties with paramilitary groups, suspend from duty officers implicated in gross human rights violations, and cooperate with civilian authorities in prosecuting alleged human rights abusers. In the biannual reviews required by law, Human Rights Watch and two other human rights groups showed that Colombia had failed to meet these conditions. The State Department pressed Colombia to make progress, and the United States suspended military assistance for several weeks to reinforce the message. Nonetheless, Secretary of State Colin Powell ultimately certified Colombia’s compliance with the conditions on May 1, thereby releasing 60 percent of the funds available. The certification decision sent a harmful message to the Colombian authorities, and particularly the armed forces, that human rights were less important than the ability to wage war freely.

Human rights groups took part in a second round of State Department meetings in late August, linked to the certification of the remaining 40 percent of military aid. Human Rights Watch again demonstrated that Colombia had failed to meet a single one of the statutory conditions and described disturbing setbacks since the May 1 certification. Nevertheless, Deputy Secretary of State Richard Armitage certified Colombia a second time on September 9.

As the second certification was pending, paramilitaries charged that the Colombian army attempted to demonstrate compliance by killing twenty-four AUC fighters on August 9 near Segovia, Antioquia, in a purported ambush. Calling it a “war crime,” AUC leader Castaño contended that soldiers had detained, disarmed, and then executed the men. The army denied the accusation, but investigators from the inspector general’s office found that soldiers had significantly altered the scene of the incident before civilian investigators arrived, raising questions about the ambush scenario.

In a more positive development, U.S. officials more consistently stressed the need for Colombia to pursue paramilitaries and guerrillas with equal vigor. On September 24, U.S. Attorney General John Ashcroft announced that the Justice Department had filed an extradition request for Castaño and fellow AUC leader Salvatore Mancuso on charges of drug trafficking, a decision that promised to provoke further tumult before year’s end. The U.S. State Department suspended the U.S. visa of Admiral Rodrigo Quiñones, implicated in a series of serious human rights violations dating from 1991. In addition, the U.S. Congress authorized the use of U.S. military assistance for the creation of a special unit of the Colombian military dedicated to bringing paramilitary leaders to justice.

Department of Justice officials administered a \$25 million program to strengthen the capacity of the attorney general’s Human Rights Unit. A key element of the program was the establishment of eleven satellite offices outside of Bogotá. As of June 2002, all eleven offices were functioning, including prosecutorial teams in Medellín, Cali, Bucaramanga, Villavicencio, Neiva, Barranquilla, and Cúcuta.

The program also funded training for prosecutors and investigators, travel expenses, and equipment such as computers, desks, fax machines, and radios. U.S.-funded mobile exhumation equipment was, for example, used to document the Boyajá massacre. The state department proposed an additional \$10 million for the Human Rights Unit in the fiscal year 2003 budget, pending at this writing.

In its 2002 conference report, however, the U.S. Congress rebuked U.S. Justice Department officials for failing to conduct appropriate consultations before buying highly sophisticated forensics equipment for the attorney general's office. Not only was this equipment not compatible with other equipment already in use; as of June 2002, two years after aid was first sent, it was still not in operation. While arguably useful, the equipment failed to "address [the Human Rights Unit's] priority needs of security, mobility and communications equipment for prosecutors, in particular for those prosecutors based in secondary cities and outlying regions," the U.S. Congress noted.

U.S. marshals also worked with the attorney general's office to improve the security provided for employees and threatened witnesses. During a June visit to Colombia, Human Rights Watch was informed that Colombia was due to receive sixty armored vehicles destined for threatened prosecutors and investigators, particularly those assigned to the new satellite offices.

The United States also pressed Colombia to sign a "non-extradition" agreement that would prohibit the extradition of U.S. and Colombian servicemen to stand trial before the ICC. Colombia complied, in large part because the U.S. threatened to prevent countries that were signatories to the Rome Statute and who had not signed the immunity pledge from receiving U.S. military aid. Colombia was receiving more military aid than any country except Israel and Egypt.

RELEVANT HUMAN RIGHTS WATCH REPORTS:

A Wrong Turn: The Record of the Colombian Attorney General's Office, 11/02

CUBA

With the visit of former U.S. President Jimmy Carter to Cuba in May, Cubans were exposed to unprecedented public discussion of democracy and human rights. But as no legal or institutional reforms were made, the country's lack of democracy and intolerance of domestic dissent remained unique in the region.

HUMAN RIGHTS DEVELOPMENTS

The highlight of former President Carter's five-day visit to Cuba was his address on May 14 at the University of Havana, which was broadcast live on Cuban television. Speaking in Spanish, Carter urged the Cuban authorities to allow democratic changes and to grant basic political freedoms. He specifically criticized the Cuban government's ban on opposition movements and made direct reference to the

Varela Project, a petition drive organized by Cuban dissidents to call for a national referendum on civil and political reform. At the close of his speech, he engaged in a spirited question-and-answer session with members of the audience—an audience that included Cuban President Fidel Castro.

Carter drew attention to some of the country's most serious human rights problems. A one-party state, Cuba restricted nearly all avenues of political dissent. Although the criminal prosecution of opposition figures was becoming increasingly rare, prison remained a plausible threat to Cubans considering nonviolent political dissent. The government also frequently silenced its critics by using short-term detentions, house arrests, travel restrictions, threats, surveillance, politically-motivated dismissals from employment, and other forms of harassment.

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

The organizers of the Varela Project, led by prominent dissident Oswaldo Payá, presented an important symbolic challenge to the government's intransigence in the area of political rights. On May 10, the organizers delivered a petition to the National Assembly—Cuba's unicameral legislature—containing more than eleven thousand signatures. Relying on constitutional protections for the right to petition, the Varela Project asked the government to hold a referendum on a broad array of civil and political rights, including competitive elections, freedom of the press, and an amnesty for political prisoners.

The Cuban government responded to the reform effort with a signature drive of its own. In June, in what seemed like a distorted caricature of the earlier campaign, the authorities organized a mass signature collection effort in support of Cuba's socialist system. Holding marches all across the country, and employing many thousands of signature collectors, the government claimed to have gathered more than eight million signatures in two days. With this purported mandate, the National Assembly then proceeded to approve an official proposal enshrining the socialist system in Cuba's constitution as "irrevocable."

A number of political dissidents were detained over the course of the year, with some facing criminal prosecution. The Cuban Commission for Human Rights and National Reconciliation (Comisión Cubana de Derechos Humanos y Reconciliación Nacional, CCDHRN), a respected Havana-based nongovernmental group, released a partial list of political prisoners in July that included 230 reliably documented cases. (It should be noted that not all of the cases listed involved persons who were wrongly detained or prosecuted on the basis of nonviolent political expression; it also listed people convicted of crimes such as "piracy," if the crimes

were politically motivated.) The list showed a net increase of twenty cases over a similar list compiled in January. The increase led the CCDHRN to suggest that a ten-year general trend away from the use of political imprisonment was coming to an end.

The vast majority of the year's politically motivated detentions took place during incidents in February and March. The first group of arrests occurred when the government tried to block members of the opposition from commemorating the anniversary of the 1996 shoot-down of two small planes by the Cuban air force. Several dissidents were arrested in advance of the event, while others were detained when they tried to reach a beach in the Miramar neighborhood of Havana to throw flowers into the sea. While most of the detainees were quickly released, a few remained in long-term detention.

Among those still detained as of early November were Leonardo Miguel Bruzón Avila, president of the February 24 Human Rights Movement, Carlos Alberto Domínguez González, an independent journalist, and Emilio Leyva Pérez and Lázaro Miguel Rodríguez Capote, president and coordinator, respectively, of the Cuban Pro Human Rights Party. None of the detainees had been officially charged with a crime. To call attention to his indefinite detention without trial, Bruzón Avila reportedly went on a hunger strike that began in late August and continued into October, raising serious concerns for his health.

On February 27, in a dramatic incident, a group of twenty-one young male Cubans, including three teenagers, crashed a stolen bus through the gates of the Mexican embassy in Havana. The group apparently believed that Mexico was granting refugee visas to Cubans, a rumor sparked by a U.S.-funded Radio Martí broadcast in which the Mexican foreign minister was reported saying that the embassy was open to all Cubans, including dissidents. Scores of other Cubans were turned away after trying to enter the embassy on foot. At the embassy's request, Cuban police entered the compound some thirty hours after the break-in and detained the asylum seekers. More than one hundred others were also arrested.

Some thirty political dissidents who did not participate in the embassy actions were also reportedly detained, having been arrested at some distance from the embassy. As of early November, a group of prisoners that included Iovany Aguilar Camejo, coordinator of the Fraternal Brothers for Dignity Movement, and Carlos Oquendo Rodríguez and José Aguilar Hernández, president and vice-president of the July 13 Movement, respectively, remained behind bars.

The embassy incident ended in a swirl of recriminations and conspiracy theories. The Cuban government accused the U.S. of maliciously instigating the break-in, while some dissidents surmised that President Castro had engineered the incident in order to embarrass Mexican President Vicente Fox, seen by the authorities as overly sympathetic to the Cuban dissident community. The Cuban authorities even aired a special television broadcast to discuss the incident. In it, Castro emphasized that "no one who storms into an embassy will ever leave [Cuba]," and attacked the asylum-seekers as "delinquents and anti-social elements."

A group of ten dissidents, human rights advocates, and independent journalists was arrested on March 4 at a provincial hospital in Ciego de Avila. They had gone to the hospital to visit a reporter who had reportedly been physically attacked by the

police earlier in the day while he was traveling to a meeting of the Cuban Foundation for Human Rights. Reacting with disproportional severity to a minor disruption, state security police arrested the group after its members shouted statements such as "Long live human rights." Among those taken into custody was Juan Carlos González Leiva, a blind human rights advocate who was said to have been assaulted by police when he was arrested, requiring four stitches on his forehead. The other arrestees were seven dissidents and human rights activists—Delio Laureano Requejo, Lázaro Iglesias Estrada, Virgilio Mantilla Arango, Enrique García Morejón, Antonio García Morejón, Odalmis Hernández Matos, and Ana Peláez García—and two independent journalists—Léster Téllez Castro and Carlos Brizuela Yera.

The authorities quickly released the two women who had been arrested, placing them under house arrest. The remaining prisoners were kept in detention, however, and remained there as of early November. In September, the Ciego de Avila prosecutor's office notified the ten members of the group that they had been formally charged with the crimes of contempt of authority (*desacato*), public disorder, resistance, and disobedience. The threatened sentences varied, with one defendant facing seven years of imprisonment. Of González Leiva, the lead defendant, who faced a possible six-year sentence, the indictment noted critically that "he was not integrated into mass organizations and was not involved in any socially useful activities."

The year also saw the release of several well-known dissidents. In early May, just prior to Carter's visit, Vladimiro Roca Antúnez was freed from Ariza prison. He had spent over two years of his five-year sentence in solitary confinement. Prosecuted together with three other well-known dissidents, who were all released from prison in 2001, Roca was freed two months before the expiration of his sentence. The son of the late Blas Roca, considered a hero of the Cuban revolution, Roca was educated as an economist and had once flown missions as a Cuban air force fighter pilot. Years later, with his three co-defendants, Blas had embarked upon relatively high-profile dissident activities, holding press conferences in 1997 and releasing an analytical paper on the Cuban economy, human rights, and democracy. In the resulting criminal prosecution, the government had cast him as the group's ringleader, giving him the stiffest sentence of the four.

On October 31, Dr. Oscar Elías Biscet González was released from prison, having served out a three-year criminal sentence. A physician and prominent activist, Biscet was convicted in February 2000 of dishonoring patriotic symbols, public disorder, and instigating delinquency, for protests that included turning the Cuban flag upside-down and carrying anti-abortion placards.

Other dissidents who continued serving out their prison sentences included Francisco Chaviano González, incarcerated since 1994, Carlos Cabrera Roca, incarcerated since 1996, Joaquín Barriga San Emeterio, incarcerated since 2000, and co-defendants Néstor Rodríguez Lobaina and Eddy Alfredo Mena González, both incarcerated since 2000.

The government continued to prosecute people for "illegal exit" if they attempted to leave the island without first obtaining official permission to do so. Such permission was sometimes denied arbitrarily, or made contingent on the purchase of an expensive exit permit.

Prisoners were kept in abusive conditions, often in overcrowded cells. Many prisoners lost weight during incarceration and received inadequate medical care. Some endured physical and sexual abuse, typically by other inmates with the acquiescence of guards. Prison authorities insisted that all detainees participate in politically oriented “re-education” sessions or face punishment. Political prisoners who denounced poor conditions of imprisonment were frequently punished by long periods in punitive isolation cells, restricted visits, or denial of medical treatment.

Cuba retained the death penalty for a large number of offences, but a de facto moratorium on its use seemed to be in effect. Because the authorities did not release public information on death sentences and executions, however, it was difficult to ascertain the status of prisoners facing capital punishment.

The government maintained tight restrictions on the press, barring independent news reports from being published within Cuba. Although local independent journalists regularly sent their stories outside of Cuba for publication, they had to work under extremely difficult conditions. They frequently faced police questioning, short-term detention, surveillance, confiscation of their notes and other materials, and travel restrictions aimed at preventing them from covering certain events. In May, the Committee to Protect Journalists, a U.S.-based press freedom group, named Cuba as one of the “ten worst places to be a journalist.” Besides Domínguez, detained since February, and Téllez Castro and Brizuela Yera, detained since March, the authorities kept independent journalist Bernardo Arévalo Padrón behind bars. Incarcerated since 1997, Arévalo Padrón was serving a six-year sentence for “insulting” President Castro.

Despite some limits on freedom of religion, religious institutions and their leaders were granted a degree of autonomy not granted to other bodies. Several religious-run groups distributed humanitarian aid and carried out social programs. The authorities did, however, continue to slow the entry of foreign priests and nuns, limit new church construction, and bar religious institutions from running schools (although religious instruction was allowed). In contrast to the first decades after the Cuban revolution, discrimination against overtly religious persons was rare.

The government recognized only one labor union, the Worker’s Central of Cuba (Central de Trabajadores de Cuba, CTC). Independent labor unions were denied formal status and their members were harassed. Workers employed in businesses backed by foreign investment remained under tight government control. Under restrictive labor laws, the authorities had a prominent role in the selection, payment, and dismissal of workers, effectively denying workers the right to bargain directly with employers over benefits, promotions, and wages. Cuba also continued to use prison labor for agricultural camps and ran clothing assembly and other factories in its prisons. The authorities’ insistence that political prisoners work without pay in poor conditions violated international labor standards.

DEFENDING HUMAN RIGHTS

Human rights monitoring was not recognized as a legitimate activity, but rather stigmatized as a disloyal betrayal of Cuban sovereignty. No local human rights

groups enjoyed legal status. As a result, human rights defenders faced systematic harassment, with the government placing heavy burdens on their ability to monitor human rights conditions. Besides routine surveillance and phone tapping, the authorities in some instances used arbitrary searches, short-term arrests, evictions, travel restrictions, and politically motivated dismissals from employment.

Human rights defenders were generally denied exit visas to travel abroad unless a humanitarian reason (such as a sick overseas relative) could be proffered. Oswaldo Payá, for example, was unable to travel to Washington, D.C., in September to receive a democracy award from the National Democratic Institute.

International human rights groups such as Human Rights Watch were barred from conducting fact-finding investigations on the island. Cuba was also one of the few countries in the world, and the only one in the Western Hemisphere, to deny the International Committee of the Red Cross access to its prisons.

THE ROLE OF THE INTERNATIONAL COMMUNITY

United Nations

At its fifty-eighth session in April, and for the tenth time in eleven years, the U.N. Commission on Human Rights passed a resolution on human rights in Cuba. The language of the resolution, passed by a vote of twenty-three to twenty-one, was weaker than any in the past. Rather than expressing concern about violations, the resolution simply invited the Cuban government to make the same progress with respect to civil and political rights that it had with regard to economic and social rights. What was most notable about the resolution, however, was that it had the broad support of Latin American countries, which were increasingly willing to recognize Cuba’s human rights problems.

Cuban representatives played a negative role at the commission by pressing to weaken the commission’s human rights monitoring mechanisms under the guise of reviewing their functioning. In November, similarly, Cuba was one of only eight countries to vote against the U.N. General Assembly’s adoption of the Optional Protocol to the Convention Against Torture, a new treaty aimed at eliminating torture and improving prison conditions.

In November 2001 and November 2002, as in past years, the U.N. General Assembly adopted by a resounding majority a resolution calling for an end to the U.S. economic embargo on Cuba.

Latin America

Ignoring strongly worded Cuban denunciations, eight Latin American countries—an unprecedented number—voted in favor of the Cuba resolution at the U.N. Commission on Human Rights. Only Venezuela voted against the resolution, while Brazil and Ecuador abstained.

Although Mexican President Vicente Fox visited Cuba in February, a move hailed by the Cubans as a sign of strengthening links, the two countries’ relations worsened quickly. Fox met with dissidents during his visit and, in April, his gov-

ernment supported the U.N. resolution on Cuba. In late April, in what was perceived as a retaliatory gesture, President Castro made public a recording of a private telephone conversation he had had with Fox. The recording, contrary to the Mexican authorities' portrayal of the incident, showed that in March Fox had asked Castro to leave a development conference in Mexico early so as to avoid contact with U.S. President George W. Bush.

European Union

European Union (E.U.) representatives formally resumed a political dialogue with the Cuban government in December 2001 during a visit to Havana. As of early November 2002, however, Cuba remained the only Latin American country without an E.U. cooperation agreement. The E.U. "common position" on Cuba, originally adopted in 1996 and reviewed every six months, made full economic cooperation conditional on reforms toward greater democracy and human rights protection.

In October, the European Parliament announced that it would be awarding democracy activist Oswaldo Payá the prestigious Sakharov Prize for Freedom of Thought.

United States

Former president Carter may have made the most high-profile visit to Cuba, but he was certainly not the only U.S. political figure to travel to the island over the course of the year. Other visitors included Minnesota Governor Jesse Ventura, Tampa Mayor Dick Greco, and several members of Congress. With U.S. business and agricultural interests applying their substantial influence toward lifting the U.S. economic embargo, the pro-engagement lobby demonstrated increasing political clout.

Carter himself called for an end to the embargo during his visit to the island, arguing that it restricted the freedoms of U.S. citizens. In July, the House of Representatives voted 262-167 to loosen both trade and travel restrictions, and a similar bill was pending in the Senate. The main obstacle to change remained the executive branch, which promised to veto any legislation that weakened the embargo's provisions.

Bush administration officials tried to counter the pro-engagement effort by making strong and continuing verbal attacks on Cuba. In May, just prior to Carter's visit to the island, Under Secretary of State for Arms Control John R. Bolton accused Cuba of developing a limited capacity for germ warfare research. Assistant Secretary of State Otto Reich reprised these claims in October, although he did not put forward evidence to support them. And just after the one-year anniversary of the September 11 terror attacks, Reich's deputy assistant secretary of state asserted that Cuban agents had intentionally provided false leads regarding possible terrorist plots.

In August, former Cuban nurse Eriberto Mederos was convicted of illegally obtaining U.S. citizenship by concealing his role in what prosecutors said was a

decade of electroshock torture in a psychiatric hospital near Havana. Less than a month later, Mederos died of cancer, and his conviction was vacated because he had not had a chance to appeal it.

GUATEMALA

Incidents of political violence rose in 2002 as Guatemala struggled to deal with the legacy of massive human rights violations committed during the country's civil war, which ended in 1996. Although political violence was, for the most part, no longer carried out as a matter of state policy, impunity for acts of violence remained a chronic problem. Efforts to investigate and punish past abuses made little progress, and the human rights defenders promoting them faced violence and intimidation.

HUMAN RIGHTS DEVELOPMENTS

Guatemala made little progress in investigating and prosecuting past abuses. Three years after a U.N.-sponsored Historical Clarification Commission reported that over two hundred thousand people were killed and tens of thousands of human rights violations (including "acts of genocide") occurred during the country's armed conflict, only a small number of these cases had been addressed by the criminal justice system.

Guatemalans seeking accountability for past abuses continued to face daunting obstacles. The work of the attorney general's office was severely handicapped by the meager budget allotted to the office by the Guatemalan Congress, which resulted in prosecutors carrying excessive caseloads with inadequate resources. The courts (including the Supreme and Constitutional Courts) routinely failed to resolve judicial appeals and motions in an expeditious manner and thus allowed defense attorneys to engage in dilatory legal maneuvering. The army and other state institutions failed to cooperate fully with investigations into abuses committed by current or former members. Perhaps the most serious obstacle to progress on human rights cases was the intimidation of witnesses and justice officials. (See below.) The police failed to provide adequate protective measures to persons involved in sensitive cases.

An important exception was the trial of three senior officers charged with planning the murder of anthropologist Myrna Mack. In October, a three-judge tribunal convicted Col. Juan Valencia Osorio for his role in the 1990 killing. Valencia, who was sentenced to thirty years, was the first senior military officer to be jailed for planning human rights violations committed during Guatemala's civil war. His co-defendants, Gen. Augusto Godoy Gaitán and Col. Juan Guillermo Oliva Carrera, were acquitted by the same tribunal.

Unfortunately, the Mack case appeared to be the exception that proved the rule of impunity in cases involving abuses carried out by current or former members of the Guatemalan military. The conviction was obtained only after a costly twelve-year campaign by Helen Mack, the victim's sister. The case was plagued throughout by the use of threats and violence to intimidate justice officials, witnesses, and lawyers. In July, Helen Mack was forced to leave the country after being tipped off about a plot to assassinate her. In August, Roberto Romero, a lawyer acting for the Myrna Mack Foundation, reported that he had received death threats and that his Guatemala City home had been shot at. The prosecution's case was hampered by the military's refusal to supply justice officials with requested documentation and its obstruction of the investigation by submitting false information and doctored documents. It was also hampered by the defense's use of dilatory legal maneuvers and the failure of judicial magistrates to resolve these in a timely fashion.

Another case in which limited progress was made involved charges pressed by twenty-one indigenous communities affiliated with the Association for Justice and Reconciliation (AJR), legally represented by the Center for Human Rights Legal Action (CALDH), against former presidents Romeo Lucas García and Efraín Ríos Montt, as well as top military officers in their respective governments. Both cases alleged war crimes and crimes against humanity, including genocide, committed in the early 1980s. A special prosecutor within the attorney general's office, who opened formal investigations into the two cases in 2000 and 2001, respectively, continued taking testimony from hundreds of eyewitnesses to the massacres.

Meanwhile, other important cases languished. For example, in a case involving a 1982 massacre of over 160 people in the village of Las Dos Erres, Petén, defense attorneys continued to prevent a trial from taking place by filing dozens of dilatory motions. Nearly all of these motions were rejected by the court as being "notoriously unfounded."

Lawyers from the Rigoberta Menchú Foundation complained of judicial irregularities in a civil suit brought by relatives of eleven people killed in a 1995 massacre in the community of Xaman, in the department of Alta Verapaz. One problem was the judge's decision to disallow fifty-four of the sixty questions the foundation's lawyers had prepared for the oral examination of the soldiers who allegedly participated in the massacre. Another was the judge's decision to summon forty witnesses from Xaman to present their testimony before the court at the same hour of the same day. The forty witnesses, mostly women, traveled to Guatemala City from their remote village, many with children in tow. When their lawyers realized that these women would be forced to spend hours and possibly days waiting in a cramped courthouse room to have their turn giving testimony, they sought and obtained a suspension of the proceeding.

One of the few successful prosecutions of military officers for political violence—the 2001 conviction of three officers and a civilian for the 1998 killing of Bishop Juan Gerardi Conedera—was reversed by an appeals court in October. The appeals court accepted the defense team's claim that a lower court had failed to conduct a proper review of evidence presented at the trial. Lawyers from the Archbishop's Human Rights Office (ODHA), which was civil party to the prosecution in the case, had previously raised serious questions about the impartiality of one of

the appeals court judges reviewing the case—including the fact that this judge had allegedly referred to the ODHA lawyers as personal "enemies." Both the ODHA and the public prosecutor petitioned the Supreme Court to overturn the appeals court ruling on the ground that it overstepped the proper scope of judicial review. The Supreme Court granted an injunction temporarily suspending the appeals court ruling while it evaluated the merits of these petitions. At this writing, a final ruling by the Supreme Court was still pending.

Charges of government corruption produced violent reprisals in several instances. Prosecutor Miguel Angel Bermejo, who was investigating charges of corruption within the Interior Ministry, reported receiving death threats and being tipped off that several people were planning to kill him if he continued with the investigation. In February, a witness in one high-profile corruption case, César Augusto Rodas Furlán, was shot dead in Guatemala City.

Members of the national police continued to employ excessive force against civilians. Most of these cases involved abuse of authority by poorly trained and disciplined police officers. However, there were also cases of apparently deliberate use of excessive force in police operations. In January, for example, officers from the Department of Antinarcotics Operations (DOAN) raided the village of Chocón, opening fire on residents and killing two civilians. At this writing, several officers were under investigation.

Women and girls working in Guatemala's two female-dominated industries—the export-processing (*maquiladora*) and the live-in domestic worker sectors—faced widespread sex discrimination at the hands of private employers and the government. Domestic workers continued to be denied key labor rights protections, such as the rights to the minimum wage and an eight-hour workday, and had only limited rights to paid national holidays. Younger women and girls, in particular, sometimes faced sexual harassment and violence in the homes where they worked. The Congress failed to act on proposals to reform the labor code to provide domestic workers equal protection.

Women and girls working in the maquiladora sector, though formally protected under the law, encountered persistent sex discrimination in employment based on their reproductive status, with little hope for government remedy. Guatemalan maquiladoras, many of which were suppliers for well-known South Korean and U.S.-based corporations, discriminated against women workers in a number of ways—including requiring women to undergo pregnancy tests as a condition of employment; denying, limiting, or conditioning maternity benefits to pregnant women; denying reproductive health care to pregnant workers; and, to a lesser extent, firing pregnant women. At the time of this writing, the Guatemalan government had still not adopted policies or practices to investigate and remedy in a systematic way these gender-specific labor rights violations.

The Congress failed to pass legislation to abolish the death penalty. In July, however, President Portillo announced a moratorium on the application of the death penalty during his presidency.

In July, President Portillo announced his support for a program of monetary compensation for former members of the Civil Self-Defense Patrols (*Patrullas de Autodefensa Civil, PAC*), which were an integral part of a counterinsurgency strat-

egy that entailed widespread and egregious human rights violations during the country's civil war. The proposal did not include any screening process to exclude the worst offenders from receiving compensation. The president's announcement fueled efforts already underway to renew PAC affiliations and allegiances. Given the PAC's historic role in human rights abuses, these efforts threatened to undermine the progress that had been made toward re-establishing the rule of law in Guatemala.

DEFENDING HUMAN RIGHTS

Guatemalan human rights defenders were subject to numerous acts of intimidation. The Inter-American Commission on Human Rights stated that it had received reports of "more than 100 attacks and acts of intimidation against legal defenders" (including justice officials, civil society leaders, and civilian witnesses) in 2002. These attacks included "illicit searches of the offices of human rights organizations, the theft of equipment and information, death threats made by telephone and in writing, physical assault, the surveillance of individuals, kidnappings, and in some cases murder."

While some of these incidents might have been attributable to common crime, many others were clearly committed with the aim of intimidating members of the human rights community. For example, death threats were sent to various non-governmental organizations (NGOs), including the Archbishop's Human Rights Office, making reference to their work on human rights cases. The offices of some NGOs were vandalized—and the members of others have been assaulted—by men who showed no interest in stealing valuable items that common criminals would be expected to take.

Most seriously, on April 29, a member of the Rigoberta Menchú Foundation, Guillermo Ovalle de León, was shot to death in a restaurant next to the foundation's Guatemala City office. As foundation members pointed out to Human Rights Watch, given the small size of the restaurant, it seemed an unlikely place to stage an armed robbery. In July, two men assaulted one of the foundation's lawyers in front of the same office. The lawyer told Human Rights Watch that the assailants had held her in a stranglehold and insulted her, but did not take the laptop computer that she was carrying at the time.

According to both Guatemalan government and U.N. officials, these acts of intimidation were most likely being carried out by clandestine groups with possible links to both public security forces and organized crime. This conclusion is supported by the fact that the perpetrators revealed themselves, in their threats and in their actions, to be in possession of the sort of detailed information regarding the identities and routines of their victims that had traditionally been the domain of military intelligence. A written threat directed at a team of forensic anthropologists included the names of people who had not participated in exhumations since the mid-1990s, suggesting that the perpetrators had either been collecting information for several years—or at least had access to an institution that had collected it in the past.

Many observers believed that the attacks were aimed at undermining efforts to investigate and prosecute past human rights abuses. Whatever the actual motive, they clearly had this impact, forcing members of the targeted organizations to take protective measures—including leaving the country—that undermined their work on human rights cases.

In response to the crisis, the Portillo administration arranged a series of meetings between a special "Security Cabinet" (consisting of the government's top ministers and led by the vice president) and representatives of the NGOs that had been targets of harassment. These talks did not produce concrete results, however, and several NGO representatives broke them off, arguing that the government was not taking serious steps to investigate and take action against the clandestine groups.

The attorney general named a special prosecutor to handle these cases. This prosecutor, Tatiana Morales, enjoyed the respect and confidence of the human rights community. However, the resources at her disposal were minimal. Without more money and more investigators, it appeared unlikely that she would make substantial progress on the large number of cases assigned to her.

The government ratified several treaties relating to human rights, including the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts, and the Optional Protocol to the Convention on the Elimination of Discrimination Against Women.

THE ROLE OF THE INTERNATIONAL COMMUNITY

United Nations

The United Nations Verification Mission in Guatemala (MINUGUA) continued to play a central role in monitoring compliance with the 1996 peace accords. MINUGUA's reports contained detailed human rights analyses and indicated that significant aspects of the accords were still not implemented.

Guatemala maintained a standing invitation to the United Nations Commission on Human Rights to send special thematic rapporteurs to investigate human rights conditions in the country. In June, after a six-day official fact-finding mission, Hina Jilani, special representative of the secretary-general on human rights defenders, expressed concern regarding the climate of terror and insecurity in which the human rights community conducted its work. She noted the lack of commitment by the Guatemalan government to ensuring their protection and the general worsening of the human rights situation. Jilani, together with the U.N. special rapporteur on extrajudicial, summary, or arbitrary executions, issued an urgent appeal to the Guatemalan government to investigate death threats and guarantee human rights workers the right to life and physical integrity.

In August, the Committee on the Elimination of All Forms of Discrimination against Women offered a critical assessment of the institutions set up by the Guatemalan government to promote gender equality.

Organization of American States

In July, the Inter-American Commission on Human Rights (IACHR) sent a delegation to Guatemala to assess the situation of human rights defenders. The delegation met with President Alfonso Portillo and cabinet officials, as well as representatives of human rights, indigenous rights, and labor organizations. The delegation issued a statement at the close of its visit outlining its findings, including that “the Commission has found that no significant progress has been made in the investigation and punishment of those responsible for human rights violations.” It added that this failure was “one of the most important reasons for the persistence of impunity in Guatemalan society.” It urged the government to allocate greater resources to the attorney general’s office and other institutions charged with protecting human rights. The commission also described a “pattern of intimidation against human rights defenders.” Finally, it expressed “deep concern” over the reorganization of groups of former members of the PAC.

European Union

Political and economic relations between the European Union and Guatemala were strengthened in June with the adoption of a five-year cooperation agreement. The primary objective of the cooperation agreement was to improve conditions for the implementation of the 1996 peace accords by strengthening civil society and promoting respect for human rights.

United States

The U.S. government provided assistance—through the United States Agency for International Development (USAID)—to local efforts to investigate and prosecute past abuses, supporting the work of forensic teams exhuming clandestine cemeteries and of NGOs involved in human rights prosecutions. During her recently-ended term in Guatemala, Ambassador Prudence Bushnell intervened with the government on several occasions to press for increased protection for human rights defenders.

Since 1990, the U.S. Congress had maintained a ban on International Military Education and Training (IMET) and Foreign Military Financing (FMF) to Guatemala. The ban was modified after the peace accords were signed to permit training in expanded-IMET courses in the specific areas of civilian control over the military, military justice reform, and respect for human rights. According to embassy sources, in 2002, non-lethal training was provided to counter-narcotics units within the national police force, U.S. and Guatemalan military doctors set up medical clinics on military bases, and U.S. military lawyers participated in a military justice project aimed at reforming Guatemala’s military code.

The U.S. State Department revoked the visas of former top-ranking military officers, including former general Francisco Ortega Menaldo, who led the military intelligence unit, known as the “D-2” (formerly known as the “G-2”), that was implicated in numerous human rights violations. These visas were revoked under

a section of the law that authorized action against people known to have allowed or conspired in the trafficking of illegal narcotics.

HAITI

Haitians saw worsening political instability, economic stagnation, and popular discontent in 2002, as well as repeated eruptions of violence. After more than two years of political impasse, anti-government protests gained strength, with many thousands of Haitians taking to the streets in mid-November.

Human rights conditions remained poor, characterized by frequent allegations of police violence, arbitrary arrest, and wrongful detention, among other problems. Journalists came under serious threat, facing harassment, physical violence, kidnapping, and, in a December 2001 case, murder. With the moribund economy showing no signs of recovery, Haitians became increasingly impatient with the government’s apparent unwillingness or inability to address the country’s many chronic ills.

HUMAN RIGHTS DEVELOPMENTS

Little real headway was made toward ending the political stalemate dating from the local and legislative elections of 2000, which were marred by widespread fraud. As of mid-November 2002, Fanmi Lavalas, the party of Haitian President Jean-Bertrand Aristide, and the Democratic Convergence, the main opposition coalition, remained far apart in their positions, despite the negotiation efforts of the Organization of American States (OAS). Commenting on the deadlock, OAS Assistant Secretary General Luigi Einaudi complained that political leaders were unwilling to rise above their “entrenched personal positions,” in order to put an end to the “fragmentation and paralysis that [was] leading the country as a whole toward disaster.”

Only two months earlier, on September 4, the Permanent Council of OAS, warning of the “potential for humanitarian disaster” in Haiti, had passed a resolution supporting the unblocking of international financial assistance. By most estimates, several hundred million dollars in aid was involved, much of it having been suspended for years, although some humanitarian aid was being channeled through nongovernmental organizations.

A sixteen-point set of stipulations, OAS Resolution 822 outlined steps for strengthening democracy and re-establishing political stability in Haiti. It noted, in particular, the Haitian government’s promise to hold “free, fair and technically feasible legislative and local elections” in the first half of 2003. As a necessary first step toward those elections, it called upon the authorities to establish an independent, neutral, and credible electoral body (called the Provisional Electoral Council, CEP)

within two months. The deadline for the formation of the CEP passed in early November, however, without visible progress toward its establishment. Much of the opposition had refused to participate in the electoral preparations, claiming that the government had failed to implement other elements of Resolution 822 and previous OAS resolutions.

The opposition's obvious mistrust of government promises, and its disinclination to cooperate with government initiatives, was at least partially sustained by bitter memories of violent attacks carried out in December 2001. Early on the morning of December 17, several armed men wearing the uniform of Haiti's disbanded army stormed the National Palace in Port-au-Prince. Two police officers were killed in the attack, as well as two civilian bystanders and one of the assailants. The Haitian government immediately condemned the assault as a coup attempt, but a subsequent OAS inquiry found that there was no substance to this claim.

On the day of the palace assault, government supporters embarked upon a wave of political violence, unhindered by police. In Port-au-Prince, barricades of burning tires, erected by members of so-called *òganizasyon popilè* (popular organizations) aligned with the party of President Aristide, blocked the main roads. Mobs traversed the city freely, pillaging and setting fire to buildings associated with opposition parties and leaders. Such groups burned down the homes of opposition leaders Gérard Pierre-Charles and Victor Benoit, and looted and destroyed the headquarters of the Democratic Convergence, and of three political parties, KONAKOM, KID, and ALAH. Similar acts of violence, as well as a few killings, took place in several provincial cities, including Gonaïves, Cap-Haitien, Petit-Goâve, and Jérémie. According to numerous witnesses, police made no effort to prevent the widespread destruction.

The OAS's three-month investigation concluded that the palace assault was carried out with the cooperation of at least some members of the Haitian National Police. It noted, in addition, that in the wake of the assault some assailants used official government vehicles in attacking opposition buildings, and that several government officials distributed arms. The OAS report, which called for the prosecution of perpetrators of the attacks, also concluded that the government should pay "adequate and prompt reparations" to all organizations and individuals who suffered injuries or monetary losses in the attacks.

The OAS September 4 resolution reiterated these calls for accountability and financial recompense. But as of mid-November, while the government had reportedly offered nearly \$1 million in compensation to opposition parties, it had made little progress toward investigating and prosecuting those responsible for the attacks.

Amiot Metayer, named in the OAS report as a suspect in the attacks, was arrested on July 2, but was broken out of prison a month later. A former ally of President Aristide and a leader of one of the so-called popular organizations, Metayer was implicated in the attack on the Gonaïves home of opposition politician Luc Mesadieu, and the killing of Mesadieu's assistant, Ramy Daran, who was doused with gasoline and burned to death.

Metayer's dramatic escape, in the company of more than 150 other inmates, came about after heavily-armed men rammed a stolen tractor through the wall of

the Gonaïves prison. In the days before and after the jailbreak, the men, who belonged to a gang known as the Cannibal Army, staged several attacks on other local buildings. They initially demanded the ouster of President Aristide, and raised crowds of protesters estimated in the thousands. They also reportedly accused the government of orchestrating the December 17 attacks, a claim denied by government spokesmen. Within a week of the prison break, however, Metayer and his men renounced their calls for a new government, but still refused to return to prison. Metayer remained free and in control of much of the city of Gonaïves in early December.

Even more massive political protests took place in November 2002. In Port-au-Prince, university students protested against what they termed government interference in education, occupying university buildings and demanding new elections. The mobilization culminated in two marches that drew several thousand students. In Cap-Haitien, the country's second largest city, an estimated ten thousand or more demonstrators held a march in the city center on November 17, calling for the resignation of President Aristide. The following day, several thousand protesters poured into the streets of Petit-Goâve.

Freedom of the press came under serious threat in Haiti, as journalists were harassed, threatened, and attacked. On December 3, 2001, in the most serious incident, Radio Echo 2000 reporter Brignol Lindor was cut to pieces by a machete-wielding mob just outside of Petit-Goâve. The murder was believed to have been committed by Fanmi Lavalas supporters who were angered by Lindor's political reporting.

As of November 2002, ten suspected perpetrators had been indicted for the slaying, although it was not believed that any of them had actually been arrested for it. The mayor of Petit-Goâve, Bony Dume, was not among those indicted, despite the fact that he had urged government supporters to implement a "zero tolerance" policy against Lindor, a message widely understood as a call to murder.

There was even less concrete progress in the investigation into the April 2000 murder of prominent radio journalist Jean Dominique. Indeed, the investigation stalled for several months due to the government's inept handling of judges' assignments to the case. Judge Claudy Gassant, who had shown real initiative in pursuing the investigation during 2001, fled Haiti in January when his mandate for the case expired. After he left the country, a period of confusion ensued, and responsibility for the case was not clearly resolved until July.

Over the course of the year, at least thirty journalists were attacked or threatened, allegedly by pro-government partisans, and several journalists and their family members went into exile. Radio journalist Israel Jacky Cantave was kidnapped in July, held for a day and beaten; he fled the country in August. In May, Reporters without Borders, a Paris-based press freedom group, placed President Aristide on its blacklist of press predators.

The continued incarceration of former general Prosper Avril, despite a series of court orders mandating his release, raised concerns regarding the government's respect for legal institutions. Avril—who headed the country's government for two years after a 1988 coup and whose rule was characterized by egregious human rights abuses—was arrested in May 2001 on criminal charges. The prosecution of

Avril as part of a genuine effort to establish accountability for past abuses would have been welcome, but the circumstances and timing of the arrest suggested that it was politically motivated. The arrest came while Avril was signing copies of a book critical of the Aristide government, not long after having attended a highly-publicized opposition meeting. In June 2001, an appeals court ordered Avril's release because the arrest warrant against him had expired, but the order was ignored. In April 2002, the government complied with another court order for his release, but then rearrested Avril on charges of involvement in a 1990 massacre moments after releasing him. The investigating judge who signed the arrest warrant fled Haiti weeks later, claiming that the Haitian authorities had forced him to sign it. In October, for the third time, a court ruled that Avril should be released, but as of mid-November he remained in Port-au-Prince's national penitentiary.

The criminal justice system remained generally dysfunctional and abusive. While most crimes went unpunished—partially due to the extremely small size of the police force—some criminal suspects were dealt with violently. In choosing which crimes to pursue, the police seemed increasingly responsive to political influence. The government's stated "zero tolerance" approach to crime fighting continued to arouse concern, and allegations arose of people being abducted and killed by police. Claims of illegal and arbitrary arrests were also common.

Prison conditions were extremely poor. With space for about 1,260 inmates, the country's prisons held a total of more than 4,100, or more than three times their capacity. Prisoners received only one meal a day, resulting in high levels of malnutrition. Many prisoners suffered from diseases, including serious ailments like tuberculosis and HIV/AIDS.

Of all Latin American and Caribbean countries, Haiti continued to have the highest prevalence of HIV/AIDS. According to the United Nations, an estimated 12 percent of the urban population and 5 percent of the rural population were infected with the HIV virus. Many children were orphaned because of the disease.

The common practice of using "restavèks," or child domestics, frequently resulted in serious abuses. In April, the National Coalition for Haitian Rights, a respected human rights group, issued a report describing the practice and calling for its abolition.

DEFENDING HUMAN RIGHTS

Because of the extremely polarized political situation, as well as the general weakness of the rule of law, Haiti was a very difficult place for human rights defenders to work. Activists, as well as judges handling controversial cases, faced severe pressure and harassment.

Trade unionists also faced serious hazards. A May 27 union rally at the Guacimal plantation near St. Raphael, in the north of Haiti, was reportedly attacked by armed men, including members of Fanmi Lavalas. Two elderly peasants were reported killed by this group in the wake of the attack, and several union workers, peasants, and journalists were arrested, brought to Port-au-Prince, and arbitrarily detained for months. Two of the detainees, Jérémie Dorvil and Urbain Garçon, were report-

edly still being held as of mid-November. The rally had been called by the St. Raphael Guacimal Workers' Union to press demands for better working conditions and benefits.

THE ROLE OF THE INTERNATIONAL COMMUNITY

Using hundreds of millions of dollars of international humanitarian and development aid as a carrot, donor countries attempted to encourage improvements in democracy and the rule of law in Haiti. President Aristide, attempting an obvious analogy to the situation of Cuba, responded by repeatedly protesting the aid "embargo" (or even "economic blockade") imposed on the country.

United Nations

Because the new independent expert on the situation of human rights in Haiti had not yet been appointed, no report on Haiti was submitted to the 2002 session of the U.N. Commission on Human Rights. In March, Louis Joinet was appointed to the post, and he visited Haiti in September.

Organization of American States

OAS representatives, particularly Assistant Secretary General Luigi Einaudi, continued to be extremely active in seeking a negotiated solution to Haiti's political crisis, with the organization sending numerous missions to the country. Amid speculation that it would invoke the Inter-American Democratic Charter, the newly-adopted pact that outlines preventive measures to be taken when democracy is at risk in any OAS member state, the OAS Permanent Council also took up the matter, discussing the Haitian situation at a meeting in January. The resulting OAS resolution, which made reference to the charter, called upon the Haitian government to take steps to resolve the crisis, including by carrying out a thorough, independent inquiry into the December 17 violence.

In March, as a follow-up to the January meeting, the OAS and the Haitian government signed an agreement to establish an OAS Special Mission to Haiti. The mission, designed to assist the Haitian government in strengthening democracy, specifically in the areas of security, justice, human rights, and good governance, began operating in April.

The Inter-American Commission on Human Rights (IACHR) carried out two on-site visits to Haiti in 2002. In August, the commission issued a report stating that it was "deeply preoccupied by the weakness of human rights in Haiti, the lack of an independent judiciary, the climate of insecurity, the existence of armed groups that act with total impunity and threats to which some journalists have been subjected." The OAS special rapporteur for freedom of expression, who also visited Haiti in August, documented an increase in acts of harassment against journalists.

European Union

The European Union continued to withhold financial aid to the Haitian government, a partial suspension of funding generally estimated at about U.S. \$350 million. In January, the E.U. Presidency issued a declaration explaining the suspension, stating that democratic principles were still “not upheld in Haiti.” In July, the E.U. reiterated its reasons for suspending aid, stating that aid would resume only once there was a basic political agreement between the government and the opposition in Haiti.

United States

U.S. policy toward Haiti centered around concerns of drug-trafficking and immigration, particularly the fear that a Haitian meltdown would result in massive migration toward Florida.

Unlike Cubans, who under U.S. law were granted automatic asylum upon arrival in the country, Haitians were detained by the Immigration and Naturalization Service (INS) and then repatriated. Most Haitian migrants, however, never even made it to U.S. shores, but rather were picked up at sea by Coast Guard patrol boats. During the fiscal year that ended on September 30, 1,486 Haitians were interdicted at sea, a number comparable to that in previous years. The relatively small numbers of Haitians who did reach U.S. territory—like the 221 migrants whose boat landed in Key Biscayne, Florida, in October—were placed in mandatory detention while their asylum claims were processed, in accordance with an INS policy instituted in December 2001. In a legal brief submitted in November, the INS argued that releasing Haitian migrants from detention could trigger a mass exodus from Haiti, with “significant implications for national security.”

The United States reportedly canceled the visas of several Haitian government officials believed to be implicated in drug-trafficking and corruption. But the failure of the U.S. authorities to extradite or deport members of the coup-era high command resident in the United States, particularly Florida, continued to hinder Haitian efforts toward accountability for past abuses. Emmanuel “Toto” Constant, a notorious former paramilitary leader who was once on the payroll of the Central Intelligence Agency, remained in Queens, New York, having been extended protection from deportation. Certain Haitians implicated in coup-era abuses did face deportation, however. In March, the U.S. deported Capt. Jackson Joanis, a former police official convicted *in absentia* of the 1993 murder of pro-Aristide businessman Antoine Izmary. In April, the INS arrested Herbert Valmond, a former lieutenant colonel in Haiti, detaining him pending deportation. Haitian officials had issued a warrant for Valmond’s arrest in 1998 for his alleged role in the massacre of twenty-five Haitian peasants four years earlier.

Despite pressure from the Congressional Black Caucus and others, the U.S. maintained its suspension of direct aid to the Haitian government. Some \$55 million in aid to Haiti was channeled to nongovernmental groups.

MEXICO

In the second year of Vicente Fox’s presidency, Mexico took unprecedented steps toward establishing accountability for past abuses committed by state security forces. The government also continued its active cooperation with international human rights monitors, welcoming external scrutiny of the country’s compliance with international norms. Progress toward eliminating the obstacles to full compliance with these norms remained limited, however.

HUMAN RIGHTS DEVELOPMENTS

After decades of official secrecy and denial, the Mexican government publicly recognized the acts of political violence perpetrated by its security forces during the “dirty war” of the 1960s and 1970s. In November 2001, the National Human Rights Commission (Comisión Nacional de Derechos Humanos, CNDH) released a three thousand-page report on state abuses committed during that era. The report was based largely on information from secret government archives on more than five hundred people who had been reported missing. It confirmed that at least 275 of those missing had been arrested, tortured, and killed by state security forces. It also identified seventy-four former officials as being responsible for these crimes. (The CNDH did not reveal the names of the suspects, but did turn the list over to the attorney general’s office.)

The government took important steps toward eradicating the culture of secrecy that had prevented the Mexican public from learning about these and other political crimes. In June, the Fox administration released eighty million pages of secret intelligence files compiled between 1952 and 1985. President Fox also signed a national freedom of information law, passed by the national congress, which directed federal agencies to favor “the principle of publicity of information” over secrecy and to publish information regarding their basic operations in a routine and accessible manner. The law defined all government information as “public” and established a special standard for information pertaining to crimes against humanity or gross human rights violations, expressly prohibiting the government from withholding such information under any circumstances. The law also granted citizens the right to seek the release of information not already public, as well as to appeal official decisions to withhold documents.

Some states also made progress toward increased transparency. In April, the state of Sinaloa passed a freedom of information law and the governor of Michoacán convened a series of panels to discuss the possibility of doing the same.

The Fox administration committed itself to bringing to justice those responsible for past political violence. In November 2001, after receiving the CNDH’s report on forced disappearances, President Fox announced the creation of a special prosecutor’s office to investigate and prosecute these and other acts of violence com-

mitted by state security forces against opposition groups. The attorney general named Ignacio Carrillo Prieto to head the new office and announced that the office would receive all the resources needed to fulfill its charge. At this writing, the special prosecutor's office had received some four hundred complaints of "forced disappearances," as well as eleven complaints related to the 1968 Tlatelolco massacre and four complaints related to the 1971 "Jueves de Corpus" massacre. In July and August, the office summoned former President Luis Echeverría Alvarez and former regent of Mexico City Alfonso Martínez Domínguez to answer questions about the massacres. It was the first time a public prosecutor questioned high-level officials about these crimes. The interrogations produced little new information, however, as Echeverría Alvarez chose not to respond to the special prosecutor's questions (exercising his constitutional right against self-incrimination), and Martínez Domínguez denied all responsibility. In November, former general Luis Gutiérrez Oropeza also declined to testify before the special prosecutor.

The Mexican army took steps toward accountability in September, announcing that a military judge had ordered the arrest of Brig. Gen. Mario Arturo Acosta Chaparro, Gen. Francisco Quirós Hermosillo, and Maj.(Rtd.) Francisco Barquin on charges of homicide in the cases of 143 people who disappeared while in army custody during the 1970s. A conviction in these cases would represent the army's first official acknowledgment of its own responsibility for the human rights abuses committed during that era. It was unclear, however, whether the army intended to pursue charges against other senior officers (two of the three men facing charges, Brigadier General Acosta Chaparro and General Quirós Hermosillo, had already been incarcerated on drug charges). It was also unclear whether prosecutions before the military courts would interfere with the work of the recently created special prosecutor's office on those same cases.

In contrast to efforts to address past political violence, little was done to remedy the systemic problems of the Mexican justice system that had allowed these and other human rights abuses to go uninvestigated and unpunished. One of these longstanding problems was the fact that the justice system left the task of investigating and prosecuting army abuses to military authorities. When, for example, Valentina Rosendo Cantú, an indigenous woman in Acatepec, Guerrero, reported being beaten and raped by soldiers in February, the public prosecutor's office turned the case over to its military counterparts. Similarly, when Inés Fernández Ortega, an indigenous woman in Ayutla, Guerrero, reported being raped by patrolling soldiers in March, her case was also turned over to the military prosecutor's office.

The military justice system was ill-equipped to investigate and prosecute cases like these. Lacking the independence necessary to carry out reliable investigations, its operations also suffered from a general absence of transparency. The ability of military prosecutors to investigate army abuses was additionally undermined by a fear of the army, widespread in many rural communities, which inhibited civilian victims and witnesses from providing information to military authorities. In the cases of Rosendo Cantú and Fernández Ortega, rights advocates working with the two women reported that military authorities had shown no sign of proceeding with investigations into the alleged crimes.

Other prominent cases involving army abuses continued to languish in the military justice system. One was the case against soldiers who illegally detained and allegedly tortured environmental activists Rodolfo Montiel and Teodoro Cabrera in 1999. (The two men were freed last year after President Fox reduced their sentences.) Lawyers representing Montiel and Cabrera reported that the military prosecutors handling the case made no effort to advance it, and a civilian judge rejected their petition to have it transferred to civilian jurisdiction.

Another case involved alleged abuses committed by military authorities who jailed Gen. José Francisco Gallardo in 1993 after he publicly criticized the army's human rights practices. After President Fox ordered Gallardo's release in February, the former general sought to press charges against the military brass that had jailed him. Again, the public prosecutor turned the case over to the military justice system, which seemed unwilling to pursue a serious investigation of the case.

The civilian justice system also suffered from a lack of effective judicial oversight of police practices. The CNDH reported in July that the most common type of human rights violations reported by civilians involved abuses committed by police, including arbitrary detention and torture. Among the cases documented by the CNDH was the extrajudicial execution of three men in Jalisco state by federal police officers in January. The police captured the three men after one of them had shot and killed another police officer. Witnesses reported that the three men were executed while in custody. In March, Guillermo Vélez Mendoza, an alleged member of an abduction ring, was arrested by federal judicial police and died soon afterwards. The attorney general's office initially claimed that Vélez had died while trying to escape from the police, but a CNDH investigation concluded that Vélez had been subject to arbitrary arrest, abuse of authority, and murder—having been strangled to death. At this writing, the five police officers involved in the case remained free and it was unclear whether they would face trial or punishment.

The CNDH issued a special report on abusive practices within Mexico City's prisons, documenting extortion of prisoners by guards, as well as the imposition of solitary confinement for indefinite periods of time. There were also reports that children held in some juvenile detention facilities were forced to live in squalid conditions and were subject to beatings and sexual abuse.

Migrants were especially vulnerable to abusive practices by government agents. In December 2001, for example, a Dominican citizen was severely beaten in a Mexico City detention facility, allegedly by migration officials. In January, seven Mexican migrants from Chiapas state were detained by migration officials in the Sonora state airport and reportedly compelled to sign a statement identifying themselves incorrectly as Guatemalan citizens. After being detained for a week, the seven were deported to Guatemala. In June, Mexican soldiers in Baja California opened fire on a truck transporting five Mexican and twenty-three Salvadoran migrants toward the border with the United States, wounding eight, one seriously.

Legitimate labor organizing activity continued to be obstructed by collective bargaining agreements negotiated between management and pro-business unions. These agreements often failed to provide worker benefits beyond the minimum standards mandated by Mexican legislation, and workers sometimes only learned of the agreements when they grew discontented and attempted to organize inde-

pendent unions. Yet when workers sought to displace non-independent unions, they ran the risk of losing their jobs. For example, efforts to form independent unions in factories that produced for the Alcoa corporation in Piedras Negras, Coahuila, failed in October when management fired independent union leaders, elected in March, in one plant, as well as a slate of independent candidates who had announced their intention to run in future union leadership elections in another plant.

Mexican laws on defamation were excessively restrictive and tended to undermine freedom of expression. As a means of chilling investigative reporting, public officials and politicians sued journalists who published articles exposing alleged acts of corruption and embezzlement. Besides monetary penalties, journalists faced criminal prosecution for their alleged defamation of public officials. In April, for example, former Mexico City Mayor Rosario Robles filed criminal defamation charges against a journalist for an article that appeared in the daily newspaper *Reforma*, which reported on alleged corruption during the Robles administration. If convicted, the journalist could face up to two years in prison. In another case, an arrest warrant was issued in October against the director and seven correspondents of a newspaper in Chihuahua, who faced defamation charges for a series of articles that reported on corruption allegations against the former mayor of Ciudad Juarez, Manuel Quevedo Reyes.

Journalists occasionally faced violence at the hands of government agents. News correspondents reported being beaten by police in several states—including Chiapas, where police officers reportedly beat a correspondent in March, and Hidalgo, where police officers reportedly assaulted and broke the leg of a camera operator in June.

Mexico ratified a number of international human rights treaties, including, in March, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women, and, in April, the Inter-American Convention on Forced Disappearances. Ratification of the statute of the International Criminal Court was delayed after the Congress declined to vote on a proposal submitted by President Fox for a constitutional amendment that would remove potential legal obstacles to ratification. At the time of this writing, congressional leaders were debating whether to draft their own constitutional amendment before voting on the treaty.

DEFENDING HUMAN RIGHTS

Government officials and civilians who challenged abuses committed by members of security forces were vulnerable to violent reprisals. An officer of the Baja California state human rights ombudsman's office reported being subject to threatening phone calls from members of the Mexican border patrol ("Grupo Beta") after she began investigating charges that they had abused a group of forty-two migrants detained near the U.S. border.

In February, police in Ciudad Juarez, Chihuahua, gunned down lawyer Mario Escobedo Salazar under highly suspicious circumstances. Escobedo and another

lawyer had reported receiving telephone threats for three months from unidentified male callers who warned them that they would be killed if they continued representing two men who had confessed to a crime after having been illegally detained and allegedly tortured by police. Just prior to being killed, Escobedo called his father on his cell phone and said he was being pursued by police who intended to kill him. In April, a judge threw out criminal charges against seven police officers involved in the incident, accepting their claim that Escobedo had provoked his own death by opening fire on them.

Over a year after the shooting death of human rights lawyer Digna Ochoa in October 2001, government investigators had yet to resolve the case.

THE ROLE OF THE INTERNATIONAL COMMUNITY

United Nations

In April, the United Nations high commissioner for human rights, Mary Robinson, and Mexico's under-secretary of foreign affairs in the area of democracy and human rights, Mariclaire Acosta, signed the second phase of a technical cooperation program for Mexico. The program focused on assessing the human rights situation in the country, combating torture and ill-treatment, and promoting the rights of indigenous people. In July, the two parties agreed to open an in-country office of the U.N. rights agency that would work with the government and civil society organizations on the preparation of a national human rights program to address those issues, as well as on problems related to the administration of justice.

Throughout the year, Mexico maintained a standing invitation to the United Nations Commission on Human Rights (UNCHR) to send special thematic rapporteurs to investigate human rights conditions in the country. In February, the special rapporteur on the rights of migrants conducted a fact-finding mission to Mexico and the United States, finding that migrants were subject to violations on both sides of the border. In April, the special rapporteur on the independence of judges and lawyers presented the findings of his May 2001 mission to Mexico. His report attributed chronic impunity to a variety of factors, including corruption within the judicial system, harassment and intimidation of human rights defenders, and obstacles to communication between lawyers and imprisoned clients.

In August, the representative of the United Nations secretary-general on internally displaced persons visited Mexico to examine the situation of internal displacement. Finding that internally displaced communities lacked adequate legal protection and assistance, he urged the government to formulate a national policy on internal displacement.

Organization of American States

The Inter-American Commission on Human Rights sent its special rapporteur on the rights of migrant workers and their families to Mexico in July to participate in a series of "working meetings" with government officials and human rights

organizations. The commission also issued several recommendations to the Mexican government related to its handling of specific human rights cases.

European Union

The first Mexico-European Union summit under the Economic Partnership, Political Coordination and Cooperation Agreement between the two parties took place in Madrid in May. Participants reiterated their commitment to the promotion and implementation of the human rights provisions of the U.N. Charter and in international human rights instruments. The leaders agreed to strengthen political and economic coordination and cooperation.

United States

In March, in its annual human rights report, the U.S. Department of State described “impunity” and “disregard of the law” as being “major problems” in Mexico, especially at the state level. It observed that while the government “generally respected many of the human rights of its citizens,” there were still regions of the country “where a poor climate of respect for human rights presents special concern.” Despite such criticisms, however, the U.S. government did not pursue strong bilateral action to promote human rights, but focused instead on issues such as economic relations, immigration control, and narcotics.

Efforts that had been underway to develop a bilateral agenda to address migration and other issues—which had gained momentum prior to September 11, 2001—were largely abandoned by the Bush administration in 2002. In August, President Fox cancelled a visit with President Bush to protest the execution of a Mexican citizen in Texas.

PERU

While Peruvians had high hopes that the government of President Alejandro Toledo would make a decisive break with the authoritarian policies of his predecessors, his administration lacked a clear vision of human rights and often seemed to be improvising in the face of conflicting pressures. The truth commission established by caretaker president Valentín Paniagua in 2001 and supported by Toledo enjoyed credibility and wide public support, despite political attacks and budgetary problems. However, the quest for truth was not matched by comparable progress in the quest for justice, with prosecutors making little headway on key rights cases.

Important reforms were instituted in the national police force, but torture remained endemic. Prison conditions did not improve, and in some cases sharply deteriorated. Belated government proposals to reform the draconian anti-terror-

ism laws bequeathed by the Fujimori government did not address many due process concerns and added some new ones. In tackling these legacies, President Toledo faced considerable obstacles: a resurgence of activity by armed groups; a stagnant economy; popular unrest as living standards failed to improve; and a fractious opposition often critical of efforts to examine the past.

HUMAN RIGHTS DEVELOPMENTS

A car bomb explosion in a shopping center fifty meters from the U.S. embassy in Lima on March 20, the eve of a state visit to Lima by President George W. Bush, abruptly brought the issue of terrorism to the fore. The blast killed nine people and wounded at least thirty others. In June, the government announced that it had arrested and charged three alleged members of the Shining Path (Sendero Luminoso, S.L.) guerrilla group in connection with the attack. This and other incidents attributed to Shining Path brought renewed calls from politicians for tougher anti-terrorism measures. These security concerns complicated long overdue efforts to reform anti-terrorist legislation, which had been repeatedly criticized by the Inter-American Commission on Human Rights for violating due process guarantees.

In mid-June, the government imposed a thirty-day state of emergency in the southern city of Arequipa, to quell violent protests and looting. The protests began with a hunger strike by eight mayors protesting government proposals to privatize two electricity companies, allegedly in breach of a campaign promise. Two young people died and 150 people were injured during the six-day riots, which threatened to engulf Tacna, Cusco, and other cities. The protests subsided when Toledo promised to suspend the sale of the companies.

Between April and September, Peru’s Truth and Reconciliation Commission held televised hearings in rural towns across the country, devoted to the testimonies of victims of “disappearances,” extrajudicial executions, torture, rape, and massacres that took place from 1980 to 2000. The hearings were unprecedented in Latin America; all previous truth commissions had met behind closed doors. After years of official silence, the hearings brought home with tremendous emotional force the suffering caused by Peru’s twenty-year counterinsurgency effort.

The commission also participated in the exhumation of clandestine graves in Ayacucho province, permitting the identification of remains. In January, the remains of eight peasants were discovered in a grave in the district of Chuschi, identified, and returned to their relatives for burial. In August, bones belonging to nine victims were found in two graves in Totos, Cangallo province; five were positively identified. Both the Chuschi and Totos victims were believed to have been summarily executed in 1983 by government troops led by a captain with the nom-de-guerre of “Jackal” (“Chacal”). In response to the clamor of victims’ relatives for justice, the commission set up a unit to refer egregious cases to the courts immediately rather than waiting until it completed its work in July 2003.

The impartiality of the commission was repeatedly questioned by politicians belonging to the Popular American Revolutionary Alliance (Alianza Popular Revolucionaria Americana, APRA). APRA leader Alan García was president of the

country from 1985-1990, a period during which many of the most serious human rights violations took place. Although the government supported the commission, it was slow to make up its 60 percent share of the commission's budget; the remaining 40 percent was funded by other countries. In August, Salomón Lerner, the commission's chair, warned publicly that the commission would have to stop work within a week if U.S.\$3.3 million promised for 2002 was not received. Managers of a special fund administering monies recovered from corruption agreed to meet the sum and released U.S.\$1.5 million to tide the commission over.

Trials of officials implicated in human rights violations during Alberto Fujimori's rule continued, but progress was modest. On July 1, anti-corruption judge Saúl Peña Farfán sentenced Vladimiro Montesinos, Fujimori's close political advisor, to nine years and four months of incarceration for usurping the functions of the head of the National Intelligence Service (Servicio de Inteligencia Nacional, SIN). Montesinos, held at the naval base of Collao, faced criminal charges in seventy-five other cases. Along with Fujimori, he was charged with organizing the Colina Group, a death squad responsible for extrajudicial executions, torture, and "disappearances" in the early 1990s. In October, prosecutor Richard Saavedra filed charges against forty-four members of the group for the abduction and murder of journalist Pedro Yauri Bustamante on June 24, 1992.

Cabinet ministers and prominent members of Congress tried to prevent the prosecution of army commandos who had participated in an operation to free seventy-one people held hostage by guerrillas in the Japanese ambassador's residence in 1997. Fourteen members of the Túpac Amaru Revolutionary Movement (Movimiento Revolucionario Túpac Amaru, MRTA) were killed in the operation.

Some of the freed hostages reported having seen several of the guerrillas alive and in custody before they were killed. Forensic examinations carried out on the exhumed bodies established that eight of the guerrillas were apparently shot in the head after capture, or while defenseless because of injuries. On May 13, Judge Cecilia Pollack ordered the arrest of twelve senior army officers who participated in the raid. The ministers of defense and justice criticized the arrest warrants. Congress issued a statement of concern, and APRA and National Unity (Unidad Nacional, U.N.) legislators presented bills to award the accused an amnesty. On July 29, in a clear demonstration of official support, the implicated commandos led Peru's traditional annual military parade.

Although the amnesty initiative did not succeed, a military judge initiated parallel proceedings in a military tribunal, challenging the jurisdiction of the civilian court. On August 16, a Supreme Court panel ruled unanimously in favor of the military tribunal, on the ground that the operation took place in a district of Lima under a state of emergency at the time. It also ruled that the civilian court should retain jurisdiction over four of the accused, including Montesinos and then army commander-in-chief Gen. Nicolás de Bari Hermoza, whom the court claimed had acted outside the chain of command. In addition to awarding the case to a tribunal lacking independence and impartiality, the decision effectively prejudged one of the key issues of the trial: who had given the orders and on what authority.

In April, the attorney general appointed Felipe Villavicencio Terreros as Special Prosecutor on Forced Disappearances, Extrajudicial Executions and the Exhuma-

tion of Clandestine Graves. The post was created under a friendly agreement between the government and the Inter-American Commission on Human Rights reached in January 2001, by which the state accepted responsibility for 159 cases of "disappearances," mainly dating from the 1980s, and undertook to continue judicial investigations to clarify the fate of the 250 victims and bring the perpetrators to justice. The special prosecutor was also mandated to exhume and identify human remains. (There were believed to be more than five hundred clandestine burial sites across the country.) Unfortunately, the new office was seriously under-resourced. Dr. Villavicencio had two assistant prosecutors, but lacked full-time assistance from prosecutors at the local level, as well as a budget for a database.

There was little progress in the government's attempts to have Alberto Fujimori extradited from Japan to stand trial for corruption and human rights violations. In June, the cabinet approved a Supreme Court judge's request for the extradition materials to be filed. In early November, the bulky file was still being translated into Japanese. Fujimori's spokesman announced in July that he was planning to run for president again in the 2006 elections.

On July 26, President Toledo introduced a bill to reform Peru's draconian anti-terrorist laws, a legacy of the Fujimori government. The government hoped to allay international criticism by removing the laws' due process shortcomings, while making the laws more severe and ensuring that those convicted under the existing laws could not find procedural reasons to justify their release. In fact, the reform proposals created additional due process concerns: for example, those arrested for a second terrorist offense committed after serving their sentence for the first one could be interned as a "security measure" for up to thirty years, contravening the presumption of innocence, and detainees held on terrorism charges could be kept in custody for up to six years without a finding of guilt, if the investigation met with "special difficulty."

Torture remained a serious problem. The Human Rights Commission (Comisión de Derechos Humanos, COMISEDH), a respected nongovernmental human rights group, documented fifty-three cases involving seventy-seven victims from January 2001 through August 2002. Fifteen of the victims died as a result of torture. A law introduced in 1998 explicitly outlawing torture made little impact on the prevailing impunity for this serious crime: In the four years since its promulgation there were only three convictions. Many prosecutors failed to file complaints, or filed them for the lesser crime of "abuse of authority." In other cases, military prosecutors assumed jurisdiction under military laws that classified torture as a specific military offense. Often they investigated the crime in parallel with civilian courts, refused to cooperate with them, or formally disputed their jurisdiction.

Of particular concern in 2002 were reports of the torture of military recruits. By September, COMISEDH had documented nine such cases. On July 9, Rolando Quispe Berrocal, a nineteen-year-old recruit at the Domingo Ayarza army base in Huamanga, was woken in the night by three sergeants who allegedly doped him with an impregnated cloth and forced into his anus a talcum powder container into which a light bulb had been inserted. After he had been hospitalized and operated on for his injuries, army officials mounted guard around Quispe and threatened both him and members of his family. On July 24, the Ayacucho military prosecutor

charged him with lying, maintaining that he was a homosexual and had inflicted his injuries himself. He was sentenced the following month to thirty days detention and payment of damages of 1,500 soles (approx. U.S.\$416). At the same time, a military court opened an investigation for “abuse of authority” against those responsible for his torture.

Despite welcome improvements in the rules covering those convicted or held on terrorism charges, the prison infrastructure remained woefully deficient, and overcrowding was severe. Lima’s Lurigancho prison, for example, designed for 1,800 prisoners, housed around seven thousand. Prisoners slept huddled in rows on the floor of large pavilions. Prisoners with tuberculosis or HIV/AIDS (2.6 percent of inmates in 1999, most at an advanced stage of the disease) were treated by volunteers from Doctors Without Borders (Médicins Sans Frontiers); the state provided none. The population of the remote Challapalca high security prison in Puno, located at fourteen thousand feet in the Andes, doubled from fifty to more than one hundred in 2002. Due to its oxygen-thin air, isolation, and freezing temperatures, Peru’s human rights ombudsman and the Inter-American Commission on Human Rights had repeatedly called for the prison’s closure as a health hazard both to inmates and staff.

In August, the government promulgated an access to information law, aimed at promoting transparency in government. The law established that all information in the hands of the state was, in principle, public, and fixed penalties for refusal of access. The Peruvian Press Council described the law as a “step in the right direction,” but said that it had been approved in a hurry and without enough debate. In particular, it criticized a provision that allowed the cabinet to classify information as secret on overly broad national security grounds.

DEFENDING HUMAN RIGHTS

Edwar Alvarez, a lawyer working for the respected human rights group, the Institute of Legal Defense (Instituto de Defensa Legal, IDL), received death threats from José Eduardo Tomanguilla, a police lieutenant who had just been sentenced to ten years imprisonment for the torture and “disappearance” of Alejandro Trujillo in March 2000. Shortly afterwards Tomanguilla escaped from custody, raising concern for Alvarez’s safety.

As of this writing, the Peruvian Congress had yet to appoint a successor to Dr. Jorge Santistevan as human rights ombudsman. The ombudsman’s office had been without a titular head since December 2000, and had been headed provisionally by Santistevan’s deputy, Walter Albán. The ombudsman’s office continued to command credibility and wide popular support in Peru for its vigor and independence in defending human rights. In May, Human Rights Watch wrote to the president of Congress, Carlos Ferrero Costa, urging that a competent appointee be named quickly.

THE ROLE OF THE INTERNATIONAL COMMUNITY

United Nations

At the April session of the U.N. Commission on Human Rights, in a welcome development, Peru issued a standing invitation for visits of U.N. human rights monitoring mechanisms, putting it among only five countries in the Americas that had done so.

In August, the Committee on the Elimination of Discrimination against Women congratulated Peru on “great progress” in enacting legislation to combat discrimination against women. Several experts, however, noted that the electoral quota system for women had been disregarded in some parts of the country in the April 2001 elections.

Organization of American States

In April, the Inter-American Commission on Human Rights (IACHR) issued its conclusions in the case of U.S. citizen Lori Berenson, convicted of terrorism in June 2001 after a trial in a civilian court. The commission found that the trial violated the principle of legality, as well as Berenson’s due process rights. The commission’s observations centered on the 1992 anti-terrorism law on which the new trial was based. It also criticized the use of evidence obtained during her first trial by a military court. The commission called on Peru to redress the violations of Berenson’s rights and reform the terrorism laws.

During a visit to Peru in August, Marta Altolaguirre, a commission member, announced that Minister of Justice Fausto Alvarado Dodero had promised to implement the IACHR’s recommendation to close down Challapalca prison.

In October, the commission admitted for review a case presented by the human rights ombudsman’s office and a women’s rights group alleging that in three electoral districts the electoral authorities had failed to respect the 30 percent quota for women candidates.

United States

On January 7, the State Department released a group of thirty-eight declassified documents in response to a request from a Peruvian congressional committee investigating charges of corruption and human rights violations against Vladimiro Montesinos. Forty-one other documents obtained under the Freedom of Information Act by the National Security Archive, a Washington-based group, were published the same month. Both sets of documents provided valuable information for on-going court investigations into human rights violations in Peru. In September, during a visit by Toledo to Washington, the State Department announced that another fifty-four declassified documents would be released shortly.

In July, United States officials reportedly confirmed their intention to resume joint aerial drug interdiction missions in Peru. Such missions had been suspended in April 2001 after a missionary, Veronica Bowers, and her infant daughter were

killed when their plane was mistaken for a drug-trafficker's aircraft and shot down by a Peruvian fighter jet.

According to a press statement issued by the Association of Baptists for World Evangelism (ABWE) in March, "after being warned nothing would be done for our missionaries unless we agreed to release the U.S. government from responsibility for any payment for losses to our organization, ABWE has chosen to grant a release." Human Rights Watch learned that the United States was considering giving Peruvian pilots sole decision-making responsibility when the program was resumed, making it easier for the United States to deny responsibility for future mistakes resulting in death or serious injury. In August, Human Rights Watch wrote to President Toledo urging him to reject any such program if it entailed the unlawful use of lethal force against civilians, whether drug-traffickers or not.

VENEZUELA

Venezuela experienced extreme political turmoil in early 2002, which culminated in a failed attempt to oust President Hugo Chávez in April. After the attempted coup, Venezuelan society remained deeply polarized, political protests continued, and economic conditions worsened, leaving the country at risk of further violent conflict and jeopardizing democracy and the rule of law. The human rights situation was also marked by problems in the administration of justice, police abuses, and threats to freedom of expression.

HUMAN RIGHTS DEVELOPMENTS

Opposition to the Chávez government began to mount at the end of 2001, following the passage, by presidential decree, of forty-nine economic laws, including legislation covering land reform and tightening the government's control over the oil industry. On December 10, 2001, Venezuela's leading business association, Fedecámaras, led a one-day general strike to protest the new laws. Thousands of businesses across Venezuela, as well as the country's largest labor union confederation, the Confederation of Venezuelan Workers (Confederación de Trabajadores de Venezuela, CTV), participated in the strike. Members of the armed forces also began to take an overtly critical position; in February 2002, several high-ranking military officers called for Chávez's resignation.

On April 9, following labor disputes at Venezuela's national oil company, CTV and Fedecámaras called another general strike. Tensions increased when, on April 11, labor groups, business organizations, the political opposition, and members of civil society participated in a massive protest march to support the strike and to demand Chávez's resignation. Marksmen in civilian clothes in nearby buildings opened fire as some five hundred thousand people marched to the presidential

palace in downtown Caracas, where Chávez's supporters had gathered to oppose the march. Eighteen civilians died and more than 150 others were injured during the protest. Victims included both government supporters and members of the opposition, as well as a press photographer covering the event.

In the immediate wake of the violence, a group of senior military officers forced President Chávez from office. Pedro Carmona Estanga, head of Fedecámaras, acted briefly as the country's self-declared president. This rupture of the constitutional order gave way to a broader attack on the rule of law as Carmona dissolved the legislature, the Supreme Court, and the country's new constitution, which had been approved under Chávez in 1999 by a constituent assembly and a popular referendum vote. In addition, authorities conducted illegal searches and detentions of Chávez supporters during the days following the coup.

Street protests by Chávez supporters continued after he was removed from office, and rioting and looting occurred in the poor, western areas of Caracas. Some forty to sixty people were killed during this second eruption of violence. Most were believed to have been killed by security forces, including by the Metropolitan Police. Rapidly, military units also began to rise up in support of Chávez. Under mounting popular and military pressure, the short-lived Carmona government folded, and Chávez returned to power on April 14.

Although democratic institutions were restored, democracy remained at risk. Amid growing polarization in the military, further street protests, and the threat of more strikes, dialogue between the government and the opposition broke down, while Chávez continued to publicly disparage the opposition and the largely anti-government media. Sectors of the opposition continued to seek both constitutional and extra-constitutional means to oust him from office.

Street violence broke out again on August 14 when the Supreme Court, previously considered to be loyal to Chávez, voted by eleven votes to eight to dismiss charges against four senior military officers accused of plotting his overthrow in April. Chávez responded to the verdict by announcing that the judges responsible for the vote would be investigated for drunkenness and falsifying documents, and said he was considering reforms to the constitution. Meanwhile, opposition leaders advocated a referendum and the filing of criminal charges against the president.

In September, in an effort to block demonstrations, the government restricted freedom of movement in the areas surrounding six key military installations, a state radio, and a state television center, designating them as "security zones." The constitutionality of the move, based on a little-used 1976 law, was questioned by the opposition and human rights groups.

Anti-Chávez strikes and marches continued. On October 22, a group of fourteen military officers, including some generals and admirals, declared that they were in "legitimate disobedience" of the Chávez government and called on other members of the armed forces to join them. The generals said that they considered the square where they read out the declaration—the Plaza Francia, in Caracas's upscale Altamira district—to be "liberated territory." The opposition used the square for further protest activities, and began to collect signatures for a referendum to force Chávez's resignation. Meanwhile, more generals joined the group. On November 4, scores of people were injured, including an Ecuadorian cameraman who was shot

but saved by his flak-jacket, when pro-government demonstrators tried to prevent government opponents from presenting a list of referendum signatures to the National Electoral Council.

Human rights conditions suffered in this highly polarized environment. By early November, only four people had been detained in connection with the April shootings. Video footage taken during the protest march suggested that two members of the Metropolitan Police (under the command of an anti-Chávez mayor), one member of the National Guard, and at least eleven civilians fired their weapons. Most of the civilians were said to work for, or to have worked for, the Chávez government. Efforts by the legislature to establish a truth commission to determine responsibility for the April deaths stalled when government and opposition legislators were unable to agree on its composition and authority. A draft truth commission law proposed in May by a group of nine human rights nongovernmental organizations (NGOs) was weakened during initial deliberations in the legislature. Membership criteria were relaxed, and the powers of the proposed commission were reduced, casting serious doubts on its future credibility, independence, and effectiveness. By early November, the law had still not been approved.

This failure to make progress in investigating the April violence was symptomatic of endemic problems within the Venezuelan justice system as a whole. The attorney general's office and the judiciary—under-funded and inefficient—proved incapable of dispensing justice efficiently and impartially.

“Social cleansing”-type killings by police forces continued to be a grave problem, especially in the provinces. In the state of Portuguesa, a self-styled “extermination group” composed of off-duty members of the state police and National Guard was responsible for killing alleged street criminals and drug-users. In a study released in October 2001, the Human Rights Ombudsman, a state body charged with the promotion and defense of human rights, reported that a second extermination group had appeared in the state, and that these groups were believed to have committed 105 killings in Portuguesa in 2000-2001. They were reportedly financed in part by local storekeepers. Similar extermination groups were reported to be active in the states of Falcón, Yaracuy, Anzoátegui, Bolívar, Miranda, Aragua, and Zulia.

At this writing, fourteen policeman were in detention in Barquisimeto, state of Lara, facing charges for killings in Portuguesa. In most cases the judiciary either failed to detain and charge those responsible for killings attributed to the police, or trials were subject to excessive delays. Victims' family members and lawyers suffered death threats. Miguel Ángel Zambrano, a former inspector of the Portuguesa police who had carried out investigations into the activities of the death squads, kept receiving anonymous death threats by telephone, and was beaten and threatened by police officers who confronted him in person. Unidentified individuals he believed to be linked to the police shot at him twice, leading him to go into hiding. In Falcón, the state police commander lodged criminal complaints against people who denounced killings for “insulting the police.”

Prison conditions in Venezuela remained inhumane. Levels of inmate violence were extremely high, abetted by insufficient staffing and equipment, widespread corruption among guards, and the unchecked entry into prisons of narcotics and firearms. Five prisoners died and some twenty were injured during a May prison

riot in El Rodeo prison in Guatire. According to interior and justice ministry figures, there were eighty-four shooting deaths and forty-two stabbing deaths in Venezuelan prisons between January and May.

Although Venezuela's record on freedom of expression attracted a great deal of international criticism, there were some positive aspects: There was no censorship of print media prior to publication, journalists were not imprisoned, and the press was free to say what it wished. Indeed, much of the media clearly sympathized with the opposition, advocated opposition positions, and used bold language in criticizing the government.

Nonetheless, on occasion the government openly interfered with private television programming by forcing private media stations to transmit government-supplied broadcasts. This interference was particularly pronounced during the week of the failed coup, when the Chávez government repeatedly interrupted scheduled programming to air its views on the political situation. On April 11, the Chávez government temporarily halted the transmission of the main private television stations altogether.

State interference with private programming diminished dramatically following the events of April. However, as before, President Chávez launched regular tirades against members of the news media during his weekly *Aló Presidente* radio program, using strong and offensive language. Given the polarized political situation, Chávez's aggressive attacks on his press critics risked being interpreted by his supporters as an incitement to violence.

Indeed, local journalists did receive serious threats and, in some instances, were subject to violent physical attacks. At least twenty-five journalists sought protective measures from the Inter-American Commission on Human Rights. On February 21, Chávez supporters disrupted an anti-Chávez protest at the University of Venezuela (Universidad de Venezuela), reportedly attacking members of the press with sticks and stones, and injuring a journalist and a cameraman. Lina Ron, a prominent Chávez supporter who participated in the incident, was arrested and briefly jailed for her alleged involvement in the riot.

In addition, an unidentified assailant threw an explosive device at the offices of the Caracas newspaper *Así Es La Noticia* on January 31. Another unidentified attacker threw a grenade at the Caracas offices of the television station Globovisión on July 9. In the early morning of September 13, the station of Promar TV in Barquisimeto, was hit by fire bombs. Previously the station director had received death threats. Although no one was injured in these attacks, they caused material damage and intimidated employees. No arrests were made in connection with these incidents.

The Chávez government continued to undermine the independence of labor unions. New union elections held under the supervision of the National Electoral Council (CNE), a state body, occurred in the fall of 2001. On October 25, 2001, Venezuela's largest trade union federation, CTV, participated in the state-supervised election process and elected Carlos Ortega as its president. However, the CNE refused to approve the results of the election, claiming that there had been irregularities. Although the Supreme Court urged the CNE to make a final decision as to the election's legitimacy, by November it had not done so.

Applications for asylum by Colombians more than doubled in the first eight months of 2002, probably because of the breakdown of peace negotiations in neighboring Colombia in February. Most Colombian asylum seekers lived in complete economic insecurity and legal limbo. In October 2001, a new Organic Law on Refugees and Asylum Seekers entered into force, prohibiting the forcible return of asylum seekers until their applications had been decided, and establishing a National Commission for Refugees to consider asylum applications. By the end of October, however, legislation regulating the composition and powers of the commission had still not been approved, meaning that there was no body to process applications. In September, William Spindler, a spokesperson of the regional office of the United Nations High Commissioner for Refugees, said that more than a thousand refugees from Colombia were awaiting a decision, of whom about half had filed their applications in 2002. They included human rights lawyers and trade unionists who had received death threats from both paramilitaries and guerrillas.

DEFENDING HUMAN RIGHTS

Human rights defenders came under increasing pressure in 2002. In April and May, Liliana Ortega, executive director of the Committee of Relatives of Victims of the Events of February-March 1989 (Comité de Familiares de Víctimas de los Sucesos de Febrero-Marzo de 1989, COFAVIC), a respected nongovernmental human rights group, received threats via telephone and electronic mail. The Venezuelan authorities provided her and COFAVIC with police protection, and the attorney general opened an investigation into the threats. However, COFAVIC reported that little progress was made in this investigation.

THE ROLE OF THE INTERNATIONAL COMMUNITY

United Nations

On April 15, in the immediate wake of the failed coup, U.N. Secretary-General Kofi Annan called President Chávez to express satisfaction that the restoration of constitutional order in Venezuela was underway. He appealed for national reconciliation and stressed the importance of maintaining an inclusive democratic system. As coup rumors intensified again in early October, the secretary-general issued a statement urging patience and moderation, and supporting international efforts to promote dialogue.

Venezuela was expected to defend its record in implementing the rights codified in the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment before the Committee against Torture in May. However, due to the failed coup attempt, the committee granted Venezuela an extension until November. In previous reviews of Venezuela's record of compliance, the committee expressed grave concern with the high number of cases of torture and abuse in the country, as well as with the state's failure to bring those responsible to justice.

Organization of American States

The Organization of American States (OAS) applied the newly-created Inter-American Democratic Charter for the first time during the April political crisis in Venezuela. Approved by the Permanent Council of the OAS and subsequently ratified by the foreign ministers of OAS member states in September 2001, the charter was designed to protect democracy in the region. It codifies the OAS's power to suspend member states deemed undemocratic and sets up mechanisms for responding to coups and other threats to democracy.

As prescribed in the charter, the Permanent Council convoked an emergency meeting regarding the coup on April 13, following a request by Latin American foreign ministers. The Permanent Council issued a resolution condemning the alteration of constitutional order and stating that the alteration justified an application of the charter. The Permanent Council further resolved to send a mission headed by the OAS secretary general to Venezuela immediately to promote democratic normalization. At an emergency meeting of the General Assembly on April 18, the secretary general presented the findings of this mission, noting concern for the excessive polarization in Venezuelan society and the dangerous practice of political advocacy within the armed forces.

The OAS sent two additional fact-finding missions to Venezuela in 2002. First, the executive secretary of the Inter-American Commission on Human Rights (IACHR) of the OAS traveled to Venezuela in February to investigate the status of freedom of expression in the country. He expressed concern regarding the violence that had occurred against members of the media and noted that statements by high-ranking public officials against the media could lead to acts of intimidation or self-censorship. Second, the president of the IACHR led a mission in May to evaluate the human rights situation in Venezuela. Among other things, the president underscored the need for an in-depth, impartial, and objective investigation into the crimes committed in April.

Continuing to monitor democracy in Venezuela, the General Assembly of the OAS adopted a resolution on June 4, pledging to provide Venezuela with support to consolidate the democratic process and urging the Venezuelan government to accept OAS assistance in promoting national dialogue in its reconciliation process. In September, the OAS, the United Nations Development Program, and the Carter Center formed a tripartite group aimed at facilitating dialogue. Following a five-day visit to Venezuela, the group drafted a Declaration of Principles for Peace and Democracy, committing government and opposition to reject violence and seek peaceful agreement. By the end of October, the government and some opposition parties, excluding the two largest, had signed the declaration.

In August, the Inter-American Court of Human Rights ordered Venezuela to pay compensation amounting to U.S.\$1,559,800 to the relatives of thirty-seven people killed by security forces during a February 27, 1989 popular revolt, known as the Caracazo.

European Union

In May, the European Parliament adopted a resolution on the second Summit of Heads of State and Government of Latin America, the Caribbean and the European Union, expressing “concern over the events that took place in Venezuela in connection with the attempted coup d’état against President Chávez.” On October 8, the European Union issued a statement backing the mediating efforts of the tripartite group and the OAS secretary general.

United States

In contrast to the reaction of Latin American governments, the United States failed to immediately condemn the April coup as an interruption in the constitutional order. Rather, on April 12, in an initial State Department statement, the U.S. blamed the Chávez government itself for precipitating the coup, stating that “undemocratic actions committed or encouraged by the Chávez administration provoked” the crisis. But the next day, as the illegal actions of the de facto government continued, the U.S. voted in favor of the OAS resolution condemning the coup attempt. In September, amid further coup rumors, the U.S. embassy in Venezuela issued a declaration unequivocally stating its opposition to any illegal disruption of constitutional rule in Venezuela.

The United States also supported OAS efforts to mediate the political crisis in Venezuela. On June 3, at an OAS General Assembly meeting in Barbados, U.S. Secretary of State Colin Powell said that Venezuela should avail itself of OAS mechanisms to strengthen democracy.