

## INTRODUCTION TO THE WORK OF AMERICAS WATCH

In 1989 Americas Watch made an effort to monitor human rights in those countries that had not previously been the subject of our study in our nine years of operation. For the first time we sent fact-finding missions to investigate human rights in Mexico and Venezuela, and reports on those missions will be published in 1990. We also sent a separate mission to Mexico to look at prison conditions as part of the Prison Project of Human Rights Watch. We also sent two missions to the Dominican Republic, to monitor forced labor by Haitian cane cutters in the batey system, and we published a report on the subject jointly with the National Coalition for Haitian Refugees and Caribbean Rights. At the same time, we maintained our efforts in all the Central American, South American and Caribbean countries on which we had focused in previous years.

In 1989, Americas Watch continued to look into "endemic" abuses of human rights. We have investigated prison conditions and abusive police violence in several countries, and we have begun to look at the way rural violence takes place in different settings. In all cases, our focus is on the "institutional response" to each incident: tolerance of such abuses by the government (as by failure to prosecute), or active encouragement of violence, are often crucial factors.

Another concern of Americas Watch has been the proliferation of "private armies" or paramilitary groups. These have long played an important role in political violence in Central America. In Colombia, paramilitary groups directed by the drug cartels, but enjoying support from well-placed members of the military, have become by far the most important factor in the political violence, which in recent years has produced more deaths than in any other Latin American nation. This development has forced Americas Watch to take a closer look at the implications of the drug trade -- and of drug interdiction policies -- for human rights. The drug policy announced by President George Bush in September 1989, which relies largely on military solutions to the problem in four or five Latin American countries, has a potential for severe violations that may not have been adequately considered.

In connection with the offensive by the insurgents in El Salvador in November and December, Americas Watch again commented critically about the way American officials dealt with serious abuses committed by the Salvadoran government. We investigated the killings of the Jesuit priests at the scene within hours of the murders, gathered compelling circumstantial evidence implicating the Army, denounced efforts to exculpate the armed forces and were gratified when the pressure we helped to generate made it impossible for the Cristiani government to continue to deny the obvious. We are maintaining the pressure to try to see that all those responsible for these killings are prosecuted and punished. We have continued to use international mechanisms as a means to seek redress for individuals, and as a forum. In 1989 the Inter-American Court of Human Rights issued a second decision against Honduras for disappearances. As in the previous case, we took part in representing the family of the victim. As a result of this case, we have been besieged by requests to undertake additional

litigation and we are providing counsel to aid Latin American human rights groups in twenty-five cases before the Inter-American Commission on Human Rights. We have obtained assistance from law students with internships in our offices, and are enlisting law firms to work with us on a pro bono basis. All the cases we work on raise important and novel issues of international law and policy.

As Latin America continues to evolve from military dictatorships to elected democracies, we find ourselves fighting a trend to ignore human rights violations if they take place under a government generally considered democratic. We recognize, of course, the advantages of an open and pluralistic political system in which a free press publicizes human rights abuses and where human rights activists may join monitoring organizations. Yet we also insist on applying the same standards regardless of the nature of the government, and on demanding that democratic institutions (courts, prosecutors, legislators, the Executive Branch) fulfill their duties to protect human rights. We fear that in many Latin American countries a superficial form of democracy is taking root. In such countries as Guatemala (to cite an extreme case) the forms of electoral democracy are practiced, while military rule and military terror remain the reality for much of the population, especially its Indian majority.

Our own vision of democracy which includes development of the institutional mechanisms to establish the rule of law and to undergird the voluntary associations that make up civil society, guides us in investing much effort to strengthen our links to the growing human rights movement in the continent. In the long run, we believe, human rights will be enjoyed by all only when civil society produces pluralistic, professional, highly respected free associations for the promotion and protection of fundamental freedoms; and when the legal system is capable of protecting all; and when no individual or class is exempt from prosecution and punishment for the crimes they commit.

Juan E. Méndez  
Executive Director  
Americas Watch  
ARGENTINA

In January 1989, a small leftist group attacked a military unit in La Tablada, a suburb of Buenos Aires. In April, Juan E. Méndez conducted an inquiry focusing on complaints that the attackers who survived were mistreated, and that four or five were murdered after surrendering. Méndez published an article in The Miami Herald on La Tablada and a report was published as a News From Americas Watch. In conversations with officials of the administration of President Raúl Alfonsín, we called for a full investigation of the deaths. In a subsequent visit to Buenos Aires in September, we expressed concern to the new government of President Carlos Menem that the post-surrender killings were not being investigated properly.

In contacts with the Argentine government in New York and Washington, we opposed the planned presidential pardon of military leaders for the crimes of the "dirty war." Also, Aryeh Neier published an op-ed article in The New York Times calling attention

to the purge of judges and prosecutors who had conducted the trials of military officers. In October, President Menem pardoned all but six of the high-ranking officers responsible for those crimes. Further pardons have been anticipated, but have not taken place at this writing, possibly because of the criticism they aroused. In December, Board member Robert K. Goldman met in Buenos Aires with Justice Secretary César Arias to oppose pardons for the remaining defendants. He also pressed the need to investigate the murder of La Tablada attackers, and complained about disciplinary proceedings against prosecutors in important human rights cases. Those three items continue to be our major concerns as Argentina enters a new decade in the midst of economic and political uncertainty.

#### BRAZIL

Among the most appalling abuses in 1989 in Brazil was the February killing by suffocation of 18 inmates in a punishment cell in a Sao Paulo jail. Americas Watch alerted the U.S. press to this event and Stephen Kass traveled to Sao Paulo within days of the tragedy. During his trip, which attracted wide media attention, he visited the scene and met officials. Americas Watch has pursued this issue within the Inter-American Commission on Human Rights of the OAS.

In April, we published "Prison Conditions in Brazil." This report was translated into Portuguese and published by four Sao Paulo-based human rights organizations in September. The release of that report coincided with a trip to Brazil by Juan Mendez and Joanna Weschler who participated in a press conference and gave media interviews to publicize it.

While the September trip included a follow-up to the prison investigation -- the delegation also visited a jail in Sao Paulo with particularly bad conditions and reported the findings in a News From Americas Watch -- the main focus was on rural violence that is tolerated by the authorities. Mendez and Weschler traveled to Goiania, Brasilia and Rio de Janeiro to lay the groundwork for a major fact-finding effort in 1990.

#### CHILE

Americas Watch continued its concentration on Chile, monitoring the year of transition between the presidential plebiscite on October 5, 1988, and the presidential and parliamentary election of December 14, 1989. Two missions were sent to Chile: the first mission in August-September to investigate conditions leading up to the election; the second, at the time of the elections, to discuss accountability for past abuses with future political leaders. In addition to a critical analysis of the electoral process designed by the military regime and its limitations, a report published in November included information on the legal complications of the transition and ongoing severe -- though less frequent -- human rights abuses including political homicide, torture, woundings, beatings by official personnel, threats, violent and illegal house searches, lack of respect for due process, the internal exile of two labor leaders, and suppression of peaceful gatherings, among other abuses. The report also noted areas of improvement including greater tolerance of expression and the negotiation of constitutional reforms which were approved in a plebiscite on July 30.

One central issue of the transition has been the possibility of seeking truth and justice regarding the gross human rights violations of the Pinochet regime; Chile's military has amnestied itself for crimes committed between the day it seized power -- September 11, 1973 -- and March 10, 1978, when the armed forces considered that the "internal war" stage of their government had been completed. General Augusto Pinochet has promised that the day even one of his men goes to trial, "the state of law will come to an end." Americas Watch policy on accountability stresses the primary importance of exposing the truth, while urging also that trials and punishments be sought for the highest level officers in charge of policies of gross abuses.

#### COLOMBIA

In April, Americas Watch published a comprehensive report, "The Killings in Colombia." It documented the dominant role in political violence of paramilitary groups led, trained, armed, recruited and financed by the Medellín Cartel; and that the multiple murders perpetrated by these groups are only possible because well-placed officers of the Colombian military provide them with intelligence, select targets and ensure impunity. The report also criticized the actions of military leaders in hampering investigations by courageous judges and prosecutors. Towards the end of the year, the report was published in Spanish in Colombia with the cooperation of two prestigious academic centers.

In July we published a News From Americas Watch on bold measures by the government of President Virgilio Barco to crack down on these groups, praising those measures, though we noted the lack of progress in disciplining accomplices of these groups in the Armed Forces. We believe that the murders of Judge Carlos Valencia and Senator and Presidential candidate Luis Carlos Galán in August were reprisals by the Medellín Cartel against Barco's measures. These murders, in turn, sparked the bloody "war" on the drug traffickers that took place between August and December 1989. Though costly to Colombian society, that war apparently disrupted some networks of drug traffic and placed the paramilitary groups on the defensive.

The Bush Administration's plans for Colombia emphasize the military component of the "war on drugs" and involve considerable aid to the Colombian Army. No effort has been made to ensure that the Army is cleansed of high-ranking officers in the provinces allied to the cartels in the fight against left-wing guerrillas, and accomplices of the paramilitary groups in their many massacres of suspected leftists.

#### CUBA

The emerging human rights community in Cuba suffered greatly in 1989. After allowing human rights monitors and other independent activists to function without reprisals from 1987 through the first half of 1988 -- when international scrutiny of Cuban rights practices was at its height -- the Cuban government began again to imprison peaceful activists in September 1988, at the time of the investigation in Cuba by the United Nations Commission on Human Rights. In January 1989, Americas Watch published an 111-page report, "Human Rights in Cuba: The Need to Sustain the Pressure"

timed to coincide with UNCHR consideration of Cuba at its annual meeting in Geneva. On June 15, 1989, The New York Review of Books published "Cuba: The Human Rights Show" by Aryeh Neier on the failure of the U.S. government and the UNCHR to address effectively the human rights situation in Cuba.

Americas Watch launched numerous campaigns on behalf of imprisoned human rights monitors including those arrested for attempting to meet with the U.N. delegation; members of the nascent Asociación Pro Arte Libre; Human Rights Party members arrested during the April visit of Mikhail Gorbachev; and the August arrests of three human rights leaders. In July, an Americas Watch newsletter, "Human Rights Activists Behind Bars in Cuba," was issued shortly before the 36th anniversary of the 26 July revolutionary movement. In October, the Cuban government turned down Americas Watch's request to observe the trial of three leading human rights monitors. Juan Méndez published a letter about the denial in The New York Review of Books on December 7, 1989.

Kenneth Roth testified on Cuba before the House Subcommittees on Western Hemisphere Affairs and Human Rights and International Organizations. Mary Jane Camejo spoke on human rights at a conference on "Thirty Years of the Cuban Revolution," in Halifax, Nova Scotia in November. The Washington Post published an op-ed by Neier, "Cuba Follows China," on August 22, 1989.

#### DOMINICAN REPUBLIC

In 1989, Americas Watch began to investigate forced labor by Haitian sugar cane cutters on Dominican state-run sugar plantations. Together with the National Coalition for Haitian Refugees and Caribbean Rights, in November we published a report on the "bateys": "Haitian Cane Cutters in the Dominican Republic." The report is based on two fact-finding missions to the D.R. in April and June 1989 and two fact-finding missions to Haiti in June and October 1989. Participants in the missions to the D.R. included Maryse Fontus, Stephen Kass and Marina Kaufman for Americas Watch; Caleb Morales de León of Caribbean Rights (CR); and Jocelyn McCalla of the National Coalition for Haitian Refugees (NCHR). Participants in the missions to Haiti included Fontus, Kenneth Roth, Mary Jane Camejo, Anne Fuller of NCHR and Michael McCormack of CR.

In 1989, the U.S. Trade Representative accepted for review a petition filed by Americas Watch challenging abuses of labor rights by the Dominican government's State Sugar Council (CEA). Americas Watch seeks to pressure the U.S., the Dominican Republic's largest trading partner and consumer of sugar, to use its leverage to curb Dominican government abuses.

#### EL SALVADOR

1989 was a watershed year in El Salvador, as in much of the world. In June Alfredo Cristiani became president, thus giving the ARENA party, which has long been linked to paramilitary death squads, control of all three branches of government. In November, FMLN guerrillas launched their most powerful and sustained military attack of the decade. Americas Watch worked in El Salvador throughout the offensive to document the killing of civilian non-combatants and the marked deterioration of human rights conditions -- including the Army slaying of six Jesuit priests and two women

on November 16.

Americas Watch produced two reports on the offensive, "Carnage Again" (November 24) and "Update on El Salvador" (December 16), which highlighted the collapse of political space and the worsening human rights climate. In 1989, Americas Watch also produced two newsletters on El Salvador, "Human Rights on the Eve of the Elections" (March) and a September News From Americas Watch on the detention of soldiers involved in the 1988 massacre of ten peasants in San Sebastian.

In March Americas Watch filed another petition with the U.S. Trade Representative, asking that El Salvador's trade benefits be reviewed on labor rights grounds. Once again, the USTR refused to review the petition, which documented a pattern of killings, abductions and other abuses against workers in El Salvador.

A December op-ed article by Peter Bell in the Los Angeles Times focused attention on political developments in the aftermath of the battle for San Salvador. Testimony by Aryeh Neier in June before the Senate Subcommittee on Immigration and by Holly Burkhalter in July before the House Subcommittees on Western Hemisphere Affairs and Human Rights further spotlighted violations.

The information for the publications and testimony was based on day-to-day fact-finding in El Salvador conducted by the office Americas Watch has maintained there for the past five years. Jemera Rone, James Goldston and Robert Weiner conducted these investigations.

#### GUATEMALA

Americas Watch continued to monitor closely the worsening human rights situation during President Vinicio Cerezo's fourth year in office. Robert O. Weiner traveled to Guatemala in January to investigate the November 1988 massacre of 22 peasants in El Aguacate. Our findings were published in a February report which took issue with the government's story blaming guerrillas. Although not conclusive, our report described evidence suggesting army involvement.

Throughout the year, particular attention was paid to the increasing military campaign against the nation's independent human rights institutions, which were buffeted by a wave of killings, disappearances, threats, grenade attacks, and other persecution. A report about the nation's first rural human rights group, Persecuting Human Rights Monitors: The CERJ in Guatemala,<sup>1</sup> was issued following a mission by Jean-Marie Simon and Kenneth Anderson.

Racquel Ackerman, Marina Kaufman, Anne Manuel and Ken Roth traveled to Guatemala in April to press our concerns with officials and to investigate continuing abuses. Other fact-finding visits were conducted by Weiner and by James A. Goldston. A comprehensive report is going to press at this writing. Other publications during 1989 included two issues of News From Americas Watch, "Guatemala: Labor Activist Murdered as Rights Abuses

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<sup>1</sup> CERJ is the acronym, partly in Spanish and partly in Quiché, of the Council of Ethnic Communities "We Are All Equal."

Deepen," and "Guatemala: Renewed Violence Against Students." Throughout the year, Americas Watch conducted case work on behalf of victims of violent abuses in Guatemala. In February hearings before the House Subcommittee on Foreign Operations, Juan E. Méndez testified about human rights in Central America, with special emphasis on Guatemala.

#### HAITI

Americas Watch the National Coalition for Haitian Refugees (NCHR) and Caribbean Rights (CR), published a 126-report, "The More Things Change ... Human Rights in Haiti" in February 1989. The report covers abuses in 1988 under the successive governments of Gen. Henri Namphy, Leslie Manigat, and the current president Gen. Prosper Avril. It portrays increasingly open and brutal repression. Unfortunately, the situation deteriorated further later in the year.

In September, Americas Watch and NCHR issued a 15-page newsletter, "Human Rights in Haiti, One Year Under General Prosper Avril" which described recent attacks on opposition groups and political parties, the press, and the campaign of "insecurity."

In September/October, Americas Watch joined three other organizations in a mission to Haiti. Participants were Kenneth Roth and Mary Jane Camejo; Anne Fuller of NCHR; Michael McCormack of CR; and Adama Dieng of the International Commission of Jurists. The delegation met with Gen. Avril and other military and police officials; human rights monitors; opposition political leaders; and with popular organizations in the Artibonite Valley, the Jean Rabel region and Petit and Grand Goave. A follow-up mission took place in January 1990. A report based on the October and January missions was published in February 1990.

Kenneth Roth testified on Haiti before the House Subcommittee on Western Hemisphere Affairs in March 1989.

#### HONDURAS

The human rights situation remained troubling in Honduras, with perennial issues of torture, selective repression, and impunity dominating our concerns. In July 1989, we published an 83-page report, Honduras: Without the Will, which received wide publicity in Honduras.

Our efforts in support of families suing the government of Honduras in the Inter-American Court of Human Rights were rewarded with a January 1989 decision holding the government responsible for the 1982 disappearance of Saúl Godínez Cruz. The decision reiterated precedent-setting findings of the Court the year before, when Honduras was also held responsible for the disappearance of Angel Manfredo Velásquez Rodríguez.

In July, the Court awarded substantial damages to the families of the victims. When the October 1989 deadline for payment passed without compliance, Americas Watch wrote to the delegates to the General Assembly of the Organization of American States calling on them to press Honduras to pay. The government of Honduras responded that it had requested a special budget line to pay these damages but Congress adjourned in December without discussing it. In December 1989 and in February 1990, the Inter-American Commission of Human Rights, at our request, asked the Court to demand immediate payment. At this writing, the government has not

paid.

#### MEXICO

In 1989, for the first time, Americas Watch directed sustained attention to Mexico. Research on Mexico is being coordinated through the Los Angeles office because of its proximity to Mexico and the close historic, ethnic and economic ties California has to its neighbor to the south.

In July, Ellen Lutz and Juan Méndez made a preliminary visit to Mexico City to identify key issues for future research. They met with numerous officials, representatives of Mexican human rights groups, lawyers and journalists. Concerns were raised about torture of detainees by police, rural violence and killings and other violence related to elections, and about the legacy of past violations, including some 500 unsolved disappearances.

In October, Ellen Lutz and Nan Aron participated in the first of two trips to visit prisons. With the cooperation of the Mexican government the team visited seven functioning prisons and one under construction. They uncovered a wealth of problems, which are worst in municipal and district jails, but pervade the entire prison system. A second visit is planned in early 1990.

#### NICARAGUA

The main concern of Americas Watch in 1989 was to document a pattern of killings by the security forces in remote areas of the countryside. After several fact-finding missions to the regions of Jinotega and Matagalpa by Jemera Rone we informed the government of our findings and, in April, we released a News from Americas Watch that discussed the cases we had documented. In May and June we reported several additional cases to the government. In August, the government reported to us on some investigations and, in a few cases, punishment that had taken place as a result of our inquiries. In October we published a full report, detailing the investigations that had taken place. We also noted that we had heard no new reports of such incidents after May or June 1989, though we cannot say whether the practice stopped.

In September, Stephen Kass, Juan Mendez and Maria Fonseca conducted a comprehensive visit of prisons, jails and detention centers throughout Nicaragua. Until then, visits to the security jails (DGSE) had been forbidden to us and to other human rights organizations, except on an occasional basis. We published a report that established the number of prisoners held for security reasons in Nicaragua, and that refuted the allegation by the U.S. State Department and others that prisoners are held in clandestine detention centers.

#### PANAMA

Americas Watch viewed the general elections planned for May 1989 in Panama as a crucial event in determining that country's future course. We sent two lawyers, David Nachman and Robert O. Weiner, to assess the human rights situation on the elections' eve. The results were published in a News From Americas Watch prior to the elections. We pointed out serious constraints on freedom of expression, intimidation of voters and activists, and opportunities for fraud. We also took issue with a U.S. covert operation to fund the opposition, stating that hidden funding in an electoral context is susceptible to misuse.



Following the December 20, 1989 U.S. invasion of Panama, Juan E. Méndez and Kenneth Anderson conducted a mission to examine violations of the laws of war by both sides during the conflict. Their findings will be published in 1990.

#### PARAGUAY

In February, General Andrés Rodríguez overthrew the 34-year-old dictatorship of General Alfredo Stroessner, promising full respect for human rights and democracy. Given his past support for the despot and his reputation as a drug king, Rodríguez was eager to legitimize his rule, which he was able to do in a landslide victory in May elections. Americas Watch sent a March mission of Tom Farer, Paulo Sergio Pinheiro and Patricia Pittman to investigate pre-electoral conditions. The findings were published in English and Spanish a few days before the elections. The report applauded the new press freedoms, but expressed concern that the election date had given the opposition little time to prepare, that the electoral junta was controlled by the ruling Colorado Party and that an atmosphere of intimidation continued in the countryside.

Americas Watch continues to monitor continued abuse of peasant squatters by the military and police; interference with organizing and peaceful protest by labor unions; and death threats to witnesses and lawyers in trials involving human rights abuses by former police officials.

#### PERU

In 1989, disappearances in the emergency zone increased to almost double the average of the last several years. In addition, counter-insurgency campaigns have spread beyond the Southern Andes to the jungle and urban areas as well. An attempt by opposition congressmen to investigate the paramilitary group, "Comando Rodrigo Franco" (CRF), responsible for many murders and threats in 1988 and 1989, turned up information on connections with some top military leaders and civilian authorities, but in the absence of official cooperation failed to prove governmental involvement. Nonetheless, the scrutiny resulted in a marked decrease in the group's actions.

The guerrilla groups Sendero Luminoso (Shining Path) and Movimiento Revolucionario Tupac Amaru (MRTA) increased their activity considerably in 1989, and were responsible for the largest number of violations of the laws of war. Sendero resorted repeatedly to targeted killings of civilian authorities; MRTA only occasionally engaged in targeted murders, but frequently used explosives that endangered innocent lives.

The Bush Administration's drug interdiction policy caused concern because it includes military aid and advisors for the Peruvian armed forces and police in the jungle areas where the drug traffic coexists with Sendero Luminoso. Administration spokespersons have frequently acknowledged that this is, in effect, a counter-insurgency program; yet no effort has been made to disassociate American forces from the severe abuses against civilians committed by the Peruvian forces in the fight against Sendero since 1982.

#### URUGUAY

On April 16, 1989, Uruguayans went to the polls to vote yes or no on a law amnestying Uruguay's armed forces and police for their

crimes of murder, torture and disappearance during the 1973-1985 military regime. The law was upheld, but with 47 percent of the population voting against it.

A few weeks before the plebiscite Americas Watch published "Challenging Impunity," which analyzed the law's history and the ways it violates Uruguay's international legal obligations. The report also recounted the story of the citizen's movement led by human rights activists and victims of abuse which had brought the challenge to the law. An article in The Nation by Robert K. Goldman and Cynthia Brown offered a summary of the report's findings.

Subsequently, Americas Watch joined with a Uruguayan human rights group, Instituto de Estudios Legales y Sociales del Uruguay (IELSUR), in challenging the effects of the impunity law before the Inter-American Commission on Human Rights of the OAS.