



REGIONAL UPDATE:

THE AMERICAS

EVENTS COVERING THE PERIOD FROM JANUARY TO APRIL 2009

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After eight years of a US administration which failed to respect international human rights law on a number of issues, there was widespread expectation of change with the inauguration in January of President Barack Obama. On counter-terrorism detention policies, however, the record of the new administration has been mixed. Early promise and initial important steps to redress violations have been followed by limited action towards ensuring detentions are brought into line with the USA's international obligations and a lack of accountability and remedy for past human rights violations remains entrenched.

Amnesty International has welcomed the new US administration's willingness to engage with the international community, including through the UN. Equally welcome is the USA's new willingness to participate in the Human Rights Council, the UN's principal human rights body, and to work with other countries to improve its effectiveness. Most recently, President Obama's stand on behalf of civilians trapped in the conflict in Sri Lanka is also a welcome development, while other conflicts such as the one between Israel and the Palestinians still await the US administration's positive involvement.

Heads of state and government who took part in the four-yearly Summit of the Americas in April, failed to take the opportunity to officially recognize that human rights must be placed at the centre of efforts to confront the many fundamental challenges facing the region. At a time of global economic turmoil and with a new spirit of compromise in the air between the US administration and other governments in the Americas, the Summit offered an unparalleled opportunity to establish a strong human rights vision for the Americas. Instead, human rights were once again virtually ignored.

The Summit also excluded important voices from being heard in a meaningful way, particularly Indigenous Peoples.

INDIGENOUS PEOPLES

Indigenous Peoples continued to make some modest gains in their efforts to regain ownership over their traditional lands. In March, Bolivian President Evo Morales presented legal titles for 36,000 hectares to the Guaraní Indigenous communities in Alto Parapetí, where some 50 Guaraní families were reportedly working in conditions akin to slavery.

Also in March, the Brazilian Supreme Court issued its final ruling reaffirming the legality of the Raposa Serra do Sol Indigenous reservation in Roraima state and ordering the expulsion of rice farmers from the Indigenous lands.

But the precarious conditions in which many Indigenous communities still live was brought into sharp relief in Paraguay in January, when six members of the Sawhoyamaxa Indigenous community, including four infants under the age of two, died from preventable diseases. These deaths are a tragic reminder of the Paraguayan state's continued failure to comply with two rulings from the Inter-American Court of Human Rights which call on the authorities to provide both the Sawhoyamaxa and the Yakey Axa Indigenous communities with health care and other measures essential for their survival until their traditional lands are returned to them.

In February, Manuel Ponce Rosas and Raúl Lucas Lucía, two Mexican Indigenous human rights defenders campaigning for the protection of their rights in their community, were abducted, tortured and killed in Ayutla, Guerrero state. In March four other Indigenous rights defenders and prisoners of conscience were released from prison in Ayutla, but their colleague, Raul Hernandez, remains in prison pending trial for a crime he did not commit. Amnesty International believes these activists have been targeted in reprisal for their work on Indigenous rights.

Also in February, Canada was reviewed under the UN Human Rights Council's Universal Periodic Review. Numerous recommendations were made to improve Canada's human rights record. Many of these highlighted continued inequalities between Indigenous and non-Indigenous peoples in Canada.

INSECURITY

The devastating impact of Colombia's long-running conflict on civilians was again brought to the fore with figures released in April, which estimated that the number of people newly displaced by the conflict totalled more than 380,000 in 2008 alone, a rise of almost a quarter from 2007. Indigenous Peoples, as well as Afro-descendant and peasant farmer communities, continued to bear the brunt of the conflict. In February, the FARC guerrilla group was reported to have killed 27 members of the Indigenous Awá people in Nariño Department.

New data in Mexico revealed there has been a six-fold increase of reports to the National Human Rights Commission of human rights abuses by members of the military between 2006 and 2008. These include torture and other ill-treatment, arbitrary arrest, illegal house searches, enforced disappearance and unlawful killings. Such cases continue to be dealt with by the military justice system.

In the USA there were more deaths of individuals after they were subjected to electroshocks by Tasers. These included a 17-year-old unarmed youth who died in Virginia in January and a 15-year-old boy who died in Michigan in March.

COUNTER TERRORISM

Two days after his inauguration in January, President Barack Obama signed three executive orders and a memorandum ordering the closure of the Guantánamo detention facility within a year, an end to the CIA's use of long-term secret detention and "enhanced" interrogation techniques, a review of detention, interrogation and detainee transfer policies, and a review of the case of Ali al-Marri, the only "enemy combatant" held on the US mainland at that time. Also in January, trials by military commissions were suspended at the request of the President, pending review.

In February, Ali al-Marri was charged for trial in a federal court and in April he pleaded guilty.

Also in February, the new administration invoked the "state secrets privilege" to seek dismissal of a lawsuit brought by victims of the CIA's rendition programme, as the Bush administration had done previously. On 28 April, the US Court of Appeals rejected the government's arguments and remanded the case to the District Court.

In April, a US federal judge ruled that three detainees held at the US airbase in Bagram, Afghanistan, could challenge the lawfulness of their detention in a US court. The administration subsequently moved to appeal against the decision.

Also in April, the new administration released four previously secret Justice Department memorandums from 2002 and 2005 which gave legal clearance for the CIA to use interrogation techniques which violated the international prohibition on torture and other cruel, inhuman and degrading treatment.

The Canadian Federal Court ordered the government to seek the repatriation of Canadian citizen Omar Khadr from Guantánamo Bay. Omar Khadr was arrested by US forces in Afghanistan in 2002 when he was 15 years' old and has been held at Guantánamo for over six years.

VIOLENCE AGAINST WOMEN

This year, Chile's Congress began discussions on a bill which, if approved, will introduce the crime of "femicide" into the statute book and increase penalties for violence against women.

In May, a decision from the Nicaraguan Constitutional Court on the constitutionality of the absolute prohibition on abortion was still pending. The prohibition denies pregnant women and girls access to essential healthcare services even when their life or health is at risk from continuation of the pregnancy and prevents rape victims from accessing safe abortions.

DEATH PENALTY

The death penalty in the USA continues to be marked by discrimination, particularly in relation to the race of the murder victim. African Americans continue to be disproportionately represented on death row. Between 1 January and 1 May there were 24 executions in the USA in eight states (Alabama, Florida, Georgia, Oklahoma, South Carolina, Tennessee, Texas and Virginia). Fourteen of these - more than half of the total - were carried out in Texas. In March, Governor Bill Richardson signed into law a bill abolishing the death penalty in New Mexico.

A Canadian federal court ordered the Canadian government to restore its policy of always seeking clemency on behalf of Canadian citizens sentenced to death in foreign countries. The longstanding clemency policy had been reversed in 2007.

EXCLUSION

In March the state government of Rio de Janeiro began the construction of an 11km wall, backing onto a number of favelas in the city's wealthy Zona Sul. The government argued that the measure was needed to stop the illegal expansion of favelas and protect the environment. Some residents, however, have opposed the construction, which they feel risks deepening the marginalization of the favelas.

VOICE

Human rights defenders in Colombia continued to be killed, including Alvaro Miguel Rivera, an LGBT activist from Cali, in March, and Ana Isabel Gómez Pérez, a leader of displaced communities in the department of Córdoba, in April. Both were killed by unknown assailants.

Also in March the Guatemalan Human Rights Ombudsman's Office published a report "The Right to Know", detailing some of its findings of historical police archives. The archives, discovered in 2005, belonged to the former police service and cover the entire period of the internal armed conflict from 1960 to 1996 and have already helped bring about a prosecution for a case of enforced disappearance of a trade unionist in 1984. The day after the report was released the wife of the Human Rights Ombudsman was kidnapped, tortured and later released without any ransom demand having been made. Since then, more than 10 human rights defenders working on cases relating to the files have suffered repeated threats and surveillance.

IMPUNITY

The conviction in April of former President Alberto Fujimori for human rights violations was a crucial milestone in the struggle against impunity in Peru.

The Special Criminal Division of Peru's Supreme Court convicted Alberto Fujimori for his responsibility in the cases of Barrios Altos, in which 15 men, women and children were extrajudicially executed in 1991, La Cantuta, in which nine students and a university lecturer were kidnapped and later killed in 1992 by

members of the Colina Group, a paramilitary force within the Peruvian Army and the SIE (intelligence service) basements, where two kidnap victims were held. The decision, which was unanimously adopted by the three presiding judges, concluded that former President Alberto Fujimori bore individual criminal responsibility in all three cases because he had effective military command over those who committed the crimes.

In March, the Farabundo Marti National Liberation Front (FMLN) won elections in El Salvador for the first time, with a marginal majority in the Congress. The FMLN did not make justice for past human rights violations a campaign issue nor promise to lift the Amnesty Law, in place since 1993, which grants immunity to those accused of serious human rights violations.

There was continued progress in the fight against impunity for past human rights violations in some emblematic cases in several other countries in the region, including Argentina, Bolivia, Chile, Colombia, Peru and Uruguay.