

## HELPING TO BREACH THE WALL OF SILENCE

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The night José Luis Cabezas was hand-cuffed, shot and incinerated those responsible for his murder were allowed to act without impediment. Whether José Luis Cabezas was the latest Latin American journalist victim of human rights violations, is something that many Argentines doubt they will ever find out. However, they should know. They have the right to know.

Each day, Amnesty International becomes aware of further human rights violations, including political killings and "disappearances", committed in different parts of the world. One of the main factors contributing to these barbaric realities is the phenomenon of impunity: as long as the agents of repression believe they can kidnap, torture and murder without fear of discovery or punishment, the cycle of violence will never be broken.

In today's world, gross violations increasingly take place under elected governments with explicit international human rights commitments and institutions. The gulf between commitments and practice can only be bridged if all unresolved human rights abuses are properly investigated and those responsible brought to justice. Victims, their relatives and society at large all have a vital interest in knowing the truth about abuses.

Bringing those responsible to justice is not only important in the individual case, but also sends a clear message that human rights violations will not be tolerated and that those that commit them will be held fully accountable. When members of the police and security forces are allowed to commit crimes with impunity, deadly attitudes and contempt for the rule of law flourish.

In Latin America, one technique used by governments and branches of the security forces to deflect criticism is to announce an investigation which then leads nowhere. Sometimes the announcements are made in good faith, but if they do not produce results they can end up acting as a barrier against uncovering the truth.

In Argentina's case, for instance, it has been 21 years since "disappearances" started, but most of the families affected are still in the dark as to what happened to their relatives. Furthermore, current legislation in the country has shielded those responsible for human rights violations during the military regime from facing justice. Amnesty International has repeatedly appealed to the Argentine authorities on behalf of the relatives of the thousands of people who "disappeared", stressing the undeniable right of the families to demand full and impartial investigations, and the importance of establishing the truth.

Even when investigations are carried out and judicial proceedings started, the institutions responsible for the administration of justice are often weak or inefficient. Frequently they are susceptible to pressure from other branches of government or the security forces. Prosecutors or judges sometimes behave with outstanding courage, only to be killed or to flee into exile when their governments are unwilling or unable to protect them from the threats of the accused -- usually members of their own security forces.

Amnesty International is particularly concerned about the continuing threats, harassment, arbitrary detention and torture by state agents of human rights defenders. People like human rights workers, journalists, academics, priests, peasant leaders or relatives of victims are a crucial source of information about what is really happening in a particular country; they alert international non-governmental organizations and the media, helping to breach the wall of silence that offending governments try to maintain.

We have repeatedly raised our concern about the growing number of cases of human rights violations against defenders in the Americas. In February this year, we appealed to President Carlos Menem in relation to the worrying wave of attacks against journalists that has been taking place in Argentina since 1992. The attacks have apparently been aimed at journalists who criticized the Argentine authorities in the course of their journalistic work, or those who were simply carrying out investigations, and information about some of the cases indicates the possible participation or acquiescence of members of the police or the security forces.

On 17 February this year, we wrote to President Menem to remind him of the importance of ensuring that the federal authorities take the necessary measures to guarantee an expedient, full and impartial investigation into the killing of José Luis Cabezas and the threats to TV and radio journalist Santo Biasatti. We also requested that the methods followed during the course of the investigations and their results be made public, and that those responsible be brought to justice.

We also reminded President Menem that despite his welcomed announcement in 1993 regarding the appointment of a special procurator general in charge of investigating the denunciations -- as well as the declared intention of the authorities to offer protection to some of the journalists under threat -- most of the cases, included the killing of journalist Mario Bonino in 1993, remain unsolved. Furthermore, the result of the investigations and their current legal situation remain unknown.

If abuses by those responsible for law and order are to be brought to an end in Latin America, governments in the region must fulfil certain fundamental responsibilities:

First, there should be thorough investigations into allegations of human rights violations, aimed at determining individual responsibilities and providing a full account of the truth to the victim, their relatives and society. Investigations must be undertaken by impartial institutions -- independent of the security forces -- which must be granted the necessary authority and resources for their task. The final results of the investigations should be made public.

Second, those responsible for human rights violations must be brought to justice, regardless of whether they are members of the security forces or semi-official paramilitary groups. Those accused of human rights crimes should be tried, and their trials should conclude with a clear verdict of guilt or innocence. Amnesty International takes no position on what sentence

should be passed -- provided that the death penalty is not imposed -- however, the systematic imposition of lenient penalties for human rights offences brings the judicial process into disrepute and does not serve to deter further violations. Respect for the rule of law cannot be promoted unless all trials are conducted in full conformity with internationally recognized standards.

Third, amnesty laws which prevent the emergence of the truth and accountability before the law are not acceptable. This applies whether the law is passed by those responsible for the violations or by successor governments. The interests of national reconciliation after a period of violence and confusion may be served by pardons after conviction; Amnesty International takes no position on this. But the organization does insist that the truth is revealed and the judicial process completed.

The protection of human rights requires action, not words. Allowing the perpetrators to commit abuses, however clearly prohibited by law, without consequences for themselves, perpetuates their crimes. Ensuring that they are brought to justice transmits throughout society the clear message that violations will not be permitted to continue.  
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