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Americas Regional Overview Covering events from January to December 2003

Despite the commitments made by governments at the Organization of American States (OAS) Special Conference on Hemispheric Security in October and other forums, human rights in the region continued to be sacrificed in the name of "security". Most governments interpreted the concept of security narrowly, failing to address effectively the threat to human security posed by hunger, poverty, disease, environmental degradation and other such factors.

National security and 'war on terror'

The US-led "war on terror" continued to be waged using indiscriminate and disproportionate means. Hundreds of foreign nationals remained in prolonged indefinite detention without charge or trial in US custody outside the US mainland. Most of those detained as so-called "enemy combatants" were held without any form of judicial process; for a handful, the only way out of their legal black hole appeared to be through grossly unfair trials before military commissions. Authoritative worldwide opinion condemned the blatant disregard for international and US constitutional standards by the USA. Many of the measures taken by the US authorities in the wake of the 11 September 2001 attacks undermined the fabric of international law. Other aspects of US security policy, including the threat in July to cut off military aid to 35 countries for refusing to guarantee US nationals immunity before the International Criminal Court, threatened to have a similarly corrosive effect on the international rule of law.

The security policies pursued by the Colombian government since 2002 continued to exacerbate the already severe human rights and humanitarian crises, during which thousands of civilians have been killed, have "disappeared" or been kidnapped by the armed forces, army-backed paramilitaries or armed opposition groups. New security measures sidestepped constitutional guarantees and granted broad powers to the military to deal with public order issues. Initiatives such as the creation of an army of "peasant soldiers" and a civilian informers' network risked dragging civilians further into the conflict.

"Anti-terrorism" legislation adopted in Guyana and proposed in the Bahamas extended the scope of the death penalty and included dangerously broad definitions of "terrorism". In March, the Cuban authorities detained scores of dissidents accused of conspiring with the USA and seeking to subvert the Cuban system; prior to this, the USA had named Cuba on a list of seven states accused of "sponsoring terrorism" and some US officials had accused Cuba of researching biological weapons and providing technology to "other rogue states". Seventy-five activists were tried unfairly and sentenced to up to 28 years in prison. The Cuban government sought to justify its unprecedented crack-down as a necessary response to the threat to its national security posed by the USA. After reviewing the available trial documentation for the 75, AI considered them to be prisoners of conscience and called for their immediate and unconditional release.

Political insecurity and the rule of law

Political, economic and social crises in several countries laid bare the fragile foundations of the rule of law and the faltering process of democratic consolidation in the region. Deteriorating economic and social conditions in Bolivia prompted mass demonstrations, sparked by the signing of coca eradication agreements with the USA, and plans to export Bolivia's natural gas via Chile. Civil unrest left more than 80 people dead, many as a result of apparently excessive use of force by police, and forced the President out of office.

Haiti was on the verge of being ungovernable. An impasse between President Jean Bertrand Aristide and opposition groups stalled implementation of a framework sponsored by the OAS for elections due in 2003, threatening a void in governance as parliamentarians' mandates were set to lapse in early January 2004. Meanwhile, economic conditions in the poorest country in the continent deteriorated further and politically motivated violence escalated. Political polarization also continued to destabilize Venezuela. A national stoppage organized by the opposition virtually shut down the country but failed to force President Hugo Chávez, who survived a coup attempt in 2002, out of office. International mediation led to a commitment to resolve the political crisis through peaceful means. However, few steps were taken to bring to justice those responsible for the killings committed during the failed coup. In other countries, some progress was made towards restoring faith in the administration of justice. President Néstor Kirchner took office in Argentina in May and embarked on reforming state institutions such as the police and judiciary. In Brazil, newly elected President Luis Inácio Lula da Silva set out detailed and long-term plans for public security reform, including human rights standards, in an attempt to combat high levels of crime and stem systematic human rights violations. In Mexico, a human rights study carried out as part of the government's cooperation agreement with the UN High Commissioner for Human Rights included recommendations for structural reform and committed the government to drawing up a national human rights program.

Efforts across the region to combat impunity for gross human rights violations committed in previous decades gained momentum in 2003. In Argentina, some of the legal barriers to the investigation and prosecution of "disappearances" and other human rights violations were lifted and former high-ranking members of the military faced charges at home and abroad. In Chile, plans for dealing with the legacy of human rights violations under military rule were announced, including the transfer of ongoing cases from military to civilian courts, although the proposals included granting immunity to certain perpetrators of abuses.

In Mexico, the Special Prosecutor investigating abuses during the "dirty war" in the 1970s and 1980s issued at least three arrest warrants for officers implicated in "disappearances". A Paraguayan court ordered the arrest of former President Alfredo Stroessner in connection with a case of torture and killing in 1974, and a law was passed creating a Truth and Justice Commission to examine human rights violations under the Stroessner government. The Peruvian Truth and Reconciliation Commission called for justice and reparation for families of the thousands of victims of killings and "disappearances" between 1980 and 2000 by the armed forces and armed opposition groups. In Uruguay, the Peace Commission's report on "disappearances" under military rule concluded that 26 "disappeared" Uruguayans had died under torture. Killings under military rule in Suriname were also under investigation, both by the Surinamese courts and before the Inter-American Court of Human Rights. Less progress was made, however, in tackling the legacy of more recent conflicts in Central America. El Salvador's National Assembly failed to support ongoing efforts by relatives and non-governmental organizations to uncover the fate of children who "disappeared" during the 1980-1991 conflict. In Guatemala, witnesses and human rights defenders attempting to bring to justice those responsible for the widespread abuses during the 30-year civil conflict were among the main targets of threats, attacks and killings. The recommendations of the Historical Clarification Commission, which concluded in 1999 that genocide had been committed, had still not been implemented, and General Ríos Montt, Head of State at the height of the genocide, was allowed to run for President in the November elections, despite being constitutionally barred.

Corruption, parallel power structures and the failure to assert effective civilian control over the military remained serious threats to human rights and the rule of law in Guatemala and elsewhere in the region. Military and police jurisdiction over human rights cases also remained an obstacle to justice in Colombia, the Dominican Republic, Ecuador and Mexico.

Economic insecurity

The pace of regional and sub-regional economic integration increased, in part due to vigorous efforts by the USA to pursue its trade liberalization agenda through the adoption of multilateral and bilateral free trade agreements. Disagreements over aspects such as agricultural subsidies and anti-dumping Amnesty International Report 2004 policies led a number of governments in the region to mount an increasing challenge to the US free trade agenda.

Promoted as a vehicle for alleviating poverty and boosting development, the proposed Free Trade Agreement of the Americas (FTAA) and other similar agreements prompted sceptical and hostile responses from many sectors of civil society wary of their impact on economic, social and cultural rights, including labour rights, access to health and public services, and rights related to the environment. Large demonstrations against the FTAA and agreements with international financial institutions in countries including the Dominican Republic and the USA were met by indiscriminate use of force by police. States of emergency were declared in parts of Peru and Ecuador to contain civil unrest regarding economic policies in the region.

The economic situation in Latin America and the Caribbean remained dire, with 220 million people - 43 per cent of the population - living in poverty and one in five in extreme poverty, according to the Economic Commission for Latin America and the Caribbean. Poverty had a disproportionate impact on women and children - one in five children under the age of five was chronically malnourished.

Unequal land distribution, plunging export commodity prices and other structural causes of poverty remained to be addressed. Indigenous, environmental and peasant farmers' groups campaigning against exploitative resource extraction by transnational companies or defending their land rights faced increased risks to their safety in Bolivia, Brazil, Chile, Ecuador, Guatemala, Honduras, Mexico, Paraguay and elsewhere.

Social insecurity and discrimination

Against this backdrop, crime and social insecurity reached alarming proportions. Both rural and urban society remained riven by social exclusion and discrimination based on factors such as class, race and gender. In many countries, the insecurity generated by high levels of crime and deepening inequality resulted in increased tolerance of repressive policing by both governments and the public at large. In Brazil, entire communities of the urban poor appeared to be targeted by police as scapegoats for the failure of broader public security policies.

Torture and ill-treatment by police and prison officers remained endemic in Brazil, and a frequent tool of law enforcement in numerous countries across the region. In Jamaica, where levels of armed violence were extremely high, police brutality and unlawful killings were commonplace.

The death penalty continued to be imposed in the USA and Caribbean, and the USA stood in shameful isolation by executing child offenders. In Latin America, Cuba resumed executions and there were occasional proposals to reintroduce the death penalty in response to rising levels of crime.

Studies by UN experts on racism and indigenous peoples in 2003 highlighted the marginalization and lack of access to justice of indigenous people and others facing ethnic discrimination in countries such as Bolivia, Guyana and Mexico.

The impunity surrounding the murder and abduction of hundreds of women and girls in the state of Chihuahua, Mexico, highlighted the obstacles to justice faced by women at risk of violence in the community and home. Similar gender-based killings were reported in other parts of Mexico and Central America. Women's rights activists across the region highlighted the barriers that prevented legislation on violence against women from offering real protection in practice. Sexual violence against women, including rape and mutilation, were used as a weapon of war in Colombia's armed conflict. Cases of violence against lesbian, gay, bisexual and transgender people, including by police, were also documented in several countries.

Street children continued to be seen as easy targets of government measures to combat crime. An anti-gang law was adopted in El Salvador with apparent disregard for the requirements of national law and international standards, while in Argentina there were reports of torture and ill-treatment of minors, including street children, by police. Despite well-publicized initiatives by the Honduran authorities to halt

the killing of street children, few of those responsible for the killings were brought to justice.

Refugees and migrants escaping conflict and insecurity faced further human rights abuses. Those fleeing the Colombian conflict encountered discrimination and lack of protection in neighbouring countries. Detention and ill-treatment of refugees and migrants from Haiti were reported in the USA, Canada and several Caribbean countries, while countries including Canada, Uruguay and the USA continued to return non-nationals to countries where they were at risk of torture and other violations.

Action for human rights

An element of hope in an otherwise bleak landscape was the regionalization and increasing strength of social movements and other civil society actors seeking to respond to key threats to human security in the region. Movements working for women's rights, for the rights of indigenous people, environmentalists and sexual rights activists were among those whose voice emerged with increased prominence. Like other human right defenders, they faced an array of threats and obstacles, including fabricated criminal charges. Countries where attacks on human rights defenders were widespread included Brazil, Colombia, Cuba and Guatemala.

Forums such as the World Social Forum in Porto Alegre, Brazil, in January opened up new spaces for regionally coordinated human rights activism. The regional media remained relatively free, despite concentrated ownership and sporadic attacks on media workers in some countries. The OAS provided an important forum for collective action and the promotion of human rights throughout the region, with the Inter-American human rights system playing a crucial role in monitoring violations, challenging impunity and analysing current human rights challenges such as poverty and insecurity. At global forums such as the UN Security Council, the General Assembly, the Commission on Human Rights and the World Trade Organization, countries including Brazil and Mexico emerged as an increasingly effective counter-balance to the regional superpower on issues ranging from trade and the war on Iraq, to international justice and other human rights issues. As the year ended, there was hope that fresh leadership in the region might promote more effective action for human rights and security, based on a renewed understanding that these two concepts are not incompatible but indivisible and interdependent. Amnesty International Report 2004

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