

AMNESTY INTERNATIONAL REGIONAL UPDATE

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Amnesty International Report 2008 - Americas Regional Update Selected events covering the period from January to April 2008

The first four months of 2008 saw two historic changes to long-standing governments, providing a potential opportunity to improve human rights in those countries. However, human rights violations, including torture, enforced disappearance and discrimination, continued to blight the lives of many. Some legislative movements in the region looked set to threaten women's already fragile enjoyment of sexual and reproductive rights and the daily reality for many was to be caught in a cycle of poverty and violence.

Shifts in power

Raúl Castro formally replaced his brother Fidel as President of **Cuba** in February, and almost immediately signed two key UN human rights treaties: the International Covenant on Civil and Political Rights which includes the right to freedom of association, and the International Covenant on Economic, Social and Cultural Rights. Four prisoners of conscience were released in February.

In **Paraguay**, former Catholic Bishop Fernando Lugo was elected President in April, ending more than 60 years of rule by the Colorado Party. He will assume office in August. The President-elect promised to end impunity for past human rights violations and discrimination against Paraguay's Indigenous communities.

In **Bolivia**, however, tensions increased following the decision of the Santa Cruz regional government to hold an unauthorized autonomy plebiscite in May. Both the national congress and the electoral court refused to authorize the vote.

Economic social and cultural rights

The destabilizing effects of soaring food prices worldwide were particularly marked in **Haiti** where food riots led to the dismissal of the prime minister in April. Protest demonstrations, rioting and looting spread across the country, claiming six lives.

In **Brazil**, while the federal government announced that certain contested territories would be ratified as Indigenous lands, Indigenous Peoples continued to suffer both physical threats and social deprivation.

People under fire

Rio de Janeiro in **Brazil** continued to suffer high numbers of killings during police operations. On 24 April, members of the BOPE elite unit of Rio de Janeiro's military police killed 11 people, including a 70-year-old woman, during an operation in the Cidade de Deus community.

On 30 March two masked men killed land activist Eli Dallemole in his house in Ortigueira in Paraná state, Brazil. The killing followed a pattern of violent attacks, threats and killings by hired gunmen and armed militias against land activists in the state of Paraná.

In **Colombia**, civilians continued to bear the brunt of the decades-long conflict which showed no real sign of resolution and. Although FARC released a number of high-profile hostages, including former congresswoman Consuelo González, and Clara Rojas, the running-mate of presidential candidate Ingrid Betancourt, after more than six years', Ingrid Betancourt herself still remains in captivity, along with several hundred others.

In April, concerns about the increase in alleged extrajudicial executions by military personnel, and human rights abuses committed against trade unionists, led US Congress to shelve discussions on ratifying a free trade agreement with Colombia.

Public security remained a major concern in several countries. In **Mexico**, 863 killings were recorded in the first three months of the year, a 71 per cent rise on the previous year. In **Jamaica** press report recorded 489 killings during the first four months of the year.

“War on terror”

There are currently around 270 detainees in **Guantánamo Bay**. Nine, including Sami al-Hajj, a cameraman with Al Jazeera television, were released from Guantánamo on 1 May. Muhammad Rahim al-Afghani, was transferred from secret CIA custody to Guantánamo in March. Charges were sworn against seven so-called “high value” detainees, six of whom had been victims of enforced disappearance and possible torture in the CIA secret detention programme, and the seventh of whom was subjected to torture and other ill-treatment in Guantánamo under the Donald Rumsfeld-authorized “special interrogation plan”. Pre-trial military commissions continued against a number of the other eight Guantánamo detainees charged for trial, including Canadian national Omar Khadr (aged 15 when taken into custody) and Mohammed Jawad (16 or 17). Amnesty International continued to attend military commission hearings at Guantánamo.

In February, the Director of the CIA admitted that ‘waterboarding’ had been used in 2002 and 2003 against three detainees held in secret CIA custody. The administration wrongly claims that its use was lawful, and has refused to rule out use in the future if “circumstances” require it. The Attorney General refused to open a criminal investigation on the grounds that the technique had been approved by Justice Department lawyers, among others.

Death penalty

In Georgia on 6 May, William Lynd became the first person to be put to death in the **USA** after a six-month *de facto* moratorium on executions ended with the Supreme Court’s decision to uphold the constitutionality of Kentucky’s lethal injection process. A number of other states have now also set execution dates. For example, Levar Walton, a seriously mentally ill inmate in Virginia, is due to be executed in June. In Texas, José Medellín has been given an August execution date. He was one of more than 50 Mexican nationals on US death rows named in a successful case brought by Mexico in the International Court of Justice (ICJ) for the USA’s failure to uphold the consular rights of foreign nationals arrested and sentenced to death. His execution date was set after the Supreme Court, in a ruling in March, effectively passed the buck to the other branches of government to ensure, as the ICJ opinion requires, that such foreign nationals are provided effective remedies.

In February, **Guatemalan** Congress proposed a decree which might have lead to the resumption of the death penalty. The decree was vetoed by President Álvaro Colom and failed to gain final approval from Congress.

In April, **Cuban** President Raúl Castro announced that nearly all death sentences are to be commuted to prison terms of between 30 years and life imprisonment. Three people charged with terrorism remain on death row.

Violence against women

From April **Mexico's** Supreme Court will be holding a number of public hearings to receive oral presentations on the constitutional challenge to the 2007 Federal District's law decriminalizing abortion up to the 12th week of pregnancy. At least 17 women and girls were murdered in Ciudad Juarez and Chihuahua City in Mexico in the first four months of the year alone. Two other girls remained missing after apparently being abducted.

In February, hundreds of women and girls were reportedly raped during **Haiti's** carnival by groups of armed men.

Justice and impunity

In March the **Mexican** Congress approved major constitutional changes to the criminal justice system, but dropped proposals to grant police constitutional powers to enter private homes without judicial authorization. Military and police operations resulted in more reports of unlawful killings, arbitrary detention, illegal house searches, torture and other ill-treatment. Several judicial police in Oaxaca and a relative of the governor were under investigation by federal police for their alleged involvement in the enforced disappearance of two members of an armed opposition group in 2007.

Also in March, arrest warrants were issued against 15 members of the **Colombian** army for their alleged role in the killing of eight members of the San José de Apartadó peace community in February 2005, and in April, six of these were charged. Most of the 170 killings of members of community remain shrouded in impunity.

In **Peru**, a former head of the National Intelligence Services during President Alberto Fujimori's regime, and three members of an army "death squad", were sentenced in April to up to 35 years' imprisonment for the killing of nine students and a professor in La Cantuta University in 1992.

A new arrest warrant was issued against former general Jorge Rafael Videla in **Argentina** for his alleged involvement in 570 enforced disappearances, 270 cases of torture and 29 extrajudicial executions.

And in February, in a very welcome but long-overdue measure, **Guatemala's** President Colom announced that all military archives relevant to the internal armed conflict would be made public.

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