



AMR 01/1904/2020

OPEN LETTER TO THE REPRESENTATIVES OF MEMBER STATES OF THE ORGANIZATION OF AMERICAN STATES (OAS) REGARDING ELECTIONS TO THE MOST SENIOR POSITIONS IN THE OAS GENERAL SECRETARIAT

The Organization of American States (OAS) is due to hold an Extraordinary General Assembly in March 2020 to elect the Secretary General and Assistant Secretary General for a five-year term of office.

The principles of the OAS, as set out in Articles 2 and 3 of the OAS Charter, include ensuring the peaceful settlement of disputes, the legitimate collective defence against attacks, respect for human rights and the consolidation of representative democracy. To carry out this work, the OAS relies on various bodies, which have an obligation to ensure that the organization's work is in line with its four fundamental pillars: democracy, human rights, integral development and multidimensional security. Amnesty International believes there is a clear interrelation between these pillars of which human rights are the cross-cutting axis that should guide the actions of the highest multilateral bodies in the Americas.

The election of those who will form the OAS General Secretariat, the central and permanent body of the organization, must be a participatory and pluralist process in which the principles of suitability, independence and impartiality prevail. Those who hold these positions should prioritize the human rights agenda and respond promptly and effectively to crimes under international law and serious human rights violations, in accordance with their mandate. The General Secretariat has the power to raise concerns about a given situation before the highest bodies of the OAS (the Permanent Council and the General Assembly) when the peace and security of the region is affected.

Amnesty International therefore regrets that in the following situations the OAS General Secretariat has remained silent regarding allegations of human rights violations.

Bolivia

In October 2019, in response to protests and allegations of electoral fraud, President Evo Morales declared a state of emergency, during which the National Police reportedly used excessive and unnecessary force. Following the publication of the results of the audit carried out by the OAS, the Armed Forces issued a statement calling on the President resign. President Morales resigned hours later and the protests intensified.

Amnesty International has received information indicating that there have been numerous attacks and arson attempts on properties belonging to journalists and human rights defenders. Attacks against the property of the families of members of Evo Morales' government have also been reported.

After assuming the role of interim president, Jeanine Áñez issued Decree 4078, which provided for the participation of the Armed Forces in "the defence of society and maintenance of public order" and exempts from criminal responsibility Armed Forces personnel participating in operations to restore internal order and public security who in carrying out their duties "take action in legitimate defence or out of necessity, in compliance with the principles of legality, absolute necessity and proportionality".

As a result, the National Police and the Armed Forces carried out joint operations to police demonstrations during which there were reports of excessive and unnecessary use of force. There were also reports that in places such as Sacaba and Senkata armed protesters were present and that the use of firearms resulted in deaths and dozens of injuries. The Forensic Investigations Institute indicated that between 20 October and 22 November, it carried autopsies on 27 people who had died in the context of the protests. According to publicly available information from the Ombudsperson's Office, 35 people were killed between 30 October and 28 November and 832 people were injured between 24 October and 21 November. On 27 November, Interim President Áñez repealed Decree 4078.



During the crisis, several cities were inaccessible, which caused shortages of food and fuel. There were also reports of threats and attacks against journalists and other violations of the rights to freedom of expression and peaceful assembly.

Chile

Following the outbreak of social unrest on 18 October 2019, more than 30 people lost their lives in the context of protests, at least four of them at the hands of state forces. The protests were continuing at the end of the year, by which time the number of victims of human rights violations, especially at the hands of the *Carabineros* (national police), stood in the thousands. More than 13,000 people were injured during the first two months of protests.

According to the Chilean Ministry of Health and Attorney General's Office, more than 2,500 complaints of human rights violations have been registered, of which more than 1,500 involved allegations of torture – a crime under international law – or other cruel, inhuman or degrading treatment or punishment and more than 100 were for crimes of a sexual nature committed by public officials. According to the *Carabineros*, while none of their officers died in the context of the protests, more than 2,000 were injured. During the protests, the army was often seen using lethal weapons against protesters.

It should be noted that, of the four deaths for which state forces were allegedly responsible, members of the armed forces were reportedly responsible for three and the fourth was attributed to a member of the *Carabineros*. On many occasions, the *Carabineros* used tear gas excessively and unnecessarily, firing it into hospitals, universities, homes and even schools and affecting children and people living with disabilities in particular.

Haiti

Various protests occurred in Haiti during 2019, particularly in February and between mid-September and the end of October. The protests were sparked by reports of alleged corruption by senior officials, including President Jovenel Moïse. According to the Office of the United Nations High Commissioner for Human Rights (OHCHR), at least 83 people died during these two critical periods of protest, many of them at the hands of the police.

During the same period, Amnesty International's research teams and Digital Verification Corps confirmed the authenticity of videos of several incidents in which the police used less lethal weapons indiscriminately, for example, throwing tear gas from a moving police vehicle at peaceful protesters, firing at demonstrators with less lethal ammunition at close range and beating a person. Amnesty International also verified cases in which police armed with semi-automatic rifles used live ammunition during the protests, in violation of international norms on policing and human rights.

Honduras

Amnesty International's research has shown that the Honduran authorities did not guarantee the right to peaceful assembly and freedom of expression during demonstrations between April and June 2019 against changes to the public health and education services. The Honduran security forces routinely repressed these demonstrations using unnecessary and excessive force and on 20 June the government deployed the army to police the demonstrations. As a result, at least six people died and dozens more were injured between April and June 2019.

The security forces used firearms or less lethal weapons, such as tear gas and rubber bullets, against protesters. On 24 June 2019, the military police also shot at students demonstrating at the National Autonomous University of Honduras. Those responsible for these incidents, as well as for the human rights violations committed in the context of the repression of post-election protests in 2017, have yet to be brought to justice.



In conclusion, Amnesty International deeply regrets the silence of the General Secretariat regarding the allegations of human rights violations committed recently in Bolivia, Chile, Haiti and Honduras. It urges Member States to ensure that those in the General Secretariat play a leading and unifying role in order to address the enormous challenges facing the region. A leadership capable of acting promptly and expediently to ensure the rights of the vast majority of people, without distinction, should not be merely an aspiration. The human rights of the majority cannot wait.

The Inter-American System of human rights protection

The OAS also includes the Inter-American System for the protection of human rights. This guarantees that in situations where a state is not able to investigate crimes under international law and human rights violations committed in any territory under its jurisdiction, the victims have access to an independent protection mechanism capable of guaranteeing truth, justice, reparation and measures of non-repetition. Since its creation, more than 60 years ago, thousands of victims and their relatives across the continent who were denied justice at the national level have seen the Inter-American System as their only chance of obtaining justice. Amnesty International believes that the Inter-American System is a regional heritage that is worth safeguarding.

Amnesty International recognizes the OAS' efforts to effectively finance the Inter-American System. However, it recalls that in April 2019 a group of five South American countries – Argentina, Brazil, Colombia, Paraguay and Chile – issued a statement on the System that, in Amnesty International's view, sought to reduce its independence and autonomy and make the action of the Inter-American regional mechanism conditional on the interests of states, thereby putting the rights of victims at risk.

In addition, during the *in loco* visit of the Inter-American Commission on Human Rights (IACHR) to Chile, in January 2020, the state authorities urged the IACHR not to “get involved in the internal affairs of the country.” Similarly, in February 2020, Bolivia suggested a term to the IACHR that two members of the Interdisciplinary Group of Independent Experts for Bolivia (Grupo Interdisciplinario de Expertos Independientes para Bolivia, GIEI) be removed from that body because they had “a predetermined and biased opinion of the events that occurred in Bolivia.” This, despite the agreement signed between the IACHR and the Bolivian government on the creation of the GIEI which states in Point 1 that the parties agree to “jointly establish a GIEI on Human Rights, composed of four people designated by the IACHR.”

Amnesty International believes that in the area of human rights honouring the independence and autonomy of the IACHR implies that state authorities must not only cooperate with the Commission, and with the mechanisms that it designates for this purpose, so that it can carry out its work, but they must also ensure that IACHR recommendations are fully complied with.

Faced with such attacks on the Inter-American System, various national and international civil society organizations, academe, activists and human rights defenders have raised their voices to remind these states that the independence and autonomy of the Inter-American System has positioned it as the cornerstone for the construction of a culture of respect for and guarantees of human rights in the Americas. Amnesty International is therefore concerned at the silence of the OAS General Secretariat regarding attacks on the regional human rights mechanism and, in response to this, urges OAS Member States during the current election process to prioritize human rights by respecting and guaranteeing the autonomy and independence of the bodies of the Inter-American System.

Conclusion and recommendations

In the context of the elections to the OAS General Secretariat, Amnesty International calls on Member States to:

- I. Ensure that those selected to fill the positions of Secretary General and Assistant Secretary General have the appropriate levels of suitability, independence and impartiality to fulfil their functions.



- II. Prioritize the human rights agenda and protect the independence of the Inter-American System from political interference by respecting its autonomy.