

criticized in the report was repealed. The timing of Human Rights Watch's report, and the organization's targeted advocacy—which included an hour-long meeting with Chilean President Ricardo Lagos—were instrumental in creating momentum for the law's repeal. The report, *Progress Stalled: Setbacks in Freedom of Expression Reform*, was a follow-up to a 1998 report on the same topic, illustrating the value of sustained advocacy on a single issue.

The Americas division continued to draw attention to labor rights violations in the region. In April, the division issued a comprehensive study showing how Mexico, the United States, and Canada have failed to fulfill their obligations under the labor side accord of the North American Free Trade Agreement (NAFTA). Released on the eve of the Summit of the Americas in Québec, the report called for the creation of an independent oversight agency to spur remedial action for workers' rights violations.

To facilitate the broad dissemination of its findings in Latin America, the Americas division put a high priority on translating its materials into Spanish (and Portuguese, in some instances) and posting them on the Human Rights Watch website. With materials arranged chronologically by country and by issue, the Spanish-language website, in particular, presented a detailed picture of human rights conditions in the region. Visitor traffic to the Spanish-language pages expanded rapidly over the course of the year, drawn by the comprehensive and timely selection of materials. By year's end, Spanish-language visitors constituted Human Rights Watch's largest non-English audience.

ARGENTINA

Preoccupied by a deep economic crisis, the government of President Fernando de la Rúa did little to promote human rights. An escalation of police abuses in the province of Buenos Aires came to public attention in October 2001, leading to the immediate dismissal of Buenos Aires police and justice officials. The courts made important strides toward bringing to justice those responsible for the gross human rights violations committed during the period of military rule (1976-1983). President de la Rúa scarcely commented on these developments. Instead of supporting these efforts to break impunity, his ministry of defense backed Argentina's increasingly questioned amnesty laws and the government rejected requests for the extradition of former human rights violators to stand trial in Europe.

HUMAN RIGHTS DEVELOPMENTS

Police engaged in operations to combat urban crime committed serious human rights violations. Evidence emerged during the year that the Buenos Aires police

harassed and threatened minors for denouncing maltreatment and torture in police stations. Some were later shot dead in suspicious incidents officially described as firefights.

According to the nongovernmental Center for Legal and Social Studies (Centro de Estudios Legales y Sociales, CELS), police killed some 266 people in the last six months of 2000 and the first six months of 2001, many of them teenagers from poor urban areas. The police attributed most civilian killings to exchanges of gunfire, but investigations by human rights groups suggested that many deaths were the result of excessive use of lethal force by the police, or deliberate executions. During the first six months of 2001, fifteen minors were killed and eighteen wounded in shooting incidents in Greater Buenos Aires, according to CELS. Some adolescents appeared to have been deliberately killed in reprisal for denouncing that they had been tortured or maltreated while previously in police custody. In October 2001, the Buenos Aires provincial Supreme Court expressed concern about the death of sixty young people in "alleged shootouts" in 1999 and 2000 after they had filed complaints of torture. Many had received death threats before they were killed. The provincial security minister, former police commissioner Ramón Verón, replied to the allegations by saying that it was "almost a sport" for young people to denounce torture. Provincial governor Carlos Ruckauf, who was elected in 1999 on a tough anti-crime platform, immediately replaced him and the province's minister of justice. Verón's successor, Juan José Álvarez, admitted that "one or two" cases of police killings following complaints of torture had been recently confirmed.

A court was investigating the killing of fourteen-year-old Gastón Galván and sixteen-year-old Miguel Burgos, whose bodies were found in April by a roadside on the outskirts of Buenos Aires. Their hands and feet were tied, their bodies had multiple bullet wounds, and one of them had a plastic bag tied over his head. The police maintained that the deaths were the result of a gang dispute, but the youths' relatives said that police from the area had been constantly harassing the boys. A prosecutor revealed that, before they were killed, the youths had told a judge that police attached to a police station in Don Torcuato, Buenos Aires province, had tortured them. At the end of October, five Don Torcuato policemen, who were suspected of reprisal killings of minors who had denounced torture, were removed from their posts.

Ill-treatment was common in police stations where young offenders were held in overcrowded and squalid conditions. Methods of torture reported including beatings, hooding with plastic bags almost to the point of suffocation, and the use of electric shock batons on sensitive parts of the body, techniques in widespread use when Argentina was under military rule. These practices were most frequently reported in the populous greater Buenos Aires area. In July, Mario Coriolano, the chief state defense attorney attached to the criminal appeals court in the province of Buenos Aires, issued a report to the provincial Supreme Court giving details of more than six hundred complaints of ill-treatment and torture made from March 2000 until July 2001. By late October the court had information on more than 1,000 cases. In August, four respected federal judges publicly expressed concern about the prevalence of torture, asserting that the practice had become systematic in both police stations and prisons.

Twenty-four-year-old Javier Villanueva, for example, was arrested on October 21, 2001, while driving a stolen car in Lomas de Zamora, Buenos Aires province. After the prosecutor interviewing him noticed suspicious marks on his body he ordered that Villanueva be examined by a doctor, who found that he had lesions consistent with electric shock torture. The prosecutor ordered an immediate inspection of the police station in which Villanueva had been held; where an electric cable was found which Villanueva alleged had been used to torture him. Six officers attached to the Lomas de Zamora precinct, one of those most frequently mentioned in complaints, were detained and charged with torture and obstructing justice.

In July, President Fernando de la Rúa confirmed his intention to introduce in the Chamber of Deputies a bill to reform the country's criminal defamation law, an undertaking he made in response to several cases under consideration by the Inter-American Commission on Human Rights. The bill, proposed by the nongovernmental press freedom advocacy group *Periodistas*, aimed to eliminate criminal defamation in the case of public figures, and to make "actual malice" the basic standard for adjudicating defamation suits. At this writing, presentation of the bill was still awaited. Provincial and municipal authorities and members of the Senate, meanwhile, continued to use existing laws to crack down on press critics. In the province of Santiago del Estero, whose government was controlled by the Peronist Justicialista party, the *El Liberal* newspaper was the target of at least eleven civil suits brought by 4,000 members of the party's Women's Branch, about which the newspaper had published critical reports in 2000. As a result, a provincial court ordered the seizure of more than 500,000 pesos (approximately U.S. \$500,000) of the newspaper's assets, threatening its survival. The newspaper, with the largest print-run in the province, also faced discrimination in the granting of government advertising, and several of its journalists were harassed.

Public officials continued to file criminal suits to deter press reports of malfeasance, but in several cases higher courts found in favor of the journalists, appealing to constitutional principles protecting the publication of information in the public interest. In July, the federal appeals court dismissed charges of violation of confidentiality against journalist Marcelo Bonelli, of the newspaper *Clarín*, for revealing details of the tax returns of a former manager of the state pensions fund. In September, another chamber of the same court dismissed a criminal libel complaint filed by the same official against Bartolomé Mitre, director of the newspaper *La Nación*, for reporting on a criminal investigation in progress against him for a questioned contract.

The Supreme Court, however, cited privacy norms to justify penalties against a magazine for publishing information of clear public interest. In September, the Supreme Court upheld a lower court decision awarding criminal damages against the weekly news magazine *Noticias* for reporting in 1994 and 1995 that former president Carlos Menem had an illegitimate son by a congresswoman with whom he had an affair in the 1980s, and that he had used his office to advance her political career. The court found the magazine to have violated Menem's right to privacy, even though neither he nor the courts questioned the truth of the allegations.

Federal and provincial judges continued to investigate "disappearances" and

extrajudicial executions committed during the era of military rule (1976-1983), in so-called "truth trials." The hearings sought to establish the truth about the crimes even though those responsible could not be prosecuted or convicted because of amnesty laws passed in 1986 and 1987. Former chief of state Jorge Videla, junta member Admiral Emilio Massera, and former commander of the First Army Corps Carlos Guillermo Suárez Mason were among a dozen retired officers held under house arrest on charges of ordering the theft of babies born to mothers in secret detention and their handover for adoption to military families. These crimes had been expressly excluded from the amnesty laws.

On June 20, Videla appeared in court to be questioned on charges of illicit association, illegal arrest, and torture. He was accused of participating in Operation Condor, a secret plan devised by Southern Cone military governments to kidnap, exchange, or "disappear" political refugees from neighboring states. Two months previously, investigating Judge Rodolfo Canicoba had issued an international warrant for the arrest and extradition of former Paraguayan dictator Alfredo Stroessner, now in exile in Brasilia, and of Manuel Contreras, the former chief of the DINA, Pinochet's secret police, in Chile. An early example of Operation Condor was the car-bomb assassination of Chilean General Carlos Prats and his wife in Buenos Aires in September 1974. In November 2000, the Sixth Federal Oral Court in Buenos Aires sentenced former Chilean intelligence agent Enrique Arancibia Clavel, a resident of Buenos Aires, to life imprisonment as an accomplice in the crime. Investigating judge María Servini de Cubría was seeking the extradition from Chile of former dictator Augusto Pinochet, Manuel Contreras, and five former DINA officers, for planning and carrying out the assassinations. (See Chile.)

In a landmark decision in March, federal judge Gabriel Cavallo became the first Argentine judge to declare the amnesty laws unconstitutional and null. Judge Cavallo was investigating the theft of Claudia Poblete, who was eight months old when she and her parents José Poblete Roa and Gertrudis Hlaczik, "disappeared" after a military task force abducted them in November 1978. The 188-page ruling, solidly based on international human rights law and precedents in Argentine jurisprudence, argued that the "full-stop" and "due obedience" laws of 1986 and 1987 violated articles 29 and 118 of the Argentine constitution, and conflicted with Argentina's obligation to bring to justice those responsible for crimes against humanity. The two police agents accused of stealing Claudia Poblete and illegally giving her in adoption were the first officers to be charged for "disappearances" since 1987. On November 9, a three-judge panel of the Buenos Aires Federal Court unanimously rejected the defendants' appeal, confirming both the charges and the nullity of the amnesty laws. The trial's future depended on the Supreme Court ratifying the Federal Court's ruling, which would create a precedent for scores of other cases to be opened.

While the government nominally supported the truth and baby theft trials, it opposed any change in the *status quo* defined by the amnesty laws. In a speech in March at a military ceremony in Córdoba, Defense Minister Jaunarena contended that the prolongation of the trials was not beneficial for anyone, neither for the victims nor for those who might be accused. Jaunarena's predecessor as defense minister, Ricardo López Murphy, supported the army when, in the same month, 663

officers in active service presented a *habeas data* demand against CELS, demanding that it turn over information that might implicate the officers in human rights abuse. The army's chief of staff, Gen. Ricardo Brinzoni, who was believed to have authorized the legal action, was himself the object of a criminal complaint filed by CELS in May for his alleged involvement in a notorious massacre of twenty-two political prisoners in Margarita Belén, Chaco province, on December 13, 1976. On Army Day, May 29, President De la Rúa publicly defended Brinzoni in a ceremony attended by members of the military juntas.

DEFENDING HUMAN RIGHTS

Lawyers and human rights activists continued to face death threats and harassment. On November 7, Matilde Bruera, a human rights lawyer in Rosario, province of Santa Fe, received an anonymous message with the words "Bruera, we are going to kill you with a bullet through your head." During June and October she had received similar threats. Other human rights lawyers, including Juan Roberto Coria, Lindolfo Bertinat, Vildor Garavelli, María Eugenia Caggiano, and Juan Lewis suffered break-ins or received threats apparently connected to the opening of a "truth trial" in Rosario.

In October 2000, Carlos Varela, Alejandro Acosta, and Diego Lavado, lawyers representing relatives of the victim of a police killing, suffered a break-in at their office in Mendoza. The desk computers were opened, the hard drives removed, and a laptop computer was stolen. They reported another break-in at the end of the year. The under-secretary for human rights at the Ministry of Justice arranged for the three to be given police protection.

THE ROLE OF THE INTERNATIONAL COMMUNITY

United Nations

In November 2000, the Human Rights Committee issued its concluding observations on Argentina's report under article 40 of the International Covenant on Civil and Political Rights. The committee recommended that "gross violations of civil and political rights during military rule should be prosecutable for as long as necessary, with applicability as far back in time as necessary to bring their perpetrators to justice." In its concluding observations on Argentina's report under article 9 of the International Convention on the Elimination of All Forms of Discrimination, the Committee on the Elimination of Racial Discrimination expressed concern over reports of racist police brutality.

European Union

Courts in Spain, Italy, France, and Germany continued to try, or seek the extradition of, members of the Argentine armed forces for the "disappearance" of their

citizens during military rule. In July, Alfredo Astiz, a former agent attached to the Navy Mechanics School (ESMA), gave himself up to Buenos Aires police after federal judge María Servini de Cubría ordered his arrest at the request of Italian judge Claudio Tortora, for the “disappearance” in 1976 of three Italian citizens. Italy filed an extradition request, and while Astiz was in custody, France also requested his extradition. A French court had sentenced Astiz to life imprisonment in absentia in 1990 for the “disappearance” of two French nuns, Alice Domon and Leonie Duquet, a crime for which Astiz had been spared trial in Argentina under the due obedience law.

In August, the Ministry of Foreign Affairs refused to extradite Astiz, claiming that only Argentine courts had jurisdiction for crimes committed in Argentina. While influential Argentine judges and jurists had assimilated the doctrine of international jurisdiction for crimes against humanity, the government was unwilling to allow the courts to decide such cases on their legal merits. Since there were no charges pending against him in Argentina, Astiz was immediately released. In contrast to its position on the Astiz case, Argentina took a positive step toward combating impunity by ratifying the Rome Treaty for the International Criminal Court (ICC).

In December 2000, Rome’s Second Criminal Court sentenced Gen. Carlos Guillermo Suárez Mason, commander of the First Army Corps from 1976 until 1980, and Gen. Santiago Omar Riveros, to life imprisonment, *in absentia*, on charges of kidnapping, torture, and premeditated murder. Five naval officers received lesser sentences. In July, a court in Nuremberg, Germany, issued an international warrant for Suárez’s arrest in connection with the murder of German sociologist Elisabeth Kaesermann, who was the victim of an extrajudicial execution in May 1977 in Argentina.

In January, Mexican Judge Jesús Guadalupe Luna Altamirano accepted a petition from Spain for the extradition of Ricardo Miguel Cavallo, a member of the notorious 3.3.2 task force that operated out of ESMA. Cavallo had been detained in August 2000 at Cancún airport, after Spanish judge Baltazar Garzón issued an international warrant for his arrest on charges of genocide, terrorism, and torture. In February, Mexican Foreign Minister Jorge Castañeda authorized the extradition. The decision was the first by a Latin American country to put into practice the principle of universal jurisdiction. Again, Argentina expressed opposition: Defense Minister Ricardo López Murphy asserted that no country “should be recognized as having the capacity to be a court of appeals for decisions freely adopted by Argentines.” As of October, Cavallo remained in custody in Mexico awaiting the results of a judicial appeal against his extradition.

United States

In response to requests by Argentine human rights groups and judges in Europe and Argentina, then-Secretary of State Madeleine Albright promised in November 2000 to declassify State Department documents on “disappearances,” the theft of babies, and Operation Condor. It was understood that, unlike the celebrated Chile revelations in 2000, the release would not include Central Intelligence Agency or

Defense Department files. The documents were still awaited at the end of October 2001.

In August, Argentine Judge Rodolfo Canicoba sent a letter rogatory to the State Department requesting a deposition by former Secretary of State Henry Kissinger to aid the judge's investigation of Operation Condor. In addition, French judge Roger Le Loire requested Kissinger's cooperation with judicial inquiries into the "disappearance" in Argentina of French nationals. Although de-classified documents showed that Kissinger was informed about Operation Condor, he did not contribute any information to the French or Argentine courts. The *Washington Times* on August 1 quoted an unnamed White House source as saying that the courts' demands were "unjust and ridiculous."

Relevant Human Rights Watch Reports:

Reluctant Partner: The Argentine Government's Failure to Back Trials of Human Rights Violators, 12/01

BRAZIL

HUMAN RIGHTS DEVELOPMENTS

Extrajudicial killings, ill-treatment, and torture continued to be Brazil's most serious human rights problems, with police and prison officials being the primary perpetrators of these abuses. In addition, land reform activists and indigenous people involved in land disputes were harassed, assaulted and killed in circumstances that suggested the acquiescence of public authorities. From police stations to prisons, and from urban centers to the vast territories of Brazil's interior, those responsible for abuses enjoyed widespread impunity. Efforts by the government to address these problems consistently fell short of achieving significant change.

In a landmark ruling, Col. Ubiratan Guimarães—the first military police officer of the rank of colonel or above to be criminally prosecuted in a civilian court—was found responsible for a massacre that left 111 inmates dead after a 1992 prison riot. On June 30, Colonel Guimarães received a 632-year sentence for his role in leading a military police squad that quelled a riot at Carandirú, Brazil's largest prison complex. Police under his command had opened fire on prisoners, many of whom were in their cells, using machine guns and semi-automatic weapons. Subsequent investigations confirmed that the vast majority of the victims died as a result of gunshot wounds, principally to the head and thorax regions. No police were killed in the operation.

While the verdict represented a welcome departure from Brazil's long-standing tradition of impunity, the final outcome of the prosecution remained uncertain. Guimarães was immediately freed after sentencing pending his appeal, which was