



On the front line

Regional Action Network on Human Rights Defenders

One year on from the UN Declaration on Human Rights Defenders: What next?

Reflection by Pierre Sané, secretary general of Amnesty International

“The protection of human rights demands the recognition of the right to defend them. Internationally and regionally this principle is now clearly accepted. World leaders extol the virtues of human rights activists and government officials frequently adopt the language of human rights. Yet, few governments in Latin America have taken concrete steps to turn this principle into real change for human rights activists who face obstacles, harassment, even danger when carrying out their daily activities.

“On 9 December 1998 the United Nations General Assembly adopted the *Declaration on the Right and Responsibility of Individuals,*

Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Declaration on Human Rights Defenders). This Declaration recognized the legitimacy of the work of defenders and set out a series of principles to ensure States collaborate with defenders, guaranteeing them freedom to carry out their activities without hindrance or threat of reprisals. This Declaration stands out as an important advance in promoting the work of defenders and setting standards for their protection.

“In June 1999, the Organization of American States (OAS) also recognized the legitimacy of those who promote human rights by adopting a resolution which agreed to “recognize and support the work carried out by Human Rights Defenders” and to provide “Human Rights Defenders with the necessary guarantees and facilities to continue freely carrying out their work of promoting and protecting human rights” as well as to adopt “the necessary steps to guarantee their life, liberty, and integrity”.

“So what difference have these pledges made to the lives of those working to defend the rights of others? During 1999 numerous government authorities in Latin America publicly repudiated attacks against defenders by condemning their killing or abduction. Some

governments, for example in Colombia, managed to provide special protection measures such as bullet proof jackets or security equipment for the offices of human rights organizations. But the real question is - did governments take steps to ensure the perpetrators of these crimes were identified and prosecuted? Did they curb the legal or bureaucratic restrictions placed on some members of human rights organizations trying to investigate reports of government abuses? Evidence gathered by Amnesty International during 1999 suggests that government efforts to protect and promote the right to defender human rights were scarce and half-hearted.

“Failure by some Latin American governments to give effect to the UN Declaration on Human Rights Defenders is illustrated by the fact that repression against defenders in 1999 was of the same scale and magnitude of previous years: defenders were the victims of extrajudicial execution, abductions, torture, ill-treatment, death threats and harassment, they were arbitrarily detained, followed and kept under surveillance.

“The ongoing repression of human rights defenders was reflected in a resolution by the United Nations Sub-Commission on the Prevention of Discrimination and Protection of Minorities Resolution 1999/3 in August 1999, which strongly

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condemned recent killings of human rights defenders in Colombia, Ecuador and Guatemala (as well as other countries) and called “upon governments concerned to ensure that crimes committed against human rights defenders do not go unpunished, to allow and facilitate all necessary inquiry and to ensure judgement by a civil tribunal and punishment of the perpetrators as well as compensation of the families of the victims, including for the killings which occurred a long time ago.”

“In 1999 more than 10 attempts were made on the lives of human rights defenders in Latin America, at least five resulted in death. More than 80 defenders were threatened or harassed. Countless others had to leave their countries or their homes to safeguard their lives.

“The year started with a relentless campaign of attacks against human rights defenders by the Colombian army backed paramilitary forces, who publicly declared their intention to ‘purge’ human rights organizations of what they claimed were ‘guerrilla infiltrators’. On 30 January Everardo de Jesús Puertas and Julio Ernesto González, human rights lawyers of the *Comité de Solidaridad con los Presos Políticos (CSPP)*, Committee of Solidarity with Political Prisoners, were shot dead by two armed men and a woman who picked them out from the passengers travelling on a bus.

“Just two days before these killings four members of the *Instituto Popular de Capacitación (IPC)*, Popular Training Institute in Medellín were kidnapped by the paramilitary organization *Autodefensas Unidas de Colombia*

(*AUC*), United Self-Defence Forces of Colombia. All four were eventually released following an international and national outcry.

“In spite of Colombian government initiatives to establish protection programs for human rights defenders, international standards are not being adhered to and Colombia continues to be one of the most dangerous countries in which to work for the defence and promotion of human rights. “We have always talked about our capacity as Colombians to put up with so much cruelty and tragedy, and the way we have tried to overcome such losses. But as the circle closes in and those who die become my closest, most loved friends and colleagues, I don’t believe we have the same strength anymore.”, wrote one defender in February 1999.

“September and October saw a sharp increase in threats and harassment against Mexican human rights defenders, members of the *Centro de Derechos Humanos ‘Miguel Agustín Pro Juárez’ (PRODH)*, Human Rights Centre ‘Miguel Agustín Pro Juárez’. The legal coordinator, Digna Ochoa y Plácido, was attacked, tied up and interrogated for several hours. The Inter-American Court dictated cautionary measures for members of the organization.

“The arrest of General Augusto Pinochet raised great hopes for the relatives of those “disappeared” during the military government of 1973 to 1990. It also coincided with an increase in threats to Chilean human rights groups working to discover the fate of the “disappeared” and to bring an end to the impunity surrounding the cases. In Guatemala defenders

working to bring to justice those responsible for past human rights violations were also frequently threatened.

“Despite the difficulties and against the odds, the human rights community in Latin America continues to break new ground and gain in strength and determination.

“In Brazil, human rights activists were involved in exposing the activities of a brutal death squad operating with the acquiescence of state officials in the Amazonian state of Acre. The death squad was alleged to be responsible for dozens of killings of people from marginalised groups of society.

“In Peru, human rights organizations launched a nationwide campaign against torture to press for torture free zones in which state agents would commit themselves to eliminating torture from their jurisdictions. They also pressed for the full adherence to a new law reforming the Peruvian penal code and making torture a criminal offence. Between 1988 and 1998, Peruvian human rights organizations received more than 4,000 complaints regarding torture.

“In Venezuela, defenders made important recommendations on the drafting of the new constitution in respect of the right to life and personal integrity and the inclusion of the crimes of extrajudicial, summary and arbitrary execution, “disappearance”, torture and other cruel, inhuman and degrading treatment.

“In Central America, Guatemalan defenders pressed for the exhumation of those killed by members of the armed forces in massacres carried out in the

Guatemalan highlands in the early 1980s, as well as the bringing to justice of those responsible for these crimes. The fate and whereabouts of many of Latin America's "disappeared", many of whom were human rights defenders, still remain unknown.

In Colombia, defenders were often the only source of reliable information regarding human rights violations committed by the security forces and their paramilitary allies. As the conflict in this country intensifies the victims of human rights violations are silenced for fear of reprisals. In this context defenders play a crucial role in exposing to the international community the atrocities perpetrated both by the security forces and the armed opposition.

"The efforts and achievements of human rights defenders turn the aspirations of the Universal Declaration of Human Rights into reality. Defenders are making key contributions to the strengthening of the rule of law and democratic principles in their countries, even if this means placing themselves in difficult or dangerous situations. States have a moral duty to their societies to promote and protect such endeavours in the field of human rights. The time has come to make good the pledges and promises made in the Declaration on Human Rights Defenders so that human rights defenders may benefit in their own communities from the same legitimacy and recognition they have been unequivocally afforded by the international community."

For recommendations by Amnesty International on the implementation of the UN Declaration on Human Rights Defenders see: More protection,

less persecution: Human rights defenders in Latin America (AI Index: AMR 01/02/99)

Brazil: Denouncing the

death squads

In September 1999 Hildebrando Pascoal, representative to Federal Congress from the state of Acre in north-western Brazil, had his mandate ended. The allegations that lead to his dismissal were shocking: he was accused of forming a death squad responsible for the killing of more than 60 people and of being involved in drug trafficking activities during the period that he was commander of the military police of Acre. He is currently in prison in Brasilia pending trial along with several other members of the death squad. This is the story of a Brazilian human rights defender who played a key part in bringing him to justice.

“My name is Valdecir Nicacio Lima. I am a Brazilian lawyer and I have always worked in the legal assistance of people who are ill treated in prison and also on cases of the victims of death squads. I’ve been working in this field for almost a decade but over the last two years, my work has intensified because killings by death squads, which are made up of civilian and military police in my State, have increased markedly and as a consequence more people have sought my help.

“I had always worked independently of State institutions or other organizations, but in 1997, as a consequence of the seriousness of the situation, I sent a report to Amnesty International detailing what was happening in the state of Acre. It was following this

report that my difficulties increased because members of the death squad found out that I had contacted Amnesty International. To make things worse, one of the leaders of the death squad presented himself as a candidate and was elected as a member of the Federal Congress.

“After his election I continued to inform Congress of the criminal acts committed by this man and those under his command. It was following these investigations that the Congress of Brazil confirmed the accusations of international drug trafficking and contract killings committed by this death squad.

“As a result of these investigations, the threats to my life increased. I was threatened by police chiefs, civil and military police, including very high ranking officials. On one occasion shots were fired at my house. All these threats made it clear that no institution would be able to save me from the bullets.

“When the investigation concluded, the Brazilian Congress dismissed the death squad leader who had been elected to the Federal Congress. The courts issued an arrest warrant for him and more than 30 other members of the death squad, all of them civilian or military police. But the pressure remained too great and, in August 1999, I decided to leave Brazil with my family.”

APPEALS CASES

CHILE: Ongoing threats against human rights defenders

Since the arrest of Augusto Pinochet in London in October 1998, relatives of victims of past human rights violations as well as human rights lawyers and activists in Chile have been increasingly harassed and threatened with death.

Human rights defenders of the *Agrupación de Familiares de Detenidos Desaparecidos*

On 15 December 1999, Viviana Díaz Caro, President and Mireya García, Secretary General of the *Agrupación de Familiares de Detenidos Desaparecidos* receive the latest in a number of death threats directed at members of this organization. The threat stated, "Let's hope that Father Christmas will give us the opportunity to meet face to face in the year 2000 so that we can blow up your brains. Enjoy your last Christmas ... you will not be around for the next one. Greetings to your family ... Merry Christmas to everyone." ("*Que el viejito Pascuero nos regale la oportunidad de encontrarnos cara a cara durante el 2000 ... y así poder volarte los sesos. Disfruta de tu última navidad .. Para la próxima ya no estarás. Saludos a tu familia ... Pascua Feliz para todos. F.N.L. 'Ediciones Villa Grimaldi'*")

The message, sent in the guise of a Christmas greeting card, was signed: "FNL, ediciones Villa Grimaldi". Villa Grimaldi was a

well known torture centre in Santiago used during military rule under the control of the *Dirección de Inteligencia Nacional*, (DINA), National Intelligence Directorate. The FNL (*Frente Nacionalista Patria y Libertad*, Country and Freedom National Front), is a right wing extremist group active during General Augusto Pinochet's military government of 1973 to 1990.

The *Agrupación*, which was set up

Helia López, a representative of the Agrupación in London, attends a press conference on the Pinochet case, together with Pierre Sané, secretary general of Amnesty International and lawyer, Geoffrey Bindman. ©AI

in the early years of General Pinochet's rule, has campaigned for information from the authorities about the whereabouts and fate of their relatives. After military rule ended, government agencies were set up to establish their fate. Despite over 1,000 cases of "disappearance" having since been officially recognized, legal efforts to find the truth have been hampered by military and civilian courts closing cases under the Amnesty Law of 1978. The *Agrupación* continues to pursue their goal

through national and international legal avenues and peaceful public activities.

Human rights defenders of Amnesty International Chile

A man who identified himself only as a "friendly military person" ("*amigo militar*") called Amnesty International's headquarters in the capital, Santiago, on 18 November 1999, and warned that Elias Padilla Ballester, former President of Amnesty International Chile, was going to be kidnapped. The threat was immediately reported to the Investigations Police (*P o l i c i a d e Investigaciones*), the Intelligence Unit (*Unidad de Inteligencia*) and the Ministry of the Interior.

This is the latest of a number of anonymous threats made by telephone and e-mail to the staff of the Chilean section of Amnesty International.

Recommended Action:

Please send telegrams/faxes/express/airmail letters in Spanish or in your own language:

- expressing concern that Viviana Díaz and others associated with the *Agrupación de Familiares de Detenidos Desaparecidos*; are still being threatened with death;
- expressing concern at the threat to kidnap Elias Padilla;
- calling on the authorities to guarantee the safety of human rights defenders of the

Agrupación and
A m n e s t y
International
Chile;

- calling for an immediate investigation into the death threats against Viviana Diaz and Mireya Garcia and the threat to kidnap Elias Padilla, asking that the findings be made public and those responsible brought to justice;
- 15 February 2000 urging the authorities to make public their repudiation of all harassment and intimidation of human rights defenders in Chile and to publically recognize the important contribution that human rights defenders make to the protection of human rights and the promotion of a society which fully respects human rights.

Recommended action:

Please note that the recently elected government of Ricardo Lagos will take office on 11 March 2000. Please send appeals after 5 March 2000 to:

President of the Republic of Chile
Sr. Ricardo Lagos Escobar
Presidente de la República
Palacio de la Moneda
Santiago, Chile
Fax: +56 2 694 5080
Telegrams: Presidente, Santiago, Chile
salutation: Sr. Presidente/ Dear President

Minister of Interior
José Miguel Insulza Salinas
Ministro del Interior
Ministerio del Interior

Palacio de la Moneda
Santiago, Chile
Fax: +56 2 696 8740/699 2165
Telegram: Ministro Interior, Santiago, Chile
Salutation: Sr. Ministro/ Dear Minister

Minister of Justice
José Antonio Gómez
Ministro de Justicia
Ministerio de Justicia
Morandé 107
Santiago, Chile
Fax: +56 2 695 4558 - 698 7098
Telegram: Ministro Justicia, Santiago, Chile
Salutation: Sr. Ministro/Dear Minister

COPIES TO:

Minister of Foreign Affairs
María Soledad Alvear Valenzuela
Ministra de Relaciones Exteriores
Ministerio de Relaciones Exteriores
Catedral 1158, Piso 3
Santiago, Chile
Fax: +56 2 696 8796 - 672 6274
Salutation: Sra. Ministra/Dear Minister

Human Rights Organization,
Agrupación de Familiares de
Detenidos, Desaparecidos, Manuel
Rodríguez 33, Santiago, Chile
Faxes: + 562 698 8609

Newspaper
La Nación
Agustinas 1269, Santiago, Chile
Fax: + 562 698 1059

Please also write to your own government and to political representatives who you know to have been following legal proceedings against former

General Pinochet.

EL SALVADOR: continuing impunity for killers of human rights defenders

On 22 December 1999 the Inter-American Human Rights Commission (IAHRC) of the Organization of American States ruled that El Salvador's 1993 Amnesty Law violates international law by foreclosing further investigation into the 1989 murders of six human rights defenders.

The six Jesuit priests were killed by members of the Salvadorean armed forces in the *Universidad Centroamericana*, Central American University in San Salvador on 16 November 1989. Two members of the armed forces were subsequently sentenced to 30 years in prison for the murders, but were freed when the Amnesty Law was passed by the Legislative Assembly in March 1993. Those in the military high command who orchestrated the killings avoided investigation, trial and punishment altogether. The IAHRC report calls upon the government of El Salvador to rescind the amnesty law, carry out a complete, impartial and effective investigation into the murders, and prosecute and punish all those responsible.

However, on 6 January 2000 Francisco Flores, president of El Salvador, declared that to apply the Inter-American Commission ruling and reopen the case of the six Jesuits would be "*abrir la puerta a*

un conflicto que ya dejamos atrás y los salvadoreños queremos voltear la página", (to open the door to a conflict which we have already left behind us and the people of El Salvador want to turn the page), indicating that he intends to disregard the ruling. This decision of the El Salvadorean government is in breach of its international obligations.

A judicial challenge to the legality of the Amnesty Law, submitted in December 1997 by a private citizen, is still pending final resolution by the Supreme Court of El Salvador

Recommended action:

Please send faxes/express/airmail letters in Spanish or your own language:

- expressing your regret and concern that the government of El Salvador appears to be disregarding the ruling of the Inter-American Human Rights Commission (IAHRC) of the Organization of American States which states that the 1993 Amnesty Law violates international law;
- urging the government of El Salvador to implement the recommendations of the IAHRC by carrying out full and impartial investigations into the killings of the six human rights defenders, that the results be made public and that all those responsible be sanctioned;
- highlighting the fact that impunity for the killers of human rights defenders, regardless of how long ago the

crime was committed, serves only to perpetuate the repression of those who defend human rights and raises serious doubts about the commitment of governments to implementing their international human rights obligations.

Appeals to:

President of the Republic

Sr. Presidente Francisco Flores
Presidente de la República
Casa Presidencial
Avda. Los Diplomáticos,
B° San Jacinto
San Salvador, El Salvador
Fax: (503) 281 0018/243 4912

Salutation: Excelentísimo Sr. Presidente / Dear President Flores

Minister of Justice and Public Security

Sr. Francisco Bertrand Galindo
Ministro de Justicia y Seguridad Pública
5a Calle Oriente No 42
Antiguo Local Policía Na14
February 2000cional
San Salvador, El Salvador
Fax: (503) 245 2650
Salutation: Sr. Ministro/Dear Minister

Please send copies of your letters to:

Minister of Foreign Affairs

Lic. María Eugenia Brizuela de Avila
Ministra de Relaciones Exteriores
Ministerio de Relaciones Exteriores
Alameda Manuel Enrique Araujo
Km.6 ½ Carretera Santa Tecla
San Salvador, El Salvador
Fax: (503) 243 3710
Salutation: Sra. Ministra/Dear

Minister

Newspapers

El Diario De Hoy

11 Calle Oriente, 271
San Salvador, El Salvador
Fax: (503) 271 2512
Email: redaccion@elsalvador.com

La Prensa Gráfica

Final Boulevard Sta Elena,
Calle Conchagua, Antiguo
Custcatlon, Dpto de la Libertad.
San Salvador, El Salvador
Fax: (503) 289 1802/1
Email: lpg@laprensa.com.sv

NOTICE BOARD

BRAZIL: Death of Padre Chico

On 19 November 1999, Father Francisco Reardon, Coordinator of Brazil's Bishops' Council's Prison Ministry (pastoral Carceraria da CNBB) died of a heart attack, aged 59. The US-born priest - known in his adopted Brazil as "Padre Chico" - was a tireless campaigner for prisoners' basic human rights.

Padre Chico, a key figure in Brazilian human rights, had recently worked on a campaign highlighting the sub-human conditions in Brazil's prisons and police stations. He also campaigned for prisoners' rights worldwide, and had just returned from a conference in Mexico, where he had been elected vice-president of Latin-America's Catholic Church's Prison Ministry.

He managed to combine a very deep sense of humanity with determination for real effectiveness. His routine at the Casa de Detencão and in other

prisons was to listen and give solace, crack jokes even, but at the same time to absorb infinite amounts of detail about prisoners' complaints of beatings and other abuses, and once back home type it all out, or later, put it on computer. One of his principle concerns was to fight for adequate medical treatment for those who were sick or paraplegic, and proper legal aid.

"Padre Chico's death is a shock and a great loss," said Javier Zuñiga, Director of Amnesty International's Americas Regional Program. "His energy, compassion and generosity of spirit have been an inspiration to us. Above all, we will remember his profound sense of human dignity."

MEXICO: Message of thanks from Digna Ochoa y Plácido for the solidarity and support received

On behalf of my friends and companions of the Centro de Derechos Humanos 'Miguel Agustín Pro Juárez' (Centro

Prodh), and myself, I wish to express our gratitude for the solidarity and support you gave me and all at the Centro Prodh.

Recently we have been subjected to a systematic campaign of aggressions, harassment and death threats from people hiding behind anonymity. There is no doubt that the reason for this hostility is precisely the defence and promotion of human rights we carry out each day, for due to our constant denunciations, we antagonize interests, institutions and authorities, and individuals who refuse to respect human rights. In the midst of all this, the solidarity shown us by individuals, non-governmental organizations and the media has strengthened us and encouraged us to press on with our work.

As a human rights centre we are convinced that the protection, promotion and respect of human rights can contribute to our progress towards a just and fair society for everyone. We hope that this atmosphere of intimidation and harassment will cease; meanwhile we ask you to remain vigilant to face any new aggression we human rights defenders may encounter.

Digna Ochoa y Plácido
legal coordinator (Centro Prodh)

This publication is produced by the Program to Promote the Protection of Human Rights Defenders in Latin America, established by Amnesty International in May 1997 to follow-up Defenders Conference (Bogotá, Colombia, May 1996). Please distribute this bulletin as widely as possible. For more information and to join the Program's Defenders Network, write to:

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