

# AMERICAS

## Putting Human Rights on the Agenda

The Third Americas Summit is due to be held between 20 and 22 April 2001 in Quebec, Canada. It will be the latest in a series of meetings of the continent's presidents and prime ministers which started in the 1990s with the Miami Summit of 1994 and was followed by the meeting held in Santiago, Chile, in 1998. Their primary intended purpose is to enable government leaders to discuss issues of mutual concern and to seek solutions to common problems facing the countries of the Americas.

Most of the matters on the agenda of this next meeting relate to economics and trade but the Summit will also be addressing the question of how democracy can be strengthened, an issue which is undoubtedly of permanent relevance for the continent. Amnesty International feels that it is essential to point out in this connection that democracy is impossible if there is no effective respect for human rights. Without human rights, the very idea of democracy simply becomes an implausible formula that exists in name alone since the aim of any democratic organization is precisely to ensure that people are able to exercise their fundamental rights.

That these rights are fundamental in nature is recognized universally as well as in numerous instruments that apply specifically to this continent, such as the founding Charter of the Organization of American States (OAS) which emphasized that respect for fundamental rights was to be one of the organization's principles. What is more, great importance was given to human rights promotion and protection in the basic documents that came out of the previous Americas Summits, with human rights being seen as of paramount concern to the governments of the region. It should be noted that these days it is generally accepted that economic and trading strategies are acceptable only as long as they do not impede respect for fundamental rights. Consequently, Amnesty International believes that since the basis of any type of democracy has to be human rights, the forthcoming Americas Summit should prioritize the question of human rights over issues that are simply of an economic or commercial nature.

In spite of the many commitments made by governments, Amnesty International continues to report and campaign on serious human rights violations across the region. These include appalling prison conditions, police abuses, death threats, political killings, ill-treatment of asylum-seekers, threats and harassment of human rights defenders, the continuing application of the death penalty. During this year of Amnesty International's global Campaign against Torture, the organization is highlighting the stark reality of torture and ill-treatment - sexual assaults, police brutality, excessive use of force, cruel, inhuman and degrading treatment of

juveniles, women and other prisoners. The culture of impunity persists in the region as victims are routinely denied justice, and most perpetrators never face arrest, prosecution or punishment.

Access to justice and compliance with judicial guarantees are often made impossible; the situations of extreme poverty which exist demonstrate that basic economic, social and cultural rights are denied; and impunity continues because, often as a result of amnesty laws, pardons or the referral to military courts of cases which should be dealt with by civilian courts, no action is taken.

Despite measures put in place by civilian governments for safeguarding civil and political rights; despite new laws, constitutions and constitutional amendments introduced purportedly to reinforce the highest possible legal protection for human rights - despite all these, there is still a vast gulf between official statements and concrete improvements in human rights in the Americas.

In this context, it is undeniable that the bodies that make up the inter-American human rights system (the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights) have a significant and complementary role to play in helping to overcome the weaknesses which institutions in many countries of the Americas often demonstrate. Amnesty International believes that the countries of the Continent should take steps to strengthen the effective implementation of all decisions made by the Inter-American Commission and the Inter-American Court and is calling on governments to increase the economic and human resources available to these two bodies.

It is also important to highlight that human rights defenders are an essential feature and basic component of the human rights protection system. It should be borne in mind that it is very often their action which prompts and makes it possible for national and international protection mechanisms to go into action. The significance of the work of defenders has already been universally recognized in the UN "Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms" and, in line with this, a Special Representative has been appointed on behalf of the Secretary General of the United Nations to ensure that the Declaration is complied with.

Recently and for two years in a row, the OAS General Assembly has also passed resolutions on the issue in which it paid tribute to the role of defenders and condemned actions taken to impede their work or make it more difficult. Human rights defenders in many countries in the Americas face constant harassment on account of their efforts to support the victims of human rights violations and to expose the abuses committed by state agents. Some have “disappeared”; some have been assassinated for protesting against state violence; some have been put behind bars for demanding prisoners’ rights. Human rights defenders have played a vital role in holding states to account in respect of their promises and obligations to protect the rights of their citizens. Their constant vigilance and dedication are often the only defence against injustice and the abuse of power.

Amnesty International believes that now that there is concrete evidence and general recognition of the role defenders play, it is essential for them to be given the support they need through the introduction measures designed to protect them and to enable them to do their work effectively.

With all of the above in mind, Amnesty International is expressly urging the states and governments participating in the Third Americas Summit to prioritize issues relating to the question of human rights over matters or considerations which are merely commercial or economic in nature; following on from that, it is also calling on them to support the strengthening of the inter-American human rights system and furthermore, within this same framework, urges them to support and protect the activities of human rights defenders throughout the continent.

The heads of state and governments represented at this Summit of the Americas have a responsibility to adhere to international standards and treaties which they have signed or ratified, and to fully respect the rights of their peoples. They have a duty to respect all those rights enshrined in the Universal Declaration of Human Rights. Whilst human rights violations continue to be perpetrated, Amnesty International will continue to hold governments accountable and demand justice for all.

The attached document is a summary of Amnesty International’s concerns in the Americas during the year 2000. In many of the countries mentioned the organization has published reports covering issues including the death penalty, police brutality, rights of indigenous peoples, torture and ill-treatment, including of women, children, lesbian, gay, bisexual and

transgender people, death threats, political killings, prisoners of conscience, amongst just a few.

## **A summary of Amnesty International's concerns on the Americas**

### **ARGENTINA**

There were continued reports of violence by provincial police. Scores of people were reportedly killed by police in circumstances suggesting excessive or disproportionate use of force. There were reports of torture and ill-treatment of criminal suspects and detainees by police officers. Although a number of police officers were charged, the outcome of the majority of the complaints was unknown.

Judicial proceedings and investigations in Italy, Spain and Germany continued during the year in relation to human rights violations committed under the military government (1976-1983). Requests for extradition were submitted in a number of countries against former members of the Argentine armed forces. In Argentina, human rights violations committed under the military government are covered by the Full Stop and Due Obedience laws

Members of the *Movimiento Todos por la Patria* (MTP), Movement All for the Fatherland, serving sentences ranging from 20 years to life imprisonment imposed in previous years, staged two hunger strikes in May and September to protest at the failure of the Argentine government to comply with the recommendations made in 1997 by the Inter-American Commission on Human Rights, regarding the prisoners' right of appeal. The prisoners, including prisoner of conscience Fray Antonio Puigjane, were tried under the Defence of Democracy Law, which denies the right of appeal. Although two draft bills were submitted to Congress to modify the law, by the end of the year neither bill had been debated in parliament. In December, the prisoners ended the hunger strike after the life sentences of 11 prisoners were reduced by presidential decree.

### **BAHAMAS**

Asylum-seekers were detained, in violation of international standards, and forcibly repatriated to Haiti and Cuba. A new Code of Conduct and Complaints Division for the Royal Bahamas

Police Force was introduced. However, there were continuing reports of unjustifiable use of force and arbitrary detention by police officers.

Twenty-five prisoners remained on death row at the end of 2000, according to official figures. One person was hanged.

There were continuing reports of brutality and prison conditions which failed to meet international minimum standards for the treatment of prisoners at Fox Hill Prison; several deaths were reported during 2000.

## **BELIZE**

Reports of torture by police, and of excessive use of force, continued. Human rights organizations, lawyers and journalists reported that ill-treatment and torture by the security forces were widespread but often remained unreported because of victims' fear of retaliation.

Conditions in Hattieville Rehabilitation Centre, the main penal institution in Belize, were reported to be very poor. The main concerns included poor sanitation, lack of water and toilet facilities, and lack of facilities for prisoners to have confidential consultations with their lawyers. The prison was severely overcrowded, holding more than twice the 500 inmates it was designed for. There were reports of prisoners being beaten by other inmates.

Two people were sentenced to death. The scope of the law under which corporal punishment can be carried out was extended twice.

## **BOLIVIA**

Human rights violations were reported in Cochabamba in the context of a state of siege. Human rights violations were reported in El Chapare region.

There were reports that people, including minors, were detained in La Paz Department and tortured to coerce them into incriminating community or union leaders. No investigations were initiated into these incidents.

Several journalists and human rights activists who were perceived as critical of the government or who had publicly criticized the authorities' actions in Cochabamba were threatened and intimidated.

Conditions in prisons and pre-trial detention centres fell well below international minimum standards and amounted in most cases to cruel, degrading or inhuman treatment.

## **BRAZIL**

The systematic use of torture and ill-treatment continued in police stations, prisons and juvenile detention centres. Conditions for common criminals and juvenile detainees constituted ill-treatment. Land reform activists and indigenous people involved in land disputes were harassed, assaulted and killed both by military police and by gunmen hired by local landowners, with the apparent acquiescence of the police and the authorities.

There was a continued deterioration of the juvenile justice system. Reports of widespread torture, ill-treatment, intimidation and deaths in custody were compounded by the use of excessive force by military police and prison guards during riots and disturbances.

"Death squads", acting with the participation or collusion of the police, continued to operate in a number of states, including Acre, Bahia, Espirito Santo, Goiás, Rio de Janeiro and Rio Grande do Norte.

Human rights defenders continued to suffer harassment, death threats, public defamation and killings. Those working in rural areas were especially vulnerable to attacks from gunmen hired by landowners, often with the acquiescence of the police.

Many indigenous peoples suffered injuries as a result of excessive force used by military police during public demonstrations.

## **CANADA**

There were sporadic reports of the use of excessive force by police officers. At least two people faced extradition to the USA where they faced a possible death sentence

There were allegations of patterns of police abuse against First Nation (Aboriginal) men in Saskatoon, Saskatchewan. There were reports that members of Saskatoon City Police had for a number of years had an unofficial policy of abandoning intoxicated or Atroublesome@ members of the indigenous community away from the population centre of Saskatoon, thereby placing them at great risk of dying of hypothermia during the winter months.

Some asylum-seekers continued to be detained for prolonged periods before being deported. The Canadian authorities examined criteria for eligibility before hearing the evidence of the need for protection in the individual case. This had the effect of rendering certain groups of people ineligible to make a refugee claim. Asylum-seekers whose applications were turned down by the Immigration and Refugee Board did not have access to a meaningful appeal on the merits of their case. At least one refugee was at risk of forcible return.

In May 2000, the Supreme Court of Canada heard the case of Sebastian Burns and Atif Rafay, two Canadian citizens facing extradition to the State of Washington, USA, on capital murder charges. In 1997, the British Columbia Court of Appeals ruled that the extradition of Canadian citizens without satisfactory assurances against the death penalty, violated rights protected under the Canadian Charter of Rights and Freedoms. The Canadian government appealed against this ruling to the Supreme Court which has since ruled that Sebastian Burns and Atif Rafay cannot be extradited to the USA unless guarantees are sought that they will not face capital punishment.

## **CHILE**

The political and human rights debate in 2000 were dominated by the return to Chile of Augusto Pinochet, following his release from detention in the United Kingdom (UK) on health grounds.

Members of the *Mesa de Diálogo*, a dialogue set up in 1999 to deal with the issue of "disappearances" during the years of military rule between 1973 and 1990, signed a Declaration in June. This initiative was rejected by some human rights groups, including relatives of the "disappeared". The Declaration recognized the grave human rights violations committed under the military government. It registered, among other things, that the armed forces and *Carabineros* (uniformed police) had no information on the "disappeared", but established their commitment to cooperate in obtaining it. It set a timetable of six months,

which can be extended for a further six months by the President, to gather information, and called for new legislation to grant anonymity to those who came forward with information on the location of the remains of the "disappeared". New legislation for this purpose was passed by Congress and became law in July.

A bill abolishing the death penalty for ordinary crimes and increasing the minimum term to be served under a life sentence from 20 to 40 years was passed by the Senate in December 2000. By the end of the year 2000 the bill had not become law.

Three former high-ranking officers were charged in connection with the "Caravan of Death". During the year criminal proceedings were also opened against over 80 former members of the security forces in connection with a number of past human rights violations.

There were continued reports of torture and ill treatment of criminal suspects detained by members of *Carabineros* (uniformed police). A number of victims required hospital treatment for their injuries and several others lodged official complaints.

## **COLOMBIA**

The human rights crisis continued to deepen against a background of a spiralling armed conflict. Few areas of the country remained unaffected by the escalating conflict. The principal victims continued to be civilians. The majority of these killings were carried out by illegal paramilitary groups operating with the tacit or active support of the Colombian armed forces.

Amnesty International opposed the military aid program, within the Plan Colombia, which it believed would escalate the human rights crisis and the armed conflict, and deplored the decision to waive human rights conditions. Since the aid was approved, the human rights crisis has deepened.

Despite repeated government promises to dismantle paramilitary forces, no effective action was taken to curtail, much less to end, their widespread and systematic atrocities. In contrast to their declared aim to combat guerrilla forces, paramilitary actions continued to target the civilian population through massacres, torture, the destruction of communities and the displacement of the population.

Violations of international humanitarian law by armed opposition groups increased significantly. Several hundred people were deliberately and arbitrarily killed by armed opposition groups including scores of civilians. In many cases the killings appeared to be reprisal or punishment killings of alleged military or paramilitary collaborators. Those killed included judicial officials, local politicians and journalists who were targeted because they were investigating guerrilla abuses or opposed their policies.

Kidnapping and hostage-taking reached unprecedented levels. Of a reported 3,000 cases, more than half were believed to have been carried out by armed opposition groups and paramilitary organizations. Children accounted for around 200 of the victims.

Protection programs set up by the Colombian government proved insufficient to counter the continuing campaign of intimidation, harassment and attacks against human rights defenders. At least two human rights defenders were killed and three disappeared. Many others received persistent death threats. Defenders in Barrancabermeja, Santander department, and in Medellín, Antioquia department, were particularly at risk.

## **CUBA**

Individuals and groups peacefully exercising their rights to freedom of expression, association and assembly continued to face repression. Some conditional releases of prisoners of conscience gave rise to hopes that the attitude of the Cuban government towards dissidents might be thawing, but new sentences and a serious escalation in repression during the closing months of 2000 discouraged such optimism.

Journalists, political opponents and human rights defenders were subjected to severe harassment. Several hundred people, including prisoners of conscience, remained imprisoned for political offences. The authorities continued to use short term detention, house arrest, threats and harassment to stifle and discourage political dissent.

A number of people were sentenced to death by firing squad in 2000, and around 20 people were under sentence of death at the end of the year. Concern about the death penalty is exacerbated by the authorities' failure to uphold their own guarantees of fair trial, particularly the right to adequate defence.

Prison conditions reportedly continued to be poor and in some cases constituted cruel, inhuman or degrading treatment. Many prisoners were said to be in poor health due to insanitary conditions and inadequate medical attention.

## **DOMINICAN REPUBLIC**

Killings in disputed circumstances by police and military continued. Some appeared to be extrajudicial executions.

Reports of beatings of detainees continued. There were several reports of killings of detainees by military or police guards, generally in the context of escape attempts.

In November 2000, Amnesty International assessed conditions in a number of the country's 34 prisons. All the facilities were extremely overcrowded (containing between two and a half and four times their maximum capacity) and in each the conditions constituted cruel, inhuman or degrading treatment. Extreme overcrowding contributed to the deaths of inmates in a fire in La Victoria prison in June.

There was a breakthrough on impunity issues in 2000, when four men, including two high-ranking military officers, were brought to trial for the 1975 killing of journalist Orlando Martínez Howley. The four were sentenced to 30 years' imprisonment and fined. However, other important cases remained pending, including that of Narciso González, who "disappeared" in 1994.

## **ECUADOR**

Cases of human rights violations involving members of the security forces were not resolved. Many of these cases were brought before police courts where the vast majority of those responsible for human rights violations were never punished. Disputes of jurisdictional competence between the police and civilian courts delayed the course of legal proceedings and resulted in victims of human rights violations having to wait for years to have access to justice.

Torture and ill-treatment remained widespread. Methods of torture and ill-treatment reported included kicking in the face, stamping on feet, burning, and electric shocks on genitals, tongue and chest, as well as beatings.

There were continued reports of threats and harassment of those working on human rights cases.

There were reports of possible disappearances. Transvestites were arbitrarily detained.

## **EL SALVADOR**

Efforts to end impunity for past human rights violations suffered a serious setback when the Supreme Court of Justice declared the General Amnesty Law to be constitutional. The judicial authorities failed to implement the recommendations of international bodies.

Members of the police force were responsible for human rights violations including abuses of authority, torture and ill-treatment, and killings of unarmed civilians. In some cases investigations were initiated and charges brought against police officers. However, the sentences imposed often did not reflect the gravity of the violation. The *Policía Nacional Civil* (PNC), National Civil Police, was also responsible for injuring health workers taking part in peaceful demonstrations against the privatization of health care.

The authorities continued to accuse human rights defenders and organizations of seeking to damage the institutions of the state or the peace of the country, or of defending delinquents.

The non-governmental *Asociación Pro-Búsqueda de Niñas y Niños Desaparecidos*, (*Pro-Búsqueda*), Association Pro-Búsqueda for the Search for Disappeared Children, located more children. Its work suffered a setback in September 2000 when their proposal that the Legislative Assembly create a commission to investigate the whereabouts of children who “disappeared” during the armed conflict was rejected. The army, which had initially expressed its willingness to participate, changed its position.

## **GUATEMALA**

Implementation of the 1996 Peace Accords continued to be slow and impunity continued to prevail for most human rights violations perpetrated during the civil conflict. Efforts to combat impunity in individual cases or with respect to specific past massacres made very slow progress through the courts.

Those attempting to investigate and bring to justice the perpetrators continued to face legal obstructions, harassment, intimidation and an escalating level of attacks, including several apparent disappearances and extrajudicial executions.

Obstructions continued in the case of Bishop Gerardi, who was murdered in 1998. In May, two members of the Archbishop's Human Rights Office (ODHAG), *Oficina de Derechos Humanos del Arzobispado de Guatemala*, investigating team received death threats after the case judge, who has herself received threats and been followed, ruled that three high-ranking military officers should stand trial for the murder, along with the priest who shared Bishop Gerardi's residence, and their house-keeper. Several others involved in the case were forced to flee the country after threats. Others, including judicial personnel, suffered harassment and attacks. In October 2000, a long-promised report on the case was made public by President Portillo, but provided no new information.

Human rights defenders and journalists were subjected to an escalating wave of abuses. Victims included members of the Guatemalan Forensic Anthropology Association, active in exhuming mass graves; the Students Association of the state University of San Carlos; members of a shanty-town dwellers' association; indigenous and women's rights activists; staff and directors of the news agency CERIGUA which regularly covers human rights issues; staff of human rights organizations including the Rigoberta Menchú Foundation; and officials of the Human Rights Procurator's Office.

Concern over crime rates contributed to widespread support for the judicial death penalty. By the end of 2000 a number of people were under sentence of death. In May 2000 Congress annulled legislation providing for executive clemency, a right recognized under international law.

## **GUYANA**

There were reports of torture and ill-treatment, including sexual assault, by the police, and of police shootings in disputed circumstances. Victims included criminal suspects and their relatives. Individuals were arrested and detained arbitrarily, and were held in incommunicado detention by the police in conditions falling well below international standards. Prison conditions amounted to cruel, inhuman and degrading treatment.

Over twenty people were under sentence of death at the end of 2000, including two women. Death sentences continued to be handed down, and some defendants in death penalty cases did not have adequate legal representation.

Children continued to be held alongside adult prisoners, and human rights organizations were denied access to prisoners.

## **HAITI**

The human rights situation deteriorated sharply, despite some positive steps towards accounting for past human rights violations. The electoral period was marred by assassinations of public figures and by violent attacks by political partisans, most often self-described supporters of the *Fanmi Lavalas* (FL) party. Illegal security forces acting under the auspices of newly-elected local and regional officials emerged.

Some of the local and regional officials elected in May 2000 and subsequent run-off elections established illegal security forces, which were responsible for a significant number of human rights violations.

There were several reports of unlawful killings by police. Most of the victims were criminal suspects. Reports of ill-treatment of juvenile suspects following arrest were frequent.

The police were repeatedly accused of inaction in the face of politically motivated violence, at times of complicity with partisans.

The judiciary continued to be largely dysfunctional. Lack of progress in investigating and trying suspects contributed to severe prison overcrowding, with an estimated 80 per cent of detainees awaiting trial.

## **HONDURAS**

The government reduced the budget of the office of the National Commissioner for the Protection of Human Rights, *Comisionado Nacional de Derechos Humanos*. The office has played a crucial role in the protection of human rights and in exposing corruption since its inception in 1992.

Despite an important Supreme Court ruling, impunity was still prevalent in cases of past human rights violations.

Indigenous groups organized demonstrations calling on the authorities to tackle the impunity surrounding the murders of indigenous leaders, to find solutions to land disputes and to improve health and education services. There were further death threats, harassment and intimidation of indigenous leaders.

Human rights defenders continued their efforts to protect human rights despite attacks and threats against them.

\*Julio César Pineda Alvarado, an outspoken journalist and human rights defender, received anonymous threatening calls at his home. In April 2000 he was shot at outside his house. His wife and two children were with him when two men got out of a car and, without speaking, one of them put a gun to his head and shot. He was wounded but the fact that he was wearing his motorbike helmet saved his life. In May his wife was approached and threatened by two men on a bus. AI called on the authorities to investigate the threats, to bring those responsible to justice and to guarantee Julio Pineda's safety.

The Special Human Rights Prosecutor in the Attorney General's Office reported allegations against the police for human rights violations including torture, unlawful arrest, abuse of authority and murders.

## **JAMAICA**

Jamaican society continued to suffer from an extremely high level of violence. Over 800 people were reportedly murdered in 2000, including 12 police officers. In several cases,

witnesses and relatives of victims of police shootings were reportedly subjected to intimidation and death threats. In September 2000, following protests about escalating crime levels, the Prime Minister established a new police anti-crime unit. By November there were several reports that the unit had committed extrajudicial executions.

Arbitrary and illegal arrests, searches and detention were reported, often in the context of curfews which continued to be imposed in some areas. Ill-treatment in police custody remained widespread and incidents of torture were documented. Conditions in police custody remained harsh and in many cases amounted to cruel, inhuman and degrading treatment.

A number of prisoners remained on death row and the courts continued to impose death sentences. In September 2000, the Judicial Committee of the Privy Council (JCPC - the final court of appeal for Jamaica), commuted the death sentences of six prisoners. The JCPC ruled that the procedures for deciding whether prisoners should be granted clemency should be opened to legal scrutiny; that executions cannot occur while the prisoner has an appeal pending before the Inter-American Court of Human Rights; and that the issue of whether prison conditions have a bearing upon executions being carried out should be investigated further.

## **MEXICO**

Hundreds of cases of torture, disappearance and extrajudicial execution from previous years remained unresolved.

The detention of criminal suspects without a judicial order remained widespread. Many of the detainees were allegedly tortured while under criminal investigation.

For most of the year members of indigenous communities in Chiapas continued to suffer acts of intimidation and violence, including death threats. Those responsible were reported to be members of the security forces or so-called paramilitary or armed civilian groups acting with the support or acquiescence of local and regional authorities. In Guerrero, members of the *Organización Campesina de la Sierra del Sur* (OCAS), a peasant organization, were harassed, threatened or killed in circumstances suggesting they were being targeted for political reasons.

Mexican human rights defenders and journalists continued to suffer acts of intimidation, including death threats.

Prisoners of conscience, General Francisco Gallardo, Rodolfo Montiel Flores and Teodoro Cabrera García, remained in prison. In July 2000, the president of the National Commission for Human Rights informed the Secretary of National Defence that two army officers “had violated [the] Fundamental Rights” of Rodolfo Montiel Flores and Teodoro Cabrera García, including their right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment as enshrined “in article 5 [...] of the Universal Declaration of Human Rights”. The two men had been detained and tortured by the army in May 1999 following their peaceful protests about excessive logging in the forests of Guerrero.

The authorities continued to be accused by Mexican and international NGOs of having failed to break the cycle of impunity which had characterized Mexico's human rights record over the past decades.

## **NICARAGUA**

Humanrights defenders and non-governmental organizations were threatened. In March 2000 government ministers accused Vilma Núñez de Escorcia, President of the *Centro Nicaragüense de Derechos Humanos*, (CENIDH), Nicaraguan Centre for Human Rights, of obstructing police work. CENIDH had been investigating the killing of three men, former members of an armed group of ex-soldiers, the *Frente Unido Andrés Castro* (FUAC), Andrés Castro United Front. In May an anonymous letter with further threats was delivered to CENIDH's office.

Police officers reportedly used excessive force, causing injuries to demonstrators, and ill-treated detainees. In March 2000 demonstrators protesting against law reforms were beaten and injured by members of the National Police, who used rubber bullets and tear gas against them. Dozens of police officers were expelled from the force for corruption or abuse of authority, including beating people in their custody.

## **PARAGUAY**

Respect for human rights deteriorated amid continuing political instability. Reports of ill-treatment and torture of criminal suspects, including juveniles, and of underage military conscripts, increased. There were reports of excessive use of force by the security forces during land evictions, of illegal conscription of minors into the armed forces, and of unexplained deaths of military conscripts.

Several inmates of the Panchito López juvenile detention centre were tortured by prison guards.

\*Fifteen-year-old Francisco Carballo Figueredo and 17-year-old Rubén Darío Alvaraz were tortured by prison guards in Panchito López in February. Both youths were beaten, kicked and one was suspended by his wrists for several hours. The guards implicated in the torture were transferred and faced disciplinary and criminal investigations which were continuing at the end of 2000.

All inmates in Panchito López continued to be subjected to conditions which amounted to cruel, inhuman and degrading treatment.

Reports of ill-treatment of army recruits continued and at least six recruits under 18 years of age - the legal minimum age for conscription into the armed forces - died of injuries sustained in unclear circumstances.

There were reports of harassment, intimidation and attacks on peasant farmers in the context of land disputes.

## **PERU**

Hundreds of prisoners falsely charged with terrorism-related offences remained incarcerated. Civilians continued to be tried by military courts for the terrorism-related offence of "treason". Human rights defenders, journalists and opposition leaders received threats as part of what appeared to be a pattern of systematic intimidation against those critical of the authorities.

The Organization of American States (OAS) sent a high-level mission to the country in June 2000 which made a number of recommendations, including that the authorities should ensure the independence of the judiciary, guarantee the independence of the media, and ensure transparency in the armed forces and the national intelligence services. The OAS, the Peruvian government, opposition parties, the Ombudsman and members of civil society including human

rights defenders established a dialogue known as the *Mesa de Diálogo* to discuss implementation of the recommendations. Following Valentín Paniagua's election as President of the Republic, many of the *Mesa de Diálogo* recommendations began to be implemented.

In October 2000, in exchange for implementing the OAS recommendations, the government proposed extending the amnesty laws and granting an amnesty to all those who committed human rights violations, carried out acts of corruption, or were involved in drug trafficking during President Fujimori's terms in office. In 1995 the Peruvian government had legalized impunity by passing two amnesty laws which grant immunity from prosecution to all those who committed human rights violations between 1980 and 1995. The government's proposal to extend these laws was refused by the members of the *Mesa de Diálogo*.

Many people falsely charged with terrorism-related offences remained in prison at the end of 2000. Anti-terrorism legislation continued to allow civilians to be tried by military courts which were neither independent nor impartial. At least 1,800 people had been tried by military courts for the terrorism-related offence of treason since 1992.

There were reports of torture and ill-treatment and dozens of deaths in custody as a result. Methods of torture reported included beatings, electric shocks, submerging the prisoner's head in water and sexual assault.

Journalists, human rights defenders, members of the opposition and their families were intimidated and threatened. However, there were no signs that the authorities took these threats seriously. It was widely reported that the harassment and intimidation was organized from within the National Intelligence Services.

## **ST LUCIA**

There were reports of severe beatings in prison, and of conditions that amounted to cruel, inhuman or degrading punishment. Sanitation was poor, with an open pit for all prisoners to use as a latrine. Severe overcrowding was exacerbated by the large number of remand prisoners awaiting trial.

There were reports of police brutality and excessive use of force. Unofficial reports claimed that there were at least seven fatal shootings by the police, some in disputed circumstances. No inquests were held into any of these deaths.

At least two men remained under sentence of death.

## **SURINAME**

There was little or no action until the change of government to bring to justice those responsible for human rights abuses committed under previous governments. Impunity for human rights abuses committed under previous regimes was a major issue for the newly elected government.

Prison conditions were extremely harsh and severely overcrowded, amounting sometimes to cruel, inhuman and degrading treatment. Conditions of hygiene and ventilation were poor, with food, blankets, cleaning equipment, soap and medicines in short supply. Medical care was inadequate. Most prisoners could not afford their own lawyer, and state-funded advisers were scarce. Beatings of detainees and prisoners were also reported.

## **TRINIDAD AND TOBAGO**

Over 60 men and women were on death row at the end of the year. On 27 March 2000 Trinidad and Tobago withdrew from the (first) Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), denying individuals the right to petition the UN Human Rights Committee (HRC). The government justified the withdrawal on the grounds that the HRC was preventing executions, despite the execution of 10 men in 1999.

Sentences of flogging or whipping continued to be imposed by the courts.

There continued to be reports of ill-treatment and excessive force by the police.

Sexual acts between consenting people of the same sex remained illegal and gay and lesbian people were regularly subjected to discrimination and intimidation. The government continued to attempt to pass the Equal Opportunities Bill with a clause excluding discrimination on the

basis of sexual orientation. The Bill failed to become law. In September 2000, the Minister for Trade accused Amnesty International of wanting to turn the population of Trinidad and Tobago into homosexuals.

## **UNITED STATES OF AMERICA**

In May 2000 the UN Committee against Torture considered the initial report of the USA on implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In its conclusions and recommendations the Committee welcomed the extensive legal protection against torture and ill-treatment in the USA but found failings in important areas, many of which had been raised by Amnesty International.

Areas of concern highlighted by the Committee included torture and ill-treatment by police and prison guards -- much of it racially motivated; the sexual abuse of female prisoners by male guards; prisoner chain gangs; and the excessively harsh regime of supermaximum security (isolation) units. The Committee urged the USA to abolish electro-shock stun belts and restraint chairs, stating that their use almost invariably led to breaches of the Convention; and to cease holding juveniles and adult prisoners together.

Police brutality and disputed police shootings of unarmed suspects were reported; a disproportionate number of the victims were from racial minorities. Many incidents of alleged abuse occurred at the end of vehicle pursuits, during traffic stops, or during police street patrols. Several suspects died after being placed in dangerous restraint holds or subdued with pepper spray.

During the year 2000, the US Justice Department investigated several police departments for patterns of abuses and civil rights violations, including racism, ill-treatment and excessive force.

Torture and ill-treatment were reported in prisons, jails and juvenile detention facilities. Cruel conditions in supermaximum security (supermax) prisons, where prisoners are held in prolonged isolation, continued to be reported.

Children in detention were subjected to ill-treatment which included the cruel use of restraints and prolonged isolation as punishment. Many children continued to be prosecuted as adults and sent to adult prisons where, in some states, they were not separated from adults and were held in inhumane or inappropriate conditions.

Male guards continued to have unsupervised access to women prisoners or detainees in women's prisons and local jails. There were allegations of sexual abuse of female prisoners by male staff.

In 2000, 85 prisoners were executed in 14 states. The USA continued to violate international standards by using the death penalty against the mentally impaired, individuals who were under 18 at the time of the crime, and defendants who received inadequate legal representation.

## **URUGUAY**

In August 2000 the government established a special commission, the *Comision para la Paz*, Peace Commission, to clarify the fate of all those who "disappeared" between 1973 and 1985. However, the 1986 Expiry Law, which granted exemption from punishment to all police and military personnel who committed human rights violations for political motives or to fulfil orders before 1 March 1985, prevented the perpetrators being brought to justice. The Inter-American Commission on Human Rights has stated that the Expiry Law violates the American Convention on Human Rights.

There were continued reports that detainees were ill-treated and tortured by police and prison guards.

## **VENEZUELA**

Several people were reported to have "disappeared" or been extrajudicially executed by the security forces during rescue operations following catastrophic floods in December 1999. Scores of cases of torture and ill-treatment were reported ; most cases involved police officers beating victims.

\*In August 2000 Ronny Yosmar Aquino and Alexis Medina, two transgendered friends, were detained without a judicial order in the city of Valencia, Carabobo state. They were reportedly forced to undress in the street and severely beaten. They were then held in incommunicado detention without access to a lawyer, doctor or their families. The detentions took place in the context of a campaign of intimidation directed at the transgendered community, in which José Luis Nieves, was fatally shot on 29 July while recovering from wounds inflicted in an earlier shooting by a state police officer.

Chronic prison overcrowding was eased by the release of prisoners awaiting trial, but prison conditions remained poor. Hundreds of prisoners were killed during the year, the majority by fellow inmates.

Scores of people fleeing political violence in Colombia were forcibly returned. The Venezuelan authorities failed to provide them with access to a full and fair asylum procedure to identify those at risk of human rights violations.