

and was disappointed by the banana industry's lack of response to these concerns. As a condition for receiving enhanced tariff benefits under the U.S. Andean Trade Promotion and Drug Eradication Act (ATPDEA), the government of Ecuador committed to take steps to improve respect for workers' right to organize, but the commitment was expressed only in vague and general terms.

Concerned about the racist treatment of Haitian immigrants and Dominico-Haitians in the Dominican Republic, a Human Rights Watch delegation traveled to Santo Domingo in April to release a new report on the topic. The report described how Dominicans of Haitian descent are systematically denied Dominican citizenship, despite the Dominican constitution's conferral of citizenship to persons born on Dominican soil. As a result, the report explained, many Dominicans of Haitian descent live a precarious existence, perpetually at risk of expulsion from their own country. The report also documented the myriad due process violations that "Haitian-looking" people are subject to during deportations. In a meeting with Dominican President Hipólito Mejía, the Human Rights Watch delegation recommended a number of reforms to help prevent future abuses.

In Chile, Human Rights Watch continued to press the government to move forward with legal reforms aimed at scrapping the country's repressive laws on "insult to authority" (known as *desacato*), which place journalists and others at risk of incarceration when commenting on governmental policies. The Americas division obtained commitments to make the issue a top legislative priority from both Chilean President Ricardo Lagos and the chair of a congressional committee due to initiate the debate on a reform law.

## ARGENTINA

**A**rgentina was gripped in 2002 by the worst economic, political, and social crisis in its recent history. Half the population was living below the poverty line, according to government statistics, and unemployment stood at 22 percent. Argentines of all social classes took to the streets to protest when the government blocked the withdrawal of bank deposits. Social unrest and crime escalated.

Under these very difficult conditions, the human rights situation deteriorated on most fronts. Police violence, already a serious problem, continued unchecked. Journalists covering public protests suffered numerous attacks and threats, even as the press remained vigorous and independent. Although confidence in the judiciary was low, a few judges took positive steps to pursue investigations of the grave and systematic human rights violations committed during the country's period of military rule.

### HUMAN RIGHTS DEVELOPMENTS

As protests against austerity measures engulfed the country, President Fernando De la Rúa of the Radical Party declared a state of emergency on December 19, 2001. Unable to muster support to lead a national unity government, he resigned office the following day. Senate President Ramón Puerta briefly took the reins until the legislative assembly elected Peronist Adolfo Rodríguez Saá as president for a sixty-day period. After seven days in power, Rodríguez lost the support of his party and resigned. Following another brief interregnum, the Congress elected Peronist Eduardo Duhalde to head a government of "national salvation." In July 2002, as the economy nose-dived and street violence continued, Duhalde agreed to hold elections in March 2003.

Seven people were killed, most from gunshot wounds, during protests on December 19 and 20, 2001, in the Plaza de Mayo and adjoining Buenos Aires streets. Police used tear gas and rubber bullets to disperse demonstrators, some of whom carried sticks, hurled stones and firebombs, broke windows of banks and shops, and lit fires. At least sixteen others died nationwide in violent clashes and incidents of looting.

In the early hours of December 29, Juan de Díos Velaztiqui, a police sergeant working off-duty as a security guard, shot dead three youths, Cristián Gómez, Maximiliano Tasca, and Adrián Matassa, in a Buenos Aires gas station café. The youths had been watching scenes of the protests on the café's television. The guard reportedly drew his pistol and shot them at point blank range after they jeered at images of a policeman being beaten by protesters. Velaztiqui was arrested and charged with homicide.

The shooting by police of two protesters in June led to the resignation of the security minister of the province of Buenos Aires and the chief and deputy chief of the provincial police force. Dario Santillán and Maximiliano Kosteki, both in their twenties, were killed by close-range shotgun fire in a train station during a protest of unemployed workers on June 26 at the Pueyrredón bridge in the suburb of Avellaneda. At least two others were wounded. In July, a Buenos Aires province police inspector and another officer were charged with aggravated homicide, and four others were accused of trying to cover up the crimes.

The economic crisis brought with it a sharp increase in violent crime, robberies, and kidnappings. Many police officers lost their lives in armed confrontations. Both criminal suspects and innocent citizens were killed by police in confused incidents in poor neighborhoods of Buenos Aires province. Press reports suggested that in several of these cases, police failed to observe international norms on the use of lethal force, and planted evidence to avoid criminal charges.

Torture continued to be a deeply engrained problem. Victims included criminal suspects in police custody and prisoners in the penitentiary system. In August, a court official of the Buenos Aires Criminal Cassation Court told a visiting representative of the Inter-American Commission on Human Rights that from March 2000 until July 2002, the court had registered 1,236 torture complaints in Buenos Aires province alone. The source of the court's information was a data bank set up

in March 2000 to monitor allegations of torture and ill-treatment. There was also a sharp increase in alleged ill-treatment of minors in police custody. The number of complaints registered by the juvenile division of the Buenos Aires Province Supreme Court doubled in less than a year, from 738 cases in May 2001 to 1,516 in April 2002.

Torturers acted with almost complete impunity, and victims who denounced abuses often suffered reprisals. According to official figures released in January by the attorney general's office, out of 676 complaints of torture or ill-treatment made in the year 2000, only four resulted in trials and there were no convictions. During the first six months of 2001, of 271 complaints made to the courts, two resulted in trials, with only one ending in conviction.

The governor of Buenos Aires province, Felipe Solá, took some important steps to tackle the problem of torture and prison abuses. He established a human rights secretariat in the province, among the objectives of which was to combat torture. The provincial government also proposed legal reforms to alleviate overcrowding in prisons and police stations. Both the human rights secretariat and the province's vice-minister of security also signed a declaration on police abuses presented to the provincial supreme court in Buenos Aires in September.

Conditions of detention were extremely poor, due to severe prison overcrowding and the continuing use of police lockups to detain suspects awaiting trial. More than eighteen thousand prisoners were being held in Buenos Aires province's thirty-six prisons, whose capacity was fourteen thousand. In August, some seven thousand people, including juveniles, were reportedly being held in police stations in Buenos Aires province, which had a capacity of fewer than three thousand. Conditions were often appalling. According to the Center for Legal and Social Studies (CELS), a respected nongovernmental human rights organization, minors alleged that they were forced to use bottles and plastic bags to urinate and defecate in due to the lack of toilet facilities. Several police detention centers were closed down on court orders due to the bad conditions. CELS reported that in addition to beatings with fists and nightsticks, kicking, and burning with cigarettes, police used electric shocks and plastic bags placed over the head to produce asphyxiation, torture methods commonly used during military rule.

Journalists were frequent victims of police aggression. The nongovernmental press freedom group Periodistas recorded fifty-two attacks on journalists, press photographers, and television camera crews from November 2001 to July 2002. While the violence that accompanied many protests placed journalists at inevitable physical risk, in several incidents police deliberately targeted reporters and photographers covering demonstrations, or detained, insulted, and beat them. Alberto Noal, who was covering a protest by hospital workers in the regional hospital of Rio Grande, Tierra del Fuego province, on December 28, 2001, was allegedly pulled down by his hair, handcuffed, beaten, trodden on, and kicked by six or seven officers, one of whom fractured his ribs with a wooden truncheon. He was hospitalized for three days. Marcos Díaz Muñoz, Salta province correspondent of América TV, was hit in the stomach with a truncheon while filming a policeman clubbing a demonstrator during a June 20 protest.

In September, journalists' right to protect the secrecy of their sources came

under attack when federal judge Claudio Bonadío subpoenaed telecommunications companies to provide a list of calls made and received by Thomas Catán, the Argentine correspondent of the London *Financial Times*. Judge Bonadío was investigating allegations that members of Congress had solicited bribes from foreign banks to halt a bill to reintroduce a health scheme for bank employees, which would have cost the banks hundreds of millions of dollars a year. In two articles published by the *Financial Times* in August, Catán described a meeting with the ambassadors of the United States and the United Kingdom, in which senior bankers had allegedly complained that legislators had approached them for money. Catán applied to the Federal Court for an injunction to safeguard his rights under article 43 of the constitution, which protects the secrecy of journalists' sources. The Federal Court met and issued a resolution reprimanding Judge Bonadío for "grave disdain for basic constitutional guarantees." In October, the court ordered Judge Bonadío to destroy the list of calls, stating that the judge's measure was an "unreasonable restriction of freedom of expression."

In December 2001, during his short tenure as president, Alberto Rodríguez Saá sent a bill to Congress to eliminate the crime of criminal defamation in cases involving public figures. By the end of September the bill had still not been debated.

There were some notable advances in investigations of human rights violations committed when Argentina was under military rule. In July, Judge Claudio Bonadío ordered the house arrest of former military ruler Leopoldo Galtieri for the "disappearance" in 1979 and 1980 of eighteen members of the Montoneros, a left-wing Peronist guerrilla organization, who had returned or were planning to return to Argentina from exile.

Facing charges as well were former army chief General Cristino Nicolaides and former general Carlos Suárez Mason, both of whom were already under house arrest for the theft of babies born to mothers abducted during military rule. Judge Bonadío also ordered the arrest of some forty lower level police and army agents, many of them formerly attached to a unit of the army's notorious 601st Battalion responsible for overseas intelligence operations. Among them was Col. Alberto Crinigan, a former army intelligence expert who was still in active service. The newspaper *Clarín* cited a senior army source as saying that Crinigan's arrest "does not help to pacify spirits." In October 2001, Bonadío became the second federal judge (the first was Gabriel Cavallo) to nullify Argentina's amnesty laws (the full stop and due obedience laws, passed in 1986 and 1987 respectively) as unconstitutional and in violation of international norms.

At the end of September, the Supreme Court had still to rule on appeals of the two federal court rulings striking down the amnesty laws, both of which had been unanimously confirmed by the Federal Court of Buenos Aires in November 2001. The future of the Galtieri prosecution, as well as others, was dependent on the Supreme Court upholding the laws' nullification. In an opinion provided by the Supreme Court at the end of August, Attorney General Nicolás Becerra recommended that the court declare the laws to be unconstitutional. Becerra stressed the link between Argentina's present-day violence and its legacy of human rights violations: "the violence which still breaks out within some institutions and is now invading the daily life of our country in a generalized way must be halted by a clear

message that the rule of law is in force.” The minister of defense, Horacio Jaunarena, who had previously served in that post under the governments of Raúl Alfonsín and Fernando De la Rúa, expressed once again his opposition to the re-opening of human rights trials, stating that such proceedings would “contribute to generating or aggravating the state of uncertainty that exists in the armed forces.”

Three days before his resignation in December 2001, President De la Rúa passed a decree formalizing his government’s refusal, on grounds of territoriality, to consider the extradition of Argentines to stand trial abroad for human rights crimes. The De la Rúa government undertook, however, to submit such cases to national courts for possible prosecution in Argentina. During the brief interregnum of Alberto Rodríguez Saá, the newly appointed minister of justice, respected jurist Alberto Zuppi, announced that he would seek to reverse this policy and to allow the Argentine courts to decide each case on its merits. The Duhalde government, however, left the De la Rúa decree in place.

## DEFENDING HUMAN RIGHTS

Journalists, public officials, lawyers, and relatives of victims who denounced police abuses were threatened and intimidated. At about 4:00 a.m. on September 20, unidentified gunmen fired at the La Plata home of Estela de Carlotto, president of the Grandmothers of the Plaza de Mayo (Abuelas de Plaza de Mayo) and also of the Provincial Commission for Memory (Comisión Provincial por la Memoria), a nongovernmental group dedicated to the memory of victims of military rule. According to the commission, the bullets shattered the windows of Carlotto’s front door, entering her living room and bedroom. Police officials reported that a shotgun of the type issued to the security forces was used in the attack. The minister for security of the province of Buenos Aires, Juan Pablo Cafiero, said he was convinced it was politically motivated.

Two days before, the commission had presented a document to the province’s Supreme Court denouncing police abuses, which it compared to those committed during the dictatorship. On the morning of September 25, a commission employee answered the telephone to an angry caller who threatened: “guerrilla sons-of-bitches, stop fucking around and watch out because we are going to kill (*reventar*) all of you.” Sara Derotier, the provincial government’s under-secretary for human rights and also president of the commission, told Human Rights Watch that two suspicious cars had been parked at night outside her home in Merlo the previous June, arousing the concern of her neighbors. The provincial government gave her home police protection.

## THE ROLE OF THE INTERNATIONAL COMMUNITY

### United Nations

In September the Committee on the Rights of the Child met to consider Argentina’s second periodic report on compliance with the Convention on the

Rights of the Child. The government presented alarming statistical evidence of the growing poverty of Argentina’s children. In its comments on the government report, issued in October, the committee expressed “deep concern” at reports of torture and police brutality of which children were victims.

### Organization of American States

Following a timely visit to Buenos Aires in July and August, the Inter-American Commission on Human Rights issued a public statement in which it referred to “the profound impact on the human rights situation in the country of the unprecedented social and economic crisis.” The commission welcomed President Duhalde’s assurances rejecting future army participation in public security.

### European Union

On January 17, Sweden asked Argentina to extradite naval officer Alfredo Astiz, who had been arrested at the end of December on an international warrant issued by a Stockholm court. Popularly known as the “Angel of Death,” Astiz had worked as an undercover agent at the Navy Mechanics School (Escuela Mecánica de la Armada, ESMA) a notorious torture center during the period of military rule. Ever since Argentina’s 1983 return to democracy, Sweden had sought his extradition for the January 1977 “disappearance” of seventeen-year-old Argentine-Swede Dagmar Hagelin.

On January 28, the Argentine government denied the extradition request, arguing that it would violate Argentine sovereignty. Astiz walked free after being held for thirty-two days at a naval base close to his parents’ home in Mar del Plata.

In early November, the government was due to rule on a request by France for the extradition of retired Chilean general Luis Ramírez Pineda, who was detained on an international arrest warrant on September 13 while on a private visit to Buenos Aires. Ramírez was facing charges in France for the “disappearance” of Georges Klein Pipper, a French-born psychiatrist who was taken by soldiers on September 13, 1973 to the Tacna Regiment base, of which Ramírez was commander at the time.

### United States

On August 21, the State Department released 4,677 declassified documents about human rights violations that took place during military rule. Although the documents had been promised by Secretary of State Madeleine Albright in November 2000 in response to requests from Argentine human rights groups and judges, their release was delayed by the events of September 11, and by the crisis in Argentina.

Many of the documents proved highly relevant to cases under investigation in the Argentine courts, and especially to the case against General Galtieri. An April 1980 U.S. embassy memorandum, reporting on a conversation with an Argentine intelligence official, describes how agents of the 601st Battalion detained two of the Montoneros, Horacio Campiglia and Susana de Binstock, in Brazil with Brazilian

cooperation, and secretly interned them in the detention camp at Campo de Mayo, from where they “disappeared.” The memorandum reports how a tip-off led to the arrest of twelve other Montoneros who were on their way by bus to Argentina from Brazil, Paraguay, and Uruguay. Another document, containing an organizational chart of the 601st Battalion, traced a chain of command leading directly up to Galtieri.

## BRAZIL

**B**razil made only limited progress in curbing such long-standing human rights problems as police brutality, inhumane prison conditions, assaults on freedom of the press, and forced labor. Positive steps taken by the outgoing administration of President Fernando Henrique Cardoso included the passage of a renewed National Human Rights Program and the opening of police archives containing information on abuses committed during the 1964-1985 dictatorship.

The October election to the presidency of the Workers’ Party candidate, Luiz Inácio Lula da Silva, raised hopes for human rights improvement. Although human rights issues were not central to his political campaign, President-elect da Silva publicly committed himself to promoting the welfare of Brazil’s marginalized populations.

### HUMAN RIGHTS DEVELOPMENTS

Extrajudicial killings and abusive police practices continued to be a severe problem in many parts of the country. In the coastal state of Espírito Santo, for example, a paramilitary vigilante group called Scuderie Detetive Le Cocq—composed mainly of members of the civil and military police forces—was known to operate freely, engaging in death squad activity as well as organized crime.

In July, the country’s top official human rights body—the federal Human Rights Defense Council (Conselho de Defesa dos Direitos da Pessoa Humana, CDDPH), headed by Justice Minister Miguel Reale Junior—recommended that the federal government intervene in Espírito Santo to re-establish order. The council’s recommendation for federal intervention was made after the local bar association filed a complaint claiming that the state government had been infiltrated by organized crime and after the president of the bar association had received several death threats. Federal Attorney General Geraldo Brindeiro overruled the council’s request for federal intervention, arguing that it was not a viable option during an election year. This decision, supported by President Cardoso, prompted Reale Junior’s resignation, as well as that of the head of the Federal Police and other high-ranking law enforcement officials.

Instead of intervening in Espírito Santo, the federal government decided to cre-