

## **PRESS COMMUNIQUE**

Nº 3/92

The Inter-American Commission on Human Rights has learned with deep concern of the disruption of democratic institutions in Peru. The Commission has frequently stated that democracy, a result of the exercise of political rights and a manifestation of the sovereignty of the people, is the best guarantee for the observance of human rights. The Commission made this clear to the Peruvian authorities during its visit to Peru last October. The Inter-American Commission on Human Rights reiterates today that affirmation with the greatest resolve.

The Inter-American Commission observes that, in addition to the dissolution of Parliament, the Government has interfered with the Judiciary and suspended the articles of the national constitution which are not compatible with its objectives. In view of this situation, the Inter-American Commission on Human Rights must remind the Peruvian Government that, as a signatory to the American Convention on Human Rights, it has an international duty to conform its conduct to the rules of this treaty, to respect the rights recognized therein, and to provide the inhabitants of the country with the legal remedies necessary to guarantee the exercise of such rights. The Commission must also point out that under the Convention, political rights cannot be suspended.

The Inter-American Commission will continue to observe the development of the situation in Peru and hopes that the Government will heed the call of the Permanent Council of the Organization of American States and proceed immediately to reestablish full effectiveness of democratic institutions and strict observance of human rights.

The Inter-American Commission on Human Rights has approached the Government of Peru to clarify the situation of some persons who are under house arrest and to report on the whereabouts of others, detained by the Security Forces, whose fate, so far, is unknown, and, hence are deemed disappeared. The Commission has also sent a cable requesting information on the worrisome news of incidents at the "Miguel Castro Castro" prison. The Inter-American Commission on Human Rights wishes to state that it expects a prompt and full reestablishment of human rights, the exercise of which has been suspended by the Peruvian authorities, and reiterates the need for the Government to authorize it to make an early follow-up visit to that country.

Washington, D.C., April 8, 1992

## PRESS COMMUNIQUE

Nº 4/92

On Monday, April 27, 1992, a delegation from the Inter-American Commission on Human Rights begins its visit to Nicaragua, which is being made at the invitation of that Government to observe the situation of human rights there. It will last until April 30. The members of the delegation are Dr. Marco Tulio Bruni Celli, Chairman of the Commission, and Ambassador Oliver Jackman and Dr. Alvaro Tirado Mejía, Commission members. During its visit, the delegation will be assisted by the Commission's Executive Secretary, Dr. Edith Márquez Rodríguez, and Executive Secretariat attorneys Luis F. Jiménez and Marcela Briceño-Donn. Mrs. Rosario McIntyre will provide administrative support. The delegation will stay at the Hotel Camino Real.

During its visit in Nicaragua, the Commission will meet with Government authorities and officials of Nicaraguan State institutions, with representatives of human rights agencies, with individuals and members of institutions representative of the various walks of Nicaraguan life and with those who believe that their basic rights have been transgressed and wish to submit their cases to the Inter-American Commission. The Commission will receive those who wish to present cases at the Hotel Camino Real (102) on Wednesday, April 29, between 8:00 a.m. and 7:00 p.m.

The Commission believes it should visit several places in the country, so that on Wednesday, April 29, one subcommittee will travel to Puerto Cabezas on the Atlantic, while another will go to Matagalpa. A third subcommittee will remain in Managua.

The Commission's visit is being made under the provisions of the American Convention on Human Rights, an international treaty to which Nicaragua is a State Party, and in accordance with the Commission's own rules and regulations under which the Nicaraguan Government must provide all necessary guarantees to individuals, groups, entities and institutions that wish to meet with the Commission, and must furnish the latter all the facilities it needs to accomplish its mission of observing the human rights situation in the country.

At the end of its visit, on Thursday, April 30, the Commission will hold a press conference. The precise time and place will be announced shortly.

Managua, April 27, 1992

## PRESS COMMUNIQUE

Nº 5/92

1. Today, April 30, 1992, is the final day of the visit by a delegation from the Inter-American Commission on Human Rights to Nicaragua, made at the invitation of that Government to observe the situation of human rights there. The members of the delegation were Dr. Marco Tulio Bruni Celli, Chairman of the Commission, and Ambassador Oliver Jackman and Dr. Alvaro Tirado Mejía, both members of the Commission. Assisting the Commission's delegation during its visit were the Executive Secretary of the Commission, Dr. Edith Márquez-Rodríguez and Executive Secretariat attorneys Luis F. Jiménez and Marcela Briceño-Donn. Mrs. Rosario McIntyre provided administrative support.

2. The Inter-American Commission met with the President of the Republic, the honorable Violeta Barrios de Chamorro; Dr. Virgilio Godoy, Vice President of the Republic; Foreign Minister Ernesto Leal; Minister of the Office of the President, Ing. Antonio Lacayo; Minister of the Interior, Lic. Alfredo Mendieta; the Attorney General, Dr. Guillermo Vargas Sandino; the Chairman of the National Assembly, Ing. Alfredo César; members of the National Assembly's Human Rights Commission; the President of the Supreme Court, Dr. Orlando Trejos S.; the Commander in Chief of the Sandinista People's Army, General Humberto Ortega; the Chief of the National Police, Commandant René Vivas, and the Director of the Nicaraguan Institute for the Development of the Autonomous Regions, Dr. Brooklin Rivera.

3. The Commission also had an opportunity to meet with His Eminence Cardinal Obando Bravo. A number of people came to the Commission's offices to present their petitions, which will be duly processed in accordance with the provisions governing the work of the Commission.

4. During its stay in Managua, the Commission met with human rights institutions: the Nicaraguan Pro Human Rights Association (ANPDH), the Nicaraguan Human Rights Center (CENIDH) and the Nicaraguan Permanent Human Rights Commission (CPDH). The Commission also received individuals and members of institutions representative of Nicaraguan society, among them the Civil Rights Movement, the Nicaraguan Civic Resistance Association, and the National Association of Victims of Confiscation.

5. While in the country, on Wednesday, April 29, an IACHR subcommittee went to Puerto Cabezas on the Atlantic coast. That subcommittee, composed of Dr. Alvaro Tirado Mejía and Dr. Luis F. Jiménez, met with officials and with institutions and individuals interested in presenting their situation and their views on human rights in their region. Another subcommittee, consisting of Ambassador Oliver Jackman and Dr. Edith

Márquez Rodríguez, went to the Tipitapa prison, where they spoke with the Warden, viewed the facilities and had an opportunity to speak with the men convicted of the murder of Mr. Pedro Joaquín Chamorro, concerning whom the IACHR has a case in process. The Commission had also planned to visit Matagalpa, but for reasons of *force majeure*, that visit had to be canceled.

6. The Commission found that many of the people with whom it spoke believed that the civil and political rights situation had considerably improved since the end of the armed conflict and since the present administration took office. High-ranking government officials made direct statements to the Commission asserting their Government's determination and resolve to consolidate and further respect for human rights, thereby creating a basic human rights culture within the country and strengthening the rule of law.

7. The Commission also found a consensus concerning the unsatisfactory situation where economic, social and cultural rights were concerned, which was attributed to the serious economic crisis the country is experiencing.

8. As the Commission noted in its Annual Report for 1990, retrieving weapons in the hands of the civilian population has been and continues to be one of the most difficult problems to resolve and is creating conditions in which people's rights are being violated. This situation, coupled with the alleged failure to comply with the commitments made to hasten the demobilization of the Resistance and to reduce the size of the armed forces, have fostered social tensions that threaten peace and could seriously impair the citizens' full exercise of their rights.

9. The Commission received extensive information concerning the complex property-rights issue caused by the questions raised by the laws issued at different times in this regard. The Commission believes that a solution to this matter is essential and must conform to the legal framework of the American Convention on Human Rights, of which Nicaragua is a State Party and which is part of Nicaragua's legal system. The evidence of this problem the Commission has received has been extensive. This problem and the failure to achieve total disarmament could be detrimental to the observance of the rule of law and make the citizenry mistrustful of their authorities. Therefore, the Commission will continue to monitor developments in this situation closely. This is a matter of grave concern to the IACHR, which will pursue, with particular interest, the numerous individual cases brought before it.

10. The Commission was disturbed by reports of citizens not being protected against acts of vandalism committed by groups whom the police forces have failed to control. The Commission took a particularly close look at the reports that Radio Corporación had been vandalized on two different occasions, while the National Police reportedly made no move to prevent the attacks.

11. As for the individual cases, the Commission told the Nicaraguan Government that it had certain specific cases that it was particularly concerned by and that it hoped to obtain a prompt and satisfactory reply regarding them, in fulfillment of the commitments undertaken by Nicaragua when it ratified the American Convention on Human Rights and as a necessary corollary to the good will and spirit of cooperation shown by the authorities.

12. During its stay, the Commission was told of the plan to create an Office of the Special Prosecutor for Human Rights. The Commission would like to emphasize how important it is that such an office enjoy the independence it must have to perform its assigned functions properly; otherwise, it will be unable to live up to the existing expectations. Hence, the Special Prosecutor's appointment and the particulars as to how the office will function must be weighed carefully so that it can serve as a tool for protecting the fundamental rights of the citizenry.

13. The Nicaraguan Government has the resolute support and cooperation of the Inter-American Commission on Human Rights in consolidating full respect for the fundamental rights in the country. The Commission must reiterate its conviction that respect for economic, social and cultural rights must be axiomatic to government policy and be an essential element in the full development of democracy.

14. This visit by the Inter-American Commission was preceded by another made between July 23 and August 3, 1991, by a staff member of the Executive Secretariat. The Commission has devoted particular attention to a number of individual cases being processed. The close contacts made during this visit have enabled the Inter-American Commission to get firsthand knowledge of the human rights situation in Nicaragua and to compile invaluable information that will be most helpful to its activities.

Managua, April 30, 1992

## PRESS COMMUNIQUE

Nº 6/92

At the Colombian Government's invitation, the Inter-American Commission on Human Rights is sending a Special Committee to make an on-site visit to the country from May 4 through 8. Participating in the visit will be Dr. Oscar Luján Fappiano, Vice Chairman of the IACHR, who will be presiding over the Special Committee, and Dr. Michael Reisman and Dr. Leo Valladares Lanza, Commission members. Accompanying the Special Committee will be staff from the Commission's Executive Secretariat: Dr. David Padilla, Assistant Executive Secretary, Dr. Manuel Velasco Clark, desk officer in charge of Colombian matters, Dr. Osvaldo Kreimer, and administrative staff Mrs. Gabriela Hageman and Mrs. Nora Anderson.

In extending the invitation for the Commission to conduct this on-site visit, the Colombian Government has given ample assurances that the Commission will have unrestricted freedom to visit the country and may interview any individual or institution it deems necessary. It has also given assurances that persons and institutions that wish to speak with the Commission may do so without any form of impediment. The IACHR's Special Committee will be staying at the Hotel Tequendama in Bogota, and will have its offices there as well. During its visit to Colombia, the Commission's Special Committee will meet with officials from various sectors of government, from the legislature, the judiciary, and the military, with clergy, and with representatives of labor, indigenous and rural organizations. It will also meet with agencies and individuals representing nongovernmental human rights organizations that have filed complaints on the human rights situation in Colombia, and with representatives and relatives of the alleged victims. The Special Committee will also visit a number of other cities in the country.

Bogota, May 4, 1992

## **PRESS COMMUNIQUE**

Nº 7/92

Today, Friday, May 8, 1992, the Inter-American Commission on Human Rights concluded its on-site visit, which began on May 4, at the invitation of the Colombian Government.

During its stay in Colombia, the Commission met with the President of the Republic, the President of the Supreme Court, the Chairman of Congress, the Minister of Foreign Affairs, the Minister of the Interior, the Chairman of the Superior Council of the Judiciary, the Minister of National Defense, the Commander General of the Armed Forces, the Attorney General, the Deputy Director of Criminal Investigations, Chief of the DAS, Chairman of the Council of State, President of the Constitutional Court, the Public Prosecutor, the special prosecutors for human rights, for the national police, and for the military forces, the Public Defender, and the presidential advisors for human rights, for peace, security matters and social policy.

Outside the capital, the IACHR's Special Committee went to Barrancabermeja, in the Department of Santander, where it met with the city's mayor, its public magistrate and provisional prosecutor. During its visit to the Department of Antioquia, the Special Committee met in Medellin with the departmental and provincial prosecutors, the public magistrate, the city's mayor, the Governor of the Department of Antioquia and the Presidential Advisor for Medellin. The Special Committee set up separate offices in Barrancabermeja and Medellin, to receive complaints and hold talks with nongovernmental human rights organizations.

The Commission also had meetings with representatives of a number of nongovernmental human rights institutions, representatives of the Church, the press, humanitarian groups, labor, unions, indigenous groups, rural organizations, professionals associations and others, all of which furnished important information relevant to the subject matter of the visit.

The Commission is encouraged by and pleased with the positive developments in the country. At all levels, the Presidency included, the Government has acknowledged that many of the patterns of human rights violations in Colombia are grave and widespread. Studies have been ordered to obtain factual data and very promising programs have been created.

The Special Committee took particular note of the establishment of the Public Defender's Office and the creation of the Constitutional Court, the Office of the Public Prosecutor of the Nation and the Superior Council of the Judiciary, as well as several special human rights offices in various government ministries. New procedures have also

been developed that indicate that the Government is becoming increasingly sensitive to the human rights issue.

The Government itself acknowledges that many of the changes are recent, and it remains to be seen whether they will significantly improve the human rights situation. In the meantime, as the Government's own statistics and those of nongovernmental organizations indicate, and as the authorities have confirmed, violence in general and murders remain at alarming levels. In some cases, guerrillas, paramilitary groups and drug traffickers are responsible, but many are attributable to government agents. Very few government agents who commit such crimes are ever brought to trial and convicted. The negative image is compounded by the fact that where there are convictions, the sentences imposed are not publicized. Criminal and disciplinary proceedings also tend to move very slowly.

The Special Committee received testimony and compiled considerable evidence in the following general areas: a) allegations of human rights violations committed against a backdrop of armed conflict by newly formed militarized groups, and by guerrilla groups, drug traffickers and paramilitary groups, some of whom, it is alleged, act in concert with the Army or with its acquiescence; b) reports of murders, torture and forced disappearances; c) accusations that government agents have threatened and murdered labor leaders, journalists, professionals and human rights activists; d) allegations of violations to the right to due process and use of questionable procedures by the so-called Public Order Courts; e) reports from several groups of the practice known as "social cleansing", where prostitutes, street children, vagabonds, beggars and homosexuals are murdered, and the disturbing pattern of stereotyping adolescent males as "delinquents"; f) information on the successful reassimilation of groups of former guerrilla fighters, though there were also reports that some of the commitments made in the peace agreements have not yet been fulfilled; g) many reports of citizens, most of them peasants, who fled embattled areas only to become displaced persons and refugees in their own country, and h) requests for urgently needed protection and aid to victims of terrorist acts.

Under the Commission's Regulations, the Special Committee cannot advance any opinion regarding the facts in this investigation. The Special Committee will present a report to the Commission's full membership when it meets in Washington in September for its 82nd session. The Commission will examine the information compiled during the on-site visit, the documents and reports supplied to it, and the other sources available, and take the decisions it deems most advisable based on its vested authorities.



The Commission is grateful for the facilities that the Government supplied to enable the Commission to accomplish its mission and would like to thank the authorities, those who provided valuable testimony and the various institutions representative of Colombian society with whom it met, for the information, facilities and courtesies they furnished to the Commission.

Bogota, May 8, 1992

## **PRESS COMMUNIQUE**

Nº 8/92

The Inter-American Commission on Human Rights with profound consternation, has learned about the bombing executed in the district of Miraflores, Lima, Peru, last July 16th that left as remnants more than twenty dead, numerous more injured and substantial material damage. According to the information received by the Commission, this bombing had been accompanied by other bombings in different sectors of the cities of Lima, Callao and was also executed together with attacks on police stations, actions which have continued in the days following.

The Commission feels the necessity on this occasion once again to reiterate, its most forceful condemnation of this type of criminal activity that sows suffering and destruction throughout the population, and provokes a state of terror absolutely unacceptable. The Inter-American Commission ratifies the expressed ideas in its press release of the 31st of October 1991 when it showed that no one, group or state can act in a way that violates the rights recognized in the American Declaration of the Rights and Duties of Man and in the American Convention on Human Rights.

The Commission insists, in this way, in the invocation formulated by its President, after his visit to Peru the 11th and 12th of last May, when he pointed out that he found it essential to reiterate forcefully that violence cease to be used as a way to settle social conflicts, and especially that all mediums that can cause terror and intimidation be eliminated, particularly the use of arms and explosives, that through their indiscriminate impact, have a distressing and grave cost for all the population, especially the civilian population.

The Inter-American Commission will continue to observe with particular attention the way in which the human rights situation evolves in Peru and hopes that the Peruvians will be able to overcome the situations of violence that they face and shortly restore the institutions of an authentic representative democracy that, like the Commission has repeatedly pointed out are the best guaranty to the observance of human rights.

Washington, D.C., July 22, 1992

## PRESS COMMUNIQUE

Nº 9/92

The Inter-American Commission on Human Rights concluded its 82nd session on October 2, 1992. Participating were its Chairman, Marco Tulio Bruni Celli; the First Vice Chairman, Oscar Luján Fappiano; the Second Vice Chairman, Michael Reisman, and Commission members Patrick Robinson, Oliver Jackman, Leo Valladares Lanza and Alvaro Tirado Mejía.

During this session, the Commission held a number of hearings with representatives of governments and of nongovernmental organizations interested in human rights. These hearings concerned the general situation of the fundamental rights in the various States as well as individual cases now being processed with the Commission.

In relation to Guatemala, the Commission granted hearings to petitioners in individual cases and received its Ambassador Permanent Representative to the OAS. The latter provided general information on the complex human rights situation. The Commission decided to conduct an on-site visit to Guatemala between November 2 and 6 of this year and, pursuant to Article 29 of the Commission's Regulations, requested that the Government take urgent, provisional measures to protect the life, safety and personal integrity of the relatives of Mrs. Maritza Urrutia.

The IACHR carefully examined the most recent reports on the human rights situation in Haiti and received a visit from the Mayor of Port-au-Prince, Mr. Evans Paul, who informed the Commission of the most recent developments in his country. The Commission decided to request permission from the authorities to visit the country. An initial visit would be made in December 1992 for exploratory purposes, and would be followed by an on-site visit in January 1993, to observe the grave situation in Haiti since the coup d'état against President Jean-Bertrand Aristide on September 30, 1991. The results of those visits will be made public in due course and brought to the attention of the Ministers of Foreign Affairs, by way of the Permanent Council, pursuant to the request contained in resolution MRE/RES. 3/92.

The Commission received and devoted special consideration to the reports on the on-site visits made this year to Nicaragua, Colombia and Peru.

As for Nicaragua, the IACHR studied the report prepared by the Subcommittee that made an on-site visit to that country in April. It also received representatives of human rights organizations who provided information on the situation in Nicaragua, and the Ambassador, Permanent Representative of Nicaragua to the OAS, who reported on the measures taken by his Government to improve the human rights situation.

As for Peru, the Commission discussed the results of the visits made to Peru this year by the Chairman of the Commission and its Executive Secretary. It heard testimony from individuals and institutions involved in human rights work and examined the present status of those rights in light of events since the Commission's last session. The Commission decided to direct specific points to the Peruvian Government concerning the situation of persons who believe their rights have been either violated or imperiled.

The Commission examined the report on the on-site visit made to Colombia in May 1992 and received Colombia's Presidential Advisor for Human Rights and its Ambassador Permanent Representative to the OAS. They provided detailed information on the measures that the Government had taken to correct the country's human rights problems. The Commission also had an opportunity to hear testimony from petitioners and nongovernmental organizations in relation to individual cases the Commission is processing and the overall human rights situation in the country.

The Commission studied developments in the political situation in El Salvador, in the light of the historic agreements the parties in conflict had signed. It decided that it would continue to monitor closely the results of the implementation of those agreements. Particular interest was devoted to analyzing the scope of the mandate of the Truth Commission and the work it has in progress. The IACHR is confident that given the determination demonstrated by the parties and the Salvadoran people in general, the consolidation of peace and democracy will be achieved in the not-too-distant future, with full observance of the fundamental rights and guarantees of individuals.

At this session, the Commission received representatives of the Honduran Government and of the Interinstitutional Human Rights Commission, who reported on the human rights situation in that country and provided information related to the various cases that the Commission is processing.

The Commission examined the responses received in the first survey conducted with a view to drafting an inter-American instrument on the rights of indigenous peoples. The governments of a number of member states and indigenous organizations expressed their views on the rights and the approaches that an instrument of that kind should consider. The Commission is preparing a summary of all the replies it receives, which it will include in its next annual report.

During this session, the Commission was pleased to learn of the Brazilian Government's decision to ratify the American Convention on Human Rights. As his Government's representative, Brazil's Minister of Foreign Affairs, Dr. Celso Lafer, deposited the document of accession, which undoubtedly constitutes an important contribution that will strengthen the inter-American human rights system and which deserves special recognition. The Commission hopes that Brazil's example will be followed by those countries that have not yet ratified the Convention and is confident that

the same resolve will manifest itself in relation to the other inter-American instruments on the subject.

Because of its importance to the progressive development of the international system for protection of human rights, particular mention should be made of the friendly settlement negotiated by the Government of Argentina and the petitioners in cases 10288, 10310, 10436, 10496 and 10771, concerning compensatory damages to those detained during the *de facto* government.

On Thursday, October 1, the Commission received a courtesy visit from the Foreign Minister of Venezuela, Mr. Fernando Ochoa Antich, who was accompanied by the Ambassador Permanent Representative to the Organization of American States and by the Director General for International Policy. The Foreign Minister told the Commission of the Venezuelan Government's willingness to cooperate and reported on the general human rights situation in his country.

Finally, the Commission decided that its next session will be held between March 1 and 12, 1993, and that the hearings held beforehand will be from February 24 to February 26.

Washington, D.C., October 2, 1992

## **PRESS COMMUNIQUE**

Nº 10/92

The Inter-American Commission on Human Rights has noted with deep concern that Peru may move to denounce the American Convention on Human Rights. The denunciation of the Pact of San Jose would be unprecedented in the hemisphere since Peru would be the first State to take such action which runs contrary to the democratic trend in our region. True democracy is based on the full exercise of the civil and political rights recognized by the Convention and which is one of the fundamental principles on which the inter-American system rests.

The American Convention on Human Rights also represents a significant move forward towards guaranteeing for the peoples of the Americas, rights which have often been violated and, in this regard, it should be strengthened. The recent example of democratic states of the hemisphere which have fully acceded to the American Convention on Human Rights is an incentive to continue working on strengthening the system for the protection of human rights. The Inter-American Commission hopes that all states which are parties to the Pact of San Jose will cooperate in this effort.

The Inter-American Commission on Human Rights must point out that Peru will not be relieved of its obligations in the area of human rights by virtue of the denunciation of the American Convention on Human Rights. That country will indeed continue to be subject to the jurisdiction of the Commission under the provisions of the American Declaration of the Rights and Duties of Man which are applicable to all member states of the Organization of American States.

Washington, D.C., October 27, 1992

## PRESS COMMUNIQUE

Nº 11/92

On Monday, November 22, 1992, the Inter-American Commission on Human Rights (IACHR) of the Organization of American States (OAS) begins the on-site visit to Guatemala, being made at the Guatemalan Government's invitation to observe the human rights situation in that country. Scheduled to last until Friday, November 6, the visit will be made by Dr. Marco Tulio Bruni Celli, Chairman of the Commission, and Dr. Leo Valladares Lanza, Dr. Alvaro Tirado Mejía and Dr. Patrick L. Robinson, Commission members.

During its visit, the Commission will be assisted by its Executive Secretary, Dr. Edith Márquez Rodríguez, Dr. David Padilla and Dr. Jorge Seall-Sasiain. Mrs. María Julia Meyer and Mrs. Rosario McIntyre will provide administrative support.

The Commission will be staying at the Hotel El Dorado in Guatemala City. During its on-site visit, it will meet with authorities of the government and of official institutions, with representatives of pro human rights organizations, with representative persons and members of institutions and with those who believe their human rights have been violated and who wish to present complaints to the Commission. The IACHR will receive complaints at the Hotel El Dorado on Tuesday, November 3, and Wednesday, November 4, from 9:00 a.m. to 4:00 p.m.

The Commission will travel to the interior for which purpose it will form two subcommittees, each of which will travel on Thursday, November 5. One subcommittee will take a firsthand look at the Communities of Peoples in Resistance (Comunidades de Poblaciones en Resistencia - CPR) and the town of San Pedro Jocopilas, in the department of El Quiché. The other subcommittee will visit Santiago Atitlán, in the department of Sololá, Santa Cruz de El Quiché in the department of El Quiché and the village of Guaxana, municipality of Nentón, in the department of Huehuetenango.

The IACHR's visit is being made under the provisions of the American Convention on Human Rights, an international treaty of which Guatemala is a State Party, and in accordance with the Commission's Statute and Regulations. By virtue of those instruments, the Guatemalan Government has pledged to provide all guarantees to the persons, groups, agencies and institutions that wish to meet with the Commission and to provide all the facilities the Commission requires to accomplish its mission of observing

the human rights situation in the country (Articles 58 and 59 of the Commission's Regulations).

At the end of its visit, the Commission will hold a press conference at the El Dorado Hotel on Friday afternoon, November 6.

Guatemala City, November 1, 1992



## **PRESS COMMUNIQUE**

Nº 12/92

On November 6, 1992, the Inter-American Commission on Human Rights (IACHR) of the Organization of American States (OAS) ended its on-site visit to Guatemala, made at that Government's invitation to observe the general situation of human rights in the country. The visit was made by Dr. Marco Tulio Bruni Celli, the Commission's Chairman, and by Dr. Leo Valladares Lanza, Dr. Patrick L. Robinson and Dr. Alvaro Tirado Mejía, members of the Commission. The Commission was assisted by its Executive Secretary, Dr. Edith Márquez Rodríguez, its Deputy Executive Secretary, Dr. David Padilla, and Dr. Jorge Seall-Sasiain, attorney.

During its visit, the Inter-American Commission met with the President of the Republic, the Honorable Jorge Serrano Elías; with Lic. Gonzalo Menéndez Park, Minister of Foreign Affairs; with Lic. Francisco Perdomo Sandoval, Minister of the Interior; with Division General José Domingo García Samayoa, Minister of Defense; with Lic. Edgar Tuna Valladares, Acting Attorney General of the Nation and Chief of the Government Prosecutor's Office; with Lic. Juan José Rodil Peralta, President of the Supreme Court of Justice and of the Judiciary; with Dr. Jorge Mario García Laguardia, President of the Court of Constitutionality; with Lic. Ramiro de León Carpio, Human Rights Prosecutor, and Lic. César Alvarez Guadamuz, Deputy Prosecutor; with Mr. Bernardo Neumann, Chairman of the Presidential Steering Committee for Executive Office Human Rights Policy (COPREDEH) and other officials of that office; with Lic. Manuel Conde Orellana, Chairman of the Peace Negotiating Commission; with Lic. Oliverio García Rodas, Chairman of the Congressional Human Rights Commission; with Colonel Luis Felipe Miranda Trejo, Commandant of the Mobile Military Police; with Ing. Sergio Mollinedo, Executive Director of the National Commission for Repatriates, Refugees and Displaced Persons (CEAR), with Dr. Claudia Fuentes Serrano, Advisor with the Office of the Executive Director for the National Peace Fund (FONAPAZ) and with Monsignor Rodolfo Quesada Toruño, National Conciliator and Chairman of the National Reconciliation Commission.

The Commission met with representatives of nongovernmental human rights organizations such as the Human Rights Unit of the Archbishop's Office, Casa Alianza (Alliance House), CIEPRODEH, GAM, CONAVIGUA, CONFREGUA, the Marist Brothers, NGOs Coordinator, EAFG Forensics Team and CERJ. It also received representatives of indigenous, labor, student and press organizations. It visited the prisons of San José Pinula, El Pavón, El Pavoncito and the Zone 18 Preventive Detention Center, where it spoke with prison officials, toured the cellblocks and took testimony from some prisoners.

The Commission apprised itself of the very complex and delicate human rights situation in Guatemala and compiled important information that will be very useful to it when it prepares its special report on the findings of its visit.

The Commission is disturbed by the complaints it received and the facts recounted in connection with the enforced disappearance of persons, extrajudicial executions, failures in the administration of justice and the failure to prosecute human rights violations. It was also concerned to see that police functions are assigned to elements of the armed forces, as in the case of the Mobile Military Police.

Other matters the Commission finds disturbing include the fact that the problems of the refugees, repatriates and displaced persons have still not been entirely corrected; that the civilian population living in embattled areas are still in danger; that land tenure problems persist, and that investigations into obvious human rights abuses are slow and difficult.

The Commission received testimony concerning the situation of the Communities of Peoples in Resistance (Comunidades de Pueblos en Resistencia - CPR). Given the importance of the problem, the Commission decided to visit the CPRs in the mountain region and at Ixcán. It has already secured the Government's permission, which the Minister of Foreign Affairs confirmed in his visit with the Commission. That visit will be made in early 1993.

The Commission devoted particular attention to the existence of the so-called Volunteer Civil Defense Committees. These committees are causing apprehension among the peasantry, which finds itself caught between the two sectors in conflict. It should be pointed out that it is up to the State to guarantee the safety and the rights of all people.

The Commission is disturbed by the persistence of irregular recruitment, especially among the indigenous and peasant populations. It is asking the authorities to put a halt to these practices.

The Commission received numerous complaints that concerned the grave conditions in which a high percentage of the country's population now lives, most of them being indigenous communities. The Commission is convinced that measures devoted exclusively to bettering the economic and social lot of those sectors of society must be part of the effort to achieve peace and reconciliation. Peace and national reconciliation will remain in jeopardy so long as such measures are not adopted.

The Commission was told of abuses against street children whose circumstances are such that they have no means of shelter and protection. It was informed, however, that some government institutions are working with nongovernmental organizations to improve the situation of these children. The Commission would like to remind the State of its duty to ensure the rights of the child, which are protected under the American Convention on Human Rights and the Convention on the Rights of the Child, to which Guatemala is a State Party.

Testimony was taken and statistics compiled on the damage that insurrectionist groups have inflicted upon the country's economic structure and upon innocent persons not involved in the conflict. As it has so many times before, the Commission would like to point out that those who behave in this fashion cannot justify their conduct by invoking the struggle to overcome poverty or build a new state by means of violence; by the same token, in defense of institutions authorities cannot commit unlawful acts and hold themselves above the law. A solid foundation for the exercise of democracy and friendly relations can only be achieved if all groups and authorities respect the inalienable rights of the individual, as embodied in international instruments.

The Commission was pleased to receive information on the measures recently adopted by the Government of Ing. Jorge Serrano, such as the reorganization of the Presidential Human Rights Commission (COPREDEH), creation of new court districts and other developments that show a determination to resolve the problems of human rights violations. Nevertheless, the defense of human rights will not be guaranteed until a strong and independent judicial branch begins to function, one that investigates human rights violations and tries and punishes those guilty of such violations; without that kind of judiciary, impunity will go unchecked. The Commission has observed, in particular, the work of the Office of the Special Prosecutor for Human Rights, which has managed to win the trust of the citizenry and has given credibility to the efforts to protect the people's rights.

Overall, human rights violations have declined somewhat. However, much remains to be done, because there are still too many. For the first time in history, military, police and civil servants are being brought before the courts. There is no doubt that under civilian governments, a progressive climate in favor of human rights is developing. The Commission hopes that the case of sociologist Mirna Mack and other cases being processed and under investigation will be cleared up and those responsible will be punished.

The Commission understands that the struggle to preserve human rights is a constant one and it will continue to cooperate with all institutions and with the Government of Guatemala to see that additional and stronger measures are adopted to protect human rights.

The Commission would like to express its appreciation to the Government of Guatemala for the facilities that enabled the Commission to conduct its activities. It would also like to take this opportunity to thank the individuals and institutions who gave of their time to discuss problems of concern to the Commission.

Guatemala City, November 6, 1992

## PRESS RELEASE

Nº 1/93

For over three months, the Inter-American Commission on Human Rights has repeatedly asked the de facto government of Haiti to consent to a visit to that country to investigate on site the numerous complaints received pertaining to human rights violations attributed to repression by the armed forces, the police, and auxiliary civilian groups operating on their orders. The IACHR advised the Government of its intention to conduct two visits: an exploratory one to be carried out from December 13 to 15, 1992, and an on-site visit to be conducted from January 11 to 15, 1993. The de facto government still has not given such consent. On the contrary, on December 8, the IACHR received a message from the Ministry of Foreign Affairs of Haiti advising that the dates on which such visits were to take place would be reported in the following days. But it was not until one month later that the de facto authorities replied that "the visit by the Inter-American Commission on Human Rights did not seem necessary to the Haitian government".

The complaints lodged by the victims themselves and accounts from reliable sources indicate that numerous people have been executed summarily, illegally detained, abused, and tortured by members of the Armed Forces and the police. In most cases, the victims have been supporters of deposed President Jean-Bertrand Aristide. Other victims have simply been suspected of supporting him. Demonstrations and meetings have been violently suppressed, and journalists have not been allowed to report the facts. Many of the victims of these violations are leaders or members of people's or human-rights organizations, students, journalists, merchants, peasants, and members of the Catholic church.

In rural areas, repression and violence have escalated with the reinstatement of "section chiefs," who act with the acquiescence of the military and absolute impunity. Both in the capital and in the provinces, the population is subjected to the corrupt practices of the de facto authorities. And soldiers extort money from civilians as protection against detention and abuse, or simply for improvement of the conditions under which they are held in detention centers, or sometimes even for their release.

The climate of fear and uncertainty in the country has led a large part of the population, especially those who support the return of President Aristide, to migrate to the country's interior seeking refuge, forced to abandon their homes and stay in hiding. This situation has also compelled a large number of Haitians to flee the country in precarious boats to request asylum in the United States.

The practice of "preventive repression" used against the civilian population and the deterioration of the political situation have given rise to continual violations of individual rights, such as the right to life, the right to humane treatment, the right to personal liberty,

freedom of thought and expression, the right of assembly, and freedom of association, all of which are protected by the American Convention on Human Rights, to which the Republic of Haiti is a state party.

The Commission should point out that the American Convention on Human Rights remains in effect regardless of the political situation prevailing in a state party. Consequently, the Commission stresses that those who exercise power in a state, even in a de facto manner, are obligated to observe the individual rights recognized by the American Convention on Human Rights.

The ad hoc Meeting of Ministers of Foreign Affairs adopted, on December 13, 1992, the Resolution "Reinstatement of Democracy in Haiti" (MRE/RES.4/92), in which it decided to "instruct the President of the Ad Hoc Meeting of Ministers of Foreign Affairs and the Secretary General of the OAS to cooperate in the efforts of the Chairman of the Inter-American Commission on Human Rights, in light of the serious and continuing human rights violations in Haiti and the refusal of the current de facto authorities to allow the Commission to conduct an on-site visit as soon as possible."

The Inter-American Commission on Human Rights remains steadfastly determined to travel to Haiti to investigate on site the grave violations reported. In view of the de facto government's refusal to cooperate with it, the Commission renews its appeal to all nongovernmental human rights organizations, particularly those operating in Haiti, to the victims and their relatives, and in general to all those whose individual rights have been violated in any way because of the political crisis, to forward their complaints to the IACHR.

The Inter-American Commission on Human Rights issues an appeal to the de facto government, and especially to the Armed Forces, to cease their systematic human rights violations, of which the Haitian people are the victim.

Washington, D.C., January 8, 1993

## **PRESS COMMUNIQUE**

Nº 2/93

The Inter-American Commission on Human Rights is disturbed by the most recent wave of brutal terrorist acts in various places throughout Colombia. These acts leave the Colombian people in a state of constant anxiety and directly violate their rights to life, security and personal integrity. The combination of attacks by organized crime and political violence has made the Colombian people the victim of one of the cruelest and most unjust onslaughts of aggression. The Commission reaffirms the principle that no person, group or State may infringe the rights recognized in the American Declaration of the Rights and Duties of Man and the American Convention on Human Rights.

Yesterday, car-bombs were parked in various places in downtown Bogota, precisely at that time of the day when vehicular and pedestrian traffic are heaviest. Each was loaded with 50 kilos of explosives. As the authors had intended, when the car-bombs were detonated tremendous material damage was done; more importantly, however, hundreds of defenseless people who live or work in the area of the explosions or were simply passing by, suffered irreparable injury. This development has left the Colombian people in mourning once again, especially the families of the victims, as people have been injured, mutilated or permanently disabled. Moreover, one of car-bombs was placed near a court building for the obvious purpose of intimidating this institution and its members.

The Inter-American Commission on Human Rights vigorously condemns this and any other criminal acts that add to the Colombian people's suffering and trigger understandable indignation and protest among the Colombian public and the international community. It is the Commission's view that acts such as these, which are the work of individuals or irregular armed groups working for the drug cartels, must not go unpunished. It also condemns actions targeted at those public institutions that are the guardians of Colombian justice.

In addition to strenuously repudiating the acts in question, the Commission urges the Government of Colombia to afford the public with the maximum security and protection to which it is entitled and to prosecute and sanction, with the full force of the law, the authors of these acts.

Washington, D.C., February 17, 1993

## PRESS COMMUNIQUE

Nº 3/93

Today, the Inter-American Commission on Human Rights elected its new officers. Dr. Oscar Luján Fappiano was elected Chairman, Professor Michael Reisman First Vice Chairman, and Ambassador Alvaro Tirado Mejía Second Vice Chairman.

Dr. Oscar Luján Fappiano is a distinguished Argentine jurist and university professor. He has practiced in the Federal Capital and in the Provinces of Buenos Aires and Formosa. Dr. Fappiano has participated in a number of congresses and seminars on procedural law in the Argentine Republic and has served on committees drafting laws on such topics as minors, labor procedure and officers of the court and magistrates. Dr. Fappiano has also been a consultant on various bills of amendment. He is the author of a number of books and articles on various issues in Argentine law and international cooperation.

Dr. Michael Reisman is an eminent United States jurist specializing in international law. He has participated in a number of missions and in 1987 was a member of the Independent Counsel on International Human Rights, Peshawar, Pakistan, and of the OAS Observation Team that witnessed the elections in Suriname that same year. Dr. Reisman has extensive experience in his profession and has served as a consultant. He has written a number of books, analyses and studies on the question of human rights at the international level. Dr. Reisman has been a member of the Inter-American Commission on Human Rights since 1990. He is presently a professor at Yale Law School.

Ambassador Alvaro Tirado Mejía, a Colombian jurist, received his doctorate in history at the University of Paris in 1975. He has served as a member of the Permanent Committee for the Defense of Human Rights of Colombia, President of the Center for Studies on the Colombian Reality (CEREC), and as Presidential Advisor for the Defense, Protection and Promotion of Human Rights in Colombia (1987-1989). He has been Colombia's delegate at a number of international events organized by the United Nations and other organizations. A journalist and university professor, Ambassador Tirado has contributed to several newspapers and journals in Colombia and has lectured at several universities in the United States and Europe. He is the author of a number of books and publications, among them *La Reforma Constitucional de 1936* and *Introducción a la Historia Económica de Colombia*.

Washington, D.C., March 1, 1993

## PRESS COMMUNIQUE

Nº 4/93

The Inter-American Commission on Human Rights is deeply disturbed by the systematic human rights violations that continue to victimize the Haitian public. It strenuously condemns, in particular, the events that took place in front of the Port-au-Prince cathedral on February 25, 1993.

The Commission was informed of the unlawful arrests and abuse inflicted upon those who participated in the mass celebrated on February 25, in memory of the victims lost with the sinking of the ferry *Neptune*. According to reports, as he walking out of the cathedral Monsignor Willy Romélus, Bishop of Jeremie, was beaten and his surplice torn by armed men. Among those arrested were Edride Jean and Julienne Charles, members of the grassroots ecclesiastical communities (TKL), and Pharnes Jan, who was beaten and then taken away to the National Penitentiary. According to the information it has received, Mr. Pharnes had been so severely beaten that he was in urgent need of medical attention. Mrs. Arlette Josué, a journalist from *Signal FM* and the *Voice of America*, was also detained, along with a seminarian, as she was leaving the cathedral. She was mistreated during her interrogation at the Anti-Gang Investigation Service.

The Commission has also learned of the repression by the military in Jeremie in early March. According to reliable sources, a number of young people were arrested and beaten by the military; only a handful were released. Mr. Patrick Bourdeau was so badly beaten while in custody that he was unable to walk. The detainees are still in prison, in violation of the 48-hour limit that the Haitian Constitution stipulates in cases of preventive detention.

The Inter-American Commission on Human Rights asks the *de facto* authorities to immediately release the individuals who are being unlawfully held and to respect their physical integrity. It once again calls upon the Armed Forces, pursuant to the American Convention on Human Rights, to stop the systematic human rights violations being committed against the Haitian people and to respect the individual freedoms upheld in that international agreement, of which Haiti is a State Party.

The Inter-American Commission on Human Rights is still determined to go to Haiti for an on-site investigation of the grave violations denounced.

Washington, D.C., March 5, 1993



## **PRESS COMMUNIQUE**

Nº 5/93

The Inter-American Commission on Human Rights is pleased to report that a friendly settlement as provided for in the American Convention on Human Rights has been achieved in cases 10,288, 10,310, 10436, 10,496, 10631 and 10,771. The cases stemmed from petitions filed with the Commission denouncing serious violations of the human rights of thirteen victims, by the military regime that ruled Argentina between 1976 and 1983. The violations consisted in a large number of arbitrary detentions under the decree law known as the "National Executive Power" which permitted the incarceration of persons for indefinite periods without trial.

The petitioners proposed--and the Government of Argentina so agreed--that the Inter-American Commission on Human Rights should serve as the organ of friendly settlement. In 1990, the Government enacted a law ordering the payment of the payment of indemnities to the victims or their next-of-kin as compensation for damages suffered as a result of the human rights violations. Since the petitioners have accepted the compensation provided by the Argentine Government and as both parties asked that the friendly settlement procedure be considered finalized and that the respective cases be closed, the Commission has prepared its Report thereon in keeping with the procedure stipulated in the American Convention on Human Rights.

The Inter-American Commission on Human Rights would like to thank the petitioners in these cases for their invaluable contribution and the Government of the Argentine Republic for its constructive attitude, which allowed the provisions of the American Convention on Human Rights to be used in a creative way in keeping with the spirit of the inter-American system for the protection and promotion of human rights. The Commission must point out that this is the first time that a friendly settlement has been successfully concluded and it hopes that this precedent will inspire more frequent recourse to this procedure, for the sake of those persons whose human rights have been violated in the hemisphere.

Washington, D.C., March 10, 1993

## PRESS COMMUNIQUE

Nº 6/93

On March 12, 1993, the Inter-American Commission on Human Rights concluded its 83rd session, where it elected as its new officers: Dr. Oscar Luján Fappiano, Chairman; Professor Michael Reisman, First Vice Chairman, and Dr. Alvaro Tirado Mejía, Second Vice Chairman. The other members of the Commission are Mr. Oliver Jackman, Dr. Marco Tulio Bruni-Celli, Dr. Leo Valladares Lanza and Mr. Patrick Robinson.

The Commission examined and approved the Annual Report that will be presented to the General Assembly at its twenty-third regular session.

Pursuant to recommendations from the General Assembly, the Commission continued with its analysis of the observance of economic, social and cultural rights and the rights of children in the hemisphere. Along those same lines, it began to study the rights of women and other groups in special circumstances.

The Commission approved a Special Report on the situation of human rights in Haiti, wherein it states that in the last year human rights violations have increased markedly in that country. The Report mentions a number of violations attributable to the Armed Forces, such as extrajudicial executions, forced disappearances, arbitrary arrests, mistreatment and torture. The Report also states that in Haiti, there are severe restrictions on freedom of expression and the right of assembly.

The Commission issued a Declaration on the situation of the Haitian refugees, where it called upon the governments of the member states, pursuant to the obligations established in the American Declaration of the Rights and Duties of Man and the American Convention on Human Rights, as appropriate, and in the Convention relating to the Status of Refugees and the principles and rules of international humanitarian law, to take the emergency measures necessary to prevent the dangers and suffering experienced by those Haitians who, although forced to flee their country because of their repression and persecution by agents of the *de facto* authorities, have been or are being repatriated.

During the course of its session, the Commission received the Honorable Jean-Bertrand Aristide, Constitutional President of Haiti, who spoke of the human rights violations being committed by the military who unlawfully seized power in his country. President Aristide stated that the Commission's presence in Haiti was essential and asked that the Commission make the necessary overtures to obtain the member states' support to compel the Haitian military regime to accept the Commission's presence there.

The Commission also received Lic. Dante Caputo, the Special Envoy of the UN Secretary-General and the OAS Secretary General for Haiti, who described the Haitian situation in detail.

With regard to Peru, the Commission decided to publish the Special Report titled **"Situation of Human Rights in Peru: Summary since April 5, 1992"**, approved at its 82nd session and sent to the Government of Peru in November of that year so that the latter might make the observations it deemed necessary. After that provisional report was forwarded to the Government there were new developments that the Commission considered important. It therefore decided to include a brief summary of these new developments in Chapter IV of its Annual Report. The Commission also decided to publish the report on the Cayara case, whose submission to the Inter-American Court of Human Rights was ruled extemporaneous.

The Commission received an invitation from the Government of Peru to make a visit to that country, which was accepted in principle. The Commission will set the date for the visit and approve its program of activities in due course.

The Commission considered and adopted a Special Report on the Situation of Human Rights in Guatemala, which will be forwarded to the Government of that country.

The Commission will make an on-site visit to Guatemala to apprise itself of the situation of the communities of peoples in resistance.

The Commission approved a special report based on its on site visit to Colombia in May of 1992, which shall be sent at the appropriate time to the Government of that country.

Acting upon an invitation from the Government of El Salvador, the Commission decided to make an on-site visit to that country sometime in the near future.

The IACHR will continue to follow events in El Salvador closely and is confident that the parties will comply fully with the Truth Commission's Report, scheduled to come out on March 15 of this year, and with the obligations stipulated in the American Convention on Human Rights and any other agreements that have not yet been executed.

The Commission must again point out that the political agreements concluded by the parties do not in any way relieve the State of the obligations and responsibilities it undertook with ratification of the American Convention on Human Rights and other international instruments on the subject.

The Chairman of the Commission also received and accepted on behalf of the IACHR the Brazilian Government's invitation to visit that country.

During this session, the Commission received representatives of governments and nongovernmental organizations interested in human rights. Testimony was heard in connection with both the general situation of the basic rights in various States and specific individual cases now being processed by the Commission.

The Commission received the Vice Minister of Foreign Affairs of Nicaragua, Dr. Bernard Pallais, and Nicaragua's Permanent Representative, Ambassador José Antonio Tijerino. It took note of the progress made in promoting and protecting human rights in Nicaragua. However, it was also disturbed by the deteriorating political situation and by the escalation in certain types of violence there. The Commission believes that the failure to prosecute and punish serious human rights violations is a contributing factor, as is the spread of the serious institutional crisis.

During this session, the Commission examined, with great concern, the negative human rights situation in Cuba, largely the result of the restrictions imposed against those who in any way take issue with the ruling political regime in that country. The Commission was of the view that very profound changes are urgently needed in Cuba, the kind that will gradually make it possible to establish a genuine representative democracy in that country, which it does not have at the present time. Once again the Commission calls upon the Cuban Government to allow authentic freedom of expression and complete reestablishment of the rule of law.

The Commission also stated how very grateful and pleased it was with the **friendly settlement agreement** reached between the Argentine Government and the petitioners in thirteen cases involving individuals who had been detained and held on orders from the Executive Power during the military regime that toppled the Constitutional Government in 1976. Under that **agreement**, the Argentine Government paid pecuniary damages to the petitioners, to their complete satisfaction. It should be pointed out, once again, that this is the first friendly settlement agreement successfully concluded since the Commission's establishment in 1959.

The Commission addressed the Argentine Government requesting precautionary measures for minors born in captivity during the last military regime.

The Commission approved a report wherein it calls upon the United States Government to re-examine, as a matter of urgency, the practice of intercepting on the high seas boats carrying Haitian citizens bound for the United States, who are then taken back to Haiti without being given the opportunity to prove whether they qualify as refugees under the Protocol on the Status of Refugees, or as asylum-seekers under the American Declaration of the Rights and Duties of Man. The Commission also asked the Government of the United States not to repatriate any Haitian citizens who are already on United States territory without first determining whether they qualify as refugees under the aforementioned instrument.

The Commission continued to discuss some issues that would be included in the draft inter-American legal instrument on the rights of indigenous peoples. A document was approved that contains a summary of the observations presented by eleven member states of the Organization and by a number of intergovernmental and indigenous organizations, based on the questionnaire prepared by the Commission. The IACHR is now preparing the first draft of an instrument on the rights of indigenous peoples.

Finally, the Commission decided to hold its next session in October of this year.

Washington, D.C., March 12, 1993