



# CrossCurrents

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Photo by Ryan Beiler

## Terrorism: Stop inflating the concept

By Joy Olson

**T**errorism—each new horrific act stuns and shakes us. It doesn't seem that defining terrorism should be difficult. We all know it when we see it. But the use of the word 'terrorism' in U.S. foreign policy toward Latin America is complicated, troubling and potentially dangerous.

Acts of terrorism may be either international or domestic in origin. Examples of international terrorism include the 1992 and 1994 bombings of the Israeli embassy in Buenos Aires, and a Jewish community center, also in Argentina. Examples of domestic terrorism are the kidnappings and murders of civilians carried out by the three main illegal armed groups in Colombia, all on the U.S. terrorist list.

In terms of U.S. foreign policy and terrorism, the principal concern should be about any potential international terrorist attack against the United States. From this perspective, Latin America is a region of little interest. While al Qaeda cells have been active and identified in Asia, Africa and the Middle East, State Department officials report no evidence of such cells in Latin America. Some reports do raise concerns that funding for international terrorist groups may be transferred or laundered through Latin America. The area most often discussed in this regard is the tri-border region between Brazil, Argentina and Paraguay, although links to the Caribbean are also mentioned.

But the term 'terrorism' in U.S. foreign policy toward Latin America is being used very loosely and very broadly. For the Department of Defense, any illicit trans-border activity poses a potential terrorist threat. The following problems are now regularly mentioned in the context of terrorism:

- ▶ **Drug trafficking:** The term "narco-terrorist" is now the norm. Not only are producers and traffickers considered narco-terrorists, but the U.S. Southern Command now calls drugs a "weapon of mass destruction."
- ▶ **Illegal migration:** Poor people sneaking across borders could carry a dirty bomb.
- ▶ **Intellectual property violations:** Profits could be used to finance terrorism.
- ▶ **Money laundering:** Could be used to channel money to terrorists.
- ▶ **Arms trafficking:** Could be used to arm terrorists.

While there are good reasons to be concerned about each of these illegal activities, the rhetoric has clearly gotten out of control. Naming everything terrorism does a disservice to those trying to prevent terrorist attacks, and distorts our thinking about how to address the underlying causes of illicit transborder activities such as migrant smuggling or the drug crisis.

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# Venezuela: A human rights update

*On April 22, 2004, Senior Associate John Walsh testified before the Human Rights Caucus of the U.S. House of Representatives. Following are excerpts from his statement.*

Venezuela's simmering political crisis has not boiled over into the generalized violence and even civil war that many observers fear may occur. The international community, especially the Organization of American States (OAS) and the Carter Center, has played a crucial role in preventing a descent into greater violence, by brokering the May 2003 agreement between the government and opposition forces and by closely monitoring the referendum process that the May agreement set in motion. Above all, however, the fact that the crisis has not exploded owes to the good will and restraint of the vast majority of the Venezuelan people.

That said, the deeply polarized political situation has cast a pall over public life in Venezuela, and has frequently led to violent confrontations, loss of life, and numerous allegations of serious abuses by state security forces. Most recently, the February and March 2004 protests surrounding the referendum process resulted in 13 people shot to death and 119 people wounded, 49 from gunshots. The circumstances that led to these deaths and injuries remain to be clarified. Between 300 and 400 people were detained during the protests, and while most were released in the following weeks, many of the detainees have complained that they were beaten and tortured by National Guard and police officers... WOLA shares the deep concerns of our human rights colleagues over these allegations, and urges the government to ensure that the perpetrators are brought to justice...

The immediate political crisis and the episodes of related violence are understandably a major focus of attention. But Venezuela's human rights problems pre-date and extend far beyond the nation's present political crisis. The State Department and the Inter-American Commission on Human Rights (IACHR) have recently released their own reports on the human rights situation in Venezuela. Both reports... highlight... the weakness of the rule of law in Venezuela. The... clearest expression of the weak rule of law is widespread impunity for rights violations committed by national, state and municipal security forces and by private groups acting with the acquiescence of government forces. Institutionally, a clear signal of and important factor contributing to weak rule of law is the questionable independence of the Venezuelan judiciary...

To be clear, weak rule of law and impunity for rights violations are not new to Venezuela, nor is Venezuela alone in the region with respect to these problems... [But] while President Chavez certainly inherited many ongoing human rights problems and while the current crisis is a shared responsibility, his government has made inadequate efforts to address obvious human rights problems and has often treated criticism from non-governmental human rights groups as politically motivated.

With respect to the independence of the judiciary, the IACHR reports that 84 percent of Venezuela's judges... hold only provisional or temporary appointments, [throwing] into question the independence of the judiciary from other branches of government. "Consolidating the rule of law," according to the IACHR, "demands a judiciary that is, and is seen to be, independent and impartial, and it is therefore essential to reverse the tenuous situation of most of the Venezuelan judges..." Similarly, in its 2003 human rights report the State Department noted that, while legally independent, the civilian judiciary "was highly inefficient and sometimes corrupt and judges at all levels were subject to influence from a number of sources, including the executive branch." The IACHR noted that the problem of

provisional judges “long predates the current government” but considers the problem to have worsened under the judicial restructuring undertaken by the Chavez government.

The IACHR estimates that 90 percent of cases of human rights violations in Venezuela never move beyond initial proceedings, leading to a vicious circle of impunity and violence. The most disturbing patterns of violations highlighted by the IACHR,...the State Department,... [and] numerous Venezuelan human rights groups, are the hundreds of killings committed in states across the country by self-styled “extermination groups” with ties to members of the local state police forces and the National Guard. These police killings and the impunity with which they are carried out pre-date the current government and have been a long-standing concern of local human rights groups... The extermination groups appear to operate with... criminal as opposed to political motives, and most of the criminal-police links appear to involve state-level forces as opposed to national government security forces. Nevertheless, neither the national government nor the various states have done enough to investigate and dismantle these groups...

My remarks today have focused on the government’s role with respect to promoting human rights, for obvious reasons. A government’s legitimate monopoly over the use of public force comes with the obligation to guarantee the protection of fundamental human rights... The government of Venezuela is party to numerous international treaties relating to human rights protections, and the country’s Constitution even gives constitutional rank to human rights treaties ratified by the state. The government’s obligations to promote and protect human rights are therefore clear and unambiguous...

At the same time, though, it is important to recognize the intensity of the conflict in Venezuela and the use by some within the opposition of what appear to be deliberately provocative tactics. This is [not]... meant to excuse abuses committed by government forces. But it is important to note that neither side to the present political conflict can be said to have lived up to its rhetorical support for democracy and the rule of law. With

JUDY COODE



Differing interpretations of the Venezuelan constitution are central to the current political crisis.

respect to the behavior of the opposition, an apparent disregard for the constitutional order was displayed in dramatic fashion in the April 2002 coup d’état against the Chavez government. President Chavez was illegally detained and, as described in the State Department’s 2003 human rights report, “opposition business leader Pedro Carmona, without any constitutional authority, proclaimed himself interim president and suspended the National Assembly and the courts”... [U]nderstanding the

legitimate grievances on both sides is critical to understanding the ongoing conflict. 🇺🇸

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## Terrorism

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Consider just one example of the foreign policy implications of such a far-reaching definition of terrorism. U.S. policy-makers routinely refer to coca producers as “narco-terrorists.” But most coca in Latin America is produced by peasant farmers, not drug lords, who are desperately poor and grow coca because it’s a good cash crop, thanks to the U.S. market.

In Bolivia, small coca producers protesting the lack of development and demanding attention to the problems of their region helped bring down the last government. By labeling poor coca farmers “narco-terrorists,” the U.S. seeks to delegitimize them. Their complaints about lack of rural development can be ignored because they are “terrorists.” Encouraging such exclusionary politics is guaranteed to exacerbate the current political crisis.

The misuse of language and fear-mongering for political gain interfere with solving real problems in the hemisphere, and is potentially destabilizing.

Let’s demand that our public officials stop using words to instill fear. The U.S. government should closely monitor threats of terrorist attacks against the country. At the same time, let’s address other real problems where they exist by encouraging fair trade and rural development, providing drug treatment, and helping to encourage good governance practices that confront corruption. In the long run, these are the steps that will make the region stable and the U.S. secure. 🇺🇸

# Political crisis and public security in Haiti

*By Rachel Farley and Rachel Neild*

**M**uch of the focus in the United States since Haiti's President, Jean Bertrand Aristide, left his country on February 29<sup>th</sup> has been on questions about the U.S. role in his departure, possible U.S. assistance to opposition groups, and general U.S. neglect of Haiti in recent years. Clearly the U.S. response to the crisis in Haiti was late, and sent mixed messages to the actors involved. These issues deserve to be thoroughly examined. But Haiti's future must remain at the forefront of international attention. To emerge from its crisis, Haiti needs an inclusive and representative government. Achieving security for Haiti's people should be one of the first orders of business for a new Haitian government and the international mission there. An independent and

the best thing for Haiti would be for Aristide to step down. They made it clear to Aristide that they would not help to protect him against an imminent rebel attack. While there were serious problems with the Aristide government, including corruption, links to armed groups, and repression of the media, the U.S. call for his resignation was unhelpful. The about-face encouraged the political opposition to remain intransigent in its refusal to participate in a political solution, and did nothing to deter the armed rebels or the increasing violence in Haiti.

The mixed messages sent by the United States opened the door to questions about its true intentions and the role of the U.S. government in Aristide's departure from Haiti. These include accusations by Aristide that the U.S. kidnapped

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effective democratic police force must be created, which will require long-term commitment and support from the international community.

## U.S. Response in Haiti

The international community delayed becoming involved in the recent crisis in Haiti, waiting until the situation had spiraled out of control. Once CARICOM, the United States, and France did get involved, they worked together to broker a political resolution to the crisis between Aristide and the opposition political parties. Under the agreement, Aristide was to finish his term, a new prime minister would be appointed, and a government would be formed with representation from opposition parties.

Aristide agreed to the plan, but the opposition parties refused to participate. Pushing for a political solution was the right thing to do, but unfortunately, the international community did little to press the Haitian opposition to agree to the compromise plan put forth.

Instead, as the rebels advanced on the capitol, the U.S. and France changed their tune, saying that

him, that his departure was a coup d'état, and his assertion that he remained the President of Haiti. There are also questions being raised about the U.S. government's relationship and assistance to opposition groups in Haiti, and U.S. sales of arms to the Dominican Republic that may have made their way across the border into Haiti. On March 9<sup>th</sup>, 23 Members of Congress, led by Representative Barbara Lee (Democrat-CA), introduced a bill calling for the establishment of a commission to investigate these issues.

## Public Security and Human Rights

Eventually, public security will become the responsibility of the Haitian government, so the international community must help the country rebuild its national police force. There are concerns that the rebels and people with a history of serious human rights abuses may be incorporated into the new police force. Gen. Herard Abraham, army general when Aristide dissolved the military in 1995, was named Minister of the Interior. He reportedly plans to allow anti-Aristide rebels into

the police force, although he has said that he will not include those accused of human rights violations. He has also said he wants to reestablish Haiti's army, which Aristide dissolved in 1994.

Many of the armed actors that participated in the uprising against Aristide are convicted human rights abusers. Some were convicted *in absentia* and returned to Haiti during the recent unrest to participate in the uprising. One such person is Louis Jodel Chamblain, found guilty of involvement in the 1994 Raboteau massacre and of an extra-judicial killing. Also during the uprising, many convicted human rights abusers escaped from prison.

## Looking Toward the Future

Haiti faces an uphill battle on the path to economic recovery and democratic institution-building. The already bad situation was made worse by devastating floods along the border with the Dominican Republic at the end of May, which killed over 1,000 people and left 1,600 people missing and presumed dead. Over 3,000 houses

were damaged or destroyed. The U.S. should greatly increase emergency assistance to Haiti, as well as development assistance and aid for disaster prevention, to help ensure that Haiti is not devastated again during future rainy seasons.

The United States should also commit to helping establish democratic institutions in Haiti. In particular, the U.S. should follow up on prior support for democratic policing. The U.S. invested about \$70 million between 1994 and 2000 to create a professional police force in Haiti, an investment that should not be squandered. Working in cooperation with the international community, the U.S. should help Haiti establish a politically neutral police force that can ensure the security of all sectors of society, as the country moves toward an electoral process. Anyone with a criminal record or involvement with violent attempts to overthrow the government must not be allowed to join Haiti's national police force, and human rights violators must be held accountable for the crimes they committed. 🇺🇸

## New publications

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**Hidden Powers in Post-Conflict Guatemala: *Illegal Armed Groups and the Forces Behind Them***, by Susan Peacock and Adriana Beltrán, December 2003, 98 pp., \$10.00. A complete analysis of the interconnected set of powerful Guatemalans known as "hidden powers," the illegal armed "clandestine groups" that act at their behest, and their impact on democracy, human rights, and rule of law in Guatemala today.

**Rights and Development**, Vol. 2, No. 1, March 2004, 12 pp., \$2.00. The second issue of WOLA's newest series includes articles on the status of CAFTA and the Free Trade Area of the Americas, and an interview with Darci Frigo, one of Brazil's best-known human rights lawyers.

### From the Drugs, Democracy and Human Rights Project:

**Drug War Monitor, *Cracks in the Vienna Consensus: The UN Drug Control Debate***, by Martin Jelsma and Pien Metaal, Transnational Institute, Amsterdam, January 2004, 24 pp., \$3.00. Lays out the roles and interrelationships of the UN offices involved in defining and overseeing international drug policy; identifies contradictions between differing

approaches to illicit drug abuse, and resulting tensions and challenges; and proposes an alternative vision for bringing about a more humane drug control regime. Will be available in Spanish in July 2004.

**Special Update on Ecuador: Ecuador Gets Colombia's Drift—Aerial Eradication of Coca Crops on the Border**, by Sandra G. Edwards, WOLA consultant, June 2004. Available only on our web site.

All of WOLA's newest publications are also available on our web site, [www.wola.org](http://www.wola.org).

### New outside publications by WOLA staff:

Gastón Chillier, Cecilia Ales and Gustavo Palmieri, "Illegal Practices of the Police in Argentina: Fabricated Proceedings by the Federal Police," in S. Einstein and M. Amir, eds., **Police Corruption: Paradigms, Models and Concepts—Challenges for Developing Countries**, The Uncertainty Series, Volume 4.1., United States: Office of International Criminal Justice, 2003, pp. 589-618.

John Walsh, "Fuzzy Math: Why the White House Drug Control Budget Doesn't Add Up," FAS Drug Policy Analysis Bulletin, Issue No. 10, February 2004.



*The following is a list of activities undertaken by WOLA between December 2003-May 2004.*

## Washington Policy Work

- ▷ John Walsh and Kathy Ledebur of the Andean Information Network (AIN) prepared a memo on U.S. drug policy in **Bolivia** for President Jimmy Carter, in preparation for his December visit.
- ▷ WOLA encouraged members of Congress to sign a letter to President Álvaro Uribe in support of the work of human rights and civil society groups in **Colombia**. Seventy-four members signed. WOLA also provided questions to Congressional staff preparing for Colombian President Álvaro Uribe's March visit to Washington.
- ▷ WOLA co-sponsored a January **Cuba** strategy session in Washington, bringing together advocates for a new U.S.-Cuba policy from around the country.
- ▷ Geoff Thale participated in a January State Department briefing for the new U.S. Ambassador to **El Salvador**.
- ▷ In March, WOLA helped gather signatures for a letter from members of Congress to Secretary of State Colin Powell, calling for U.S. neutrality in the **Salvadoran** presidential elections.
- ▷ Adriana Beltrán met with former Guatemalan Minister of Foreign Relations Edgar Gutiérrez and UN political officer Martha Doggett in January to discuss the status of the Commission to Investigate Illegal Groups and Clandestine Security Organizations (CICIACS) in **Guatemala**. WOLA and other rights groups wrote to urge the U.S. and European ambassadors in Guatemala to maintain their support for the prompt establishment of CICIACS.
- ▷ WOLA submitted questions on **Guatemala, El Salvador** and **Cuba** that were asked by members of Congress during a March hearing on the State Department's annual human rights report.
- ▷ Early in the year, Laurie Freeman encouraged congressional offices to support a House resolution condemning the murders of women in Ciudad Juárez, **Mexico**. In March, WOLA updated Congress on alleged police involvement in the Juárez murders.
- ▷ WOLA supported signers of an April letter sponsored by Rep. Jan Schakowsky (D-IL) to **Mexican** President Fox, advocating that his government honor the IACHR ruling to free U.S. citizen Alfonso Martin del Campo from prison.
- ▷ Laurie Freeman prepared a memo in May for members of Congress urging them to address the Juárez women's murders at the U.S.-**Mexico** Inter-Parliamentary meeting.
- ▷ John Walsh spoke at a December State Department briefing for the new U.S. ambassador to **Peru**, Curt Struble.
- ▷ John Walsh briefed House International Relations Committee aides in December on the situation in **Venezuela** and the role of U.S. civil society organizations. In March he met with officials from the State Department's Office of Andean Affairs to discuss U.S. policy toward that country. On April 22, he testified on Venezuela at a Congressional Human Rights Caucus Members' Briefing.
- ▷ Gastón Chillier and John Walsh briefed Astrid Schomaker, head of **Andean** Community affairs for the European Commission, in March.
- ▷ Vicki Gass discussed the likely impact of the proposed **CAFTA** agreement in a January Congressional briefing.
- ▷ Gabi Kruks-Wisner participated in a March roundtable discussion on **CAFTA**, sponsored by the Congressional Hispanic Caucus Institute.
- ▷ In March, WOLA staff met with Pentagon and U.S. Southern Command officials, and House and Senate Armed Services Committee staff, on the FY 2005 **national defense** authorization bill. In April, Joy Olson met with SouthCom personnel to discuss the annual posture statement, its use of **terrorism** language, and the identification of radical populism and gangs as potential threats.

## Presenting Latin American Voices

- ▷ WOLA facilitated the January visit of Father Gabriel Izquierdo, from **Colombia's** *Universidad Javeriana*, arranging meetings with Washington academics, policy-makers and foundations.
- ▷ On March 29, WOLA co-hosted a breakfast briefing on "Human Rights in Southwestern **Colombia**" with the former governor of Cauca, Floro Tunubalá, and Ludivía Giraldo Díaz, MINGA.
- ▷ WOLA sponsored a February briefing by, and arranged visits for, Rev. Raimundo García Franco, a Presbyterian minister from Cardenas, **Cuba**, who heads the Christian Center for Reflection and Dialogue.

- ▷ In February, WOLA arranged visits in Congress and accompanied Dr. Guillermo Mata, the FMLN's candidate for vice president of **El Salvador**, during his visit to Washington.
- ▷ In February and March, WOLA arranged meetings for **Guatemalan** human rights groups with the Department of State, USAID, European Union, European embassies, United Nations, congressional offices, and NGOs, to discuss the human rights situation in the country and the formation of the international commission to investigate clandestine groups. Visitors included human rights activists Claudia Samayoa; Gustavo Meoño, Rigoberta Menchú Foundation; Helen Mack, Myrna Mack Foundation; Orlando Blanco, *Coordinadora Nacional de Derechos Humanos de Guatemala*; and Juan Pablo Pons and Angélica González, Center for Legal Action on Human Rights.
- ▷ WOLA and the Moriah Fund co-sponsored the March briefing "*Prospects for Human Rights Improvement in Guatemala: A View From Inside and Out*," with Frank LaRue of the Presidential Commission on Human Rights, Helen Mack and Orlando Blanco.
- ▷ WOLA staff arranged a visit to Washington for representatives of key **Mexican** human rights organizations seeking justice for the murders of women in Ciudad Juárez and Chihuahua. They met with human rights groups, Senate offices, and State Department officials.
- ▷ On March 1, WOLA co-sponsored a brownbag with the Latin America Working Group titled, "Human Rights in **Mexico**: Progress and Unmet Promises," featuring the *Centro de Derechos Humanos Miguel Agustín Pro Juárez* and the *Comisión Mexicana de Defensa y Promoción de los Derechos Humanos*.
- ▷ On May 25, WOLA hosted a brownbag discussion featuring John Burstein and Cecilia Vasquez of *FORO para el Desarrollo Sustentable in Chiapas, Mexico*.
- ▷ In February, WOLA staff arranged Congressional and administration visits for **Peruvian** visitors Javier Mujica, José Regalado and Pablo Rojas, from the *Coordinadora Nacional de Derechos Humanos*.
- ▷ On May 19, WOLA and the George Washington University co-sponsored an Andean Seminar on "**Venezuela's** Political Crisis: Origins and Trajectory," featuring Ana Maria Sanjuan, Director of the Center for Peace and Human Rights at the *Universidad Nacional de Venezuela*.

- ▷ On March 1, WOLA co-sponsored an Andean Seminar with George Washington University entitled "**The State Confronting Social Protest**." The seminar featured human rights experts Javier Mujica from Peru, Victor Abramovich from Argentina and Sacha Llorenti from Bolivia.

## WOLA in Latin America

- ▷ Joy Olson accompanied a May congressional delegation to **Bolivia**, co-sponsored by several organizations. The delegation visited the Chapare, Cochabamba and La Paz, and met with Bolivian officials, NGOs, military and police, and the U.S. embassy, focusing on drug policy, military and human rights issues.
- ▷ From February 17-21, WOLA led a fact-finding delegation to **Colombia** with Rep. James McGovern (D-MA), that traveled to Arauca, and spent two days in Bogota meeting with government officials, academics and civil society. Participants included a staff member from the office of Jan Schakowsky (D-IL), and representatives of the Latin America Working Group and the American Friends Service Committee.
- ▷ Geoff Thale traveled to **Cuba** in January, participating in a delegation organized by the National Council of Churches.
- ▷ Geoff Thale and Gabi Kruks-Wisner traveled to **El Salvador** in March, prior to the presidential elections. They discussed the elections with U.S. Embassy staff, a range of political parties, and Salvadoran NGOs.
- ▷ Joy Olson attended a May conference on hemispheric security in **Guatemala**, joining a session on civil society participation in military issues. She also discussed CICIACS with NGO leaders, Frank LaRue of the Presidential Human Rights Commission, Vice President Eduardo Stein, the U.S. and Swedish embassies, and the Soros Foundation.
- ▷ In January Kimberly Stanton and Adriana Beltrán traveled to **Nicaragua** to finalize the closing of WOLA's advocacy training office in Managua.
- ▷ In March, WOLA wrote to the governor of Guerrero, **Mexico** and to members of the Guerrero state congress in support of a bill against forced disappearances. The issue was later covered in the local paper "*El Sur*."
- ▷ In May, Laurie Freeman attended a seminar on public security and human rights in **Mexico**,

organized and attended by human rights organizations and academics. Laurie also met with a range of actors to discuss violence against women and impunity in Ciudad Juárez, including Guadalupe Morfin, special commissioner to prevent violence against women in Juárez; Emilienne de Leon of *Semillas*; Celia Aguilar of UNIFEM; and members of the Mexican Congress.

- ▷ From January 17-24, John Walsh traveled to **Venezuela** with a delegation of representatives from human rights and peace and justice groups organized by the Maryknoll Office for Global Concerns. In Caracas and in the state of Lara, the delegates met with U.S. embassy officials; Venezuelan President Hugo Chavez, Vice President Jose Vicente Rangel and other government officials; religious and community leaders; human rights advocates; and political analysts.

## Conferences and Events

- ▷ In January, Rachel Farley took a group of moderate Cuban-American activists to Iowa prior to the nation's first presidential caucus, to meet with Iowa state officials, business groups, the public, the press and presidential candidates, about the need for change in U.S.-**Cuba** policy.
- ▷ Joy Olson attended an IDB dinner in May for **Guatemalan** President Berger.
- ▷ In March, Laurie Freeman spoke at an International Women's Day briefing organized by the Congressional Women's Caucus on Women's Rights and Security in Iraq, Afghanistan, and Ciudad Juárez, **Mexico**.
- ▷ On March 3, John Walsh spoke at a George Mason University teach-in on Bolivia entitled "Popular Protest, Neoliberalism, and U.S. **Drug Policy**."
- ▷ Joy Olson attended the UN Commission on Narcotic **Drug Control** meeting and a briefing held by the Senlis Council in March in Vienna.
- ▷ In late May, Kimberly Stanton represented WOLA and presented a paper on U.S. counter-drug policy at an international colloquium on **Cultivos ilícitos en la región andina**, held in Paris, France.
- ▷ On March 23, WOLA's **Friends of Latin America** program joined with the International Center for Research on Women to honor Sally Yudelman. Rep. Hilda Solis (D-CA) was the featured speaker.
- ▷ WOLA co-sponsored, with the Solidarity Center and the International Labor Rights Fund, a

thematic hearing in March at the **Inter-American Commission on Human Rights (IACHR)** on labor rights violations in Central America.

- ▷ On March 2, WOLA held a reception for human rights defenders from throughout the region who were in Washington for the spring session of the **IACHR**.
- ▷ On March 4, Gastón Chillier participated in a hearing before the **IACHR** on the challenges it faces.
- ▷ Gastón Chillier presented in January at the Inter-American College of Defense on "The **Inter-American System** – a Look Ahead and Possible Reforms."
- ▷ On February 12, Gastón Chillier gave a presentation at the **Organization of American States (OAS)** Meeting of Governmental Experts on "Best practices and National Experiences in the Adoption of Anti-terrorism Measures from a Human Rights Perspective."

## WOLA in the News

- ▷ Vicki Gass gave an interview and was quoted in the *Folha de Sao Paulo*, **Brazil**, in February.
  - ▷ Gastón Chillier was quoted in **Colombia's Semana** and *El Tiempo* about the anti-terrorist statue approved by that country's congress.
  - ▷ WOLA held two press conferences in **Colombia** expressing support for the legitimacy of human rights defenders and civil society, in the state of Arauca on February 18<sup>th</sup> and in Bogotá on the 20<sup>th</sup>, as part of the WOLA-led delegation to Colombia with Rep. James McGovern (D-MA). Also during the delegation, WOLA and Rep. McGovern visited a USAID-World Food Programme school feeding program in Ciudad Bolivar, near Bogota, and held a press conference in support of funding for school feeding programs.
  - ▷ Kimberly Stanton was interviewed and cited by *BBC Mundo*, the *Economist* Intelligence Unit, Agence France-Presse, *Chicago Tribune*, *BBC.com*, and *The Scotsman* on various aspects of the Colombian conflict and U.S. policy toward **Colombia**.
  - ▷ In January, Rachel Farley was quoted in the *Des Moines Register*, as she accompanied a group of moderate **Cuban-Americans** opposed to the U.S. embargo to meetings in Iowa prior to the caucuses there.
  - ▷ Rachel Farley was interviewed about the April 15<sup>th</sup> vote in the UN Human Rights Commission approving a resolution criticizing **Cuba** for its human rights
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## WOLA Activities

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record. In early May she was interviewed by BBC on the Cuban government's relationship with Mexico and recent diplomatic problems between the two countries, and again about the Cuban government's decision to close dollar stores in response to President Bush's tightening of embargo.

- ▷ In March, Geoff Thale was cited in the *Houston Chronicle* and *Christian Science Monitor* on the presidential elections in **El Salvador**. Thale highlighted the role played by the U.S. in the elections in interviews on National Public Radio's *All Things Considered*, Pacifica Radio's *Strategic Sights*, CNN International, and Voice of America, and provided background information for an editorial published by the *Chicago Tribune*.
- ▷ Geoff Thale was quoted in January in *In These Times* on the outcome of the **Guatemalan** elections. Adriana Beltrán was quoted in the *Miami Herald* when ex-dictator Efraín Ríos Montt lost his immunity from prosecution.
- ▷ Joy Olson and Richard Feinberg co-authored an op-ed on **Guatemala's** CICIACS initiative for the *Miami Herald*.
- ▷ In March, Rachel Farley was quoted in two *Newsday* articles following President Aristide's departure from **Haiti**. In May Rachel spoke on a BBC World Service Spanish language broadcast about the U.S. release of \$60 million in humanitarian aid to Haiti.
- ▷ Laurie Freeman was quoted in Associated Press, Reuters, *Arizona Republic*, *IPS*, and *Televisa* stories about the World Court's decision in favor of **Mexicans** on death row in the United States. She was quoted in the *Washington Post* and *Houston Chronicle* on the Juárez murders, and in the *San Francisco Chronicle* on the U.S. military in Latin America.
- ▷ WOLA co-sponsored a press conference at the National Press Club in early December, to mark the beginning of the final round of negotiations on **CAFTA**. Speakers at the conference, including Rep. Sander Levin (D-MI) and U.S. union and Central American civil society representatives, were cited in *Reuters*, the *Washington Post*, and *OneWorld.net*.
- ▷ In December, as the negotiations for **CAFTA** were finalized, Geoff Thale and Vicki Gass were quoted in the *Houston Chronicle* and *Inter Press Service*. Gabi Kruks-Wisner placed a letter to the editor in the *Los Angeles Times*. Kruks-Wisner was also cited in the *Christian Science Monitor* following the tenth anniversary of the North American Free Trade Agreement.
- ▷ Kimberly Stanton was quoted in the *Denver Post* in a piece about economic inequalities and the **Summit of the Americas**.
- ▷ Gastón Chillier gave an interview on BBC Radio 4 about the role that **war crimes tribunals and truth commissions** can play in the process of overcoming the legacy of crimes against humanity and war crimes. 🇺🇸

## WOLA: Celebrating 30 Years!

2004 marks the 30<sup>th</sup> anniversary of the founding of the Washington Office on Latin America. To celebrate, we are documenting our accomplishments and redoubling our efforts to place human rights at the center of the debate over U.S. policy toward Latin America. We will publish a special issue of *Cross Currents* later this year with commentaries on WOLA's role in the evolution of U.S.-Latin American relations since the 1970s. We have obtained special funding from the Ford Foundation to write a comprehensive history of WOLA,

to be published during 2005. And we are planning a public forum on U.S. policy toward Latin America in early November, right after the U.S. presidential election. As we take stock of the state of human rights in the world today, WOLA's mission is as important as ever. We invite our friends and colleagues in the U.S. and abroad to join us as we renew our commitment to promoting democracy, human rights and social and economic justice in Latin America. Please check our web page for updates on activities and events.

30 years

# Best practices in the adoption of anti-terrorism measures from a human rights perspective

*The following is excerpted from testimony given on February 12<sup>th</sup> by Senior Associate Gastón Chillier before the Organization of American States (OAS) Meeting of Governmental Experts. The testimony urges the OAS to develop guidelines based on Inter-American human rights norms and jurisprudence, for use by member states as they design and implement anti-terrorism measures. The Permanent Mission of Mexico to the OAS drafted a resolution in favor of the proposal that was approved by the OAS General Assembly in Quito in June [AG/RES. 2035 (XXXIV-O/04)].*

**F**irst, I would like to emphasize the importance of a meeting like this where member countries of the OAS can listen and share best practices about the effective implementation of anti-terrorism measures based on respect for international human rights norms.

Sadly, terrorism has been a part of the recent history of many countries in the region. In Latin America, terrorism has not only gravely affected the fundamental rights of society and of individual groups, but has also undermined democratic institutions.

Unfortunately, the remedies adopted by governments in the past, most military regimes, were much worse than the sickness itself. Measures applied by many governments in the region had a tragic price: thousands of forced disappearances, extra-judicial and summary executions, torture, arbitrary detentions, violations of due process of law, personal privacy and freedom of expression—the list goes on. These measures also left democracies in extremely weak condition, fighting to strengthen their institutions.

I mention the history because of the need to keep in mind past experiences... as we design policies that, while effective in combating terrorism, also guarantee the protection of human rights... [A]ll too often, looking at the present situation, it is not possible to avoid a bitter sense of déjà vu... in which, under the pretext of the exceptional nature of the terrorist threat, the enjoyment of human rights in the region is endangered. The promotion of legislation that affects personal freedoms; conditions for detentions that do not comply with international norms; laws that limit or impede the right to defense or access to independent tribunals; vague definitions of terrorist conduct inconsistent with the principle of legality, or the application of criminal provisions using the concept of terrorism

for the repression of social protest; the joint and undifferentiated treatment of terrorist crimes and other crimes such as drug trafficking, on the assumption that there is always a relationship between them; the intervention of the armed forces in matters of public security, etc.

The countries that conform the OAS system have access to a solid framework for the protection of human rights in the context of the promotion of anti-terrorist measures. On the one hand, there are the human rights treaties and the American Declaration on the Rights and Duties of Man. Additionally, the Democratic Charter establishes that the full enjoyment of human rights is a necessary condition for democracy. The recent Security Declaration makes it clear that it is not possible to combat security threats, be they traditional or new, without respecting human rights and international humanitarian law. Lastly, article 15 of the Inter-American convention against terrorism establishes that “the measures adopted by the states under this convention should be implemented with total respect for the rule of law, human rights and fundamental freedoms.”

The OAS system also depends on institutions like the Inter-American Commission and Court, which play a fundamental role in the promotion and protection of human rights in the region. The valuable report on Terrorism and Human Rights elaborated by the Commission in 2002 is an example of the prompt and efficacious reaction of this body to the possibility that the “war against terrorism” could constitute a threat to the full enjoyment of human rights.

Nevertheless, in the tradition of many countries in our region there is a difference between the legal recognition of human rights and their effective protection. Focusing on the problem of terrorism, many government agencies responsible for the design and implementation of anti-terrorist policies

sidestep the regional commitments on human rights. Even worse, human rights are seen as an obstacle to effective counter-terrorism measures.

In contrast, I believe it is imperative that we think of human rights as an indispensable tool in fortifying the rule of law, a lesson that has become evident from past experience. In my view, this is a central point that should be addressed by this meeting, with the goal of coming to the conclusion that the end does not justify the means, and that human rights should not be seen as a necessary sacrifice in the implementation of effective counter-terrorism measures.

To this effect, I hope you will permit me to make a very concrete proposal... The OAS should elaborate a set of guidelines for states which would draw upon the existing international standards on human rights in relation to anti-terrorism measures. These guidelines should be grounded in the ... report on Terrorism and Human Rights from the Inter-American Commission on Human Rights, and would be applied by the governments of the region in the design and implementation of counter-terrorism policies that respect human rights and international humanitarian law. In the regional context, the Inter-American Committee Against Terrorism (CICTE) should apply the

guidelines as part of its role in coordinating and facilitating cooperation among governments in their efforts to fight terrorism. The guidelines should be approved by the General Assembly in order to confer the greatest possible legitimacy in the eyes of the OAS member states. One model that could serve as an example is last year's decision by the European Council to adopt guidelines on "Human Rights and the Fight Against Terrorism." By endorsing the proposed guidelines, the OAS would be fulfilling its mandate to prevent violations of human rights and to support governments in guaranteeing their due protection.

Taking into account the role of the Inter-American Commission on Human Rights as the principal organ charged with the promotion of human rights, I believe the Commission should assume a leadership role in the elaboration of these guidelines.

To conclude my remarks, I would like to express WOLA's desire, and I believe I speak for many human rights organizations in the region, to participate in this discussion with the goal of making a contribution to the efforts of our governments to guarantee the protection of human rights in the fight against terrorism. 🇺🇸

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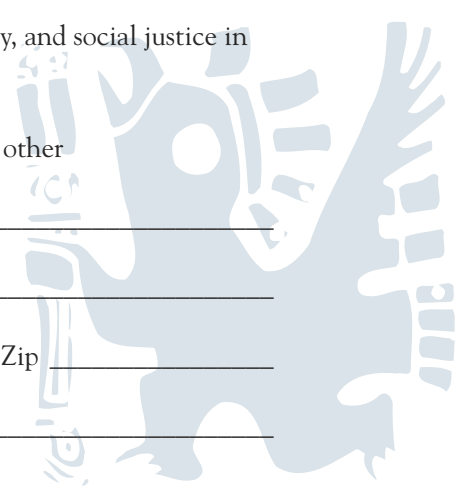
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