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LADB Staff

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Region Still Grappling with Human Rights Abuses Under Operation Condor

by LADB Staff

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In some cases voluntarily, in others because of pressure from local and international organizations, the majority of South American governments are updating their human rights policies. The new reality has led to the conviction and imprisonment of high-profile personalities such as Peru's former President Alberto Fujimori (1989-1999), the passage of laws acknowledging the genocide perpetrated during the dictatorships, and the attempts to make economic restitution for harm done to tens of thousands of victims who suffered jail, torture, or exile or to families of those who were assassinated or disappeared.

As investigations go deeper, new elements emerge revealing the true importance of events that occurred during the last decades of the 20th century. One constant in such investigations is references to Operation Condor (see NotiSur, 2000-07-07, 2001-06-01), the coordinated policy of repression that began in 1976 and was carried out by the military regimes in the Southern Cone Argentina, Bolivia, Brazil, Chile, Paraguay, and Uruguay. Bolivia and Brazil opened their official archives in an attempt to precisely determine the aberrant events of recent history.

Chile, along with Peru, has been the country most reluctant to try perpetrators of crimes against humanity. However, nearly two decades after the end of the dictatorship, the first verdict was rendered convicting a former head of the Chilean Navy for the crime of forced disappearance of persons.

While the Colombian government remains impervious to denunciations of crimes or kidnappings carried out by the state, in Uruguay citizens are poised to rescind, through a plebiscite, a 1986 law that guaranteed impunity to the military who violated human rights. Commenting on the verdict and sentencing of Fujimori (see NotiSur, 2009-05-01), Human Rights Watch (HRW) pointed out that this and other judicial decisions had been made "within a global trend of increasing accountability for former heads of state," and Amnesty International (AI) called the verdict "a crucial milestone in the global struggle against impunity."

Brazil faces military abuses

Brazil does not escape the constant that seems to find paying reparations or conceding some rights providing health services, in particular, or counting years in prison or in forced exile as years worked for purposes of retirement benefits a settlement of sorts for damages inflicted by the military regimes through the state apparatus.

Nevertheless, the tireless work of the Comisao Especial de Familiares de Mortos e Desaparecidos Politicos, now accompanied by experts from the Arquivo Nacional de Brasilia, led to intensified investigations in May of this year that added nearly 100 new cases to the long list of disappeared and

uncovered exact historical data, such as the real extent of espionage against the civilian population during the 1964-1985 dictatorship. In those 21 years, the Servico Nacional de Informacoes (SNI) monitored the daily activities of 308,000 Brazilians. "At least 248 official agencies participated in the espionage network. More than a million pages of material were gathered. For that time, and without the aid of computers, it was a monumental repressive apparatus," said historian Vivien Fialho da Silva Ishaq.

Brazil's President Luiz Inacio Lula da Silva recognized that the state had a debt to society, and, in the remainder of his second term, which ends next year, he seems willing to bring things up to date. In late May, Lula said that he will send Congress a bill requiring federal agencies to release all information requested by the population. The measure contains other interesting provisions: 1) It substantially changes the periods for which official documents can be classified "reserved," "secret," or "ultrasecret."

Now documents cannot be declassified for 30 years; under the proposed law, they become public after 5, 15, and 25 years, respectively; 2) Once the law is passed, public agencies will have to release annually, on the Internet, a list of all declassified documents and all those that have been classified under one of the three restriction designations.

Bolivia enlists National Security Archive analyst

Bolivia is moving in the same direction, and the administration of President Evo Morales has begun to review and classify its own archives. Moreover, Morales signed a "solidarity agreement," whose details were not divulged, under which US investigator and analyst Peter Kornbluh will coordinate the search for information in various sources outside Bolivia, basically in the nongovernmental US-based National Security Archive (NSA).

Kornbluh is an NSA senior analyst and has directed the compilation of data for two important investigations: one on the Chilean dictatorship of Gen. Augusto Pinochet (1973-1990) and the other on the Iran-Contra case involving arms-trafficking to support the contras who operated in Nicaragua in the 1980s against the Frente Sandinista de Liberacion Nacional (FSLN) government. The Kornbluh-led investigations will primarily cover human rights violations during the dictatorships of Gen. Hugo Banzar (1971-1978) and Gen. Luis Garcia Meza (1980-1981), while Operation Condor was in effect.

Meanwhile, the Bolivian government is plaintiff in the recently begun oral trial against former neoliberal President Gonzalo Sanchez de Lozada (2002-2003) and members of his Cabinet (see NotiSur, 2009-06-05). They are accused of genocide during the 2003 crackdown on popular protests in which at least 68 people died in a hail of police and military bullets and another 400 were seriously wounded (see NotiSur, 2003-10-17).

Chile's record mixed on ending impunity

In Chile, where the post-dictatorship (after 1991) governments have not had the political will to investigate human rights violations and try the perpetrators, on May 26, a court handed down the sentence against former Rear Admiral Ernesto Huber, one of the highest ranking naval officers at the time of the bloody Sept. 11, 1973, coup. It was the first conviction and sentencing of a member

of the Navy. Although he was charged with the crime of disappearance, which in international law carries the severest penalties, Huber was only sentenced to three years and one day.

The week before, Chile's Chamber of Deputies had given preliminary passage to a bill creating the legal classification "declared missing." Thus, for merely civil purposes, the law will make paperwork dealing with inheritance issues easier for relatives of disappeared victims of the dictatorship. Recently, and thanks to the testimony of a construction worker who was conscripted by the Army in 1973, how Victor Jara was assassinated and where he was originally buried became known. Jara was one of the most beloved popular musicians of democratic Chile.

Despite these recent events, the UN Human Rights Council (UNHRC) released a statement in Geneva calling on the Chilean government to thoroughly investigate the local origins of Operation Condor and the human rights violations that took place during the Pinochet dictatorship. In Argentina, the most advanced country in these matters, which has jailed all members of the high command who staged the March 24, 1976, coup, the work of the judiciary continues. It is still establishing the legal grounds in 289 cases against military, police, and civilians, and in October an oral trial will begin in which the accused were the highest-ranking Navy officers in charge of the detention center Escuela de Mecanica de la Armada (ESMA), an extermination camp where it is estimated that more than 5,000 people disappeared (see NotiSur, 2004-02-02).

The principal defendant is former Navy Capt. Alfredo Astiz, directly responsible for the most emblematic cases: the kidnappings and assassinations of French nuns Alice Domon and Leonie Duquet, Swedish teenager Dagmar Hagelin, Madres de Plaza de Mayo founder Azucena Villaflor, and journalist Rodolfo Walsh (see NotiSur, 1994-11-04, 1998-01-16, 1998-02-13).

No action in Peru, Colombia

In Peru, neither is there the political will to try abusers nor is the judiciary willing to handle it. Even after Fujimori's conviction and sentencing, local agencies, HRW, and AI reported that the country continues being among those that protect human rights violators.

Colombia is a daily target of criticisms from humanitarian organizations, but President Alvaro Uribe stubbornly denies, for example, the assassinations of dozens of youth who have been made to appear as guerrillas killed in combat (see NotiSur, 2008-10-10, 2009-02-06).

On June 10, from Canada, Uribe vindicated the military accused of these crimes and said, "We are proceeding efficiently and democratically."

Paraguay, where the Operation Condor archives were found in 1992 (see NotiSur, 1993-02-16), was again in the news with the discovery of new documents and a torture room in a basement of the office of Savino Montanaro, interior minister during all the years of the dictatorship of Gen. Alfredo Stroessner (1954-1989).

Finally, in Uruguay, organized civil society has managed to gather 340,000 signatures (more than one-fourth the 2.5 million registered voters) to convoke a plebiscite (see NotiSur, 2009-01-23) on

whether to rescind the Ley de Caducidad de la Capacidad Punitiva del Estado, a pompous name hiding a law that, until now, guaranteed impunity to human rights violators during the 1973-1985 dictatorship.

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