

## After Decades, Nations Focus on Rights Abuses

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BUENOS AIRES - After years of inertia, governments throughout Latin America have recently shown surprising vigor in prosecuting human rights violations that occurred, in some cases, 30 years ago or more. Chile, for instance, has offered reparations to torture victims and forced the army to apologize for its abuses, while the Supreme Court in Argentina in June declared unconstitutional a pair of amnesty laws from the 1980's.

Why this sudden activity? After all, reopening issues like forced disappearances, torture and state-sanctioned murder is painful for any society and hardly as popular with voters as, say, creating jobs or building roads or schools.

"What's happening now is not a coincidence, or like some kind of flower that has blossomed overnight," argues Víctor Abramovich of the Center for Legal and Social Studies here, one of Argentina's leading human rights group. "It's a regional process that has taken years to mature."

Indeed, even nations that for years did their utmost to forget the past have now been confronting incidents once thought safely buried. In Uruguay, a leftist government, led by Tabaré Vázquez, took power for the first time in March and a former president, Juan María Bordaberry, was indicted three months later for the 1976 murders of two political leaders.

Mexico charged one of its former presidents, Luis Echeverría, with genocide last year for his role in a "dirty war" against students and leftists in the late 1960's and early 1970's. And in Peru, military, intelligence and police officials involved in abuses during the authoritarian rule of Alberto K. Fujimori in the 1990's are also facing charges.

One factor is clearly generational. Men and women who came of age politically during the height of the abuses in the 1970's are now becoming presidents, judges, cabinet ministers and senators, like President Néstor Kirchner here and his wife, Senator Cristina Fernández.

"We speak a common language," explained Javier Miranda, a 41-year-old lawyer who is a leader of the Association of Relatives of the Detained-Disappeared in Uruguay. "I don't have to explain to Tabaré Vázquez who my father was," he said. The same is true, he added, for other Latin American leaders. "All knew people who disappeared and thus understand what we are talking about. So there's a different sensibility."

With the military now on the sidelines in every country in the region - no longer able to intimidate relatives of victims, much less interfere outright as it did in the past - those

with claims of abuse also feel more comfortable coming forward. After 20 years, citizens are finally willing to believe that democracy has come to stay.

But perhaps most important, there is now a body of international law to assure that once cases are brought, they can be won. Over the last decade, several countries in the region have approved new constitutions or laws that enshrine the American Convention on Human Rights and the Inter-American Court of Human Rights, which interprets and applies the convention, above their own national jurisprudence.

The main precedent cited in the June decision of the Supreme Court here, for example, was not an Argentine case but one from Peru, the so-called Barrios Altos ruling from November 2001. In that case, the Inter-American Court ruled that there was no statute of limitations on crimes against humanity and ordered Peru to repeal two amnesty laws that prevented a state-sponsored death squad from being held accountable for the massacre of 17 people a decade earlier.

"This is a remarkable and very important development that we have only seen in the past few years," said Santiago Cantón, executive secretary of the Inter-American Commission on Human Rights. "More and more, tribunals are deciding they can reopen a case internally and make justice if it is in order to comply with the Inter-American system."

Not only is that system being used to resolve cases from the 1970's, it is also being applied to broader, more contemporary issues. Because of it, censors in Chile were forced to allow "The Last Temptation of Christ" to be shown in cinemas there, while Guatemala eliminated a law that prevented women from working without the approval of their husbands.

All told, 22 Latin American and Caribbean nations have accepted the court's jurisdiction. Though the United States constantly lectures Latin American countries about human rights violations, it has not ratified the 1969 convention and consequently does not recognize the court's jurisdiction, a situation that has not stopped the court from raising questions about the treatment of Taliban prisoners being held at the Guantánamo base in Cuba.

Even during the years Latin American governments were indifferent to the subject, human rights groups kept plugging away, building cases against offenders who they were sure had literally gotten away with murder. If there was a single turning point, however, it was probably the detention of Gen. Augusto Pinochet in London in 1998.

In the end, British courts turned down a Spanish extradition request and allowed General Pinochet to return to Chile, where efforts to prosecute him are continuing. But the "mere idea that a head of state had no immunity and could be treated like any other citizen was a revolutionary finding that reverberated throughout the region" and still does, said José Miguel Vivanco, director of the Washington-based Human Rights Watch's Americas Division.

"The jailing of Pinochet was a contagious example, a catalyst," said Mr. Miranda, the Uruguayan human rights leader. "It gave us a blueprint for what could be done."

The Pinochet ruling also helped debunk the myth that human rights was somehow exclusively a left-wing cause. "No one could accuse the British law lords, in their black robes and starched wigs, of being part of an international socialist conspiracy," Mr. Vivanco noted.

Many of the governments that have reopened the human rights issue, like the one here and in Uruguay, do have a leftist tinge. But Alejandro Toledo of Peru, Vicente Fox of Mexico and Óscar Berger of Guatemala, conservatives all, have also taken steps to account for abuses in their countries, and have been more assertive than Luiz Inácio Lula da Silva, who leads Brazil's first elected leftist government.

"No matter what its ideological coloration, a modern government wants to be perceived as respecting the rule of law," said Horacio Rosatti, a professor of constitutional law and former minister of justice here. "And the rule of law means that justice must eventually prevail."