

Without Impunity



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VERITAS

JUSTITIA

MEMORIA

What is Impunity?

We named this newsletter Without Impunity because we believe that the battle against impunity is essential for the respect of human rights. By denouncing human rights violations and violators, this newsletter aims to be another tool in the battle against impunity. However, we realize that not everyone knows what we are talking about, and thus this introduction.

If you walk on the streets of Mar del Plata, the fashionable beach town and favourite vacation spot in Argentina, you may run into a jovial, forty-plus man, with faded blond hair and a still boyish-good looks. He seems affable and fun-loving. He is one of the most vicious killers produced by the Argentine Navy.

He is Alfredo Astiz, the Navy Captain responsible for the disappearance of the founder of the human rights group Mothers of Plaza de Mayo, two French nuns, a Swedish teenager and countless others. Like Astiz, all the other torturers and killers who committed the most grotesque human rights violations during the "Dirty War" walk free and carelessly in Argentina. They are the beneficiaries of two amnesty laws passed in the late 1980's, which stopped most investigations and prosecutions of human rights violations, and which enshrined impunity into Argentine law. Similar laws have been passed in many other countries.

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MADE IN AMERICA:

The School of the Assassins

Since the end of World War II, militaries in Latin America have been responsible for grave human rights abuses, usually directed against the very people that they were supposed to protect. Coincidentally, since 1946, the U.S. Army has trained thousands of Latin American soldiers at its School of the Americas.

The U.S. Army School of the Americas (SOA) was founded in 1946 at Fort Amador in the Panama Canal Zone. In 1950, it was moved to Fort Gulick. In 1984, the

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Prisoner Corner

Fray Antonio Puigjané - Prisoner of Conscience



On June 13, Capuchin priest Juan Antonio Puigjané will be 70 years old and will have spent nearly 10 years in jail in Argentina for crimes he did not commit.

Fray Antonio is one of those rare members of the clergy who believes that he should help the poor and oppressed in addition to preaching that God will help them. He put his beliefs into action by founding Movimiento Todos por la Patria (MTP, All for the Fatherland Movement), a group dedicated to helping the most needy in Argentine society and opposed to the amnesties granted to the military who committed human rights abuses during the "Dirty War." Without Fray Antonio's knowledge, some members of the MTP attempted to take over a military base in a

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From the Editors

Welcome to the first issue of Without Impunity. This is the publication where you can find information, news, and opinions about human rights and human rights violations worldwide. It's also a place where you can learn how to improve your activist skills, find out what is going on in the human rights community, and be inspired to work harder (or begin working for human rights).

Without Impunity is the periodic newsletter of Derechos Human Rights. Derechos works for the respect and promotion of human rights and international humanitarian law all over the world, for the right to privacy and against impunity. We are an on-line based, international organization primarily dedicated to informing the world about human rights and their abuses and helping local NGOs and activists in their work. Derechos is a member of the World Organization Against Torture and the Global Internet Liberty Campaign, and works in close association with several human rights organizations.

Derechos publishes many different materials on human rights (check out our website), including Ko'aga Roñe'eta, an online journal where you can find in-depth articles about human rights issues.

We hope you will enjoy Without Impunity - and that you will help us improve it. We welcome your comments and contributions, as well as letters-to-the-editor.

Without Impunity is written and edited by Margarita Lacabe and Michael Katz-Lacabe. Benjamin B. Ferencz, George Lombard and Thierry Iplicjian contributed to this issue.

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Paper versions of the newsletter are available at a cost of \$20 a year in the US (\$30 internationally). For a subscription send your name, address and payment to 3205 San Mateo St. #1, Richmond, CA 94804 - USA

Organizations @ Derechos

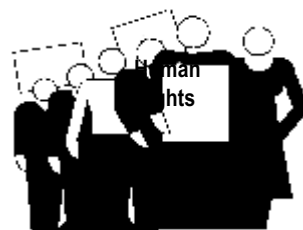
Derechos Human Rights hosts a number of important human rights organization at our website. The information they offer is often very useful to human rights professionals, activists and the general public, and we are honored to have them in our midst. This section will introduce you to one of these groups and their very important work on each issue. You can find a list of all the organizations hosted at Derechos in <http://www.derechos.org/index/ngo.html> If you would like your organization to be hosted at Derechos, please contact us.

The World Organization Against Torture - SOS Torture

<http://www.derechos.org/omct/>

The World Organization Against Torture (Organisation Mondiale Contre la Torture - OMCT, <http://www.omct.org/>) is an international network of over 200 local human rights organizations that works on behalf of victims of torture and other grave human rights violations. It carries out programs of assistance to victims of torture, facilitate the work of interstate institutions dealing with the protection and promotion of human rights, organize conferences and participate in investigative missions, among other activities. In addition, the OMCT runs the SOS-Torture network, an urgent appeal program that distributes urgent actions about human rights violations to organizations throughout the world.

Derechos hosts all urgent appeals from the SOS-Torture network at the website above. The appeals, available in English and Spanish, are organized by country. The most recent appeals are also available in a "current action" web page that encourages immediate response. In addition to their importance for timely action to cease human rights violations, the appeals reflect the state of human rights in the countries in question and are thus very useful to human rights researchers and activists alike.



Struggling for life under the risk of death: Human Rights Defenders in Colombia

On April 18th 1998, José Eduardo Umaña Mendoza, opened the door of his residence to three “journalists” who sought to interview him. He found, instead, three armed people who proceeded to tie and gag him, before shooting him six times in the head. Umaña, a leading jurist and human rights advocate, had made the mistake of denouncing the continuous executions and human rights violations against indigenous peoples, trade unions, workers and peasants, as well as the responsibility of military and civilian authorities, for abuses against human rights activists. Of late, he'd been working on re-starting the investigations on the death of an ex-presidential candidate.



Umaña's death came less than two months after the extra-judicial execution of Jesus María Valle Jaramillo, a lawyer, founder-member and president of the “Hector Abad Gomez” Permanent Committee for the Defense of Human Rights of Antioquia. Valle Jaramillo, who had received repeated death threats motivated by his public revelations concerning the joint activities of paramilitary groups and members of the police in the North of Antioquia was shot to death in the center of Medellín.

Human Rights defenders have been the constant objects of persecution in Colombia since the early 80's. Dozens of human rights workers have been murdered by paramilitary groups, while dozens more have been threatened or have gone into exile to save their lives. The Permanent Committee for the Defense of Human Rights, for example, has had 29 of its members murdered. Other organizations present similar numbers.

Paramilitary and military groups associate human rights defenders - who denounce the human rights violations committed by them - with “subversives”, and they blame them for discrediting the Colombian Armed Forces. Soon after the Commander of the Army, Gen. Manuel José Bonnet Locarno, told El Espectador newspaper that the accusations of human rights organizations such as the CINEP (Center for Investigations and Popular Education - a leading human rights group) greatly hurt the armed forces, two CINEP associates were shot to death in their homes.

The work of human rights defenders is also threatened in other manners. In May, government agents broke into the offices of the Inter-congregational Commission for Justice and Peace, where they proceeded to make copies of all documentation relating to the “Never Again” project - a compilation of information about human rights violations in Colombia.

Dozens of human rights workers have been murdered by paramilitary groups...

Threats against human rights defenders extend to those working outside of Colombia. Last April, Colombian lawyer Luis Guillermo Pérez Casas, who had been denouncing human rights violations in Colombia before the UN Commission on Human Rights, received a phone call at his home in Brussels, threatening his 11-year-old son.

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The UN Commission on Human Rights has recently passed a Declaration for the Protection of Human Rights Defenders, and while we should hope that the Declaration will in turn be issued by the General Assembly, and eventually become a human rights treaty - more immediate measures are necessary to protect human rights defenders in Colombia. The Colombian government must be urged to stop all repressive actions against human rights defenders, and to comply with their responsibility of investigating and punishing all instances of human rights violations.

“We were only following orders!”

That was the cry of the William Herbert, representative of the guards union at the Restricted Housing Unit in Pennsylvania, where political prisoner Mumia Abu-Jamal is being held. 42 of almost 400 guards are under investigation for brutality against prisoners. The guards have been videotaped pushing and shoving prisoners as they were being transferred, and there are allegations that they beat prisoners while in their cells.

CLOSING A GAP IN INTERNATIONAL LAW

The International Criminal Court

The world stands on the threshold of closing a glaring gap in the international legal order. Over fifty years ago, the International Military Tribunal at Nuremberg denounced and punished aggression, crimes against humanity and massive war crimes as offenses that would be condemned wherever they occurred. There was an implied promise that "Never Again" would genocide go unpunished. The United Nations agreed unanimously and the Nuremberg principles became binding international law. But there existed no permanent international court to try future war criminals. Nations went back to killing as usual.

Cold-war rivalries and entrenched notions of sovereignty eroded the political will to bring genocidal national leaders to impartial justice. After years of U.N. debate, a treaty to establish a permanent international criminal court may be ready for signature in Rome in July 1998. Whether agreement can be reached and which countries will sign, ratify and enforce the treaty remains to be seen. The international legal community is itself now on trial.

Reluctance to Yield Power

All nations seem to agree in principle that a permanent International Criminal Court (ICC) is needed, but the problems still to be overcome are considerable. The declared goal is to create a world criminal court that is "fair, efficient and effective" - which to some means a court that will not interfere with perceived national interests. There's the rub! Current drafts reflect continuing reluctance of powerful states to yield any significant segments of their power.

There is agreement that the ICC can only come into play when national courts are unwilling or unable to bring suspects to fair trial, but the criteria of inability and who decides that question are still in dispute. Some countries want the right to "opt-in" or "opt-out" of answerability for certain crimes. Some argue that the state whose nationals are involved, as perpetrators, victims or captors, must give their consent before the ICC can try the accused. They fail to recognize that crimes of great magnitude almost invariably require official complicity and the accomplice could hardly be expected to try itself.

Security Council Control

The United States, mindful of its conservative Senate and a reluctant Pentagon, insists that Security Council permission must first be obtained before the ICC takes any action. Those without veto rights in the Council resist every

assertion of special privilege. They fear, quite rightly, that complete Security Council control will destroy the independence of the Tribunal. Since the Council's rights and duties are set by the U.N. Charter and cannot be decreased or enlarged without amending the Charter, there seems no compelling reason to re-affirm existing Charter rights or assert powers that go beyond Charter authorizations.

The Council demonstrated its power when, in a matter of weeks, it created two ad hoc tribunals, based in the Hague, to deal with massive human rights violations in former Yugoslavia after 1991 and with genocide in Rwanda in 1992. If the Rome treaty route should fail or falter, the Security Council may be the only alternative left to bring international criminals to speedy trial. Despite great difficulties - notably the failure of states to arrest leading perpetrators - the Hague criminal tribunals have been earning increasing respect and deserve greater support. But a string of special courts created a la carte, and limited to certain crimes in defined areas during a limited time, can hardly be the best way to establish universal justice.

Defining the Crimes

It is generally agreed that only a few "core crimes" of major significance to the world community should be dealt with by the ICC. Other crimes, such as terrorism and drug-trafficking may be added later. Whether aggressive war - the Crime against Peace - will be included in the treaty is still being discussed. Mistrust of a politicized Security Council is one reason advanced by those who argue that aggressive war - condemned at Nuremberg as "the supreme international crime" - should not be subject to judicial review. But under the U.N. Charter and other legal instruments, only the Council is authorized to determine when aggression by a state has occurred. That cannot be changed and simply reinforces the need for an independent ICC authorized to decide whether any accused individual is guilty of the crime.

Allowing national leaders to launch wars of aggression with personal impunity is not a tolerable alternative. The additional excuse, that aggression has not been adequately defined, undercuts Nuremberg, defies the views of most legal experts, belittles the definition reached by consensus at the U.N. in 1974 and undermines the search for world peace.

Defining the scope of crimes against humanity and war crimes (amply articulated by the International Red Cross)

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Looking for Justice Abroad

For sometime after Argentina passed the two amnesty laws on behalf of human rights violators in the late 1980's - it seemed that the human rights violations that took place during the "Dirty war" would go completely un-investigated and un-punished. But faced with a political system that refused to accept the rule of law, some of the families of the disappeared have looked outside the borders of Argentina for justice.

France was one of the first countries to institute judicial procedures against an Argentine Navy man believed responsible for the disappearances and deaths of two French Nuns during the dictatorship. Alfredo Astiz was tried in absentia in France, and found guilty of murder. Though he is still free - he cannot leave Argentina for fear of being arrested and extradited into France.

Judicial procedures in other countries are still in the investigatory stages, though a number of military leaders have been indicted. In Italy, the investigations have lead to preliminary hearings in the cases of the eight disappeared Italian citizens in Argentina - and a trial against the Argentine military responsible for their disappearances is likely to start this year. However, the cases of dozens of more of Italian disappeared were closed - and the lawyers for the victims found that the prosecutors were very reluctant to try the cases.

In Spain, Judge Baltazar Garzón has been investigating the disappearances of Spanish citizens in Argentina for about two years. He has heard testimony from dozens of families of disappeared people, as well as from survivors of the "clandestine detention camps", where the disappeared were kept and tortured prior to their deaths. Retired Captain Adolfo Scilingo, a repentant member of the Navy who participated in flights in which drugged prisoners were thrown alive into the ocean, also testified as to the organization of the repressive apparatus within the Navy. Judge Garzón has issued international arrest orders against members of the Argentinian military, but only Scilingo has been arrested so far. While these procedures have been extremely useful in uncovering the truth about the disappearances, these investigations are now in danger. The Spanish prosecutors have challenged the jurisdiction of the Spanish courts to hear this case, and it will now be up to the National Audience to decide. While the jurisdiction of the Italian courts is firmly set in the penal code, the jurisdiction of the Spanish courts is more problematic. The court bases its jurisdiction on Spanish laws and treaties that confer to it jurisdiction over genocide, terrorism and torture. Judge Garzón has gone characterized what took place in Argentina as genocide - his most novel argument being that the victims of the repression were persecuted for having religious beliefs contrary to the Christian-conservative ideology that the military sought to impose in Argentina. The repression in Argentina was much aided by involvement from the Catholic hierarchy, which included telling members of the military that it was their Christian duty to murder their victims and being present during torture sessions.

More recently, the families of Germans disappeared during the "Dirty War" have began to initiate similar judicial procedures in Germany. A coalition against impunity representing these families has been organized and has presented a criminal complaint against those responsible to the Ministry of Justice of Germany. German law gives German courts jurisdiction over crimes committed against German citizens in other countries.

Though the road to justice abroad is a very difficult one - these procedures have helped to keep the memory of the disappeared alive - and let those responsible know that they will not be able to hide from their crimes.



Men With Guns

That's the title of the latest John Sayles movie (director of "Matewan", "The Secret of Roan Inish" and "Lone Star"). Set in an unnamed Latin American country, this is the story of a



doctor who goes looking for the students he sent years before to work among the Indians in his country, only to discover first hand the realities that the "men with guns" had brought to the people of his country. Beautifully photographed and impeccably edited, the movie conveys the desperation and resignation of the indigenous people, and tells their common story of repression by both government and opposition armed groups, without pulling any punches or falling into cheap melodramatics. It stars famed Argentine actor Federico Luppi, and it was filmed in Spanish with English subtitles. Highly recommended.

English subtitles. Highly recommended.

A Convention Against Impunity?

If human rights NGOs and activists get their way, states' obligations to investigate human rights violations and punish violators will become much clearer. Last October, Louis Joinet, the special rapporteur on impunity for the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, completed his report on impunity for violations of civil and political rights. The most important part of the report is the elaboration of a set of principles for the protection and promotion of human rights through action to combat impunity, which could be the basis for an international convention against impunity in the future.

At the heart of the principles is the recognition of the fundamental rights to truth, to justice and to reparations. The right to truth is understood not simply as "the right of any individual victim or closely related persons to know what happened" but also as "a collective right, drawing upon history to prevent violations from recurring in the future. Its corollary is a "duty to remember", which the State must assume, in order to guard against the perversions of history that go under the names of revisionism or negationism..." To assure the right to truth, the principles recommend setting up truth commissions, and set standards as to their independence and objectivity, as well as to the security of its members and witnesses.

"The right to justice entails obligations for the State: to investigate violations, to prosecute the perpetrators and, if their guilt is established, to punish them", and the principles set out specific obligations in the state to do so. They give original jurisdiction over human rights violations to the state where they took place, but allows for prosecutions of serious crimes under international law extraterritorially or internationally.

The principles repeat the imprescriptability of serious crimes under international law, and restrict the prescriptability of other human rights violations to allow for an effective remedy. While the principles do not forbid amnesties outright, they establish that they can only be passed after those responsible for serious crimes under international law have been prosecuted and duly punished. Although the principles allow for reduced punishments for violators who repent, the principles establish that the violators cannot be exempted from criminal responsibility. Similarly, the principles do not allow for a "due obedience" defense, although this can be taken into consideration when deciding the punishment of the violator.

The principles also provide for the right of reparation of the victims under all circumstances, which includes the right to medical and psychological care.

Although the principles help to make clear what international law is regarding impunity, they do not do much to expand state's obligations to end impunity for human rights violators. The principle's concentration on "serious crimes," for example, which they define as covering war crimes, crimes against humanity, and grave breaches of international humanitarian law, leaves out other human rights violations - including in some cases extra-judicial executions and disappearances. The report including the principles was transmitted by the Subcommission to the UN Commission on Human Rights, which will now seek comments by states, international organizations and NGOs. Mr. Joinet's report can be found online at <http://www.unhchr.ch/html/menu4/subrep/97sc20r1.htm>

Know Your Rights!

When we started working for human rights, we did so because we held some things very clear in our minds: nobody, no matter who they were or what they did, should be tortured, extra-judicially executed, disappeared or denied due process rights. It seemed very simple and fundamental. As we got deeper into our activism, and began to learn about human rights, we realized that they were much more than what we originally thought. In this series, we hope to share with you some basics as to what human rights are conceived to be. We start on this issue with some general concepts; in subsequent issues we will deal with specific rights such as the right to life and to physical integrity. Our perspective is mostly legal, as is our background, and thus we'll talk about what human rights are under international law - not what we wish they were. It is your job, as an activist, to turn your wishes into law.

What are human rights?

Human rights, simply put, are those rights that are the due patrimony of every human being, for the sole fact of being human. They can be understood as part of the social contract between individuals and the state (we allow the state to rule over us, in exchange for specific guarantees), or, naturalistically, as inborn properties of every human being. In any

case, human beings enjoy these rights vis a vis the state that controls them and who is bound to protect them, and not against other individuals or states - though states have the affirmative duty to protect individuals against those who would interfere with their enjoyment of at least some of these rights (e.g. the right to life).

Human rights are often divided into two main classes, civil and political rights (civil, for short) and economic, social and cultural rights (economic for short). Civil rights include such things as the right to life, to physical integrity, to due process and to vote, while economic rights include the rights to food, shelter, medical attention and social security. While the Universal Declaration of Human Rights includes both civil and economic rights, the world community has placed a greater emphasis on civil rights throughout the last few decades. There exist separate covenants on civil and economic rights, both at the international and American regional level, and while many civil rights have attained the status of customary international law, very few economic rights have done so. Though sometimes civil rights are associated with negative rights (the obligation of the state to not do something, e.g. not kill you or not torture you), and economic rights are associated with

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How to get addresses of government officials.

Have you ever needed to get the current name and/or address of an official from a foreign government immediately - and couldn't think of how to do it? Well, despair no more - here are five easy (though not always cheap) ways of getting the addresses.

-On the web:

*Look in Yahoo (<http://www.yahoo.com>) for the official homepage of the government of the country in question. The info here is most likely to be current.

*Visit the Address Directory for the Politicians of the World, though incomplete it has the most basic information <http://www.trytel.com/~aberdeen/>

*Look at the most current Urgent Actions on the country in question at <http://www.derechos.org/omct/actions/past.html> - the World Organization Against Torture might have done your job for you.

-When all else fails:

*Call the embassy of that country in your own country - they should have the information.

*Call your own embassy (or that of the US) in the country in question - expensive but the info is more likely to be reliable.

Human Rights Site of the Month

Without Impunity will highlight on every issue a human rights website that is of considerable use for human rights activists and professionals alike. The web can be a tremendous tool for obtaining and disseminating human rights information, and a number of international bodies, educational institutions and non-governmental organizations have created sites that make all our work much easier. Derechos publishes a list of links to the most important websites at

The UN High Commissioner for Human Rights



The website of the UNHCHR is one of our favorites because of the sheer amount of quality information it contains. Simply put, if you are looking for UN information on human rights, you must visit it. Now available in English, Spanish and French

(though many documents are only available in English), the website contains most of the reports and resolutions issued since 1993 by the UN Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the special rapporteurs and working groups and the treaty monitoring bodies as well as the OHCHR itself. In addition, it contains information about the workings of the UN human rights system and the different human rights bodies (including very useful calendars of events and membership lists), human rights documents and treaties and, in honor of the 50th anniversary of the Universal Declaration of Human Rights, copies of the Declaration in a great variety of human languages (including in 10 different versions of Quechua!!).

The website is updated almost daily, with the most current news and statements from the different UN bodies, which are conveniently presented on the main page of the site. Visiting the site weekly is a great way of keeping up with the going ons of the UN human rights system.

If you are looking for information from a specific UN body, click on the Programme link on the left menu on the main page. From there you can find links to each human rights body - the special rapporteurs and working groups can be found under

“Extra-conventional mechanisms” in the Programme page. If you are looking for information by country, your best bet is to go to the “Treaty body” database, also from the main menu. If you then click on “Documents” and then on “by Country” you can find the reports issued on that specific country by the different treaty bodies and Special Rapporteurs. However, the Treaty Body Database does not include documents by the Commission or Subcommission - to find those you’ll have to go to their own pages (as indicated above) or use the search feature.

The search feature (is probably the most confusing part of the site - it is a very imperfect tool, and the UNHCHR would do well to replace it with a better one. Users are given the choice to do either “concept” base searches of the entire site, or search the Treaty Body Database. Concept searches are easy enough to make - you just write the word(s) you are looking for and enter any boolean indicators you may want - but the results are by no means comprehensive, and the “confidence” ratings (how relevant the document is to your search) seem to be completely arbitrary. However, it’s a useful tool when you want to know what some of the most important documents related to an issue are. The Treaty Body Database search engine was once again broken at the time of this review, but in general suffers from the same limitations as the concept search, in that documents from the Commission and Subcommission are excluded.



While the usefulness of the UNHCHR site should be obvious to researchers and groups and people who directly work with (or on) the UN, it should not be lost on human rights NGOs and activists either. NGOs can use the site to track down what the different UN bodies have said about their governments, and use the information to push them towards compliance. In addition, they can use the site to keep track of when reports by their countries to different bodies are due - to get copies of such reports and prepare their own responses for submission. Activists and researchers would do well to use the site to search for information on human rights that they can use in their work - the UN puts out an incredible amount of information, some on rather esoteric human rights topics, and much of it is available online.

The OHCHR must be congratulated for its work on this site and we know you’ll find it useful.

International Law 101: So what is International Law after all?

When we started doing human rights activism, we knew very little about law and nothing about the interplay of international law and human rights. However, international law can be a very powerful tool in the hands of the human rights activist. Countries are subject to international law in much the same way that people are subject to domestic law. Invoking international law in a situation of human rights violations tells the country it should cease the violations because it must, not just because it wants to have a good public image. In this series we hope to let non-lawyers know what international law is and how to use it. We start by giving you an overview of the subject. Future issues will focus on specific human rights instruments.

International law is the law of nations. It imposes specific obligations and rights on nations, just as domestic law imposes them on individuals. Its purpose is similar to that of domestic law: eliminate chaos and the need for violence by clarifying how states should behave towards each other. There are controversies among legal scholars as to whether international law is “natural” in the sense that it exists beyond the outright acceptance of nations to be ruled by it, or whether it is “positive” and only applies to nations that have given their consent to its rule. At this point, however, these differences are immaterial. International law exists, it applies to a greater or lesser extent to all nations, and all nations must obey it.

There are several main “types” of international laws recognized by jurists as well as by the Statute of the International Court of Justice (an organ of the UN, empowered to settle disputes between nations). Treaties are agreements among nations as to how they will behave with respect to each other. Treaties can be bilateral, between two countries, or multilateral, among many nations. Most human rights treaties are multilateral (and they are called “convention” or “covenant”). Regardless of how they are called, they are binding on all nations that have ratified them. In multilateral treaties, countries are usually allowed to make “reservations” and “understandings” to specific articles. When they make a reservation, they are saying “we are bound by the treaty, but not by this article(s)”; when they make an understanding, they explain how they will interpret an specific article(s), and say they will only be bound by such an interpretation.

Countries can make reservations to most articles, although they are prohibited from making reservations that would be incompatible with the object and purpose of the treaty. For example, a nation ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment could not make a reservation that would allow it to torture people under certain circumstances. It is not always clear what happens when a nation tries to make such a reservation to a treaty; the treaty body empowered to interpret the

treaty may reject the reservation, but it is unclear whether under those circumstances the reserving country is not bound by the treaty at all, it is bound by the whole treaty, including the article it tried to reserve, or something else happens. This may very well vary by treaty and will be discussed at length in a future column.



Countries must ratify a treaty before they are formally bound by it - this is usually done after obtaining permission from the government body empowered to give it (in the case of the US, the Senate must approve the treaty by a 2/3 majority).

After a country has signed, but not yet ratified, a treaty, it must still do nothing that would be contrary to the aims and purposes of the treaty, but it is not bound by its specific articles.

There a number of human rights treaties at the international and regional (Europe, America, Africa) levels. We will take a look at many of these treaties in subsequent issues of Without Impunity.

In addition to treaties, countries are bound by customary international law and general principles of law. International customary law can be understood as the customs of states recognized as law, and it refers to the norms that states have recognized historically as binding them. The most obvious and important example of this is the norm of “pacta sunt servanta”, treaties must be obeyed. Nations have traditionally understood this as being so, and has thus become law. Most of the laws prohibiting crimes against humanity were born as customary international law; this includes the prohibitions against genocide, slavery and mass disappearances. It’s not necessary that all countries recognize a norm of international customary law for the norm to exist and bind them, it only needs to be the general consensus. Nations that object to a norm of international customary law when it’s being formed (but at no other time) are not bound by it. For example, the United States has repeatedly objected to any norms that would outlaw the death penalty, and thus if a customary international norm was formed prohibiting it, the US would still not be bound by it.

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UN WATCH

UN High Commissioner Asks Nigeria to Stop Executions



The United Nations High Commissioner for Human Rights (UNHCHR) requested on May 1st 1998 that the Nigerian government not to proceed with the executions of six Nigerian men convicted of treason and asked that

they be allowed to appeal their convictions. A total of 30 persons have been charged in connection with an alleged coup plot announced by the Government of Nigeria in December 1997. The ad hoc military tribunal which convicted and sentenced them failed to meet regional and international standards protecting the defendant and ensuring a fair trial. The tribunal is comprised of military officers operating outside of the normal judicial system; most of the evidence was heard in secret, and no right to appeal was provided to the defendants.

UN Commission on Human Rights Condemns Human Rights violations by Israel

Using the strongest diplomatic language, the UN Commission on Human Rights condemned last March 1998 the continuing violations of human rights in the Occupied Palestinian Territory. The Commission highlighted in its condemnation the continuous wounding and killing of civilians by Israeli soldiers, the detention of thousands of Palestinians without trial, the continuation of the confiscation of Palestinian lands, the extension and the establishment of Israeli settlements thereon, the confiscation of Palestinians' property and expropriation of their land, the demolition of Palestinian homes and the uprooting of fruit trees. It also condemned the use of torture against Palestinians during interrogation, legitimized by the Israeli High Court. The Commission called upon the Government of Israel to cease these acts immediately since these practices constitute a major obstacle in the way of peace. The UN Committee against Torture also called on Israel to put an end to torture practices such as violent shaking, handcuffing in uncomfortable positions, hooding for long periods and sleep deprivation during interrogations.

The UN Committee against Torture recommends measures to prevent ill-treatment of detainees or prisoners in several countries.

The Committee recommended May 1998 that French practices involving expulsion, refoulement, and extradition be brought fully into line with the standards of the Convention against Torture. It urged that the practice of solitary confinement of pretrial detainees be abolished or at least greatly restricted in Norway. It called for greater efforts in Guatemala to bring those responsible for past cases of ill-treatment and human-rights violations to justice, and for more effective steps to reduce levels of violence in the country. It recommended completion of an investigation into alleged abuse of inmates by staff at a prison in New Zealand and said supervision of prisons in the country should be strengthened. It expressed concern over numerous allegations of police maltreatment of detainees, especially foreigners, in Germany, and recommended that such cases be more closely and effectively investigated and prosecuted. It cited concern over frequent and numerous allegations of torture in Peru and urged authorities to accelerate efforts to establish true rule of law. It said the proportion of pre-trial detainees in Panamanian prisons was too high and that refugees from neighboring countries should be repatriated in keeping with international human rights norms. It called for a clear definition of the crime of torture to be included in the criminal code of Kuwait. It urged, as last year, that Israel end practices such as interrogation methods applied to terrorism suspects as violent shaking, handcuffing in uncomfortable positions, hooding for long periods, and sleep deprivation. And it expressed concern over numerous reports of abuses in Sri Lanka, including torture linked with disappearances, and called for criminal prosecution of authorities committing such acts.

The Special Rapporteur on the independence of judges and lawyers asks Switzerland to pay reparations to Nigerian lawyer

Nigerian Lawyer Clement Nwankwo, Executive Director of the Lagos-based Constitutional Rights Project was in Geneva on April 5, 1997, attending the meeting of the UN Commission on Human Rights when he was arrested on suspicion of shoplifting. During and after his arrest, Mr. Nwankwo was severely beaten and kicked by the Geneva police. He was denied the right to obtain counsel of his choice and was made to sign the record of the proceedings before the examining magistrate without the presence of his counsel and despite the fact that he was unable to read it because it was in French. He was finally tried, convicted and sentenced without a lawyer to defend him in what appeared to be a trial not open to the public. He was convicted of resisting arrest and sentenced to 20 days' imprisonment and ordered to be expelled from the country. The sentence was suspended.

The government of Switzerland apologized to Mr. Nwankwo and promised that disciplinary actions would be taken against the four police officers involved in the case. The government also indicated that Mr. Nwankwo could commence civil proceedings against the State for damages.

The Special Rapporteur expressed concern that Mr. Nwankwo was convicted on the charge of resisting arrest for an offense which he never in law committed, and the government has provided no information about the alleged lack of independence of the tribunal which convicted Mr. Nwankwo. In addition, in light of Switzerland's apology, it recommended that the Government offer Mr. Nwankwo adequate compensation, thereby avoiding protracted civil litigation and the resultant costs and expense.

Preserving Memory

Colombian Human Rights activists have found a novel way to preserve the memory of victims of human rights violations: a Gallery of Memory. On May 19th, 1997, they erected a big tent on Bolivar Plaza, in front of the Palace of Justice in Bogotá, where they showed photographs and personal effects of human rights and social leaders, and others, who have been killed or "disappeared" in Colombia. Thousands of people visited the tent - and there are plans to continue the Gallery of Memory as tool for struggle for human rights in Colombia.

Translate It!

Have you gotten e-mail from foreign correspondents in languages you couldn't understand? Ever visited a web page in French, German or Spanish and wished that the information was available in English as well? Well, worry no more. Altavista Translation Service is here. Located at <http://babelfish.altavista.digital.com/cgi-bin/translate?> the service allows you to input text, that can then be translated from German, Spanish, French, Italian or Portuguese into English or vice-versa, or enter the URL (web address) of a page you want to visit, and have it translated to your language of choice. Mind you, the translations are adequate at best, and often more amusing than anything - but if you don't speak a language and just want to get the gist of a document - the service (which is free) can be invaluable. So check it out!

Escrache

What do you do when the people who kid-napped, tortured and killed your parents or relatives go free? When the doctors who attended your pregnant mother while in a concentration camp escape unpunished? The answer that many members of HIJOS, an organization of the children of the disappeared, extra-judicially executed and exiled in the Southern Cone countries, have come up with are *escraches*. An *escrache* involves setting up a demonstration in front of the house or place of employment of a known torturer or killer, alerting the public as to his identity and his crimes. In a recent week, Argentinean doctor Raul Sanchez Ruiz was the object of an *escrache*. Sanchez Ruiz worked in the ESMA (Naval Mechanics School), the largest concentration camp in Argentina, where he made sure the disappeared did not die during the torture sessions, so that they could continue being tortured. He also attended the pregnant women who gave birth at the concentration camp, and is suspected of knowing the whereabouts of their children - most of whom were given to families and friends of the military to adopt as their own. The *escrache* included a play about a doctor who helped a military man adopt the child of a disappeared woman, and ended with red paint being thrown at the walls of the doctor's house.

Assassins...

Continued from page 1

SOA was moved to Fort Benning, Georgia, under the terms of the Panama Canal Treaty. During its history, the SOA's mission has gone from professionalizing Latin American militaries to countering Soviet and Cuban-inspired "subversion" and now to promoting democracy, respect for human rights, and providing military education. Most recently, the US Department of Defense has claimed that the SOA is crucial in fighting drug trafficking in Latin America.

Among the thousands of students who have graduated from the School of the Americas are some of the most notorious human rights abusers, dictators, and criminals of Latin America. Manuel Noriega of Panama, Roberto D'Aubisson of El Salvador, Vladimiro Montesinos of Peru, Leopoldo Galtieri of Argentina and Luis Bernardo Urbina Sanchez of Colombia are just a few of the notorious thugs that have passed through this institution.

Courses at the SOA have included Urban Counterinsurgency, "Irregular Warfare Operations," Psychological Operations, Military Intelligence, and Nuclear War and Military Pedagogy. In 1997, the most popular classes at the SOA were Training for Instructors, Combined Arms for Cadets, Military Intelligence, and Anti-Drug Operations. A human rights course was offered, but none of the Latin American countries sent any students to that course.

The abuses committed by graduates of the SOA galvanized Maryknoll father Roy Bourgeois to protest at Fort Benning beginning in 1983. Later, he formed SOA Watch with the goal of closing the SOA and monitoring the activities of its graduates. As a result of his protests against the SOA, Father Bourgeois has spent more than three years in federal prison. The increased public scrutiny on the SOA created by Father Roy and SOA Watch has resulted in a significant public relations effort by the SOA and the Department of Defense to justify the existence of the SOA. Even the name SOA has become so synonymous with human rights abuses that the School felt compelled to stop using SOA as an abbreviation and has been using USARSA (for US Army School of the Americas) since early 1998.

On July 4, 1996, in response to an Intelligence Oversight Board report, School of the Americas spokesman Major Gordon Martel stated that "All of the manuals used by the School of the Americas are approved by the Army, and the school has never done those things [executions and

physical abuse], ever, in its history... I'm flabbergasted. I don't know how they could say such things without ever having come down here to the School of the Americas." Just two months later, the U.S. Defense Department admitted on September 20 that manuals used to train soldiers at the SOA included practices that were outlawed in the 1980s. According to the Pentagon, the manuals suggested that informants could be controlled with fear, beatings, truth serum, and death threats.

Charles T. Call, who had been hired by the Army to teach human rights, reported that students he tried to teach snickered at him and did not pay attention to the lectures.



While the SOA/USARSA has not yet accounted for its past activities, it continues to train Latin American police and Latin American military who often function as police. Unlike Latin America militaries, the US military does not conduct searches of private homes within its borders, it does not stop people and ask for their identification cards, it does not operate road blocks and military check points, and its active duty officers do not serve as presidential cabinet secretaries or ministers.

Recently, twenty people were sentenced to six months in prison and each fined \$3,000 for a peaceful protest in which they crossed onto Fort Benning in an attempt to deliver petitions to the SOA/USARSA.. These prison sentences demonstrate that freedom of expression is not tolerated by the US military and likewise should not be tolerated by Latin American militaries.

Anti-SOA/USARSA activists have taken their battle to the US Capitol every year since 1993 and each time they have come closer to passing legislation to close the School. In this Congressional session, the House of Representatives bill HR 611 has 139 cosponsors. For the first time, a companion bill was issued in the Senate, S. 980. It has 14 cosponsors.

If you are in the US, you can help to close the SOA/USARSA by writing to your Congressional representatives and asking them to support HR 611 or S. 980. If you are in Latin America, you can ask your government not to send members of its military to the SOA/USARSA. If you are outside the US and Latin America, you can write to the US Ambassador in your country and express your concern about the SOA/USARSA.

Find It! - Search Engine Tips

Finding human rights information on the Internet can be a frustrating experience if you don't know how to use the many tools available to find the diamonds in the rough. Remember that although the Internet consists of the World Wide Web, newsgroups, gopher sites, electronic mail, and chat, most information is found on the web, followed by newsgroups and gopher sites.

Many web sites such as Yahoo, Lycos, Excite, Infoseek, HotBot, and Altavista have attempted to catalog or index the content of the Internet in such a way that you can easily find information. In order to make effective use of these sites, you must understand how these search engines, as they are commonly referred to, organize the information that they collect. All of these search engines are free and can be used by anybody with access to Netscape Navigator, Opera, or Internet Explorer. To use them, click on the empty white box, usually located near the center of the screen and next to a button that says "GO," "Search," "Find," "Seek," or some similar word. Note that this is not the same place you would use to type in a web address such as "http://www.derechos.org." Once you click on the empty box, a blinking cursor will appear and you can type in the words that you are searching for.

Yahoo is unique in that it is hierarchically-organized and categorized by people. It was the first of this type and it is the most extensive. When you conduct a search in Yahoo, the only text that is searched is the name of the site and a brief sentence or two that describes the site. Yahoo excels at finding sites devoted to specific subjects. For example, if you wanted just to find web sites devoted to human rights, Yahoo would be a good place to start. First, the category for human rights would be displayed and you could click on that and display all the sites that are categorized in human rights. Then it would list individual sites where both of the words human and rights appeared. A search engine like AltaVista or HotBot would return thousands of pages in an order that would be difficult to make any sense of.

Since Yahoo has had such success, other search engines like InfoSeek, Lycos, and HotBot have emulated Yahoo with their own hierarchical category listings. Don't be fooled. Yahoo has more and better listings.

All of the other search engines use automated software to retrieve web pages, index them, and

then allow you to search through the index of web pages. So instead of categorizing the web site (or collection of pages), these search engines concentrate on the text that appears on each individual page. When you type in your search, the search engine uses some sort of formula to determine which pages are most relevant to your search. Generally these formulas are based on how many times your search terms appear on the page or how near the top of the page they occur. Sometimes this results in very strange results, so it's best to use as many words relevant to your search as possible. These search engines are best used when searching for very specific information. For example, if you were searching for information about human rights violations in the town of Huehuetenango, Guatemala, one of these search engines might be very useful. Whereas if you want general information about human rights in Guatemala, these search engines would probably be less useful.

Most search engines use Boolean operators to help make a search more specific. The operators (AND, OR, NOT, and parentheses) can be used to tailor a search and make the search results much more relevant to what you are looking for. The search term "HUMAN RIGHTS IN BOLIVIA" can be changed to "HUMAN AND RIGHTS AND BOLIVIA" to narrow down a search. Some search engines use similar operators to help you narrow down a search. The search engines AltaVista and Infoseek use the symbol "+" to indicate that a particular search term must appear on a page and "-" to indicate that a search term must not appear on the page. Quotes are used for phrases and are useful when searching for people's names. Note that some names may be alphabetized by last name. So if one wanted to search for information about Alexander Lukashenko and human rights using AltaVista or InfoSeek, you would type in "+Alexander Lukashenko" +"human rights" +Belarus. You may also want to try using Lukashenko by itself as his name may not always appear as "Alexander Lukashenko." Remember to be careful with upper and lower case. Search engines like Altavista and Infoseek ignore case if everything is typed in lower case but will match the case if anything is typed in upper case.

Although there are web sites such as Metacrawler, Savvy Search, Dogpile, and Search.com where you can use many search engines at once, I would

ICC

Continued from page 4...

also remain unresolved. Military branches of powerful nations show particular reluctance to risk subjecting their war-related activities to international legal scrutiny. They fail to recognize that the best protection for all armed forces, as well as non-combatants, is to de-legitimize, deter and eliminate illegal war-making itself - together with atrocities and crimes against humanity that are its inevitable consequences. Those who have the destiny of peoples in their power must come to realize that law is always better than war.

Powers of the Prosecutor

Some insist that the Prosecutor must be strictly controlled in order to avoid the risk of political bias. Others, including top people from the Hague criminal tribunals, argue convincingly that greater freedom is required to do the difficult job properly. Since Prosecutors and Judges, carefully selected from highly qualified experts, will be subject to constant public scrutiny, budgetary controls and supervision by a judicial chambers and a proposed Council of States, there is no likelihood that they will run amok. Carefully selected and monitored officials must be trusted not to betray their trust.

Fair Trial

All agree that the accused must receive a fair trial: be presumed innocent, defended by competent counsel, protected against double jeopardy and death penalty and receive other benefits common in democratic states. Trying to spell out in advance all of the applicable legal principles and procedures produced the inevitable variety of views. Many urged that nations simply follow the sensible practice of Nuremberg and the ad hoc tribunals by leaving rules of procedure and court administration for later formulation by the Judges themselves.

Compensation to Victims

Provisions requiring restitution, fair compensation and rehabilitation for victims seemed acceptable and necessary but requiring ICC judges to determine the amounts payable in each case failed to recognize the enormity of that burden. Germany's compensation programs for victims of Nazi crimes offers a useful model. Japan's failure to recognize responsibility offers a useful warning.

Still to be Discussed

Many details have not yet been debated: how is the ICC to be related to the U.N., how is it to be funded and its judgments enforced, can there be exceptions to various

provisions, and when does the treaty go into effect. No one can expect lawyers coming from 185 nations with different social systems to agree on every detail of a complicated legal statute.

Compromise is essential.

The desire for universality is laudable but must not become a trap in which the lowest common denominator becomes the norm and the universally declared goal is buried under a cloak of ambiguous clauses that conceal the absence of true agreement. Human rights activists and concerned citizens from all over the world now clamor for an International Criminal Court. Diplomats will have five weeks in Rome to iron out their differences, stop bickering, overcome their fears and hesitations and demonstrate their statesmanship, vision and courage.

Conclusion

The fundamental question is whether nations are really willing to accept binding international criminal law to enforce generally accepted norms of civilized human behavior designed to protect basic human rights of people everywhere. They have nothing to fear by signing the treaty in Rome next July. The innocent need never fear the rule of law. A treaty is not retroactive and binds only those states that ratify it. Nations must be willing to be bound by rules of the road that benefit everyone. There is no danger in voluntarily accepting restraints for the common good. Antiquated notions of absolute sovereignty are absolutely obsolete in the interconnected and interdependent global world of the 21st century. Since the days when King John was forced to sign the Magna Carta on the fields of Runnymede in 1215 it has become evident that no man can be above the law. The true sovereigns today are the people themselves. They deserve to be protected under the mantle of binding international criminal law.

Plenipotentiaries assembling in Rome in the summer of 1998 must come to grips with the future by creating an international criminal court for the sake of a more peaceful and humane world.

Benjamin B. Ferencz

J.D. Harvard, 1943

A Prosecutor at the Nuremberg Trials

Copyright B. Ferencz



Supermarket Electric Chair

Coto Supermarket in Argentina came out with a novel way to attract customers: "The original Shocker", an imitation electric chair where the "user" pushes the electric shock buttons to simulate an execution. Amnesty International Argentina has written the company to ask for its removal, noting that the electric chair ride makes light of the death penalty, and mocks the thousands of Argentinian citizens who were killed by electric cattle prods on the torture tables of the dictatorship. The outcry against the chairs was successful and they have been removed from all stores.

Derechos on ICQ

Want to drop by for a friendly chat about human rights issues? Do you have a question about human rights that requires an immediate answer? Drop by our ICQ (Computerese for I Seek You) human rights chat room (ICQ #12973982). Don't know what ICQ is? Visit their website at <http://www.icq.com/>

Impunity...

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Impunity, in the human rights context, refers to the lack of accountability for human rights violations committed, or condoned, by agents of the state. In the vast majority of countries, when agents of the state - members of the military, police and other armed forces, or even of death squads tolerated by the government - commit human rights abuses, they are not punished for their actions. This lack of punishment sends a very clear message to the perpetrators of such crimes that those activities are condoned by the state, and that governments agents can kill, torture or disappear without fear of being brought to justice.

Impunity can be either *de jure* or *de facto*, legitimized by amnesty laws or enshrined by corrupted or incompetent judicial systems. Amnesty laws, which stop all prosecutions - and often times investigations - of human rights violators, have been the preferred method in Latin America. Starting with Chile's auto-amnesty (so called, as the military junta passed a law exonerating itself and its members from punishment for their crimes), countries such as Argentina, Uruguay, Peru and El Salvador have passed wide-ranging amnesties that exonerate all human rights violators (who committed crimes until a given date) of penal responsibility. Even in the absence of such laws, prosecutors are often reluctant to prosecute, and national courts are reluctant to punish, human rights violators. Often times prosecutors and judges are in fear of physical harm if they turn against human

Archbishopric of Guatemala remembers Monsignor Gerardi

On June 6th, 1998, 40 days after the murder of Mons. Juan Gerardi, the Archbishopric of Guatemala will carry out a commemoration of Gerardi and his life. The Archbishopric is also calling for religious (masses, vigils) and non-religious activities (marches, concerts, conferences, demonstrations, letters to embassies) to take place in cities around the world. For more information, visit their web page at <http://www.guateconnect.com/odhagua>

Human Rights Watch Film Festival

Visiting New York and in the mood for a different type of movie? Why not take a look at the offerings of the Human Rights Watch Film Festival. The Festival will take place between June 12-25, 1998 and approximately 30 international films and videos concerned with human rights subjects will be shown. Highlights of the Festival will travel to several cities around the world. For details visit <http://www.hrw.org/iff>

rights violators (in countries such as Colombia, many judges have been killed by death squads) or they are afraid that their careers may be compromised. In addition, many countries use military tribunals to try members of the military accused of human rights violations against civilians - which traditionally fail to convict, or to adequately punish, those who are responsible.

Impunity is a violation of human rights, as well as a direct threat to the rule of law which is the necessary basis of a democratic society. States have the obligation to both respect and promote human rights; impunity encourages human rights violations and thus it is a violation of these state obligations. In addition, impunity violates the rights of victims to justice that is established in many human rights covenants and also violates their right to truth. International bodies, for example, have found that when a mother is kept in the dark as to fate of her disappeared child, this can be considered torture. Truth is essential for democratic life; if people do not know what happened, and who did what, they cannot make educated choices when they exercise their voting rights.

The struggle against impunity is an essential part of the struggle for human rights - only when all human rights violators are held accountable for their actions can we hope that human rights violations will cease and justice will prevail.

Human Rights...

Continued from page 7

positive rights (the affirmative obligations of the state to do something, e.g. feed or house their citizens), the analogy is imperfect at best. Some civil rights are positivistic - such as the right to a fair trial, which necessitates a functioning judicial system -, and some economic rights are negative (the right to form trade unions).

The reasons for the dichotomy between civil and economic rights are mainly political. The liberal traditions of the west considered civil and political rights as the most fundamental - asserting that once these were achieved, economic, cultural and social rights would undoubtedly follow. The socialist traditions, meanwhile, emphasized economic rights - considering that once the basic needs of all people were attained, there would be room for expanding their civil liberties.

In recent years, there has been a move to consider both types of rights as indivisible and equally important. Violations to economic rights often lead to violations of civil rights - state oppression is often harshest when economic oppression leads to expressions of dissatisfaction with the status quo -, and, as it has been often put, it's just as bad to die of hunger than to be extrajudicially executed. However, international law has not yet caught up with this conception.

There is also a substantial distinction between the extent of civil and economic rights. While countries must respect all civil and political rights, with respect to economic, cultural and social rights they are only bound to undertake to take steps, to the maximum of their available resources, so as to progressively achieve compliance of the rights in question. Thus, while a state, no matter how poor it is, must provide for an adequate judicial system, it is only obliged to provide for housing for its citizens, if it can afford to do so.

Human rights are considered to be universal, and thus apply to all humans regardless of nationality. In practice, however, this is not always the case. Only a limited number of human rights have acquired the status of international customary law, much less jus cogens, and thus legally apply only to the peoples of such states that have ratified the conventions guaranteeing them, or have otherwise enacted similar legislation. For example, it is likely that the human right to social security

only applies to inhabitants of those nations that have ratified the International Convention on Economic, Social and Cultural rights (or have adopted similar legislation).

Some human rights defined as such by international instruments, moreover, are likely to be considered human wrongs by some human rights activists - as they conflict with other fundamental rights. The American Convention on Human Rights, for example, states that life begins at conception and thus provides for the right to life of the fetus - which is contrary to the right of privacy and autonomy held by other human rights treaties. Many human rights treaties also impose limitations on freedom of speech, which conflicts with the broader concept of freedom of speech that civil rights activists in many countries espouse. Moreover, there are often conflicts between some civil rights - whose conception has been mostly western in nature - and cultural practices of non-western communities. For example, while some (by no means, all) human rights activists consider female (though usually not male) genital mutilation a violation to the right of physical integrity, it is a traditional practice of millions of women.

We should also note that most human rights are not absolute, governments may be able to violate them in case of national emergencies or otherwise according to the law. The right to life does not generally prohibit the death penalty, and governments may be allowed to interfere with correspondence if a national emergency requires it. A core of human rights, however, including the right to be free of torture and to not be extrajudicially executed, cannot be violated no matter what the circumstances.

So, how do we find out what human rights are? Keeping in mind what was said above, you can start by taking a look at the Universal Declaration of Human Rights - though keep in mind that many of the rights listed are aspirational in nature (this only means that countries do not have the /legal/ obligation to respect them - they still have the moral obligation to do so, which you can accentuate in your correspondence with them). Then, you can take a look at the different international and regional human rights conventions - noting what countries have ratified them, and what countries have made reservations to some of their articles (you can find most human rights treaties at [Finaly](#), you can read the academic literature on human rights or, eventually, consult this newsletter.



LAW...

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There are certain norms of international law that are so universally accepted, that they bind all countries. This “peremptory norms of international law” or jus cogens, as they are called, are a recent arrival in international law doctrine and are few in number, but they include some of the most heinous human rights violations such as the prohibitions against torture and genocide.

General principles of law, the final category, are principles so general that they are accepted throughout different legal systems. For example the principle of “res judicata” - which sets that once a matter has been definitely decided by a court, it cannot be decided again - exists in most legal systems and is considered a general principle of law. In the human rights context, the prohibition of torture is generally considered a general principle of law as most countries have similar legislation. General principles of law can also exist at the regional, rather than universal, level. For example, the right to remain silent when charged with a crime is probably a general principle of law in the Americas, as most nations recognize it in their constitutions, but it is much less clear that it would constitute a general principle of law internationally.

While most human rights are currently recognized by treaties - it is important to understand these bases of international law so as to be able to evaluate what these treaty obligations entail and that a country may be bound by the law, even when he has not ratified a given treaty.

Puigjane...

Continued from page 1

misguided attempt to strengthen Argentina’s young democracy. The other members had been convinced that the take over would cause an uprising in the Argentine people in an overwhelming show of support for democracy.

Fray Antonio was never told of the plans to take over the base. Indeed, his compañeros had made sure that Fray Antonio did not know of the plans because they knew he would be opposed to such violence and they didn’t want him to be implicated. Fray Antonio expressed shock and concern when he first learned of the attack and that his friends were involved.

Nearly a week later, Fray Antonio voluntarily appeared before a judge at the recommendation of a friend. Fray Antonio was arrested and then tortured while interrogated and threatened with death. After a farce of a trial in which the prosecuting attorney was temporarily assigned to the defense, key witnesses didn’t testify because they were out of the country, the defense was not allowed to present its own expert testimony, the judges used conjecture to find Fray Antonio guilty, and he was not allowed to appeal his conviction, Fray Antonio began serving his 20-year sentence.

His case was appealed to the Inter-American Commission of Human Rights and was accepted in September 1992. Amnesty International adopted Fray Antonio as a Prisoner of Conscience in March 1995. After more than five years, the Inter-American Commission of Human Rights found that the Argentine government had tortured Fray Antonio, and violated his rights to justice and to appeal his conviction to a higher court.

The Inter-American Commission recommended that the Argentine government take the most appropriate measures to “repair the harm suffered” by Fray Antonio. As Fray Antonio approaches his 70th birthday, there can be only one way to repair the harm: give Fray Antonio his freedom immediately and without conditions. Please write Argentine President Carlos Menem and ask for Fray Antonio’s freedom. President Menem’s address is: Casa Rosada, Balcarce 50, Buenos Aires C.F., Argentina.

Search Engines...

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caution against great use of these. Although the results can be interesting, they rarely take advantage of the powerful features available in each individual search engine and generally rely on a lowest-common denominator of features. Each search engine usually has a “Help” or “tips” button close to the search box and I highly recommend taking a look at it. Using some of the more advanced features of some search engines, you can restrict your search to government web sites, search for images, sounds, and even pages that link to a particular web site

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Search Engines...

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Search engines have their limits, however. First, they are updated every few weeks or months, so you may end with dead links - links that go nowhere. Second, the search engine may not index all of the

Want to know more?

You can find additional information and sources for the articles that appear in this newsletter in Without Impunity's Resource page:
<http://www.derechos.org/wi/1/resources.html>

Contributions Welcomed!

We welcome all types of contributions to Without Impunity. Articles on human rights topics, opinion pieces, poems, art, book reviews - whatever - if it has to do with human rights, feel free to submit it. You are also invited to submit letters to the editor and tell us what you like and what you don't - and what we got wrong! Of course, we retain the rights to not publish and to edit any submissions. Send all submissions to wi@derechos.org.

available web pages at a given site. For a while, one of the search engines would index more than 600 pages at a single site. Most importantly, they are not able to index databases that many web sites now use. For example, the United Nations web site has databases of very useful documents that you will never find using search engines. Instead, you will have to go to the UN web site and use its search function, which may be quite different than the ones used by search engines.

The best strategy I have found for using search engines is to use as many words relevant to the search as possible. Then group as many as possible into phrases. If this fails, then rethink your search. Are there other words that are more likely to be used? For example, mailing list, discussion list, email list, and list may all refer to the same thing, but a search for each term will get you very different results. Perhaps adding the search term majordomo or listserv will enhance your search results (majordomo and listserv are the names of software used to run mailing lists and are often in the email address used to subscribe to the list). If you still don't get any search results, broaden the search by eliminating a word or two.

Using the web to search for information only gets easier with practice. And don't forget to use all of the tools available at your disposal - especially the "Help" button!