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Fundamental rights in Latin America a comparative study addressing human rights violations in Venezuela, Colombia, and Argentina

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FUNDAMENTAL RIGHTS IN LATIN AMERICA:
A COMPARATIVE STUDY ADDRESSING HUMAN RIGHTS VIOLATIONS
IN VENEZUELA, COLOMBIA, AND ARGENTINA

by

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A thesis submitted in partial fulfillment of the requirements
for the Honors in the Major Program in International and Global Studies
in the College of Sciences
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at the University of Central Florida
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ABSTRACT

Over the last few decades the importance of human rights has increased considerably in international relations. With globalization and democratization, more states and individuals develop concerns about the fundamental rights every human is entitled to; regardless of sex, religion and ethnicity. Latin American countries began obtaining their independence over 200 years ago while progressing into becoming working democracies. Yet, they have been plagued by oscillating authoritarian regimes and social conflicts that constrain and inhibit their hopeful development.

The majority of the Latin American states have reached a point where further positive growth was expected; yet human violations have taken a backseat within the government of such countries. The case studies shed light on the three main causes of human right violations in Latin America. These are: the abuse of power by the government and the subsequent changes to the constitution to gain further control and authority; the government's inadequacy in dealing with subversive groups; and the deficiency of subsequent democratic governments to bring past offenders to trial for crimes against humanity while giving pardons to those who did face trial. By understanding why the violation of human rights occurred, future infringements can be avoided and fundamental rights will be awarded to all humans.

DEDICATION

For those who have suffered from human rights violations and have found the strength to carry on,
especially those who never obtained justice.

For my loving parents, who are my best friends, biggest fans and greatest supporters,
without you none of my endeavors would have been possible.

For my sisters, your advice, appreciation and love have always kept me going.

For my grandparents, your care and reassurance of my abilities have meant the world.

For Dr. Sadri, thank you so much for believing in me and for always pushing me forward.

For my friends, thank you for cheering me on, keeping me sane and believing in me,
when I felt like I could not go on.

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CHAPTER 1: INTRODUCTION

Argument

While the process of democratization seems to have taken over most of Latin America, human rights issues are still present in nearly the entire continent. Although each nation experiences human rights violations differently, the number of infringements has not lessened regardless of these nations being democracies. Instead, in a backward move, violations have increased in many countries. Human and fundamental rights in Latin America have been constantly violated by the government and leadership of states who are elected to protect their citizens' rights and call themselves working democracies. Three main causes can be traced for human violations in Latin American countries. First, the countries' history with authoritarian military regimes has shaped the approach that subsequent governments have followed to preside over the state. These regimes have served as a negative archetype for how to rule the state. Many violations took place during the military regimes that were able to go unnoticed given the amount of concentrated power they had, being able to give commands and dictate without offering any explanation to other institutions.¹ In addition, after such regimes were dismantled, the perpetrators of human rights violations were still not brought to justice, this act, or lack thereof, in itself was another form of human rights transgressions by the new democratic governments. Furthermore, Latin American constitutions have included stipulations allowing for regimes of exceptions, giving certain institutions, the executive power in particular,

¹ Edward L. Cleary, *The Struggle for Human Rights in Latin America*. (Westport, CT: Praeger, 1997), PAGE.

extraordinary powers by which they could act in case the state was being threatened by any rebellions, natural disasters, war, etc.² All of these together have helped forge a system in which the breach of fundamental rights is almost imbedded in the system. These situations can be observed in the three countries this study will focus on: Venezuela, Colombia, and Argentina, albeit these countries situations differ from one another, they have all experience human rights abuse by one of the causes mentioned earlier.

Importance

The importance of studying human rights originates from the understanding that all human beings, regardless of their nationality, race, sex, or social class, deserve undeniable liberties that would enable them to develop their own opinions and their own life. Although all countries in Latin America have signed and ratified the Universal Declaration of Human Rights, throughout the past few decades there have been plenty instances in which violations have taken place at the hands of the government, military and/or the police; understanding why this has occurred in the past and why they are materializing in present time, can ultimately reduce and possibly eradicate the recurrence of such infringements by the entities in charge of providing security to their citizens. Establishing a cause and effect would enable both the government and the society of these states to address past human rights violations as well as diminish the occurrence of new ones. In Venezuela, there have been recent cases in which it is arguable that the government has crossed its boundaries and violated civilians' rights. In Colombia, the

² Brian Loveman, *The Constitution of Tyranny: Regimes of Exception in Spanish America*. (Pittsburgh: University of Pittsburgh, 1993), 5.

tumultuous guerrilla movements have created a problematic living situation because of the fear citizens have for their lives since kidnappings, killings and torture are part of their everyday lives. In Argentina, past disappearances, tortures, and other violations perpetrated by the military regimes, have not been brought to justice during the new democratic governments and instead, presidential pardons have been given to those who participated in committing the crimes. By analyzing the different scenarios, a more appropriate conclusion can be derived for the causes of these problems.

Literature

According to the literature on Latin America, all of the countries, including Venezuela, Colombia and Argentina, have experienced a pattern of oscillating between democracies and dictatorships throughout their entire history. Human Rights have been a key issue to address in this part of the hemisphere. The focus on Human Rights began in 1948 with the creation of the Organization of American States; in it a Declaration on the Rights and Duties of Man was approved by its members states, which was followed eight months later by the Universal Declaration on Human Rights by the United Nations.³ Human Rights became increasingly necessary and meaningful throughout the world after the two World Wars had created a chaotic scene that shed light on the indifference many governments had towards the rights of any person. Including a declaration of rights was an important step for the American nations, yet its wording can be seen as abridged, considering it includes the responsibility people have as well as the use

³ Juan E. Mendez and Javier Mariezcurrena, "Human Rights in Latin American and the Caribbean a Regional Perspective," *Human Development Report_2000*, 2000.

of “man,” which in our current era, would be seen as excluding a part of society. This phrasing is reminiscent of the authoritative governments that were in place in most of the American nations at the time. Regardless of its imperfections, the declaration has been sustained through the passage of time and the nations who approved it have agreed to abide by its statements; whether they are doing so or not is the debated issue becoming one of the main problems and focus of international relations. Human rights resolutions are yet to be taken as serious as they were first said to be by the government who is supposed to be protecting the rights of its citizens.

In Venezuela’s history, there has been a predominant account of corruption by its politicians. This is reflected in their acquired wealth as well as obtaining relevant positions of power, some of which allegedly do not represent the people’s choice or vote. With the discovery and exploitation of large oil deposits in Venezuela, the wealth and importance of the country increased and with it the existing corruption. In the 1920s, Venezuela was the world’s largest oil producer and it remained a key player in the decades that followed; as a result, the government obtained great wealth from royalties and taxes, which were then used by the government to supplement its power and control, inevitably leading to corruption as well. This pattern was continued by the governments that followed, making great improvements on public services as well as living conditions without raising taxes on individual Venezuelans⁴; this allowed prosperity and the emergence of democracy when most Latin American countries were experiencing a collapse in their democracies.

Furthermore, in 1958 the two major political parties: Acción Democrática (AD) and Comité de Organización Política Electoral Independiente (COPEI) signed the Pact of Punto Fijo.

⁴ Charles H. Blake, *Politics of Latin America*. (Boston: Houghton Mifflin Company, 2008)

This pact “pledged that each party would accept the outcome of the elections and work to support a common minimum program through a coalition cabinet.”⁵ With the settlement, both parties agreed to a more centrist platform, as well as supporting the same economic and political policies. Although these parties received around 85 to 90 percent of the vote, in the 1980s there were signs of growing dissatisfaction. Moreover, when oil prices declined, Venezuela’s economy became severely damaged and Venezuelans blamed the parties’ economic policies. Likewise, “despite the rise in social spending during Pérez’s presidency, conditions for the poorest two-fifths of the population had improved minimally and income inequality worsened”⁶. Inequalities were responsible for a high level of public discontent in 1989 leading to many riots in the capital city of Caracas where more than 200 people died. This movement was called Caracazo and was “a response to an economic austerity program launched by then-President Carlos Andres Pérez”⁷, these riots were a demonstration of the need for social justice, reshaping the relationship between the government and those governed⁸. In February 1992, three years after the Caracazo, a group of army lieutenant colonels led by future President Hugo Chávez attempted a coup against Pérez. The logic behind the coup was that the events of the Caracazo proved that the system currently in place did not attend to the needs of its citizens. The failure of the coup and the incarceration of Chávez would later become key elements in his political career. Since he had dared to defy the government along with trying to take over, he was now seen as a martyr for those who supported the Caracazo. In an attempt to decrease Chávez’s popularity and the

⁵ Ibid.

⁶ Ibid.

⁷ Bureau of Western Hemisphere Affairs. *Background Note: Venezuela*, U.S. Department of State. <http://www.state.gov/r/pa/ei/bgn/35766.htm>

⁸ Jeffrey Cedeño, “Venezuela in the Twenty-first Century: ‘New Men, New Ideals, New Procedures,’” *Journal of Latin American Cultural Studies* – Vol. 15, No 1, March 2006

public's keenness for him, the government of President Rafael Caldera released Chávez from prison. Although this strategic move was thought of as astute at the time, upon his release the government failed to bestow on him political invalidation, a condition given to those who attempt and fail a coup; thus allowing him to run for a position in government in future elections.

As mentioned earlier, many voices outside the AD and COPEI parties were asking for a change. Following the events of the 80s and 90s, more and more people including those who once supported the more popular parties agreed that a change was urgently needed. In the December 1998 elections, "Hugo Chávez Frías won the presidency on a campaign for broad reform, constitutional change, and a crackdown on corruption"⁹. With that same platform, he was inspired to redesign most political institutions, including Congress, since according to Chávez it was a corrupt entity and could not keep functioning in a country that claimed to be democratic. Therefore, he decided it was best to dissolve it and create the National Constituent Assembly to replace it. Following the creation of the Assembly, he then argued that the existing political system had become isolated from the people it was supposed to represent, and pursued a referendum for a new constitution¹⁰. Once Chávez had drafted a new constitution, which according to Charles Blake on *Politics in Latin America*, was particularly drafted to fit his preferences, he was able to use the new powers he obtained to gain access to the Central Bank. By acquiring access to the country's monetary funds, Chávez was able to solidify his power. After the opposition got tired of his increasing power, in 2002, they exercised a strike in which all economic sectors participated. With this massive protest and the increasing power of Chávez

⁹ Bureau of Western Hemisphere Affairs. *Background Note: Venezuela*.

¹⁰Blake, *Politics of Latin America*

as their reasons, the military attempted a coup against the president. Although a new president was temporarily put in the place of Chávez, within a few hours the coup was declared a failure. After Chávez was reinstated, he retaliated against the opposition, including firing most of the employees of PDVSA who had taken a leadership role in the strike. A series of violations have taken place since then which according to the government are constitutional and only necessary to guarantee the social and political harmony. Human rights infringements appear to be taking place due to the struggle between the government and the opposition, in which both sides commit violations.¹¹

In Colombia political uncertainty during the 1940s and 1950s created a period of violence and civil war between conservatives and liberals; in 1956 both parties reached an agreement of alternate governments. Such agreement did not pose any benefits for the rural class who was oppressed during the conflict and then resorted to more radical actions.¹² Since the 1960s guerrilla movements have existed in Colombia with the creation of the Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia – FARC) and National Liberation Army (Ejército de Liberación Nacional - ELN). During the past two decades these groups have more than doubled their number, escalating the already ongoing conflict. The guerrillas have created an atmosphere of conflict and chaos in which anyone can become a possible target of kidnappings and torture. In addition to this, they have been able to spread their forces throughout the country with the revenues they obtain from the kidnappings and drug

¹¹ Barry Cannon, *Hugo Chavez and the Bolivarian revolution: populism and democracy in globalised age*. (Manchester: Manchester UP, 2009).

¹² Peter Burbidge, “Justice and Peace? – The Role of Law in Resolving Colombia’s Civil Conflict,” *International Criminal Law Review* – Vol. 8, No 3, July 2008, 557-587.

trafficking. During recent years, the government of Colombia has attempted a demobilization process for the paramilitary coalition called United Self-Defense Forces of Colombia (Autodefensas Unidas de Colombia, AUC) who plague the nation; this process, although initially seen as a success, has proven partly a failure since new groups have taken over the area that was previously dominated by the old guerrilla groups. The newer groups' rise was allowed in part because Colombia's government failed to disintegrate criminal networks, as well as their financial and political backing.¹³ The groups have continued on in its predecessors' footsteps by partaking in more abuses of civil rights, victimizing the community, displaced persons, human rights defenders, etc.

Argentina's history since 1930 has been marked by political instability as well as economic stagnation.¹⁴ Given the corruption that had taken over the government, a coup was organized to take President Hipolito Ytigoyen out of power. After two years of military control, the government was given back to the conservatives who had previously run Argentina. Prior to 1930, Argentina had been previously run by elites who were looking to develop the country economically, socially and politically prior to 1930; after, the new developments were distributed inequitably among the elites bringing increasing discontent among the lower classes. After many failed governments, in 1946 Juan Perón became president becoming very popular between the working classes since he claimed he wanted social justice, especially when it dealt with income. Many freedoms were violated through his government which eventually led the military to organize a coup to replace his government, which took place in 1955. In the following years,

¹³ Aisling Reidy and Stephen Ferry, *Colombia Paramilitaries' Heirs: the New Face of Violence in Colombia*. (New York, NY: Human Rights Watch, 2010), PAGE.

¹⁴ Peter G. Snow and Luigi Manzetti, *Political Forces in Argentina*. (Westport, CT: Praeger, 1993), 17.

more governments were made and overthrown, until in 1976 the Process of National Reorganization started.¹⁵ The power was taken by the military once again and remained until 1983. This period eventually became known as the “dirty war” and it was during this time that many of the most notorious human rights violations in Argentina took place. The dirty war, according to the government was meant to counteract terrorism and any movement against the government; the only way the government sought to deal with such violence was by using greater amounts of violence. Although trials were made to account for the many disappearances and the head of the government was the one held responsible, there are still many inconclusive actions as to what happened and how the situation was dealt with. Many blame individual military members who acted out of control and were not brought to trial because they were said to have acted under someone else’s orders; yet, even if this were the case, justice was not served to the victims.

Gap in Literature

This study will shed light into problems Latin American countries are currently experiencing regarding human rights violations using the literature as a background to reach an explanation. Throughout the world there is a struggle to make sure the human rights of everyone are being respected. This is no different in Latin America, where the governments often are the main perpetrators; the government has also failed at bringing those criminals to justice. This study attempts to find the reasons why these countries have experienced violations during recent times. Looking at the constitution of these countries can give insight into the allowance of these

¹⁵ Ibid, 33.

violations, given that, for example in Venezuela, many violations are said to be constitutional. Colombia on the other side, shows attempts by the government to become a true democracy, yet these efforts are blocked by the ongoing conflict with guerrillas groups who are the main violators of other civilian's rights. Although Argentina has made an effort to improve human rights, this country serves as an example of how human right violations are often neglected. Understanding the different situations can shed light on how to avoid and stop this sort of conflict in those countries as well as other areas of the world, while also making sure they do not reemerge.

Design

The research design will be divided into five sections:

- I. Introduction: The development of Human Rights in Latin America.
 - a. Thesis
 - b. Significance
 - c. History
 - d. Gap in Literature
 - e. Design
- II. Case Study – Venezuela: Human right violations committed by the Chávez government in order to maintain their hold on power.
- III. Case Study – Colombia: Human right violations by non-government actors such as the guerrilla, in which civilians are being targeted for supporting a democratically unbiased government.

- IV. Case Study – Argentina: Human Rights have been violated by many of the governments in this country. During the so called “dirty war” many people suffered from kidnappings, torture and disappearances. Justice has not been obtained by those victims.
- V. Conclusion: The research should show the differences in the human rights violations as well as proving that although countries are supposed to be democratic, they are still plagued by a great deal of human rights violations. It can hopefully find the reasons for these problems and discover possible solutions.

CHAPTER 2: VENEZUELA

Latin America throughout its history has experienced many cases of political instability which more often than not have led to violations of human rights; the state of Venezuela has not been the exception. During recent years, the rise of President Chávez has brought great political separation and conflicts between the government, its supporters and the opposition. The election of Chávez marked an end to the two party system that was installed by the Punto Fijo pact, by which Venezuela was governed since 1958. During that time, Venezuela was perceived as having one of the most stable representative democracies in Latin America. By this pact, all parties were to respect the outcome of elections while according to Hawkins, “redistributing economic development policies fed by the nation’s oil wealth,”¹⁶ this allowed prosperity and the emergence of democracy when most Latin American countries were experiencing the collapse of their democracies. After Chávez became president this perception ended, now parties were polarized and viewed each other as mortal enemies in a political struggle. It is during this period of time that the violation of human rights and civil liberties became popularized by the government in order to remain in power and win elections.

Freedom of Speech

Over the past several years the government of President Hugo Chávez in the Bolivarian Republic of Venezuela has insisted in the closing of many popular radio stations, television channels, and other media. The government has passed new laws in an attempt to legalize its

¹⁶ Kirk Andrew Hawkins, *Venezuela's Chavismo and populism in comparative perspective*. (New York: Cambridge University Press, 2010).

actions, yet regardless of these regulations the censorship of information has been accomplished in clear violation of Freedom of Speech and Press. According to the United Nations Refugee Agency, the government in Venezuela has “enacted legislation prohibiting the broadcast of certain material, intimidated and denied access to private media, and harassed journalists employed at such outlets.”¹⁷ Despite attempting to intimidate pro-opposition news media, the government’s first major event was the closing of Radio Caracas Televisión (RCTV) by not renewing its broadcast license, which the channel had for over 54 years. President Chávez claimed that RCTV was a clear participant on the coup against him and therefore could not stay on air. Nowadays, the legal battle over the authenticity in the closing of RCTV continues; nevertheless, more popular pro-opposition newspapers and news stations, including *Tal Cual*, *La Verdad*, and *Globovisión*, Venezuela’s only twenty-four-hour news station, have been under constant aggression by the government who has yet to finalize their closure.

All of the modifications made to the law during Chávez presidency, the circumstances leading to the coup, and what happened after were reported by the national television networks, newspapers, and radio stations. Although all media outlets including the government’s television network were actively covering the events most, if not all private media were pro-opposition; therefore, they increasingly gave opinions that were against the president’s regime and his actions. Nonetheless, their stance to support the opposition movement can be explained because “among other actions, the government has enacted legislation prohibiting the broadcast of certain material, intimidated and denied access to private media, and harassed journalists employed at

¹⁷ Freedom House. *Freedom of the Press 2008 – Venezuela*. 29 April 2008, <http://www.unhcr.org/refworld/docid/4871f63fc.html>

such outlets.”¹⁸ It is important to recognize that under the 1999 constitution Freedom of Speech and Freedom of Press are expressly protected; yet there are concerns about certain provisions in the constitution that give Venezuelans the right for “true” and “impartial” information. The press and the opposition consider such provisions to be very vague, giving the government the possibility to censor the information reported by the media, contradicting the Freedom of Speech clause. Furthermore, in December 2004, a new legislation called The Law of Social Responsibility in Radio and Television was passed giving “the government broad powers to declare radio and television broadcast socially irresponsible under flexibly vague prohibitions.”¹⁹ Later, in March 2005, a law declared that insulting the president was an action that could be punishable with a term of six to thirty months in prison. Following these new laws and prohibitions in early 2007 the government refused to renew RCTV’s broadcasting license. RCTV was the oldest television station in Venezuela and the most popular. According to the government, the reasoning behind the closing of RCTV was the many violations of *The Law of Social Responsibility in Radio and Television*, yet in his dominical show “Chávez alleged that RCTV had backed the 2002 coup attempt and this act was the reason behind its closing.”²⁰ Recently the government has made several threats against other media outlets mainly Globovisión, Venezuela’s twenty-four-hour news station, accusing it of “media terrorism” as well as “poisoning” people, also stating that its days are numbered. As of June 2009, there is an

¹⁸ Ibid

¹⁹ Blake, *Politics of Latin America*.

²⁰ Ibid

“advertisement running on the government controlled channel, Venezolana de Televisión, proclaiming: ‘Globovisión doesn’t inform, it makes you sick. Turn off the sickness!’”²¹

Over the past few months the tensions between the government, reporters, and the opposition have only increased due to the lack in Freedom of Speech. Protests against the closing of RCTV and the government’s attacks on other media have both increased considerably. One cannot open or see a news reporting broadcaster from Venezuela without seeing the Freedom of Press debate, most notably about RCTV’s shutting down and Globovisión as “a primary target of physical aggression and denial of access, as well as verbal attacks threatening investigations and the possible cancellation of its license.”²² Although Globovisión is the main target of the government, taking center stage in its attacks, it is not the only media that was threatened with closure. Other pro-opposition media have also been accused with outrageous charges, including the newspapers *La Verdad* and *Tal Cual*, the latter was charged over \$18,000 for doing a satirical piece on Chávez’s life. The aggression towards Globovisión has only increased in the last couple months due to what Reporters Without Borders believe is not more than Chávez’s spoiled desire to close the station.²³ Reporters Without Borders is a worldwide organization that fights for press freedom and denounces the violations of human rights all over the world. In its statements, they believed Chávez pressure for a change in the editorial policies of the channel were not part of a democracy since the head of state was not the adequate person to decide the future of a media channel. The statement came after President Chávez in his television and radio show stated that

²¹ Benedict Mander, “Attack on TV news channel escalates Chávez media war.” *Financial Times*. June 20, 2009. http://www.ft.com/cms/s/0/48becfea-5d33-11de-9d42-00144feabdc0.html?nclick_check=1

²² Freedom House. *Freedom of the Press 2008*

²³ “RSF considera ‘un capricho’ de Chávez eventual cierre de Globovisión. *El Universal*. June 23,2009. http://www.eluniversal.com/2009/06/23/pol_ava_rsf-considera-un-ca_23A2409245.shtml

if Globovisión was to comply with the law, he would be willing to offer them a pardon and allow them to keep their frequency.²⁴ Globovisión by no means attempts to submit to Chávez requests insisting that Freedom of Press includes their right to report the information as it happens, when it happens rather than how and when the government wants it revealed.

More laws and decrees have been passed by Venezuela's government imposing limitations on radio and television stations. On June 17, Manuel Villalba, President of the Media Commission of the National Assembly, stated that new reforms to the Telecommunications Law would be incorporated to include television stations by subscriptions.²⁵ Villalba explained that initially there was the possibility to create a new set of laws by which cable operators would be controlled, but because Diosdado Cabello, who was the minister of Public Housing and Affairs, gave initiatives of wanting reforms in the Telecommunications Law, instead of creating new laws, they would be included in the reform. On July 16, 2009, Cabello announced that such modifications would go into effect the following Friday after their publication in the Official Gazette. According to Cabello, "the new regulations will soon require cable TV companies that use largely locally-produced content to comply with Venezuelan laws governing broadcasters."²⁶ Channels with at least 70 percent of their content produced in Venezuela would have to comply with local broadcast laws, including carrying Chávez's speeches when the president believes it is

²⁴ María Vásquez, "Chávez reconsideraría posición ante Globovisión si cambia política editorial." *El Universal*. June 12, 2009. http://www.eluniversal.com/2009/06/12/pol_ava_chavez-reconsiderari_12A2384083.shtml

²⁵ Alicia De La Rosa, "Regulación de TV por suscripción se hará a través de la Ley de Telecomunicaciones." *El Universal*. June 17, 2009. http://www.eluniversal.com/2009/06/17/pol_ava_regulacion-de-tv-por_17A2397447.shtml

²⁶ Fabiola Sanchez, "Venezuela announces new rules affecting cable TV." *The Associated Press*. July 7, 2010. http://www.google.com/hostednews/ap/article/ALeqM5jvlx_P9ghozonim6xxllHZpalLRAD99B8LQOO

appropriate. In addition, the government will not allow radio networks to have more than three stations; this would break up various nationwide radio networks. On top of these regulations Cabello informed the public of the government's decision to not renew the broadcasting licenses of more than 240 radio stations which is about 40 percent of the country's stations. On June 1st, the National Telecommunications Commission had asked radio and television networks to update their registration information with the National Telecommunications Commission.²⁷ According to the Cabello's statement the radio stations failure to update their registration cost them their license.

Politicians belonging to the opposition have urged those against the laws restricting the media's broadcast to publicly demonstrate their discontent with the path the country has taken.²⁸ Venezuelans now see protests as part of their everyday lives, since the amount has only increased in the past few years. Now protests have passed Venezuela's frontiers, taking place in other countries including Chile, Spain, France, and the United States. In Chile, students protested in front of the Venezuelan embassy defending Freedom of Speech in the country.²⁹ In the United States, Venezuelans joined the worldwide protests for Freedom of Speech and Press; many of them stated that it was entirely unacceptable the attacks made to radio and television stations, often revoking their license and damaging their equipment when reporters tried to obtain the

²⁷ "Conatel solicitó a las radios y televisoras la actualización de datos a través de su portal Web." *Globovisión*. June 6, 2009. <http://www.globovision.com/news.php?nid=118205>

²⁸ "Delsa Solórzano: Ciudadanos no deben permanecer ajenos a violaciones a libertad de expresión." *Globovisión*. May 26, 2009. <http://www.globovision.com/news.php?nid=117762>

²⁹ "Protestan en Chile por la libertad de expresión en Venezuela." *Globovisión*. 25 June, 2009. http://www.eluniversal.com/2009/06/25/pol_ava_protestan-en-chile-p_25A2414603.shtml

news.³⁰ Freedom of Speech and Freedom of Information should be guaranteed by the government to every citizen; yet, it is instead disregarded and often violated by the same entity in charge of protecting it.

The many protests outside and inside Venezuela have not been ignored by the international public. The U.S. has expressed their discontent with the current situation Venezuela faces. In June, Philip J. Crowley of the U.S. State Department stated that aggressive actions towards news media were unacceptable, asking government officials to take measures to ensure Freedom of Speech and to guarantee the principles in the Inter-American Democratic Charter which includes the importance for the respect of the Freedom of Press. Crowley also stated that conflicts will be unavoidable as long as the government is not capable of accepting critics from independent media. Such independent media is a vital element in any democracy for it plays a key role in promoting human development, security, and dignity. Almost a month after Crowley's statements Secretary of State Hillary Clinton also advocated Freedom of Press in Venezuela. In an interview given to Leopoldo Castillo, a well-known Venezuelan reporter who works for Globovisión, Clinton stated that when working in the political arena although government officials may believe they are taking the right thing for the people they are representing; they should always be open to criticism since it is nearly impossible for the whole population to agree their decisions. She also declared to be against the abuse of power by any

³⁰ "Venezolanos en Miami se unen a protesta mundial por la libertad de expresión." *El Universal*. June 25, 2009. http://www.eluniversal.com/2009/06/25/pol_ava_venezolanos-en-miami_25A2415603.shtml

government official that could potentially account for taking political prisoners, including reporters.³¹

In the past few years Venezuela has made headlines because of the statements and policies President Chávez continuously makes. Chávez has revolutionized the way presidents used the media, doing more “cadenas” or government announcements than any other president before him. This cadenas required broadcasters to cease their regular programming to transmit official messages, forcing Venezuelans to listen to what he wants to say or be forced to turn off their radio and televisions. In addition, the government “controls five national television stations, a national radio network, and a wire service, all of which have benefited from budget increases.”³² Now Chávez wants to revolutionize the media by imposing new laws restricting what Venezuelan stations broadcasts, often going as far as attacking private stations that are pro-opposition. Recently, the Venezuelan Chamber of Broadcasting has urged both sides of the debate to communicate and initiate a dialogue to resolve their disagreements.³³ As United States’ Secretary of State Hillary Clinton mentioned, a democracy is not only represented by elections but by the government’s actions.³⁴ Such actions should include protecting minorities and those who have different political tendencies as well as being able to express them freely without fearing prosecution. Hopefully in the near future both sides of the argument will listen and

³¹ María Vásquez, “Hillary Clinton aboga por protección a la prensa libre en Venezuela.” *El Universal*. July 9, 2009. http://www.eluniversal.com/2009/07/08/pol_ava_hillary-clinton-abog_08A2468323.shtml

³² Freedom House. *Freedom of the Press 2008 - Venezuela*.

³³ “Cámara de la Radio insta al diálogo para resolver situación de emisoras.” *El Universal*. July 3, 2009. http://www.eluniversal.com/2009/07/03/pol_ava_camara-de-la-radio-i_03A2451725.shtml

³⁴ Vásquez, “Prensa libre en Venezuela.”

attempt to compromise because unless they reach an agreement it seems more violence and difficulties will take over Venezuela.

Freedom of Assembly

In Venezuela it is challenging to decide whether or not Freedom of Assembly exists, considering that certain groups are favored while others are often sanctioned or placed under arrest. Most of the recent rallies in Venezuela have been organized by university students, a large moving force in Venezuela, whose intentions are to show the public and the government the many inequalities and violations that have been made. Others are often made by government supporters who seek to attest how much approval the government has. During the first years of Chávez's government, more public rallies were made by the "escualidos," as they called those who oppose the government. Yet, after the violent encounter of April 11, 2002, more of these have turned aggressive and many people have chosen to avoid participating. It is common for protests to become turbulent; the government has not attempted to provide any kind of security to its participants, even though in a democracy the Freedom of Assembly is a fundamental right.

In Venezuela the right to assemble and peaceful protests has been consistent; yet, during more recent years the government has attempted to stop or dissolve these demonstrations on the basis of their legality. In order to conduct a protest, the organizers must notify officials 24 hours before the demonstration takes place. Nevertheless, in 2007 a report issued by the Programa Venezolano de Educación – Acción en Derechos Humanos (Venezuelan Program of Education – Human Rights Action), PROVEA, stated that the government has impede protests on the basis

that the demonstrators lacked permission.³⁵ In addition, the revolts that caused injuries and death during the demonstrations in 2002-2004, have notably decrease; yet the government has increased their control and restrains over demonstrations making them less and less plausible.

In their yearly report, PROVEA also details the increase government actions during protest to attempt to contain them. According to the Venezuelan Constitution's Article 68, all citizens have the right to manifest, peacefully and unarmed, without any other requirement established by the law; as well as the prohibition of the use of fire arms and toxic substances as means to control peaceful demonstrations;³⁶ though the police has used beatings, rubber bullets, and toxic gases as means to regain the control of the public order, these are more harsh if the manifestations are led by students or student groups.

Full Suffrage

Free debate of issues has become increasingly constricted in Venezuela. Another important restriction that the government attempted was to “impede opposition candidates from running for elected office and disrupt the ability to govern of officials associated with the opposition”³⁷ The Organization of American States (OAS) published a report in February, 2010, in which it the influence Chávez's has over the judiciary power alarmed the existence of a true democracy in which opposition candidates were allowed to be elected and for those that had

³⁵ Freedom House. *Freedom of Association Under Threat – Venezuela*. 21 November 2008, <http://www.unhcr.org/refworld/type,COUNTRYREP,,VEN,492a751bc,0.html>

³⁶ *Constitucion de la Republica Bolivariana de Venezuela*. 1999. http://www.ucv.ve/fileadmin/user_upload/auditoria_interna/Archivos/Material_de_Descarga/Constitucion_de_la_Republica_Bolivariana_de_Venezuela_-_36.860.pdf

³⁷ Elizabeth Gackstetter Nichols and Kimberly J. Morse. *Venezuela*. Santa Barbara: ABC-CLIO, LLC, 2010. 354

already a position in government to freely exercise their power in relation to the law. The major of Caracas at the time, was one of the first government officials whose powers were restricted and assigned to other entities who were pro-Chávez. Moreover, in 2008 Chávez banned opposition candidates from participating in the elections of that year. One of these political figures was Leopoldo López who was banned from political office until 2014; denying him of the possibility to run for future elections, including National Assembly in 2010 or the for the Presidency in 2012.³⁸ According to the court ruling, López and the other candidates, were banned because of investigations regarding corruption; however in Venezuelan law a candidate can only be banned from elections due to a civil or criminal trial, which he was not part of.

After his exclusion, López filed a case to the Inter-American Commission on Human Rights (IACHR) and the following month they agreed to hear the case. On September 16, 2011, the Commission unanimously decided that López should not be restricted to run for office regardless of the previous decision made by the judiciary in Venezuela. After the decision was made public, the Venezuelan Supreme Court rejected the decision by the IACHR and determined that although he is allowed to run for office in the upcoming 2012 elections, this does not absolve him of future repercussions. It is important to indicate that Venezuela is the only state in the South American Hemisphere, apart from the Fujimori's dictatorship (Peru), that has rejected

³⁸ Jeremy McDermott. "Chavez accused of behaving like 'dictator' ahead of elections." *The Daily Telegraph*. November 21, 2008.
<http://www.telegraph.co.uk/news/worldnews/southamerica/venezuela/3496565/Chavez-accused-of-behaving-like-dictator-ahead-of-elections.html>

the rulings of the Inter-American Court of Human Rights by stating that they are non-binding and unenforceable.³⁹

³⁹ “Declaration of the Friends of the Inter-American Democratic Charter on the Venezuelan Decision Regarding the Ruling of the Inter-American Court of Human Rights” *The Carter Center*. October 21, 2011.

CHAPTER 3: COLOMBIA

Although Colombia is a formal civilian ruled government, who prides itself of being one of the oldest and most stable democracies on the continent, human rights violations are still very common. These violations differ from those among Latin American countries, in that they were not rooted on military dictatorships; yet violations which include: torture, extrajudicial executions, forced disappearances and genocides; in a similar arrangement as that of state terrorism. The military has been subject to a civil society sector in Colombia, which are the minority who enjoy the privileges of economic power. Minorities seeking to perpetuate the status quo have granted the Public Forces, in particularly, the Army, the power to act outside the constitutional and legal frameworks in the "control of public order." Instead of attempting to prosecute the perpetrators, the public forces have offered impunity in order to guarantee their own safety, making it a policy of impunity.⁴⁰ In 1989, "the government's policy of negotiating with the armed groups culminated with the signing of a peace agreement that led to the definitive demobilization of the M-19 and its corporation into legal politics."⁴¹ During this year, President Virgilio Barco Vargas, enacted several laws formulated in an attempt to dissolve the paramilitary groups, declaring the creation of new private self-defense groups unlawful; in addition other steps were taken to guarantee that the actions of the military were within those stated in the law, including newer laws and the creation of the Office of the Attorney Delegate for Human Rights.⁴²

⁴⁰ Inter-American Commission on Human Rights, *Second report on the situation of human rights in Colombia*. (Washington: General Secretariat, Organization of American States, 1993).

⁴¹ Ibid

⁴² Ibid

Over the last ten years, more than three hundred thousand people have died in Colombia, about one hundred per day; thirty thousand are attributed to political reasons, of those; about three die in violent encounters between the security forces and the guerrillas; also about seven in extrajudicial killings or massacres. Twenty five hundred people missing have been arrested, thousands have been detained without a particular reason and other thousands have been tortured. These figures describe the human rights conditions Colombians currently live in.

More than a million people have been displaced from their homeland, mostly widows and orphans who are forced to leave behind their homes, family and friends. Of the people who have been forced to be displaced, most tend to seek a new place in the cities, where many attempt to hide their status because of the fear that there might be repercussions against them. Most of them end up displacing into poor regions in which the number of displaced persons is already high, leaving many to receive little to no health care, education or other forms of government and human rights groups assistance. Currently, more assistance might come into play since the Plan Colombia, funded by the U.S., will allocate more of its funding into humanitarian assistance. As it stood before, only 20 percent was given to assistance and about 80 percent was used for military uses.

Judicial System

The judicial system in Colombia has five top bodies who are responsible for the administration of justice and who are independent from each other: The Supreme Court, the Constitutional Court, the State Council, the Attorney General's Office and the Supreme Judicial Council. On the other side, who control bodies of the public are the Comptroller General's Office

and the Attorney General's Office, the latter is attached to the Ombudsman. The Attorney General's Office has in turn a Special Investigations Unit and a Defense of Human Rights, while several delegates specializing in the Armed Forces, Police and Judicial Police, and it extends its control function and protection human rights to each of the municipalities through representatives. On the other hand, the Executive branch has the Military Criminal Justice, the Presidential Council for the Defense, Protection and Promotion of Human Rights, Human rights Units in the Ministry of Interior, Ministry of Defense and each of the military forces and police, as well as in the Ministry of Foreign Affairs.

The Congress has for its part a Human Rights Commission in both the Senate and the House of Representatives. In addition, Parliament must exercise overall political control over the use of states of emergency. Adding to that, the Colombian Political Constitution establishes in over one hundred articles that enshrine human rights and mechanisms for their protection as habeas corpus, protection actions (or actions under) and enforcement actions , while recognizing the primacy of the International Law of Human Rights on domestic law (Articles 93 and 94 of the Constitution). In addition, it has signed and ratified almost all international declarations, conventions and covenants relating to human rights.

In a justice system, violations of human rights should never go unpunished; yet, because of the prevalent human rights violations, the Colombian justice system has been unable to handle all of the abuses letting them go without punishment. The Inter-American Court has condemned the government's failure to properly investigate serious human rights abuses, such as massacres, on several occasions" even though they recognize the difficulty Colombia faces in trying to deal

with these violations.⁴³ One of the most shocking cases is the massacre of Mapiripán. In 1997, a group of 100 paramilitaries were transported by the military from the airport of San Jose, to Maripán, a community who supposedly supported the FARC. Throughout their stay, “they kidnapped, tortured, and then killed 49 people, whose bodies were cut up and thrown into the local river; the rest of the villagers fled because of the threat.”⁴⁴ Since this zone was controlled by the army, and they did nothing to avoid or stop the massacre, the prosecutors believed they were supporting the paramilitaries. Even after numerous years of the massacre, the river had not been searched to attempt to discover and identify the victims. The identification of the victims is a process that should be started by the prosecutors. The negligence in “carrying out the process of identifying the victim, recovery and preservation of evidence, identifying and taking statements from witnesses and determining the cause, place and time of death,”⁴⁵ contributed to the impunity of the crime committed.

Restrictions for the protection of human rights

From the Constitution of 1991 any person may bring actions for protection in order to safeguard a fundamental right or that of another, which is being violated or may be infringed by a public authority (Art. 86). The reaction of the judiciary to this rule was imposed adverse and restrictive regulation, both in terms of procedural and substantive law, which ignores the spirit of the constitutional mandate. In addition, judges are generally reluctant to defend the fundamental rights of people who are attacked because they were considered subversive, which is precisely

⁴³ Peter Burbidge, “Justice and Peace? – The Role of Law in Resolving Colombia’s Civil Conflict,” *International Criminal Law Review*. 8 (3) (2008): 566.

⁴⁴ *Ibid*, 567

⁴⁵ *Ibid*, 567

the fundamental reason why they had and continue to have the majority of human rights violations. The same applies to habeas corpus (art. 30) which is devoted precisely to protect those arbitrarily detained, but whose right has been restricted in the law by executive initiative, by decree in use of emergency powers, Decree 1156 of July 1992, supported by Congress who made it a permanent legislation, Act 15 of 1992, and the complacency of the Constitutional Court on the constitutionality of the thought process tailored to the Constitution, Case C-301 August 2, 1993.

Drug trade and government agreements

One of the major impediments for the development of peace is the drug trade. Before 1980, Colombia only served as a point of transit for cocaine on its way to the United States; yet, after the U.S. pressured Peru and Bolivia to resist the coca production, the production was moved into Colombia, also bringing with it violence and unrest. The influx of money from the drug trade allowed insurgent groups, such as guerrilla, paramilitary groups, and even corrupt officials to buy their arms and go on about their business with close to no problems.⁴⁶ Because of this, the United States added pressure on the Colombian government to eliminate the coca crops. Many of the problems result in that at first these were fought by aerial agricultural fumigation, which also threatened food crops without truly killing the coca plants, since growers could simply cut the damaged leaves and continue to grow the plant. In addition, coca plantations were easily relocated because the farmers that grow the plant do not partake in the process of turning it into

⁴⁶ Ibid 16

cocaine. This is done by more powerful groups whose laboratories are hidden in the jungle.⁴⁷ Although both guerrilla and paramilitary groups partake in the drug trafficking, they have an important difference. The paramilitary groups obtain much of their backing from landowners who more often than not have connections with the Colombian congress.⁴⁸

The government throughout the years of the conflicts has often tried to negotiate with the paramilitary groups in order to dismantle them and reduce the violence in the country. In 2002 with the election of President Alvaro Uribe, new approaches were taken in order to diminish the conflict. He opted for increasing by a great amount the presence of the military throughout the entire country by a program called “democratic security”.⁴⁹ This first part was a new way of dealing with the conflicts since state presence throughout the entire country was not very pronounced. In addition to this, he also attempted to make a deal with the paramilitaries, who in a sense trusted him given his background, similar to that of the paramilitaries’ members. Uribe’s father was kidnapped and killed by a guerrilla group, the same background many leaders of the paramilitaries had experience; because of this in 2002, the AUC (Colombian Self-defense Units), opted for a permanent cease of fire. The demobilization process was guided by the December 2002 Law 782. One of the articles of the Law 782, allows for those persons confessing their crimes the benefit of reduction or “extinction of their penalty as long as the crime is not considered a serious violation of human rights or international humanitarian law, such as genocide, acts of barbarism, terrorism, kidnapping, drug-trafficking and homicide”.⁵⁰ Therefore, the government could essentially only pardon political crimes. A few years later, in 2005 with

⁴⁷ Ibid 17

⁴⁸ Ibid 18

⁴⁹ Burbidge, “Colombia’s Civil Conflict,” 563

⁵⁰ Ibid

the introduction of the Justice and Peace Law, all crimes committed by paramilitary groups were considered “political” by Article 71, allowing for the pardon of more heinous crimes that would otherwise be punishable.

Plan Colombia

The Plan Colombia is a United States legislation that allows for the economic aid as well as military and counter narcotics aids for Colombia in order to fight the drug war in that country. It is an effort to eradicate the violence in Colombia which has increased because of the drug trade. This plan has five key points: “combating drug trafficking; justice system reform; democratization and social development; economic growth; and the peace process.”⁵¹ There are many critics to object this help since there is a history of crime impunity in this country; which would undermine the United States Foreign Assistance Act, section 502b, which states that “military aid will not be continued or granted to countries that engage in gross human rights violations.”⁵² Regardless, there is an alternative by which aid can still be given and that is if the president attests in writing that it is imperative for this country to receive the necessary aid. One of the main problems with this aid is that the United States has self interest in this case because most of the drug trafficking goes to the United States; therefore, it cannot be considered ethically correct to provide aid after the humans rights issue is also considered. More than eighty percent of the aid given for Plan Colombia is used for military purposes, and less than twenty percent is

⁵¹ Rhonda L Callaway and Elizabeth G. Matthews, Conference Papers -- American Political Science Association 2004 Annual Meeting (Chicago: 2004): 21

⁵² Ibid

left for humanitarian purposes. In addition, it is believed that there is not enough protection to guarantee part of the money is not being obtained by paramilitaries groups.⁵³

The Justice and Peace Law

The “Justice and Peace Law” which attempts to demobilize the ranks of those groups. Person who have been involved in war crimes are asked to turn themselves into a jury and admit to what they have done, for this, they would receive a lighter sentence than if caught in other circumstances, 5-8 years in prison, even when their crimes might include mass-murder.⁵⁴ Numerous people agree that this law does not give thorough justice to the victims, nor does it help in the peace process because the victims are not allowed to receive compensations and are also not included in the trial process; in addition, those turning themselves in are not required to explain the inner workings of the insurgence group they belonged to. In order to fast track the prosecutions of this criminals, a confession was necessary given the time that it would have taken to try them without one, and the quantity they were trying to prosecute, this task was seen as nearly impossible. Therefore, “the Uribe administration prioritizes a quick fix removal of the paramilitaries from the conflict at the cost of justice for victims and the risk of leaving their economic and political power structures largely untouched.”⁵⁵

The main point of this law is for the defendant to come clean about his crimes and face a relatively small sentence; yet, they must admit to all their wrong doings, because if they fail to do so and then by other confessions they are found guilty of other violations, their sentence could

⁵³ “Colombia: Stoking the fires of conflict.” *Terror Trade Times*. June 2001.
<http://web.amnesty.org/web/ttt.nsf/june 2001/colombia>

⁵⁴ Burbidge, “Colombia’s Civil Conflict,” 557

⁵⁵ George M Anderson, “A long Struggle for Peace,” *America* . 200 (9). (March 2009): 17.

be increased by up to 20 percent of their original time. This seems unreasonable since there was a cap for 8 years, meaning that if the defendant had been giving the maximum prison time, he would not have to face a longer sentence for hiding other crimes.⁵⁶ Most believe that this law allows for impunity as well as allowing violators to lie without truly gaining anything since the law does not require them to disclose the configuration of the paramilitaries. In May 2006, Article 71 was declared unconstitutional by the Constitutional Court, yet it decided that those who had filed prior to this date could still be given a pardon.

Human Rights Organizations

In Colombia, the “Nunca Más” (Never Again) project is an attempt by human rights groups to “to preserve the memory and identity of a people, as well as dignity and peace with social justice;”⁵⁷ They believe that by collecting this, they can assist in the fight for impunity for human rights abuses as well as war crimes. For them, impunity goes beyond a judicial project, since the absence of justice contributes to the repetition of such violations, by recovering their memory; they believe they can dignify their memory and attempt to make a difference. This project has three elements. The first one is the collection of all the human right abuses that have taken place between 1966 and 1998, since it can provide a better idea of the situation the country is currently in and how it got there. The second element is to analyze each case and attempt to bring awareness to the society as to the importance and meaning of each violation. By way of these, the project attempts to reach its final and more important goal of creating a movement

⁵⁶ Peter Burbidge, “Colombia’s Civil Conflict,” 573.

⁵⁷ Ignacio Gomez, “Colombia: Memory and Accountability.” *NACLA Report on the Americas*. 34 (1) (2000), 40

against the impunity of the war crimes many Colombians were victim of, to avoid them in the future.⁵⁸ There is a need to understand who the victims were and why were they targeted, since from the most celebrated politician to the poorest farmers become victims. The need to be feared by all the sectors and classes seems to be one of the main factors for the kidnappings, disappearances and killings.

Violence can also be seen towards members of the press who are often targeted because of the articles they write accusing the guerrillas, paramilitaries and even the military of violating human rights. One of the victims of these cases is Jineth Bedoya. She was an investigative reporter who was to meet with a paramilitary member who was in Modelo Prison in Bogota. For many days, she had been receiving death threats, because of this she wanted to talk to this prisoner in order to write the article, but to also make a claim for her life and that of her coworkers, many who were also receiving threats. Jineth was supposed to meet with the inmate in the office of the prison warden, and she was never to be alone as a means of security. When they arrived a guard mentioned that they were waiting for the authorization to enter the prison, in this moment she was drugged and forced out of prison with a gun.⁵⁹ After this she was physically and mentally abused for about ten hours, after which she was abandoned in a remote area near the city of Villavicencio. She was told that she was to be an example for other journalists as to what would happen to them if they kept writing stories about human rights issues in Colombia.

With human rights violations have been made by both sides of the struggle, the military and the rebel groups, there are human rights groups who direct their focus into those violations made by the army, and others who attempt to focus on the abuses made by paramilitary groups,

⁵⁸ Ibid 42

⁵⁹ Ibid 41

including the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN).⁶⁰ Although the struggle for peace has continued for decades, there has not been an agreement by these human right organizations to work jointly for the aspired peace. Many believe that the violations have been made by the guerrilla and paramilitary groups; yet, the military that is suppose to be there to offer their support as well as fight these violations, has also been found guilty of violations against the people in their country.

⁶⁰ Anderson, "Struggle for Peace," 16.

CHAPTER 4: ARGENTINA

During Argentina's prosperous time, it seemed nearly impossible that such country would have a backward movement that would transform it into one of the most authoritative countries in Latin America. Before World War I, Argentina was considered among the most economically developed countries on the continent.⁶¹ After a series of struggles for the government's leadership, Argentines would become used to the idea of political struggles and turbulent power transitions. In 1930, the Argentinean Supreme Court would set forth a system in which the military could legally overthrow an elected government.⁶² Subsequently allowing the military to intervene whenever they felt it was necessary. Not until 1989 would a smooth power transition occur, the last one being in 1916. Most of the heads of states of modern Argentinean politics have been ousted from office, which has caused much discontent between those who supported the overthrown government. One of the main the military coups was the one against Isabel Perón. This would be the start of a period called the "Dirty War". The actions of the national guerrilla movements in Argentina served as an excuse for the military to pronounce itself against subversives, claiming it as a war. This term comes from the understanding that this movement is not a conventional war, since instead of fighting standing armies for territory threats, the struggle is between ideologies and targeted towards individuals and groups.⁶³ In this untraditional war style, the targets are abducted, taken into illegal detention centers, tortured, etc in order to obtain

⁶¹ Donald C. Hodges, *Argentina's "dirty war": an intellectual biography*. (Austin: University of Texas Press, 1991), 2.

⁶² David R. Kohut and Olga Vilella, *Historical dictionary of the "dirty wars"*. (Lanham: Scarecrow Press, 2010), xv.

⁶³ *Ibid*, 69

information to further repress the insurgents. Initially the “dirty war” was meant to target issues that rose from the social discontent was a repression against those groups who protested against, repress and eliminate guerrilla movements, yet it also focused on those unarmed nihilists.

With President Juan Perón’s death and his wife ascendance to power, the political problems in Argentina deteriorated further. An era of cruelty and violation of human rights would start. The economy was collapsing with an inflation of 335% in 1975, which was also accompanied by violence between the guerrilla groups, the military, the police and the terror of the Triple A (Alianza Anticomunista Argentina). With the worsening of Isabel Perón’s government, many supported the military coup, meaning that not only was supported by the military but by a numerous amount of people in Argentinean society. As a result of the decline, a junta of military commanders integrated by General Jorge Videla, Admiral Emilio Eduardo Masera and the brigadier Orlando Ramon Agosti, overthrew the government of Isabel Perón, beginning one of the most bloody and violent dictatorships in Latin-American history. The new government’s focal point became targeting the worsening economy and the social crisis that was taking place at the time. The path chose by Vileda was that of a “dirty war” by which they attempted to get rid of any rebellious movements taking place using cruel tactics, worse than those they were claiming to fight. Between 1976 and 1983, under the military dictatorship thousands of persons were arrested, tortured or disappeared.

During 1976 to 1983 the government attempted to recreate the historic era that ended in 1880 with the National Organization; yet, the 1976 regime followed the steps of the Argentine Revolution and deepened its objectives. The regime was dissolved all the legislative bodies and removed all its members. Since the day the coup took place, General Jorge Rafael Videla

presided over the government, until March 29, 1981 in which Roberto Viola succeeded him. After 11 months because of health issues, he was replaced by Leopoldo Galtieri, who governed until June of 1982. The last military president was General Reynaldo Bignone, who lasted until December 1983. Bignone, prior to, resigned the government, approved a law by which amnesty was provided to those had committed human rights violations. This law was condemned by the public and later repealed by President Raul Alfonsín.

With the 1976 those who were part of the coup wanted to found a new legal system, with new values and social norms by which the extermination of dissidents would be seen as a common political procedure to achieve a new order by which instead of discussing and criticizing politics and societies the citizens would blindly obey the new leadership based on military members and their civilian followers. The objective by the military leaders was always to eliminate the enemy by death. By making them disappear first, they eliminated the emotional and social impact that would appear in public opinion if it were massively done in public daylight. According to Videla, the only doubts the military had was not whether to kill or not, but if it should be done publicly or in secrecy. During 1978, the FIFA World Cup took place in Argentina. With the world's eyes focusing on the country, it was clear that the current social crisis would be concealed. The crimes that were taking place took a backseat to the festivities and would remain overlooked for the next few years.

The military attempted to isolate each dissident organization from its social base in order to eliminate them. The most important of these because of the frequency and magnitude of their attacks was the Triple A, who was a right wing organization in favor and support of the military to end the other side's subversion. They had political advice as well as direct participation in

military formation. Kidnappings were tools the regime used to illegally detain persons without any sort of judicial order, with the cooperation of the local police. These abductions were made without notifying the families of the destinations of the victims. Once the families sought legal advice, they were quick to find out this was very dangerous since between 1976 and 1978 about 107 defense lawyers also disappeared. Only about 35% of the victims' families reported the missing persons to the CONADEP, which was created in 1984 to investigate the disappearances. Therefore, about 3000 families waited about 6 years to make the report. There were about 340 concentration camps in which prisoners were tortured and murdered. With the release of about 1000 prisoners, who left the country, more information was obtained about what took place in these camps. According to their testimonies, these camps were mostly places of continuous torture since the murdering of captives took place during the so called prisoner's movement. Although the military recognized having defeated the guerrillas, the repression against society did not end. In order to hide the kidnappings, torturing and killing of people, the regime created the idea of desaparecidos. With this concept, the government maintained that those who were missing had willingly left instead of being taken by the government.

Guerrilla Organizations

The most notorious organizations against the government were the Montoneros and the Ejército Revolucionario del Pueblo (ERP). The ERP was the most active guerrilla movement in Argentina, they maintained their revolutionary traditions through their existence. They represented the traditional left, while the Montoneros were radical Peronists. The ERP emerged from the Partido Revolucionario de los Trabajadores (PRT). It was formed in 1963 by the

unification of the Frente Indoamericanista Revolucionario y Popular (Revolutionary and Popular Indoamerican Front) and the group Palabra Obrera. In 1968, the PRT divided into two separate sectors, one of which was called “El Combatiente”, or the fighting sector, which chose to get involved in the armed conflicts and eventually founded the ERP.⁶⁴ The ERP mainly focused on revenge against those who had ruthlessly attacked strikers and insurgents. They also seek vengeance towards the military officers responsible for any killings or massacres, kidnapping and torturing them as they had with their victims.

The Montoneros were founded in 1968 during the regime of General Juan Onganía. They were founded by Fernando Abal Medina, Carlos Gustavo Ramus, and Mario Eduardo Firmenich, all who had started their political careers as part of a catholic movement called Catholic Student Youth. The three were guided by the teachings of Father Carlos Mugica and Juan Garcia Elorrio who would transform their ideas into radical Catholicism and Peronism, combining their faith with revolutionary ideas. The Montoneros grew out of these new set of ideas. Their attacks were against those who have showed aggression against Peronism⁶⁵ During 1971 and 1972, the Montoneros amplified their aggression towards the government; yet, in 1973 when Hector Campora, from the left, took office they decided to call a truce. They were able to organize gatherings and rallies by which they recruited many followers. When Isabel Perón became president, the Montoneros dropped the truce considering that any left movement by the government was now improbable. Because of the support they accomplished during the truce, they were able to become one of the largest and most powerful guerrillas in Latin America. The

⁶⁴Santiago Garaño, "Romper la vidriera, para que se vea la trastienda". Sentidos, valores morales y prácticas de "resistencia" entre las presas políticas de la cárcel de Villa Devoto durante la última dictadura militar argentina (1976-1983). *Historia Crítica*, (40), (2010), 98-120.

⁶⁵ Kohut and Vilella, *Historical dictionary*, 104

government decided to ban the group and give the military free rein to combat and eliminate them. The guerrilla movements did not their actions during the military dictatorship, making several assaults; however, the military did not focus only on them, but also in their supporters and other Argentines who could have been potentially innocents.

Desaparecidos

The disappearances were generally done late at night. The perpetrators would enter the victim's home, blindfold and torture them in front of their children, then be taken into captivity. Often their children would be taken with their parents to be adopted by military families or government supporters. This also occurred when pregnant women were abducted, forced to give birth in the concentration camps in addition to giving up their babies after. People from different ages, occupation and social classes were taken for different reasons. Some of these included: being members of a student organizations; reporters who disagreed with the government and published articles about it; psychologist and sociologist because of their professions; priest and nuns who could teach different ideologies; any friends of those mentioned before who could potentially be involved in their actions. The majority of these persons were not involved in terrorist acts or part of the guerrilla groups.

Out of those who were abducted, more than 70% were young persons. The young sectors of the population were continuously watched by the government who tried to ensure that they would not join or become part of the subversive movements. Regardless, many of them joined guerrilla organizations to practice their discontent. By being involved in these movements, they took part in attacks towards what they considered to be inefficient institutions as well as using

force to change what they thought needed to be modified. Nonetheless, this was not the path that all young Argentineans chose. Others used intellectual and artistic means to evade the censorship and oppression the government imposed against society.

Las Madres de Plaza de Mayo

During 1977 a group of mothers met as they were attempting to report and find information about their missing children. They then decided to meet once a week at the Plaza de Mayo while they were trying to search their missing children, eventually becoming the organization Las Madres de Plaza de Mayo (Mothers of Plaza de Mayo). This organization has been active for more than 30 years. Nowadays, the mothers not only focus on their missing children but in human and political rights issues that arise in Argentina, still participating in weekly walks around the different plazas, including Plaza de Mayo to bring consciousness about the social problems.⁶⁶ Many of the members of this organization also became victims. The mothers were simply asking for the whereabouts of their sons, daughters and even grandchildren who had been taken and possibly killed.

After the Dictatorship

Once the military regime had stepped down, allowing for the election of Raul Alfonsin, new steps were taken in order to deal with the many human rights violations that had occurred in the past. Human rights organizations demanded trials for those guilty of violating human rights;

⁶⁶ Fernando Bosco, "The Madres de Plaza de Mayo and Three Decades of Human Rights' Activism: Embeddedness, Emotions, and Social Movements." *Annals of the Association of American Geographers* 96 (2) (2006). 342-365

however it was unclear how to obtain the truth in order to achieve justice and what type of punishment should the offenders receive.⁶⁷ In 1983, Alfonsín created the truth commission called CONADEP. This commission would go on to publish many truth reports, the first one of them being *Nunca Mas*. The organizations started collecting information to make a case against each of the transgressors in order to bring them to trial. Despite Alfonsín's many attempts to bring back the missing, this was not accomplished. As the arraignment against the military commanders started, there was a belief that the government would press charges against all the perpetrators; yet, later it would be obvious that the government would only focus on the junta leaders.⁶⁸ One of the main reasons for the government decisions was the growing discontent of the military which threatened the survival of the government. Therefore, Alfonsín's government passed a series of laws, such as the Full Stop and Due Obedience laws; these laws provided impunity to those who participated in human rights violations during the military dictatorship by stating that the military members were only acting under the orders of their superiors and that therefore should not be blamed for following them.

In 1990, Carlos Menem became president, the first time a civilian president peacefully succeeded another one in more than sixty years. As a Peronist, Argentineans believe that he would seek punishment for those who had violated human rights; instead he would pardon all of those violators who had been previously convicted, including junta leaders.⁶⁹ These government actions seemed to destroy all hopes for justice. Nevertheless, in 1995 "former navy captain

⁶⁷ Kathryn Sikkink, "From Pariah State to Global Protagonist: Argentina and the Struggle for International Human Rights." *Latin American Politics & Society* 50(1) 1-29.

⁶⁸ Martin Abregu, Susana Kaiser, and J. Patrice McSherry. "Human Rights after the Dictatorship: Lessons from Argentina. (Cover story)." *NACLA Report on the Americas* 34 (1) (2000), 13

⁶⁹ *Ibid*

Francisco Scilingo confessed to participating in ‘death flights’ during the military dictatorship.”⁷⁰ He would go onto describing what had happen to many who were imprisoned, after being tranquilized, they would be taking into a plane which would then flight over Rio de la Plata, place in which they would be thrown while still alive. After such detailed declaration, there was a revival in the search for justice for those whose rights had been violated.

Since amnesty laws had been previously passed, there was a need to figure out how to go around these decrees. One of the methods human rights organizations used was investigating the disappearances of children who had often vanished with their parents, since this crime had not been included in amnesty laws. As public opinion began pressuring for justice, the government began a series of arrests which included officers who had been given pardons as well as some junta members.

In Argentina’s contemporary times, human rights organizations keep mounting pressure for the government, and in many cases society, to seek justice for those who had been either pardoned or never brought to trial. One important organization is HIJOS (Hijos por la Identidad y la Justicia contra el Olvido y el Silencio). These are the sons and daughters of those who were victims of the military dictatorship. Their efforts involve reconstruct the identity of their parents; defend their parents struggle at the time in which they became victims and to continue seeking justice for the human rights movement. HIJOS has produced their own attitudes and strategies to achieve justice, such as “escrache.” The organization has used this method to point out those members of the military who are free, even after their harmful actions while the military regime was in power. They arrange a march to the person’s house to then proceed to show a play

⁷⁰ Ibid

regarding human rights violations and finalize it with the egging of their house. These eggs were filled with red paint to symbolize the blood bath they were part of.⁷¹ By doing so, the group was achieving social justice since now their neighbors knew what they had been part of and they were going to become outcasts. In addition, these actions placed pressure on the government to seek justice and incarcerate them, which is what human rights groups ultimately want to achieve.

On July 16, 2005, the Full Stop and Due Obedience were nullified.⁷² Since these laws had pardoned those lower military officers who were part of the state terrorism, by undoing them the these persons who were thought to be guilty could be tried and if found guilty sentenced according to the law. Currently, Argentina is attempting to move forward by bring to justice those military members who committed crimes against humanity. By October, 2010, 748 persons were accused of crimes while 81 had been found guilty and sentenced.⁷³ Time still an important issue. Because the accusations have taken so long to be brought to trial, many of the persons who are accused have already died without facing justice. On October 26, 2011 the court found another 18 ex militaries guilty of torture and kidnappings during the military dictatorship.⁷⁴

In Argentina, justice is being achieved by the many organizations and victims' families who have continuously tried, and now succeed, to bring the perpetrators to justice. Without their continuous participation many of these infringements on liberty would have been forgotten. Yet

⁷¹ Santiago Cueto Rúa, "*Hijos de víctimas del terrorismo de Estado, justicia, identidad y memoria en el movimiento de derechos humanos en Argentina, 1995-2008.*" *Historia Critica*. (40). 138.

⁷² Simon, Julio et al. "Fallo Corte Suprema Nulidad Ley de Obediencia Debida y Punto Final" *Ministerio de Justicia y Derechos Humanos*. June, 14, 2005
<http://www.argentina.gov.ar/argentina/portal/paginas.dhtml?pagina=270>

⁷³ Human Rights Watch. "Argentina" *World Wide Report 2011*. January 2011.
<http://www.hrw.org/es/world-report-2011/argentina-0>

⁷⁴ "Sentencia en juicio a Astiz y otros 17 militares de dictadura argentina" *El Mercurio*. October 26, 2011. <http://www.elmercurio.com.ec/305836-sentencia-en-juicio-a-astiz-y-otros-17-militares-de-dictadura-argentina.html>

there is still plenty of discontent regarding how long the trials are taking and the many delays that are often encountered.

CONCLUSION

Amongst the world there is a struggle to make sure the human rights of everyone are being respected. This is no different in Latin America, where the governments often are the main perpetrators; the government has also failed at bringing those criminals to justice. Throughout the history of Latin America, violence, corruption and a constant violation of human rights have taken place. The governments of Latin American countries have failed in one point or another to ensure their citizens with a set of human rights, instead in many cases they are the perpetrators of the violations. Since such violations have been a trend in the history of these countries, the people have become accustomed to such violations and in many cases already expect them to take place. Creating stable governments has been a struggle, and although many governments are moving forward, there is always a fear of backtracking into authoritarian regimes. Many times this fear translates into reoccurring revolutions which then affects how governments deal with human rights. In this research the focus was on three countries: Venezuela, Colombia and Argentina. Each country was different in how and when they experienced human right violations; yet, altogether they represent the most common reasons for violations to occur.

There are many ways in which human rights are violated in Latin American states. These states have many similarities from the way they were created to how the government has ruled; yet, there are different ways in which human rights have been violated. In Venezuela, Colombia and Argentina, the government, especially the military, has acted outside the constitution in their attempt to control and manipulate the community. In all the countries corruption has played a key role in ensuring the violation of human rights by allowing money and connections to serve as

incentives for allowing the violations to carry on. Another similarity within these countries is the failure of the government to prosecute the perpetrators. In Colombia, this failure has been related to large amount of violations that makes it nearly impossible for the government to deal with all of them. On the other hand, in Venezuela, the transgressions have gone unpunished because the government is either in denial or it simply fails to admit violations are taking place. Argentina can be seen as a mix of the last two. At first, the government as it was perpetrating kidnappings and violent acts was denying any participation, once there was a change in government they attempted to prosecute the criminals but because it was years after the cases had piled up and it was harder to build concrete cases. In Colombia paramilitary and guerrilla groups have been the primary violators and government, where as in Argentina and at times Venezuela, insurgent groups have focused on protests against the government which as a result have often been repressed and attack.

The different levels of interactions within each of the countries can be condensed by the subsequent table:

Table 1: Different Levels of interactions within each of the countries

Level of Interaction Country	Government Policy	Leadership	External	Economic Situation
Venezuela	Violations and changes to the Constitution	Abuse by the Executive	Against imperialistic trends	Unequal distribution of wealth
Colombia	Negotiating with insurgent groups	Conflicting ideas in dealing with the violence problem	U.S. pressure on drug traffic	Influx of money from drug trade
Argentina	Pardon human rights abuses	Struggle for leadership between opposite ideals	No pressure from outside the country	Lack of economic growth due to unstable government

Venezuela

Venezuela was one of the first Latin American countries in which a move towards a stable democracy was made. Thanks to the oil revenues the country experience prosperity and less political discontent than neighboring countries. Nevertheless, the gap between the between the rich and the poor started to grow and public discontent began to occur against the two

governing parties. Therefore, in 1999 a new elected president came to power from a different party with a different ideology which claimed that a revolution must take place in order to fix the problems created by the rich. After his elections many changes to the constitution followed, including a completely new one. Also government branches were dismissed and new ones were created to replace them. Many of these changes violated one or more laws and were bias towards the current government's party. In addition, those who did not support the government's decisions were often fired from their jobs, Freedom of Speech was severely impacted with many restrictions and new laws which interfere with universal human rights were created.

The president of Venezuela, Hugo Chávez by enacting a new constitution has obtained more power than previous presidents. This power has allowed him to single handedly make decisions that before required the approval of other branches of government. One of the changes he pioneered was the switch to indefinite term limits for elected officials. The amount of corruption that has been attributed to this government has continuously increased since its election and is currently one of the highest in the world. For the year 2010, it was ranked 164 out of 178 countries on the Transparency International's Corruption Perceptions Index .⁷⁵ There has been a reduction on the transparency by which the executive branch mandates. A prominent example for Venezuela's economy is the revenues of the state own oil company which was previously made public in the annual financial states, but whose publication was discontinued

⁷⁵ "Corruptions Perception Index 2010" *Transperancy International*.
http://www.transparency.org/policy_research/surveys_indices/cpi/2010/results

after 2003. Another questionable subject is the newly created state-run financial institutions whose funds are managed by the executive without any public clarity.⁷⁶

Another reason for Venezuela's current shortcomings is their relationship with Cuba and their anti-United States views. Chávez continues to call the U.S. an imperialistic state who hopes to control all of Latin America, because of this, Chávez insists on going against any advice or help the U.S. government offers believing that an intervention by this country will only make Venezuela dependent on it. The critics of many human rights groups are often shadow by Chávez rebuttal on how these organizations are based on United States' ideals and points of view. They are then accused by the Chávez's governments for trying to get involved in other countries' problems as well as for accusing them of inexistent violations.

The unequal distribution of wealth in Venezuela has created a polarized country in which its citizens see each other as enemies, blaming each other for the misfortunes of the state. The state-owned oil company produces most of Venezuela's revenue, yet, most of this money is never seen by the people in social services. This on the other hand causes high levels of insecurity and discontent. To those who seek opportunities to better themselves, there is little room in the country's workforce to include them in better jobs.

Colombia

In Colombia, the human rights' violations are different than that of Venezuela's. Both countries have experience high levels of public insecurity but the causes are different. The

⁷⁶ Gustavo Coronel. Corruption, Mismanagement, and Abuse of Power in Hugo Chavez's Venezuela. *The Cato Institute*. November 27, 2006. http://www.cato.org/pub_display.php?pub_id=6787

Colombian government has attempted to deal with insurgents in various ways which include non-zero sum negotiations. By allowing this, the guerrillas and paramilitary groups have often “win” over the government who in desperate need for a solution to the conflict has allowed this groups to have the upper hand. By negotiating with the insurgents and passing decrees such as “The Justice and Peace Law”, the government has concede to offering them a free passage by which they could lie about their crimes and be tried for a lesser charge and get a smaller sentence, Laws like the one mentioned before, offer impunity for the crimes committed, which translates into more violence since the perpetrators know they would not have to face any serious charges.

The national and local government leadership differs on how to deal with the increasing violence. Most of the conflict in Colombia is due to the existence of guerrillas and paramilitary groups in the rural areas of the country. In many instances the national government and the local government cannot agree on decisions because their information and involvement is different. It is more difficult for the national government to stay inform of every detail of the armed conflict to base their decisions on. They rely on the local government to handle the bulk of the information; yet, many times the local government does not have the means to deal with the powerful groups.

The United States has also influenced human rights issues in Colombia. During the 1980s the U.S. increased its pressure on Peru and Bolivia to decrease their involvement in coca production. This coca would pass through Colombia on its way to the United States. Due to the increasing pressure, drug production was moved to Colombia were the U.S. was not getting

involved. Being that Colombia had more open territory for the groups to spread in, I became nearly impossible to track them down and effectively eliminate them. Currently, the United States has provided tactical knowledge and even armed forces to help Colombia dismantle the drug business.

The great influx of money from the drug trade has made the problem more troublesome. The guerrillas not only use their money to obtain arms and better equipment, but they used it to buy their way out of trouble. The money can be given to government officials to corrupt their decisions. This money can also be given to other people in order to keep them silent about what takes place near them. From another perspective, this money can also be attractive for people to become part of these groups and partake in the trafficking of drugs and the arm conflict.

Argentina

In Argentina government policies have been similar to those in Colombia. The governments that followed the dictatorship in which most violations took place in order to deal with the human rights' transgression has wrongly given pardon to members of the military who participated in the violations. In essence some of the people responsible for the acts did not receive punishment, or where able to get out of jail after their trial. The pressure on the governments that followed created a necessity for finding different reasons for which these people who were given pardons could face the justice system. In many cases it was successful, but because of the length of time that passed, it became problematic to tie each aggressor to a crime.

Argentina's situation began because of the extreme opposite ideals that its citizens had. The left-wing Peronist wanted nothing but their ideals be taken in consideration by the government and once the military took over their main focus was on repressing the people's voice with very dramatic actions. The leaders of both groups failed to compromise or reach a middle ground and did not realized that the struggle they were initiating would be going on for more than a decade with so many victims on both sides.

During the dictatorship period, Argentina hosted the soccer world cup in which many people from all over the world entered the country for the famous tournament. Looking back in time this event taking place in Argentina, where so many horrific crimes were taking place seems rather inappropriate and insensitive. The countries did not acknowledge what was going on and the Argentinean government tried their best to keep the situation bottled up. Although normally looked bad upon, perhaps external pressure from other governments could have avoided the spread of the struggle for so many more years.

The human rights violations were only intensified with the public's discontent over the economic situation. It became very difficult for many people to find jobs and to earn enough money to sustain themselves or even their own families. These people also joined other protesters and inevitably became victims of the military or perpetrators themselves.

Findings

This research has hoped to shed light on a common problem that many Latin American countries currently experience. Latin America as a whole reached independence fairly quick; it

did so with the goal to escape the many injustices colonial powers were implementing on them. Yet, in doing so they did not thoroughly protect themselves from their own government's ruling nor they thought of how they themselves could be the perpetrators. I have found that in Latin American countries the violations come predominantly from their own government and whenever these violations are not made by the governments, it is most likely that they have been committed by groups who are discontent with the government and go to extraordinary lengths to show their dissatisfaction, such as guerrillas

The governments take advantage of their power to abuse their citizen's rights. In many instances they pursue changes in the constitution in order for certain institutions to increase their dominance and in most cases remain as the authority indefinitely. Governments may also act through their military and sometimes the police to enact their wishes. Such as in Argentina the majority of the violations were made by the country's army, navy and sometimes the police. They were in charge of disappearing insurgents who protest against the government in an attempt to reduce the discontent by the emerging panic.

Another instance in which the government violated the human rights of their citizens is by neglecting the violations that were committed or that were still taking place. The government is an entity that should protect and defend their citizens from any offences that may be done against them. It should be noticed that part of this involves prosecuting those who have already violated the law in order to set an example and avoid future occurrences. Instead many governments continue to offer pardons to criminals, not following the law and making justice unattainable.

Outside from the government there are other groups who have partaking in human rights' violations; examples of these are Colombia and Argentina. In the first country, many violations were committed by the guerrilla and paramilitary groups that were part of the drug trade and who constantly fight each other. Although at first the paramilitary groups were created by the military to combat guerrilla movements, they evolved into more violent groups who now commit violations against common citizens, teachers and human rights workers. In Argentina one of the insurgent groups that cause more violence was the Montoneros who combined their faith and revolutionary ideals to attract those who were against Perón.

Future Research

Now that we have answered the question of what caused human rights violations in Latin America, there are many preceding questions on the subject. Future research on the topic can focus on: How can the government reduce the violation of human rights, and to what extent they are already taking steps towards decreasing it. Also, another study can be made on what steps have been already made to improve the governments' fallacies and to what degree have these worked.

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