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INSTITUTO INTERAMERICANO DE DERECHOS HUMANOS
INSTITUT INTERAMERICAIN DES DROITS DE L'HOMME
INSTITUTO INTERAMERICANO DE DIREITOS HUMANOS
INTER-AMERICAN INSTITUTE OF HUMAN RIGHTS

Director Ejecutivo:

HERNAN MONTEALEGRE

Ref: DE 381-83

November 14, 1983

Dear Roma,

please find enclosed the second semi-annual report on the activities of the Inter-American Institute of Human Rights, as required by AID Grant No LAC-0591-6-55-2061-00 (as required by Attachment 1(E.1 a. and b.)).

With best regards,

Hernán

Hernán Montealegre
Executive Director

Ms. Roma D. Knee
Project Manager
Social Development Division
Bureau for Latin America and the Caribbean
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STATE DEPARTMENT
Washington, D.C. 20523
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Part I: Courses and Seminars

Staff

The personnel responsible for this aspect of the Institute's activities remains the same as that reported in the preceding semi-annual report: Dr. Gross Espiell as Director of Studies, Ms. Barbara Rodríguez as Assistant for Academic Coordination, and Daniel O'Donnell as Special Advisor.

Human Rights Course

The Institute's first human rights course took place in San Jose from September 12 to 30. The basic policy decisions concerning this course are described in the preceding report: that it would be multi-disciplinary; that it would be directed to a post-graduate population of persons having direct involvement in human rights, within governmental or non-governmental, and that students from all the distinct sub-regions of Latin America should be sought.

The original intention was to admit 50 to 60 students. However, an overwhelming number of applications from candidates possessing excellent qualification was received. In consequence it was decided to enlarge the number of participants. With the help of a grant from the Ford Foundation and an unsolicited grant offered by the International Development Research Centre when it received the course prospectus, it was possible to enlarge the number of scholarships offered to participants from abroad. This, together with the selection of 55 well qualified candidates of diverse nationalities resident in Costa Rica, made it possible to enlarge the total number of participants to 126.

The enthusiastic response to the announcement of the course and the level of experience and responsibility of the applicants

reinforced our conviction of the critical importance of this type of educational program in Latin America at this particular moment of its history.

The name, position and nationality of the persons selected as participants figure in an appendix to this report. However, it is worth drawing attention to the geographical and professional balance achieved. The geographic distribution of participants coming from abroad was as follows: the Southern Cone, 12; the Andean Region, 12; Central America, 12; Venezuela, Colombia and Panama, 20; the Carribean, 5; Mexico 6; Brazil 6 and the United States 2. Professionally, the following rough breakdown could be given:

Representatives of human rights organizations	31
Governmental officials (principally from ministries of foreign affairs and justice)	25
Other lawyers and judges	18
Directors or deans of institutions of higher learning	9
Other social or political scientists	16
Representatives of indigenous organizations	4

The courses concerning the international, regional and national systems for the protection of human rights which in a sense constituted the core of the course, were presented during the first week. The specialized topics of refugee protection and

humanitarian law and the multi-disciplinary dimension of the course followed in the second and third weeks. Although a few inevitable last-minute changes in the list of topics and professors occurred, the Institute is satisfied that a well-balanced program of very competent instruction was given. The final list of topics and the professors who presented them is as follows:

1. The International System for the Protection of human Rights (4 lectures)
Prof. Hector Gross Espiell, of Uruguay, Director of Studies and author of numerous studies in the area of international human rights.
2. The Regional System for the Protection of Human Rights (4 lectures)
Prof. Claudio Grossman, member of the Law Faculty of American University, and Consultant to the Inter American Commission on Human Rights.
3. The National System for the Protection of Human Rights (4 lectures)
A. González, head of the Legal Department of the Human Rights Program (Vicaría de la Solidaridad) of the Archbishopric of Santiago, Chile, with E.P. Haba, of Uruguay, Prof. in the postgraduate program of the University of Costa Rica Law School and Director of the Institute's project on human rights and constitutional law.
4. Refugees and Refugee Protection in Latin America (2 lectures)
H. Gross Espiell, Special Advisor to the UNHCR, with W. Villalpando, Assistant Director of the UNHCR

National Office in Mexico and
M. Morales, Legal Advisor of the UNHCR Regional
Office for Central America and the Caribbean.

5. Armed Conflicts and International Humanitarian Law
in Latin America (4 lectures)
C. Swinarsky, Legal Advisor, International Committee
of the Red Cross (Geneva).
6. Human Rights from the View Point of Political
Science (4 lectures)
M. Crahan, Luce Professor, Occidental College, with
R. Cerdas, Prof. of Political Science of the
University of Costa Rica.
René Poitevin, Researcher and Professor, Latin
American Faculty of Social Sciences (FLACSO).
7. Human Rights in Latin American Culture (4 lectures)
Abelardo Villegas, Asst. Dean of the Philosophy
Dept., The Autonomous National University of
Mexico.
8. "Four Lectures on Human Rights"
Julián Marías, philosopher, University of Madrid.
9. Human Rights and Development Strategies (2 lectures)
E. Lizano, Dean of the Economics Dept. University of
Costa Rica.
10. The Churches and Human Rights in Latin America
(2 lectures)
M. McGrath, Archbishop of Panama, with
A. Rivera y Damas, Archbishop of San Salvador

11. Human Rights and Foreign Policy, (1 lecture)
R. Piza Escalante, Judge of the InterAmerican Court of Human Rights and former Ambassador of Costa Rica to the United Nations.

12. The Problem of Indigenous Peoples in Latin America and Human Rights (1 lecture)
R. Stavenhagen, Academic Coordinator, Colegio de Mexico, former Assistant Director General, UNESCO.

13. The Latin American Woman and Human Rights (1 lecture)
M. Leon de Leal, Director of Research, Colombian Association on Population Studies and consultant to the International Labour Organization.

Julian Mariás' participation in the Institutes course marked the first visit of this renowned philosopher to Central America. Because of the intense interest which his lectures provoked, they were opened to the general public. Three of them were delivered in the National Theatre, and one at the University of Costa Rica. His visit was undoubtedly the most important cultural event of the year in Costa Rica.

The Institute also provided each student with a collection of basic documents concerning human rights, including The Protection of Human Rights in the Americas, by Buerghenthal, Norris and Shelton (Spanish edition, published by the Institute), the Manual of Human Rights Norms in Force in the Americas published by the Inter-American Commission on Human Rights, the Universal Declaration of Human Rights, the 1951 Refugee Convention and Protocol, and various publications of the International Labour Organization and International Committee of the Red Cross.

Each student submitted a paper on one of the themes discussed during the course. Participation in the debates was in general of a very high quality.

In general, the participants evaluation of the course was very positive. Many contacts were established which will prove valuable in the future, and many of the participants expressed the desire to remain in contact with the Institute or collaborate in its work. The Institute also plans to conduct a survey of participants during the course of the year to inquire as to the effect the course has had on their teaching, research or activities as human right activists or government officials.

For the quality of the professors, the number of participants and the impact on the community through Julián Mariás presentations in the university and National Theatre, the course constituted a special event in Costa Rica during the three weeks of intense work which it represented. This is reflected in the ample coverage it received in the television, radio and press (see Appendix).

The success and repercussion of the course without any doubt constitute a landmark in the history of the Institute and its future evolution in the hemisphere. The preceding brief report on the course should be considered provisional, as the brief interval which has elapsed since its celebration has not permitted the thorough and systematic evaluation which the Institute plans to realize, and which constitutes a permanent characteristic of the Institute's activity.

Part II: Research Projects

During the period in question the Institute has continued work on two research projects described in its previous semi-annual report, Human Rights and the Penal Systems of Latin America and Indigenous Rights and the Human Rights of Indigenous Peoples in Latin America. The progress of these two projects is described below.

Human Rights and the Penal Systems of Latin America

The principle development with respect to this project, whose purposes and goals are fully described in our previous report, was the meeting of twenty-three Latin American criminologists and experts in criminal law in San José from July 11 to 15, 1983. The participants were twenty-three outstanding experts from thirteen countries of South and Central America (a complete list is found in Appendices). The selection of participants from all relevant disciplines contributed greatly to the success of the meeting. The academics included highly regarded authorities in the area of criminology and some of the best-known authors on criminal law in Latin America: Eduardo Novoa Monreal, Rene Ariel Dotti, Alfredo Etcheberry and Eugenio Raúl Zaffaroni. Others were selected for their experience in the area of criminal justice, including a member of the Supreme Court of Colombia, the Director of Prisons of Ecuador and Minister of Justice of Costa Rica.

In contrast to other meetings organized by the Institute, the agenda (see Appendices) did not include a series of speakers addressing different topics, but rather intensive and detailed discussion of a comprehensive 200 page working paper prepared by the Project Coordinator, Dr. R. Zaffaroni (enclosed). The very thorough exchange of views which resulted between participants of different disciplines or different schools within a given discipline was most useful in establishing a firm foundation for the investigative part of the project.

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In the last two days of the meeting the participants, divided into groups working on different topics, prepared and discussed a comprehensive questionnaire which will play a decisive role in the investigative stage of the project (see Appendices). The questionnaire will be used to evaluate the present state of the criminal justice systems of the countries of Latin America from the perspective of respect for and protection of human rights. It covers five broad aspects of criminal justice: substantive criminal law, criminal procedure, sentencing and the correctional system, criminology and law enforcement trends and policies.

The third objective of the meeting was to identify experts who would participate in the investigative stage of the project. The meeting was a complete success in this sense. Virtually all the participants agreed to collaborate in the investigation (with the exception of Costa Rica, where the Institute selected Dr. Castillo as Rapporteur). In addition, suggestions were gathered as to how to obtain the widest possible circulation of and response to the questionnaire in countries not represented in the meeting.

One of the suggestions made concerned the publication of a preliminary report containing Dr. Zaffaroni's basic working document, and questionnaire together with commentaries on the project by the experts who have agreed to continue participating in it. The commentaries are due by November 31. In January 1984 the Executive Director of the Institute and Project Coordinator will meet in Chile with Drs. Mera and Etcheberry to review them, and publication of the preliminary report is planned for April 1983.

The most important dimension of their participation in the investigation, however, consists in providing complete and detailed answers to the questionnaire. Copies of the questionnaire have also been sent to selected individuals and academic institutions in Haiti and all the Spanish-speaking countries of America not represented at the initial meeting, in the hopes of obtaining an even broader information base for the final report.

Later in 1984 the Project Coordinator will prepare an analysis of the comprehensive responses to the questionnaire provided by the expert participants, and whatever supplementary material which results from the broader circulation of the questionnaire and preliminary report. A second major meeting will then be convened to discuss his analysis together with the information gathered in the course of the investigation, and to draw the appropriate conclusions regarding the protection of human rights in the criminal justice systems of Latin America.

Indigenous Legislation and the Human Rights of Indigenous Peoples in Latin America

The other project being carried out pursuant to the grant for research projects concerning legal education and the adjustments of legal systems in Latin America and the Caribbean is the project on indigenous legislation and human rights whose purposes and conceptual framework are described in the Institutes preceding semi-annual report. The project commenced June 1, 1983 and the project director is Rodolfo Stavenhagen, sociologist, Academic Coordinator of the Colegio de Mexico, and author of many works on campesinos, minorities and related problems.

The project is presently in the initial stage, which consists of the collection of indigenous legislation and other relevant information, concerning in particular the application of such legislation and indigenous customs. The Inter-American Indian Institute, a specialized organ of the OAS, has agreed to participate in the project and has circulated to all member states a request for copies of the legislation in force. This is very important, as no comprehensive collection of such legislation presently exists, and all the hispanic nations of Latin America which have indigenous populations are members of the Inter-American Indian Institute. Responses from some member states have already been received.

On the non-governmental level, the collaboration of the Latin American Anthropological Documentation Center (CADAL) has been secured. The Center is preparing a comparative study on this question from the anthropological point of view based on information in its archives. In addition, it is presently drafting a questionnaire to be sent to indigenous organizations and indigenous institutes and experts soliciting information necessary to complement that received from governments. The Center already disposes of a list of such organizations and individuals with whom it has established working relations and to whom the questionnaire will be sent. It will also collate and analyze the information received in response to the questionnaire.

On the international level, Mario Ibarra, Director of the Documentation Center on Indigenous Populations in Geneva is undertaking a study of the relevant materials in the archives of the international labour organization and UN Centre for human rights. His study is to be completed November 31, 1983.

Information has also been requested from a number of human rights and academic organizations including Cultural Survival and the Indian Law Resource Center in the United States, the World Council of Indigenous Peoples, with headquarters in Canada and the National Indigenist Institute of Mexico.

In January 1984 a review of the information received will be made to determinewhether the final report shouldbe general and comprehensive, classifying the countries regarding which information is available and undertaking an analysis based on these categories, or whether certain countries should be selected for detailed analysis.

The project is scheduled to conclude in May 31, 1984 with the publication of a report containing the collected legislation, relevant international texts and Dr. Stavenhagens' analysis of the issues as defined in our previous report.

Part III

Meeting on Elections and Democracy in Central America

The meeting on elections and democracy in Central America mentioned in the preceding semi-annual report of the Institute took place in San José from July 27 to 30, 1983. In attendance were thirty participants from Central America and Panama and eleven participants from Europe, Mexico, the United States and South America.

The importance of this unprecedented meeting is underlined by the participation of a number of important governmental and non-governmental observers. Among them are the ambassadors of Canada and the United Kingdom, the Secretary General of the Nicaraguan Revolutionary Movement, the Secretary General and Secretary for International Relations of the Social Democratic Party of Guatemala, the International Representative of the United Revolutionary Front (FUR) of Guatemala, the Secretary General of the Superior University Council of Central America (CSUCA), the Executive Secretary of the UN University for Peace and the Vice-Director of the UN Latin American Institute for Crime Prevention (ILANUD).

(A complete list of participants and observers is found in the Appendices).

The purpose of this meeting was originally defined as discussion of the final report of a year-long investigation on the electoral process in Central America which was funded by the Freidrich Naumann Foundation of Germany. Dr. Rodrigo Carazo, past president of Costa Rica and director of the investigation was charged with the final presentation on "Proposals for the achievement of democratic elections in Central America" in which he presented the results of the investigation.

However, in the course of planning the meeting it became apparent that the theme of elections and democracy is of such profound importance and relevance in the world today that it would not be feasible to restrict the meeting to a discussion of the investigation per se.

For this reason the scope of the meeting which was actually organized exceeded the scope of the original plans. Indeed, the type of meeting which occurred was quite different than the more academic meetings previously organized by the Institute, and in effect marks its entry into an important new area of its promotional activities.

In addition to the above-mentioned presentation based on the Institute's investigation in this area, eminent political scientists from throughout the world presented papers on four critical aspects of the problem under discussion: "The requisites and pre-conditions of a democratic electoral process", by Dr. Bolivar Lamounier, Director of the Institute of Political and Economic Studies of Sao Paulo; "The human rights of minorities and majorities before and during the electoral process", by Dr. Carlos Roberto Reina, then President of the Inter-American Court of Human Rights and authority on politics in Honduras; "Non-Competitive elections and democracy", by Dr. Alain Rouquié of the National Foundation for Political Science, Paris, and "Elections in societies with an authoritarian past", by Dr. Giuseppe Di Palma, Chairman of the Political Science Department of the University of California at Berkley.

These presentations, and the final presentation of Dr. Carazo, were followed by a debate which was not predominantly academic but rather firmly rooted in the political reality of Central America. The broad spectrum of participants of different political convictions from various countries of Central America,

together with the political science and human rights framework within which the discussion took place, while not academic, was impartial, objective, characterized by serious effort of mutual comprehension. The meeting constituted a first attempt to establish a dialog on the political problems afflicting the region among representatives of the most important political tendencies within the countries concerned, within the framework of human rights.

So defined, for the spirit of frankness, tolerance and in some cases reconciliation which prevailed, the meeting must be considered an unqualified success. In particular the dialog which occurred between the Guatemalan opposition and government (the latter represented unofficially in the person of the President of the Council of State) may one day prove to have been of historic importance in promoting a return to elected government in that country.

Methodologically, the general debate on each presentation was preceded by a short evaluation by two commentators selected so as to provide a political balance. In addition, six working groups met throughout the meeting to discuss each theme with relation to each of the six nations represented. This arrangement was designed to permit more detailed discussion of the situation in each country and functioned very satisfactorily. One Rapporteur was appointed to follow the discussion with respect to each country, as follows:

El Salvador	Dr. Luis Maira
Guatemala	Dr. Jorge Cáceres
Honduras	Dr. Emilio Royo
Nicaragua	Dr. Villagran Kramer
Costa Rica	Dr. Carlos Rico
Panama	Dr. Hernán Corrales

Each prepared a report which was presented in the closing plenary session.

The final general report was prepared by Dr. Constantino Urcuyo, Director of the Political Science Department of the University of Costa Rica and Coordinator of the meeting. A book containing the documents prepared in connection with the meeting is presently in preparation.

Apart from the success of the meeting in terms of the establishment of a real dialog among the forces whose actions will determine the political future and thus the future of human rights in Central America, and the important intellectual contribution which the publication of the principle speeches will represent, the meeting was extremely useful to the Institute in helping to clarify the conceptual framework for the planned Center for Electoral Promotion and Assistance and in establishing contacts which will be invaluable in carrying out the work of the Center.