

UNITED STATES

In 1993, Human Rights Watch reported on several types of human rights abuse in the United States. Together with the American Civil Liberties Union, Human Rights Watch published a major report detailing U.S. compliance and noncompliance with the International Covenant on Civil and Political Rights, whose ratification by the U.S. in 1992 significantly expanded the protection of human rights in this country. Americas Watch released "Frontier Injustice," a follow-up to its 1992 report on human rights abuses by U.S. Border Patrol agents. Human Rights Watch collaborated with three other non-governmental organizations to produce a study of physician participation in the death penalty, and the Prison Project continued to monitor U.S. prison conditions. Finally, Human Rights Watch participated in the U.S.-based litigation against Bosnian Serb military commander Radovan Karadzic, who stands accused of a multitude of crimes, including genocide, torture, and crimes against humanity.

U.S. Compliance with the International Covenant on Civil and Political Rights

On September 8, 1992, the United States formally adopted the International Covenant on Civil and Political Rights (ICCPR). In doing so, the United States undertook "to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the ... Covenant, without distinction of any kind ..." This duty is modified only by the explicit reservations entered by the United States.

Under the terms of the ICCPR, the United States had one year from the date of ratification in which to file a report on its compliance with ICCPR provisions. In anticipation of this report, Human Rights Watch and the American Civil Liberties Union collaborated to produce their own report on U.S. compliance with the ICCPR. Scheduled for release in December 1993, this report examined several areas of concern and found the U.S. to be in violation of numerous Covenant provisions. For example:

- *Immigration and Refugee Law.* The U.S. policy of interdicting and summarily repatriating Haitian boat people violated Article 12 of the ICCPR, which states that "[e]veryone shall be free to leave any country, including his own." The indefinite detention of HIV-positive Haitian asylum-seekers at Guantánamo Bay Naval Base, a practice discontinued in the summer of 1993 by court order, violated Article 9, which requires a statutory basis for detention. It also violated Article 10, which forbids inhumane conditions of confinement, and Article 26, which forbids discrimination on the basis of national origin (only Haitians were subject to medical screening and detention based on HIV status; intercepted Cubans, for example, were not medically screened and were transported directly to the United States). Misconduct by agents of the Immigration and Naturalization Service (INS), detailed below with regard to border violence, violated

Article 7 (the right to be free from torture or cruel, inhuman or degrading treatment), Article 9(1) (the right to liberty and security of the person), and Article 16 (the right to recognition everywhere as a person before the law).

- *Prison Conditions.* United States treatment of prisoners and conditions of confinement violated each of the three paragraphs of Article 10 of the ICCPR. Article 10(1) requires that all persons deprived of their liberty "be treated with humanity and with respect for the inherent dignity of the human person." Conditions of confinement in the U.S. increasingly violated this mandate, with extreme overcrowding stripping prisoners of dignity and privacy and endangering their health and safety. The brutal treatment of the new "maxi-maxi" high-security prisons also contravened this provision. Confinement of pretrial detainees in facilities that were often older, more crowded and more dangerous than prisons violated Article 10(2), which requires that pre-trial detainees be separated from convicted persons and accorded treatment "appropriate to their status as unconvicted persons." Finally, Article 10(3) states that prisoners must be given treatment that aims for "reformation and social rehabilitation." This stands in marked contrast to current U.S. law and practice, which had rejected an affirmative right to rehabilitation.
- *Language Rights.* Article 2 of the ICCPR requires that the rights of the covenant be recognized "without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." Similarly, Article 26 forbids discrimination on the basis of any of these grounds. In contrast, domestic U.S. law provides no explicit protection against language discrimination. Those small pockets of protection that do exist reflect piecemeal legislation rather than a comprehensive policy, and have done little to stanch the ongoing attacks against minority language use in the schools, workplace and electoral arena. Federal courts have refused to equate language discrimination with national origin discrimination, which, like race and religion, warrants the highest level of judicial scrutiny; instead, language-based claims have been slotted into the lowest level of the three-tier system of evaluating discrimination claims, which requires only that the government show a "rational basis" for discriminatory government action. By attaching to its ratification an understanding that distinctions based on race, color, sex, language, religion, etc. are permissible when they are, "at minimum, rationally related to a legitimate governmental objective," the U.S. diluted the protection of the ICCPR to match that of the U.S. courts. Nonetheless, the ICCPR's specific prohibition on language discrimination adds a greater scope of protection than was previously available.

The Human Rights Watch/ACLU report also examined U.S. compliance with the ICCPR in regard to free expression, race discrimination, women's rights, language rights, and religious freedom.

Border Violence

In May 1993, Americas Watch released "Frontier Injustice: Human Rights Abuses Along the U.S. Border with Mexico Persist Amid Climate of Impunity." The forty-six-page newsletter followed the 1992 publication of *Brutality Unchecked: Human Rights Abuses Along the U.S. Border with Mexico*, a major report detailing severe human rights abuses committed by the U.S. Border Patrol of the INS. One year later, Americas Watch found the situation unchanged; serious abuses continued and mechanisms to ensure accountability were thoroughly inadequate. Documented abuses included numerous beatings, sexual assault, arbitrary detention, unjustified shootings, and murder. Border Patrol agents often covered up abuses of fellow agents by observing a "code of silence," complaints were discouraged, procedures for investigating alleged violations were ineffective, and abusive agents often went undisciplined.

Those vulnerable to mistreatment included undocumented immigrants, refugees, U.S. citizens and legal residents. They might be abused during apprehension or while in detention; although the majority of such abuses occurred in the border region, abuses were documented in interior regions as well, including Nevada and Nebraska. High school students had been harassed and assaulted while on or near their school campuses. Instances of abuse were not limited to agents of the border patrol; "Frontier Injustice" included allegations of abuse by customs agents at points of entry, which, although less widespread than border patrol violations, shares the same disregard for the rights of the person and the same freedom from accountability. Racially motivated verbal abuse by immigration law enforcement agents was also extremely common.

The case of border patrol agent Michael Andrew Elmer was a stark example of the impunity surrounding even the most violent border patrol agents. On June 12, 1992, Elmer was patrolling the border region near Nogales, Arizona when he and his partner spotted three men they suspected to be lookouts for drug smugglers. As the men fled, Elmer shot at one of them a dozen times, hitting him twice in the back. He then hid the wounded man, Darío Miranda Valenzuela, behind a tree trunk in a gully, where the victim subsequently died. Elmer's partner, agent Thomas Watson, broke the traditional code of silence and reported the shooting fifteen hours later.

Although he was acquitted of murder on the grounds of self-defense, Elmer's trial revealed his alleged perpetration of other human rights abuses: on March 18, 1992, he reportedly assaulted a motorist, leaving him wounded and in need of stitches; later that night Elmer was alleged to have shot at a group of thirty undocumented immigrants, wounding one in the stomach and leg. In keeping with the code of silence, none of the agents present during these incidents reported them; were it not for the

publicity surrounding the investigation into the Miranda murder, they would have remained hidden and unaccounted for. (Two of the victims of the March shooting reported the incident at a border patrol station, but it was not investigated.) Significantly, agent Watson, who reported the killing of Miranda Valenzuela, was fired by the border patrol. Although the ostensible reason was his fifteen-hour delay in reporting the shooting, he believed the real cause to be his breach of the code of silence.

Other documented abuses included:

- Border Patrol agent Luis Santiago Esteves was reported to have sexually harassed or assaulted three different women whom he first encountered while on duty. The first incident was reported to his supervisor on October 9, 1989; no disciplinary action was taken against him. The second incident led to his arrest in December 1989 for rape. Although Esteves was temporarily suspended, the border patrol reinstated him when the victim failed to appear in court, forcing the prosecutor to drop charges. He was arrested a third time in 1991, again for rape. That arrest led to a conviction and, in July 1992, he was sentenced to twenty-four years in prison.
- On December 23, 1992, a border patrol agent allegedly beat an unarmed man who had been apprehended near the border. The agent then warned the man not to report the beating. Agents took him and his female companion, who was detained by a second agent and witnessed the beating, to the San Ysidro, California detention center, where they were held for several hours. Despite the man's obviously severe pain and his repeated requests for medical attention, no assistance was provided for several hours. He was eventually taken to a hospital, where he remained under observation for ten days, at which time his condition worsened and he underwent surgery to repair damage that had been done to his pancreas. Two weeks later the border patrol issued a statement claiming the man had injured himself by falling into a drainage ditch. Although both the Federal Bureau of Investigation (FBI) and the Office of the Inspector General of the Justice Department subsequently began investigations, the agent was reportedly still on active duty as of November 1993. In keeping with INS policy, the agent's name was withheld from the victim and his attorney.
- In February 1992, a customs agent injured a U.S. citizen whose car was being inspected at an El Paso/Juarez checkpoint. According to the victim and witnesses, the agent twisted the woman's arm behind her back and held it there for a long period of time, despite her protests that he was hurting her. She was taken by ambulance to a nearby hospital, where a cast was placed on her severely sprained arm. An investigator with the Office of Internal Affairs of the Customs Service took statements from customs agents at

the scene, yet never contacted the victim, even though her name and phone number were available from police officers who had been called to the scene. When the victim returned to the checkpoint days later to ask whether the agent had been disciplined, she was told that he had been suspended; Customs Service officials later admitted that she had been misinformed and that the agent remained on duty.

- In December 1992, a federal court ruled that border patrol agents committed a number of abuses over a period of years against students and faculty at Bowie High School in El Paso, Texas, including the use of excessive force (beatings, rough physical treatment, and the unnecessary brandishing of a weapon), verbal abuse, and harassment. *Murillo v. Musegades*, EP-CA-319-B, (W.D. Tex. Dec 1, 1992). "Frontier Injustice" also reported numerous instances of border patrol agents' harassment on high school campuses in Phoenix, Arizona.

Americas Watch concluded that these and similar incidents of misconduct were fostered by a protective climate of impunity sustained by a variety of factors. First, incidents of abuse often went unreported, due both to victims' fears of deportation or further harassment and to the absence of information regarding complaint procedures. Second, attempts to lodge complaints were often obstructed by immigration officials. "Frontier Injustice" reported that complainants were ridiculed, given incomplete or wrong information, directly discouraged from filing complaints, and threatened with counter-charges. Reports by fellow agents were also rare, in adherence with the strict code of silence.

In addition to these informal obstacles, existing complaint procedures within the INS were found to be inadequate. Most abuse cases were investigated by INS and Border Patrol managers themselves, calling into question the independence of the investigators. And, although the Office of the Inspector General of the Justice Department maintained a hotline to receive complaints, its existence was almost wholly unknown, its operation hours limited, and its staff not equipped to respond to Spanish speakers.

Those investigations that did take place were shrouded in secrecy, with the Justice Department refusing to divulge the names of agents involved or the status or results of investigations. Agents under investigation might remain on active duty at the discretion of their supervisors, even when the alleged abuse was a serious criminal offense. Finally, Americas Watch found a consistent failure to discipline agents involved in human rights abuses. Where disciplinary action was taken it was carried out in an arbitrary fashion, turning more on the agent's relationship with his supervisor than on the seriousness of the abuse committed.

There were some encouraging developments following the release of "Frontier Injustice" in May 1993. Citing the Americas Watch report, Acting INS Commissioner Chris Sale sent a letter to all district directors and chief patrol agents in July 1993.

Saying she was "seriously concerned about these allegations," Ms. Sale declared her intention "to ensure strict adherence to policies and procedures for investigating allegations of abuse and disciplining ... [violators of] principal human rights." She also promised "imminent approval" of an INS policy for the use of non-deadly force. In October 1993, Doris Meissner was confirmed as commissioner of the INS. In a written statement submitted at her confirmation hearing, Ms. Meissner stated that the work of the INS "must always be done with care, compassion and respect for human and civil rights."

In the meantime, Americas Watch followed up on the recommendations first made in our 1992 report, *Brutality Unchecked*. In addition to detailed recommendations regarding the use of force, Americas Watch advocated the creation of an independent federal commission to receive complaints of abuse, investigate those complaints, hold public hearings when warranted, and relay its findings to the INS or Customs Service for disciplinary action. During 1993, Human Rights Watch worked closely with members of Congress who supported the creation of such a commission. In May, Rep. Xavier Becerra (D-CA) introduced the "Immigration Enforcement Review Commission Act," which would provide for independent review of the INS and the Customs Service.

Hearings on the proposal were held in September, and the bill continued to gain co-sponsors.

Prisoners' Rights

The Prison Project of Human Rights Watch continued to monitor the treatment of U.S. prisoners. In April 1993, Human Rights Watch wrote to Attorney General Janet Reno, drawing her attention to three U.S. prison matters: (1) the case of federal inmate Brett Kimberlin, who was denied access to the press and placed in administrative detention after alleging during the 1988 presidential campaign that he had sold marijuana to then vice-presidential candidate Dan Quayle; (2) the administrative transfer of twenty inmates from the Lewisburg, Pa. penitentiary to the super-maximum security facility at Marion, Ill.; and (3) new regulations imposing a variety of restrictions on the use of telephones by federal inmates.

In September 1993, a Justice Department report of its investigation into the Kimberlin case was made public. This report admitted that Kimberlin had been subject to "disparate treatment," that his placement in detention had been due to his attempts to contact members of the press, and that the personal involvement of Bureau of Prisons director J. Michael Quinlan, who canceled a scheduled Kimberlin press conference and ordered Kimberlin's special detention, was "quite unusual." Nonetheless, the report denied that political considerations played any role in Kimberlin's extraordinary treatment.

In October, Human Rights Watch again wrote to Attorney General Reno, renewing its request that she address the Marion transfers and restrictive new telephone regulations.

Death Penalty

In September 1993, Human Rights Watch wrote to Governor Tucker of

Arkansas, urging him to grant a stay of execution to Barry Lee Fairchild, a mentally retarded man who was found guilty of murder on an accomplice-liability theory. In addition to Fairchild's low mental capacity, reports indicated that his confession may have been coerced through physical abuse by sheriffs investigating the murder. On the day he was to be executed, September 22, a federal district court judge vacated Fairchild's death sentence.

Human Rights Watch collaborated with the American College of Physicians, the National Coalition to Abolish the Death Penalty, and Physicians for Human Rights in producing a report on physician participation in capital punishment in the United States. This report provided a brief history of physician involvement in U.S. executions and surveyed current state laws and practices and the responses of medical associations. Most significantly, the report explored the ethical implications of physician involvement in capital punishment, and recommended bringing laws into compliance with prevailing medical ethics, which forbid physician participation in executions. The report was scheduled for a December 1993 release.

Asylum Reform Proposals

During the year, the rights of individuals with legitimate asylum claims were threatened by proposals made by the Clinton administration and by legislation introduced in Congress. Those proposals sought to "streamline" and "expedite" the asylum process by turning back individuals without proper documentation at points of entry if they could not prove their claims at immediate airport interviews; they would also have reduced opportunities for asylum-seekers already within the U.S. to present their case. Human Rights Watch warned lawmakers that many provisions of these proposals ignored internationally recognized standards and treaty obligations protecting asylum-seekers.

In response to the public outcry over criminal acts carried out by individuals in the United States illegally—some of whom may have abused the asylum process—dozens of bills were introduced in Congress, and reforms were proposed by the Clinton administration. In letters criticizing these initiatives, Human Rights Watch argued that the asylum system itself was basically sound but not functioning properly due to mismanagement and inadequate funding. As a result, individuals were able to abuse the system—and might continue to do so even if improvements were made.

Any modifications to the asylum system must comply with customary international law and international treaties which prohibit *refoulement*, the forcible repatriation of any refugee whose life or freedom would be threatened. The 1951 Convention on the Status of Refugees and its 1967 Protocol, which the United States has ratified, provide:

No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a

particular social group or political opinion.

This prohibition of *refoulement* must be the central principle in any asylum reform plan. Human Rights Watch believes that the only way to ensure compliance with the *refoulement* prohibition is by granting individualized hearings in which asylum applicants have a fair opportunity to prove possible persecution and a right of appeal.

Among the objectionable provisions of pending legislation were: overly rigorous or ambiguous standards of persecution; arbitrary time limits restricting an asylum-seeker's right to file a claim; restrictions on independent or judicial review of denied claims; and return of asylum-seekers stopped at points of entry to countries through which they traveled on their way to the United States, even though these countries might or might not protect refugees.

High Seas Interdiction

In 1993, the Clinton administration continued the Bush policy of interdicting and summarily repatriating all Haitians encountered on the high seas. As discussed below, Human Rights Watch participated in litigation challenging this practice, on the grounds that it violates the international legal principle of *nonrefoulement*.

A disturbing new development in U.S. interdiction policy occurred in July 1993, when the Coast Guard intercepted three boats carrying a total of 659 Chinese immigrants in international waters off the coast of Mexico. Allowing the Chinese into U.S. territory would have made it possible for them to apply for political asylum. To avoid this, the United States asked the Mexican government to accept the immigrants just long enough to deport them back to China. The U.S. offered to pay the cost of the deportations, which Mexico refused.

In letters to Presidents Clinton and Salinas, Human Rights Watch urged that the prohibition against *refoulement* be observed and that the detainees be screened to ensure that those facing possible persecution on political and other grounds not be forcibly repatriated to China. Reports that previous deportees had been subjected to months of "reeducation" and other forms of persecution increased the concern. Human Rights Watch argued that the *refoulement* prohibition is binding on both Mexico and the United States as a matter of customary international law; furthermore, the U.S. has ratified the Protocol Relating to the Status of Refugees, which codifies the prohibition. In its letter to President Clinton, Human Rights Watch explained the implication of this.

What the U.S. by its own interpretation of international law cannot do directly, it should not be able to do indirectly by enlisting the Mexican government as an intermediary. Otherwise, the U.S. government sends the signal that international refugee standards can be avoided simply by getting another government to do the dirty work. Refugee law would be crippled by such subterfuge.

Approximately one-third of the detainees were given a cursory screening for refugee status (in the form of a questionnaire) by the United States while still in international waters. Mexico then allowed the boats to enter its territory. Thirty crew members were arrested for trafficking in human beings. All but two of the other occupants of the boats were deported to China. Both were allowed to enter the United States, where they applied for political asylum.

Litigation in the U.S. Courts

In 1993, Human Rights Watch continued its active involvement in U.S. civil litigation involving the application of international human rights law.

- *Doe v. Karadzic*. This class action suit was brought against Bosnian Serb military commander Radovan Karadzic in February 1993. The suit charged Karadzic with genocide, war crimes and crimes against humanity, summary execution, torture, cruel, inhuman or degrading treatment, wrongful death, assault and battery, and intentional infliction of emotional harm. The two named plaintiffs, Jane Doe I and Jane Doe II, are teenage Muslim women from Bosnia and Hercegovina currently living as refugees in Zagreb, Croatia. Jane Doe I was allegedly raped by at least eight Bosnian Serb soldiers, beaten and slashed with a knife; Jane Doe II and her younger brother were allegedly forced to witness the rape of their mother by Bosnian Serb soldiers, who then allegedly murdered her. Their claims were representative of the entire class, estimated to number in the thousands and consisting of all women and men who had suffered these and similar abuses at the hands of the Bosnian Serb military forces acting under the command and control of defendant Karadzic. The plaintiffs argued that Karadzic knew or should have known that his forces were committing these abuses, that he failed to prevent or punish these abuses, and that he was liable to the class members under international law, as well as two U.S. laws—the Torture Victim Protection Act and the Alien Tort Claims Act.

Filing an *amicus curiae* brief in response to Karadzic's motion to dismiss for lack of jurisdiction, Human Rights Watch argued that the United States had a vital interest in redressing the atrocities alleged. The international conventions on which the plaintiffs base their claim, including the Genocide Convention, the Geneva Conventions and the Torture Convention, provide States parties with not only a compelling interest but an affirmative obligation to hold violators legally accountable for their human rights abuses.

Federal law, including the Torture Victim Protection Act, underscores this interest and obligation. In addition, customary international law provides universal jurisdiction for allegations of genocide and war crimes. Under the

doctrine of universal jurisdiction, neither the nationality of the perpetrator or the victims nor the location of the crime constrains jurisdiction, since the perpetrators of such atrocities are enemies of all humankind.

- *Haitian Centers Council v. McNary*. United States treatment of Haitian refugees was litigated in two related cases beginning in 1992. One case challenged the discrimination against HIV-positive Haitian asylum-seekers, who were being held indefinitely at Guantánamo Bay Naval Base under adverse conditions and without access to attorneys, visitors, telephone calls, or letters. The second case challenged the "Kennebunkport Order" issued by President Bush and continued under President Clinton despite earlier vows to the contrary. This policy called for the immediate and summary repatriation of all Haitians interdicted on the high seas, without screening to exclude refugees. Human Rights Watch submitted *amicus curiae* briefs in both cases. In June 1993, the Supreme Court overturned a Second Circuit decision and approved the Kennebunkport Order. In their brief to the court, Human Rights Watch had argued that this blanket policy of forcible repatriation violated the international law of *non-refoulement*, which prohibits the forcible return of refugees to countries where they face persecution. Human Rights Watch issued a press release in response to the Supreme Court's decision, describing it as "a devastating setback for the international protection of refugees." Meanwhile, the Guantánamo detention camp was ordered closed by Federal District Court Judge Sterling M. Johnson, Jr. "The Haitian camp at Guantánamo is the only known refugee camp in the world composed entirely of HIV-positive refugees," he said in his opinion. "The Haitians' plight is a tragedy of immense proportion and their continued detainment is totally unacceptable to this Court."
- *Saudi Arabia v. Nelson*. Scott Nelson was a safety engineer in a government-run hospital in Saudi Arabia in 1984. He sued the Saudi government in 1988, alleging that he had been arrested, tortured and unlawfully detained for thirty-nine days after he reported an unsafe condition to his supervisors and a government commission. Invoking the Foreign Sovereign Immunities Act (FSIA), the Saudi government moved for dismissal based on lack of jurisdiction; as it currently stands, FSIA denies U.S. courts jurisdiction to hear suits by U.S. citizens against foreign governments, unless the dispute relates to "commercial activity." Nelson prevailed before the circuit court, but at the urging of the Saudi and U.S. governments, the United States Supreme Court agreed to review the case. Human Rights Watch submitted an *amicus curiae* brief to the Supreme Court on behalf of Nelson, emphasizing the obligation imposed by international law on all states to provide a remedy to torture victims. In light of this obligation, and because Nelson was almost certain not to

receive redress in Saudi courts, Human Rights Watch argued for an expansive interpretation of the commercial activity exception to the FSIA. On March 23, 1993, the Supreme Court allowed the Saudi government's motion to dismiss. Middle East Watch responded by publicly urging passage of a proposed bill (H.R. 934) that would amend the FSIA and extend U.S. court jurisdiction to include claims against foreign states that allege injury or death to U.S. citizens caused by foreign security forces. The House Judiciary Committee approved the bill in September 1993.

THE ARMS PROJECT

The Arms Project was organized in September 1992 with a grant from the Rockefeller Foundation. Its purpose is to monitor and seek to prevent transfers of weapons, military assistance, and training to regimes or groups that commit gross violations of internationally recognized human rights or of the laws of war. In addition, the Arms Project seeks to promote freedom of expression and freedom of information about arms and arms transfers worldwide.

The Arms Project is therefore a human rights undertaking that seeks to prevent the physical means of human rights abuse from reaching the hands of known abusers. It seeks accountability from both suppliers and recipients of weapons for the human rights consequences of their transfer. It is a human rights rather than disarmament organization; the touchstone of its activities is human rights, rather than broader agendas of peace, stability, security, proliferation, or arms control.

Two distinguishing features of the Arms Project in 1993 were its commitment to field research and its emphasis on the trade in small arms and other less than major weapons. With respect to the trade in less than major weapons, the Arms Project was particularly (although not exclusively) interested in those weapons most prevalent in human rights abuse—small arms, light weapons, and landmines. Although the Arms Project took into account any transfer of security material or training to a violator of human rights or the laws of war, including major weapons systems, dual-use technology, and training, much of its research program focused on transfers and abuse of less than major weapons.

The project's field research attempted to connect the documented abuse of weapons in the field to their supply. Thus, field research undertaken by the Arms Project began with the demand side of weapons transfers—their use and abuse—and worked from there to the supply side. By focusing on abuse, the Arms Project was able to bring to bear the traditional tools of the human rights movement, international denunciation and stigmatization for the violation of international standards. This emphasis on field research made the Arms Project nearly unique among groups researching arms transfers, which generally emphasized research among government and other public documents.

Because transfers of less than major weapons have not been tracked in the way that major weapons are, however, field research was the best way of investigating this trade.

Regarding weapons of mass destruction, the Arms Project had an active program on the use of chemical and biological weapons that violated the current laws of war. The Arms Project committed itself to examining the question of whether to undertake the issue of nuclear weapons, but believed that its limited resources were best put toward weapons systems that had not received adequate attention in the international security field, but that most gravely threatened the developing world and produced the most severe violations of international human rights.

An area of special consideration were weapons which as a class were, or in the view of the Arms Project should be, prohibited by the laws of war. The Arms Project identified in this area chemical or biological weapons and anti-personnel landmines. The Arms Project sought to eliminate these weapons under the laws of war, without consideration of the human rights record of the country or group possessing them.

Field Research

Taking advantage of Human Rights Watch's extensive field operations, the Arms Project in its 1992-93 year sent researchers to Angola, Argentina, Brazil, Chile, Georgia, India, Iraqi Kurdistan, Israel, Lebanon, Mozambique, Pakistan, Russia, Rwanda, and Uganda. The field missions typically focused on a particular question, such as where the parties to a conflict, who have been shown to be abusive of human rights or the laws of war, were obtaining their weapons. These field missions produced completely new information on arms transfers and the abuse of weapons that was not available in public documents in Washington or Western capitals.

In Angola, working with Africa Watch, the Arms Project began initial work on a study of weapons and violations of the laws of war in the renewed fighting that had left tens of thousands dead.

The size of the conflict meant that this work would be completed and published in 1994.

In Brazil, Argentina and Chile, a mission was undertaken in April and May 1993 to research conventional arms transfers by countries of the Southern Cone. The purpose of this research was to inaugurate a series of reports on transfers of weapons to the developing world by countries of the developing world, in addition to the more usual investigation of transfers by "first-world" countries to the developing world.

In cooperation with Helsinki Watch, the project conducted a mission to Georgia and Abkhazia to investigate violations of the laws of war and abuses of weaponry in the Abkhazian separatist war in August 1993. The investigation focused on the role of Russian military forces and weapons in the conflict.

An Arms Project consultant visited India and Pakistan in March and April 1993 to conduct research on how weapons were reaching the hands of abusive armed groups in both countries. This research focused on small arms.

The Arms Project, following up on research conducted for

Middle East Watch and Physicians for Human Rights (PHR), released with PHR the findings of tests conducted by the British Ministry of Defence on soil samples obtained by a HRW/PHR field research team from the site of a 1988 Iraqi army chemical weapons attack against a civilian village; the tests showed remnants of mustard gas and nerve gas in the soil. This marked the first time ever that the use of chemical weapons was proven by traces of the chemicals or their degradation products. The implications for arms control verification regimes were of considerable importance, as were the implications of being able to prove such massive violations of the laws of war as took place in Iraqi Kurdistan.

Arms project staff visited Israel in November 1993 as part of an Arms Project/Middle East Watch investigation into violations of the laws of war and abuses of weapons in the summer 1993 Israeli army and Hizbollah attacks in southern Lebanon. A Middle East Watch expert visited southern Lebanon in October 1993 and conducted extensive interviews among Lebanese refugees and documented physical destruction. The research from the two missions was directed toward publication of a single report, scheduled for January 1994.

Field work on land mines in Mozambique was scheduled for publication in a December 1993 report.

An Arms Project consultant visited Pakistan in March 1993 in the course of researching a report, to be released in December 1993, on weapons transfers to abusive armed groups in India and Pakistan.

In July 1993 research was carried out in Russia on the role of the Russian military and Russian-supplied weapons in the Georgian-Abkhazian conflict. A report was planned for release in January or February 1994.

A consultant conducted field work in Rwanda for the purpose of determining the sources of weapons to each of the extremely abusive sides of the Rwandan civil war. His work also took him to Belgium, and resulted in the discovery of previously unpublicized South African and Egyptian arms connections. The resulting report was scheduled for release in French and English in December 1993.

The same consultant also undertook research in Uganda in the course of investigating arms transfers to insurgent forces in the Rwandan civil war.

The purpose of these field missions was to develop new information not published elsewhere, to target specific instances of abuse, and to demand accountability from the suppliers of weapons by confronting them with the evidence of abuses.

Data Base Research

An ultimate aim of the Arms Project is to develop a systematic data base on transfers of weapons to and from regimes that violate human rights or the laws of war. To this end the Arms Project established a central data base, concentrating on less than major weapons systems. The Arms Project was the only organization in the United States attempting to monitor the trade in less than major weapons on a systematic basis.

The project undertook the collection of arms transfer information on an initially short list of countries of particular

interest, for human rights reasons, to the regional divisions of Human Rights Watch. It was anticipated that over several years this data base would grow. Experts universally agree that no data base on transfers of less than major weapons can be exhaustive, given the lack of official information, the number of unofficial and black market transfers, resistance to sharing information, and general lack of monitoring of small arms transfers. Therefore, while the Arms Project is systematic in its collection of information, it makes no claim to be exhaustive with respect to transfers.

Advocacy

The Arms Project's advocacy program aims to provide policy makers, in the U.S. and internationally, with information about arms being transferred to human rights abusers. In addition to information about arms transfers and abuse in particular countries, by particular regimes and groups, the Arms Project also seeks to give information about how law and policy in the United States and elsewhere, including the United Nations, should be reformed to ensure that human rights are taken into account as an explicit consideration in the approval of arms transfers. The Arms Project also seeks to increase transparency concerning arms transfers worldwide, and to reform laws and regulations to that end.

Thus, for example, the Arms Project in 1993, in conjunction with other components of HRW, helped to develop proposals with respect how both U.S. human rights law and arms control law should be reformed. The Arms Project conducted a study in 1993 on how the United Nations Register of Conventional Arms should be expanded to cover less than major weapons systems. The Arms Project also undertook advocacy outside the United States; its Rwanda report, for example, was released in Europe in French. The project has also served as co-counsel to a Russian scientist, Vil Mirzayanov, who was under indictment in Russia for speaking out on alleged Russian government violations of U.S.-Russian chemical weapons treaties.

Antipersonnel Landmines

During 1993, the Arms Project undertook a special research and advocacy program on landmines. The research program involved the writing and publication, with Physicians for Human Rights, of a 500-page book on all aspects of landmines, including extensive, original research into the production and trade of landmines worldwide. This book, *Landmines: A Deadly Legacy*, is unique in its multidisciplinary approach to the issue of landmines and was a major source of new information in debates over landmines in the U.S. Congress and the U.N. General Assembly.

The Arms Project's advocacy program on landmines involved extensive work in 1993 on a worldwide nongovernmental organization campaign to ban the production, stockpiling, transfer, and use of landmines. The project participated in meetings sponsored by the International Committee of the Red Cross on landmines in Geneva in April 1993; it also co-sponsored a major meeting of nongovernmental organizations in London in May 1993 to formulate strategies for the ban campaign. It has taken an active role in

educating U.S. lawmakers and administration officials, as well as U.N. officials and delegations, to the risks posed by landmines.

The staff of the Arms Project consists of director Kenneth Anderson, Washington director Stephen D. Goose, counsel Monica Schurtman, New York staff associates Barbara Baker and Cesar Bolaños, and Washington staff associate Kathleen Bleakley.

Members of the international advisory committee of the Arms Project are: Morton Abramowitz, Nicole Ball, Frank Blackaby, Frederick C. Cuny, Ahmed H. Esa, Jo Husbands, Frederick J. Knecht, Andrew J. Pierre, Gustavo Gorriti, Di Hua, Edward J. Laurance, Vincent McGee, Aryeh Neier, Janne E. Nolan, David Rieff, Kumar Rupesinghe, John Ryle, Mohamed Sahnoun, Gary Sick, and Tom Winship.

THE FUND FOR FREE EXPRESSION

The Fund for Free Expression works with the regional divisions of Human Rights Watch to investigate and analyze freedom of expression problems in particular countries; publishes thematic studies about global freedom of expression problems (in the past, these have included reports on the link between governmental corruption and censorship and the persecution of environmental advocates); and brings an international perspective to U.S. freedom of expression problems. In addition, the fund administers the Hellman/Hammett grants to persecuted writers and journalists, and manages the work of two casework committees, the Committee for International Academic Freedom and Filmwatch.

In April, the fund joined the International Freedom to Publish Committee of the Association of American Publishers (AAP) on a mission to Egypt to investigate government restrictions on freedom of expression and association, particularly as they relate to the growing power of Islamists who advocate implementation of Islamic law. A report based on their findings was planned for publication early in 1994. With Middle East Watch, the fund wrote to Egyptian President Hosni Mubarak calling on him to denounce a government-connected sheik's testimony, in the trial of the accused killers of Farag Fouda, a prominent secular writer and intellectual, that Dr. Fouda's murder was justified because he was an "apostate."

The fund joined Middle East Watch to analyze the laws and decrees used to regulate the media in Lebanon and to report on repressive measures designed to stifle dissent. The forty-eight-page report, released in July, detailed actions that forced the closure of three daily papers and a television network and caused the arrest of four journalists. The government claimed that the closings and prosecutions were necessary to avoid the kind of religious and ethnic strife that fueled its disastrous civil war.

But the report argued that by closing outlets for nonviolent opposition, the government heightened such tensions and encouraged dissidents to resort to lawless actions.

Helsinki Watch and the Fund for Free Expression published reports on free expression issues in Poland, Greece and Great

Britain. The Poland report, released in August, warned that freedom of expression was threatened by government use of a repressive Communist-era law to prosecute its critics and by a new law which required all broadcast programming to respect "Christian values."

The report on Greece covered six cases in which criminal prosecutions were used to stifle the views of citizens who questioned government policy on Macedonia, relying on statutes that targeted peaceful political expression and violate international human rights guarantees.

In an update of their 1991 report on "Freedom of Expression in the United Kingdom," the fund and Helsinki Watch reviewed recent developments in Great Britain. The report, released in May, noted some movement toward more open government, including the first official recognition of MI6, the Secret Intelligence Service. But the government also opposed adoption of a Bill of Rights and a Freedom of Information Act and stepped up moves toward tighter regulation of the media; Scotland Yard impounded record albums under the Obscene Publications Act; and the government sued under the Prevention of Terrorism Act to force disclosure of the names of confidential news sources.

In September, the fund joined with Helsinki Watch to conduct an investigation of media freedom in Hungary, with particular attention to the battle for control of state radio and television.

A newsletter was scheduled for release in December.

The fund joined other free expression groups to found the Rushdie Defense Committee, USA. With the Arthur Garfield Hays Civil Liberties Program at New York University Law School, the fund sponsored a symposium in October titled "Speech and Equality: Do We Have to Choose?"

Committee for International Academic Freedom

The Committee for International Academic Freedom acts on behalf of professors, teachers and students around the world when they are harassed or imprisoned for attempting to exercise their rights of free expression and inquiry and when their work is censored or universities are closed for political reasons. The committee sends cables and letters to appropriate government authorities and publicizes the cases of abuse in the U.S. academic community.

In 1993, the committee wrote protest letters to thirteen countries in all parts of the world. Among the issues addressed were: the confiscation of a scientific journal for criticizing the lack of political reform in China; also in China, the arrest and torture of a retired professor and a middle-school teacher for having peacefully supported students in the 1989 pro-democracy movement; in Ethiopia, the violent suppression of a student demonstration, closing Addis Ababa University and firing the president and forty-one senior faculty members; in Indonesia, banning a student newspaper and politically selective prosecution of students; in Peru, holding a professor in prison after the government acknowledged that it found no evidence to support the charges of terrorism for which he had been arrested; in Saudi Arabia, the dismissal and/or arrest of three professors for forming an association intended to protect the political rights of

the opposition; Serbian government-imposed curriculum changes and new language regulations so that the Serbian minority was favored over the Albanian majority in Kosovo; the arrest and dismissal in Uzbekistan of seven teachers and professors who appeared to have been targeted merely for their connections with political groups that peacefully criticized government officials or public policy.

The committee is composed of twenty-three university presidents and scholars. Jonathan Fanton of the New School for Social Research, Hanna Holborn Gray of the University of Chicago, Vartan Gregorian of Brown University and Charles Young of the University of California at Los Angeles are co-chairs.

Hellman-Hammett Funds

In 1989, the estates of American writers Lillian Hellman and Dashiell Hammett asked the Fund for Free Expression to set up and administer a special fund to assist writers from around the world who are in financial need as a result of political persecution. Grants from the Hellman-Hammett funds are awarded every spring after nominations have been reviewed by a five-person selection committee composed of Fund for Free Expression board members. Throughout the year, the selection committee makes smaller emergency grants, usually to writers who have an urgent need to leave their country or who are otherwise in dire material circumstances.

In addition to offering financial assistance, by highlighting individual cases, the grants help publicize repression and censorship around the world. While some recipients have asked to remain anonymous for safety reasons, many others have used the grant to call attention to human rights conditions in their own countries.

In 1993, the grants ranged from \$3,000 to \$10,000 and were awarded to twenty-two writers in fifteen countries. The recipients included Mariella Sala Eguran, a Peruvian novelist who had been targeted for assassination by Sendero Luminoso; Liu Qing, a Chinese journalist who was imprisoned and tortured for his repudiation of the Cultural Revolution; Nader Naderpour, an Iranian poet who voluntarily left Iran in vocal opposition to the cultural policies of the government and who signed a declaration condemning the death sentence, or *fatwa*, against Salman Rushdie; five writers from three Central Asian republics which were formerly part of the Soviet Union.

The committee also selected two groups of writers to receive Hellman-Hammett grants: twelve journalists in Peru at the newsmagazine *Caretas* and twenty-four writers in Bosnia. Six writers received emergency funds.

THE PRISON PROJECT

The Human Rights Watch Prison Project was formed in 1987 to focus international attention on prison conditions worldwide. Drawing on the expertise of the regional divisions of Human Rights Watch, the Prison Project investigates conditions for sentenced prisoners,

pre-trial detainees, and those held in police lockups. The project is distinctive in the international human rights field in that it examines conditions for all prisoners, not simply those held for political reasons.

In addition to pressing for improvement in prison conditions in particular countries, the project seeks to place the problem of prison conditions on the international human rights agenda. We believe that a government's claim to respect human rights should be assessed not only by the political freedoms it allows but also by how it treats its prisoners, including those not held for political reasons. Our experience has repeatedly shown that a number of democratic countries that are rarely or never a focus of human rights scrutiny are in fact guilty of serious human rights violations within their prisons.

The project has a self-imposed set of rules for prison visits: investigators undertake visits only when they, not the authorities, can choose the institutions to be visited; when the investigators can be confident that they will be allowed to talk privately with inmates of their choice; and when the investigators can gain access to the entire facility to be examined. These rules are adopted to avoid being shown model prisons or the most presentable parts of institutions. When access on such terms is not possible, reporting is based on interviews with former prisoners, prisoners on furlough, relatives of inmates, lawyers, prison experts and prison staff, and on documentary evidence. The project uses the U.N. Standard Minimum Rules for the Treatment of Prisoners as the chief document with which to assess prison conditions in each country. Prison investigations are usually conducted by teams composed of a member of the Human Rights Watch staff with expertise on the country in question and a member of the Prison Project's advisory committee. Occasionally, the project invites an outside expert to participate in an investigation.

The project publishes its findings in book-length reports and in newsletters. These are released to the public and the press, both in the United States and in the country in question, and whenever possible, also in translation.

In previous years, the project conducted studies and published reports on prison conditions in Brazil, Czechoslovakia, India, Indonesia, Israel and the Occupied Territories, Jamaica, Mexico, Poland, Romania, the former Soviet Union, Spain, Turkey, United Kingdom, and the United States (including Puerto Rico, with a separate newsletter published).

The Global Report

The main focus of the project's work in 1993 was the *Global Report on Prisons*, produced for and released at the United Nations World Conference on Human Rights, held in Vienna in June. The 340-page report, which reflected six years of investigations of prison conditions on five continents, included findings on pre-trial detention, physical conditions, classification of prisoners, women inmates, life on death row, activities, prison labor, availability of prison rules, disciplinary measures, beatings and physical abuse, aftermath of prison riots, contacts with the outside world

and other issues. It also featured separate chapters on the prison systems of nineteen countries. The report concluded that the great majority of the millions of persons who are imprisoned worldwide at any given moment, and of the tens of millions who spend at least part of the year behind bars, are confined in conditions of filth and corruption, without adequate food or medical care, with little or nothing to do, and in circumstances in which violence—from other inmates, their keepers, or both—is a constant threat. Despite international declarations, treaties and standards forbidding such conditions, this state of affairs is tolerated even in countries that are more or less respectful of human rights, because prisons, by their nature, are out of sight, and because prisoners, by definition, are outcasts.

We also concluded that by and large, it is not possible for prisoners themselves to call attention to the abuses they suffer.

Except for political prisoners, the great majority are not skilled in organizing or communicating; while in prison, they are cut off from the rest of the world, and once out of prison, they are eager to avoid continuing identification with prisons. Accordingly, it is up to others, acting out of a willingness to redress the suffering of their fellow human beings and a desire to uphold the rule of law, to concern themselves with prisons. In the report, we urged our fellow human rights organizations to expand their mandates to include prison conditions.

The Enforcement of Standards

The U.N. Standard Minimum Rules for the Treatment of Prisoners is the most widely known and accepted document regulating prison conditions. Unfortunately, these standards, although known to prison administrators virtually all over the world, are seldom fully enforced. To strengthen the enforcement of standards, in the *Global Report* the project recommended creating a U.N. human rights mechanism to inspect prisons and disseminate information about prison conditions and abuses. Throughout 1993, the project maintained contacts with U.N. bodies that concern themselves with prison matters. The project also urged U.S. representatives to these bodies to strengthen the human rights component of the U.N.'s work related to prisons. In November, a representative of the project traveled to the Netherlands to give a presentation at an international gathering of non-governmental and inter-governmental organizations working on devising methods to make existing standards on prison conditions work more effectively.

Fact-Finding

The project continued its fact-finding work and the publication of country-specific prison conditions reports throughout 1993.

In January and February, a representative of the project traveled to South Africa to continue the investigation started in 1992. Five prison complexes were visited in the course of this trip, including prisons in the "homeland" of Transkei. In addition, numerous ex-prisoners, prison guards and prison rights advocates were interviewed. A report based on this and the earlier research was planned for January 1994.

A book-length report on prison conditions in Egypt was published in February, based on investigations carried out in 1992. That investigation was the first time that any human rights organization had inspected Egyptian prisons.

In March and April, the project undertook an investigation of prison and police lockup conditions in Zaire. Our representative visited several prisons and detention camps, as well as police jails. The report that resulted from this mission was published in November.

The project's request to the Chinese authorities for permission to inspect the country's prisons was ignored. A representative traveled to China and Hong Kong in February and March and interviewed former prisoners. Further interviews were conducted in New York. A report is planned for 1994.

Follow-up on Earlier Work

In response to the British government's critique of the project's 1992 report on prison conditions in the U.K., in February a project representative traveled to London and conducted visits to two prisons that had been most harshly criticized by the report and where, according to the government, significant improvements took place subsequently. An extensive memorandum resulting from the follow-up visit was sent to the British government in May. We had found some improvements but informed the government that overall conditions were still inadequate.

Two developments related to the project's earlier work took place in Brazil. In February, state prosecutors in Sao Paulo recommended the indictment of 120 policemen for their role in the October 1992 massacre in which at least 111 prisoners lost their lives (those indicted, however, had not been arrested as of early November, and no trials had taken place). In addition, the overall number of extrajudicial executions by the police in São Paulo decreased in the course of the year, a decline that was attributed to the outcry following the 1992 massacre. In September, a groundbreaking decision found a civil policeman guilty of the 1989 killing of eighteen prisoners in a Sao Paulo jail and sentenced him to 516 years in prison for the killings. This was the first time that a policeman was found guilty of killing prisoners. In both cases, the project had sent representatives in the immediate aftermath of the massacres and contributed to publicizing the cases both in Brazil and internationally.

Domestic Prison Issues

For several years, the project had been involved in domestic prison-related issues. The project continued monitoring conditions for U.S. prisoners in 1993, with particular focus on the proliferation of super-maximum security institutions (or "maxi-maxis"), a problem to which the project first called attention in its 1991 report on prison conditions in the U.S. On two occasions, the project sent letters to the Attorney General, raising issues that included administrative transfers of prisoners and new restrictions on access to the telephone for federal prisoners.

Human Rights Watch and the American Civil Liberties Union planned to publish in December 1993 a report on U.S. compliance

with the International Covenant on Civil and Political Rights, which includes important safeguards of relevance to prison conditions. The covenant, ratified by the United States in June 1992, provides an additional, and extremely valuable, tool for establishing accountability for prison abuse. Because in important respects the United States falls short of international standards relevant to prisons, we believe that scrutiny under these standards, and in light of international practices, can be particularly effective.

The project collaborated with the American College of Physicians, the National Coalition to Abolish the Death Penalty and Physicians for Human Rights in producing a report on physician participation in capital punishment in the U.S. For this report also, a December 1993 release was planned.

The HRW Prison Project invited Peter Loggenberg, of the South African Police and Prison Officers Civil Rights Union, an illegal organization of mostly black professionals, to be honored for his organization's work at Human Rights Watch's observance of Human Rights Day in December.

THE WOMEN'S RIGHTS PROJECT

The Women's Rights Project of Human Rights Watch was established in 1990 to work in conjunction with Human Rights Watch's regional divisions to monitor violence against women and discrimination on the basis of sex that is either committed or tolerated by governments. The project grew out of Human Rights Watch's recognition of the epidemic proportions of violence and gender discrimination around the world and of the past failure of human rights organizations, and the international community, to hold governments accountable for abuses of women's basic human rights.

The project monitors the performance of specific countries in securing and protecting women's human rights, highlights individual cases of international significance, and serves as a link between women's rights and human rights communities at both national and international level.

Women's Human Rights Developments

This chapter does not evaluate progress in women's human rights throughout the world, but describes developments in countries most closely monitored by the Women's Rights Project in 1993: Peru, the former Yugoslavia, Thailand, Turkey, Kenya, Kuwait, Pakistan and Brazil.

Peru

In January 1993, the HRW Women's Rights Project and Americas Watch released *Untold Terror: Violence Against Women in Peru's Armed Conflict*. The report found that both the government security forces and the Shining Path insurgency used violence, including rape and murder, against noncombatant women as a tactic of warfare. Soldiers and police routinely raped women, while the Shining Path often murdered them, either to punish, intimidate, or

coerce particular female victims or as part of their efforts to achieve broader political ends. These violations of women's basic rights as well as other human rights abuses routinely went unpunished. Accused rapists are rarely prosecuted and punished. The problem was compounded for rape victims as questions of a woman's "honor," age, and sexual past were considered relevant in judicial proceedings and often discriminated against women victims and unfairly diverted scrutiny away from the accused rapist.

In response to letters of concern from the U.S. Congress which followed the report, President Alberto Fujimori vowed to "drastically punish" soldiers and police officers who committed rape. However, despite his assertions, the pattern of impunity for rapists continued in Peru: Human Rights Watch knew of no case where an active member of the military had been punished for rape.

In one incident, known as the Santa Bárbara massacre and detailed in *Untold Terror*, an army patrol entered several villages in the department of Huancaavelica in July 1991 and proceeded to rape women, destroy houses and steal livestock. Fifteen villagers were then taken away and killed. In February 1993, an army lieutenant was sentenced to ten years in prison for abuse of authority and falsehood for his role in the massacre. No military men were prosecuted or punished for the more egregious offenses of rape and murder. Second Sgt. Dennis Pacheco Zambrano was charged with rape and cattle theft but was acquitted.

New allegations of rape by the police and military emerged in 1993. In January 1993, forty members of the anti-terrorist police were accused of gang-raping and impregnating a twenty-year-old woman detained for alleged ties to the Shining Path. The woman, María de la Cruz, was detained after appearing with her mother in Lima to testify on behalf of a relative accused of being a member of the Shining Path. Shortly after her detention, she was reportedly taken to a beach outside Lima where she and five other women were raped by police officers over a period of four days. Doctors who examined Ms. de la Cruz found that she conceived while in police custody. Ms. de la Cruz was acquitted of all charges connecting her to the Shining Path by the military courts, but remained in a maximum security prison in Lima while a military prosecutor appealed the decision. In August, Peru's congress, under the auspices of the congressional human rights commission, agreed to conduct an investigation into the case. In another incident, the *New York Times* reported that soldiers broke into the home of a sixteen-year-old girl on March 22, 1993 in the town of Acayacu and raped her. Another soldier reportedly raped her fourteen-year-old neighbor.

Former Yugoslavia

In January 1993, representatives of the HRW Women's Rights Project and Helsinki Watch traveled to the former Yugoslavia to investigate allegations of widescale rape in Bosnia-Herzegovina. The mission found that rape was being used by Serbian forces as a weapon of terror against non-Serb, civilian women as part of the policy of "ethnic cleansing." To a lesser extent, Croatian and Bosnian Muslim forces also had committed rape against Serbian women. These findings were incorporated into the Helsinki Watch

report, *War Crimes in Bosnia-Herzegovina: Volume II*, released in April 1993.

Women refugees from Bosnia-Herzegovina described being raped in their homes or in the streets as soldiers swept through their villages, destroying property and attacking civilians. Other women were arrested and raped during the course of interrogation or as part of the torture they were subjected to in military-directed detention camps. In some areas, women and girls were detained in abandoned houses or municipal buildings, where they were raped and abused repeatedly for days or even weeks on end. The effect of rape was often to ensure that women and their families would flee and never return.

Women victims of rape reported being threatened with forcible impregnation. A number of women recounted that, as they were being assaulted, rapists taunted them with ethnic slurs or stated their intention to impregnate their victims. J., a thirty-nine-year-old Croatian woman who was raped by a reserve captain of the self-proclaimed "Serbian Republic" in the Omarska detention camp, told us, "They said I was an Ustasa and that I needed to give birth to a Serb—that I would then be different."

The failure to punish rapists was as consistent and widespread as rape itself. Despite the many reports of rape, Human Rights Watch found no evidence that any soldier or member of a paramilitary group had been punished or held to account for raping women and girls. Not only did military commanders fail to punish soldiers who rape, in many instances they themselves committed rape or organized "rape camps." Human Rights Watch released "Prosecute Now!" on August 1, 1993, detailing cases of human rights abuses, including rape, for which there was evidence implicating officers who committed abuses, including rape, or turned a blind eye to the abuses committed by their subordinates.

Thailand

In February 1993, the Women's Rights Project and Asia Watch traveled to Thailand to document the trafficking of Burmese women and girls into Thailand for the purposes of forced prostitution. An estimated 20,000 to 30,000 Burmese women and girls were believed to be held in Thai brothels, primarily in the northern provinces, Bangkok, and Ranong Province in the south. Expecting to work in restaurants and factories, most of them became trapped in brothels instead, under deplorable conditions that amounted to a modern form of slavery. The Burmese were being held in debt bondage and compelled to have sex with as many as ten to fifteen customers a day in order to pay off their recruitment, transportation and living expenses. Not only did the local police fail to enforce Thai laws against trafficking and prostitution, but they were often directly involved in trafficking as drivers and clients and were known to take protection money from brothel owners.

In the 1992 State Department *Country Reports on Human Rights Practices*, the State Department acknowledged that "senior [Thai] government officials themselves have cited corruption as a major factor in police willingness to turn a blind eye to the problem.

Reliable sources report that police can earn \$120 to \$200 per month in protection fees." The department's analysis failed, however, to identify more invidious forms of participation by local police and border patrols in sex trafficking.

During 1993, the government of Prime Minister Chuan Leekpai began to crack down on forced and child prostitution, with very mixed results. While the highly-publicized brothel raids heightened public awareness of the problem, the crackdown in fact discriminated against the Burmese women and girls. Whereas the women were arrested during raids on brothels, detained and often deported as illegal immigrants, the brothel owners, pimps and traffickers were rarely arrested and prosecuted. At most, some police implicated in sex trafficking were transferred. With the exception of one 1992 case involving the murder of a Thai prostitute in the province of Songkla, no Thai official had been prosecuted or imprisoned for involvement in prostitution or trafficking as of November 1993.

The ordeal of the Burmese women and girls did not end with their "rescue" from the brothels, as the detention and deportation process was rife with additional abuses. Conditions at some of the immigration detention centers fell drastically short of the United Nations Standard Minimum Rules for the Treatment of Prisoners. The Bangkok detention center, where adults and minors were held together, was so overcrowded that detainees had to take turns just to lie down head to toe. At the Kanchanaburi detention center, there were consistent allegations of rape and physical abuse during 1992 and 1993. Furthermore, many of the women we interviewed at the detention centers did not know what, if any, charges were pending against them. Most did not understand the Thai language and they were rarely provided with translators during their hearings and sentencing. The length of detention, in many cases, was dependent on the women's ability to cajole or in some instances bribe their way out.

With the alarming spread of AIDS in Thailand, Burmese women and girls in closed brothels were at extreme risk of HIV infection, since very few had the power to negotiate either condom use or the number of customers. During 1993, an otherwise commendable national AIDS prevention campaign largely failed to reach the Burmese women in the brothels. NGOs and health care workers estimated that 50 to 70 percent of the Burmese women and girls in the brothels in northern Thailand were HIV-positive. Notwithstanding widely-circulated reports of Burmese government persecution of people who were HIV-positive, Burmese women and girls infected with the AIDS virus were summarily repatriated. In September 1992, the Thai government completed a high-profile official deportation of ninety-five Burmese women and girls, half of whom were subsequently reported by the Burmese authorities to be HIV-positive and detained for treatment. As of November, there had been no official Thai mission to verify the status of those returnees.

Turkey

In July 1993, the Women's Rights Project and Helsinki Watch conducted a mission to Turkey to investigate reports that police

and other state actors were forcing women and girls to undergo gynecological exams to determine whether they were virgins. The social stigma associated with the exams and the lack of appropriate complaint procedures made the exact incidence of such exams difficult to determine. However, numerous Turkish women, doctors, and lawyers told us that the threat—and in some cases the actual imposition—of forced virginity control exams followed Turkish women throughout their lives.

We found that police and other state authorities had abused broadly-worded statutes regulating the treatment of detainees and pertaining to the duties and responsibilities of the police to monitor public behavior—none of which specifically required anything resembling virginity exams—by compelling women and girls, often against their will, to undergo exams to assess the status of their hymens. A report planned to follow-up on the trip would document several incidents in which women in detention were forcibly examined before and after interrogation, police stopped women on the street for engaging in "immoral" behavior and threatened them with virginity "control," and local public health authorities forced hospital patients to submit to compulsory vaginal exams. The virginity of men was never investigated, even by superficial questioning.

In one case, two young, female journalists traveling in southeastern Turkey were detained by the police. Prior to being interrogated about whether they were carriers for the Kurdish Workers' Party (PKK), the women were taken to the local state hospital for virginity examinations. At first the women refused to be examined. According to the women's testimony, the police responded "[w]e do this to all of the women we detain, even if they are detained only for two hours. We do it two times—when we detain women and again before we release them. We do this to protect ourselves, so that you won't say we raped you." The doctor then cautioned them, "You'd better do this or they will force your legs apart for you." Both women were forcibly examined twice.

In May 1992, two female high school students in western Anatolia reportedly killed themselves after being forced by school authorities and family members to submit to virginity exams. The girls, along with several of their female classmates, were taken by school authorities to have their hymens examined after being seen picnicking in the woods with boys. When the suicides became public, Turkish activists protested against the imposition of virginity exams and decried such exams as an extreme manifestation of state-tolerated violence against women and discrimination. According to local activists, government officials dismissed the cases as isolated incidents.

In interviews with the Women's Rights Project, Turkish police officials denied that women in custody were forced to undergo virginity exams. However, we obtained several forms signed by local police authorities directing that individual women in detention have their virginity determined by a doctor.

Kenya

In July 1993, the Women's Rights Project and Africa Watch conducted a mission to Kenya, to investigate allegations of sexual abuse of Somali refugee women in camps in Kenyan territory. We found that from January through August 1993, 192 rapes were reported to the United Nations High Commissioner for Refugees (UNHCR), which administers the Kenyan camps.

In a majority of reported cases, refugee women and girls were violently attacked by unknown armed bandits at night or when they went to the outskirts of the camp to herd goats or collect firewood. These bandits increasingly joined forces with former Somali military men or fighters from the various warring factions who launched raids across the Kenya-Somali border. To a lesser extent, refugee women reported attacks by Kenyan police officers posted in the area, who were responsible for seven of the reported rape cases. UNHCR estimated that reported cases amount to only one-tenth the number of actual rapes occurring in the camps, at the hands of either bandits, warring parties or local police.

Somali women as old as fifty and girls as young as four were subjected to violence and sexual assault. Most of the cases involved gang-rape at gunpoint, some by as many as seven men at a time. Some women were raped twice or three times in the camps. In the vast majority of cases, female rape victims were also robbed, brutally beaten, knifed or shot. Those women refugees who had been circumcised often had their vaginal openings torn or cut by their attackers. Many suffered ongoing medical and psychological problems.

For nearly half of the women who reported being raped, rape was a factor in causing them to become refugees. Eighty-five of the 192 reported rape cases involved women who were raped in Somalia before fleeing to Kenya. Once in Kenya, women were again targeted with rape as a particularly effective form of intimidation, further destabilizing the refugee population and rendering women refugees in particular vulnerable to exploitation for money, goods and perverse sexual gratification.

The Kenyan government's response to rising sexual assault in its camps was wholly inadequate. The authorities did not provide sufficient protection or security to the refugee camps, nor did they prosecute a single individual responsible for rape. Moreover, the office of the President callously accused the Somali refugee women of fabricating the rape claims to "attract sympathy and give the government negative publicity" and asserted, despite ample evidence to the contrary, that the police had received no rape reports. Relief officials, including UNHCR, belatedly began to establish programs designed to respond to the sexual assault of women refugees, but services were still severely limited, and relief organizations had made insufficient efforts to protect the women refugees against rape in the first instance.

Like Human Rights Watch as a whole, the HRW Women's Rights Project is committed to conducting sustained monitoring efforts in the countries on which it reports. In addition to the new country studies discussed above, we also conducted follow-up efforts in three countries we visited in 1991 and 1992: Kuwait, Pakistan and Brazil.

Kuwait

As documented in *Punishing the Victim: Rape and Mistreatment of Asian Maids in Kuwait*, a report released by the Women's Rights Project and Middle East Watch in August 1992, over 2,000 Asian guestworkers employed as maids in Kuwait fled from abusive employers following that country's liberation. Most of these women were from Sri Lanka, Bangladesh, India and the Philippines and were drawn to Kuwait by the hope of higher wages. Instead, they experienced physical and sexual assault, debt bondage, passport deprivation, illegal confinement, and contract violations.

The Kuwaiti government did little to address the Asian maids' plight despite its full knowledge of their deplorable situation. A decree to regulate Kuwaiti recruitment agencies was not consistently enforced. A draft bill to include maids in labor laws was left pending for months.

Following the report's release, the HRW Women's Rights Project learned that many women continued to seek refuge in their embassies and to complain of abuse and mistreatment at the hands of their employers. The Kuwaiti government's efforts to repatriate women who had fled abusive employers did not address the underlying problem or provide legal restitution. In July 1993, approximately 400 Filipina and one hundred Indian and Sri Lankan maids who had sought refuge in their respective embassies were repatriated at Kuwaiti government expense. In August 1993, the Philippines Embassy reported that over 120 women were staying in the embassy. More women arrived daily.

In September, another 100 Indian and Sri Lankan maids were sent home. Although the repatriation of maids may have solved the women's immediate need to return home, the Kuwaitis conducted the returns without gathering in advance adequate evidence of the alleged abuses. Thus, once the women left Kuwait their allegations of abuse and mistreatment were effectively dropped.

To our knowledge, only one case of abuse was successfully prosecuted as of November 1993. Sonia Panama, a twenty-three-year-old Filipina working as a maid, died on March 8, 1993 after being admitted to the hospital with severe injuries. Press reports indicated that hospital staff found signs that she had been beaten and raped. One ear was virtually severed, cigarette burns covered her body, and there were bite marks on her stomach. In July 1993, Panama's employers, a Kuwaiti husband and Lebanese wife, were sentenced to seven years' imprisonment for causing her death through ill-treatment.

Pakistan and Brazil

The Women's Rights Project also conducted follow-up missions on its previous work on trafficking in women in Pakistan and violence against women in Brazil.

From June to August 1993, the project and Asia Watch conducted preliminary research in Pakistan which indicated that, although brothel raids and arrests of Bangladeshi women trafficked into Pakistan for prostitution appeared to have diminished, Bangladeshi women continued to be trafficked across the Pakistani border and to be arrested, either as prostitutes or as illegal

immigrants, once in Pakistan. In one case we investigated, twenty-year-old Saira Bano was abducted from Bangladesh and taken with a group of twenty to thirty other Bengali women on a bus to India and ultimately across the border into Pakistan. Saira was arrested in Karachi on March 24, 1992, prior to being sold into prostitution, and spent the next twelve months in detention. On February 4, 1993 she was released to Darul Aman, a quasi-penal institution, where she remained as of November 1993. She had no papers to prove that she was Bengali and no financial means to return home.

Both Bangladesh and Pakistan are signatories to the Convention for the Suppression of Traffic in Persons and of the Exploitation of the Prostitution of Others which, among other things, obligates states parties to repatriate victims of trafficking and to provide temporary care and maintenance until repatriation takes place. While the convention requires a state party to pay for repatriation at least to the frontier of the victim's country of origin, unfortunately it only requires repatriation "after agreement is reached with the state of destination." In general, the Bangladesh High Commissioner in Pakistan consistently refused applications like Saira's on the grounds that, without documentation, the women could not prove they are Bengali.

In November the Women's Rights Project and Americas Watch launched a mission to follow up on violence against women in Brazil, with particular emphasis on the forced prostitution of Brazilian girls in the Amazon region.

The International Response

International work and, in particular, work at the United Nations continued to be a crucial element in efforts to advance the protection and promotion of women's human rights worldwide. At the 1993 session of the United Nations Commission on the Status of Women, in Vienna, which the Women's Rights Project attended, the commission called for the full integration of women's rights into the work of the World Conference on Human Rights in June and adopted a draft declaration on violence against women to be considered by the United Nations General Assembly in November. At its 1993 session in Geneva, the U.N. Commission on Human Rights adopted a resolution calling for the "full integration of women's rights into the human rights mechanisms of the United Nations," and agreed to consider the appointment of a Special Rapporteur on Violence Against Women at its 1994 session.

Following the U.N. Women's Commission and Human Rights Commission meetings, the Women's Rights Project circulated to government delegates a series of talking points in support of the appointment of a Special Rapporteur on Violence Against Women to be used in advance of the 1993 World Conference on Human Rights. We called for the rapporteur's mandate to encompass sex discrimination as well as violence on the grounds that gender-based violence cannot be effectively understood or remedied if it is examined separately from gender discrimination. In May, we wrote a letter to Assistant Secretary of State John Shattuck assessing the draft U.S. human rights action plan for Vienna. We

called in particular for the U.S. more thoroughly to integrate women's human rights throughout its action plan, rather than artificially segregating "women's issues" from the plan's substantive sections and to more vigorously support the appointment of a special rapporteur.

At the World Conference itself, the Women's Rights Project participated in several NGO working groups and panels addressing women's human rights and worked closely with women's rights activists worldwide to integrate women's rights into the conference's final declaration. In a victory for women's human rights activists, the Vienna Declaration affirmed that "the human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights. The full and equal participation of women in the political, civil, economic, social and cultural life, at the national, regional and international levels, and the eradication of all forms of discrimination on grounds of sex are priority objectives of the international community."

In October 1993, the U.N.'s Division for the Advancement of Women invited the Women's Rights Project to participate in an expert group meeting on measures to eradicate violence against women. Women's rights activists from Asia, Africa, Latin America, the Caribbean and North America analyzed various forms of gender-based violence worldwide and crafted recommendations for national, regional and international bodies to combat such violence more effectively as part of efforts to combat human rights abuse more generally.

U.S. Policy

Women's human rights assumed a higher profile in U.S. foreign policy during 1993, largely due to increased attention from the Clinton administration, revelations about atrocities in the former Yugoslavia, and the World Conference on Human Rights. Heightened visibility, however, did not translate into consistent and effective demands for accountability. The U.S. government's response to violations of women's human rights in particular countries continued to suffer from a lack of coordination among the many federal agencies and bureaus with responsibility for foreign policy.

At the international level, the United States supported the U.N. Human Rights Commission resolution calling for the full integration of women's rights into the U.N.'s human rights mechanisms and co-sponsored the draft declaration on violence against women. The U.S. also played a significant role in advancing women's human rights at the official U.N. Human Rights Conference in Vienna. Secretary of State Warren Christopher set the tone for the U.S. at Vienna by calling it "a moral imperative" to guarantee to women their human rights. Firm advocacy by the U.S. delegation helped assure that key components of the U.S. human rights action plan concerning women's human rights were incorporated into the Vienna Declaration.

However, for these commitments to have more than symbolic significance, the U.S. must develop concrete monitoring and enforcement mechanisms. Assistant Secretary of State for Human

Rights John Shattuck, in testimony before the House Subcommittee on International Security, International Organizations and Human Rights in October, committed the administration to taking the following steps in this regard: appoint a staff person within the Human Rights Bureau to work full-time on women's human rights issues; assess U.S. aid and trade relations, and votes at the multilateral lending institutions with regard to human rights; direct U.S.-funded democracy and administration of justice programs to support women's rights in new and emerging democracies; and incorporate abuses targeted at women into all relevant sections of the State Department *Country Reports on Human Rights Practices*.

Assistant Secretary Shattuck also made specific pledges with respect to U.S. relations with the U.N. The Human Rights Bureau committed itself to advocate U.S. ratification of U.N. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); to support the appointment of a U.N. Special Rapporteur on Violence Against Women and a U.N. High Commissioner for Human Rights; and to press for the assembly of evidence for prosecuting systematic rape as a war crime and a tool of ethnic cleansing in the former Yugoslavia.

Assistant Secretary Shattuck's commitment to the appointment of a senior advisor on women's human rights to the State Department Bureau for Human Rights and Humanitarian Affairs came in response to recommendations introduced by Reps. Olympia Snowe and Howard Berman and Sen. Paul Simon as amendments to the 1994 State Department authorization bill, which was awaiting passage by Congress as of November. Among other things, the proposed senior advisor would be tasked "to assure that the issue of abuses against women, along with human rights issues generally, are a factor in determining bilateral assistance as well as United States votes at the multilateral development banks."

Even before the Clinton administration announced its intent to ratify CEDAW, members of Congress were urging ratification. In April, sixty-eight senators wrote to President Clinton asking him to take the necessary steps to ratify CEDAW. The letter noted that "[d]elayed action on the Convention only signals to the international community that the U.S. doesn't recognize discrimination of women as a violation of human rights." In the House, Representatives Woolsey and Hamilton introduced a Resolution calling on President Clinton to move expeditiously on CEDAW.

Notwithstanding these welcome developments, the record of the U.S. executive branch's responses to country-specific cases of violations of women's human rights clearly indicated that the U.S. could and should engage in more vigorous and systematic international and bilateral initiatives to promote and protect women's human rights.

The Clinton administration at times missed important opportunities to exercise U.S. leverage to ensure the protection of women's human rights. For example, the State Department in September approved the release of \$3.73 million in security assistance to Kenya to enhance security on its border with Somalia. In his September 24, 1993 press statement accompanying

the release, the State Department's spokesperson said that "the United States has welcomed the Kenyan government's efforts to improve conditions along the border, and believes that those efforts merit support." This decision to disburse security assistance should have been, but was not, accompanied by pressure on the Kenyan government to adopt specific measures to protect Somali refugees from widespread abuses, including rape of Somali women refugees. Such abuses had been documented by UNHCR, Human Rights Watch and other human rights organizations over a period of months. On the positive side, the Refugee Bureau responded in November to a funding appeal from UNHCR for a special project to assist Somali women refugees by allocating \$250,000 in humanitarian aid directly to UNHCR.

Thailand was another case where the U.S. has failed to integrate women's human rights into its bilateral relations. Even as the U.S. spent some \$4 million in fiscal year 1993 to combat drug trafficking in Thailand, the State Department never publicly raised the problem of sex trafficking with the Thai government. Again, Congress was more active in advocating the human rights of women trafficking victims. In its report accompanying the 1994 foreign appropriations bill, the Senate Foreign Relations Committee for the first time raised concerns about the illegal trafficking of Burmese women and children into Thailand for the purposes of forced prostitution. While acknowledging the Thai government's periodic efforts to rescue women held captive in brothels, the committee also noted that "these efforts have unfortunately led to the arrest and detention of Burmese women as illegal immigrants rather than to the arrest of brothel owners and officials, often local police, involved in the trafficking." The committee called upon the Thai government "to prosecute those responsible for the trafficking, forced labor, and physical and sexual abuse of these [Burmese] women."

By contrast, U.S. advocacy to establish an international tribunal to prosecute war crimes in the former Yugoslavia has consistently taken into account crimes against women. In February, in her statement supporting U.N. Security Council Resolution 808 to establish an ad hoc tribunal, Ambassador Madeleine Albright specifically condemned rape as one aspect of "ethnic cleansing." The U.S. also successfully nominated a woman, Judge Gabrielle Kirk McDonald, to one of the eleven judgeships on the tribunal. In addition, the State Department drafted rules of evidence and procedures for the tribunal that included a ban on inquiry into survivors' past sexual histories. These rules were under consideration by the panel of judges.

Various members of Congress circulated resolutions to condemn rape and forced pregnancy as war crimes and crimes against humanity, and to urge the U.N. to investigate expeditiously all forms of abuse. Despite such efforts, U.N. progress toward establishing a war crimes tribunal was shamefully slow; as of November, the staff had not even been selected. Meanwhile, evidence disappeared and witnesses dispersed.

In some cases, Congress played an important role in placing the U.S. on record and pressuring foreign governments on significant abuses of women's human rights. In March, for

example, following the release of the Women's Rights Project/Americas Watch report on Peru, twenty-three senators and forty-two representatives wrote to President Alberto Fujimori to deplore the widespread rape and killing with impunity of civilian women during that country's protracted internal conflict. Beyond condemning both the Peruvian government and the Shining Path for consistently failing to discipline their combatants, the signatories criticized the Peruvian government's maneuvers to retaliate against Raquel Martín Castillo de Mejía, whose case was detailed in our report, for speaking out against the military for raping her.

Congress also assumed the lead in pressing for Japanese accountability for past abuses against women. While welcoming the Japanese government's recent admission of official involvement in the establishment of a vast network of military brothels during World War II, members of the House of Representatives called upon Prime Minister Morihiro Hosokawa to take additional steps. To ensure justice for women who were forced to work as prostitutes to the Japanese military during World War II, they urged the Japanese government "to cooperate fully [with the U.N. Special Rapporteur on Sexual Slavery] in order to provide a complete account of the 'comfort women' policy." The letter also supported the demands of numerous former "comfort women" for official apologies and compensation from the Japanese government as part of the overall process of accountability.

In the case of Kuwait, the U.S. engaged in high-level discussions regarding abuses against Asian domestic workers by their Kuwaiti employers. However, little changed in Kuwait during the fourteen months since we first reported on this problem. Additional pressure from the U.S. government was needed to ensure that Kuwait extended the protection of labor laws to domestic workers and prosecuted employers for criminal behavior.

As in previous years, Human Rights Watch testified before the House Foreign Affairs Subcommittee in March 1993 on the State Department's *Country Reports on Human Rights Practices*. While commending the 1992 Country Reports for generally improved coverage of women's human rights, we reiterated that more data was needed on violence against women to underscore the enormity of this problem, and that abuses against women should be more consistently integrated into all appropriate sections on substantive rights, rather than concentrated under "discrimination."

The accurate categorization of abuses against women was directly pertinent to the application of U.S. human rights law to women's human rights. U.S. human rights law mandates sanctions only against those countries that consistently commit "gross violations," including torture, degrading treatment and flagrant violations of the right to life, but not "discrimination."

To generate urgent support for individual women who were at imminent risk of abuse, or who were seeking legal redress for past abuse, Sen. Patty Murray and Reps. Jan Meyers and Joe Moakley initiated the Congressional Working Group on International Women's Human Rights. The cases, to be identified and researched by Human Rights Watch and other human rights organizations, are also to

highlight patterns of state-sponsored or state-tolerated violence or severe discrimination against women that merit Congressional attention beyond action on the individual cases.

The Work of the Women's Rights Project

The Women's Rights Project and Americas Watch continued advocacy to end violence against women in Peru by government forces and Shining Path insurgents, which we first reported in our report, *Untold Terror*. In February, we sent letters to Peruvian President Alberto Fujimori and the Shining Path leadership to condemn ongoing attacks on civilian women as a tactic of war. We called upon both parties to investigate and discipline their combatants.

In May, the Women's Rights Project and Americas Watch wrote to President Fujimori to protest the alleged rape of twenty-three-year-old María de la Cruz by Peru's anti-terrorist police, DINCOTE. Ms. de la Cruz, who became pregnant, was still being held in maximum security prison as of November, even though the military court acquitted her of all connections to the Shining Path.

In July, responding to new threats of extradition and trial-*in-absentia* by the Peruvian government against Raquel Martín de Mejía, the Women's Rights Project and Americas Watch appealed to Peruvian Ambassador to Sweden Jaime Stiglich Berninzon to write to his government stating that there was no information that showed any links whatsoever between Ms. Martín de Mejía and Sendero Luminoso. Ms. Martín had been living in exile in Sweden after being raped by Peruvian soldiers in 1989. The false charges against Ms. Martín were still pending in November.

Human Rights Watch called on the United Nations to prosecute rape and forced pregnancy as war crimes in the Bosnian war. In a February 1993 letter to the U.S. delegation to the U.N. Human Rights Commission, the Women's Rights Project urged the U.S. to press the commission for a resolution recognizing explicitly that rape is a war crime and calling for the establishment of an international war crimes tribunal to ensure the prosecution of war crimes, including rape, in the former Yugoslavia. The commission subsequently adopted such a resolution. The project also assisted congressional efforts to draft similar resolutions and to call on the administration and its U.N. delegation to support the tribunal and to ensure that prosecuting rape remained a priority. When, in March 1993, the U.S. released its proposed charter for the war crimes tribunal, the Women's Rights Project highlighted issues pertaining to the prosecution of sexual abuses in its contributions to Human Rights Watch's commentary on the charter's provisions.

Once the U.N. began the process of appointing judges and the chief prosecutor of the tribunal, the project worked to submit the names of qualified female candidates for these crucial positions. The U.N. General Assembly ultimately selected two women—Elizabeth Odio Benito of Costa Rica and Gabrielle Kirk McDonald of the United States—to sit on the tribunal's eleven-judge panel. The project continued its efforts to ensure women's participation in the U.N. Commission of Experts reviewing evidence of war crimes in

the former Yugoslavia, and in the tribunal's prosecutorial team.

The project participated actively in two non-governmental *ad hoc* coalitions against war crimes in the former Yugoslavia. The coalitions called attention to the situation of women refugees and victims of human rights abuse in Bosnia, worked with the U.S. government and the U.N. to condemn and seek eventual prosecution of war crimes against women, and urged that international relief efforts respond to the needs of victims of sexual violence and torture. Human Rights Watch also filed an *amicus* brief supporting a civil suit brought by the Center for Constitutional Rights on behalf of Bosnian victims of human rights abuses and charging the leader of the Bosnian Serbs, Radovan Karadzic, with responsibility for rape and other gross violations of humanitarian law.

Just prior to the State Department's announcement in September that the U.S. would release \$3.73 million in security assistance to Kenya, the Women's Rights Project urged the department to appropriate a portion of the funds to protection of women refugees against rape. Following the aid's release, we met with State Department officials to express concern that no portion of the approved funds—for the purchase of spare parts for military helicopters, parts for heavy equipment transporters, equipment for drilling water wells in the border region and related training and services—was allocated to address the specific protection needs of Somali refugees, particularly women refugees, in Kenya. The Women's Rights Project strongly urged the State Department to press the Kenyan government to meet its international refugee protection obligations, and to prosecute all wrongdoers.

In a follow-up letter to the State Department's Kenya desk officer, the project urged the administration to press the Kenyan government to fulfill its obligations under the 1951 Refugee Convention by committing to specific refugee safety measures. At a minimum, such measures should include additional physical barriers around the refugee camps, protection for women who report sexual violence from reprisal, prosecution and punishment of all wrongdoers to the full extent of the law, and collaboration with UNHCR to enhance camp security and to provide legal and medical assistance to rape survivors.

In a May 1993 letter to Kuwait's Minister of Justice, the Women's Rights Project and Middle East Watch called on the government to take steps to respond to the problem, including (1) revising labor laws to afford maids the same level of protection as other private sector employees; (2) ceasing the wrongful arrest and detention of Asian maids; (3) establishing adequate shelter for women who allege abuse and mistreatment until their cases are resolved; (4) explicitly denouncing and punishing passport deprivation; and (5) investigating and prosecuting all those accused of rape and assault.

In September, the Women's Rights Project offered testimony at a hearing held by the House Foreign Affairs Subcommittee on Human Rights, on women's human rights and U.S. foreign policy. The Women's Rights Project emphasized the need to advance beyond the enumeration of violations and dependence on *ad hoc* responses,

toward the systematic integration of women's human rights into U.S. foreign policy.

In October, the Women's Rights Project submitted to Secretary of State Warren Christopher a memorandum with extensive recommendations to fully integrate women's human rights into all aspects of U.S. foreign policy. The memorandum suggested ways to increase the State Department's capacity to promote and protect women's human rights, and to improve coordination across federal agencies involved in U.S. foreign policy. We also recommended ways to enhance the effectiveness of U.N. mechanisms in safeguarding women's human rights. To implement these suggestions, we fully endorsed Secretary Shattuck's plan to designate a full-time staff person within the Human Rights Bureau to work on women's human rights, with the proviso that this individual must be appointed at a senior level with sufficient authority and staff.

In addition to our country-specific work, and our work on national and international policy regarding women's human rights generally, we continued to take up specific women's human rights cases which had broad ramifications for women's human rights. In March, the project wrote to President Daniel arap Moi protesting harassment and threats against Prof. Wangari Maathai, an outspoken advocate for democratic reform in Kenya and co-founder of the Tribal Clashes Resettlement Volunteer Service, for her criticism of the government's handling of the ethnic violence in the Rift Valley.

In April, the project and Middle East Watch issued an urgent press release strenuously protesting the Moroccan government's decision to ban a demonstration against sexual harassment. Scheduled to occur in the wake of the sensational trial of Moustapha Tabet, a senior police official sentenced to death for abducting and raping over 500 women, the march was to make the point that Tabet could have abused so many only because the government generally condoned police abuse of authority.

In October 1992, the Women's Rights Project and Middle East Watch joined other advocates in petitioning the Canadian government to grant political asylum to Nada, a Saudi woman fleeing gender-based persecution in her country. Nada fled Saudi Arabia because she feared persecution as a woman who had refused to heed the travel, dress and employment restrictions imposed on women by the government and strictly enforced by the religious police, who are empowered to flog transgressors on the street. On January 29, 1993, Canada's Minister of Employment and Immigration, Bernard Valcourt, finally granted Nada asylum.

Our work on Nada's case led us to engage in work on women refugees issues more generally. Like Nada, many women become refugees in order to escape gender-based persecution. Often these women are subject to further persecution as female refugees. Yet current refugee law does not explicitly recognize gender-based persecution. Thus, women seeking asylum in the United States due to their well-founded fear of such persecution may be presumptively excluded because the basis of their claims is not acknowledged by law.

Even as UNHCR and human rights organizations were beginning

to document and analyze the particular problems that confronted refugee and displaced women, the administration was proposing to reform the U.S. asylum system in ways that were likely to have a negative impact on women's ability to seek refuge in the U.S. Measures under review included a higher, more difficult standard for establishing persecution claims in summary proceedings, and drastic limits on access to judicial review of asylum claims. Commenting on the administration's proposals, which were introduced in the Senate by Sen. Edward Kennedy and in the House by Rep. Jack Brooks, Rep. Nancy Pelosi argued that "refugee women fleeing gender-related persecution, often victimized by rape, will be unable, under the proposed legislation, to present evidence in a summary hearing sufficient to meet the 'credible fear' test."

Echoing Rep. Pelosi's main criticisms, the Women's Rights Project wrote to Vice-President Al Gore on August 10, 1993 to express concern that "the [legislation's] proposed expedited exclusion proceedings could effectively deny women the time and resources necessary to demonstrate the legitimacy of their [asylum] claims." The Women's Rights Project further urged that any amendment to U.S. asylum law include an explicit recognition of gender-based persecution as a grounds for asylum.

In March 1993, the Canadian Immigration and Refugee Board promulgated guidelines for considering the petitions of women refugee claimants fearing gender-related persecution. The guidelines explicitly state that the definition of refugee may be interpreted to include women who demonstrate a well-founded fear of gender-related persecution. The Women's Rights Project contributed during the year to efforts underway in the United States to draft guidelines similar to those adopted in Canada. The draft U.S. guidelines were designed to assist immigration officers in analyzing and interpreting gender-based persecution claims. The project's participation in drafting the guidelines was rooted in the work of Human Rights Watch documenting both gender-specific human rights abuses and the plight of women refugees in, for example, the former Yugoslavia, Kenya, and Bangladesh.

HUMAN RIGHTS WATCH—CALIFORNIA

Human Rights Watch-California was formed in April 1987 by a group of concerned Californians who sought to mobilize their state's unique resources to help people whose human rights were being violated. The Los Angeles office, which opened in 1989, is responsible for Americas Watch's research and advocacy on Mexico and the U.S.-Mexico border area; investigation and campaign tasks for all aspects of Human Rights Watch; and litigation and other legal work to support cases in U.S. courts that raise international human rights questions.

Human Rights Watch-California places a high priority on human rights education and community outreach. During 1993, public education program events addressed, among other topics, the incipient U.N. crimes tribunal for the former Yugoslavia, United

Nations operations in Somalia and Haiti, the North American Free Trade Agreement (NAFTA), and womens' rights. In October, the Human Rights Watch Film Festival was screened in Los Angeles.

Development also was a priority in 1993. In addition to expanding our advisory board, members of Human Rights Watch-California hosted private informational meetings to introduce potential new supporters to our work. In August, with foundation support, a regional development director joined the Los Angeles office staff.

At the same time, the Los Angeles office continued its research and advocacy on human rights conditions in Mexico and along the U.S.-Mexico border. A chapter on prison conditions in Mexico was included in the *Human Rights Watch Global Report on Prisons*, and reports were written or edited on the intimidation of activists in Mexico, police abuse in Mexico City, and human rights abuses along the border by the U.S. Border Patrol and the Customs Service. Work continued on a forthcoming Human Rights Watch-Yale University Press book on human rights in Mexico and on a joint Human Rights Watch-Natural Resources Defense Council report on intimidation of environmentalists and interference with environmental due process rights in Mexico.

In addition, the Los Angeles office staff gave frequent speeches and press interviews concerning human rights on both sides of the border. They helped prepare testimony on human rights in Mexico for the U.S. House of Representatives Small Business Committee, and the Subcommittee on International Security, Human Rights, and International Organizations of the House Committee on Foreign Affairs. They also met with key senior government officials in both countries including Mexican Attorney General Jorge Carpizo and U.S. Attorney General Janet Reno.

The Los Angeles office continued to provide legal and campaign support to other divisions of Human Rights Watch. For example, the California director participated in a working group organized by the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities special rapporteur that drafted proposed basic principles and guidelines concerning reparation to victims of gross violations of human rights; assisted in the preparation of a Human Rights Watch *amicus* brief to the U.S. District Court for the Southern District of New York in *Doe v. Karadzik*; drafted a letter to Secretary of State Christopher urging U.S. ratification of the major human rights treaties; participated in the Stanley Foundation conference on Global Changes and Domestic Transformations: Southern California's Emerging Role; spoke at the American Public Health Association conference on the legal aspects of prevention and treatment of torture; and consulted with attorneys representing inmates at California's Pelican Bay State Prison regarding international human rights norms relevant to litigation on prisoner mistreatment.

The group's co-chairs took part in missions for Human Rights Watch (to the former Yugoslavia and Cuba) and in work against the death penalty in the United States, including addressing state legislatures and speaking at vigils for death row inmates.

In December 1992 we brought to Los Angeles the international

human rights monitors invited to the United States by Human Rights Watch. As part of that visit, the human rights monitors toured those Los Angeles neighborhoods most heavily impacted by the disturbances that followed the acquittal in the state trial of the police defendants accused of beating Rodney King, where they had an opportunity to exchange personal experiences with community activists. They also met with the mayor's office, the senior staff of the *Los Angeles Times*, and other senior community leaders. A similar program was planned for December 1993.

HUMAN RIGHTS WATCH FILM FESTIVAL

With the rapid advances in technology and global communications, the visual media are playing an increasingly important role in the evolving international dialogue on human rights. Human Rights Watch has developed the capacity through our film festival and related activities to promote and distribute the enormous wealth of important human rights-related films and videos from around the world. The Human Rights Watch Film Festival, established in 1988, advances public education on rights issues and concerns by exhibiting the finest works each year in commercial and archival theaters in the U.S. and on television and in film festivals internationally.

Since its inception, the Human Rights Watch Film Festival has presented 150 fiction, documentary, and animated films and videos from more than fifty countries. The sum of the festival's first four years of programming constitutes a unique, cumulative visual record of the contemporary global struggle for human rights.

The film festival opened its 1993 season in New York in May. Films presented over a two-week schedule, on two screens in a Manhattan theater, included sixty films and videos (of which thirty-eight were premieres) from more than thirty countries. The works ranged in type from fiction and documentary to experimental and animated, and formats ranged from feature-length to shorts to works-in-progress.

In 1992 the festival had presented the first-ever retrospective of the works of acclaimed documentarian Marcel Ophuls ("The Sorrow and the Pity," "Hotel Terminus"). The 1993 festival featured a retrospective of the films of Argentina's internationally-known director Fernando Solanas.

In its brief history, the festival has premiered works from familiar directors like Agnieszka Holland ("Europa, Europa"), Jonathan Demme ("My Cousin Bobby"), Bertrand Tavernier ("The Undeclared War"), and Andrzej Wajda ("The Katyn Forest"); and has introduced the artistry and potent moral voices of emerging directors like Pawel Pawlikowski ("Serbian Epics"), Iris F. Kung ("Escape from China"), and Harriet Eder ("Mein Krieg"). Additional films appearing for the first time in the U.S. have included Suzanne Osten's "Speak Up! It's So Dark," a Scandinavian meditation on the renewed fervor of neo-Nazism among European youth, and Sahin Gok's "Siyabend and Xece," the first film made in the Kurdish language.

The 1993 festival schedule included customized daytime programming for high school audiences, accompanied by panel discussions on related human rights themes. Students participating in the project to date have come from seventeen, mainly inner-city schools throughout the New York area.

In selecting films for the festival, Human Rights Watch concentrates equally on artistic merit and human rights content. The festival's full-time programmer travels extensively and maintains close contacts with film appraisers around the world who scout for deserving works. The festival's programming committee has screened more than 400 films and videos each year; once a film is nominated for a place on the program, staff of the relevant division of Human Rights Watch also view it, primarily to confirm accuracy in the portrayal of human rights issues.

In conjunction with the opening night festivities each year in New York, the festival awards a prize in the name of the legendary cinematographer and director Nestor Almendros, who was a cherished friend of the festival. The award, which includes a cash prize of \$5,000, goes to a deserving filmmaker in recognition of his or her contribution to human rights. The 1993 recipient was German director Helke Sander for "Liberators Take Liberties," her inquiry into the prevalence of rape during World War II.

The traveling sections of the festival expanded significantly in 1993, a reflection of both the national scope of the festival and the increasingly global appeal that the project has generated.

The festival has itself become a worldwide distribution vehicle for the human rights films in our program.

In June 1993, the festival sent a special film showcase to Vienna in conjunction with the World Conference on Human Rights. A European television station, SuperChannel, whose broadcast market covers East and Western Europe and former Soviet republics, also aired a collection of films from the festival showcase following the conference.

In early September, selections from the Human Rights Watch Film Festival appeared in the Venice Film Festival and the Boston Film Festival; festival selections were also programmed in September at the Pacific Film Archive in Berkeley, California. In October, the festival as a whole appeared at the UCLA Film and Television Archive in Los Angeles, and selections from the festival were featured in the Sarajevo Festival, held in Bosnia.

The schedule for the remainder of 1993 included showings in Portland, Seattle and Olympia, Washington; and Hong Kong, where the Festival was presented under joint sponsorship with Amnesty International.

HUMAN RIGHTS WATCH AND CONGRESSIONAL CASEWORK

Human Rights Watch continued to work closely with two casework groups composed of members of Congress—the Congressional Friends of Human Rights Monitors and the Congressional Committee to

Support Writers and Journalists. Both groups are bipartisan and bicameral. Human Rights Watch initiated the formation of these groups to enable concerned members of Congress to write letters and urgent cables to governments that violate the basic rights of human rights monitors, writers and journalists. Human Rights Watch supplies the groups with information about appropriate cases of concern; the groups, in turn, determine which cases they would like to pursue.

The goals of the congressional casework groups are three-fold. Most important, their letters and cables help to pressure governments to end their persecution of human rights monitors, writers and journalists who criticize repressive acts by their governments. Second, members of the congressional groups are informed about these important incidents of violence and intimidation against human rights activists and writers. Finally, copies of letters and cables are sent to U.S. ambassadors in the relevant countries to inform them about cases of concern.

The Congressional Friends of Human Rights Monitors, which was formed in 1983, is composed of thirty-four senators and 119 members of the House of Representatives. The five members of the steering committee for the group are Sen. Dave Durenberger, Sen. James Jeffords, Sen. Daniel Patrick Moynihan, Rep. Tony Hall and Rep. Constance A. Morella.

In 1993, the committee took up the cases of dozens of human rights monitors who had been killed, arrested arbitrarily, assaulted or harassed. For example:

- The Congressional Friends expressed its concern over the Kuwaiti government's August order to dissolve all unlicensed associations, including all independent human rights organizations. The Congressional Friends noted that the government had repeatedly denied licenses for human rights organizations, whose work has at times been critical of the government. The Congressional Friends urged the Kuwaiti government to reverse its decision banning unlicensed private organizations.
- The Congressional Friends wrote to the Uzbekistan government to express its concern over the consistent harassment and interrogation of human rights activists. The Congressional Friends noted that this harassment had led to the virtual eradication of the human rights community within the country. As part of the apparent intimidation campaign, human rights activists have been arrested and interrogated. The Congressional Friends urged the government to guarantee human rights activists the right to carry out their work.
- In Guatemala, the Congressional Friends again expressed its deep concern over serious attacks against human rights activists. The letter noted that one human rights activist, Tomas Lares Sipriano, was killed, another "disappeared," and others received death threats. In addition, several human rights activists were fired upon during a peaceful protest in

August, and a bomb exploded at the offices of the Guatemalan Association of Jurists. The Congressional Friends urged the government to carry out a thorough investigation into the murder of Lares Sipriano and to bring those responsible to justice. The group also requested that the government make every effort to determine the whereabouts of the disappeared activist, and to ascertain who was responsible for threats, unjustified shootings and bombings directed at several other human rights monitors.

- In Syria, the Congressional Friends wrote about the continuing detention and criminal charges faced by fifteen members of the Committee for the Defence of Democratic Freedoms and Human Rights in Syria (CDF). Ten of the CDF members had already been convicted and sentenced, apparently in response to their human rights work. Sentencing was pending against five of the CDF members, who had been detained for nearly two years and who faced up to fifteen years of hard labor in prison. The Congressional Friends urged the government to overturn the convictions of the fifteen human rights activists if they had been charged and convicted because of their human rights work.
- In Colombia, the Congressional Friends expressed its continuing concern over the April disappearance of Colombian human rights monitor Delio Vargas and the frequent death threats received by human rights activists throughout Colombia. The Congressional Friends noted that the death threats appeared to be part of an intimidation campaign to prevent monitors from reporting on human rights violations. The Congressional Friends urged the government to make every effort to determine the whereabouts of the disappeared monitor, to investigate death threats against human rights activists and to bring to justice those found responsible.
- The Congressional Friends again expressed its concern over continuing arrests of Nigerian human rights activists. Three human rights leaders continued to be detained and faced sedition and conspiracy charges, apparently as a result of their human rights work; two of the human rights leaders suffered from ill health and there was serious concern for their well-being in detention, where they were denied medical attention. Three more human rights activists with the Civil Liberties Organization were arrested in July, held for a month and then hospitalized upon their release. The Congressional Friends urged the government to release all human rights activists and to drop all charges against them if they had been charged and detained as a result of their human rights activities.
- In Turkey, the Congressional Friends expressed its deep concern over the murders of three human rights activists: Kemal Kilic, Metin Can and Dr. Hasan Kaya. The Congressional Friends also expressed its continuing concern over the

alleged torture suffered by human rights activists detained and charged by Turkish authorities. The Congressional Friends urged the government to investigate the murders of the three human rights monitors and to punish appropriately those found responsible. The Congressional Friends also urged the government to end the alleged torture of detainees and to release all those detained who had been arrested as a result of their human rights work.

- In Korea, the Congressional Friends expressed its concern over the July arrest of human rights activist Noh Tae-hun. The Congressional Friends noted that his arrest took place without a proper arrest warrant and that Noh was subjected to long hours of interrogation and sleep deprivation during his detention. After being detained for two months, Noh was freed on a suspended eighteen-month sentence. The Congressional Friends urged the government to drop all pending charges against Noh if they stemmed from his involvement in legitimate human rights work.

Other cases raised by the group included: the unwarranted arrests and continuing harassment of Cuban human rights monitors; the death threat received by Indonesian human rights lawyer Ahmad Jauhari and the warrant for the arrest of human rights activist Dedi Ekadibratal; the escalating number of arrests of human rights activists in Tibet and the serious sentences they faced if convicted; the continuing detention and mistreatment of human rights advocate Mohamed Houmed Soulleh in Djibouti; the violent attacks and threats against human rights activists in Rwanda, including those working with the government-approved human rights commission; the harassment by police of Tunisian human rights lawyer Radhia Nasraoui and the Tunisian League for Human Rights; the continued imprisonment of Moroccan human rights activist Ahmed Belaichi; the attack and death threat against Peruvian human rights lawyer Rosa Elena Mandujano Serrano; the death threats received by two human rights lawyers defending clients facing execution in Trinidad and Tobago; and the February murder of Philippine human rights activist Chris Batan, killed while in transit to an interview with victims of human rights abuses during the Marcos regime.

The Congressional Committee to Support Writers and Journalists was formed in 1988 and is composed of sixteen senators and seventy-six members of the House of Representatives. During 1993, the members of the steering committee for the group were Sen. William Cohen, Sen. Bob Graham, Rep. Jim Leach and Rep. John Lewis.

During the year, the committee denounced attacks against individual writers and journalists, as well as acts of censorship. For instance:

- In October, the Committee expressed its concern over several violent attacks against journalists in Argentina. One reporter, Hernán Lopez Echagüe with *Página 12*, was seriously

beaten twice during a two-week period. During the attacks, the assailants threatened Lopez with death and warned him that he should stop "publishing those things." Lopez, as well as other journalists who had been threatened or assaulted, had reported critically about the Menem administration. The Committee urged the government to investigate these attacks and to bring to justice those found responsible.

- The committee wrote to the Cameroonian government to protest actions taken against several independent weeklies and their reporters. After the weeklies published articles critical of President Biya, reporters and publishers were criminally charged and some also received anonymous death threats. In addition, copies of one of the weeklies, *La Nouvelle Expression*, were confiscated. The committee urged the government to cease its harassment of the independent press and to drop all pending charges against journalists and publishers engaged in legitimate journalistic activities.
- After three Chinese journalists received harsh sentences, the committee wrote a letter to officials in October protesting the sentences and the continuing crackdown against the press. The committee, which had written letters of protest to the Chinese government several times during past years, expressed its deep concern over the life sentence received by Xinhua editor Wu Shishen. Wu was charged with selling "state secrets" after allegedly providing a copy of a speech by Communist Party chief Jiang Zemin to a reporter in Hong Kong. Another journalist received a six-year sentence for allegedly delivering the copy of the speech to the Hong Kong reporter. The third journalist, Fu Shenqi, received a three-year sentence at a labor re-education camp for allegedly speaking to the Australian prime minister. The committee urged the Chinese government to release these journalists immediately and unconditionally if they were being detained for carrying out legitimate journalistic duties.
- The Committee wrote to the *de facto* rulers in Haiti after several reporters were detained and seriously beaten by members of the armed forces or armed "attachés" working with the police and army. Some of the targeted reporters were abducted and then beaten after covering demonstrations, while others were attacked at their homes. In each case, the assailants questioned the victims about their critical reporting about the army or about their support for exiled president Jean-Bertrand Aristide. The committee urged the *de facto* leaders to cease these attacks and to punish those found responsible.
- In India, the committee wrote to protest the beating of three journalists in Srinagar by members of the Border Security Force (BSF). The journalists reported that a commander of

the BSF threatened to kill the journalists and then commanded troops to beat the reporters. The reporters, from *Agence France-Presse*, *DPA* and *Srinagar News*, were subsequently hospitalized as a result of the injuries they sustained during the beatings. The committee urged the government to investigate the beatings and to punish members of the BSF found responsible.

- In October, the committee wrote to the Israeli government to protest attacks against journalists reporting in Gaza. Soldiers shot one reporter who was filming a clash between soldiers and demonstrators at a refugee camp. The apartment of another reporter was raided, and the reporter was arrested and mistreated while detained. Soldiers assaulted another reporter and confiscated his film of soldiers beating a taxi driver in Gaza City. The committee urged the government to investigate the attacks and to punish appropriately those found responsible.
- The Congressional Committee wrote to the Nigerian government to protest the banning of most of the independent press following the aborted June 12 elections. Two daily newspapers were banned, and five publishing houses were raided by the government and closed. Many reporters and editors working for the banned publications were detained and faced sedition charges. The government also issued decrees to curtail press freedoms further. The committee urged the government to end its suppression of the independent press and to annul the new decrees which ban many publications and severely curtail the right to freedom of expression.
- In Rwanda, the committee protested the murder of a veteran journalist, a shooting incident involving two Swedish journalists, and charges pending against a newspaper editor. Callixte Kalissa, a television producer and former photographer with the state-run press, was shot in April by assailants presumed to be members of the army. Two Swedish journalists were fired upon by Rwandan soldiers even though they had obtained permission to travel to a rebel zone and carried a white flag. The editor of *Umurava* was detained and charged with insulting the head of state after reporting on alleged connections between the President and death squads. The committee urged the Rwandan government to investigate the attacks against the journalists and to bring to justice those found responsible. The committee also asked the government to drop charges against the *Umurava* editor if they stemmed from his involvement in legitimate journalistic activities.

Other cases taken up by the Congressional Committee included: the murders and beatings of several journalists reporting on Tajikistan; the murder and disappearance of several journalists in Turkey; the harassment of journalists in Zaire, including arrests of reporters and suspensions of newspapers; the continuing death

threat against Salman Rushdie, as well as violent attacks against those working with him; the murder of television reporter Rabah Zenati in Algeria; repressive measures taken by the Lebanese government against the independent press, including the shutting down of one television network and three daily newspapers; acts of intimidation carried out by the Kenyan government against the printing houses that publish independent magazines; criminal charges against journalists in Greece who have written about sensitive political or historical issues; threats allegedly made by the Brazilian military police against journalist Reinaldo Cabral for his reports on police violence; and statements by a prominent Egyptian sheik appearing to condone the murder of secular journalist Faraq Fuda.

UNITED NATIONS

The Vienna Conference

For the worldwide human rights movement, 1993 was notable in being the year of the second United Nations World Conference on Human Rights—the first having taken place twenty-five years earlier, when world conditions were markedly different and the human rights movements of many countries were in their infancy or not yet born.

After preparatory conferences in the various regions, some 1,500 nongovernmental human rights organizations gathered in June in Vienna to review the state of human rights and to look ahead. The official conference of governments met separately from the nongovernmental groups, but both considered the same issues and both produced documents at the close of the conference.

Human Rights Watch sent several senior staff to Vienna and distributed two reports there. The *Human Rights Watch Global Report on Prisons* was a compilation of our work in twenty countries over a period of six years, and was issued as a call on the worldwide human rights movement and on U.N. bodies to stop averting their eyes from the horrifying conditions in which prisoners—a forgotten and profoundly vulnerable group in any society—must survive. The second report was titled *The Lost Agenda: Human Rights and U.N. Field Operations*. Focusing on the U.N. peace-making, humanitarian and peacekeeping operations in El Salvador, Cambodia, the former Yugoslavia, Somalia and Iraq, the report analyzed why incorporating human rights concerns was critical to the success of the El Salvador process; why unwillingness to seek accountability for ongoing abuses weakened the mission in Cambodia; and how the U.N. had failed to give human rights the necessary priority in the remaining three cases. The report was the first such cross-regional critique of the U.N.'s field performance from a human rights organization.

The meaning and impact of the Vienna conference appeared mixed. Although the conference was a welcome opportunity to gather monitors and governments together—and as such should take place more often than every twenty-five years—it also pointed up

the areas of division that exist among governmental approaches to human rights. The argument of some authoritarian Asian governments that differing cultural norms should exempt their countries from the universal application of international human rights instruments was one flashpoint of discussion. There was also a perception, among countries of the South, that the U.N. had not adequately addressed their human rights priorities where those priorities involved economic, social and cultural rights, but had rather responded to an agenda of the developed, westernized North which emphasized predominantly civil and political rights.

Among the nongovernmental groups, such divisions were far less pronounced, although the issue of economic and social rights as priorities was widely discussed. In clear contrast to their governments, Asian and other Southern human rights organizations embraced the universality of human rights law. Particularly notable was the strength of women's groups from around the world and virtually unanimous criticism of the U.N.'s existing human rights machinery. The NGO Forum comprising all the human rights groups participating in the conference produced a strong position paper in which three elements stood out: first, that human rights, for the U.N., must mean all five categories of human rights; second, that women's basic rights must be fully integrated into the U.N.'s human rights agenda, beginning with the appointment of a Special Rapporteur on Violence Against Women; and third, that the U.N. General Assembly must create a High Commissioner for Human Rights, to ensure that a human rights component is included in all the U.N.'s developmental, humanitarian and peacekeeping work and that the U.N. can become capable of early warning and flexible action on human rights crises.

The Work of Human Rights Watch

In July, Human Rights Watch succeeded in obtaining consultative status at the United Nations. Resistance from abusive governments had previously blocked our application, and on this occasion China and Cuba spoke against the petition. On July 30, however, in a departure from established procedure, the Economic and Social Council (ECOSOC) decided on the status issue for Human Rights Watch with a vote rather than by consensus; the vote was 30 in favor and 3 against, with 13 abstentions. Consultative status enables a nongovernmental organization to attend working sessions of U.N. bodies and to lobby national delegations more effectively.

We used our consultative status during the General Assembly, which began in New York in late September, to focus in particular on the creation of a High Commissioner for Human Rights. Human Rights Watch representatives met with U.N. Secretary-General Boutros Boutros-Ghali to discuss the commissioner post. We developed a joint proposal for the commissioner's role, function and authority with five other international human rights organizations and distributed it widely within the U.N. And through the regional divisions of Human Rights Watch we kept in contact with our colleague organizations in the various regions to urge them to follow up on this issue with their governments, where possible. As of mid-November, it was unclear whether the General Assembly would agree on the post before year's end.

Human Rights Watch also followed closely the progress of the U.N.'s war crimes tribunal on the former Yugoslavia. During the long search for a chief prosecutor, when the Security Council was repeatedly deadlocked on the appointment, Human Rights Watch successfully opposed one unqualified candidate and suggested a number of distinguished advocates of human rights as possible alternatives. We considered it essential that the tribunal be headed by a prosecutor of exceptional moral stature and proven commitment to accountability. The Security Council selected Ramón Escovar Salom, the incumbent Prosecutor General of Venezuela, whose record in that post had been strong on rhetoric but less so on substance. That mixed record placed a burden on Mr. Escovar to show his commitment to the tribunal's urgent and historic mission.

It was therefore with concern that Human Rights Watch learned that the new prosecutor would not even be developing his staff for the tribunal until after the New Year.

The Women's Rights Project, which in February called on the U.N. to prosecute rape and forced pregnancy as war crimes in the former Yugoslavia, also participated in the Vienna conference and there engaged in developing such proposals as the one for the Special Rapporteur on Violence Against Women, which was due to be taken up by the U.N. Human Rights Commission in early 1994. In October, representatives of the Women's Rights Project were invited, by the U.N.'s Department for the Advancement of Women, to participate in an expert group meeting on measures to eradicate violence against women.

HUMAN RIGHTS WATCH MISSIONS

Africa Watch

January/Somalia: To gather information about the human rights situation since the U.S.-led intervention.

January-February/South Africa: To investigate human rights in KwaZulu as part of a series of reports focusing on the homelands, and, in conjunction with the Prison Project, to investigate prison conditions.

January/Rwanda: As part of an international commission, to investigate human rights abuses in Rwanda and to excavate two mass graves where victims had been buried.

March/Liberia and the Ivory Coast: To evaluate the ECOMOG intervention in Liberia from a human rights perspective, with emphasis on the period of renewed warfare since October 1992.

March/Sudan: To investigate human rights conditions in southern Sudan.

March-April/Zaire: To investigate prison conditions in Zaire for a joint report with the Prison Project, as well as to document the

government manipulation of the ethnic conflict in Shaba province.

April-May/Nigeria: To investigate the role of the government in religious and ethnic conflict in northern Nigeria.

June-July/Kenya: To investigate the ethnic clashes in western Kenya and, in conjunction with the Women's Rights Project, to document the rape of Somali women refugees in northeastern Kenya.

June-July/Mozambique: To investigate the types of land mines employed and their use during the civil war for a joint report with the Arms' Project.

July-August/Sudan and Kenya: To document violations of the laws of war by all sides to the war in southern Sudan.

October/Somalia and Kenya: To investigate problems of returning refugees and displaced people in southern Somalia.

October-November/Senegal: To interview Mauritanian refugees about abuses against the black ethnic groups in Mauritania since the "democratization" of 1992.

Americas Watch

January/Nicaragua: To research the problem of violence against former *contras* and former Sandinista soldiers.

January/Honduras: To conduct research on clandestine detainees.

February-March/Colombia: To conduct research on violations of laws of war by Mobile Brigades and by guerrillas.

May/Bolivia: To research a report on García Meza trial.

February/Costa Rica, Inter-American Court on Human Rights: To argue at a hearing on Advisory Opinion OC-13 (regarding powers of the Inter-American Commission).

February/Peru: To conduct research for a report on one year after Fujimori's "self-coup."

April/Peru: To conduct interviews on disappearance of students from La Cantuta University and revelations about a military death squad.

April/United States, Southwestern states: To research problem of violations by Border Patrol against intending immigrants.

May/Guatemala: To establish presence during attempted coup.

May-June/Venezuela: To conduct final research for first comprehensive report.

May-June/Brazil: To conduct research on violence against street children in four major urban areas.

June/Argentina: To interview senior Peruvian military chief in exile about the military death squad and La Cantuta case.

July/Brazil: To research problem of forced labor.

June/Nicaragua: To attend General Assembly of the Organization of American States, and hold press conference.

June/Haiti: To research U.S. program of in-country processing of applicants for asylum.

June-July/El Salvador: To conduct follow-up on Truth Commission report.

July/Costa Rica, Inter-American Court: To try the case on the merits against Peru for El Frontón prison massacre.

July/Costa Rica, Inter-American Court: To argue on preliminary objections, *Caballero v. Colombia*.

July/Peru: To research La Cantuta-Cieneguilla case, talk to press, government officials.

August-September/Guatemala: To follow up on July mission.

September/Brazil: To talk with government and press, and research massacre in Rio de Janeiro slum.

September/Guatemala: To conduct further research on new situation after fall of Serrano and appointment of new President.

October/Mexico and Guatemala: To conduct research on repatriation of Guatemalan refugees.

October/Nicaragua: To conduct further research on mechanisms to protect rights of *contras* who had returned to private life.

October/Honduras: To research human rights situation on the eve of elections.

October/El Salvador: To update human rights cases.

November/Paraguay: To talk with press, government and local monitors about attacks on press.

November/Brazil: (with Women's Rights Project) To conduct follow up investigation on violence against women and investigate forced prostitution of Brazilian girls in the Amazon region.

November/Argentina: To talk with government about press attacks,

compensation of victims.

Arms Project

March/India, Pakistan: To investigate transfers of weapons to abusive forces in both India and Pakistan.

May/Argentina, Brazil, Chile: To investigate commercial transfers of weapons and licensing requirements of Southern Cone countries to human rights abusers elsewhere in the world.

June/Rwanda, Uganda, Belgium: To investigate where both sides in the abusive Rwandan civil war obtain weapons.

June/Mozambique: To investigate landmines abuse in Mozambique.

July-August/Georgia: To investigate violations of the laws of war and abuses of weapons in the Abkhazia civil war.

October-November/Israel-Lebanon: To investigate violations of the laws of war and abuses of weapons in the fighting in July between Israeli forces and Hizbollah in southern Lebanon.

Asia Watch

January-February/Thailand: Researched and interviewed Burmese girls and women being trafficked into brothels in Thailand and the consequences faced by those "rescued" by Thai police which entailed arrest, detention and deportation as illegal immigrants.

February-March/Cambodia: To evaluate UN mission and extent of human rights abuses throughout Cambodia's northwest and eastern regions prior to elections.

March/Vietnam: Introduced Asia Watch to a wide variety of Vietnamese officials and opened dialogue on human rights and law reform.

March/East Timor and Indonesia: Observation of Xanana Gusmao trial.

March/Thailand: Attended the Bangkok NGO forum and regional conference on human rights and discussed issues of concern with Asian NGOs.

March/Hong Kong and China: Updated the religious situation, particularly among Catholics and Protestants, in China. Collected data on prison conditions.

April/Sri Lanka and southern India: Investigated reports of involuntary repatriation and human rights violations against Tamil refugee returnees from India.

April/Japan: Held discussions with government officials, NGOs and others on the role of Japan in promoting human rights in Asia.

May/Kashmir: Investigated human rights abuses in Kashmir.

May/Bangladesh: Investigated reports of abuse by Bangladeshi security forces against Burmese refugees.

August/Thailand (with the Jesuit Refugee Service, USA): Observed situation of Burmese in Thailand and investigated their reasons for leaving Burma.

August/Indonesia: Collected information on human rights in Irian Jaya, Java and Sumatra.

September/Philippines: Investigated relationship between human rights violations and logging.

October/Pakistan: Investigated human rights abuses associated with bonded labor.

Fund for Free Expression

March/Egypt: To investigate restrictions of freedom of expression and association (with the Association of American Publishers).

September/Hungary: To assess the independence of broadcasting and investigate other press freedom issues (with Helsinki Watch).

Helsinki Watch

January/Croatia and Bosnia: To investigate human rights and humanitarian problems in Bosnia-Herzegovina.

January/Croatia and Serbia: To investigate sexual abuse of women in Bosnia-Herzegovina.

January/Hungary: To investigate the treatment of Romas.

April-May/Russia and Turkmenistan: To conduct a preliminary investigation into human rights conditions there. To release the report on *Human Rights in Uzbekistan* at a press conference in Moscow on May 5. Attempted to visit Uzbekistan (thwarted by Uzbekistan authorities).

May/Kazakhstan: To monitor a trial of a human rights activist.

May/Czech Republic and Slovakia: To investigate press restrictions and treatment of ethnic Hungarians and Romas.

June/Bulgaria: To investigate the decommunization process and the

treatment of Romas.

June/Germany: To investigate the treatment of refugees in Germany.

May-September/Croatia and Bosnia: To conduct fact-finding missions in the republics of former Yugoslavia; to investigate civil and political rights in Croatia; to further investigate and update UN performance in the former Yugoslavia; to document rules of war violations in central and western Bosnia.

May-June/Tajikistan: To investigate violations of civil and political rights and meet with government officials about human rights conditions.

May/Czech Republic and Slovakia: To meet with activists and government officials to discuss Helsinki Watch's concerns.

June/Armenia, Georgia, Azerbaijan: To meet with government officials, present our mission findings and discuss our concerns about human rights in the region, and release newsletter on Azerbaijani air raids in Nagorno Karabakh.

July/Turkey: To investigate virginity controls through gynecological exams by state agents.

July/Greece: To investigate the situation of the Macedonian minority.

July/Macedonia: To investigate minority questions and the state of human rights in general.

July-August/Russia and Georgia: To investigate violations of the rules of war, and reinforce contact with regional human rights groups.

August-September/Estonia and Latvia: To investigate treatment of the non-citizen minority, to investigate restrictions on citizenship and establish initial contacts in the region.

September-October/Serbia and Montenegro: To investigate civil and political rights in Kosovo and Montenegro.

October-November/Estonia, Latvia: To meet with government officials about Helsinki Watch findings and release two reports.

October-November/Russia: To meet with government officials about the recent upheaval in Moscow and address Helsinki Watch's concern about human rights.

November/Romania: To investigate recent mob violence against the Roma minority as well as the government's failure to investigate and prosecute past violence against Romas.

Middle East Watch

December-January/Lebanon and Israel: To investigate deportation of Palestinians and take up our findings with Israeli authorities.

January-February/Iran: To interview Iraqi refugees about abuses against the Shi'a of southern Iraq, particularly in the marshes.

February/Egypt: To investigate abuses against Christian Copts and release prisons report.

April/Iraqi Kurdistan: To secure the retrieval of additional captured Iraqi documents and investigate continued human rights abuses against the Kurds.

June/Israel: To release *A License to Kill* report at a press conference.

August/Iraqi Kurdistan: To supervise the collection and escort to the U.S. a second consignment of captured Iraqi documents

October/Lebanon: To collect evidence in the field of possible violations of the rules of war during July 1993 fighting with Israel (conducted jointly with Arms Project).

November/Israel: To collect evidence in the field of possible violations of the rules of war during July 1993 fighting with Israel (conducted jointly with Arms Project).

December/Kuwait: To gather information on treatment of bedoons, stateless residents of Kuwait.

N.B.: Middle East Watch maintained a field researcher in the Israeli-occupied territories to August 1993, to monitor current conditions and research reports on undercover killings and torture.

Prison Project

January-February/South Africa: (with Africa Watch) To investigate prison conditions.

February/United Kingdom: To visit two London-area prisons.

March/Hong Kong and China: Collected data on prison conditions.

March-April/Zaire: (with Africa Watch) To investigate prison conditions in Zaire.

Women's Rights Project

January/Former Yugoslavia: (with Helsinki Watch) To investigate

reports of widespread rape of women by all parties to the conflict and to work with local groups to develop methods for accurate documentation of rape.

February/Thailand: (with Asia Watch) To document the trafficking of Burmese women and girls into Thailand for the purposes of forced prostitution and state complicity or toleration of such abuse.

July/Turkey: (with Helsinki Watch) To investigate reports of forced gynecological exams by police and other state actors to control women's and girls' virginity.

July/Kenya: (with Africa Watch) To investigate reports of rape of Somali refugee women in camps in Kenyan territory.

June-August/Pakistan: (with Asia Watch) To conduct research on the trafficking of Bangladeshi women into Pakistan.

November/Brazil: (with Americas Watch) To conduct follow-up investigation on violence against women and investigate forced prostitution of Brazilian girls in the Amazon region.