

## **UNITED STATES**

### **Human Rights Developments**

The climate for human rights in the United States worsened in 1995, marked by mounting evidence of the persistence and pervasiveness of racism in the criminal justice system, expanded use of the death penalty, increased reliance on incarceration and harsher conditions of confinement, and attacks on due process and freedom of expression by the new Republican majority in Congress.

The sharp differences in the way African-Americans and whites reacted to the acquittal of African-American celebrity O.J. Simpson of murder charges highlighted the systematic abuse of minority citizens by police and ongoing racism in the criminal justice system. The experience of discrimination at the hands of law enforcement officials and courts led many minorities to deeply distrust institutions of justice. In addition, minority rights were weakened over the year by three Supreme Court decisions that reduced protections in voting, education, and employment, and by a concerted Republican-led attack on "affirmative action" programs designed to increase the representation of minorities in workplaces and higher education.

Concerns over police misconduct throughout the country grew during the year. Police officers in a number of cities were accused of serious human rights violations, including murder, brutality, and rape, with many victims asserting that these abuses were racially motivated. Despite the seriousness of the allegations, far too often police leadership as well as state and federal prosecutors failed in their duties to vigorously pursue and prosecute cases of police misconduct.

The debate over racial disparities in prison terms for drug offenses erupted into public view in October when inmates rioted in four federal prisons after Congress rejected the recommendations of the United States Sentencing Commission to modify the differential treatment between crack and powder cocaine in mandatory federal drug sentences. Among the commission's other disturbing findings: although whites and African-Americans used both forms of cocaine, whites were arrested and prosecuted mainly for federal powder cocaine crimes while African-Americans made up 90 percent of those convicted for crack cocaine offenses.

The federal crimes of possession and distribution of crack cocaine carried much harsher penalties than similar offenses involving powder cocaine. This two-tiered sentencing scheme, though facially neutral, had a significant discriminatory impact on the African-American community. The disparate impact of drug laws on African-Americans was heightened by the pattern of narcotics law enforcement, which was largely concentrated in minority neighborhoods in U.S. cities. As a result African-Americans were arrested, prosecuted, convicted, and imprisoned for drug crimes far out of proportion to their numbers among the general population or the population of drug users, and were the principal recipients of the harsher sentences that applied to crack use and sale.

The April 19 bombing of the federal building in Oklahoma City at first caused a xenophobic reaction, as many commentators assumed that Islamic militants were responsible. Although home-grown adherents of radical right-wing movements were ultimately charged in the case, the Clinton administration and members of Congress nevertheless exploited public fear and anxiety over the bombing to press for passage of a repressive "anti-terrorism" bill that would establish new courts, using secret evidence, to deport non-citizens suspected of "terrorist" activity, and limit inmates condemned to death to one appeal in federal courts. The administration, having succeeded in 1994 in expanding to sixty the number of federal crimes for which the death penalty may be imposed, moved quickly to seek it in the Oklahoma case. Elsewhere in the United States the pace of executions quickened, with New York's new governor signing a bill that ended the state's longstanding moratorium on executions. The national total of forty-two executions by the end of September broke the modern annual record of thirty-eight set in 1993.

The increasing use of the death penalty was particularly troubling in light of extensive evidence that showed it to be administered in a racially discriminatory manner at both state and federal levels. For example, all ten of the defendants approved by the attorney general for capital prosecution under the Federal Anti-Drug Abuse Act were African-Americans, and, at the state level, racial minorities accounted for almost 50 percent of all those executed during the first ten months of 1995.

Another highly disturbing aspect of death sentencing in the United States was the continuing execution of juvenile offenders—convicted of crimes committed before the age of eighteen—in blatant violation of international legal instruments, including the International Covenant on Civil and Political Rights (ICCPR), the American Convention of Human Rights, and the U.N. Convention on the Rights of the Child. The United States faced strong international condemnation for this practice.

The trend to curb the due process rights of inmates continued during 1995. Prisoners in the United States traditionally had three successive procedures to challenge their convictions or sentences: appellate review, state habeas corpus review, and federal habeas corpus review. In recent years, the courts as well as state and national legislatures have increasingly restricted the availability of federal habeas corpus review for both state and federal inmates. Congressional initiatives in 1995, including the anti-terrorism legislation and a revised crime bill, would, if passed and signed into law, restrict the federal appeals process for all condemned federal and state inmates and make it harder for federal judges to reverse convictions or sentences handed down by state courts.

The most significant human rights abuses in U.S. prisons during 1995 stemmed from the exploding prison population and concomitant extreme overcrowding of prison facilities. In August 1995, the U.S. Justice Department announced that the nation's prison population had soared above the one-million mark for the first time, more than doubling since 1985. The increases reflected tougher sentencing for a range of crimes as well as a greater proportion of drug arrests leading to longer prison terms. Overcrowding meant that most facilities built with

single occupancy cells had two prisoners per cell and prison dormitories were often triple-bunked. Overcrowding also led to a deterioration in physical and sanitary conditions, the spread of airborne diseases, and reduced levels of basic necessities such as staff supervision and delivery of health services.

In another disturbing and regressive development, the state of Alabama reintroduced prison chain-gangs after a hiatus of some thirty years. Groups of prisoners shackled and chained together at the ankles cleared ditches, cut grass, picked up litter, and mended fences for twelve hours a day, five days a week, with hourly water breaks and a brief lunch, under the supervision of armed guards. Such treatment violates the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment and the ICCPR's prohibition against degrading treatment of prisoners.

The federal and state prison systems in recent years have made increasing use of super-maximum security facilities, informally known as "supermaxes" or "maxi-maxis." Supermaxes subject prisoners to extreme social and sensory deprivation, including near-total isolation from other prisoners, surroundings designed to reduce visual stimulation, minimal or no time outdoors, frequent denial of reading material, and complete lack of recreational facilities. At one such prison facility, the Maximum Control Complex in Westville, Indiana—which has identical cell blocks centered on control booths from which all the cells are visible—a number of inmates interviewed by a Human Rights Watch team in June 1995 complained of feeling like experimental guinea pigs in a laboratory. Prisoners were never in the presence of other people, including fellow inmates, except during rare visits or when being moved by guards.

In January 1995, conditions at the Security Housing Unit (SHU) of another notoriously harsh prison, California's Pelican Bay facility, were held, in a landmark federal court ruling, to "cross the constitutional line." The strongly worded opinion detailed eleven shockingly violent assaults on inmates by guards and described the SHU as a "windowless labyrinth of cells and halls sealed off from the outside world," where prisoners routinely endured conditions of total social isolation and sensory deprivation that "may press the outer bounds of what most humans can psychologically tolerate." Despite findings like these, legislation to curb the power of the courts to order remedies in cases involving inhumane and unconstitutional conditions in adult prisons and juvenile detention facilities was nearing congressional approval.

Over the year Congress also took steps that would impair freedom of expression in the country, including a proposed constitutional amendment—the first revision of the First Amendment right to free speech in U.S. history—to permit prosecution of protesters who burn or desecrate the nation's flag and a pending bill to restrict "indecent" expression on the Internet.

Gender discrimination remained a pervasive problem in the United States during 1995. U.S. constitutional and statutory law consistently failed to provide adequate legal protection for women who, particularly in the sectors of employment, health care, and prison facilities and programs, faced discrimination on account of their sex. Under the United States Constitution, as

interpreted by the Supreme Court, discrimination based on gender merited a lower level of judicial scrutiny than discrimination based on race or national origin. Women were also inadequately protected by U.S. statutory law, since many U.S. anti-discrimination statutes failed to proscribe gender-based classifications. Although gender discrimination law applied equally to men and women, in practice women were far more likely to receive inferior treatment on account of their sex. Less stringent than the standard applicable to discrimination by race or nationality, the U.S. legal standard for sex discrimination violated article 3 of the International Covenant on Civil and Political Rights, which mandates equal access to civil rights protections for men and women.

Immigrants to the United States were targets of campaigns to limit their rights in 1995. Although immigration policy has historically fallen within the domain of the federal government, state legislatures increasingly asserted control over certain aspects of immigration with a view to circumvent federally mandated due process rights for non-citizens. For example, despite a Supreme Court ruling that public assistance could not be withdrawn without a prior hearing, California's Proposition 187 statute, approved in a November 1994 referendum, instructed state facilities to cut off medical aid, welfare funds, and schooling for supposed illegal migrants without explicitly providing for a hearing. Major provisions of Proposition 187 were judicially enjoined in December 1994, pending a determination of their constitutionality. The statute, as applied, would potentially violate the anti-discrimination principle of article 26 of the ICCPR.

Meanwhile, as immigration issues moved to the forefront of the national debate, undocumented immigrants, refugees, legal residents and U.S. citizens continued to be subjected to abuse by Border Patrol agents and inspectors of the U.S. Immigration and Naturalization Service (INS), including severe beatings and arbitrary detentions. Victims of abuse faced many barriers to filing or pursuing complaints due to structural flaws in the INS's investigatory and disciplinary processes. As a result of its defective complaint and agent review procedures the agency consistently failed to enforce its stated policies and hold abusive agents accountable. Nevertheless, the Clinton administration and Congress poured new resources into the INS to vastly increase the number of agents, without requiring sufficient improvements in the agency's abysmal human rights record.

In a positive development in 1995, the INS convened a Citizens' Advisory Panel (CAP) in April, June, and October. Although the CAP directly heard the concerns of human rights advocates and focused on improving the INS's flawed complaint intake system, the INS countered the momentum for accountability by pushing to gain sole control of the complaint and agent review process and advocating the elimination of the oversight function performed by the Office of the Inspector General for the Department of Justice. The panel was expected to submit formal recommendations to the attorney general in early 1996.

On May 2, 1995, the United States announced its intention to grant humanitarian parole to most of the approximately 21,000 Cuban asylum seekers interned since August 1994 at the U.S. naval base in Guantánamo Bay, Cuba. At the same time, the U.S. announced a new policy, adopted

after negotiating a migration agreement with the Cuban government, to repatriate automatically all Cubans intercepted at sea. Those claiming to fear persecution would be instructed to apply for refugee status through the U.S. Interests Section's already overwhelmed in-country processing program in Havana. The new policy initially did not permit adequate screening to protect Cubans qualifying as refugees from involuntary repatriation as required by the international law principle of non-refoulement. The administration subsequently expanded the shipboard screening procedures instituted under the policy to consider the internationally recognized definition of a refugee. Concerns remained, however, about the difficulties in assuring a fair hearing posed by shipboard, rather than land-based, screening and the mistaken reliance on in-country refugee processing as a substitute for strict adherence to the principle of non-refoulement.

In January, following the return to office of President Jean-Bertrand Aristide, the U.S. initiated forcible repatriations of over 3,700 Haitians from detention camps at Guantánamo, despite ongoing security concerns in Haiti. The cursory interview U.S. officials accorded the Haitians immediately prior to their repatriation was publicly decried by the United Nations High Commissioner for Refugees as insufficient protection from refoulement. In addition to the Guantánamo repatriations, the U.S. returned roughly 200 Haitians intercepted on the high seas between October 1994 and October 1995 without any refugee screening, denying them even the shipboard procedures in place for Cubans interdicted in similar circumstances.

### **The Right to Monitor**

While civil liberties and human rights groups operated freely in the United States, two moves by Congress threatened the ability of some advocacy groups to function. One was the abolition of federal funding for legal centers in many states that provided representation for indigent death-sentenced inmates. There was considerable evidence that Congress acted not from fiscal considerations, but due to the centers' role in prolonging condemned inmates' appeals and overturning some death sentences. In addition, at this writing Congress was considering legislation which would discontinue federal grants for organizations that engaged in "political advocacy" even with their own private funds. Lobbying with federal money was already prohibited, but the proposed legislation would contravene the rights to impart information and ideas of all kinds and to take part in the conduct of public affairs conferred by articles 19 and 25 of the ICCPR.

### **The Role of the International Community**

Restrictions placed by the United States on its ratification of the International Covenant on Civil and Political Rights (ICCPR)—first, limiting the domestic applicability of the covenant, and second, overriding the prohibition on the execution of persons for crimes committed when they were younger than eighteen—drew considerable objection from other nations, including Germany, France, Italy, Belgium, Norway, the Netherlands, Portugal, Spain and Sweden.

The scheduling of Mumia Abu-Jamal's execution by the state of Pennsylvania for August 17, 1995, sparked an international campaign for clemency in his case. Abu-Jamal, a former radio journalist and African-American political activist, had remained on death row since 1982 when

he was convicted—amid widespread accusations of racial bias in the courtroom, inadequate representation, and prosecutorial misconduct—of the 1981 killing of a Philadelphia police officer. Abu-Jamal continued to proclaim his innocence. The governments of Germany and Belgium appealed to U.S. authorities on his behalf, President Chirac authorized the French ambassador to Washington to take "any step that might help to save the life of Mr. Mumia Abu-Jamal," and Italian parliamentary deputies passed a Lower House motion urging their government to press the United States to lift Abu-Jamal's death sentence. Although the governor of Pennsylvania rejected all intercessions, a court of common pleas judge granted a stay of execution to enable Abu-Jamal to complete his appeals process.

### **The Work of Human Rights Watch**

In 1995, Human Rights Watch expanded its investigation and advocacy on the U.S. with two principal areas of emphasis: U.S. compliance with international human rights treaties and human rights in the criminal justice system, including race discrimination in policing, sentencing and incarceration, impunity for brutality by law enforcement officials, inhumane conditions of confinement, and use of the death penalty.

In March, on the eve of the United Nations Human Rights Committee's first hearing on U.S. compliance with the ICCPR, Human Rights Watch and the American Civil Liberties Union (ACLU) submitted to the committee a detailed memorandum evaluating the United States record and criticizing the U.S. government's first periodic report to the committee. Human Rights Watch and the ACLU noted that by qualifying its ratification of the ICCPR through a series of reservations, declarations, and understandings, and by designating the treaty non-self-executing, the United States had effectively denied its citizens the rights conferred by it. Although the U.S. justified this virtual nullification of ICCPR rights for Americans on grounds of the sufficiency of domestic legislation, many convention provisions actually provided broader protection than was available under U.S. law, as interpreted by the Supreme Court.

The U.N. Human Rights Committee had taken the same view as Human Rights Watch on the U.S. conditions on ratification, in a November 1994 General Comment highly critical of states parties' attaching reservations to the ICCPR. In its March presentation to the committee, the U.S. castigated this position as going "much too far" and insisted that "reservations are an essential part of a state's consent to be bound" that could not "simply be erased."

Human Rights Watch and the ACLU found significant shortcomings in U.S. compliance with ICCPR standards in many substantive areas, including racial and gender discrimination, prison conditions, administration of the death penalty, treatment of Haitian and Cuban detainees, children's rights, freedom of expression, the rights of minority language speakers, limitations on aliens' rights to due process, and prisoners' rights.

Human Rights Watch similarly pressed the U.S. government regarding compliance with the International Convention on the Elimination of All Forms of Racial Discrimination (CERD). In October, in a joint letter and report to Secretary of State Warren Christopher, Human Rights

Watch and two colleague organizations—the International Human Rights Law Group and the NAACP Legal Defense Fund—identified four issues of race discrimination in the criminal justice system and urged the United States to address them in its forthcoming submission to the CERD Committee. The three organizations' Summary of Concerns About Race Discrimination in the U.S. Criminal Justice System lauded U.S. ratification of the CERD in 1994 as a first step toward applying international human rights law to the problem of racial discrimination in the country, but opposed the Clinton administration's declaration—similar to the one entered for the ICCPR—that the convention was not self-executing.

The three groups urged that the United States' first annual report as well as subsequent submissions to the CERD Committee include extensive statistical data concerning the experience of racial minorities within the justice system, and identified four areas where data would be particularly helpful in evaluating the disparate racial impact of specific policies: super-maximum security prisons, administration of the death penalty, police misconduct, and drug prosecutions.

With respect to the disproportionate assignment of racial minorities to supermaximum security prisons, race disparities in the administration of the death penalty, and police abuse of minority citizens, Human Rights Watch and the two other organizations asked the executive branch to provide the CERD Committee with data on the numbers and racial backgrounds of nonviolent inmates assigned to supermax prison units, statistics revealing the racial breakdown of capital prosecutions and convictions, and similar statistics drawn from a sampling of local police departments regarding police stops, arrests, and physical confrontations between police and civilians. In addition, the joint report pointed out that there have been numerous domestic legal challenges to the racially disparate impact of the powder cocaine/crack distinction in federal sentencing statutes and guidelines, but almost all have foundered on the lack of sufficient evidence of intentional discrimination. CERD condemns laws and practices with a racially discriminatory effect, regardless of intent, and requires the elimination of laws with an unjustifiable adverse impact on particular racial or ethnic groups, so Human Rights Watch and its colleague groups urged that the United States' report to the CERD Committee address the issue of the disparate racial impact of U.S. drug laws and describe any intended remedial steps.

During 1995, Human Rights Watch undertook investigations and advocacy efforts on several facets of the administration of capital punishment. In a March 1995 report, *United States: A World Leader in Executing Juveniles*, the Human Rights Watch Children's Rights Project urged the U.S. government to abolish the death penalty for both juvenile and adult offenders and recommended that, as a first step toward abolition, the United States enact legislation to end executions of persons who, at the time they committed their crimes, were below the age of eighteen, and that federal and state prosecutors refrain from seeking the death penalty in such cases. The Children's Rights Project report pointed out that the harsh treatment accorded juvenile offenders in the criminal justice system contrasted sharply with U.S. civil laws, which were based on the premise that minors generally do not have the same level of intellectual and psychological maturity as adults and hence require special protections.

During the year Human Rights Watch sent letters to Pennsylvania Gov. Thomas Ridge and Superintendent James Price of the Waynesburg State Correctional Institute to express grave concern about the then-impending execution of Mumia Abu-Jamal and to protest the curbs imposed on his free expression rights by prison authorities. In the letter to Governor Ridge, Human Rights Watch expressed its opposition to the death penalty in all circumstances and urged him to withdraw the execution warrant against Abu-Jamal. Although the organization did not take a position on the underlying criminal charges against Abu-Jamal, it noted serious concerns about the fairness of his trial, particularly the heavy reliance during the sentencing phase on information regarding his political beliefs and associations.

In September, Human Rights Watch joined with Physicians for Human Rights and several members of the medical, legal, academic, and public service communities in a letter calling on the American Psychiatric Association (APA) to formulate and articulate its own definitive stance on the ethics of psychiatrists assessing the competence of prisoners for purposes of approving their execution. The action was in response to the APA's support for an argument that physician involvement in the administration of the death penalty is not necessarily unethical, propounded in a report by the American Medical Association's Council on Ethical and Judicial Affairs (CEJA), which endorsed such psychiatric assessment. The letter reiterated the position we took in the 1994 Human Rights Watch/Physicians for Human Rights/American College of Physicians report, *Breach of Trust*, that physician participation in capital punishment conflicts acutely with the caring and curing missions that are central to the medical profession.

Human Rights Watch persisted in its work to end human rights abuses by INS Border Patrol agents and inspectors on the premise that until abusive officials were held accountable for their actions, rights violations along the country's southern borders would continue. In our third report on the issue since 1992, *Crossing the Line: Human Rights Abuses Along the U.S. Border with Mexico*, Human Rights Watch revealed that INS Border Patrol agents deployed along the western segment of the U.S.-Mexico border continued to abuse their authority and committed serious human rights violations including murder, rape, unjustified shootings, severe beatings, and arbitrary detentions, with impunity. The April 1995 report also documented physical abuse and harassment perpetrated by INS inspectors at U.S. border posts in Arizona and California, which, though less endemic than border patrol violence, occurred in a similar climate of impunity.

In response to our 1993 report on border violations, the INS had assured Human Rights Watch that it would address the issue of agent misconduct, which had developed into one of the worst police abuse problems in the country. The latest report exposed failure by the INS to address the problem adequately; the few reforms undertaken were of a cosmetic nature and remained largely ineffective. Although during the year the INS periodically convened a Citizens' Advisory Panel (CAP) required by law, it continued to reject the option of independent civilian review that Human Rights Watch consistently advocated in all three reports.



Human Rights Watch staff testified at the first two, and submitted documentation for all three, CAP meetings. The organization's initial concerns about the CAP's limited mandate were mitigated when nongovernmental members of the panel addressed serious shortcomings in the INS's complaint and review procedures and the inadequacy, as a result of increased hiring, of training programs for INS supervisors, a fact reportedly admitted by the INS at CAP's October meeting.

In view of the enduring problem of police abuse throughout the U.S., Human Rights Watch initiated a nationwide field research project on police violence and the barriers to accountability. The organization also stepped up advocacy efforts for more extensive and effective local civilian review of police practices. In October, Human Rights Watch testified before the City Council of the District of Columbia opposing the council's earlier decision to suspend the Civilian Complaint Review Board and transfer its operating budget to the internal review apparatus of the Metropolitan Police Department itself. Human Rights Watch stressed that, were the police allowed to investigate allegations of police misconduct without any external oversight, the customs of solidarity within the ranks of the force would serve to weaken any pressure for accountability. The organization also made several concrete recommendations to streamline and invigorate the civilian panel's operations and to heighten its impact.

An October 1995 Human Rights Watch Children's Rights Project report, *United States: Children in Confinement in Louisiana*, documented the abusive conditions in which children were confined in Louisiana's four post-adjudication correctional facilities, in violation of international legal standards and, in important respects, national laws as well. The report disclosed that children at all four facilities were periodically restrained by handcuffs, regularly physically abused by guards, and kept in isolation for long periods of time. Moreover, being housed in dormitories of forty to fifty children with no privacy, even when using toilet facilities, stripped the child detainees of a basic sense of dignity. In addition, virtually every child interviewed by Human Rights Watch complained of hunger. We made several recommendations to end the physical and psychological abuse of children and to promote the goal of rehabilitating them in an environment that fosters respect and dignity, including the establishment of a functioning complaint mechanism to enable the children to seek redress for abuse and the provision of adequate programming to educate, train, and counsel them.

Between 1993 and late 1995, the Human Rights Watch Women's Rights and Prison Projects investigated a grave and potentially explosive national problem of custodial sexual misconduct in United States prisons. Human Rights Watch found that in state women's prisons in California, Georgia, Illinois, Michigan, New York, and the District of Columbia, ill-trained male officers guarded female prisoners with little appropriate guidance or oversight regarding sexual misconduct. The result was a highly sexually charged custodial environment in which the officers further stepped over the line with respect to the prisoners and engaged in rape, sexual assault, other forms of sexual contact, and inappropriate visual surveillance of the women while they were dressing, showering, or using the toilet. A detailed report on these findings was in preparation at this writing. Given the steadily rising female prison population—the number of women in prison grew by 75 percent between 1987 and 1992—the national and state governments

must acknowledge the magnitude of the problem of custodial sexual abuse and devote the necessary financial and human resources to secure its speedy eradication.

## **THE ARMS PROJECT**

The Human Rights Watch Arms Project was established in 1992 to monitor and seek to prevent the transfer of weapons and the provision of military assistance and training to governments or armed groups that commit gross violations of internationally recognized human rights or the laws of war. A corollary of this is to promote freedom of expression and freedom of information about arms and arms transfers worldwide. In addition, the Arms Project seeks to eliminate weapons which as a class are, or should be, prohibited by the laws of war, without consideration of the human rights record of the country or group possessing them. These are weapons that are by their very nature indiscriminate or cruel and inhumane.

The Human Rights Watch Arms Project is unique because it straddles the human rights movement (from which we derive our basic philosophy, motivating energy, fact-finding methodology, and expertise in international law) and the arms control community (from which we draw our expertise in the arms trade and the development of weapons systems). Through our research and advocacy, we put the spotlight on violations of human rights and the laws of war, and place the legal and moral responsibility for these violations at the doorstep of governments that have supplied weapons or other forms of military support to the violators.

We attempt to document the link between weapons used in specific abuses to the supply of these weapons through a combination of documentary research (including, in the U.S., analysis of documents obtained under the Freedom of Information Act) and field investigation. By combining our ability to uncover new information with the capabilities of Human Rights Watch to advocate change, we have become increasingly effective in stigmatizing governments or forces that are guilty of, or complicit in, weapons-related abuse. Our methodology encompasses research into the full range of weapons, including weapons of mass destruction. Field research to date has focused on the trade in light weapons and small arms, bringing to these weapons a small reflection of the attention given to the tracking of non-conventional and major conventional weapons through the International Atomic Energy Agency and the United Nations conventional arms register. Except for artillery (for example, in the cases of Bosnia and Angola), it is light weapons and small arms that are used most frequently in human rights abuses and violations of the laws of war.

In 1995, the Human Rights Watch Arms Project developed its program to elaborate existing projects (landmines), expand into new areas (chemical and biological weapons, and blinding lasers), and vigorously pursue more effective campaign strategies. During the past year it was the Arms Project's capacity to reveal new information on the transfer and use of arms that led to a

series of concrete successes. After our reports, a sale of U.S. cluster bombs to Turkey was stopped and the attention of the U.N. Security Council was drawn to the re-arming, by France, Zaire and others, of the perpetrators of the Rwandan genocide. The United States agreed to new prohibitions in international law on blinding lasers after the Arms Project publicized the secret development of tactical laser weapons in the U.S.; and not long afterward, the U.S. halted the production of the Laser Countermeasure System (LCMS), a portable laser weapon singled out by the Arms Project for its capability to blind persons within a range of 3,000 feet. The Arms Project also contributed to decisions by the U.N. General Assembly to adopt a resolution endorsing the goal of the eventual elimination of antipersonnel landmines, and by the U.S. Senate to pass an amendment mandating a one-year moratorium on use of antipersonnel landmines by U.S. forces.

## **The Work of the Arms Project**

### **Targeting Weapons Systems**

Under international humanitarian law, the use of weapons that are inherently indiscriminate (or prone to indiscriminate use) or cause unnecessary suffering is banned. The Arms Project has gone further in seeking a total ban on the production, stockpiling and trade of such weapons.

In 1995, the Arms Project initiated new programs on chemical and biological weapons and on blinding laser weapons. Meanwhile, as a member of the steering committee of the International Campaign to Ban Landmines we continued research and advocacy efforts aimed at obtaining a total ban on antipersonnel landmines and attended the Review Conference on the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, or the Convention on Conventional Weapons (CCW), in Vienna in September-October 1995.

### **Landmines**

The Arms Project has singled out antipersonnel landmines as inherently indiscriminate weapons deserving of a total ban on production, stockpiling, trade and use. Landmines stay in the ground long after a conflict has ended, causing untold suffering to civilians for decades. Current estimates are that some one hundred million antipersonnel landmines lie buried in the soil in Cambodia, Angola, Afghanistan, Iraq, Bosnia, Nicaragua and some sixty other countries.

During 1995, the landmines crisis worsened. During the last year, approximately 100,000 landmines were removed in mine clearance operations while approximately 2.5 million new mines were laid down by warring factions. At the same time, there have been some stunning developments toward a ban on antipersonnel landmines. In the past year, the number of nongovernmental organizations (NGOs) endorsing a ban has grown from under sixty to more than 350. There are now organized national campaigns in approximately thirty nations, with recent launches in Afghanistan and South Africa. After President Clinton embraced the goal of the eventual elimination of antipersonnel landmines by the U.S. in a speech at the U.N. in September 1994, the U.N. General Assembly adopted a resolution endorsing a similar goal in

December 1994. In March 1995, Belgium became the first nation to enact legislation to ban production, export and use of mines. Seventeen other nations have declared support for an immediate and comprehensive ban, while thirty nations have announced a moratorium on the export of mines. In July 1995, both the European Parliament and the Organization of African Unity passed resolutions calling for a comprehensive ban on antipersonnel mines. At the end of October, the U.S. House-Senate conference committee on the Foreign Operations bill accepted the Leahy amendment mandating a one-year moratorium on the use of antipersonnel landmines by U.S. forces. The bill had yet to be voted on by both the House and Senate, and signed by President Clinton, before the law will take effect.

As a member of the steering committee of the International Campaign to Ban Landmines, the Arms Project has played an important role in these developments. Our advocacy efforts continue to be centered on four main areas: international legal and diplomatic initiatives; public education and organizing activities to build the International Campaign to Ban Landmines; coalition building to increase participation in the campaign by organizations from the developing world; and public education and organizing to create a more broad-based U.S. campaign.

At the Review Conference on the 1980 Convention on Conventional Weapons in Vienna in September-October 1995, we urged governments to adopt a total ban, and failing that, to strengthen Protocol II on landmines by adopting new verification and compliance provisions, expanding the scope of the protocol to cover non-international conflicts, mandating regular and frequent review of the CCW, and other measures. Regrettably, the conference unexpectedly ended in deadlock, with nations unable to agree even on modest changes. The conference is expected to reconvene in January and April 1996. During the coming year, the Arms Project intends to continue to work at both the international and national levels to enhance prospects for a comprehensive ban on antipersonnel landmines.

### **Blinding Laser Weapons**

In 1995, the Arms Project took on the issue of tactical laser weapons following appeals from the International Committee of the Red Cross in Geneva, which had been alone in undertaking medical and legal analysis on these weapons systems. We felt that the Arms Project might contribute something important by presenting evidence of active laser weapon programs in the United States and elsewhere, and thought that the September 1995 Review Conference on the 1980 Convention on Conventional Weapons might offer an opportunity to seek a ban on such weapons. In our view, tactical laser weapons should be banned because their primary effect in certain circumstances is to blind anyone at whom they are directed; the injury is irreversible and therefore, in comparison with other injuries that may occur on the battlefield and in light of alternative weapons systems available to the modern military, inflicts suffering that is cruel and unnecessary. Until 1995, the U.S. government had barely acknowledged the presence of these weapons in its arsenal, and was loath to discuss any form of restrictions on their use.

In the spring of 1995, the Arms Project discovered from documents obtained under the Freedom of Information Act that the United States has been developing at least ten separate tactical laser

weapon systems. In a May 1995 report publicizing these systems, U.S. Blinding Laser Weapons, we drew a great deal of media attention to this previously unknown and undiscussed issue, with coverage in The New York Times, The Financial Times, Jane's Defense Weekly, Defense News, and other U.S. and foreign newspapers and specialized publications. The Arms Project had several meetings with U.S. government officials to express our concern about these weapons, as well as with officials of Britain, France, Germany, Sweden, Belgium, Ireland, NATO, the European Commission, the European Council, and members of the European Parliament. We also worked hard to bring together individuals and organizations in the United States and Europe on the issue of blinding laser weapons, urging them to raise it with their governments and within their communities.

In June 1995, the European Parliament passed a resolution calling for a ban on laser weapons that can cause blindness. More significantly, following our disclosures, the U.S. government announced a formal policy on blinding lasers on September 1, reversing both its opposition to any regulation of laser weapons and its previous position that intentional blinding is a legal and acceptable method of warfare. However, the new policy statement contained a loophole designed to permit continued use of laser weapons categorized as "anti-optical" or "anti-sensor" systems. In fact, the day before the surprise release of the policy statement, the U.S. Army awarded a seventeen million dollar contract for initial production of a laser weapon known as the Laser Countermeasure System (LCMS), an "anti-optical" weapon mounted on an M-16 rifle which the Army acknowledges fires a laser beam powerful enough to burn out human retinas from 3,000 feet away.

Just prior to the September-October 1995 Review Conference of the CCW, the Arms Project released its second report on lasers, Blinding Laser Weapons: The Need to Ban a Cruel and Inhumane Weapon. This report made new revelations about U.S. and other laser weapon programs, gave a comprehensive analysis of the military, humanitarian, and legal considerations surrounding blinding lasers, and evaluated possible protocol language. Sustained advocacy efforts by Human Rights Watch, the ICRC, and others, were instrumental in gaining acceptance of a new protocol on blinding laser weapons at the Review Conference. One year ago, very few observers would have believed that passage of a protocol was possible. While weaker than Human Rights Watch would like, the new protocol establishes the crucial principle that deliberate blinding is barbaric and an unacceptable way to wage war. Unfortunately, the new protocol contains the same loophole as the new U.S. policy statement, and allows an entire category of laser weapons to escape regulation.

However, in another sudden reversal, the U.S. announced on October 12 that it was canceling the LCMS program. It is ironic that the decision to terminate LCMS was made at the very time that the U.S. delegation in Vienna was insisting that the protocol include a loophole through which the LCMS could be used. Human Rights Watch believes that the LCMS cancellation reflects both a recognition at the highest levels of the Pentagon of the lack of military utility of this weapon system and concern about pursuing this weapon in light of the new policy against blinding.

## **Chemical and Biological Weapons**

In the spring of 1995, the Arms Project launched a major new endeavor by establishing its chemical and biological weapons program. The objective of the program is to strengthen efforts to prevent the proliferation of weapons of mass destruction by introducing a human rights component into the debate. We envision doing so in a number of ways: providing a human rights analysis of the proliferation question; helping to better enforce an existing norm by further stigmatizing chemical and biological weapons as indiscriminate, cruel and abhorrent to the human conscience; and lending our investigative skills to attempts to uncover evidence of illegal chemical/biological weapons production, stockpiling, trade or use.

During the first half year of the program, efforts centered on two main areas of work: the building of a network of experts, and a preliminary investigation into cases of alleged CW or BW use. Moreover, the Arms Project has made contact with a number of nongovernmental organizations, both in the human rights and arms control communities in the United States and Europe, to exchange information, and has met with government officials, attended unclassified government meetings on CBW, submitted Freedom of Information Act requests to several branches of the U.S. military for information on chemical and biological issues, and collected reports and testimony on CBW issues and proliferation concerns.

The emerging network has enabled us to begin to develop a capability to respond to allegations of CBW production, stockpiling, trade and use. Depending on the outcome of future investigations, the Arms Project will seek to highlight the use of CBW in modern conflicts, despite the existing prohibitions, and lend its weight to efforts by those who seek ratification of the Chemical Weapons Convention and the addition of a verification regime to the Biological Weapons Convention. Additionally, the Arms Project intends to monitor the international trade in CW and BW components, much as we monitor the trade in conventional weapons. Finally, we intend to serve as an address and source of protection for whistle-blowers, or will blow the whistle ourselves, in cases where we obtain evidence of illegal manufacturing or transfer of chemical and biological weapons.

## **Field Investigations**

As with all of Human Rights Watch's work, the Arms Project begins with field investigation. In carrying out its research, the Arms Project routinely works in cooperation with the regional divisions of Human Rights Watch which provide local expertise and maintain extensive archives on countries and their human rights records. Through on-site investigations in war-torn regions, abusive countries and arms-producing countries, the Arms Project attempts to document abuses committed with particular weapons and to link those abuses to the weapons suppliers: both the companies that manufacture them and the governments that fund or authorize their sale.

In seeking to curb the proliferation of light weapons to human rights abusers, our work contributes to regional arms control, peace and stability. Because arms-supplying governments are often sensitive to embarrassing publicity and do not want to be stigmatized by the

international community, shining a spotlight on policies that permit such arms transfers encourages governments to cut off the arms flow to abusive forces and halt one of the worst forms of proliferation. In addition, our presence in the field allows us to identify the role of arms flows in fostering serious tensions and potentially explosive situations at an early stage, and thus positions us best for work on early warning and conflict prevention.

## **Rwanda**

In 1995, the Arms Project undertook a thorough investigation into the supply of arms to the former Rwandan government, military and militias—the perpetrators of the Rwandan genocide—who have been regrouping their forces in refugee camps in eastern Zaire. This was a follow-up to research conducted in 1993 on the impact of the arms trade on the human rights situation in Rwanda. The Arms Project's first report, issued in January 1994, documented the flow of French, Egyptian and South African arms to the Habyarimana government and alerted the international community to the possibility of a disaster of major proportions.

In 1994-1995, after the genocide in Rwanda, an Arms Project consultant spent four months in Rwanda and Zaire, interviewing scores of United Nations and NGO representatives, Rwandan and Zairian government officials, members of the exiled Rwandan forces responsible for the genocide, and persons involved in the arms trade. In a report released in May 1995, *Rearming with Impunity: International Support for the Perpetrators of the Rwandan Genocide*, we implicated France, Zaire, South Africa, China and the Seychelles for either directly providing arms to the Rwandan Hutu forces, or for facilitating shipments of arms from other sources. Subsequent to the report, Human Rights Watch wrote to U.N. Secretary-General Boutros Boutros-Ghali apprising the Security Council of our findings, and we met with officials at various missions to the U.N., including the French mission. We also met with the chairman of the U.N. sanctions committee on Rwanda, Ambassador Nugroho Wisnumurti, who is the representative of Indonesia to the U.N.

The report had tremendous resonance, receiving wide coverage in the international media. The United Nations Security Council incorporated three of our key recommendations in Resolution 997 of June 9, 1995: a call for consultations with the governments of neighboring countries on the possibility of the deployment of U.N. military observers at airports in eastern Zaire; an affirmation that the arms embargo under Resolution 918 (1994) applies to forces in states neighboring Rwanda if such weapons are intended for use within Rwanda; and a call for effective measures to prevent military activities by Rwandan nationals in neighboring states aimed at destabilizing Rwanda, and to prevent them from receiving arms.

In Europe, the report was widely circulated among members of the European Parliament, and several members raised questions related to the report in its Development Committee, Sub-committee on Human Rights, Foreign Affairs Committee and others. In South Africa, the government denied the allegations made in our report, but at the same time launched an official inquiry. In August, it instituted new procedures for arms exports. The parastatal arms export

agency, Armscor, which was not mentioned in our report, also issued a denial, but suggested that arms manufactured in South Africa could have found their way clandestinely to Rwanda and Burundi. Armscor also opened files documenting arms sales to Rwanda totaling one hundred million South African rand in the five years preceding August 1993—well before the U.N. arms embargo on Rwanda, but all the same this should be seen as a step toward greater transparency in arms transactions. The French Ministry of Foreign Affairs issued a flat denial at the end of May, but to our knowledge the French government did not carry out a serious inquiry into any of the allegations we made in our report. A separate statement by officials at the Ministry of Cooperation suggested that French arms shipments had in fact taken place.

In Zaire, President Mobutu Sese Seko reacted to the Human Rights Watch report on May 30 by pledging that "Zaire will never be the base for the reconquest of another land." Zaire's prime minister, Kengo wa Dondo, declined to either confirm or deny allegations of arms supplies reaching the Rwandan Hutu exile forces in Zaire, but said that those making the accusations had not provided his government any evidence of the allegations. Kengo wa Dondo then called on the U.N. to send a fact-finding mission to Zaire to investigate charges that Hutu extremists were conducting military training exercises in eastern Zaire. Zaire rejected a request by the Security Council to permit the deployment of U.N. military observers under Resolution 997. In June, Human Rights Watch met with the U.N. Special Rapporteur on Zaire, Ambassador Roberto Garretón, to brief him on the militarization of the refugee camps and arms transfers in eastern Zaire.

In a letter to the Security Council in August during the debate on lifting the arms embargo on Rwanda, Human Rights Watch expressed concern that the measure would result in a greater flow of arms to the Great Lakes region and further destabilize the situation. The embargo was suspended for one year on August 16 under Resolution 1011. On September 7, the Security Council voted to approve the establishment of an international commission to investigate allegations of arms flows to former Rwandan government forces in the Great Lakes region. The six-member commission traveled to the region in early November. The creation of the commission was a positive development but fell short of our principal demand to have U.N. military observers deployed at key airports in Zaire.

### **Turkey**

In late 1994, the Arms Project conducted research on an intended sale of 493 CBU-87 cluster bombs by a U.S. company, Alliant Techsystems, to Turkey. The CBU-87 is the latest and most deadly cluster bomb in the U.S. arsenal; it can saturate an area the size of a football field with 202 small, individual bomblets. The Arms Project is opposed to the transfer of cluster bombs and other weapons to Turkey because of Turkey's horrendous human rights record, well documented over the years by Human Rights Watch/Helsinki, and because of the indiscriminate nature of cluster bombs, especially when used in counterinsurgency efforts. During our research we discovered that, whereas the private contract had been signed, approval for an export license was still pending with the U.S. government.



In December 1994, the Arms Project published a report about the sale, U.S. Cluster Bombs for Turkey?, offering much detail on the nature of cluster bombs. In a letter to Secretary of State Warren Christopher accompanying the report, we urged the United States to deny the company's request for an export license in light of Turkey's record and, in particular, our concern that Turkey would use these weapons indiscriminately in its conflict with the Kurdish Workers Party (PKK). The report received wide coverage in the press and specialized defense magazines. Partly as a result of our disclosure of the pending sale, the deal was canceled. In addition to attempting to block this particular sale, the Arms Project also urged the U.S. to monitor carefully the use of the lethal equipment that it provides Turkey, and to introduce end-use monitoring as a consistent and highly visible element of any U.S. military assistance to Turkey in the future.

In the spring of 1995, the Arms Project began an in-depth investigation of arms transfers to the government of Turkey in light of the increasingly violent and abusive conflict between the Turkish army and the PKK. Both sides have committed gross abuses of human rights and the laws of war, targeting civilians as if they were combatants. Moreover, the Turkish military has undertaken a scorched earth campaign in the Kurdish countryside, destroying hundreds of villages and forcibly relocating the rural population, while engaging in extrajudicial executions and torture. Turkey continues to enjoy great support from NATO for political and military reasons, and this has cushioned the government from international rebuke for its treatment of its Kurdish population.

In June 1995, the U.S. Department of State issued a ground-breaking report ("Report on Allegations of Human Rights Abuses by the Turkish Military And on the Situation in Cyprus") admitting that Turkey engages in gross abuses such as torture, extrajudicial executions and forced village evacuations. The report also conceded that "U.S.-origin equipment, which accounts for most major items of the Turkish military inventory, has been used in operations against the PKK during which human rights abuses have occurred." The report, which was not based on original investigative research, failed to provide concrete proof of the use of U.S. weapons in specific violations, however, and understated the role of U.S. weapons in the village eradication campaign.

The Arms Project sent a consultant to Turkey in June 1995 to obtain detailed information about the forced evacuation of Kurdish villages, focusing on the use by Turkish security forces of U.S. and other weaponry. In a report released in November 1995, the Arms Project presented the results of this investigation. Drawing on twenty-nine case studies of events that occurred between 1992 and 1995, the report linked specific weapons systems to individual incidents of Turkish violations. Supplemented by interviews with former Turkish soldiers, U.S. officials and defense experts, the report concluded that U.S. weapons, as well as those supplied by other NATO members, are regularly used by Turkey to commit severe human rights abuses and violations of the laws of war in the southeast.

## **Angola**

In November 1994, the Arms Project published *Angola: Arms Trade and Violations of the Laws of War since the 1992 Elections*. This report was the result of an on-going investigation by a researcher with Human Rights Watch/Africa on behalf of the Arms Project. The report (which included a summary in Portuguese) concluded that Angola's "forgotten war," in which an estimated 100,000 civilians have lost their lives, was fueled by a steady supply of weapons to both sides. Indeed, before the recent peace accords, the government of Angola was the largest arms purchaser in sub-Saharan Africa, mortgaging its future oil production to finance an estimated U.S.\$3.5 billion worth of weapons imports in 1993 and 1994. The rebel movement National Union for the Independence of Angola (UNITA) also was involved in large purchases of weapons from both private dealers and foreign governments. The report named the following countries as having supplied weapons or other forms of military assistance to the two parties to this conflict: Russia, Brazil, North Korea, Spain, Portugal, Bulgaria, the Czech Republic, Ukraine, Uzbekistan, South Africa, Zaire, Namibia and the United States.

The report, the release of which was timed to coincide with the signing of a peace treaty by the Angolan government and UNITA, succeeded in crystallizing international attention on the need for human rights monitors as part of the U.N. mission to Angola—one of the report's main recommendations. In its deliberations on November 20, 1994, the Security Council relied on facts and figures provided in our report before deciding to send peacekeepers to Angola and calling on both the government and UNITA to cease acquisition of arms—another of our key recommendations. Moreover, British soldiers being prepared for their participation in that mission were put through an intensive human rights monitoring course based, inter alia, on the findings of our report, which became required pre-deployment reading. In 1995, the researcher returned to Angola for a follow-up investigation into continuing arms flows to Angola.

### **Georgia/Abkhazia**

In March 1995, the Arms Project, in collaboration with Human Rights Watch/Helsinki, released *Georgia/Abkhazia: Violations of the Laws of War and Russia's Role in the Conflict* following an investigation into the fratricidal war between Georgia and its break-away, unrecognized Abkhaz republic in 1992-1994. We concluded that both sides in the conflict had shown a reckless disregard for the protection of the civilian population and were responsible for gross violations of international humanitarian law. Moreover, in a pattern eerily reminiscent of the war in the former Yugoslavia, the combination of indiscriminate attacks and targeted terrorization of the civilian population marked deliberate efforts by both sides to force the population of the other party's ethnic group out of areas of strategic importance. We also concluded that the Russian Federation played a significant role in the conflict, and was in various ways responsible for escalating human rights abuse.

The report (which included a summary in Russian) was released at a press conference in Moscow in March 1995. Prior to that, the Arms Project and Human Rights Watch/Helsinki had presented the organization's findings to the principal actors in the conflict in the Georgian capital Tbilisi, in Sukhumi, the capital of the Abkhaz region, and in Moscow while carrying out a field investigation into further abuses during the post-war period. In conversations with government

officials, we pressed the following issues: investigation and prosecution of war crimes by both sides; accountability of irregular forces; the return of internally displaced persons; the extension of the mandates of U.N. forces and Russian forces operating under the aegis of the Commonwealth of Independent States; a halt to continuing violence in the Gali region along the frontline between the opposing forces; and the need for vastly expanded efforts to demine the conflict zone to allow for the repatriation of some 200,000 remaining displaced persons. We also met with the U.N. special envoy to Georgia and with members of the Organization for Security and Cooperation in Europe's Permanent Council, and wrote to the U.N. secretary-general and to senior officials of the U.N. High Commissioner for Refugees. Human Rights Watch continues to inject human rights considerations into the on-going peace process.

### **Cambodia**

In March 1995, the Arms Project, in collaboration with Human Rights Watch/Asia, released *Cambodia at War*, a study based on two missions to Cambodia in 1994 and 1995. The report documents severe abuses by both government forces and the Khmer Rouge, and highlights the role of Thailand, Indonesia and other governments in supplying weapons, military aid and other support to either party to the conflict. We called for an end to the provision of arms and military equipment to the warring parties, as well as for the abolition of the use, acquisition and stockpiling of antipersonnel landmines. We also called on international donors to insist that the Cambodian government hold its officials—civilian and military—accountable for gross violations of human rights. The Cambodian government has now announced its support for a complete ban on landmines and has reportedly ordered military units to cease laying mines. Despite the new policy, Human Rights Watch continues to receive reports that government soldiers are using mines. There will therefore be a need for ongoing monitoring of compliance with the official orders.

### **Israel/Lebanon**

The Arms Project continued to monitor the conflict between Israel and Lebanese guerrilla forces in southern Lebanon. In August 1995, a researcher with Human Rights Watch/Middle East traveled to southern Lebanon to obtain information about civilian casualties from recent indiscriminate attacks launched from territory occupied by Israeli military forces or its proxy South Lebanon Army. The investigation, which included research into the use by Israeli forces of antipersonnel weapons, was a follow-up to research undertaken in 1993-1994 into the fighting in southern Lebanon in which both Israeli forces and Lebanese militias committed violations of the laws of war by targeting population centers.

### **The United Nations and International Standards**

Competition in the global arms sales market has continued to intensify in the post-Cold War period. Data released in mid-1995 by the U.S. Congressional Research Service indicate that in 1994 developing nations (where the negative impact of arms trade tends to be the greatest) purchased more than twenty-five billion dollars in weapons, roughly the same as the previous year. In 1994, France ranked first in new arms transfer agreements with the developing world (\$11.4 billion, or 45 percent), while the United States ranked first in arms deliveries to the

developing world (\$6.7 billion, or 47 percent). These data underscore the need for further controls on conventional weapons.

During three weeks in September and October, state parties to the 1980 Convention on Conventional Weapons met in Vienna for the CCW's first review since the treaty came into force. The focus of the review conference was on new restrictions on use of landmines, but nations were unable to reach agreement on even modest changes in the Landmines Protocol and will have to resume negotiations in January and April 1996. An important new protocol restricting use and transfer of blinding laser weapons was adopted (see above).

The U.N. Register of Conventional Arms was in its third year of operation in 1995. Despite inaccurate submissions by some nations, and noncompliance by others, the register continues to be a major source of information on global arms trade and an important mechanism toward greater transparency and accountability, as well as greater trust between nations. The register covers only seven types of major conventional weapons systems, however, and contains no information on light weapons or small arms.

In 1995, the U.N. maintained arms embargoes on Iraq (imposed as part of a full trade embargo imposed in 1990), states of the former Yugoslavia (1991), Somalia (1992), Libya (1992), Liberia (1992), and Angola (1993). The arms embargo imposed on Rwanda in 1994 was modified in June 1995 to apply to "the sale or supply of arms and matériel to persons in the States neighboring Rwanda, if that sale or supply is for the purpose of the use of such arms or matériel within Rwanda." In August 1995, the U.N. Security Council suspended the arms embargo on the supply of arms to the government of Rwanda for the period of one year, until September 1, 1996 (see above).

In 1995, the Chemical Weapons Convention, which was opened for signature in January 1993, garnered more ratifications, although the two critical countries in this regard, the United States and the Russian Federation, have yet to decide on ratification. As of September 1995, thirty-eight states had ratified the convention, out of sixty-five ratifications that are required for the convention to enter into force.

In July 1995, state parties to the 1972 Biological Weapons Convention met in Geneva as part of the second session of the Ad Hoc Group of BWC State Parties to discuss definitions of terms and objective criteria, confidence-building and transparency measures, measures to promote compliance/verification, and measures related to Article X on technological cooperation. A third session was scheduled for the end of November 1995. The Ad Hoc Group is mandated to develop a proposal for a legally binding verification protocol in preparation for the fourth review conference of the BWC, which is now expected to take place toward the end of 1996.

### **United States Policy**

In February 1995, the Clinton administration announced its Conventional Arms Transfer Policy, proclaiming that "[a] critical element of U.S. policy is to promote control, restraint and

transparency of arms transfers," but emphasizing the potential economic benefits of arms sales. The new policy was notable in that it instituted no new controls on arms sales. In effect, the new policy was designed to make it easier for U.S. arms industries to market their wares abroad by lending administration support to this effort. As has been the case in previous administrations, human rights considerations have taken a back seat in arms trade decisions to economic, military, or other political factors. Since the 1970s, there have been only a few occasions when the executive branch has restricted arms sales on human rights grounds, or when Congress insisted that it do so. Many sales occur unnoticed by the public, and in some cases, by the Congress (see Turkey section above).

In March, the U.S. Congress ratified the Convention on Conventional Weapons, including the CCW's Protocol I on undetectable fragments and Protocol II on landmines. The Clinton administration has not sent Protocol III on incendiary weapons to Congress. After the international community agreed to the adoption of a new protocol (Protocol IV) on laser weapons in October, the U.S. government will be expected to ratify that protocol as well. The U.S. also had yet to ratify the Chemical Weapons Convention. Ratification has been held up in Congress by the office of Senator Jesse Helms, the chairman of the Senate Foreign Relations Committee.

In May 1995, the House Committee on International Relations narrowly defeated (18-17, with eight members not voting) a proposed Code of Conduct on U.S. arms transfers, sponsored by Rep. Cynthia McKinney. A similar proposal, sponsored by Senator Mark Hatfield (bill S.326), had not yet been introduced in the Senate as of early November 1995. The Hatfield/McKinney proposal is part of an international campaign by nongovernmental organizations (NGOs) to rein in the arms trade. In May 1995, a coalition of European NGOs launched an appeal for the European Union to adopt a stricter code of conduct on the sale of arms and establish an effective E.U. arms export control regime. In September, Nobel Peace Prize laureate Oscar Arias Sánchez announced that a group of Nobel Peace Prize winners was planning to introduce a new proposal, aimed at establishing a code of conduct to govern the international arms trade, at the U.N.

## **THE CHILDREN'S RIGHTS PROJECT**

Human Rights Watch established the Children's Rights Project in April 1994 to work with the organization's regional divisions and other thematic projects to uncover abuses that uniquely affect children and for which unique campaigning initiatives are required. The project deals with abuses carried out or tolerated by governments and also those perpetrated by armed opposition groups, such as the use of children as soldiers.

The project grew out of recognition that children are frequently victims of abuse that springs directly from their being children. For the most part, international children's aid groups that sponsor welfare and development projects have not dealt with these abuses because they cannot afford to antagonize host governments. Human rights groups, for their part, have focused largely

on the rights of adults. As the human rights movement has addressed the plight of political dissidents, it has tended to neglect those, like children, whose persecution is generally unrelated to their political views. Human Rights Watch created the Children's Rights Project to fill this important gap by devising effective research and advocacy strategies to decrease and work toward the eventual elimination of the abuses of the civil and political rights of children. Moreover, the project serves as a link between international and national children's groups and the human rights community.

Children are particularly vulnerable to exploitation. In many countries children, some as young as eight, are forced to become soldiers, to kill or be killed, to be victims of atrocities or, sometimes, to take part in them. In other countries, children serve as bonded laborers, their childhood mortgaged as they work to pay off loans made to their families. In many countries children are forced into prostitution, snatched by strangers, or sold by their families and even trafficked from one country to another while governments ignore their plight.

The Human Rights Watch Children's Rights Project works to hold governments accountable for failing to respect and protect children's basic human rights.

### **The Work of the Children's Rights Project**

During 1995 the Children's Rights Project, working with the organization's regional divisions, researched and campaigned to bring to light conditions in correctional institutions for children in Louisiana, the use of children as soldiers and slaves in Sudan, the use of the death penalty against juveniles in the United States, and the global scope of the phenomenon of child soldiers. The findings of research into these issues, including fact-finding missions to Louisiana and the Sudan, were published with recommendations for urgent change and for the mobilization of those who can bring this about. At the end of the year we sent a fact-finding mission to India to look into bonded child labor.

### **Child Soldiers**

Many thousands of children around the world are used as soldiers. Often these children are armed with fully-automatic assault rifles; many take part in atrocities as well as confronting and killing opposing fighters. Children themselves are killed or gravely injured, suffer psychological trauma, and are deprived of schooling and a normal childhood. Many are unable, at the conflict's end, to reintegrate into their communities.

Some children are forcibly recruited; some "volunteer" in order to survive. Many are treated brutally by the forces with which they serve, through casual beatings or torture. Some are forced to kill or torture others.

The United Nations Convention on the Rights of the Child and Protocols I and II to the Geneva Conventions of 1949 forbid the recruitment of children under fifteen as soldiers. Human Rights Watch believes that no one under the age of eighteen should serve in armed conflict.

The work that began in 1994 with the launch (with Human Rights Watch/Africa) of reports and campaigning on child soldiers in Liberia and Sudan continued in 1995 with further fact-finding and advocacy.

In January 1995 we presented to the United Nations Human Rights Commission a statement on the use of children as soldiers, and recommended that the commission press all member states and warring factions to take steps to halt the practice. These steps were to disarm and demobilize immediately all child soldiers and to refrain from further such exploitation of children; to take part in the U.N. Working Group drafting an optional protocol to the U.N. Convention on the Rights of the Child that would raise the minimum age for participation in armed conflict from fifteen to eighteen; and to raise in their own countries the minimum age of participation in armed conflict to eighteen.

In September we released, with Human Rights Watch/Africa, *Children in Sudan: Slaves, Street Children and Child Soldiers*. The report describes the recruitment of young boys by government and opposition forces alike. The rebel SPLA was continuing its practice of inducting boys as young as eleven, using them as child soldiers or keeping them in a form of reserve, with thousands of boys in SPLA camps separated from their families and denied an education and a normal life. The government, in turn, was found to recruit children from buses and recreation sites; some recruitment was conducted from camps established to hold boys rounded up in random sweeps through city streets and marketplaces.

We plan to release a short report designed in part for the use of the U.N. working group now developing a protocol on the minimum age at which one can take part in armed conflict. The report will pull together the work that Human Rights Watch has done on child soldiers since 1989, including country-by-country information on the practice in Angola, Burma, El Salvador, Ethiopia, Liberia, Mozambique, Peru, and Sudan.

The project aimed to raise international awareness of child soldiers, the abuses they themselves suffer and the dangers that they present to others. As part of this effort we assisted Newsweek staff with a cover story on child soldiers and briefed other print and electronic media on the issues. We worked with local and international children's and human rights groups and with the U.N. experts preparing a report to be presented to the General Assembly in 1996 on the impact of armed conflict on children. Work with governments and inter-governmental organizations to stop the use of child soldiers is outlined below.

### **Bonded Child Labor**

Hundreds of thousands of children work as bonded child laborers in countries around the world; the full extent of the problem has yet to be shown. Bonded labor, normally debt bondage or peonage, is outlawed by the 1956 U.N. Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery. Bonded labor of children typically arises when parents receive an advance payment or a reduction in debt in exchange for their child's labor. But the workplace is often structured so that "expenses" and/or "interest" are

deducted from a child's earnings in such amounts that it is almost impossible for a child to repay the debt. Moreover, some children work to pay off debts inherited by their families from past generations. Many are subjected to severe physical abuse, as in a case cited in the July 1995 Human Rights Watch/Asia report, *Contemporary Forms of Slavery in Pakistan*:

Two years ago at the age of seven, Anwar started weaving carpets in a village in Pakistan's province of Sindh. He was given some food, little free time, and no medical assistance. He was told repeatedly that he could not stop working until he earned enough money to pay an alleged family debt. He was never told who in his family had borrowed money nor how much he had borrowed. Any time he made an error with his work, he was fined and the debt increased. Once when his work was considered to be too slow, he was beaten with a stick. Once after a particularly painful beating, he tried to run away, only to be apprehended by the local police who forcibly returned him to the carpet looms.

On another level, we met with children's and human rights groups, as well as representatives from the United Nations Children's Fund (UNICEF), the International Labor Organization (ILO), the World Bank, and other organizations, to try to develop a holistic strategy to prevent children from losing their childhood, education, and opportunities by being entrapped in bonded labor. We worked with others to develop a campaign to educate consumers about products made with bonded child labor, and to persuade companies not to use or sell these products.

The Children's Rights Project worked to provide to children's organizations and international advocacy groups objective on-the-spot reporting to support efforts to effect change.

### **Slavery**

In *Children of Sudan: Slaves, Street Children and Child Soldiers*, Human Rights Watch interviews describe the use of children as slaves in Sudan. Children tell in their own words of having been stolen from their families by government forces during raids on their villages in the war zones. These children were taken as booty by soldiers and militia members who returned to western and northern Sudan. There the children were frequently beaten and performed unpaid labor inside the soldiers' houses or herding their animals. Some told of running away only to be caught and returned to the families abusing them. Some captors branded the children they exploited.

We found that army officers, soldiers, militia members and others who held children in slavery operated with impunity from government prosecution. The Sudan government failed to live up to its obligations to prevent and punish such abuses, as set forth in the Convention on the Rights of the Child, the 1926 Slavery Convention as amended, the 1956 Supplementary Convention on the Abolition of Slavery, the 1930 International Labor Organization (ILO) Forced Labor Convention (No. 29) concerning Forced or Compulsory Labor, the 1957 ILO Convention (No. 105) concerning the Abolition of Forced Labor, the African Charter on the Rights and Welfare of the Child, and the International Covenant on Civil and Political Rights (ICCPR).



Our strategy is to inform relevant national and international organizations and to raise public awareness of the children's plight. We have recommended action to examine and end slavery in Sudan to UNICEF, the ILO, the Committee on the Rights of the Child, the Working Group on Contemporary Forms of Slavery, and the U.N. Special Rapporteur on Sudan, and have taken part in many forums and press interviews concerning slavery in Sudan.

### **Children in Conflict with the Law**

International standards provide both broad and specific protections for children in the justice system. These include the Convention on the Rights of the Child (art. 40), the ICCPR (art. 10,14), the Standard Minimum Rules for the Administration of Juvenile Justice, the U.N. Rules for the Protection of Juveniles Deprived of their Liberty, the U.N. Guidelines for the Prevention of Juvenile Delinquency, the Standard Minimum Rules for the Treatment of Prisoners, and the African Charter on the Rights and Welfare of Children (art. 16, 17).

These treaties and standards require governments to hold detained or imprisoned children separate from adults, and to incarcerate children only as a last resort and in humane conditions. They forbid torture and other cruel, inhuman, and degrading treatment of children by police and security forces. They recognize that children need special consideration because of their physical and mental immaturity.

The Children's Rights Project's work for children caught up in the justice system focused in 1995 on the conditions in children's penal institutions in the state of Louisiana, and on juveniles facing the death penalty in the United States. Campaigning for change in Jamaica continued, following up our 1994 report on children in police lockups there. Many of the children we met during the 1994 mission were confirmed to have been released shortly after the report's publication, while the government ordered significant reforms.

### **Louisiana**

In March and May, the Children's Rights Project sent fact-finding missions to Louisiana to look into the conditions in which children are confined in state correctional institutions (prisons for children). In October we released a report, United States: Children in Confinement in Louisiana. Our researchers visited all four state "training schools" and interviewed more than sixty children as well as state officials, judges, lawyers, social workers and others concerned with juvenile justice. We found that physical brutality is pervasive and that there is no functioning complaint system by which children can bring abuses to the attention of authorities.

Moreover, children are confined unnecessarily in restraints such as handcuffs and shackles, and are kept in isolation for as long as five days, contrary to international standards. In addition, many children told us they were hungry. The overall environment of the institutions failed to meet the primary goal required by international standards for any form of juvenile incarceration: to create an environment that will ensure children's successful reintegration into society.

The Children's Rights Project recommended the adoption by both the state of Louisiana and the federal government of mandatory standards that at a minimum comply with international standards. Our detailed recommendations included the monitoring and training of guards to make effective the prohibition of physical abuse, and the establishment of an effective complaint procedure that will ensure that children can seek redress and that staff are appropriately disciplined for abuses.

The report was widely covered by the media in Louisiana. The head of the corrections department attended the press conference at which the report was released, acknowledged the existence of physical abuse by guards and announced plans for change.

This report is the first of what we hope, resources permitting, will be a series on conditions in juvenile detention facilities for children in the U.S. Our strategy is two-fold. First, we plan to issue reports that document the ways in which children's rights are violated, raising public awareness. No other organization in the United States is carrying out such a program.

Second, we plan to work with children's advocates, local, national, and international, to address the human rights issues surrounding the detention of juveniles, and to work for change. We will continue to work with children's advocates in Louisiana who are eager to work toward reform, with national organizations, and with international groups like Defense for Children International and the International Save the Children Alliance, both in Geneva. We have submitted a report to the U.N. Committee on the Rights of the Child, detailing our findings on children in custody.

We will press both the government of Louisiana and the federal government to enact mandatory standards for children's correctional institutions. Under the Juvenile Justice and Delinquency Prevention Act the federal government is required to issue such standards and to monitor their implementation, but it has failed to do so.

### **Death Penalty**

Human Rights Watch opposes the death penalty in all circumstances because of its inherent cruelty. We strongly oppose the imposition of the death penalty on juvenile offenders, those whose crimes were committed before they were eighteen.

In March the Children's Rights Project released a short report, *United States: A World Leader in Executing Juveniles*. The report revealed that nine juvenile offenders have been executed in the U.S. since the death penalty was reinstated by the U.S. Supreme Court in 1976; four of these were executed during the last six months of 1993, indicating that such executions are on the rise.

Only eight other countries have carried out such executions in the past fifteen years: Bangladesh, Barbados, Iran, Iraq, Nigeria, Pakistan, Saudi Arabia, and Yemen. The United States continues to execute juveniles in clear contravention of international agreements and standards prohibiting this, including the ICCPR (art. 4(5)), the American Convention on Human Rights (art. 4(5)), the Convention on the Rights of the Child (art. 37(a)), the Standard Minimum Rules for the

Administration of Juvenile Justice (art. 2,17), and the African Charter on the Rights and Welfare of Children (art. 5(3)). The death penalty, by its nature irreversible and inherently cruel, is inappropriate for individuals who were not physically and emotionally mature at the time they committed their crimes.

Our report was timed for release just before the first meeting of the U.N. Human Rights Committee at which the U.S. was to report on its compliance with the provisions of the ICCPR. Members of the committee used our report extensively to question government officials and, later, to condemn the U.S. strongly for executing juveniles.

### **Work with the United Nations**

The U.N. Committee on the Rights of the Child, the treaty body charged with monitoring compliance with the Convention on the Rights of the Child, is a forceful and effective group that welcomes input from nongovernmental organizations (NGOs). The committee receives reports from signatories to the convention, questions officials closely on the state's compliance, and makes cogent recommendations for change. In addition, the committee persuaded the U.N. General Assembly to create a special study on the impact of armed conflict on children. It also persuaded the U.N. Human Rights Commission to establish the working group on the minimum age for armed conflict.

The Children's Rights Project has submitted to the committee reports on the treatment of juveniles in the justice systems in Jamaica, Northern Ireland, and the state of Louisiana (the committee agreed to receive the latter although the U.S. is not yet a party to the convention). The committee has in some cases urged the offending government to take the steps recommended in Human Rights Watch submissions. A representative of the Children's Rights Project appeared before the committee to testify on Jamaica and Northern Ireland. In November the committee held a theme day on juvenile justice; we appeared before the committee and submitted written recommendations based on our work on conditions for detained or incarcerated children.

The Children's Rights Project recommended that the Human Rights Commission create a special rapporteur on child soldiers. We also recommended that the new Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography continue to include the issue of child soldiers in her portfolio. We have recommended to the special rapporteurs, experts, and special representatives appointed to address specific country situations that, where relevant, they address the issue of child soldiers in internal armed conflict.

We have recommended to the U.N. Subcommission on the Prevention of Discrimination and Protection of Minorities and its Working Group on Contemporary Forms of Slavery that it study the issue of child soldiers, recommend the appointment of a special rapporteur on child soldiers, and recommend to governments and armed opposition groups that they end the practice of using children under eighteen as soldiers.

We have recommended to the U.N. High Commissioner for Refugees that it study the issue of recruitment of children from refugee camps, and that it take steps to protect children in its camps from recruitment.

### **U.S. Policy**

One hundred seventy-seven of the 185 member states of the United Nations have ratified or acceded to the Convention on the Rights of the Child. In February 1995 the Clinton administration signed the convention; it has not, however, forwarded the convention to the Senate for ratification. Jesse Helms, the chair of the Foreign Relations Committee, has described the convention as a "pernicious document" and has vowed not to hold hearings on its ratification.

Human Rights Watch supports the ratification of the convention and will urge members of the Senate to do so.

The U.S. has been a major stumbling block in the meetings of the U.N. working group to draft the optional protocol to the Convention on the Rights of the Child that would raise the permissible age for taking part in armed conflict. The U.S. permits seventeen-year-olds to enlist in the armed forces with parental permission, and is opposed to raising the minimum age to eighteen. The U.S. has also argued for requiring twenty-five signatures for the Optional Protocol to take effect, while other countries are opting for ten signatures. The working group will meet again in January 1996; the Children's Rights Project will attempt to persuade the administration to change its positions.

U.S. officials appeared before the U.N. Committee on Human Rights for the first time in March to report on U.S. compliance with the ICCPR. Questioned by the committee about the use of the death penalty against juveniles, the U.S. challenged our report and denied—incorrectly—that nine juvenile offenders had been executed in the U.S. since the resumption of the death penalty in 1976. In addition, the State Department's legal adviser told the committee that the American people support the execution of persons who committed crimes as minors.

In a more positive vein, the U.S. Department of Labor held hearings in 1994 and 1995 on the use of child labor, including bonded child labor, in the manufacture of products that are imported into the United States, and has issued reports on the hearings. At the first hearing, Human Rights Watch testified on bonded child labor in the carpet industry in Pakistan.

### **THE FREE EXPRESSION PROJECT**

In 1995, the Free Expression Project focused on promoting freedom of expression principles and standards in "cyberspace," and, joined by the Association of American Publishers, investigated freedom of expression in Albania and Cuba. (More detailed accounts of those investigations are found in the Helsinki and Americas sections of this report.) The Project also managed the work

of the Committee for International Academic Freedom and administered the Hellman/Hammett grants to writers who have been victimized by political persecution.

### **Free Expression in "Cyberspace"**

Prior to the G-7 Ministerial Conference on the Information Society held in Brussels on February 25 and 26, 1995, the Free Expression Project prepared a letter, co-signed by other U.S. and international civil liberties groups, to Vice President Al Gore, who represented the United States at the summit. The letter to Vice President Gore, who had initially called for the conference to formulate a unified policy for building a "global information infrastructure" (GII), urged him to press the G-7 ministers to adhere to international free expression principles in any multilateral agreement regarding the development, content, control, and deployment of the proposed GI. The letter noted the extraordinary opportunity presented by new communications technologies to "motivate citizens to become more involved in decision-making at local and global levels as they organize, debate and share information unrestricted by geographic distances or national borders." It called upon the United States to work against any censorship and to promote diverse ideas and viewpoints on the GI. In particular, the letter called for a prohibition on prior censorship of online communications and for limiting restrictions of online speech to expression that directly and immediately incites acts of violence. The letter also called for nondiscriminatory access to online technology and enforceable legal protections against unauthorized scrutiny and use by private or public entities of personal information on the GI.

Following receipt of the letter, Mr. Gore's prepared remarks were amended to include support for free expression standards.

### **Hellman/Hammett Grants**

The Free Expression Project administers a program of annual grants to writers from around the world who have been victims of political persecution and are in financial need. First established in 1989, the grant program is funded by the estates of Lillian Hellman and Dashiell Hammett, American writers who were victimized for their political beliefs and associations during the U.S. anti-communist "purges" of the early 1950s. With this experience in mind, Ms. Hellman left a legacy to provide support for writers who have been persecuted for expressing political views.

In addition to offering financial assistance, the Hellman/Hammett grants publicize individual cases, helping focus attention on repression and censorship around the world. In some cases, however, writers must request anonymity because of the dangerous circumstances in which they and their families are living.

The 1995 recipients, a diverse group of forty-eight poets, novelists and journalists from twenty-three countries, received grants totaling about \$175,000. There were four recipients from Vietnam, four from Iran, eight from countries that were formerly part of the Soviet Union, and thirteen recipients from the Peoples Republic of China. The recipients include: Kenneth Best, founder of Liberia's first independent newspaper, who was imprisoned three times and deported to two countries before coming to the United States, where he is working to return to Liberia;

Fatos Lubonja, an Albanian writer imprisoned for seventeen years after the government declared his writings "decadent"; Father Ricardo Rezende, a Brazilian parish priest and author whose work with landless rural workers has put his name on a "death list"; Mumia Abu-Jamal, a U.S. journalist on death row in Pennsylvania, who was convicted of killing a police officer in a trial that raises questions about fairness, especially during the sentencing phase which relied heavily on information about Jamal's political associations and beliefs; Bonor Tigor Naipospos, an Indonesian journalist sentenced to eight and one-half years in prison on charges that included expressing Marxist views in his writing; and Koigi wa Wamwere, poet, novelist and journalist, who was arrested and charged with treason for articles deemed "seditious" by the state. The three recipients from Turkey—Fikret Baskaya, Ismet G. Imset, and Aysenur Zarakolu—all wrote or spoke out about the country's Kurdish minority.

Human Rights Watch awarded the annual Hellman/Hammett grants after nominations were reviewed by a five-person selection committee composed of writers and editors who are members of the Free Expression Project advisory committee. In the course of the year, the selection committee approved an additional ten grants to writers who needed emergency funds to help them leave countries where they were in immediate danger or to provide urgently needed medical or legal assistance.

The Free Expression Project also wrote protest letters on behalf of writers in Burma, Pakistan and Sierra Leone who had received Hellman/Hammett grants in prior years and were being persecuted again in 1995.

### **Committee for International Academic Freedom**

The Committee for International Academic Freedom was formed in 1991 by Human Rights Watch and a group of U.S. university presidents and scholars in recognition of the critical role that education plays in the development of civil society and the frequent targeting of educators and students by the world's more repressive regimes. When professors, teachers and students are harassed or imprisoned for exercising their rights of free expression and inquiry, when their work is censored, or when universities are closed for political reasons, the Committee sends protest letters and cables to appropriate government officials and publicizes the abuses in the academic community.

In 1995, the Committee wrote about situations in Cuba, the Dominican Republic, Burma, Israel, Bahrain and Tunisia. Two letters were sent to Cuban President Castro, one protesting the firing of six professors who had written about the relationship between the country's economic plight and emigration, and the second protesting the denial of exit visas to four other professors who were scheduled to present papers at the annual meeting of the Latin American Studies Association. The Committee urged Israeli President Rabin to establish a process for issuing travel permits to students who live in Gaza while attending schools in the West Bank and followed up seven months later after a new term had started and guidelines for student travel permits still had not been defined. Other Committee letters dealt with the "disappearance" of a lecturer at the Autonomous University of Santa Domingo; the harassment of Dr. Moncef

Marzouki of the Medical School in Sousse, Tunisia; the suspension of Associate Professor of Sociology Munira Ahmed Fakhro after she signed the "Bahraini Women's Petition"; and the arrest of a Burmese student whose private letters were characterized as "incriminating documents."

The Committee is composed of twenty-three university presidents and scholars and co-chaired by 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.

## **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 rampant levels of gender-based violence and 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 levels.

Much of our advocacy work in 1995 focused on networking with women's human rights organizations to ensure that women's human rights were given priority attention at the Fourth World Conference on Women. We also released the Human Rights Watch Global Report on Women's Human Rights, a compilation of five years of work with women's rights and human rights groups investigating abuses of women's rights around the world. Covering abuses such as rape in war, abuses against women in custody, domestic violence, and relating to women's reproductive and sexual lives, the report sets forth a conceptual framework for integrating women's human rights into international human rights practice. It also applies this approach to specific violations of women's rights in a score of countries around the world, and crafts national and international remedies for pervasive women's rights abuse. The report was released in September at the Fourth World Conference on Women in Beijing.

### **Women's Human Rights Developments**

This section 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 1995: Russia, the United States, Kenya, South Africa, Mexico, Haiti, Nigeria, Thailand, Turkey,

and Botswana. During 1995 we conducted three missions, in Morocco, Japan, and Singapore and continued investigations in Nigeria and the U.S.

### **Russia**

On International Women's Day, March 8, 1995, Human Rights Watch released *Neither Jobs Nor Justice: State Discrimination Against Women in Russia* in English and Russian at a Moscow press conference. The report documented how economic and political changes in Russia have adversely affected women's enjoyment of their fundamental human rights. Russian women face widespread employment discrimination that is practiced, condoned, and tolerated by the government. Government employers have fired women workers in disproportionate numbers and have also refused to employ women because of their sex. Far from attacking sex discrimination, the Russian government has actively participated in discriminatory action and failed to enforce laws prohibiting such practices.

The Russian government, and particularly its law enforcement agencies, also have denied women their right to equal protection of the law by failing to investigate and prosecute violence against women. In particular, law enforcement agencies and police have been largely indifferent to domestic violence and sexual assault. Local law enforcement officials scoff at reports of violence by domestic partners and refuse to intervene in what they identify as "family matters." In some instances, police themselves have mistreated and harassed women who report such crimes as a way to intimidate them and stop them from filing complaints.

The assumption that political and economic change would improve the protection of human rights generally in Russia has generally proven to be true in some aspects, such as people's ability to exercise their freedom of association or speech. But women's human rights, far from being better protected in a rapidly changing Russia, are frequently being abridged and denied.

Since the release of *Neither Jobs Nor Justice*, Russian officials have failed to end their participation in the widespread employment discrimination that has contributed to the impoverishment of female-headed households. They have, however, turned their attention in unprecedented ways to violence against women, by recognizing publicly the significant dimensions of the problem and taking initial steps to respond to it. In June 1995, the Russian government released the first-ever official figures on domestic violence, revealing that 14,500 women died at the hands of their husbands in 1993 and that another 56,400 women were disabled or seriously injured consequent to domestic violence. Some members of Russia's lower house of parliament repeatedly revised draft legislation on domestic violence (first introduced in 1994), but until October, they refused to make public the draft law and to seek the input of women's organizations. Parliamentary officials have since indicated their interest in cooperating with NGOs.

### **United States**

In an eighteen-month investigation, from 1993 to 1995, Human Rights Watch documented the sexual abuse of women in state prisons in California, Georgia, Illinois, Michigan, New York, and



the District of Columbia. We found that women incarcerated in state prisons in these areas face a serious and potentially pervasive problem of sexual misconduct by prison officials. Male officers have engaged in rape, sexual assault, inappropriate sexual contact, verbal degradation, and unwarranted visual surveillance of female prisoners. Our findings, while profoundly troubling, scratched only the surface of the problem of sexual misconduct in the state correctional systems that we investigated. The need to address this problem is particularly urgent given that the female prison population in the United States is increasing at almost double the rate of the male population.

In virtually every prison that we visited, state prison authorities were allowing male officers to hold contact positions over female prisoners with no clear definition of sexual misconduct, no clear rules and procedures with respect to it, and no meaningful training in how to avoid it. Prison officials also were failing to equip female prisoners to deal with the potential abuse in the cross-gender guarding situation. They rarely, if ever, informed female prisoners of the risk of sexual misconduct in custody. Nor did they advise them of the mechanisms available—to the extent that any existed—to report and remedy such practices.

Two prison systems that we investigated, in Georgia and the District of Columbia, had taken initial steps to address this problem. But most states were failing to address adequately custodial sexual misconduct and had yet to train officers to avoid such misconduct or to put in place administrative measures and, where appropriate, to apply criminal sanctions to prohibit and punish this abuse. Moreover, the federal government was failing to meet its international obligations to ensure that custodial sexual violence was not only prohibited but also remedied by states. In fact, the United States government had allowed custodial sexual misconduct at the state level to fall into a kind of legal and political vacuum where in large measure neither international, nor federal, nor state law was seen to apply.

## **Kenya**

Our 1993 report, *Seeking Refuge, Finding Terror*, documented the Kenyan government's indifference to cases of sexual abuse, notably rape, against Somali refugee women in refugee camps in Kenya's Northeastern Province. A follow-up mission in September 1994 found that the monthly incidence of rape had decreased from double-digit numbers to a handful. The mission also showed that the Kenyan government and the United Nations High Commissioner for Refugees (UNHCR) adopted many of our recommendations for improving women's safety in the camps.

Nonetheless, as of late 1995, although the number of night-time attacks had decreased, women continued to be vulnerable when they left the camp to fetch firewood or to herd goats. Since young girls were often sent out to perform these tasks, they constituted a large proportion of 1995 rape victims. Kenyan police officers continued to be unable or unwilling to investigate and prosecute rape claims effectively. Lack of housing continued to impede the assignment of any women police officers to the camps.

## **South Africa**

In January 1995 the Women's Rights and Africa divisions of Human Rights Watch sent a mission to South Africa to investigate the problems of violence against women and to evaluate the state's efforts to stem such abuse. The mission to South Africa came almost one year after the country's first multiracial general election in April 1994 that brought sweeping political changes and ended the repressive apartheid policies of the past. The recently elected government of national unity, led by the African National Congress (ANC), was legally committed under the interim constitution (brought into effect on the first day of the elections) to the achievement of full equality for women. At the highest policy-making levels the government had specifically expressed a commitment to addressing the problem of violence against women.

However, despite the new government's pledge to prioritize the problem of violence against women, the Women's Rights Project found in its report titled *Violence against Women in South Africa* that an enormous gap existed between policy and practice. The legacy of state violence that underpinned the apartheid state had resulted in extremely high levels of violence throughout society, including against women. South African women's organizations underscored the pervasive nature of this abuse: approximately one in every three South African women has been raped, and perhaps as many as one in six South African women is being abused by her partner.

South African women victims of violence frequently experienced indifference or hostile treatment from police officers when they attempted to report rape or domestic abuse. Ignorance of the laws protecting women was common in many police stations and among court clerks. Within the courts, the testimony of rape survivors was often discounted or rapists given lenient sentences. The apartheid policies of the past continued to affect victims of domestic violence and rape. Lingering state racism and sexism prejudiced black women in particular in their interactions with police and judicial authorities. In the rural areas, where black women have the least education and work under the worst conditions, access to redress against perpetrators of violence was even more restricted than for white, "colored," or Indian women. In the townships, inaction by the police led to a dangerous reliance on young "comrades" to mete out vigilante "justice" against alleged perpetrators of violence, including violence against women, further undermining the rule of law.

The South African government had given less attention to violence against women than it had, for example, to the more overt political violence during the transition period and under the new government. Despite a number of encouraging initiatives, as of this writing, there was no coordinated national strategy to address the problems in the criminal justice, law enforcement, health, and welfare systems in a systematic fashion. Moreover, the current government had not firmly committed itself to providing funds for training of police and judicial officers and improved services to women victims of violence.

## **Mexico**

In March 1995, the Women's Rights Project conducted a mission to Mexico to investigate allegations of widespread state-tolerated discrimination against women assembly workers in the

export-oriented assembly plant sector along the Mexico/U.S. border. Despite clear Mexican and international law prohibiting such conduct, we found that personnel and administrators at these maquiladora factories—most of them owned by foreign companies—routinely discriminated against both prospective and actual female employees. Employers regularly required female job applicants to verify their pregnancy status by submitting to pregnancy tests and to detailed and intrusive questioning with regard to their sexual activity, contraception use, and menses schedule. Women found to be pregnant were denied work. Moreover, in some cases, maquiladora personnel and management mistreated and sometimes forced women workers to resign when they became pregnant.

Over 250,000 women work in Mexico's maquiladora plants. Most have only a primary school education and minimal formal work experience. As such they view the maquila work as perhaps the only viable income available to them. Work in other likely sectors, such as domestic service or in stores, often involves worse conditions than those prevalent in the maquiladoras. Consequently, the women are particularly vulnerable to (and reluctant to denounce) the discrimination and difficult working conditions they face in these factories.

We found that rather than address the abuse of women workers, the Mexican government had failed not only to enforce international and domestic prohibitions against sex discrimination but also to ensure women effective protection from such discrimination when it occurred in the workplace. Although workplace discrimination was legally prohibited, the Mexican government provided no means by which women who were denied jobs because they were pregnant could contest this abuse. Mexico's existing conciliation and arbitration boards heard cases only where a labor relationship had been established. Furthermore, the head of one conciliation and arbitration board in Tijuana told Human Rights Watch that "... the owner is right to try to avoid the cost [of hiring a pregnant worker]."

## **Haiti**

From Haitian President Jean-Bertrand Aristide's October 1994 return to Haiti to November 1995, the time of this writing, not one rape committed during the coup period had been investigated and tried. Nonetheless, Aristide took several steps to address human rights violations committed in his absence and to examine in particular the status of women in the country. He created a Ministry on the Status and Rights of Women, headed by Dr. Lise Marie Dejean, which was responsible for, among other things, the coordination and implementation of policies aimed at promoting the rights of women; the facilitation of women's access to education, health, economic opportunity, and professional training; and the coordination of policies aimed at preventing violence against women. In addition, he created a National Commission for Truth and Justice, the charter of which committed the commission to investigate politically motivated, gender-based crimes against women. The commission's mandate was limited, however; while it could, given sufficient evidence, name names of actual perpetrators of violations of human rights, it had no judicial authority to prosecute cases.

## **Thailand**

During 1995, the Women's Rights Project continued to monitor the trafficking of Burmese women and girls into forced prostitution in Thailand. We worked with local Thai groups to investigate the government's efforts to reduce such trafficking. The Thai cabinet did send a draft anti-prostitution bill to parliament for approval, but as of late 1995, no further action had been taken.

There were many problems with the proposed bill. For example, although the fines on procurers and brothel owners had increased dramatically, the potential prison sentences were shorter. Further, while the bill imposed penalties on convicted prostitutes, clients who hired prostitutes over eighteen years old were not subject to any such penalties. Since most prostitutes are women and most clients are men, this factor constituted discrimination on the basis of sex.

More important, Thai police still largely failed to enforce existing laws against trafficking. Police conducted occasional brothel raids, but did little to punish traffickers and continued to detain and summarily deport trafficking victims as illegal immigrants. Even though the Thai government had taken steps to improve conditions in the Immigration Detention Center, conditions in the local jails—where trafficking victims often were detained pending deportation—remained abysmal. Local organizations reported that once the women and girls were detained in these facilities, they were extremely hard to contact and, therefore, stood at greater risk of custodial abuse. The nongovernmental organizations themselves found that Thai government cooperation with their efforts was difficult to obtain and that some activists had been harassed by the government for their anti-trafficking work.

## **Nigeria**

In late 1994, the Women's Rights Project and Human Rights Watch/Africa sent research teams to Nigeria to investigate discrimination against widows in the south and forced child marriage in the north. In some areas of the south, we found that widows were forced to endure humiliating rituals when their husbands died and that they were denied inherited property under discriminatory customary law.

In five northern states that we visited, we found that girls are customarily forced by their families into marriage, frequently before puberty, despite the girls' express objections or attempts to run away. Many child brides are compelled to engage in sexual relations as soon as they are married and, as a consequence, they become pregnant and give birth before they are physically mature. This can not only increase their risk of death in childbirth, but also cause serious medical complications due to early pregnancy, including obstetric or vesico-vaginal fistula (an abnormal communication between the bladder and the vagina that causes fluids to pass uncontrolled from one to the other). Girls suffering from these complications smell from the constant leakage of urine, and many are abandoned by their husbands and families. The Nigerian government has taken few steps to eradicate these abuses, failing to pass laws setting a minimum age of marriage or protecting individuals' right to consent to marriage.

## **Turkey**

Less than one year after the June 1994 release of our report on the Turkish government's use of forced gynecological exams to control women's virginity, the Ministry of Education proposed regulations authorizing virginity exams for schoolgirls under eighteen when required by school authorities. Opposition from women and students in Turkey prompted some government officials to oppose the measure, which ultimately was dropped. A regulation remained, however, that empowered Turkish school authorities to monitor the morality of students in their charge, a vague provision interpreted by some school officials to allow them to instigate virginity exams.

In early 1995, Turkey's women's minister, Onay Alpago, proposed to parliament new laws to eradicate statutory sex discrimination. The draft laws proposed to eliminate legal provisions establishing the husband as the head of the family household, allow women to retain their family names after marriage, provide equal property rights in cases of divorce, treat men and women equally in cases of adultery, and put in place new protections for victims of domestic violence. The proposed legislation was being reviewed by a parliamentary commission at this writing, although early passage seemed unlikely.

Finally, the torture and inhuman treatment of women in custody continued in Turkey. On August 14, 1995, the Human Rights Foundation of Turkey reported that twenty-four-year-old Leman Celikaskan had been raped repeatedly while in police custody in Ankara. Celikaskan was detained by police July 21, 1995 in a raid on the house where she was staying as a guest and was held in Ankara Central Closed Prison. Following her detention by Anti-Terror Police, she was taken to a wood, stripped, and sexually abused. She alleges that later three Anti-Terror police raped her in her cell. To our knowledge, the Turkish government had made no effort to prevent the ongoing torture and ill treatment of women in detention. In no instance of which we are aware were police investigated or punished for their participation in forced virginity exams or in sexual assault of women in custody.

### **Botswana**

In September 1994, the Women's Rights Project and Human Rights Watch/Africa released *Second Class Citizens: Discrimination against Women Under Botswana's Citizenship Act*. The report condemned the Botswana government for discriminating against women in its Citizenship Act, which denied citizenship to children of Botswana women married to foreign men, and failing to comply with a high court decision that found this discrimination unconstitutional.

Just a year later, in August 1995, after a concerted campaign by local and international women's rights activists, the National Assembly of Botswana amended the Citizenship Act to eliminate its discriminatory provisions. The amendment granted citizenship to children, born in or outside of Botswana, whose mother or father is a citizen of Botswana. However, it did not apply to persons born prior to the adoption of the amendment, although it permitted expedited naturalization of minor children who were not Botswana citizens but had a parent who was a Botswana citizen. The amendment also revised the act to grant foreign wives and husbands of Botswana citizens the same naturalization requirements.

## **The Role of the International Community**

### **The United Nations**

The year was marked by the U.N. Fourth World Conference on Women, held in Beijing in September. The themes of the Women's Conference—equality, development, and peace—had been addressed at previous U.N. world conferences on women, although with little or no reference to human rights. By contrast, at the 1995 world conference, the protection and promotion of women's human rights emerged as a central concern of both government and nongovernmental participants.

The growing importance of human rights as a key element in global policy-making with respect to women reflected the mounting influence of an increasingly organized and effective international women's human rights movement. Women activists from around the world went to the Beijing conference—as both governmental and nongovernmental delegates—to affirm the importance of women's human rights and to demand that governments integrate women's rights in the U.N.'s system-wide activity, refrain from abusing the human rights of women, and ensure not only that such abuse be prohibited, but also that when it occurs, it be denounced and remedied.

However, the potential of nongovernmental delegates in particular freely and safely to participate in the Beijing conference was compromised to some degree by the host Chinese government, a number of other government delegations, and the inaction of the United Nations. The Chinese government, while attempting to use the official U.N. conference to boost its international image and deflect attention from its worsening human rights record, undermined the nongovernmental forum. Serious problems complicated the accreditation process for nongovernmental organizations (NGOs). NGOs that were critical of China's policies, abortion rights groups, and others were initially denied accreditation. Following strong protests which resulted in the reversal of some accreditation decisions, the Chinese government denied and delayed entry visas to numerous accredited participants, lowering the number of NGO representatives that attended the conference. The NGO site was moved by the Chinese government to Huairou, some sixty kilometers away from the official U.N. conference site in Beijing. The move severely hampered the NGOs' ability to meet government delegations, to coordinate their own work between the NGO and official conferences, and to influence the content of the Platform for Action. The Chinese government largely reneged on promises to provide adequate transportation between Huairou and the official conference site in Beijing, simultaneous translation, and even adequate space for workshops.

At the NGO Forum in Huairou and at off-site locations, Chinese security agents followed participants, harassed them, confiscated their materials, disrupted their workshops, and intimidated them. In hotels off the forum site, some participants were forbidden to have meetings or press interviews in their rooms, were watched by hotel security, and in some cases, found that their belongings had been searched. A number of international journalists also encountered difficulties obtaining visas and receiving clearance to bring in electronic equipment.

Once in Beijing, they were relegated to certain hotels and subjected to Chinese security surveillance.

In addition, prior to and during the conference, the Chinese government heightened repression within the country and detained some Chinese political activists, largely to prevent them from meeting conference participants. Chinese security officials also acted to maintain "public order" by executing sixteen common criminals in Beijing to create a "secure environment" for the U.N. gathering.

Both the United Nations Conference Secretariat and Secretary-General Boutros Boutros-Ghali's representatives failed adequately to address these problems. Prior to the conference, the U.N. failed to act to ensure NGO participation until pushed to do so by NGOs and some governments. At first, the U.N. Conference Secretariat denied numerous NGOs accreditation for the Women's Conference without granting them the opportunity to appeal the decision. This was of particular concern because the secretariat's decisions appeared to exclude organizations based on their political agendas and not on their failure to conform to the technical criteria for accreditation. Human Rights Watch expressed concern that the U.N. not succumb to pressure from abusive governments to restrict NGO participation in the conference. Ultimately, governments at the March Commission on the Status of Women meeting allowed NGOs denied accreditation to appeal the Secretariat's initial decision, and ECOSOC voted to accept many of these groups. Nonetheless, in the weeks immediately prior to the conference, the U.N. failed to prevent China from excluding many NGO delegates via the visa denials and delays described above.

After the Chinese government suddenly relocated the NGO Forum to Huairou, the U.N. was late stepping in to mediate with the Chinese government. Again, only after NGOs demanded that the U.N. support their call for an NGO Forum site that would provide both the necessary facilities and permit access to the official conference did the secretary-general's envoy, Ismat Kittani, go to China to meet with officials. Prior to the NGO outcry, the U.N. made excuses for China's failure to offer a site with adequate facilities for the gathering of 35,000 activists.

Then in Huairou at the NGO Forum itself, when NGO participants were faced with varying levels of China-sponsored or China-tolerated intimidation and interference that prevented them from participating fully and openly in the NGO Forum, the U.N. refused to intervene to ensure the inviolability of the NGO process. Instead, the U.N. offered the disingenuous excuse that the NGO Forum was not a U.N. conference and therefore the U.N. had no responsibility for what happened there. This stance contradicted its constructive, public intervention when China changed the NGO Forum site from Beijing to Huairou in March. Where the U.N. had an opportunity both to go beyond rhetoric in its support for NGOs and to demand respect for the conference participants' fundamental human rights of freedom of association and expression, it utterly failed.

Despite these obstacles, nongovernmental participants worked closely with government delegates to produce a Platform for Action that identified the economic, social and political problems

facing women and recommended government action for improving women's status over the next decade. During debates over the platform, a number of governments strongly resisted the growing international consensus that in order to advance women's status, governments must protect and promote their human rights. Several official delegations—most notably the Holy See, Iran, Sudan, Guatemala, and Malta—made concerted efforts to modify or abridge women's human rights in light of religion, culture, or national law. These delegations promoted the concept that women have a "special" role in society and the family as an excuse to deny women their equality, civil liberties, and the right to be free from violence.

Ultimately, the Platform for Action did reaffirm the universality and indivisibility of human rights, asserted that these rights extend to women's reproductive and sexual lives, and reiterated that culture, religion, and national law cannot be used to justify the denial of women's fundamental rights. The platform, however, made no clear commitment to the provision of adequate funding for the implementation of these protections. Moreover, it neither guaranteed equal inheritance rights for girls nor extended international protection to internally displaced women.

Although the conference gathered NGOs and governments together to craft rights-based ways of improving women's status, it also highlighted the intense resistance of many governments to women's equality and the full realization of their human rights, particularly within family structures and as concerns women's sexual and reproductive lives. The conference starkly demonstrated the ongoing need to identify and end abuses against women worldwide. While the governments ultimately made commitments in principle to advance this goal, what remained to be seen was whether they would do so in practice.

### **U.S. Policy**

In 1995 the Clinton administration was a vocal proponent of women's human rights, particularly at the Fourth World Conference on Women in Beijing, China. At the conference, First Lady Hillary Rodham Clinton denounced specific violations of women's human rights and called upon governments to recognize and act on their responsibility for such abuses. However, in its own foreign policy, the administration made only small steps toward integrating concern for women's human rights into its relations with abusive governments. Moreover, the U.S. did not back up its commitment to promote women's rights around the world when it came to domestic policy; it continued to deny American women access to international human rights protections by failing to ratify important human rights treaties and limiting its accountability under those treaties that it did ratify.

This lack of progress in U.S. policy was not due to lack of information: the State Department's Country Reports on Human Rights Practices for 1994 demonstrated improved reporting on violations of women's human rights. Although some problems remained, the 1994 report was more comprehensive both with regard to the types of abuses discussed and the countries in which gender-related abuses were documented.



In the months prior to the Women's Conference, the Clinton administration played a key role in promoting full NGO participation in the conference and its preparatory processes. Human Rights Watch pressed the Clinton administration to demonstrate a similar level of support for the goal of advancing human rights at the conference itself and with respect to the host country. Once the First Lady announced her plans to attend the conference, we urged her to move beyond the role of observer, to be a strong public leader on women's human rights, and to speak out publicly against human rights abuses in China in order to minimize any public relations pay-off enjoyed by the Chinese government consequent to her visit. The U.S. sent a strong delegation to the conference—including U.S. Ambassador to the United Nations Madeleine Albright, Secretary of Health and Human Services Donna Shalala, Administrator of the Environmental Protection Agency Carol Browner and Undersecretary of State for Global Affairs Timothy Wirth—and chose U.S. Ambassador to the U.N. Human Rights Commission Geraldine Ferraro to negotiate for strong protection of women's human rights.

In Beijing, the U.S. pledged to establish a White House inter-agency council on women to implement the Platform for Action; to launch a \$1.6 billion initiative to fight crimes of violence against women in the U.S.; to combat threats to American women's health and security; to maintain its commitment to reproductive health rights; to improve working conditions for women in the U.S.; to promote access to financial credit for American women; to use Agency for International Development (AID) programs to increase women's political participation and the enforcement of women's legal rights worldwide; and, finally, to speak out publicly in defense of human rights.

Important as many of these initiatives may prove to be, they fell short of providing the concrete steps needed to ensure that U.S. policies, at home and abroad, promoted respect for women's human rights. The U.S. made no pledge to integrate women's rights concerns into its aid and trade relationships with abusive governments, offered no financial support for improving the international mechanisms that are supposed to protect women's rights, and underestimated the need for guaranteeing international human rights protection to women in the U.S. itself. Although the commitments did place high priority on ratification of CEDAW, the Clinton administration made a similar pledge at the U.N. Human Rights Conference in Vienna in 1993, yet in 1995 the U.S. remained the sole industrialized nation that had failed to ratify the treaty. This problem was made that much more acute—and the administration's active support for ratification made that much more necessary—by the fact that the treaty was being vigorously opposed by extreme conservatives in the U.S. Congress.

Several of the U.S. commitments, at least as presented in Beijing, were too preliminary to connote any substantial progress on promoting women's human rights within the United States. For example, to our knowledge the campaign to improve conditions for women in the workplace initially consisted only of Labor Department efforts to solicit pledges from employers to change their policies and practices. Moreover, while other commitments such as the \$1.6 billion in federal resources were more developed, they could be blocked by Congress, which was divided on whether to fund or cut support for the important Violence Against Women Act (VAWA).

As important as domestic initiatives to combat violence against women was the protection provided by international standards. Such protection was denied to American women as a result not only of the U.S. failure to ratify CEDAW, but also because of its compromised ratification of the International Covenant on Civil and Political Rights (ICCPR), which effectively denied U.S. citizens the ability to assert the rights protected by the covenant in U.S. courts (see United States section).

The only other concrete measure offered by the U.S. in Beijing to promote women's human rights at the international level was a women's legal rights initiative by AID. The goal of this initiative—attacking obstacles to the full realization of women's rights through education and support for local NGOs—was essential, but funding was not guaranteed. Moreover, for this program to be effective, it must be backed up by the thorough integration of concern for women's legal rights into AID's own programs. As the case of Russia indicated (see below), AID itself still failed fully to promote women's equal rights as an integral component of its economic and political development programs.

The administration was less than diligent in monitoring and reporting on women's human rights violations in the United States. For example, in its first appearance before the United Nations Human Rights Committee, pursuant to its obligations under the ICCPR, the administration stated that the problem of sexual abuse of women in prison was "addressed through staff training and through criminal statutes prohibiting such activity." The U.S. failed altogether to inform the committee of ongoing sexual abuse of women in a number of state prisons across the country, abuse that the Justice Department was itself investigating in several states.

In January 1995, the Clinton administration reported to the Senate Appropriations Committee on efforts by the Thai government to control sex trafficking. The administration's report concluded that, although there was no systematic involvement of the Thai government in the trafficking of Burmese women and girls, criminal trafficking networks flourished thanks to police corruption, the direct participation of individual police officers in trafficking networks, and Thailand's failure to enforce its laws. According to the State Department report, Thai government efforts to combat trafficking had been limited to creating a special police unit and introducing legislation to increase penalties for traffickers. In February 1995, Rep. Louise Slaughter, with fifty-five co-sponsors, introduced a resolution urging the State Department to consider the Thai government's efforts to hold police and immigration officials accountable for abuses against Burmese women and girls when distributing military aid to the Thai government.

The U.S. directed millions of dollars to Russia in 1995 for economic aid, military conversion, and programs designed to develop democratic institutions. With some important exceptions, U.S. support for Russian public and private sector initiatives failed to raise women's human rights concerns. AID had worked to ensure women's participation in training for professionals and had implemented guidelines to overcome obstacles that might keep women from benefiting from U.S. technical assistance. Yet many other AID programs that contributed to the

introduction of market-based reforms and the restructuring of certain sectors of the economy—including energy and defense—failed to ensure that women did not suffer discrimination as reforms were implemented. Nor had they required U.S. and Russian partners to prohibit sex discrimination in their workplaces. AID had also directed insufficient attention to the longstanding problem of gender bias in the legal system in its programs to promote human rights, judicial independence, and reform of criminal laws.

In Haiti, respect for human rights improved markedly after the U.S.-led international intervention restored President Aristide to office. Nonetheless, more effort was needed to assure accountability for past abuses and to deter future abuse. The U.S. strongly condemned rampant abuse, including the rape of women as a tool of political repression under the Cédraes regime. Yet, despite two promises—in May and September 1995—to provide assistance to the National Commission for Truth and Justice, a body established by President Aristide to investigate and prosecute human rights violations, the U.S. had not delivered this support as of this writing. At the same time, the U.S.-sponsored training of interim police cadets had incorporated women's rights, to the extent that recruits were shown how to gather forensic evidence to support a rape allegation.

In 1994 concerns over the executive branch's inconsistent record on protecting and promoting women's human rights led Congress to call for the appointment of a State Department senior advisor who would work to ensure the full integration of women's human rights into U.S. foreign policy. In November 1994, a senior coordinator for international women's issues was appointed to the office of the under secretary for global affairs, Tim Wirth. Unfortunately, a State Department decision to expand this post's mandate beyond women's human rights to a broad range of "women's" issues undercut its effectiveness. The result was that, as demonstrated by the above examples of Thailand, Russia, and Haiti, the U.S.'s willingness to raise women's human rights concerns did not translate into consistent action to protect and promote rights as an integral component of U.S. foreign policy. The senior coordinator's role could include coordinating the work of the Human Rights Bureau with other State Department bureaus as well as federal agencies outside the State Department to ensure that information on women's human rights is factored into political decision-making. For this to be effective, however, the coordinator would require greater institutional support within the State Department and a clearer focus on human rights.

Members of the U.S. Congress, who played a key role in the struggle to advance women's rights in both foreign and domestic policy, harshly criticized the Chinese government for its interference with NGO participation in the Women's Conference in Beijing. Congress directed U.S. delegates publicly to support NGOs subjected to harassment or restrictions on their activities and to protest actions by the Chinese government aimed at punishing Chinese citizens who sought to express their views or meet with delegates during the conference. At a March press conference, the Congressional Caucus for Women's Issues called for a fair and open accreditation process for nongovernmental organizations seeking to participate in the conference, thus turning the spotlight on the importance of NGO participation at a moment when it was under siege by repressive governments.

In 1995, the bipartisan Congressional Working Group on International Women's Human Rights denounced violations of women's human rights in four countries: Botswana, Mexico, Uzbekistan and Bahrain. The working group, formed in April 1994, sends urgent letters in support of women who are at imminent risk of abuse or who require international support in their search for justice for past abuse.

In May 1995 the Immigration and Naturalization Service (INS) adopted guidelines to assist asylum officers in adjudicating the claims of female asylum seekers—one year after numerous organizations, including Human Rights Watch, proposed such guidelines in order to remedy procedural and substantive obstacles to asylum claims of women victims of gender-related persecution. The guidelines represent a critical step toward making the asylum process less hostile to female applicants fleeing human rights violations and recognizing, as a matter of law, that women are targeted for gender-related abuses that may amount to persecution. The value of the guidelines, however, could only be fully realized if the INS followed up at the highest levels with clear and consistent support for incorporating them into consideration of asylum claims.

Unfortunately, a lack of just such leadership in implementing the guidelines came to light in August when the INS challenged an immigration judge's decision to grant asylum to a woman who feared persecution on gender-related grounds; the INS appealed a decision that relied on its own guidelines. Following significant public outcry, the INS withdrew its appeal. Several months earlier, and prior to the adoption of the guidelines, another immigration judge denied asylum to a woman who claimed gender-related persecution resulting from her opposition to female genital mutilation (FGM), her own forced circumcision as a teen, and her fears for her daughters. In denying the claim, the judge opined that the claimant could choose to acquiesce to the practice of FGM, that not all cultures view FGM as harmful and that her dispute was with tribal custom, and thus that her anticipated harm was both highly subjective and not a matter for state intervention. In order to minimize such inconsistent application of the law and to ensure that female asylum seekers could receive a fair hearing, the INS message to those responsible for resolving women's asylum claims would need to be much clearer in directing them to implement the agency's guidelines.

### **The Work of the Women's Rights Project**

Much of our advocacy work in 1995 focused on ensuring that women's human rights be given priority attention at the Fourth World Conference on Women. As in previous years, our efforts also focused on securing accountability for specific violations of women's human rights raised in our monitoring and reports. In addition, we continued our efforts to strengthen U.S., regional and international mechanisms for monitoring and remedying violations of women's human rights.

The Women's Rights Project worked in conjunction with Human Rights Watch/Asia and our U.N. representative to ensure the ability of women from around the world to participate in the Women's Conference and to push governments gathered at the conference to commit to end violations of women's human rights and to hold abusers accountable. Concerned that many

nongovernmental organizations (NGOs) were being deliberately excluded from the conference and its preparatory processes, Human Rights Watch coordinated a January 1995 sign-on letter from twenty-five women's and human rights organizations to Secretary of State Warren Christopher urging the State Department to ensure the broadest possible NGO access to the Women's Conference. In a March letter to U.N. Secretary-General Boutros Boutros-Ghali, we protested the U.N.'s role in allowing repressive governments to dictate which NGOs could participate in the conference. In May we called again on the secretary-general to guarantee full and meaningful NGO participation in the conference by ensuring that the Chinese government provided appropriate facilities for the NGO Forum. We also joined other women's and human rights organizations in a letter to Boutros-Ghali calling on the U.N. to ensure that China provide NGO participants with an appropriate site for the NGO Forum and with access to the official proceedings. At a March press conference called by the Congressional Caucus on Women's Issues, the Women's Rights Project urged the U.S. and other governments to ensure an open accreditation process for NGOs seeking to participate in the U.N. conference.

In June we worked with a number of human rights advocates to call on U.N. High Commissioner for Human Rights José Ayala Lasso to make public statements supporting a platform for action at the Beijing conference that would stress the universality and indivisibility of women's fundamental human rights, challenge efforts to undermine women's right to equality and commit governments to implementing specific measures to improve the protection of women's rights.

The Women's Rights Project stressed two priority goals at the women's conference: governments must recognize their obligation to respect women's rights in order to advance women's status in all spheres—political, social and economic—and they must make concrete commitments to promote and protect those rights in practice. Prior to the March meeting of the Commission on the Status of Women, the Women's Rights Project prepared a critique of the draft Platform for Action and distributed this to members of the U.S. and other government delegations. We also wrote to the U.S. State Department's senior coordinator for international women's issues and the director of its Global Conference Secretariat, urging the U.S. delegation to take a leading role in promoting women's human rights at the conference. We met with First Lady Hillary Clinton's staff to discuss priority women's human rights concerns and participated in two meetings with Assistant Secretary of State John Shattuck to discuss the U.S. position on key human rights provisions in the Beijing draft Platform for Action.

Human Rights Watch also pressed European governments to promote meaningful NGO participation in the Women's Conference and to recognize the key role of eliminating women's human rights abuse in efforts to advance women's status. In May 1995, Human Rights Watch's Brussels office helped to secure European Parliament's adoption of a resolution that called on the Chinese government to guarantee freedom of speech to NGOs and press attending the conference; to refrain from excluding women because of their political views, national origin or sexual orientation; and to provide an NGO Forum site that would allow easy communication between the NGO and government meetings.

Following the conference, the Women's Rights Project briefed members and staff of the Congressional Caucus on Women's Issues about the implications of the conference for women's human rights and the need for strong U.S. leadership in implementing government commitments made in Beijing. We also met with Amb. Geraldine Ferraro to press for follow-up to the commitments made in Beijing and wrote to Mrs. Clinton urging that women's human rights be more fully integrated into U.S. bilateral aid and trade relations.

Our first Global Report on Women's Human Rights, released in September in Beijing, reflected five years of research and advocacy on issues such as rape and violence against women during armed conflict, domestic violence, trafficking of women and girls into forced prostitution and marriage, and abuses against women workers in some twenty countries. It also offered concrete recommendations to governments, the United Nations and the regional human rights bodies for steps to halt gender-based violations and secure the full protection of women's human rights.

In order to press for the elimination of sex discrimination in Russia and to support efforts by local groups to invoke international human rights law to this end, we worked closely with our colleagues in Russia to publicize the findings of our report, *Neither Jobs Nor Justice*, then use the report in workshops and at conferences to share information and develop human rights advocacy skills. In August 1995, Human Rights Watch's Moscow representative participated in a preparatory conference to the Women's Conference in Beijing where Russian women prepared for the substantive debates over women's human rights and learned about the potential obstacles to NGO participation in the conference. In the U.S., project staff presented the findings of our report to AID and urged officials to promote respect for women's rights through their programs.

In Haiti, we continued to seek accountability for the use of rape as a tool of political repression under the military rule of Raoul Cédras, by pressing President Aristide to ensure that rape and other assaults on women were among those crimes investigated and prosecuted by his administration. In January 1995, we met with Robert Gelbard, assistant secretary of state for international narcotics and law enforcement, to discuss the role of women in Haiti's interim police force, the incorporation of women's human rights into police training and the screening out of former police alleged to have committed rape.

In February 1995 the Women's Rights Project continued its monitoring of the use of rape by Peru's security forces with a letter to President Alberto Fujimori, calling on him to act on his promise to punish soldiers and police officers who commit rape. Evidence gathered by the project and local activists indicated that rape against women in detention continued unabated, uninvestigated and unprosecuted. The letter documented six cases of women detained by the security forces and raped, sometimes repeatedly, during their incarceration. To our knowledge, none of the women's claims had been investigated by the Peruvian authorities.

The Women's Rights Project also contributed to Human Rights Watch efforts to oppose passage of the Stop Turning Out Prisoners Act (STOP), legislation that would severely limit the ability of prisoners in the U.S. to seek redress for serious violations of human and civil rights. The project

was particularly concerned that this legislation, approved by Congress in late 1995, would cut off some of the minimal remedies available to women victims of rape and sexual assault committed by prison guards and staff.

In March 1995 Human Rights Watch protested the death sentence passed on Flor Contemplacion, a Filipina domestic worker in Singapore, and urged President Ong Teng Cheong to commute her sentence. Contemplacion was sentenced to death in January 1993 for the murder of another Filipino domestic worker and her employer's four-year-old son. Human Rights Watch received information indicating that there were serious doubts about the fairness of her trial. Despite international outcry calling for a new trial to ensure Contemplacion's right to due process, the Singapore government executed her in March.

The Women's Rights Project continued its efforts to press member states of the United Nations to integrate women's human rights into the U.N.'s system-wide human rights activities. In February, we submitted a written statement to the U.N. Human Rights Commission supporting the work of the special rapporteur on violence against women and calling attention to specific instances of government-sponsored or -tolerated violence against women. The project has supplied the special rapporteur with extensive documentation of human rights abuses against women to assist her in preparing her first report on the extent, causes, and consequences of violence against women.

The project also continued its efforts to publicize the need for protection programs that can prevent rape and other abuse in refugee camps. We called on the UNHCR to put into place mechanisms to institute programs similar to those undertaken in Kenya in other refugee camps around the world. In 1995 project staff had met several times with the UNHCR, including individuals assessing the Women Victims of Violence program in the Kenyan refugee camps. We also raised the problem of women refugees' physical safety with U.N. High Commissioner Sadako Ogata in July at a U.S. Congressional briefing. In the U.S., we participated in a forum sponsored by the U.S.-based Women's Commission on Refugee Women and Children to strengthen the UNHCR Guidelines on the Protection of Refugee Women. In August, we presented our findings at a UNIFEM-sponsored conference in Ethiopia on the protection of refugee and internally displaced women in Africa.

In 1995 the Women's Rights Project increased its participation in training activities with colleagues from around the world. We began working with women's rights activists in 1994 to develop strategies for applying human rights documentation and advocacy methods to gender-specific human rights violations. Women's Rights Project staff participated in training workshops with the Center for Women's Global Leadership in New Jersey with women activists from around the world and with members of WiLDAF (Women in Law and Development in Africa) from fifteen African countries in Uganda. In 1995 we participated in Albania's first international forum on women's human rights, outlining and assessing methods for deterring domestic violence with human rights advocacy, and we presented women's rights case studies to a conference in Trinidad on how to document women's human rights abuses. Project staff also

led several workshops at the NGO Forum in Huairou, China on using human rights advocacy to ensure government accountability for abuses against women. Finally, we began a joint effort with the Institute for Women, Law and Development to produce a training manual for women's human rights activists.

## **SPECIAL INITIATIVES**

The complexity that human rights work has acquired, and the diversity of opportunities for advocacy and action, have increasingly demanded that Human Rights Watch undertake initiatives involving a specialized focus or expertise. At times, those initiatives consist of a single opportunity to make our voice heard on a crucial issue, but often they take the form of sustained campaigns. Some of these activities undertaken in 1995 included the following.

### **Prisons**

The Human Rights Watch Prison Project has conducted specialized prison research and campaigns for prisoners' rights since 1987, to focus international attention on prison conditions worldwide. Drawing on the expertise of the regional divisions of Human Rights Watch, our prison project has investigated conditions for sentenced prisoners, pre-trial detainees, immigration detainees, and those held in police lockups. The work is distinctive in the international human rights field in that it examines conditions for all prisoners, not only those held for political reasons.

In addition to pressing for improvement in prison conditions in particular countries, the prison 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 if ever a focus of human rights scrutiny are in fact guilty of serious human rights violations within their prisons.

The prison 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 prison project relies upon the U.N. Standard Minimum Rules for the Treatment of Prisoners as the chief guideline by which to assess prison conditions in each country. Prison investigations are usually conducted by teams composed of a member of the project's staff or advisory committee and a member of a Human Rights Watch regional



division's staff with expertise on the country in question. Occasionally, the prison project invites an outside expert to participate in an investigation.

The project publishes its findings in reports that are released to the public and the press, both in the United States and in the country in question, and sent to the government of that country.

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

### **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. Based on extensive research over the years, we concluded in our 1993 Human Rights Watch Global Report on Prisons 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. To strengthen the enforcement of standards, Human Rights Watch has continued to advocate creating a U.N. human rights mechanism to inspect prisons and to strengthen the mechanism for enforcement of standards and the prevention of abuses.

Human Rights Watch staff participated in the 1995 session of the Working Group on the Optional Protocol to the Convention against Torture, convened by the U.N. Commission on Human Rights to devise a universal system of visits to places of detention. Despite our reservations regarding the confidentiality of the proposed system, we endorsed the effort and strove to ensure its maximum effectiveness.

Beginning in 1993, the Human Rights Watch specialist in prisons regularly participated in an international effort by representatives of about a dozen nongovernmental and intergovernmental organizations to strengthen standards regarding prison conditions; the goal is to make these standards more effective in safeguarding the human rights of detainees. A representative of the prison project was among the drafters of an international handbook on the human rights of people imprisoned or detained. The document was presented during the Ninth U.N. Congress on the Prevention of Crime and the Treatment of Offenders, held in Cairo in April 1995.

### **Fact-Finding: Japan and the U.S.**

In March, the prison project and Human Rights Watch/Asia released a report titled Prison Conditions in Japan. Based on interviews conducted in Tokyo, Kobe, Osaka, Niigata and Asahikawa, the report condemned the widespread use of solitary confinement, the restrictions on contacts between prisoners and the outside world, the obsessiveness about rules, and the draconian punishments that have characterized the Japanese correctional system. It catalogued numerous cases in which the prison authorities had imposed harsh penalties for the most trivial rule violations, such as one prisoner who was punished with ten days in solitary confinement for looking at a guard. Concluding that from the moment of arrest through to the end of imprisonment "a prisoner in Japan is deprived of the most basic rights," the report urged Japan to undertake a serious reform of its prison system. A project representative returned to Tokyo in March to release the report simultaneously in Japanese and English. She participated in a press conference and presented two public lectures on prison conditions in Japan.

For several years the prison project has monitored the treatment of prisoners and other detainees in the United States. The project continued collecting information on U.S. prison conditions in 1995, with a particular focus on the proliferation of super-maximum security institutions (or "maxi-maxis"), a problem to which Human Rights Watch first called attention in its 1991 report on prison conditions in the United States.

In June, the project conducted a mission to a maxi-maxi facility in the state of Indiana, the Maximum Control Complex (MCC). Having received distressing reports of abuses at the MCC since it opened in 1991, the project had repeatedly asked to be allowed to inspect the facility, but the state's commissioner of corrections had persistently refused to grant permission for such a visit. When a new superintendent took charge of the facility in 1995, however, this permission was granted. On inspecting the institution and speaking privately with a number of prisoners, the Human Rights Watch delegation found that many of the worst abuses of the MCC's first years (when it was a "horror show," in the words of a prisoner who in 1992 was left in four-point mechanical restraints spread-eagled to his bed for days at a time) had been remedied or ameliorated. Nonetheless, the basic structural problems of prolonged social isolation and severe sensory deprivation still persisted. Held in solitary confinement in small, sterile, continuously lit cells, and deprived of almost all human contact over a period of years, MCC prisoners were treated in a manner that was injurious to their human dignity and that boded poorly for their eventual reintegration into society.

Our prisons expert and staff of the Human Rights Watch Women's Rights Project also concluded in 1995 an extensive study of sexual abuse of women in U.S. prisons. Having interviewed witnesses, including prisoners, former prisoners, prisoner rights advocates, lawyers and government officials in five states, investigators determined that women incarcerated in U.S. state prisons face a serious and potentially pervasive problem of sexual misconduct by prison officials. In particular, the abuses found included rape, sexual assault, inappropriate sexual contact, verbal degradation, and the unwarranted visual surveillance of undressed women prisoners. Equally troubling, most states had not adopted even preliminary measures to address these problems.

## **Business and Human Rights**

As we noted in last year's World Report, some proponents of international trade and investment have argued that human rights should receive lower priority than fast-track, investment-driven development. While several Asian governments were the earliest to articulate this viewpoint a few years ago—arguing for an "Asian concept of human rights"—Western governments also direct their foreign policies with a strong bias toward "commercial diplomacy." In this line of reasoning, economic growth by itself would improve human rights; boosting trade would advance human rights by creating a middle class that ultimately would demand a greater political voice. This argument, however, ignores the fact that, for every liberalizing Taiwan there is a Singapore, Indonesia, China or Peru where economic growth has simply bolstered an authoritarian regime. Indeed, even if economic development could be correlated in the long term with improved respect for human rights—an unproven proposition—that would offer little solace to those imprisoned and tortured in the meantime.

A government's promotion of corporate investment abroad regardless of human rights conditions in the prospective host country sends a signal to businesses that human rights are neither a proper concern of theirs nor an issue of importance to their governments. And abusive leaders receive the same signals, which does the opposite of encourage reform. But once a corporation invests in a country, that country's human rights problems inevitably affect corporate practices and the exercise of workers' rights, including rights of free association and expression.

Recognizing that the increased importance of globalized trade in creating an ever-closer link between the corporate practices and human rights conditions in a growing number of countries, Human Rights Watch began in 1994 to examine this connection and develop ways of addressing it. In 1995 our work linking business and human rights expanded to country situations as diverse as Guatemala, Egypt, the West Bank/Gaza Strip, Nigeria, and China.

Two overarching principles have guided the work on business and human rights. We stress the absolute principle that corporations must avoid complicity in governmental human rights abuse. And we urge corporations to use their often considerable influence to increase respect for human rights in the course of their business operations.

In Nigeria, Human Rights Watch/Africa researched the role of the Royal Dutch Shell Petroleum Corporation in serious abuses against the Ogoni people in the country's southeastern Rivers State. On the basis of our findings, Human Rights Watch set forth a number of policy recommendations for foreign oil companies operating in Nigeria. This generated international press attention to Shell's role and responsibility. Our recommendations included a call to oil companies to criticize publicly the use of excessive force by the Nigerian security forces. To follow up our research, Human Rights Watch representatives met with officials of multinational oil companies, and those discussions continued at this writing. Human Rights Watch co-sponsored an ad that appeared in The New York Times protesting the death sentence issued for Ken Saro-Wiwa, the principal leader of the Ogonis, whom the authoritarian government of

Nigeria had accused, without due process, of murder (see Nigeria section). Human Rights Watch/Africa pressed Royal Dutch Shell and other oil companies operating in Nigeria to protest Ken Saro-Wiwa's death sentence. After the Abacha government rushed to execute Saro-Wiwa despite a concerted international outcry on his behalf, we called for oil companies to publicly condemn the execution.

With respect to China, while continuing discussion with corporations over particular issues, Human Rights Watch/Asia called on investment banks that planned to finance the mammoth Three Gorges dam to avoid any involvement with the project until the Chinese government provided verifiable guarantees to protect the rights of the more than one million people scheduled to be forcibly relocated to make way for the dam. Human Rights Watch raised these concerns with institutional investors, including public pension funds, and insisted that investment banks be accountable for their decisions on this project. Responding to coverage of our concerns in investment journals in the U.S. and elsewhere, the president of the Three Gorges Dam Corporation acknowledged that criticisms on human rights and environmental grounds made it more difficult to generate foreign funding for the dam.

Human Rights Watch/Middle East raised the issue of corporate social responsibility for human rights at the Middle East/North Africa Economic Summit in Amman in October. We distributed to both conference participants and the press a detailed statement of concerns highlighting the link between respect for basic human rights and a climate conducive to investment, including an account of worker-related human rights abuse in Egypt and the issues of freedom of movement and discrimination resulting from Israeli policies in the West Bank, Gaza Strip, and Israel.

Regarding Guatemala, Human Rights Watch/Americas wrote a letter to the president of Western Atlas, a Houston-based oil exploration company conducting a seismic study in the Ixcán area, expressing our concerns about the company's employment of a known human rights violator and fugitive from justice. We believed the employment of this man contributed to a cycle of impunity for rights abuse. As far as we could ascertain, the company terminated his employment.

### **Drugs and Human Rights**

As drug trafficking has spread around the world, with ever more countries affected by the production, shipment and consumption of psychoactive drugs, national and international counternarcotics programs have also proliferated. Unfortunately, these programs by and large have escaped close human rights scrutiny.

In early 1995, Human Rights Watch began a multi-year project to document and challenge human rights violations caused or exacerbated by efforts to curtail drug trafficking. The project focused initially on international counternarcotics programs supported or encouraged by the United States. Although Human Rights Watch has taken no position on the merits of counternarcotics objectives, we have insisted that those objectives—like all national and international political goals—be pursued within the framework of internationally recognized human rights. By raising our findings and concerns with the media, policy analysts, public

officials and the general public, Human Rights Watch pressed for the incorporation of human rights considerations into the drug policy debate.

Human Rights Watch's first report on counternarcotics policies and programs, titled *Bolivia: Human Rights Violations and the War on Drugs*, was published in July 1995. Based on a mission to Bolivia in March and April 1995, the report examined Bolivian counternarcotics laws, institutions, and strategies and the central role of U.S. pressure and funding. Although the United States government insisted that U.S. counternarcotics assistance could advance human rights objectives, in Bolivia that assistance was supporting programs deeply flawed by human rights violations. For example, under Law 1008, the country's anti-drug statute, Bolivians charged with drug offenses were imprisoned without the possibility of pre-trial release and, even if acquitted, were forced to remain imprisoned until their trial courts' decisions were reviewed by the Supreme Court, a process that routinely took years. In Chapare, the rural area in which most of Bolivia's coca is grown and cocaine base is produced, the antinarcotics police had run roughshod over the population, conducting arbitrary searches and seizures, manhandling and beating residents, stealing their goods and money. Some Bolivians detained on drug trafficking charges had alleged complicity in abusive interrogations by agents of the U.S. Drug Enforcement Administration (DEA). DEA personnel acknowledged to Human Rights Watch that they do not intervene to stop abuse by Bolivian agents. We found that impunity for abuses by the antinarcotics police was the norm. Even complaints of serious human rights violations, including torture, and of abuses by DEA agents, were rarely investigated.

The report received widespread publicity in Bolivia and contributed to the growing public debate over the course of that country's counternarcotics efforts. Reforms to Law 1008 that would remedy some of its more serious adverse effects on human rights were being discussed by the Bolivian government and parliament as of this writing.

Human Rights Watch, through the drugs and human rights initiative, also researched the racial impact of drug-law enforcement in the United States and urged the U.S. government to address that impact in its first submission to the United Nations Committee on the Elimination of Racial Discrimination, pursuant to U.S. ratification of the Convention on the Elimination of all Forms of Racial Discrimination (see United States section). Ongoing research in the United States focused on the linkages between counternarcotics operations, corruption, and police brutality.

### **Lesbian and Gay Rights**

In 1994, Human Rights Watch adopted a policy opposing state-sponsored and state-tolerated violence, detention and prosecution on the basis of sexual orientation, and in 1995 expanded its work on discrimination to cover discriminatory treatment of lesbians and gays. In 1995, three Human Rights Watch regional divisions spoke out against persecution of lesbian and gay individuals and organizations.

Human Rights Watch/Americas protested armed raids on the offices of FUNDASIDA, the only nongovernmental AIDS organization in El Salvador, and subsequent death threats and attacks

against members of the gay men's group Entre Amigos (Among Friends), whose membership records were taken in the raid. Human Rights Watch/Africa criticized President Robert Mugabe's order banning the organization Gays and Lesbians of Zimbabwe from the Zimbabwe International Book Fair, and condemned offensive anti-homosexual remarks that the president made at the fair's opening ceremonies. Human Rights Watch/Helsinki called on the Russian Federation to repeal two criminal laws used to harass a journalist and outspoken gay rights activist, Yaroslav Mogutin, denounced by Russian authorities as a "corrupter of public morals" and threatened with blacklisting. The division also condemned police detention and beating of members of an Albanian gay rights organization, Gay Club Albania, and called for the repeal of all Albanian criminal penalties for homosexual acts.

### **Standard-Setting and Mechanisms of International Law**

Human Rights Watch contributes to the progressive development of human rights standards in international law. The organization has contributed to the drafting and negotiation of multilateral treaties, has sought precedent-setting judgments by courts and treaty bodies, and has promoted acceptance and ratification of such standards by all states in the international community. There is already an important body of substantive norms, both in the international law of human rights and in international humanitarian law (the laws of war); unfortunately, enforcement of those standards lags far behind. For that reason, our work in standard-setting has increasingly focused on the development of adequate and effective mechanisms to redress violations of human rights.

### **The International Criminal Court**

The United Nations has developed a comprehensive list of "international crimes," behavior by individuals that affects all nations and peoples and therefore injures the interests of the international community as a whole. Among those crimes are the most egregious violations of human rights: genocide, crimes against humanity, and war crimes. At the same time, those are crimes for which there is a pervasive impunity because, almost by definition, domestic courts have been unwilling or unable to investigate, prosecute and punish them. The idea of an international criminal court to act when domestic remedies fail has been discussed for much of this century, without significant progress. Since 1992, however, it has gained new currency due to the need to confront ghastly episodes of massive deprivation of life occurring in the past decade. The creation of international criminal tribunals for the former Yugoslavia and for Rwanda in 1994 and 1995 renewed expectations that the international community was not helpless to bring the perpetrators of egregious crimes to justice. On the other hand, the political limitations of creating ad hoc courts under the peace and security powers of the United Nations, have persuaded many nations that it is time to move forward in the creation of a permanent international criminal court.

A concrete proposal was placed on the agenda of the United Nations General Assembly in late 1994. By consensus, the General Assembly decided to convene an Ad Hoc Committee (to which all members states could send delegates) to meet twice during 1995 and engage in discussion of the draft statute drawn by the International Law Commission. Each meeting lasted about two weeks and was attended by delegations of fifty to sixty countries. The mandate of the ad hoc

committee did not allow it to engage in negotiations or propose amendments to the draft statute. As a result, there were important discussions but little progress toward consensus. Significantly, the delegates were reluctant to recommend a firm timetable for completing a draft treaty and convening a diplomatic conference at which it could be signed. An active majority of participating states seemed intent on maintaining the momentum so far achieved and moving steadily toward the creation of the court, but a minority of states demanded further discussion, and—as is often the case at the United Nations—the consensus that was actually achieved represented the lowest common denominator. The delegations that sought to slow down the process included states traditionally hostile to the development of human rights standards on the basis of sovereignty or on argued cultural relativism. On this issue, they were joined by the United Kingdom, the United States and Japan, governments that otherwise professed to contribute to the progress of international law. Distrust of an international criminal court by the United States contrasted sharply with the staunch support it provided to the two existing ad hoc tribunals. Perhaps it was easier to support judicial bodies before which American officials were not likely to be brought.

In support of the prompt creation of an international criminal court, Human Rights Watch joined a loose coalition of nongovernmental organizations (NGOs) interested in the subject, monitored the daily sessions of the ad hoc committee, prepared and distributed commentaries to the draft statute that were well received by the delegates, and met informally with many delegations to express our points of view. We also sent letters to bar associations and legal scholars, urging them to express their views to the representatives of their governments on the need for action on this matter. As the issue came back to the General Assembly in late October 1995, we distributed a commentary on the report produced by the ad hoc committee and insisted on the need for progress in drafting a final treaty.

On the substance of the draft, we have advocated restricting the subject matter jurisdiction of the court to genocide, crimes against humanity and war crimes (in the latter case both in international and internal conflict), and leaving out narcotics offenses, terrorism and aggression. We have also urged that the court be granted inherent jurisdiction not only on genocide but also on war crimes and crimes against humanity, and that—although its competence would be subsidiary to that of national courts—the court itself should be empowered to decide whether domestic remedies have been attempted in good faith as a bar to its own jurisdiction. We have strenuously objected to a stance adopted by the United States that would allow the Security Council to decide which cases might be heard by the court; in our view, that would deprive the court of its indispensable independence from political organs. During 1995 Human Rights Watch worked with other NGOs developing plans to help build citizens' support throughout the world for this initiative in the coming years.

### **Declaration on Forced and Involuntary Disappearances**

In 1982, the U.N. Human Rights Commission set up a Working Group on Forced and Involuntary Disappearances, in an effort to address that cruel and dramatic practice. Over the years, the working group devised innovative ways of responding to the problem. It has published

periodic reports listing the complaints it receives each year, sought and obtained permission to conduct on-site visits, and created a simple but effective mechanism to act on urgent requests. On the other hand, it never had a specific mandate to analyze petitions or review evidence; as a result, the working group does not establish governmental responsibility on any given case, but exposes governments that practice or tolerate disappearances only through statistical information that shows how many cases have been "resolved" in a given period.

In 1992, the U.N. General Assembly approved a Declaration on Forced and Involuntary Disappearances, at the behest of the Commission on Human Rights. Though non-binding, this instrument advanced the standards on this particularly cruel practice, and delineated the obligations of the state to address its consequences. In early 1995, the Commission on Human Rights asked its Working Group on Disappearances to propose means of supervising compliance by states with the standards set forth in the declaration. In turn, the working group asked NGOs for their input.

In August 1995, we submitted a detailed proposal to the working group, urging it to consider setting up a complaint mechanism by which affected families could seek its intervention. The working group would then seek the cooperation of the relevant national authorities to conduct an investigation, and eventually issue a resolution on the record, determining whether the facts as ascertained by the working group constituted a violation of the declaration, and formulating recommendations.

### **International Criminal Tribunals**

Impunity for the most egregious violations of human rights continues to be the norm, despite the international community's pronouncements condemning "ethnic cleansing" killings in the former Yugoslavia, genocide in Rwanda and massive violations of the laws and customs of war in Chechnya, to name only the most visible examples. Though international law has long ago developed principles designed to ensure accountability for crimes against humanity, such as universal jurisdiction, so far there has been a manifest lack of political will to enforce them. Almost by definition, domestic courts are unavailable, unwilling or incapable of dealing effectively and fairly with these crimes. Under those circumstances, the international community must provide the means for redress to the victims while strictly respecting standards of fair trial. The Security Council has created ad hoc international criminal tribunals for the former Yugoslavia and Rwanda, and all nations are duty-bound to cooperate with them and with the Office of the Prosecutor. While insisting on each country's obligation to investigate, prosecute and punish these crimes, we have also urged the international community to make accountability a reality through effective enforcement of international law.

Throughout 1995, Human Rights Watch supported the work of the two international criminal tribunals set up by the United Nations for Rwanda and the former Yugoslavia. We met regularly with the general prosecutor, Justice Richard Goldstone, and his staff and provided them with documentation from our on-site investigations so that the prosecutors can develop it into evidence to be used at trial or in support of indictment requests. We also paid close attention to



the budgetary and funding problems that the tribunals faced at the United Nations, and urged the missions of key nations to insist on full funding for their activities. At the meeting of the U.N. Commission on Human Rights in Geneva, we publicly called on all governments to support the tribunals and to cooperate with their work. Our researchers on the ground met often with investigators and other staff of the tribunals, and we hosted meetings in our New York office with Chief Justice Antonio Cassese and other judges. On several occasions, we urged the Security Council not to lift sanctions on Serbia and Montenegro until such time as the government has effectively lived up to its obligation to cooperate with the tribunal and the general prosecutor and has allowed their staff to conduct proper investigations in its territory. We also reacted publicly to statements by foreign governments that reflected hostility toward the tribunals.

### **Legal Advocacy**

Increasingly, our efforts to promote corrective action to address human rights abuses led us to take part in judicial proceedings or in submissions before bodies set up in international law to hear individual complaints. Human Rights Watch strongly believes that courts and international protection mechanisms provide not only a useful forum to publicize instances of human rights violation but also the opportunity to advance principles of protection of rights so that they become part of international law.

### **The International Court of Justice and the Kurds**

In 1995 Human Rights Watch pursued its efforts to bring a genocide case to the International Court of Justice against the government of Iraq for its 1988 "Anfal" campaign in which 50,000 to 100,000 people were killed, hundreds of thousands of villagers were forcibly displaced, and 2,000 villages were destroyed in an effort to eliminate the Kurdish population in northern Iraq. During the year, Human Rights Watch met and discussed the case with representatives of a number of prospective plaintiff states in the effort to build a coalition to litigate the case before the court.

To facilitate governments' consideration of the available evidence, and to demonstrate the strength of that evidence, Human Rights Watch prepared an evidentiary memorandum linking the documents and testimonies we had gathered with the essential elements of genocide to underline both the requisite acts and intent by Baghdad to eliminate an ethnic group. The evidentiary memorandum was drafted to enable prospective plaintiff states to gauge the strength of the legal merits according to article 2 of the Genocide Convention.

### **Litigation in United States Federal Courts**

United States law allows federal courts to hear cases in tort brought against foreign nationals for "crimes against the law of nations" committed in foreign lands. This unique feature of the country's legal system has become an important tool in stigmatizing perpetrators of crimes against humanity by making sure that United States soil does not become a safe haven for them when they leave office in their countries. Since 1980, several cases have been brought against

torturers and abusers of other fundamental rights, and successive court victories have turned this litigation strategy into an important advocacy tool. In the late 1980s, Human Rights Watch joined other organizations and law firms in bringing three such complaints against the former "lord of life and death" of Buenos Aires, Gen. Carlos Guillermo Suárez Mason, who had fled Argentina shortly after the return to democracy and was living in golden exile in San Francisco. We won default judgments for our clients, and eventually Suárez Mason was extradited to Argentina.

In 1995 we found new opportunities to apply the strategy. We took advantage of opportunities to represent plaintiffs in cases brought under the Alien Tort Claims Act and the Alien Victim Protection Act, which confer jurisdiction on federal courts to hear suits in damages against perpetrators of crimes "in violation of the law of nations" committed in foreign lands, as long as the defendant is present in the territory of the United States. With the assistance of the New York law firms of Debevoise & Plimpton and Carter, Ledyard & Milburn, we undertook to represent several Rwandan nationals who had lost family members in the genocide of April and May 1994, in a case called *Mushikiwabo v. Barayagwiza*, in the Southern District of New York. The defendant, Jean Bosco Barayagwiza, was leader of one of the extremist political factions that prepared and then unleashed the massacres. Mr. Baraya-gwiza was served in 1994, when he visited the United Nations before the fall of the genocidal regime. Since then, he has resided in France and in Zaire. In 1995, the court entered a default judgment against him. Our side filed a detailed request for compensatory and punitive damages, and for oral hearings on the matter.

### **Requests under the Freedom of Information Act**

Under the Freedom of Information Act it is possible to force disclosure of information and documentation that exists in United States government archives. We pursue administrative requests for release of material that we consider vital to human rights research or the protection of persons whose rights have been violated. While attempting to monitor the conditions for Haitian and Cuban refugees held in the Guantánamo Bay naval base, we heard allegations of acts of violence by American troops against Haitian minors. We also sought to obtain information on the practices followed with respect to segregation of refugees in the camp. We then filed two FOIA requests: one requesting a copy of the Administrative and Segregation Policies and Procedures to be followed by Joint Task Force 160 (the unit charged with running the camps), and another one to obtain a copy of a report of an investigation conducted by the task force on allegations of abuse against Haitian minors.

In July, U.S. Ambassador to the U.N. Madeleine Albright showed satellite and aerial photographs at a closed session of the Security Council. The pictures reportedly show Bosnian civilians from the Srebrenica camp being rounded up in a soccer field before being killed. In August, we joined several organizations filing an FOIA request demanding disclosure of this evidence.

### **Briefs Amicus Curiae**

By filing briefs as *amicus curiae*, or "friend of the court," Human Rights Watch provided courts with an international human rights analysis of the legal questions at issue in selected cases. Our

international human rights perspective is relevant not only in cases brought, for example, under the Alien Tort Statute, in which courts directly examine international human rights standards, but also in cases where domestic law and practice arguably contravene international norms. In such cases, Human Rights Watch calls the court's attention to international legal obligations that limit domestic authority: obligations that may function both as a constraint on and as a guide to the interpretation of domestic legal norms.

**CABA v. Christopher:** In this case against U.S. Secretary of State Warren Christopher and others, Human Rights Watch filed an amicus brief in support of 35,000 Cuban detainees held indefinitely at the Guantánamo Bay naval base after their 1994 attempts to immigrate to the U.S. by sea. Emphasizing the United States' international treaty obligations, particularly its obligation not to repatriate any Cuban who would face political persecution, we supported the Cubans' claims that they had been wrongly denied access to refugee processing and to legal counsel for such processing. In a disappointing ruling, however, the Eleventh Circuit held that these treaty obligations were non-enforceable in court and that the detainees had no right to refugee screening. A few months later, the administration reversed its policy and decided to admit the Guantánamo Cubans to the United States.

**Doe v. Karadzic:** In 1993, two citizens of Bosnia-Herzegovina filed a class action lawsuit against Radovan Karadzic, the leader of the Bosnian Serbs, on behalf of the thousands of victims of the "ethnic cleansing" carried out under his leadership. The suit was based on the Alien Tort Claims Act and other statutes conferring jurisdiction over torts committed in violation of international law. Without notice to the parties and without the benefit of briefing on the relevant points of law, the district court in New York dismissed the action. Demonstrating a basic lack of familiarity with international legal standards, it ruled categorically that "acts committed by non-state actors do not violate the law of nations." Characterizing the entity headed by Karadzic as a "warring military faction," as opposed to a recognized state, the court found that Karadzic's actions did not violate international law. On the plaintiffs' appeal of this ruling, Human Rights Watch filed an amicus brief arguing that the defendant need not represent a recognized state to be subject to international law constraints on state actors, and that many international human rights standards do bind non-state actors, so that the court's blanket dismissal of the case was mistaken. In October 1995, the Second Circuit reversed the lower court's ruling, and the case was remanded to the district court for further action.

**Office of the Special Prosecutor of the Transitional Government of Ethiopia v. Mengistu:** The government of Ethiopia from 1974 to 1991—known as the Derge—became notorious for its brutal and systematic human rights violations, including widespread use of torture and extrajudicial executions against political opponents, journalists, union leaders and scholars. The Derge also employed starvation as a weapon of war. President Mengistu Haile Mariam and some high Derge officials fled to Zimbabwe, while others were detained in Ethiopia. The new Ethiopian government requested that Zimbabwe extradite those officials that fled and, in an effort to bring justice to the victims of Derge's abuses, began in 1994 to prosecute members of the Derge for crimes against humanity. In March 1995, Human Rights Watch filed an amicus brief with the

Ethiopian Supreme Court in support of the prosecution's effort, arguing in particular that Ethiopian penal provisions that codified the international law prohibition on crimes against humanity were applicable in the current prosecutions.

*Freedom To Travel Campaign v. Newcomb*: In 1994, the U.S. government's ban on citizens' travel to Cuba was challenged in federal district court as unconstitutional. Although the court dismissed the challenge, its ruling was appealed to the Ninth Circuit Court of Appeals. Human Rights Watch joined the American Civil Liberties Union and other groups in filing an amicus brief in support of the petitioners, the Freedom To Travel Campaign, arguing that the travel restrictions violate article 19 of the International Covenant on Civil and Political Rights. Article 19 protects freedom of expression, defined as including "freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers." As article 19 suggests, one of the key methods by which information is shared is through travel and the free exchange of ideas. The right of U.S. citizens to travel to Cuba is critical to their ability to participate fully in public debate on foreign policy matters, to share their views with Cubans, and to return to the United States capable of informing their fellow citizens of conditions in Cuba.

The ESMA case: Although family members of thousands of people detained and disappeared during Argentina's "dirty war" (1976-1983) have filed habeas corpus petitions in hopes of determining the whereabouts or fate of their loved ones, such legal efforts have almost always proven unavailing. Even when democracy was reestablished in Argentina, the specific fate and whereabouts of each disappeared person were still concealed and have remained so up to the present day. In March 1995, Navy Capt. Adolfo Scilingo publicly confessed to having thrown "disappeared" people out of airplanes into the sea—a confession that forced the reopening of criminal cases that had been closed by virtue of impunity laws and pardons issued in the late 1980s. In one such case, the district court ordered officials of the Navy and other entities to obtain or reconstruct lists of the disappeared persons held at the ESMA, a notorious concentration camp run by the navy. Human Rights Watch filed an amicus brief in support of the petition made by human rights leader Emilio Mignone, whose daughter disappeared at the ESMA camp, to the Federal Court of Appeals (Criminal Panel) for Buenos Aires. The brief argued that, in accordance with an emerging "right to the truth" in international human rights law, the government of Argentina had a responsibility to investigate the disappearances and inform the victims' family members, as well as society in general, of the results of that investigation. It further argued that discharge of that obligation was not barred by statutes designed to immunize certain individuals from prosecution. It was the first amicus brief ever accepted by an Argentine court and, so far as we know, by any court in Latin America. Unfortunately, the appellate court later reversed its order when the Menem administration responded that it could not find documentary archives. A similar ruling in a companion case was appealed to the Supreme Court.

*Makwanyane & Mchunv v. State*: The newly created Constitutional Court of South Africa heard, as its first case, a challenge to the death penalty, which the new constitution had not directly abolished. The NAACP Legal Defense and Educational Fund and Human Rights Watch filed an amicus brief; because non-South African institutions did not have standing to appear as

amicus, our brief was submitted to the court as part of several memoranda brought to its attention by a colleague organization in South Africa, the Legal Resources Centre. Borrowing from the experience in death penalty litigation in the United States, our brief postulated that in a society beset by racial inequalities, there is no way to apply the death penalty without racial discrimination. In sum, we argued that the death penalty invariably subordinates "the values which underlie an open and democratic society based on freedom and equality," in the words of the new South African Constitution. In June 1995, the Constitutional Court declared the South African death penalty statute unconstitutional. It did so by the unanimous, individually reasoned vote of each one of its justices. The decision will surely become a landmark in the worldwide struggle to abolish capital punishment.

## **CONGRESSIONAL CASEWORK**

Human Rights Watch continued to work closely with three groups of members of the United States Congress that regularly take up cases of victims of human rights abuse and related issues. These are the Congressional Friends of Human Rights monitors, the Congressional Committee to Support Writers and Journalists, and the Congressional Working Group on International Women's Human Rights. The three casework groups are made up of members of the Senate and the House of Representatives, from both major political parties, who are interested in protecting threatened individuals and promoting respect for human rights throughout the world. Human Rights Watch assisted in the formation of these groups to enable concerned members to respond rapidly to human rights emergencies. The congressional casework groups send letters of concern to governments which abuse, or fail to protect from abuse, human rights monitors, writers, journalists or women who suffer gender specific violations of their human rights. In addition, the groups address legislation which contributes to human rights violations, such as laws that grant impunity for human rights abusers or suppress free speech. Human Rights Watch identifies and investigates appropriate cases, and works with each group's steering committee which determines which cases they will pursue. Once approved, letters are signed by the steering committee (4-5 members) and released on letterhead containing the names of all committee members.

The committees serve four important functions. First, and most importantly, the groups' letters pressure governments to stop the persecution of specific human rights monitors, writers, journalists, and women who are victims of gender specific abuses or take action to stop others who are doing so. By raising concerns about the safety of threatened individuals with heads of state and other high ranking officials, the committees provide protection by making it known that the case is being followed by members of the U.S. Congress. Second, by drawing the connection between legislation passed or pending in a given country and human rights violations there, the groups send a clear message that members of Congress are aware of these measures and strongly disapprove. Third, the letters keep members of Congress informed about the nature of human rights violations occurring in countries around the world, information which may later affect United States legislative decisions. Finally, the letters are an important advocacy tool in the

countries where abuses occur. Human Rights Watch, and our local partners, seek to publicize congressional letters in the country where the abuses occur. Press accounts of U.S. congressional interest in human rights violations can bolster local efforts to promote rights and protect persecuted individuals. Also, by providing copies to the U.S. ambassador in each country, the groups' letters are often followed up by personal diplomatic inquiries.

### **The Congressional Friends of Human Rights Monitors**

The Congressional Friends of Human Rights Monitors, formed in 1983, was composed of twenty-seven Senators and 112 Members of the House of Representatives in the 1st Session of the 104th Congress. The Steering Committee members were Sen. Daniel Patrick Moynihan, Sen. James Jeffords, Rep. Tony Hall, and Rep. Constance A. Morella. In 1995, the group focused its attention on assassinations, attacks, and threats against human rights monitors, and on legislation which shielded the perpetrators of such abuses.

In three letters sent between December 1994 and November 1995, the Congressional Friends continued to express their concern over forced disappearances, murders, and death threats against human rights monitors in Guatemala. In August, the Congressional Friends wrote to President de León Carpio providing detailed information regarding a series of murders, death threats, and kidnappings directed against human rights monitors associated with the Presbyterian church in the Department of Chimaltenango. The group reported that the June 23 killing of Manuel Saquíc Vásquez, a Presbyterian minister, and the August 1 killing of Pascual Serech, a member of the Human Rights and Verification Committee of Comalapa, Chimaltenango, were believed to be part of a year-long campaign of intimidation and murder carried out by Victor Román Cutzal, the military commissioner of Panabajal, Chimaltenango, and his associates in the civil self-defense patrols. The Congressional Friends urged the Government of Guatemala to investigate the killing of Manuel Vásquez, and to prosecute those found responsible. In addition, the group urged the government to rearrest and prosecute Victor Román Cutzal, who had previously been charged with the killing of Serech, as a suspect in both that murder and the killing of Vásquez. The Congressional Friends requested appropriate measures to protect members of the Panabajal Human Rights Committee, the Defensoría Maya of the Kakchiquel Presbytery, and CIEDEG, who had been threatened with death by military commissioners, including Victor Román, civil patrollers, and a death squad called Jaguar Justiciero. The group concluded "that only concrete steps to end the impunity enjoyed by human rights violators will enable Guatemala to guarantee the safety and physical integrity of human rights monitors and all Guatemalan citizens."

On August 10, the Congressional Friends wrote to President Alberto Fujimori of Peru to express their concern over the passage of the Amnesty Law (Law 26479, 1995), and over death threats received by Tito Guido Gallegos Gallegos, a human rights lawyer. Gallegos Gallegos, who works with a church-based human rights organization in the town of Juli in the Department of Puno, received a death threat which read in part, "we have never bothered you but we have learned that you are promoting the non-application of the Amnesty Law." Focusing on the connection between the Amnesty Law, which exempts from criminal liability military and police forces that committed human rights violations over a fifteen year period, expunging their convictions and

sentences or preventing their prosecution, the Congressional Friends wrote, "in our judgment, the threat against Mr. Gallegos Gallegos is a result of the climate of impunity created by passage of the Amnesty Law." The group went on to urge President Fujimori to investigate the threats against him, and to prosecute those found responsible. In addition, the Congressional Friends urged President Fujimori to pledge his government's commitment to prosecuting those found responsible for human rights violations, and to work toward the repeal of the Amnesty Law.

The government of Peru responded on August 22, in the form of a letter from Francisco Tudela van-Breugel-Douglas, the minister of foreign affairs, who wrote the Congressional Friends at "the special request of the president." In his letter, Minister van Breugel-Douglas wrote that "the main purpose of the law is to consolidate the peace..., [and] guarantee the necessary climate of political stability, within a process of democratic bolstering," and that the law was "aimed at reaffirming the process of national reconciliation." Moreover, the minister asserted that "the government of Peru is very closely identified with the cause of human rights."

The Embassy of Peru in Washington also requested a meeting with Congressional Friends of Human Rights Monitors staff to discuss the concerns highlighted in the August 10 letter, and the government's response. In the meeting, on August 29, Human Rights Watch and Congressional Friends staff reiterated their concern for the safety of Gallegos Gallegos. In addition, they provided new information regarding the alleged involvement of military personnel in the threats against him.

On November 1, the Congressional Friends sent a follow-up letter to Foreign Minister van-Breugel-Douglas reiterating some of the concerns outlined at the August 29 meeting, and respectfully disagreeing with the minister's assertions, expressing their belief that "the long term interests of democracy and stability are best served by sending a strong message to human rights violators that society will not provide impunity for their crimes under any circumstances."

In December 1994, the Congressional Friends wrote to Bulgarian President Zhelyu Zhelev to express their concern over threats made against Dimitrina Petrova, and other members of The Human Rights project of Bulgaria, an organization which monitors violence against the Roma Gypsy Minority. The threats against Petrova and her colleagues began in April 1994 after a neo-Nazi skinhead interrupted a press conference in which The Human Rights Project released a statement condemning violence against the Roma. In the days and months following the April 15 press conference, a swastika was painted on the mailbox of the organization's office, and threatening phone calls were received. Petrova filed complaints with the police in Sofia, but was told that they would be "unable to protect" members of her organization. In addition, a member of the Council of Ministers, Mr. Matanov, was quoted in the Continent, a daily newspaper, stating, "Bulgaria does not need foreign enemies as long as it has domestic human rights monitors." The Congressional Friends denounced "the atmosphere of impunity" created by such statements from high officials and by police indifference.

Dimitrina Petrova reported a number of changes following the release of the Congressional Friends letter. First, the threats against The Human Rights Project stopped. Second, threats against human rights monitors became an issue in the media (most of the major daily newspapers reported on the letter at the time of its release). Third, Mihail Ivanov, an advisor to the president, called a meeting with Petrova to discuss the situation. Fourth, the U.S. embassy offered to assist Petrova. Fifth, the Ministry of Internal Affairs started a check into the threats.

In addition to the letters on Guatemala, Peru and Bulgaria the Congressional Friends sent letters to Colombia, China, Turkey, Pakistan, Tunisia and Brazil between December 1994 and November 1988.

### **The Congressional Committee to Support Writers and Journalists**

The Congressional Committee to Support Writers and Journalist was formed in 1988 and was composed of seventeen Senators and seventy-four Members of the House of Representatives in the 1st session of the 104th Congress. The Steering Committee was composed of Sen. Bob Graham, Rep. Jim Leach, and Rep. John Lewis. The committee focused their attention on attacks against journalists and on foreign legislation aimed at censoring free expression.

In May, the committee wrote to Indonesian Ambassador Arifin M. Siregar, to express concern over the Indonesian government's crackdown on members of the Alliance of Independent Journalists (AIJ). The AIJ was established in August 1994 in response to the 1994 banning of the independent publications Detik, Tempo, and Editor. In 1994, the committee wrote to the Indonesian government to protest the revocation of publishing licenses for the three publications. According to the committee's May letter, on March 16, four members of the AIJ, including the group's Secretary General Ahmad Taufik, were arrested and charged with publishing without a license, forming an unauthorized association, and other "crimes." The committee expressed their belief that the arrests "were a part of a broader crackdown by Indonesian Intelligence officials against critics of top officials of [the] government, particularly Minister of Research and Technology Habbie, Minister of Information Harmoko, and President Soeharto..." The committee went on to call for a cease to the apparent crackdown on publications critical of government policies or officials. The committee also asked the government to "immediately release Ahmad Taufik, and other members of the Alliance of Independent Journalists if they have been detained simply for exercising their internationally recognized right to freedom of expression."

On June 22, Ambassador Siregar responded to the committee's May 15 letter. He wrote, "As we see it, the main issue at hand is not a case of restricting the freedom of the press. Rather, it relates to a violation of Indonesia's law." He went on to confirm that the four members of the AIJ were being prosecuted because they formed an association, and published and distributed their materials without obtaining the required licenses. However, in a revealing aside, the ambassador added that the "charges against members of this group also include allegations that the nature of the publications is such that they could be considered to be misinformative and designed to foment public unrest."



In July, the committee wrote to Egyptian President Hosni Mubarak to express concern over a bill, approved by the Egyptian Parliament on May 27, that imposes stiff penalties on any journalist who publishes information that the authorities deem "false" or "aggravating." The committee stated that "such legislation may violate the right to freedom of expression, protected under article 19 of the International Covenant on Civil and Political Rights (ICCPR), to which Egypt is a state party." The legislation imposes prison terms of up to five years and a maximum of 10,000 Egyptian pounds (U.S.\$2,000) for violating the statute. The committee's letter quoted a statement from the Egyptian Parliament which said, "the punishment is against the publication of rumors, false or opposing information and aggravating publications that effect the status quo, or cause undue panic, or harm any public office, or the country's economy." The committee wrote, "if accurate, such a statement indicates that the Egyptian Parliament intended the bill as a serious restraint to freedom of expression. The ICCPR and the Universal Declaration of Human Rights establish a right to 'impart' information. Any undue restriction on that right is a violation of Egypt's commitments under international law." The committee urged President Mubarak not to sign the legislation into law, and to publicly express opposition to any legislation which violates the internationally recognized right to freedom of expression.

President Mubarak responded to the committee's letter on August 21. In a short letter, he reaffirmed Egypt's commitment to human rights and stated that Egypt "strictly observe[s] and protect[s] the rights of journalists because we believe they are serving a very good cause and performing a crucial role in society." His letter did not address the draft legislation newly passed by Parliament, nor did it reveal his intentions with respect to signing the bill into law. In addition to the letters to Indonesian Ambassador Siregar and Egyptian President Mubarak the Congressional Committee to Support Writers and Journalists wrote letters concerning violations of the right to freedom of expression in Colombia, Guatemala, Venezuela, Tunisia and Burma.

### **The Congressional Working Group on International Women's Human Rights**

The Congressional Working Group on International Women's Human Rights, which was formed in April 1994, is a bipartisan group composed of twenty-four Senators and thirty-six members of the House of Representatives. It was created to promote accountability for violations of women's rights worldwide. The four members of the working group's steering committee are Sen. Patty Murray, Sen. Olympia J. Snowe, Rep. Jan Meyers and Rep. Joe Moakley.

In the past year, the working group denounced violations of women's human rights in four countries: Botswana, Mexico, Uzbekistan and Bahrain.

The Working Group expressed its concern over discrimination against women in Botswana's Citizenship Act, which until recently allowed Botswana men married to foreign women, but not Botswana women married to foreign men, to pass Botswana citizenship to their children. The working group wrote a letter to the president of Botswana calling for attention in particular to the case of Unity Dow, a citizen of Botswana whose husband is a U.S. national. On this basis, her children were denied Botswana passports by the attorney general. The Botswana Court of

Appeal ruled that the discriminatory provision in the Citizenship Act was both unconstitutional and violative of international human rights norms. The working group's letter urged the government of Botswana to implement the Court of Appeal's decision by amending the discriminatory section of the Citizenship Act. In addition, they urged the government to issue Botswana passports to the children of Unity Dow and of other Botswana women who are married to foreign men. Encouraged by pressure from local and international groups, in August 1995 the National Assembly of Botswana amended the Citizenship Act to eliminate such discriminatory provisions.

The working group wrote to the president of Mexico to press for a prompt and impartial investigation and prosecution in a case involving the alleged rape of three Tzeltal women by members of the Mexican National Army. A mother and her three daughters were detained at a military checkpoint in Chiapas. The four women, who were returning to their home from selling fruits and vegetables near the town, were detained and interrogated by soldiers from the Mexican National Army as suspected sympathizers of the Zapatista National Liberation Army. According to affidavit testimony given by the three sisters, they were locked in a room and beaten and raped by several dozen soldiers who accused them of being Zapatistas. The case was being investigated in a military court. The letter urged the president of Mexico to turn the investigation and prosecution of the case over to civilian authorities, in accordance with the Mexican Constitution and international law. Article 13 of the Mexican Constitution states, "When a crime of lack of military discipline involves a civilian, the corresponding civilian authority shall hear the case." The working group also called for the protection of the well-being and safety of the four women who were told by the soldiers not to report the attack.

In September 1995, the working group conveyed its deep concern over the condition and treatment of two women held in custody by the Uzbekistan government. While in detention, the women, who were pregnant at the time of their arrest, were threatened with forced abortions in order to coerce them into changing their plea from innocent to guilty. It was reported that both women were forced by prison officials to undergo abortions. Individuals familiar with the case believe that this was ordered because Uzbekistan law requires that pregnant women be released pending trial. The working group called on the government of Uzbekistan to condemn this cruel and inhuman treatment of the female prisoners. The letter also urged the government to release the two women into the custody of their relatives or other individuals acceptable to the defendant and the court; to initiate an investigation into their treatment by law enforcement agents; and to punish their abuse to the fullest extent of the law. As a result of the international outcry over the gross mistreatment of the female prisoners, authorities at the National Security Service (former KGB) prison in the Central Asian state of Uzbekistan released the two women.

In October, the working group wrote to the government of Bahrain to raise concern regarding the suspension of Dr. Munira Ahmed Fakhro from her teaching position at the University of Bahrain. Dr. Munira Fakhro is a well-regarded academic and author of numerous works on issues related to the cause of women and democratic change in Bahrain. Her suspension from her university position resulted from her refusal to withdraw support for a petition calling for a greater degree of democracy and women's participation in the political process in Bahrain. The petition was

signed by over 300 Bahraini women. Approximately ninety women were instructed by the Bahraini government to sign statements apologizing for signing the petition and to refrain from further political activity. The working group appealed to the president of Bahrain to order the immediate restoration of Dr. Munia Fakhro to her teaching position. The letter urged the government to restore the jobs of two other women who were dismissed as a result of refusing to withdraw their support for the petition and to permit them to exercise their internationally recognized right to express their views freely. To date the government has taken no measures to restore the women to their positions.

## **HUMAN RIGHTS WATCH INTERNATIONAL FILM FESTIVAL**

The Human Rights Watch International Film Festival was created to advance public education on human rights issues and concerns using the unique medium of film. Each year, the Human Rights Watch International Film Festival exhibits the finest human rights films and videos in commercial and archival theaters and on public and cable television throughout the United States. Highlights of the festival are also presented in various cities abroad, reflecting the increasingly global appeal that the project has generated.

In selecting films for the festival, Human Rights Watch concentrates equally on artistic merit and human rights content. The festival encourages filmmakers around the world to address human rights subject matter in their work and presents films and videos from both new and established international human rights filmmakers. Each year, the festival's programming committee screens more than 700 films and videos to create a program that represents a wide number of countries and issues. Once a film is nominated for a place in the program, staff of the relevant division of Human Rights Watch also view it to confirm its accuracy in the portrayal of human rights concerns.

The Human Rights Watch International Film Festival was established in 1988, in part to mark the tenth anniversary of the founding of what has become Human Rights Watch. After a hiatus of three years, it was resumed in 1991 and has since been presented annually. The 1995 festival season marked the beginning of new collaborative ventures between the festival and the Film Society of Lincoln Center which now presents the series annually in New York and the Museum of Tolerance which will host the series each year in Los Angeles. Thirty films and videos (of which twenty-three were premieres) from more than twenty countries were presented over a two-week period. A majority of the screenings were followed by discussions with the filmmakers and Human Rights Watch staff on the human rights issues represented in each work. The festival included feature length fiction and documentary films as well as works-in-progress and experimental and animated films.

In 1992, Human Rights Watch created Film Watch, in association with the Film Festival and a group of American filmmakers to monitor and protect the human rights of filmmakers around

the world. Over the years, Film Watch has written letters of protest to governments that have attempted to abuse the rights of filmmaker or to censor their films. Most recently, Film Watch publicized the Chinese government's blatant attempt at censorship when it "asked" the 33rd New York Film Festival not to include in its program the film, *The Gate of Heavenly Peace*, a documentary that examines the events and the complex political process leading up to the massacre in Tiananmen Square. The New York Film Festival did not submit to the Chinese government's request and the documentary was shown at the Festival.

Each year the festival opens its New York run with an opening night fundraising celebration. In conjunction with the opening night festivities, the festival annually awards a prize in the name of 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 new filmmaker in recognition of his or her contributions to human rights. The 1995 recipient was Chilean director Carmen Castillo whose outstanding work, *La Flaca Alejandra* (In a Time of Betrayal), re-examines the effects of Pinochet's dictatorship, during and after his reign. This very powerful, personal film also became the centerpiece of the festival's Women's Day Program—a day and night exclusively devoted to films and videos that address women's rights around the world.

In 1995, in honor of Irene Diamond, a longtime board member and supporter of Human Rights Watch, whose lifetime dedication to human rights and filmmaking has been invaluable to our work, the festival launched a new award, "The Irene Diamond Lifetime Achievement Award," which will be presented annually to a director whose life's work illuminates an outstanding commitment to human rights and film. The 1995 award went to the renowned international director, Costa Gavras.

Highlights of the 1995 festival included a retrospective of the work of acclaimed Cuban director Tomas Gutierrez Alea, whose latest film, *Frese y Chocolate* (Strawberry and Chocolate), was nominated for an Academy Award and, who is noted for his satirical critiques of government bureaucracy from "inside the Revolution." The High School Project, now in its third year, offers daytime screenings for students followed by interactive discussions between students, teachers, filmmakers and Human Rights Watch staff; it was expanded this year to include public and private schools in the Los Angeles area as well as in New York. Joining forces with the Human Rights Watch Children's Rights Project, a selection of the festival's program was also presented to young people at Spofford Detention Center and Riker's Island (both in New York).

In September, the festival exhibited works by and about women as part of the Non-Governmental Organization's Forum (NGO Forum) at the Fourth International Conference on Women in Beijing, China. The films reached across borders and spoke about the universality of human rights. The festival plans to send highlights from the past six festivals, in a package entitled, "Archive Alive," to ten of the NGO groups that attended the conference. Also in September, segments from the festival program appeared in Bogota, Boston, Guatemala City and Florence (Italy). Showcases of the festival will appear in Seattle, North Carolina, London, Hong Kong and Port-au-Prince later in 1995 and in early 1996.

## **MISSIONS**

### **Human Rights Watch/ Africa**

January-February/ Rwanda: Investigated the 1994 genocide and current human rights abuses.

January-February/ Belgium and France: Conducted an advocacy trip to Brussels and Paris to press for greater attention by European governments to human rights abuses in Africa.

February/ Rwanda: Set up a field office to document the 1994 genocide and to monitor current human rights violations.

February-March/ Mozambique and Zimbabwe: Joint mission with the Arms Project to research landmines legacy in southern Africa.

March /South Africa: Investigated violence in the KwaZulu-Natal and its effects on the new democracy.

March/ Angola: Joint mission with the Arms Project to investigate continued arms flows and human rights abuses since the November 1994 Lusaka Protocol.

March/ Nigeria: Conducted a mission to southeast Nigeria to investigate the military crackdown in Ogoniland.

March/ Sudan: Conducted research in southern Sudan and Kenya concerning human rights abuses by the government of Sudan.

April/ Rwanda: Investigated the 1994 genocide and current human rights abuses.

April /South Africa: Conducted a joint mission with the Women's Rights Project to investigate domestic violence.

May-June/ Sudan: Investigated human rights conditions in northern Sudan, and documented abuses against children, especially street children, child soldiers, and the use of slavery.

June/ Rwanda: Investigated the 1994 genocide and current human rights abuses.

June/ South Africa and Mozambique: Conducted a joint mission with the Arms Project to further research into the landmines legacy and jointly organized a conference on landmines with the University Eduardo Mondlane.

July/ Ethiopia: Investigated the progress of the trials of the former Mengistu regime.

August/ Rwanda: Investigated the 1994 genocide and current human rights abuses.

October/ Austria: Conducted a joint mission with the Arms Project to attend the Review Conference on Conventional Weapons (CCW) as an observer.

October/ Rwanda: Investigated the 1994 genocide and current human rights abuses.

### **Human Rights Watch/ Americas**

December-January/ Brazil: Investigated police and military violence in the favelas (slums) of Rio de Janeiro.

February/ Cuba: (in cooperation with the Free Expression Project) Investigated violations of the right to freedom of expression and freedom of association.

February/ Mexico: Conducted preliminary research on labor rights violations, particularly violations of the right to organize labor unions.

March/ Guatemala: Investigated the work of the U.N. human rights mission and cooperation between the government and guerrillas.

March/ Haiti: Investigated the selection, training, and performance of interim and permanent Haitian police.

March/ Brazil: Opened the Human Rights Watch/Americas office in Rio de Janeiro. Held a press conference in Sao Paulo to release Human Rights Watch/Americas' agenda for the administration of newly elected Brazilian President Fernando Henrique Cardoso. Traveled to Boa Vista to monitor the status of the government investigation into the July 1993 massacre of sixteen Yanomani Indians. Investigated police raids and the extrajudicial execution of a detainee by off-duty police officers in Rio Grande do Sul.

March and April/ Bolivia: (in cooperation with the Drug Project) Investigated human rights abuses committed in the context of the "war on drugs."

March-April/ Haiti: Advocacy on interim and permanent police and the change from a multinational force to a U.N. peacekeeping mission. Released Haiti: Security Compromised: Recycled Haitian Soldiers on the Police Front Line in Port-au-Prince.

March-April/ Mexico: Investigated human rights violations in Chiapas. Interviewed government and military officials.

April/ Colombia (in cooperation with the Arms Project): Investigated crimes committed by members of paramilitary groups in Colombia and connections between those groups and the Colombian armed forces.

April/ Guatemala: Met with government officials regarding human rights conditions.

April/ Brazil: Together with other human rights groups and nongovernmental organizations, Human Rights Watch/Americas' Brazil director met with Brazilian President Fernando Henrique Cardoso in the U.S.

April-May/ Cuba: (with the Foundation France Libertés, the Federation Internationale des Droits de l'Homme [FIDH], and Médecins du Monde) Interviewed prisoners and met with President Fidel Castro and other government officials.

April-May/ Haiti: Investigated violence and procedural irregularities relating to the impending June parliamentary and local elections.

June/ Haiti: Advocacy on electoral concerns and research on accountability issues, particularly the Haitian truth commission. Released Haiti: Human Rights Concerns Prior to the June 1995 Elections in Port-au-Prince.

June/ Brazil: Conducted fact-finding on rural violence and development in Brasília.

July/ Peru: Met with government officials and the press, following up on the July publication, Peru: The Two Faces of Justice.

July/ Brazil: Participated in a conference in Porto Alegre on women's rights, presenting a paper on the use of international human rights instruments to advance women's human rights.

July-August/ Bolivia: (in cooperation with the Drug Project) Met with Bolivian and U.S. officials and held press conferences to release spanish version of the report, Bolivia: Human Rights Violations and the War on Drugs.

July-August/ Chile: Conducted an advocacy mission regarding the amnesty law and the Contreras case.

August/ Argentina: Conducted an advocacy mission regarding issues of truth and justice in Argentina; met with press and human rights organizations.

August/ Brazil: Conducted an advocacy mission in Rio de Janeiro, Brasília, and Sao Paulo; met with senior government officials and human rights organizations. Testified in Brasília before the federal congress on Brazil's international obligation to investigate, prosecute, and punish cases of forced disappearance committed by state agents.

August/ Guatemala: Investigated civil patrol violence against repatriating refugees in the Ixcán region.

August-September/ Mexico: Investigated the June massacre of peasants in Guerrero; updated information on alleged Zapatistas detained in February, and began research into labor-related human rights violations.

September/ Costa Rica: Presented preliminary objections before the Inter-American Court of Human Rights in Castillo Paez v. Peru and María Elena Loayza v. Peru.

September/ Brazil: Appeared before the Inter-American Commission on Human Rights in Washington in cases against the Brazilian government.

September-October/ Brazil: Investigated police violence in Rio de Janeiro's favelas.

November/ Colombia: Conducted an advocacy mission and met with press and government officials.

### **Human Rights Watch/Asia**

January-February/ Burma: Investigated abuses linked to the offensive against the Karen ethnic rebels following the fall of their headquarters; also investigated attacks on the 10,000 new refugees who arrived in Thailand.

May/ Burma: Conducted an advocacy mission from the London office to Brussels and Amsterdam following the release of our report in March.

May/ Cambodia: Attended a regional conference on human rights and development in the Mekong River basin in May; met with regional and local human rights advocates to discuss the plans and priorities of NGOs in Cambodia specifically, and in Southeast Asia more generally.

May/ India: Met with government officials, local human rights groups and members of the official National Human Rights Commission.

May/ Sri Lanka: Attended a regional NGO conference on human rights and development designed to set priorities for advocacy for groups throughout Asia in the upcoming year; met with local colleagues to discuss human rights concerns in Sri Lanka.



June/ Burma: Traveled to Paris, to meet with Foreign Ministry officials regarding the French position, as chair of the European Union, toward Burma; also met with French human rights groups.

June/ South Korea: Investigated labor rights violations in the Republic of Korea.

July-September/ Thailand: Began an investigation into abuses against migrant workers from Burma and elsewhere.

August-September/ Burma: Visited Burmese refugee camps in Thailand, including the "safe area" for political dissidents; traveled to Japan to continue discussions with the ministry of foreign affairs on Japanese policy toward Burma.

August/ China: (in cooperation with the Women's Rights Project) Sent two delegates to Beijing for the U.N. Fourth World Conference on Women.

September/ Hong Kong: Investigated the intensification of religious repression in China.

September/ Japan: Continued dialogue with government officials, Diet members and others on Japan's human rights policies.

November/ Hong Kong: Conducted a mission to investigate the human rights situation in the lead-up to the July 1997 transition to Chinese sovereignty.

November/ Japan: Participated in NGO conferences on human rights and worker rights in relationship to the APEC summit in Osaka.

November/ Sri Lanka: Attended two conferences. The first was a consultation of Asian NGO representatives to discuss international and domestic advocacy strategies for the upcoming year, the second was an international meeting of NGOs concerned about deteriorating conditions in Sri Lanka.

### **Human Rights Watch/ Helsinki**

January/ Georgia: Conducted additional advocacy work against torture and advocacy work for the protection of due process.

January/ Chechnya: Investigated abuses by both sides in the war.

February/ Chechnya: Continued investigations of abuses by both Russians and Chechens in the war.

February-March/ Moscow, Brussels and Vienna: Conducted advocacy on Chechnya with the European Union and the Organization for Security and Cooperation in Europe (OSCE). Addressed all the ambassadors to the OSCE in Vienna (the first time that an NGO was allowed to do so).

March/ Vienna and Austria: Met with the OSCE as a group and several member states on a bilateral level to do more advocacy work on Georgia.

April/ Khasavyurt, Dagestan: Interviewed refugees to gain information about continued and intensifying humanitarian law violations, mostly by Russian forces, in the war in Chechnya.

April-May/ Albania: (in cooperation with the Free Expression Project) Investigated freedom of the press issues.

May/ Croatia: Investigated violations of the rules of war and other human rights abuses following the Croatian Army offensive in western Slavonia.

May-June/ Moscow: Gathered information on police brutality and state-sponsored violence against dark-skinned people in Moscow and violations of freedom of movement, as well as violations of the rights of refugees and internally displaced persons in the Russian Federation.

June-July/ England: Investigated xenophobic violence and police brutality against foreigners.

June/ Prague, Czech Republic: Attended a meeting on Roma in Eastern Europe.

June/ Armenia: Gathered information on the Armenian government's crackdown on the opposition since December 1994.

June/ Turkey: Investigated PKK abuses and the conditions of forced Kurdish migrants in Adana, a western Turkish city. The mission was called off due to a manipulative press conference called by the Interior Ministry that misstated the goals of Human Rights Watch/Helsinki as an organization.

July-August/ Macedonia (Albania and Kosovo): Investigated the situation of civil and political rights in the country including the rights of ethnic minorities and the state of inter-ethnic relations; freedom of the press and expression; police violence and prison conditions; and the role of the international community in the country.

July-September/ France: Investigated xenophobic violence; treatment of asylum seekers; treatment of immigrants in detention centers; police brutality and harassment at the border; and racial discrimination.

July/ Geneva and Vienna: Conducted an advocacy trip to discuss Chechnya with the U.N. Human Rights Committee and the OSCE.

July-August/Tuzla, Bosnia-Hercegovina: Interviewed the displaced from Srebrenica and Zepa.

August-September/ Serbia: Investigated the displacement of Serbs from the Krajina area in Croatia; the expulsions of Croats and Hungarians from the Serbian province of Vojvodina; and the drafting of Krajina refugees into military and paramilitary forces.

September-November/ United Kingdom, Germany, France, Belgium and Turkey: Investigated cases of Turkish citizens who have applied to the European Commission on Human Rights and have been harassed by police, tortured, or in at least one case killed; also investigated torture and Turkey's progress on ending torture in light of the European Committee to Prevent Torture's harsh December 1992 report condemning torture in Turkey as a systematic problem.

November/ Croatia: Investigated further violations of the rules of war and human rights in the Krajina region of Croatia.

November-December/ Tajikistan and Afghanistan: Investigated conditions in Tajik refugee camps and conditions for returnees from those camps.

November/ Uzbekistan: Conducted first follow-up field investigation since the organization was banned in early 1993, and met for the first time with government officials.

November/ Chechnya: Investigated the human rights situation in Chechnya one year after the beginning of the conflict there.

November/ Oslo, Norway: Presented a paper at a conference on "Conflict in the Caucasus" regarding NGOs and conflict.

### **Human Rights Watch/Middle East**

February/Israel, the West Bank and the Gaza Strip: Briefed officials on new report on human rights in the Palestinian self-rule areas and released the report.

February/Egypt: Investigated government intimidation of civilians mentioned in recent reports on Egypt.

March/Egypt: Held meetings with Egyptian human rights organizations and other NGOs; collected information about the harassment of defense lawyers.

March/Jordan: Collected information about Jordanians held in Syrian prisons.

March-May/Syria: Observed state security court trials; investigated prison conditions; the treatment of released political prisoners; and the treatment of the Kurdish minority.

April/Egypt: Conducted a mission to mark the anniversary of the death in detention of an Egyptian lawyer, and participated in a press conference criticizing further arrests of lawyers.

May-June/Morocco: Investigated human rights abuses including due process violations, torture, the status of political prisoners and the "disappeared."

June-July/ France: Conducted interviews on Algeria and initiated research for a Helsinki division report on the treatment of immigrants in France.

July/Saudi Arabia: Conducted investigation on the repression of Islamist dissidents and limits on peaceful expression.

July/Egypt: Collected information about the increasing harassment of Egyptian NGOs, including human rights group.

July/Syria: Met with diplomats in Damascus to discuss the report on Syria released the same month.

August/Jordan: Conducted research on human rights conditions in Iraq.

August/Algeria-Western Sahara: Interviewed Sahrawi refugees and Moroccan prisoners of war in Algeria, and investigated the U.N. operation organizing the referendum to be conducted in the Western Sahara.

August/ Bahrain: Investigated government harassment of pro-democracy activists.

August-September/ Lebanon: Investigated civilian casualties in south Lebanon from indiscriminate attacks by Israeli forces and the South Lebanon Army; collected information about the treatment of the Palestinian refugee population; and met with Lebanese human rights groups and lawyers.

## **The Arms Project**

January-March/ Rwanda/Zaire: Investigated arms flows to the perpetrators of the Rwandan genocide in Zaire; uncovered evidence of weapons shipments by France, Zaire and others in violation of a United Nations arms embargo.

March/ Georgia/Abkhazia: (in cooperation with Human Rights Watch/Helsinki): Released report on laws of war violations and conducted follow-up research on recent developments, including non-repatriation of internally displaced persons, the problem of landmines, and continuing hostilities along the frontline.

April and August-October/ Colombia: Conducted investigation into the nature and scope of the relationship between the Colombian military and paramilitary groups, which are particularly abusive of human rights, and United States assistance to the Colombian military.

June-July/ Turkey: Investigated use of NATO-supplied weapons in Turkey's war in the southeast, in particular the use of such weapons in gross violations of international humanitarian law and human rights. Found evidence of critical role of U.S. equipment, such as fighter planes, helicopters and automatic rifles, in the village depopulation campaign and attendant abuses, such as extrajudicial executions and torture.

### **The Children's Rights Project**

March and May/ United States: Investigated conditions in Louisiana correctional institutions for children.

October/ United States: Held press conferences to release report on Louisiana correctional institutions for children; met with state officials and nongovernmental organizations on follow-up to the report.

October/ Italy: Took part in international conference on child labor in Pisa.

November-December/ India: (in cooperation with Human Rights Watch/Asia) Began investigation into the use of bonded child labor.

November-December/ India: (in cooperation with Human Rights Watch/Asia) Began investigation into the treatment of street children by police.

November/ Geneva: Took part in theme day on juvenile justice of U.N. Committee on the Rights of the Child.

### **The Prison Project**

June/ United States: Interviewed prisoners at the Maximum Security Complex, a "maxi-maxi" facility in Westville, Indiana.

November/ Geneva: Participated in U.N. Working Group on the Draft Optional Protocol to the Convention Against Torture.

### **The Women's Rights Project**

March/ Mexico: Investigated gender discrimination in the export oriented factories along the U.S./Mexico border.

April /South Africa: Conducted a joint mission with Human Rights Watch/Africa to investigate domestic violence.

May/ Japan: Investigated government sponsored or tolerated abuse against Thai women trafficked into Japan for the purpose of prostitution.

May and June/ Singapore and Hong Kong: Examined abuse of migrant domestic women workers in Hong Kong, Singapore and Taiwan.

August/ China: (in cooperation with the Human Rights Watch/Asia) Sent delegates to Beijing for the U.N. Fourth World Conference on Women.

October/ Morocco: Investigated sex discrimination under the Moroccan Family Code.

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