

Human Rights Watch

A HUMAN RIGHTS AGENDA FOR THE BUSH ADMINISTRATION

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FOREIGN POLICY ISSUES

Stop arms transfers to human rights abusers

As the world's leading arms producer and exporter, the United States has a special responsibility to keep weapons out of the hands of human rights abusers in areas of armed conflict. The United States should refrain from supplying weapons to abusive forces (both governments and non-state actors), and support international efforts to regulate the governmental and commercial trade in arms, improve transparency in arms transfers, crack down on the illicit trade in arms, and strengthen arms embargo regimes. The United States should also adopt a code of conduct preventing U.S. citizens and companies operating on U.S. soil from transferring arms to human rights abusers and take the lead in negotiations for an international code of conduct on arms transfers, as mandated by Congress.

Stop assistance to foreign security units that abuse human rights

A U.S. law (the Leahy amendment) prohibits aid and training to units of foreign security forces if there is credible evidence that the unit has committed gross human rights abuses. In Turkey, that law kept the United States from financing equipment bound for security forces in the southeast, where the military response to the Kurdish armed insurgency has been characterized by widespread and serious abuse. In Colombia, the law has helped send a message to security forces that the U. S. government considers respect for human rights a key part of bilateral relations. That message needs to be further strengthened by aggressive U.S. monitoring of units that receive aid, including ensuring that accusations of abuse are fully investigated and, if warranted, prosecuted by an independent court. The Leahy law should also now be applied, either through legislation or executive order, to all U.S. security assistance and military sales, as well as the sharing of intelligence. The President should report periodically to Congress on the implementation of this law.

Strengthen, and certainly do not weaken, guidelines designed to ensure that U.S. intelligence agencies do not recruit human rights abusers as paid agents

Over the years, there have been a series of embarrassing revelations that foreign officials responsible for serious human rights abuse, including murder, torture, and "disappearance," have been on the CIA payroll. To counter this deeply troublesome practice, the CIA adopted guidelines in 1995 requiring approval by senior officials before any such individual could be recruited as a paid agent.

These guidelines remain disturbingly weak: the CIA concedes that no proposed recruit has ever been turned down on human rights grounds. However, a Congressionally created National Commission on Terrorism recently recommended that even these loophole-filled guidelines be abandoned. Your administration should reject this misguided recommendation.

The commission notes tautologically that any limitation on people who can be recruited as paid agents will restrict U.S. access to some intelligence information. Yet it makes no effort to weigh the advantage of access to this information against the disadvantage of the United States becoming complicit in severe human rights abuses. Instead, the commission makes two arguments, both spurious.

First, it claims that U.S. intelligence agencies should be able to recruit people involved in human rights abuse because domestic law enforcement agencies “routinely recruit criminal informants in order to pursue major criminal figures.” The analogy is inapt, because no U.S. prosecutor would ever pay an informant who continued to commit such crimes as murder and torture. Indeed, most U.S. prosecutors insist that informants who are responsible for serious crime plead guilty as a condition of their cooperation – an act of justice that is rarely possible overseas.

Second, the commission asserts that “[r]ecruiting informants is not tantamount to condoning their prior crimes, nor does it imply support for crimes they may commit.” Unfortunately, foreign officials routinely read the act of paying informants who are engaged in a pattern of abuse as U.S. acquiescence in their atrocities.

The fight against terrorism is certainly important. But we hope your administration will agree that the United States should not become complicit in terrorism against foreigners—
in the form of violent abuse—in the name of fighting terrorism against Americans.

Accede to the Mine Ban Treaty

Antipersonnel landmines kill or maim several thousand people each month. Most are civilians. Many are children. To date 139 governments have signed and 107 have ratified the historic 1997 Mine Ban Treaty which establishes a comprehensive ban on the use of antipersonnel mines in all circumstances. It also requires that stockpiles be destroyed within four years of the treaty's entry into force, and that mines already in the ground be removed and destroyed within ten years. The United States has committed to joining the Treaty by the year 2006, if it has identified and fielded suitable alternatives to antipersonnel mines by that time. We urge you to re-state the U.S. commitment to joining the Mine Ban Treaty, accelerate the timetable for doing so, and take interim steps that move the United States closer to the complete eradication of antipersonnel mines. We also urge you

to maintain U.S. leadership in support of mine clearance and mine victim assistance programs around the world.

Challenge discrimination against women

Systematic discrimination remains the most significant obstacle to women's enjoyment of their rights worldwide. Numerous governments maintain and enforce laws that deny women equal rights. Even those that have wiped discriminatory laws from their books allow *de facto* discrimination to flourish. U.S. support for women's legal rights—through training and capacity-building programs—provides vital backing for those building respect for women's rights. However, the United States needs to back up such support by pushing governments to eliminate discrimination from their laws and practices or face condemnation for their denial of women's human rights. We call on you to: condemn laws and official practices that deny women's equality and use available leverage to push for the elimination of such discrimination; press governments to enforce legislation prohibiting discrimination in all spheres, from schools to the family to the workplace; and challenge, through political and economic channels, setbacks for women's equality. U.S. ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) would demonstrate U.S. commitment to ending the discrimination and violence that too often affects the lives of women and girls.

Support the International Criminal Court to strengthen international and national justice

Those responsible for the worst atrocities have all too often enjoyed impunity because they acted with state backing or because national justice systems were dysfunctional. The permanent International Criminal Court, which is expected to come into existence in 2002, according to the highest due process and fair trial standards, will hold perpetrators accountable for their deeds. To guarantee fairness and impartiality, the ICC treaty contains numerous safeguards to screen out politically motivated or unwarranted cases. Twenty-seven states have already ratified the treaty and 139 have signed it, including almost every major U.S. ally. U.S. signature of the treaty re-affirms America's commitment to the rule of law and justice internationally. The court can serve as a cornerstone of an effective system of international justice. It will also likely spur countries around the world to update their own criminal and military codes to cover genocide, crimes against humanity and war crimes so that they can prosecute their own citizens in the event of such abuses. We urge you to remain engaged in the ongoing negotiations on the ICC, both because the United States can help strengthen the court and because U.S. engagement will help ensure that the court in fact upholds the highest due process standards and conscientiously applies the court's procedural safeguards. A

constructive approach to the ICC is also consistent with support for justice initiatives in the Balkans, throughout the Great Lakes region of central Africa, Sierra Leone and East Timor.

Support the World Conference Against Racism

The Third World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance will be held in South Africa, August 31-September 7, 2001. It will be an important opportunity for the nations of the world to focus on the causes and consequences of racism and to develop practical strategies to combat racism. To date, the United States has committed itself to ensuring the success of the conference. During the past several months, an Inter-Agency Task Force has organized meetings throughout the country to hear from civil and human rights groups with expertise regarding the treatment of racial and ethnic minorities in the United States. We strongly urge your administration to continue and enhance these efforts and to contribute to the shaping the conference agenda on global issues in four areas in particular: (1) to confront the hidden apartheid of caste discrimination; (2) to address the denial or deprivation of nationality on the doubly discriminatory grounds of race or ethnicity and gender; (3) to combat racism in the treatment of refugees and migrants; and (4) to develop mechanisms for monitoring and reporting racist intent and racist effect in government policies and practices.