

HUMAN RIGHTS WATCH

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HUMAN RIGHTS WATCH
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INTRODUCTION

In the wake of the September 11 attacks on New York and Washington, the United States government articulated a single overriding goal—defeating terrorism—and sought to build a global alliance committed to that end. Yet determined as this campaign has been, it remains to be seen whether it is merely a fight against a particular set of criminals or also an effort to defeat the logic of terrorism. Is it a struggle only against Osama bin Laden, his al-Qaeda network, and a few like-minded groups? Or is it also an effort to undermine the view that anything goes in the name of a cause, the belief that even a deadly attack on skyscrapers filled with civilians is an acceptable political act?

The September 11 attacks were antithetical to the values of human rights. Indeed, it is the body of international human rights and humanitarian law—the limits placed on permissible conduct—that explains why these attacks were not legitimate acts of war or politics. If the human rights cause stands for anything, it stands for the principle that civilians should never be deliberately slaughtered, regardless of the cause. Whether in time of peace or war, whether the actor is a government or an armed group, certain means are never justified, no matter what the ends.

As many of the world's governments join the fight against al-Qaeda, they face a fundamental choice. They must decide whether this battle provides an opportunity to reaffirm human rights principles or a new reason to ignore them. They must determine whether this is a moment to embrace values governing means as well as ends or an excuse to subordinate means to ends. Their choice will not determine whether any particular perpetrator is captured or killed. But over the long term it will affect the strength of the ends-justify-the-means ideology that led a group of men deliberately to crash civilian passenger planes into the World Trade Center and the Pentagon. Unless the global anti-terror coalition firmly rejects this amorality, unless the rules of international human rights and humanitarian law clearly govern all anti-terror actions, the battle against particular terrorists is likely to end up reaffirming the warped instrumentalism of terrorism.

Unfortunately, the coalition's conduct so far has not been auspicious. As this introduction describes, its leading members have violated human rights principles at home and overlooked human rights transgressions among their partners. They have substituted expediency for the firm commitment to human rights that alone can defeat the rationale of terrorism. Whatever its success in pursuing particular terrorists, the coalition risks reinforcing the logic of terrorism unless human rights are given a far more central role.

THIS REPORT

This report is Human Rights Watch's twelfth annual review of human rights practices around the globe. It addresses developments in sixty-six countries, covering the period from November 2000 through November 2001. Most chapters examine significant human rights developments in a particular country; the response of global actors, such as the European Union, Japan, the United States, the United Nations, and various regional organizations; and the freedom of local human rights defenders to conduct their work. Other chapters address important thematic concerns.

Highlights of 2001 include, on the positive side, several strikes against the impunity that so often underwrites severe abuses, including the surrender of former Yugoslav President Slobodan Milosevic for trial before the International Criminal Tribunal for the former Yugoslavia; the indictment in Chile of former President Augusto Pinochet (although the prosecution was then ended on medical grounds); an Argentine judicial decision declaring the country's amnesty laws unconstitutional; and rapid progress toward the establishment of the International Criminal Court, with forty-seven of the needed sixty countries having ratified its treaty by early December. Other milestones include the entry into force of the protocol outlawing the use of child soldiers; the highlighting at the World Conference Against Racism of caste-based discrimination as an issue of global concern; the international community's speed and resolve (for the first time in a decade of Balkan atrocities) in defusing the armed ethnic conflict in Macedonia; and the U.N. Commission on Human Rights' condemnation of ongoing Russian atrocities in Chechnya and the government's persistent failure to hold abusers accountable. On the negative side, the World Trade Organization agreed to launch a new round of talks on reducing barriers to trade without giving the protection of labor rights a significant place on the agenda; efforts to create internationally sponsored tribunals were stalled in the case of Cambodia and proceeding painfully slowly in the case of Sierra Leone, while the principal architects of atrocities in East Timor in 1999 continued to walk free in Indonesia; and abusive wars and political violence continued to claim large numbers of civilian victims in Algeria, Angola, Burundi, Colombia, the Democratic Republic of Congo, Indonesia, and Sudan.

This report reflects extensive investigative work undertaken in 2001 by the Human Rights Watch research staff, usually in close partnership with human rights activists in the country in question. It also reflects the work of the Human Rights Watch advocacy team, which monitors the policies of governments and international institutions that have influence to curb human rights abuses. Human Rights Watch publications, issued throughout the year, contain more elaborate accounts of the brief summaries collected in this volume. They can be found on the Human Rights Watch website, www.hrw.org.

As in past years, this report does not include a chapter on every country where Human Rights Watch works, nor does it discuss every issue of importance. The failure to include a particular country or issue often reflects no more than staffing limitations and should not be taken as commentary on the significance of the problem.

There are many serious human rights violations that Human Rights Watch simply lacks the capacity to address.

The factors we considered in determining the focus of our work in 2001 (and hence the content of this volume) included the severity of abuses, access to the country and the availability of information about it, the susceptibility of abusive forces to influence, and the importance of addressing certain thematic concerns and of reinforcing the work of local rights organizations.

HUMAN RIGHTS VALUES AS AN ANTIDOTE TO TERRORISM

Any fight against terrorism is only in part a matter of security. It is also a matter of values. Police, intelligence units, even armies all have a role to play in meeting particular terrorist threats. But terrorism emanates as well from the realm of public morality. Terrorism is less likely when the public embraces the view that civilians should never be targeted—that is, when the public is firmly committed to basic human rights principles.

It is beyond the scope of Human Rights Watch's work to address the political grievances, let alone the pathology, that might lead a group of men to attack thousands of civilians. Our concern is with the mores that would countenance such mass murder as a legitimate political tool. Sympathy for such crimes is the breeding ground for terrorism; sympathizers are the potential recruits. Building a stronger human rights culture—a culture in which any disregard for civilian life is condemned rather than condoned—is essential in the long run for defeating terrorism.

Many of the policies of the major powers, both before and after September 11, have undermined efforts to build a global culture of human rights. These governments often embraced human rights only in theory while subverting them in practice. Reversing these policies is essential to building the strong human rights culture needed to reject terrorism.

The importance of such a policy reappraisal is especially acute in the Middle East and North Africa, where al-Qaeda seems to have attracted many of its adherents. But it is also needed more broadly—in evaluating the policies guiding the new global coalition against terrorism and in assessing the conduct of many of the leading members of that coalition.

THE MIDDLE EAST AND NORTH AFRICA

The Middle East and North Africa do not have a monopoly on producing practitioners of terrorism. Armed groups have resorted to attacking civilians and sowing terror in Colombia, India, Spain, Sri Lanka, Spain, the United Kingdom, and many other places. The rationale of various groups may have differed, but the amorality of their methods was comparable.

Yet today the focus of global attention is on al-Qaeda, both because of the target

of its alleged actions—the world’s superpower—and because of the magnitude of its presumed and projected crimes. Thus the Middle East and North Africa is one of the regions where it is essential to affirm a culture of human rights as an antidote to terrorism.

Many in the region see Western tolerance for human rights abuse reflected in the failure to rein in Israeli abuse of Palestinians or to restructure sanctions against Iraq to minimize the suffering of the Iraqi people. Such policies—both closely followed in the region—suggest that the West’s commitment to human rights is one of convenience, to be forsaken when abuses are committed by an ally or in the name of containing a foe. That grievance has become all the more acute since September 2000 as the death toll mounts from Israeli-Palestinian violence and as Iraqi sanctions drag on with no indication that Saddam Hussein will acquiesce to U.N. demands.

But a feeble commitment to human rights can also be found in the West’s attitude toward the region as a whole. Saudi Arabia and Egypt provide good examples. Saudi Arabia, the home of Osama bin Laden as well as fifteen of the nineteen presumed hijackers of September 11, imposes strict limits on civil society, severely discriminates against women, and systematically suppresses dissent. But Western governments to date have contented themselves with purchasing Saudi oil and soliciting Saudi contracts while maintaining a shameful silence toward Saudi abuses. Egypt, home of the accused September 11 ringleader as well as other key al-Qaeda leaders, features a narrowly circumscribed political realm and a government that does all it can to suffocate peaceful political opposition. Yet as a “partner” for Middle East peace, Egypt has secured from the U.S. government massive aid and tacit acceptance of its human rights violations.

In societies where basic freedoms flourish, citizens could have pressed their government to respond to grievances, on threat of being publicly scorned and voted out of power. But in Egypt, Saudi Arabia, and many of the other countries where Osama bin Laden strikes a chord of resentment, governments restrict debate about how to address society’s ills. They close off avenues for peaceful political change. They leave people with the desperate choice of tolerating the status quo, exile, or violence. Frequently, as political options are closed off, the voices of non-violent dissent are upstaged by a politics of radical opposition.

The West has quietly accepted this pattern of repression because, in the short term, it seems to promise stability, and because the democratic alternative is feared. Indeed, the brilliance of the strategy from the perspective of these repressive governments is that they have created a political landscape in which the only available alternative to supporting their authoritarian rule is risking their overthrow by radical opponents. In an environment in which the political center has been systematically silenced, these governments can credibly portray themselves as the only bulwark against extremism.

The challenge for global proponents of human rights—and for any successful campaign to defeat the logic of terrorism—is to recognize the role that governmental repression plays in constructing this dilemma. The more the government closes off legitimate avenues of dissent, the more the government’s portrayal of

itself as the only alternative to repressive radicalism becomes a self-fulfilling prophecy.

The conduct of the Saudi government is illustrative. As corruption flourishes among the ruling family and the country's vast but finite oil wealth proves inadequate to provide a promising economic future for a rapidly growing population, the Saudi government's position is increasingly precarious. But just when the need for openness is greatest, so are the dangers. With peaceful political opposition firmly repressed, the voices of violence and intolerance have grown in volume. Riyadh can thus claim that it alone stands before the abyss, that human rights must be suppressed for their own protection, that democratization would lead to its own demise. The stark choice today, it is posited, has now been reduced to blocking any political liberalization, as occurred in Algeria in 1992 when the country's military chiefs intervened to head off an imminent electoral victory by an Islamist party, or witnessing a repetition of the Iran scenario of 1979, in which the West's backing away from the authoritarian Shah led to a repressive theocratic state.

Only from an ahistorical vantage point are the choices so stark and unappealing. An immediate democratic transition may not be possible in such a warped political environment, but steps can and should be taken to begin to provide a meaningful array of electoral choices. Of course, in a democracy there is no guarantee of any particular political result. But if pressure is put on authoritarian governments to allow a spectrum of political options, the likelihood increases that democracy will lead to governments that respect human rights.

Several Middle Eastern and North African governments have begun the process of liberalization without empowering extremists. In recent years, Morocco and Jordan have become more open societies, while Qatar and Bahrain have begun to loosen political restraints and have promised to hold elections. Kuwait already has an elected parliament, although its powers are limited and all women and many other native-born residents continue to be denied the vote. Even in Iran, a gradual and partial political opening has corresponded with the emergence of a movement demanding respect for civil liberties. Although the correlation is not always neat, these experiences suggest that the appeal of violent and intolerant movements diminishes as people are given the chance to participate meaningfully in politics and to select from a range of political parties and perspectives. Promoting the full respect for human rights needed to produce this range of political options thus should be a central part of any anti-terrorism strategy for the region. But if the West continues to accept repression as the best defense against radical politics, it will undermine the human rights culture that is needed in the long run to defeat terrorism.

THE GLOBAL COALITION

In the days following September 11, various governments tried to take advantage of the tragedy by touting their own internal struggles as battles against terrorism. For example, President Vladimir Putin of Russia embraced this rhetoric to defend his government's brutal campaign in Chechnya. China's foreign minister

Tang Jiaxuan did the same to defend his government's response to political agitation in Xinjiang province. Egyptian Prime Minister Atef Abeid, brushing off criticism of torture and summary military trials, rejected "call[s] on us to give these terrorists their 'human rights'" and suggested that Western countries should "think of Egypt's own fight against terror as their new model." Israeli Prime Minister Ariel Sharon repeatedly referred to Palestinian Authority President Yasir Arafat as "our bin Laden." Alluding to September 11, Malaysian Deputy Prime Minister Abdullah Ahman Badawi defended administrative detention under his country's long-abused Internal Security Act as "an initial preventive measure before things get beyond control." A spokesman for Zimbabwean President Robert Mugabe justified a crackdown on independent journalists reporting on abuses by his government as an attack on the "supporters" of terrorism.

Particularly in the case of Russia, this cynical strategy seemed to work. In the days following September 11, German Chancellor Gerhard Schroeder and Italian Prime Minister Silvio Berlusconi said that Russia's actions in Chechnya must be reassessed. The U.S. government, which in April had supported the U.N. resolution condemning atrocities in Chechnya, began to play down its human rights concerns and play up alleged links between Chechen rebels and the Qaeda network. In general remarks at the Asia Pacific Economic Cooperation summit in Shanghai in October, in the presence of Putin but without reference to any particular country, U.S. President George W. Bush did publicly warn that "the war on terrorism must not be a war on minorities" and that countries need to "distinguish between those who pursue legitimate political aspirations and terrorists." But during a bilateral summit with Putin in November, Bush spoke at length of Russian progress toward respect for human rights and democratic principles while mentioning Chechnya only to praise "President Putin's commitment to a political dialogue." Nothing was said publicly about Russian atrocities and the continuing impunity of those who commit them.

Uzbekistan further illustrates the selectivity of concern with attacks on civilians. With the possible exception of Turkmenistan, Uzbekistan has done the most among the post-Soviet states to perpetuate the ruthless repression of the Soviet era. There are no political parties, no independent media, no civil society of any sort. Efforts by Muslims to pray outside the state-controlled mosque are met harshly, with torture and long prison sentences frequent. As a state bordering Afghanistan, Uzbekistan was an obvious potential military ally of the United States, particularly since it faces its own al-Qaeda-linked rebel movement, the Islamic Movement of Uzbekistan. But it remains unclear whether the U.S. government will prevent its new military alliance with Uzbekistan from becoming an endorsement of the repressive policies of Uzbek President Islam Karimov. President Bush repeatedly insisted that the U.S. campaign against terrorism was not directed against Islam, yet the U.S. government made no visible effort to curb Uzbekistan's severe repression of Muslims who wanted only to practice their faith peacefully outside state control. The biggest opportunity lost was when, as required by legislation, the U.S. State Department in October named "countries of particular concern" for their repression of religious freedom. Uzbekistan, an obvious candidate under any objective standard, was not on the list. (Nor, for that matter, was Saudi Arabia, despite the

State Department spokesman's admission that there is "no religious freedom" there.)

This inconsistent attention to violent abuse against civilians could be found elsewhere as well. Washington (though not the European Union) put effective pressure on Belgrade to surrender former Yugoslav President Slobodan Milosevic for trial in The Hague for the depredations he allegedly sponsored in Bosnia, Kosovo, and Croatia. But throughout the year NATO troops in Bosnia failed to arrest former Bosnian Serb political leader Radovan Karadzic from his sanctuary in Bosnia, and the international community did little to pressure Belgrade to surrender former Bosnian Serb military leader Ratko Mladic, both of whom stand accused of comparable crimes. Closer to home, the U.S. government continues to shelter Emmanuel "Toto" Constant, the ruthless former Haitian paramilitary leader, from Haiti's efforts to secure him for trial. During the military dictatorship of 1991-94, Constant oversaw the killing and tortured of many Haitian civilians who were perceived as opponents of military rule.

In some parts of the world, particularly Africa, violent abuse against civilians was virtually ignored by the U.S. government, except insofar as a link might be found with al-Qaeda. Atrocities were routine in conflicts in Angola, Burundi, the Democratic Republic of Congo, and Sierra Leone, yet the U.S. government's attention seemed to focus almost exclusively on Sudan, Somalia, and other countries in the Horn of Africa where the Qaeda network was said to operate. Typical was the November visit to Washington of Nigerian President Olusegun Obasanjo; no mention was made of soldiers' recent massacre of civilians in central Nigeria, but President Obasanjo was praised for his support of the fight against terrorism.

The message sent by this inconsistency was that, as seen from Washington, violence becomes intolerable based not on *whether* civilians are attacked but on *whose* civilians are attacked and who is doing the attacking. Attacks against civilians on U.S. soil are to be vigorously opposed, but attacks against other civilians often are not. Rebel or insurgent attacks on civilians are condemned, but government attacks on civilians—especially attacks by key government allies—are ignored. Such a message hardly helps to build broad public support for human rights.

The annual meeting next March in Geneva of the U.N. Commission on Human Rights will test the West's willingness to condemn violence against innocent civilians wherever it occurs. For the last two years, with reluctant but eventual support by the U.S. government and the European Union, the commission has condemned Russia for its atrocities in Chechnya and its failure to prosecute those responsible. Now is no time to abandon that effort, as Russian forces continue to be responsible for summary executions, torture, and arbitrary arrests, and no progress has been made in bringing the authors of past massacres to justice. Western governments will also be judged by whether they finally mount a serious effort at the commission (for the first time without U.S. membership) to condemn China's persistent repression. In the case of Washington, it will be judged by whether it applies laws designed to sanction religious repression in Uzbekistan and Saudi Arabia. Finally, the question remains whether the West will overcome its traditional downplaying of atrocities in sub-Saharan Africa. To squander such opportunities to condemn and curb political violence will suggest that violent attacks on civilians warrant

serious action only when they strike close to home. It will not take long for the world to see through this selectivity.

THE IMPORTANCE OF ENFORCEABLE HUMAN RIGHTS STANDARDS

If the battle against terrorism is to be understood as a fight for human rights, the most ardent combatants have often been the least willing to be bound by its principles. Washington stands out because its resistance to enforceable human rights standards has been most fundamental. That is not to say that the United States ignores human rights; most U.S. citizens enjoy a wide range of rights protections. But Washington has never been willing to subject itself to binding international human rights scrutiny. September 11 offered an opportunity to rethink this unwillingness. Washington immediately realized that to fight a global terrorist network, it needed global cooperation—for gathering intelligence, blocking finances, making arrests, and defending the legitimacy of its military efforts. The U.S. government's appeal for help was widely answered, but that did not alter Washington's resistance to international human rights law.

Often the U.S. government simply refuses to ratify leading human rights treaties, such as those on women's rights, children's rights, and economic, social and cultural rights. Most significantly in time of war, the U.S. government still has not ratified the First Additional Protocol of 1977 to the Geneva Conventions of 1949—the leading standards on the use of air power, Washington's primary warfare tool.

Moreover, when periodically the U.S. government ratifies a human rights treaty, whether under a Republican or Democratic administration, it always does so in a way to ensure that there will be no right of enforcement, so that ratification imposes no practical constraint on official action. The formal embrace of a treaty thus becomes an act for external consumption—an empty declaration that the United States is part of the international human rights system—not an act to grant or even solidify rights in the United States.

Perhaps the greatest disappointment is that the Bush administration actually intensified U.S. opposition to the International Criminal Court—a potential forum for prosecuting future crimes against humanity such as the attacks of September 11. With the number of countries that have ratified the ICC treaty growing rapidly, the treaty's entry into force in 2002 is a virtual certainty. But Washington has opposed the court because it theoretically could be used to scrutinize the conduct of U.S. armed forces. Just two weeks before it launched its bombing campaign in Afghanistan, the Bush administration endorsed legislation that would authorize sanctions against governments that ratify the ICC treaty (other than NATO and certain other key allies)—legislation that, in modified form, was working its way through Congress in early December. The administration's endorsement was part of a tactical bargain that allowed overdue U.N. dues to be paid and was supposed to give the president the power to waive sanctions. Yet even in this light, the Bush administration's willingness to endorse an attack on the ICC at a time when it was appealing for international cooperation in the fight against terrorism smacked of

hypocrisy. It seemed that the Bush administration was willing to seek protection for its own citizens, but determined to undermine an institution that many governments see as essential for the protection of others.

This resistance to accountability—which was replicated in international negotiations on climate change, nuclear weapons, biological weapons, small arms, and racism—gave the U.S. government the latitude, for example, to continue using cluster bombs in Afghanistan, even though these imprecise weapons with their history of littering the landscape with deadly and highly volatile bomblets had caused a quarter of the bombing-related civilian deaths in Yugoslavia. More fundamentally, this resistance to accountability heightened global unease about the U.S. use of force, especially in light of repeated incidents of civilian casualties. The U.S. government seems to assume that if its policy is to respect international humanitarian law, its conduct should be beyond reproach. But much of the rest of the world understandably condemns the United States for refusing to countenance any independent enforcement, or even formal scrutiny, of the standards it claims to uphold. Accountability is a key missing component of the legitimacy that Washington seeks but so often fails to achieve.

THE FUTURE OF AFGHANISTAN

Human rights will also be put to the test as the international community works to construct a post-Taliban Afghanistan. The Taliban had an abysmal human rights record, most notably its systematic discrimination against women, its ready use of violence against those who failed to abide by its harsh vision of Islam, and its periodic resort to massacres of perceived sympathizers with its military adversaries. The demise of this regime creates an opportunity for positive change in Afghanistan. But many of the forces vying to replace the Taliban, including elements of the Northern Alliance, also have horrendous human rights records, ranging from their own massacres in recent years to their part in the destruction of vast swathes of Kabul while they shared power in 1992–96.

The test of the anti-terror coalition's commitment to human rights will come in the pressure it exerts on the Afghan parties to break definitively with the atrocities of the past. The international community should not simply replace the Taliban with whichever set of forces gains de facto control of the country, joins a broad-based coalition, and promises to cooperate in the fight against international terrorism. That would risk replacing a regime that helped to sponsor international attacks on civilians with one that simply directs its violence against civilians inward. It would also severely handicap Afghanistan as it struggles to rebuild and to meet dire humanitarian needs. In the short term, even if abusive commanders must be accepted as the de facto powers in certain parts of Afghanistan, intense pressure should be put on them to avoid reprisals against civilians or captured or surrendering combatants. In the longer term, those responsible for the worst atrocities should be precluded from any role in a future Afghan government or in any Afghan security forces.

Meanwhile, the international community should actively collect evidence of

abuses by all Afghan factions, make that evidence available to either a newly established international tribunal or a reinforced national court, and ensure that no amnesty is given to those responsible for serious crimes. The U.N.-sponsored accord on Afghanistan, agreed to in Bonn in December, was a useful step in this direction. The international community should also work to end discrimination against women so they are given a full opportunity to participate in a new government, and to ensure that civil society as a whole, including women, is given a meaningful voice in determining priorities for reconstruction and economic development. These are among the steps that will allow Afghans to break from a long line of persecutors, rather than simply substitute one set of persecutors for another.

HUMAN RIGHTS IN THE WEST

In the West, the danger of an inappropriate balance between security and human rights was particularly acute after September 11 because of the focused nature of the anti-terrorism efforts. If the entire population had faced scrutiny under new security measures, popular pressure might have gone a long way toward avoiding unreasonable restraints on rights. But because the anti-terrorism effort was aimed largely at young men from the Middle East and North Africa, most residents of Western countries believed that they would not be personally targeted by new law enforcement powers. In these circumstances, political leadership is required to ensure that rights are not unnecessarily sacrificed in the rush to enhance security. Such leadership was largely lacking.

For example, emergency legislation rushed through the US Congress, the so-called USA Patriot Act, permits the indefinite detention of nondeportable non-citizens once the attorney general “certifies” that he has “reasonable grounds to believe” that the individual is engaged in terrorist activities or endangers national security. These broad and vague criteria could allow the attorney general to certify and detain any alien in the United States who had any connection, however tenuous or distant in time, with a group that had once unlawfully used a weapon to endanger a person.

Still more flagrant in its affront to international fair-trial standards was President Bush’s order establishing “military commissions” to prosecute non-U.S. citizens. To begin with, the order was notably vague about the crimes that could give rise to the commission’s jurisdiction. The commission could be used to try people accused of membership in al-Qaeda, involvement in the undefined crime of “international terrorism,” or harboring anyone charged with these offenses. It thus extended far beyond any traditional use of military tribunals—to address offenses by combatants in war—to include people who might be charged with acts far removed from Afghanistan or any other armed conflict.

Moreover, the virtual lack of procedural protections in the order raised the prospect of suspects being tried, convicted, and even executed with no appearance before an independent judicial tribunal, no right to appeal, no right to a public trial, no presumption of innocence, no right to confront evidence or testimony against

them, and no requirement that proof be established beyond a reasonable doubt. Some of these due-process transgressions may still be remedied through the adoption of additional regulations—none had been issued through early December—but the Bush order itself displayed a disturbing indifference to international fair trial standards and long-expressed U.S. values. While promising “a full and fair trial,” the order explicitly rejected scrutiny of military commission proceedings by any other court, domestic or international, and ignored the Uniform Code of Military Justice—the procedural code used for regular courts-martial—which would have ensured most basic fair trial rights.

Such indifference to human rights standards will undermine the important value, as people accused of violent abuse are punished, of ensuring that justice is done and can be seen to be done. By precluding public confidence that the rule of law is being applied fairly, secret, summary trials of accused terrorists undermine the principles of human rights that stand in the way of terrorism. A Spanish judge’s refusal to extradite alleged al-Qaeda members to the United States without assurances that they would avoid trial before such commissions illustrates at a practical level the obstacle that such fair-trial shortcuts pose to cooperative efforts to bring accused criminals to justice.

The Bush order, even if later modified by the fine print of regulations, also threatens to silence the U.S. voice in support of human rights. Washington had routinely objected when similar military tribunals were used against “terrorists” in Peru, Nigeria, Russia, and elsewhere. By suddenly proposing to sponsor similar travesties of justice in the face of its own security threats, the U.S. government compromises its capacity to defend human rights abroad. Indeed, tomorrow’s military dictators need do nothing more than photocopy the Bush order to secure a repressive mechanism that promises to be highly effective in warding off U.S. criticism. Finally, the proposed military commissions, as the other conduct outlined above, send the profoundly damaging message that human rights are mere standards of convenience, to be applied when other countries face security threats, but not when the United States is at risk. Such *a la carte* principles, of course, are no principles at all.

Similar human rights compromises could be found in other aspects of the global response to terrorism. Australian Prime Minister John Howard, stoking post-September 11 fears of foreigners, built his candidacy for reelection in November around his summary expulsion, in blatant violation of international refugee law, of asylum-seekers who had reached outlying Australian territory. Proposed European Union-wide security measures included a broad definition of terrorism that threatens freedom of association and the right to dissent; a European arrest warrant to facilitate transfer of terrorist suspects without fair-trial safeguards; and a “re-evaluation” of the right to seek asylum in Western Europe in light of new security considerations. Proposals by the British government would permit the prolonged arbitrary detention of foreigners suspected of terrorist activity and severely curtail the right to seek asylum. The Indian government used the new focus on terrorism to push for sweeping new police powers of arrest and detention—powers last used to crack down on political opponents, social activists, and human rights defenders. The U.S. government detained over 1,000 suspects following the September 11

attacks, but threw a shroud of secrecy over the cases that made it impossible to determine whether criminal justice powers were being appropriately applied.

At the United Nations, Western governments are rushing to push through an anti-terrorism treaty that, according to the draft of early December, threatened to codify an overly broad definition of terrorism without adequate guarantees that the fight against terrorism would be circumscribed by human rights guarantees. Ironically, the major obstacle to adopting the treaty was not states defending human rights but states arguing that terrorist means should be tolerated if used as part of a war for “national liberation.” The result threatens to be an anti-terrorism treaty that reinforces the ends-justify-the-means rationale of terrorism.

HYPOCRISY MATTERS

This hypocrisy matters because it is profoundly more difficult to promote the values of human rights if some of the most visible and powerful proponents seek to exempt themselves from these same standards. This exceptionalism remains strong after September 11, as governments seek to justify extraordinary constraints on rights in the name of combating extraordinary threats. Yet in the long term, this trend is counterproductive. If the logic of terrorism, not just immediate terrorist threats, is ultimately to be defeated, governments must redouble their commitment to international standards, not indulge a new round of excuses to ignore them.

HUMAN RIGHTS DEFENDERS

August 2001 marked the first anniversary of the U.N. secretary-general's special representative for human rights defenders. Hina Jilani was the first to carry out the post's mandate, which called for her to press for the implementation of the 1998 Declaration on Human Rights Defenders and intervene in cases of threats to and harassment of human rights defenders worldwide. Since October 2000, Jilani had sent urgent appeals and communications to, among others, the governments of Colombia, Guatemala, Indonesia, Iran, Malaysia, Tunisia, and the United Kingdom voicing her concerns over the targeting of human rights defenders in those countries. Jilani worked closely with other U.N. thematic mechanisms, such as the special rapporteurs on torture, on extrajudicial, summary or arbitrary executions, and on violence against women, and the chairman-rapporteur of the Working Group on Arbitrary Detention. Since her appointment, Jilani had focused on countries where immediate attention to the safety of human rights defenders was needed. She visited Kyrgyzstan in August, where she stated her concerns that basic civil rights were not being systematically observed; Kyrgyz authorities refused to allow her to meet with Topchubek Turgunaliyev, a political activist who was in a prison hospital at the time.

Colombia continued to be extremely dangerous for human rights defenders. On December 13, 2000, Fernando Cruz Peña, from the city of Cali, Valle, was forcibly disappeared. Cruz represented Colombians accused of support for guerilla groups. On December 24, 2000, Fernando Rafael Castro Escobar, from Sabanas de Angel, Magdalena, was killed. Castro served as the personero of Sabanas de Angel, and collected local reports of rights violations. On February 12, 2001, Iván Villamizar Luciani, a former public advocate, was shot and killed by ten gunmen outside the Free University in Cúcuta, Norte de Santander, where he was serving as president. On February 17, Carmenza Trujillo Bernal, a member of the Caldas Human Rights Committee, was killed in Chinchiná, Caldas. On May 5, Gonzalo Zárate Triana, a founding member of the Meta Civic Committee for Human Rights, was killed in Villavicencio. On May 12, Dario Suárez Meneses, the leader of a local displaced group, was killed, in the city of Neiva, Huila. On May 19, José Jorge Navarro G. was killed near San Antonio, Tolima. He was the director of a local chapter of the Colombian Red Cross. Kimy Pernia Domicó, a leader of the indigenous Emberá-Katío, was forcibly "disappeared" on June 2, in Tierralta, Córdoba, and was presumed dead. On September 2, former Apartadó, Antioquia, town council member José de Jesús Geman was killed in a Bogotá hotel. Geman was preparing to

deliver material to the attorney general's office as part of the continuing case against retired general Rito Alejo del Río, who was being investigated for supporting paramilitary groups. Alma Rosa Jaramillo Lafourie's, a lawyer who worked with the Middle Magdalena Development and Peace Program (Programa de Desarrollo y Paz del Magdalena Medio, PDPMM), was found dead on July 1 near the city of Barrancabermeja, Santander, after she had been kidnapped by paramilitaries who had been engaged in a deadly campaign against rights workers in the region. On July 18, Eduardo Estrada, also with PDPMM, was murdered in the town of San Pablo, Bolívar. On September 19, armed men shot and killed Roman Catholic nun and human rights defender Yolanda Cerón Delgado in front of a church in Tumaco, Nariño. On September 20, Juan Manuel Corzo, the director of the attorney general's investigative unit in the city of Cúcuta, Norte de Santander, was shot and killed as he drove with his mother. At the time, Corzo was investigating several killings of colleagues. On October 17, Julian Rodríguez Benítez, a member of CREDHOS, a human rights group, was killed in Barrancabermeja, Santander. Also in 2001, Miguel Ignacio Lora, Yolanda Paternina, Carlos Arturo Pinto, María del Rosario, and Maria del Rosario Rojas Silva were killed. All had investigated paramilitary or guerilla activities.

In October 2001, human rights lawyer Digna Ochoa was found shot to death in her Mexico City office. A note left by her side warned members of the Miguel Agustín Pro Juárez Human Rights Center, where Ochoa had worked for several years, that the same could happen to them.

Aceh province experienced the loss of at least seven human rights defenders over the past year. On December 6, 2000, four workers for the Rehabilitation Action for Torture Victims of Aceh (RATA) were stopped outside Lhokseumawe, North Aceh, and abducted by a group of armed soldiers and civilians. Three of them were extrajudicially executed. On February 28, Muhamad Efendi Malikon, the secretary of the human rights organization Care Forum for Human Rights (Forum Peduli HAM-Aceh Timur) was killed in Peukan Langsa village, East Aceh. On March 29, Suprin Sulaiman, a lawyer with Koalist-HAM in South Aceh was killed after accompanying his client to a police interrogation session. On September 8, Yusuf Usman, also a member of Forum Peduli HAM-Aceh Timur, was killed. On October 3, the body of an Indonesian Red Cross (PMI) volunteer, Jafar Syehdo, known as Dabra, from Bireun, Aceh was discovered shot in North Aceh. The PMI was the lead agency responsible for removing the bodies of those killed in the conflict and helping return them to their families.

In India, in November 2000, T. Puroshottam, the joint secretary of the Andhra Pradesh Civil Liberties Committee (APCLC) was stabbed to death by a group of unidentified men. In February 2001, Azam Ali, the district secretary of the Nalgonda branch of APCLC was killed by two sword-wielding youths.

In Uzbekistan, Shovruk Ruzimuradov, an activist in the Human Rights Society of Uzbekistan, died in custody, apparently tortured to death by police. Officers arrested forty-four-year-old Ruzimuradov on June 15 in southwestern Uzbekistan and held him incommunicado for some twenty-two days before returning his corpse to his family on July 7. In June, Viktor Popkov, a Russian human rights defender, died of wounds inflicted when his car was shot at in Chechnya.