

Nineteen ninety-three marked an evolution in the human rights movement. For many years, the preoccupation has been marshaling the collective will to uphold human rights. This year, with the expansion of multilateral operations in the name of human rights, an additional concern emerged: ensuring that the collective defense of human rights remained true to the principles that stirred it to action.

It has long been tempting to assume that the protection of human rights was simply a matter of collective will. So rarely had a common response been mustered to the horrific crimes of this century, it had been possible to hope that abuse might end and freedom might prevail if only the international community would rally to the human rights cause.

Several times in 1993 a common defense of human rights was mounted or continued, but the results were disappointing. A punishing embargo was imposed on Haiti, a massive humanitarian operation was pursued in Bosnia, a military intervention was continued in Somalia, yet the killing of civilians persisted. Blockades, airlifts and assaults were undertaken, yet the murderers' guns still pounded. Despairing at the failure to stop these atrocities, many began to question the utility of collective action.

Yet the tragedies of Bosnia, Haiti and Somalia reflect less the limits of collective action than a failure of collective vision. The fault lay not in the impetus to stop extreme cruelty, but in the tendency to abandon human rights principles, particularly concerns with justice, once joint action began. The lesson of Mogadishu, Sarajevo and Port-au-Prince is not the futility of collective action, but the importance of justice remaining central to the cause. Until the rule of law is understood as essential to peace, until the end to murder and torture is seen as lying in accountability rather than accommodation, the growing number of states willing to join a collective defense will remain insufficient to secure respect for human rights.

In this introduction, we also address other themes that emerged in our review of events from December 1992 to November 1993. We devote particular attention to a less visible but extremely dangerous challenge to the human rights cause, a conceptual attack launched by abusive governments against such basic principles as the indivisibility and universality of human rights, and the duty to ensure that international assistance does not underwrite repression. We address the governmental role in the spreading plague of communal violence. We note nine human rights monitors who were killed during the year and two who forcibly disappeared. Finally, we discuss the trends apparent in the Clinton administration's emerging human rights policy: its strong theoretical defense of human rights; the mixed message it has sent on the issue of accountability for gross abuses; its expansion of the terrain of human rights activism, sometimes qualified by wavering resolve in pressing human rights concerns; its neglect of human rights in several countries where the U.S. government could be particularly influential, especially in

Mexico and the Middle East; and its troubling record toward the rights of migrants and refugees seeking to enter the United States.

The Absence of Justice in Multilateral Action

The quest for justice has long been central to the human rights cause. The goal is to ensure that those responsible for gross abuse face, at minimum, dismissal from their official positions and, whenever possible, criminal prosecution and punishment. The human rights movement seeks justice out of respect for the victims of abuse and their families, as a step toward redressing the wrongs they have suffered, and to deter future abuse, by sending a message that one cannot victimize others without suffering severe consequences oneself.

The new collective resolve on behalf of human rights in Bosnia, Somalia and Haiti has shown an unfortunate neglect for justice. The oversight is hardly coincidental. The extraordinary human cost of an embargo or military intervention naturally discourages the patience and commitment needed to subject abusive forces to the rule of law. Particularly when U.N. troops are at risk in hostile territory, the temptation is tremendous to opt for the quick fix, to settle for a superficial peace or political accord that neglects the problem of impunity.

But the absence of justice makes its mark in heightened passions for revenge and undeterred impulses to abuse. Peace without justice is a perpetual source of discontent for victims of abuse and their families. And once troops have literally gotten away with murder, they are tempted to try again when they perceive new threats to their interests. The continuing human rights disasters of 1993 are illustrative.

- After international intervention halted the devastating famine in Somalia, U.N. forces seemed to abandon concern with human rights as they moved to the difficult stage of building a stable political order. They went to extraordinary lengths for several months to arrest Gen. Muhammad Aideed for the alleged role of his forces in ambushing U.N. troops. Yet they made no effort to establish any form of accountability, whether current or prospective, for the devastation and mass starvation that Aideed and other warlords had visited upon Somalia. Nor did the U.N. publicly scrutinize its own forces' compliance with international standards, continuing a disturbing tradition prominently displayed during the Persian Gulf War. The U.N.'s preoccupation with justice on behalf of its own dead, and its apparent indifference to justice on behalf of Somali victims, reduced U.N. peacekeepers to the level of another fighting faction. A principled defense of human rights would have signaled the importance of the rule of law to any lasting political order. Instead, the impunity tolerated by

the U.N. inspired those willing to use arbitrary violence for their own political ends.

- A disregard of justice also plagued U.N. action toward Haiti. The abbreviated deployment of international monitors reflected the recognition that human rights would be central to any lasting political accord. But when it came to trying to break the impasse in Port-au-Prince, the U.N., and primarily Washington, quietly backed an amnesty, not only for the army's crimes against the state, such as the act of rebellion, but also for crimes against individual Haitians, such as murder. Similarly, under the guise of crafting a broad consensus government, Washington endorsed the army's attempts to control the Defense and Interior Ministries, an obvious impediment to dismissal of the officers responsible for mass murder. Because of divisions within the army and a growing split with the country's traditional elite who financed the original coup, the army's leadership at the end of November was under considerable pressure to negotiate an orderly transition out of the current stalemate. But Washington's willingness to compromise the principle of accountability had emboldened the army to hold out for guarantees of impunity, and prolonged the suffering of the Haitian people.
- In the former Yugoslavia, the U.N. took painfully slow steps to establish a functioning war crimes tribunal. The torpid pace reflected British and French fears that the active pursuit of justice would delay the opportunity to withdraw their U.N. troops—an ironic twist on a deployment that was meant to serve the residents of that embattled territory. An institution of potentially monumental significance, the tribunal is supposed to indict, try and punish those responsible for such crimes as rape, torture, execution, indiscriminate shelling and forced starvation. But nine months after the Security Council vowed to create it—and, in this case, despite constructive pressure from Washington—the man chosen to serve as chief prosecutor, Ramón Escovar Salóm of Venezuela, had yet to assume his duties or to hire a staff, and the U.N. had yet to provide the necessary funding. The separate war crimes commission established in 1992, an investigative but not a prosecutorial body, tried to compensate for this lethargy, but had to beg for funds from private sources to make up for the U.N.'s lack of financial commitment. This visible indifference to the pursuit of justice was particularly troubling once the U.N. declared certain "safe havens" in Bosnia, since by doing so it effectively assumed the responsibilities of a state toward the local population,

including the duty to seek justice for gross abuse. The devaluation of justice also squandered an unprecedented opportunity to draw the line on the growing scourge of communal violence.

These three prominent cases were not alone in reflecting a tendency to devalue justice in the course of multilateral operations. In Liberia, for example, the West African peacekeeping force known as ECOMOG met a serious rebel challenge by teaming up with forces tied to the highly abusive army of former President Samuel Doe, the same forces it should have been seeking to exclude from Liberia's political future. In Cambodia, despite success in sponsoring an election, repatriating refugees and building a rudimentary legal system, the U.N. neglected its explicitly delegated power to take "corrective action" to remedy abuses, leaving a troubling precedent of impunity for political and ethnic killings.

The case that best proves the importance of U.N. operations being guided by a concern with justice is El Salvador, where an effort to establish accountability for human rights abuse was central to the U.N.-sponsored peace plan. In March 1993, the Truth Commission issued its report on the atrocities of the prior twelve years—an important formal acknowledgment of responsibility for these abuses. The report also heightened the pressure to comply with the December 1992 recommendations of the Ad Hoc Commission for the purge of 103 senior officers of the Salvadoran army, including the Minister and Vice-Minister of Defense. The Truth Commission named Defense Minister René Emilio Ponce as having ordered the 1989 murders of six Jesuit priests, their housekeeper and her daughter. Ponce and several other senior officials who had resisted the Ad Hoc Commission's recommendations finally stepped down in July 1993. Because a broad amnesty for political and common crimes was enacted shortly after the release of the Truth Commission's report, justice remains incomplete, and there was a troubling increase in death squad activity in late 1993. Still, the important steps taken toward establishing accountability for the most serious human rights crimes have left El Salvador with a relatively solid foundation for a lasting peace.

The lesson, we believe, is that peace is likely to be elusive without justice, despite the extraordinary attention of the international community. The festering wounds of victims and their families, coupled with the message that there is no price to be paid for complicity in slaughter, makes a volatile combination. Until the international community recognizes that troops and blockades cannot substitute for structures of accountability, its massive rescue operations risk failure.

We believe the disregard for justice shown in 1993 highlights the urgent need for a U.N. High Commissioner for Human Rights—a senior official who, among other important duties,

would ensure that human rights considerations are not neglected once the U.N. launches major operations. The U.N.'s inattention to matters of justice also reinforces the importance of the much-studied but long-neglected permanent international tribunal to try those responsible for gross abuses, as a mechanism to avoid the short-term political calculations that tend to thwart the quest for justice.

The Conceptual Challenge to the Human Rights Cause

The challenges to the human rights movement in 1993 were not limited to the terrain of repression. Some of the toughest tests emerged not under the barrel of the gun but in the confines of the conference room, particularly during the World Conference for Human Rights, the assembly of governments that met in Vienna in June, for the first time in twenty-five years, to review global progress on human rights. As human rights gained acceptance as a central element of international relations, a number of governments, mainly from Asia, tried to strike back. They included highly abusive governments, such as China, Burma and Iran, as well as governments that champion closed political systems, such as Singapore, Malaysia and Indonesia. No longer credibly able to deny the significance of human rights concerns, they sought to dilute or redefine some of the most basic human rights principles.

The attack took three basic forms. These governments challenged the indivisibility of human rights, by arguing that economic development should precede respect for civil and political rights. They attacked the principle that human rights apply equally to all people, by arguing that human rights standards should vary according to a government's view of local culture. And they sought to undermine one of the most effective means of human rights enforcement—application of the duty of donor governments and institutions not to become complicit in abuse by underwriting those who engage in repression.

The Development-First Argument

The argument that economic development must precede respect for civil and political rights falls on many receptive ears. From the despots of underdeveloped countries who sought a convenient banner under which to cling to power, to the officials of developing countries who found it useful to attribute economic progress to their own authoritarian rule, to governments in the developed world that were eager to justify windfalls to be made by ignoring the misdeeds of potentially profitable trading partners, the argument that civil and political rights must await economic progress often finds ready appeal. Invariably, it masks a primary concern with preserving the political status quo, even at the cost of popular well-being.

Some countries have managed to develop despite their repressive governments. Their leaders often claim credit for

economic progress, but the claims are at best unprovable, since it is impossible to know how much farther an economy might have advanced with a less abusive government. Moreover, governments that follow a repressive route to development risk the handicap of competing in an information age without the free flow of information. Some also face the loss of many of their most talented citizens, who shun the sterility of a controlled environment. And all face the prospect of political turmoil, as authoritarian leaders confront growing demands for popular participation in government and respect for civil and political rights that often accompany improved living standards.

More often, repressive governments simply preside over stagnation and decline, as in much of Africa, the former Soviet bloc, and significant parts of Asia. These examples of repressive impoverishment reflect the impediments that violations of civil and political rights often place on the path to realization of economic rights. An inability to criticize government policies or to report truthfully their consequences can turn food shortage into famine, or humanitarian hardship into calamity. Censorship of reporting on corruption can encourage official preying on the economy and stifle development. Restrictions on the right to organize prevent workers from earning a subsistence wage. Limitations on the ability to publicize and campaign against threats to the environment can lead to environmental degradation. A weak or corrupt judicial system will tolerate the use of violence to dispossess peasants of their land. Discrimination against women can leave them powerless and dependent.

In these very concrete terms—the values of health, land, income, and environment on which people build their lives—repression is the nemesis of economic rights, particularly for the least powerful members of society. Indeed, it is to disguise such individual deprivations that proponents of authoritarian models tend to speak in terms of "development," presumably measured in collective terms, rather than the economic rights of individuals. We believe that respect for civil and political rights is the best guarantor of the economic rights that abusive proponents of development-first theories purport to champion.

The Argument of Cultural Relativism

Many of the same governments argue that members of their cultures prefer consensus to political competition—an orderly, if controlled, society, to the diverse and vibrant civil society that emerges when freedom of expression and association are respected. The same asserted cultural preferences, often wrapped in a religious veneer, are cited to justify restrictions on the rights of women. To respond to these supposed sentiments, some governments press for international human rights standards that vary with local cultural desires.

This argument, usually made by those in positions of power, smacks of self-justification and convenience. Restrictions on free expression and association facilitate the suppression of dissenting views, and a lack of equal rights for women perpetuates male dominance. In the absence of an opportunity to hear freely from those forced to relinquish their freedom and equality, the assertions of cultural or religious preference usually go untested.

In 1993, however, opportunities did arise to hear from the supposedly willing victims of culturally and religiously based restrictions on their rights. Asian nongovernmental organizations met in Bangkok, and women's rights activists from around the world met in Vienna; they offered anything but assent to a this restricted view of rights. Indeed, even the world's governments assembled in Vienna offered strong affirmation of the universality of human rights. While noting that "the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind," they reiterated "the duty of states, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms." A similar affirmation of universality can be found in the broad ratification of the leading human rights instruments by governments from all regional, cultural and religious traditions.

Respect for human rights is important, in part, to permit different cultures and religions to flourish, through the free choices of individuals. The rights to equality and to free expression and association—indeed, the right to practice one's culture or religion freely—permit all citizens of the world to select their personal way of life. But suppressing freedom and equality in the name of culture or religion is a corruption of the concept of rights. Rights should serve as a check on collective action, even when that action is embraced by a majority. To view rights as varying with governmental interpretations of culture or religion is to eviscerate the power of rights.

The Argument Against Aid Conditioned on Respect for Human Rights

In addition to challenging the definition of important rights, these governments and others set out to undermine one of the principal means for enforcing fundamental rights: the often very effective strategy of denying certain forms of international assistance to abusive governments. Economic sanctions were used effectively in 1993, for example, to press for reversal of a coup attempt in Guatemala, to encourage a referendum on multiparty elections in Malawi, and to promote compliance with U.N. recommendations that abusive army officers be dismissed from their positions in El Salvador. Such sanctions ensure that repressive regimes pay a price for their abuse, through restrictions on their access to international assistance. Aid

conditions also reflect a growing realization that if the purpose of international assistance is to promote economic rights, respect for civil and political rights must be a central concern.

Human Rights Watch has long supported withholding military aid, police aid, arms transfers and security assistance from governments that consistently commit gross abuses of human rights. These abuses include summary execution, torture, systematic invidious discrimination, and prolonged arbitrary detention. We also oppose certain infrastructure development projects that lend more prestige and legitimacy to an abusive government than direct benefits to the needy. To avoid harming those who suffer poverty and humanitarian disaster, we do not oppose development and relief assistance that meets basic human needs, but urge whenever possible that such aid be channeled through nongovernmental organizations.

Maintaining this linkage between aid and human rights reflects several concerns: the principle that all rights are indivisible, that economic rights cannot be ensured in an environment of disrespect for civil and political rights; the duty of donor nations to avoid becoming complicit in human rights abuse by funding the machinery of repression; and the importance of deterring abuse, by promising an interruption in the flow of material support to those tempted to commit serious human rights violations.

This strategy was attacked by many governments that have felt the sting of economic sanctions. They argue that the victims of abuse should not be deprived of economic assistance simply because of their government's misdeeds. But this logic conveniently confuses the abuser with the abused. Precisely because of concern with the victims of abuse, restrictions on economic assistance seek to deny abusive governments the tools of repression, while preserving as much as possible the flow of assistance to the needy through alternative channels.

In a variation on this argument, the opponents of sanctions attempt to place government-to-government aid in the context of global inequalities of wealth. Any denial of economic assistance, they argue, impedes efforts to establish a more equitable distribution of resources. Yet if a transfer of wealth from North to South, from developed to developing countries, is sought in the name of Southern people rather than Southern oppressors, that will hardly be accomplished by the provision of guns and bullets, or the funds to purchase them, to abusive regimes of the South. The repression underwritten by aid to such governments impedes development and perpetuates inequalities of wealth.

Others argue that linking economic assistance to the human rights record of the recipient amounts to imperialist bullying. But the imperialist label misrepresents the duty to guard against international support of repressive regimes. That duty extends to all governments, whether the support they lend is economic,

moral or diplomatic. Nor is the duty extinguished by recasting in nationalist or anti-imperialist rhetoric the tired and discredited argument that human rights are an internal affair, and not the proper concern of the international community.

We recognize that the argument about economic sanctions is advanced not only by self-interested governments but also by others who are concerned that broad embargoes and similar trade sanctions may indiscriminately harm innocent individuals. Human Rights Watch shares these concerns and refrains from advocating general economic embargoes. We also believe that any blockade, or militarily enforced embargo, must comply with international standards against the starvation of civilians as a method of warfare. While we do advocate selected trade sanctions, we attempt to do so in a manner that targets the abuser, not the abused: by seeking, for example, to deny beneficial trade terms to governments that commit or tolerate violations of labor rights, to block export of goods made with forced labor, or to restrict trade benefits to state enterprises of governments that commit gross abuses. We believe that such targeted sanctions enhance the welfare of the victims of abuse, by ensuring that those who violate human rights do not profit from their crimes. We object to governments that deliberately equate the issue of trade sanctions with the goal of preventing international funding of governmental repression. Fine-tuning trade sanctions in the interest of avoiding harm to innocent victims is perfectly appropriate, but there should be no exception to the effort to avoid financing government abuse.

We also share the concern of many that economic sanctions are often used inconsistently. But the same inconsistency can be found, for example, in such widely accepted tools as U.N. resolutions on human rights. We believe the solution lies not in abandonment of such powerful tools for promoting human rights, but in a quest for more principled application.

Other Trends

The Epidemic of Communal Violence

Among other disturbing trends in 1993, communal violence continued to pose the major threat to human rights in many regions. Once more, contrary to conventional wisdom, its usual cause was not age-old animosity among different groups, but governments and political groups that fomented strife for their own political gains.

- Over 700 were killed, mostly Muslims, when police and mobs went on a rampage in Bombay in January. The killings marked the second major outbreak of communal violence in India following the destruction of a sixteenth-century mosque in Ayodhya in December 1992, inspired by a Hindu nationalist political party.

- President Mobutu Sese Seko of Zaire instigated and manipulated communal conflict, particularly in Shaba, where 90,000 were displaced by mob violence, and in North Kivu, where at least 7,000 appear to have been killed, and over 200,000 displaced. His apparent goal was to destabilize his political opposition and to make the point that Zaire was ungovernable without him.
- In parallel fashion, Kenyan President Daniel arap Moi, determined to prove that multiparty democracy would spark ethnic tensions, continued to foment violence between his Kalenjin ethnic group and the majority Kikuyu community. As in Zaire, the violence began to take on a life of its own.
- Long-time persecution of Tutsi in Rwanda as part of the government's effort to maintain Hutu solidarity yielded, in 1990, a largely Tutsi-based guerrilla movement and, in the following years, including 1993, severe government repression against Tutsi.
- In neighboring Burundi, an attempted military coup in late October and the assassination of Burundi's elected president set off a wave of communal violence that within one month had claimed the lives of an estimated 10,000 to 20,000 and displaced as many as one million. As in the case of Rwanda, the violence was between the Hutu majority and Tutsi minority, with military and civilian authorities playing a large role in fomenting the violence.
- Three days after the German Bundestag voted in May to restrict the right of asylum, tacitly blaming the victims for the continuing escalation of right-wing violence against foreigners, five Turkish residents died when skinheads set fire to their house in the town of Solingen. In a speech the next month before the Bundestag, Chancellor Helmut Kohl blindly denied any "connection between the asylum law and the arson attacks in Solingen and elsewhere," underscoring a failure of moral leadership that only exacerbated the problem.

Other examples of government-inspired communal violence include the Kurdish insurgency in Turkey, which was fueled by years of official restrictions on the ability of Kurds to practice their culture; the decade-long war in southern Sudan, triggered by Khartoum's effort to impose its radical version of Islamic law, in which well over a million have died from abusive fighting and related starvation and disease; the ongoing political violence in South Africa, largely fomented by those who

resisted the passing of the apartheid order; and the killing in the former Yugoslavia, sparked by deliberate campaigns of hatred in the officially controlled media.

Resistance to Elections

Efforts to block elections, or to deny the will of the electorate in choosing its government, continued to reap devastation in 1993. While elections alone cannot guarantee respect for human rights, the year showed repeatedly that disregard for free and fair elections can breed disaster.

- In Angola, some 500,000 have died from the renewed fighting, and related starvation and disease, caused by the rebel force UNITA's rejection of September 1992 elections found by foreign observers to be "generally free and fair."
- In Algeria, the government's 1992 cancellation of elections won by an Islamic party yielded a bloody conflict plagued by assassination and torture.
- The Nigerian military's refusal to recognize the results of presidential elections in June 1993 threw the country into political turmoil that resulted in a coup d'etat in November.
- Since the Haitian military's September 1991 coup against President Jean-Bertrand Aristide's freely elected government, the army has clung to power through ruthless repression. Its grievances against President Aristide pale in comparison with the killing, brutality and impoverishment that it has visited upon the Haitian people.
- In Burma, the military continues to reject the results of the May 1990 elections. In January 1993, it initiated a National Convention to draft a constitution guaranteeing itself a primary governing role.

The Death Penalty

In what seemed to be an accelerating trend, many countries imposed the death penalty in 1993 in circumstances of, at best, serious due process deficiencies.

- In Algeria, twenty-six death sentences were carried out, most of them after trials in special courts with severe due process restrictions, including the use of confessions secured through torture. Over 350 were sentenced to death, mostly in absentia, and thus with a theoretical right to contest the sentences if apprehended.

- In Egypt, thirty-nine civilians were sentenced to death and seventeen were hanged by military courts that lacked the independence of Egypt's civilian courts, and from which there was no right of appeal.
- In Saudi Arabia, executions imposed after summary trials proceeded at a rate of more than double that of 1992, with sixty-three executed, most by beheading, in the first seven months of 1993. Most defendants were not represented by lawyers at trial or assisted in preparing their defense.
- In Kuwait, seven Iraqis and ten Palestinians were sentenced to death in 1993, and another Iraqi was executed in May after having been sentenced to death in 1992. Their trials featured confessions obtained through torture, and legal counsel before trial was not permitted.
- In Nigeria, thirteen death sentences were imposed (though later commuted) by special tribunals with no right of appeal.
- Peru approved a new constitution which increases the number of crimes carrying the death penalty despite a bar to such expansion in the American Convention on Human Rights. The extensive use of "faceless courts" only compounds the seriousness of this step backward.
- In addition to continuing large-scale judicial executions in Iran, there were at least four assassinations of Iranians linked to exile opposition parties.
- In the United States, where thirty-six of fifty states permit the death penalty, the Supreme Court in 1993 continued to restrict appeals available to death-row defendants, including a ruling that new evidence of innocence is not enough to grant a hearing, let alone a new trial. Thirty-five people were executed in the first eleven months of 1993, the most in thirty years. Several of those killed had the mental capacity of children, a transgression of at least the spirit of the international prohibition on the execution of minors.

The Right to Monitor

While in some cases in 1993 the international community showed itself increasingly willing to adopt extraordinary measures to protect human rights, local human rights monitors often were the most important actors in the struggle to hold their governments accountable. The threat they posed was most evident in the lengths to which abusive forces went to silence their reports.

At least nine human rights monitors were killed in the year under review, and two forcibly disappeared.

Some countries, such as Burma, Iraq, Iran, North Korea and Vietnam, remained too dangerous, or too closed, even to attempt human rights monitoring. Of the places where it was possible to attempt human rights monitoring in the past year, Kashmir and Turkey were the most dangerous. Three human rights monitors were killed in each, under circumstances suggesting retaliation for their public criticisms.

- In Kashmir, a prominent human rights activist, Hirdai Nath Wanchoo, was shot dead by unidentified gunmen in December 1992. The government's refusal to conduct an independent investigation raises questions about its complicity. Dr. Farooq Ahmed Ashai, a doctor and outspoken critic of the government's human rights record, was shot and killed by Indian paramilitary troops in February 1993. Dr. Abdul Ahad Guru, a surgeon and critic of Indian human rights practices (who was also a member of the Jammu and Kashmir Liberation Front) was assassinated by unidentified gunmen in March 1993, and his brother-in-law was killed by police during the funeral procession.
- In Turkey, two officials and one member of the Human Rights Association were assassinated, all in February. They included Metin Can, the president, and Dr. Hasan Kaya, a member, of the Elazig branch, and Kemal Kilic, a founding member of the Urfa branch. The government has failed to investigate the murders.

Other countries where human rights monitors were killed in 1993 include the following:

- In Guatemala, rights activist Tomás Lares Sipriano was murdered in April by an army-organized civil patrol, the day after he had organized a demonstration protesting military pressure to join the supposedly voluntary patrols. In October, Francisco Guarcas Ciphiano, a member of Guatemala's oldest human rights organization, the Mutual Support Group, was kidnapped by civil patrol members in the Guatemala City bus terminal and disappeared. Guatemalan human rights groups also continued to suffer threats, intimidation, and detention.
- In Algeria, Djilali Belkhenchir, a pediatrician who was vice-president of the Algerian Committee Against Torture, was felled in an attack attributed to Islamists in October.
- In El Salvador, José Eduardo Pineda, a lawyer who had been

working for the newly created office of the human rights ombudsman, died in March of injuries sustained in a violent attack in July 1992. Other human rights monitors were threatened and attacked in 1993.

- In Colombia, Delio Vargas, president of the Colombian Association for Social Assistance, a refugee organization, disappeared in April after being forced into a car by five men in circumstances suggesting the involvement of security forces. Human rights activists also suffered threats and surveillance by state security agents.

Apart from murder, governments took other steps in their effort to silence the human rights movement:

- The Rwandan government threatened and attempted to assassinate human rights activists and witnesses in advance of a January visit by an international human rights commission that included one of our representatives. Beginning hours after the commission's departure, government-sponsored violence left 300 dead, including a student who had provided information to the commission, and thousands driven from their homes. The family of one young man who aided the commission was attacked by a mob incited by local officials, and the father of the family was forced to commit suicide. Attacks on human rights monitors continued throughout the year.
- Fifteen Syrian human rights monitors remain in prison, serving long prison terms or awaiting sentencing. The Committees for the Defense of Democratic Freedoms and Human Rights in Syria has been decimated in its home country, and now operates out of Paris.
- The Saudi government banned the Committee to Defend Legitimate Rights, established in May by six prominent Islamist jurists and university professors, for purportedly violating Islamic law. The committee was the first nongovernmental organization of its kind to be formed in Saudi Arabia in decades. Several members lost their government jobs or had their private offices closed, and fifteen were detained.
- Those who reported on Chinese human rights practices continued to risk lengthy prison terms. For example, Fu Shenqi, a Shanghai dissident, was sentenced in July to three years in a re-education camp for mounting a letter-writing campaign on behalf of a political prisoner. No international human rights organization was permitted to

conduct a fact-finding mission in China in 1993, although the head of China's bid for the 2000 Olympics issued one invitation five days before a decision on the site was to be made.

- Human rights monitors in Haiti were subject to death threats and physical attacks. Haitians who cooperated with the international civilian mission were threatened and arrested.
- Cuba continued to imprison pro-democracy activists, and to restrict access by U.N. and nongovernmental human rights investigators.
- For the first time in ten years, the Peruvian government obstructed our own attempts to visit prisons. It asserted trumped-up charges of "terrorism" against human rights activists. To obstruct inquiries into its death-squad activity, it also intimidated Peruvian congressional investigators and impeded proper forensic inquiry.
- In a move aimed at the country's six human rights and humanitarian groups, the Kuwaiti government banned all unlicensed organizations, after having repeatedly refused their requests for licenses. Some of the groups continued to meet privately.
- Sudan persisted in its strategy of effectively replacing the nation's leading human rights organization and bar association with government-controlled entities.
- The Yugoslav government obstructed international monitoring efforts in Kosovo, Sandzak and Vojvodina. It forced the Conference on Security and Cooperation in Europe to close down its mission, and refused permission to the U.N. Special Rapporteur to open an office.
- The Iranian government also denied access to the U.N. Special Representative, as well as to nongovernmental organizations that sought to monitor Iranian practices.

The Clinton Administration's First Year

President Bill Clinton's inauguration has brought to U.S. policy a heightened emphasis on human rights, but a stress that still falls significantly short of principled support. He has appointed several officials who are vigorous advocates for human rights. But their latitude to set U.S. policy has been regularly constrained by the administration's competing concerns. Rather than articulating a vision of human rights as an essential element of world order, the Clinton administration has only

cautiously embraced the cause, jettisoning human rights when the going gets rough. This lack of consistent leadership has sapped much authority from the administration's advocacy of human rights, and has left unfulfilled Washington's potential to advance respect for human rights.

Doctrinal Advances

The administration was at its strongest in advancing human rights at the level of theory. At the World Conference on Human Rights in Vienna, it abandoned the U.S. government's recent hostility to international human rights law, embracing the full scope of international standards and vowing to study or seek ratification of outstanding human rights treaties. At Vienna and elsewhere, the administration also affirmed the interdependence of human rights, democracy and development. It stressed that "democracy" involves more than competitive elections, but also such democratic institutions as an independent judiciary and law-abiding prosecutors and police.

These doctrinal advances positioned Washington in the mainstream of the human rights debate for the first time in many years. Instead of contesting first principles, the administration accepted the positive law on human rights and worked to defend it. The shift was timely, and effective, in combatting the fundamental challenges to the human rights cause launched by a collection of abusive governments in Vienna.

The administration also took important steps to remedy a traditional neglect of women's rights. Speaking at the World Conference, Secretary of State Warren Christopher called the promotion and protection of women's rights a "moral imperative."

In Congressional testimony, John Shattuck, the Assistant Secretary of State for Democracy, Human Rights and Labor, said that "the Clinton administration regards promoting the cause of women's rights as a key element of our overall human rights policy." He pledged to "lead the effort in the United Nations Human Rights Commission toward appointing a Special Rapporteur on Violence Against Women," to improve U.S. reporting on women's rights in the State Department's annual human rights survey, and to seek ratification of the Convention on the Elimination of All Forms of Discrimination Against Women.

Mixed Messages on Accountability

While the administration's vision of democracy was more complete than that of its predecessors, its record in pressing for accountability for those who commit gross abuse—also a critical element of any meaningful democracy—was mixed. In a November speech, Madeleine Albright, the U.S. ambassador to the U.N., rejected amnesty for war criminals in the former Yugoslavia, and raised the specter of sanctions if governments refuse to extradite indicted defendants for trial before the international war crimes tribunal. The speech was tremendously important in

rebuffing those governments (particularly Britain and France) that would risk the long-term dangers of impunity for gross abuse in favor of the short-term attractions of peace without justice and a quick exit for their U.N. troops. By setting forth a workable plan to try war criminals, the speech went a long way toward silencing skeptics who say that the pursuit of justice is available only to a battlefield victor.

The administration also sought accountability in Iraq by supporting the U.N.'s establishment of a separate U.N. war crimes tribunal to address atrocities committed by Baghdad's troops during the Persian Gulf War and its aftermath. However, little progress was made on this campaign in 1993.

Since no U.S. troops were in harm's way in Iraq or the former Yugoslavia in 1993, the administration's support for accountability would have been much more principled, and powerful, if it had extended to Somalia, where U.S. troops are deeply involved, or to Haiti, where U.S. interest in a political solution is high. Instead, while the Clinton administration was preoccupied with U.N. efforts to arrest General Aideed for the alleged role of his troops in attacking U.N. troops, it made no effort to hold accountable those responsible for the mass starvation of Somalis, let alone to ensure an independent investigation into the conduct of U.N. forces. In Haiti, it exerted quiet but strong pressure on President Aristide to close off the possibility of prosecution for human rights crimes and to abandon his quest to dismiss from the Haitian military those behind widespread atrocities.

An Expanded But Uncertain Terrain of Human Rights Activism

The Clinton administration significantly expanded the terrain of U.S. activism on human rights, including by challenging the practices of several important U.S. friends, although it sometimes wavered in the resolve it showed in addressing their abuses.

- After years of substantial U.S. neglect of serious abuse in Indonesia and East Timor, the Clinton administration supported a U.N. resolution criticizing human rights practices in East Timor, and undertook a systematic review of Indonesia's labor rights practices under threat of revoking trade benefits.
- o In notable contrast to the Bush administration's refusal to meet with Salman Rushdie, President Clinton granted the writer a formal audience to illustrate Washington's firm support for freedom of expression in Iran, and its continuing objection to the death sentence imposed by Iran's leaders for a novel that they deemed blasphemous. Other elements of the Clinton administration's tough policy toward Iran included opposition to World Bank loans, and an effort

to deny Iran "dual-use" technology with both military and civilian applications.

- During a visit to Turkey in June, Secretary Christopher broke Washington's traditional public silence on Ankara's abysmal human rights record (apart from the State Department's annual worldwide human rights report) by announcing the goal of improving freedom of expression and eliminating torture and arbitrary killing. He promised a carrot-and-stick approach, but without the slightest human rights concession from Turkey, the administration announced an intention to deliver \$336 million in aircraft and other military equipment. In October, during a meeting with Turkish Prime Minister Tansu Ciller, President Clinton cited Turkey's "shining example of cultural diversity," while ignoring the severe abuses committed by the government against the Kurdish minority.
- Breaking with President George Bush's insistence on separating human rights from China's Most Favored Nation (MFN) trading status, President Clinton in June issued an executive order extending MFN unconditionally for a year but linking further extension to a series of human rights conditions. However, the conditions were troublingly elastic, and the administration refused to spell out the specific improvements that must precede renewal of MFN. This refusal left the impression that the White House might try to sell to Congress even minimal concessions from Beijing. The administration, primarily through Secretaries Christopher and Shattuck, did deliver the message that lack of "overall significant progress" by June 1994 would mean loss of MFN. But by November, when President Clinton met Jiang Zemin, the General Secretary of the Chinese Communist Party, in Seattle, the message was more mixed. At the same time as the President reinforced the need for human rights progress, he allowed the sale of a supercomputer to China, lifting one of the few remaining sanctions imposed by the Bush administration. The Clinton administration's clear desire for enhanced trade with China risked sending a signal that Washington's threat to withdraw MFN was not serious.

Inconsistent Support for Elected Government

Like its predecessor, the administration was often a strong proponent of elected government, but the absence of strong advocacy was notable in the case of several important countries.

On the positive side:

- The administration's prompt and forceful response to Guatemalan President Jorge Serrano's "self-coup"—stopping

foreign aid and threatening to suspend trade benefits and to oppose multilateral bank loans—contributed to reversing the coup attempt.

- The administration's reaction to the military's annulment of elections in Nigeria—including a rare suspension of licenses for commercial arms sales—was also tough, though, as of the end of November, less effective.
- In Malawi, Vice President Al Gore and other administration officials pressed for the release of political prisoners and the lifting of restrictions on civil society in advance of the June referendum on multiparty democracy, in which Malawians rejected the country's thirty-year dictatorship.

The administration's wavering support for elected government was most visible in its backing of Russian President Boris Yeltsin when he dissolved a parliament chosen in relatively free elections in 1990. President Clinton and Secretary Christopher justified this compromise of principle by reference to President Yeltsin's purported democratic commitment. It was difficult to dispute the enormity of the problems facing Yeltsin, and the importance to Washington of an orderly transition from Communist rule in Russia. But as President Yeltsin suspended the Constitutional Court, closed newspapers, banned political parties, vacillated on his pledge of early presidential elections, and allowed Moscow authorities to banish non-ethnic Russians from the city, the ends-justifies-the-means contentions that underlay U.S. policy looked increasingly dubious and dangerous. Indeed, they were disturbingly reminiscent of the Bush administration's unqualified backing of Mikhail Gorbachev. A similar tendency to back a leader, rather than human rights principles, could be seen in the Clinton administration's support for Eduard Shevardnadze in Georgia.

The administration also did not allow its quest for elected government to interfere with its relations with major oil producers. Saudi Arabia's authoritarian monarchy remained beyond public criticism, as did Kuwait's royal family, which continued to sponsor abuses despite the election of a parliament with limited powers.

Progress toward acceptance of the North American Free Trade Agreement (NAFTA) provided an important opportunity to promote political freedom in Mexico. But evidently out of fear of jeopardizing the Congressional vote on NAFTA, the administration lost its critical voice when it came to Mexican abuses, other than to speculate that NAFTA would improve Mexican human rights practices. We hope that with NAFTA approved by Congress, that voice will now be found.

A Troubling Silence on the Middle East

The Middle East and Northern Africa seemed to have disappeared altogether from the administration's human rights agenda, although it was not for want of problems. Egypt, Algeria and Israel confronted violence from Islamic militants, but their response included torture, the excessive use of lethal force, and restrictions on association and expression. These acts, themselves violations of human rights standards, fueled a climate of extremism by closing off legitimate avenues of dissent. Yet the administration greeted them with virtual silence and unconditional support for the governments in question.

The administration took U.S. policy a disturbing step backward when it came to Israel's deportation of 400 Palestinians to Lebanon. Following longstanding U.S. practice, the Bush administration had condemned the deportations as violations of the Fourth Geneva Convention. Ignoring the law, the Clinton administration treated the deportations as a mere political problem, accepting Israel's decision to return one-fourth of the deportees as sufficient compliance with a U.N. Security Council resolution demanding immediate repatriation of them all.

Regression was also apparent in the administration's reversal of an eight-year ban on lethal sales to Lebanon without linking the resumption to human rights progress. The administration exchanged high-level visits with Lebanese officials, but the meetings seemed designed to bolster the Lebanese government and to ensure active participation in the Middle East peace process, rather than to address the Lebanese government's campaign against the press, jailing of opponents, banning of demonstrations, and attacks on peaceful demonstrators.

Indeed, less than a month after the Lebanese army killed eight peaceful demonstrators and injured dozens, Edward Djerejian, Assistant Secretary of State for Near Eastern and South Asian Affairs, in a major policy address, expressed only praise for the army and argued for increased aid.

The administration's disregard for human rights in the Middle East is particularly troubling in light of the peace accord between Israel and the Palestine Liberation Organization.

A major obstacle to a successful peace effort is the threat of severe abuse by Israeli or Palestinian forces and their allies. Washington risks squandering this tremendous opportunity by diminishing its human rights advocacy in the region. The wrong message was sent when the regional press quoted President Clinton, in a telephone conversation with President Hafez al-Asad, as effectively urging that critics of the peace accord be silenced. The White House never denied the accuracy of the quote. It is hoped that Secretary Shattuck's scheduled visit to Israel, the occupied territories and Egypt in late 1993 will provide an occasion to redress this neglect.

The Treatment of Migrants and Refugees

The administration set a far more productive tone than its predecessor in addressing abuse by the U.S. Border Patrol against undocumented migrants along the Mexican border. The Bush administration had dismissed out of hand our investigation in 1992 showing a pattern of unredressed physical abuse by Border Patrol agents. The Clinton administration responded to an updated probe in 1993 with a detailed list of reforms that it was studying or implementing.

Yet the administration's attention to human rights standards dropped precipitously when it came to Haitian asylum-seekers. Despite escalating violence of such severity that international monitors were forced to evacuate the country, the administration insisted on summarily returning Haitian boat people to the Haitian army, on the same dock where its own observer troops would not land, without any attempt to identify and exempt those who risked persecution. U.S. government centers set up in Haiti to interview would-be refugees offered small consolation, as those willing to risk travel to the centers faced indefinite waits.

The administration successfully defended a stingy reading of refugee law before the U.S. Supreme Court, by arguing that the prohibition against forcibly repatriating refugees applied only once refugees reached land. It then showed a similar lack of generosity when it stopped three boats laden with Chinese migrants off the coast of Mexico, undertook only superficial attempts to screen for refugees, and then pressured Mexican authorities to accept and repatriate their passengers.

The Work of Human Rights Watch

The increasing willingness of the United Nations to initiate peacekeeping and humanitarian operations in defense of human rights prompted a corresponding shift in emphasis in the work of Human Rights Watch. While encouraging U.N. involvement in appropriate cases, we felt a duty to scrutinize U.N. operations, to ensure they remained true to the human rights principles that in theory were guiding them. We examined the conduct of U.N. representatives in Angola, Cambodia, El Salvador, Iraq, Liberia, Somalia, Sudan and the former Yugoslavia. As outlined earlier, we found U.N. actions wanting in significant respects, particularly the tendency to devalue the importance of justice.

Our work on the United Nations was facilitated by our receipt of formal consultative status. The last time our application for U.N. consultative status was considered, in 1991, it was blocked under a voting system that gave a veto to any member of the pertinent committee. In light of this privilege, many of the most abusive governments flocked to the committee, and our application was rejected with vetoes by Cuba, Iraq, Libya and Sudan. In 1993, when similar vetoes seemed likely, the U.N. broke its usual procedure and, for the first time in memory, called for a vote. Our application was approved by an

overwhelming majority.

Our monitoring of U.N. field operations was also facilitated by our broad mandate, which has long extended not only to traditional violations of civil and political rights, but also to violations of the laws of war, including such abuses as indiscriminate shelling, the targeting of civilians, the use of starvation as a weapon of war, forcible displacement, and the use of indiscriminate weapons such as chemical weapons and landmines.

This mandate also permitted us to address conduct by both governmental and guerrilla forces. We devoted extraordinary attention to the conflict in the former Yugoslavia, and also investigated or reported on abuses in the course of conflicts in Angola, Burundi, Cambodia, Colombia, Georgia, Iraq, Kashmir, Lebanon, Liberia, Mozambique, Nagorno-Karabakh, Northern Ireland, Peru, Rwanda, Somalia, Sudan, Tajikistan, and Turkey.

As this introduction demonstrates, we attach special importance to seeking accountability for gross abuses of human rights. We collected large quantities of evidence of war crimes and crimes against humanity in the former Yugoslavia, which we shared with the U.N. War Crimes Commission and hope to share with the War Crimes Tribunal, once it is functional. For much of the year, we pressed for the establishment of the tribunal, the naming of an aggressive prosecutor with a record of action on behalf of human rights, and appropriate funding. While the tribunal has been established and a prosecutor has been named, we fear that continuing critical scrutiny will be needed in 1994.

Our emphasis on accountability was also reflected in our massive research project into the genocidal campaign, known as the *Anfal*, waged by Iraq against its northern Kurdish population in 1988. We have collected some 350 testimonies from victims and survivors of the *Anfal*, and are well along in our review of literally tons of documents of the Iraqi secret police that were seized by the Kurds during the 1991 uprising and airlifted to the United States. We are in the process of seeking a governmental plaintiff to bring a case against Iraq before the International Court of Justice, the World Court, for violating the Genocide Convention. The quest for accountability was also central to our work in such places as Cambodia, El Salvador, Guatemala, Haiti, Peru, and Somalia.

We devoted substantial resources to an effort to stop the growing epidemic of communal violence. As in 1992, we saw our function as highlighting the governmental role in such violence, to point the way toward ending the violence and avoiding new outbreaks. Our broad mandate allowed us to address problems of discrimination, which often spark communal strife. Illustrative of our work was our reporting in 1993 on India, Kenya, Latvia, South Africa, the former Yugoslavia, and Zaire.

Despite the compelling nature of wartorn situations, we devoted considerable attention to addressing traditionally repressive governments. We sought to protect and enlarge the

political space for the independent institutions that make up civil society. Foremost among our concerns was protecting nongovernmental human rights organizations. Again our broad mandate, which allows us to address not only issues of imprisonment but also noncustodial restraints on civil society, was central to the task. In addition, we kept up pressure on governments where the emergence of civil society is still limited, as in Burma, China, Cuba, Kuwait, Lebanon, and Saudi Arabia.

With an office in Moscow, we closely scrutinized the Russian government's human rights practices. Our monitoring addressed the government's conduct toward its own citizens and, through its military policies, toward the governments of the "near abroad" of the former Soviet Union.

We sent a substantial delegation to the World Conference on Human Rights, where we sought to highlight the conceptual threat to the human rights movement noted above, and to rally sympathetic governments to respond forcefully. We also published two reports to contribute to the discussion in Vienna, a worldwide survey of prison conditions, and a review of U.N. field operations.

Perhaps our most visible presence in Vienna was our Women's Rights Project, launched in 1990 to remedy traditional neglect of women's rights issues. In 1993, the Women's Rights Project addressed rape in the course of conflicts in Peru and Bosnia, forced trafficking of Burmese women and girls in Thailand, discriminatory forced virginity exams in Turkey, and mistreatment of Somali refugees in Kenya.

Our Arms Project, formed in late 1992, made its mark with a groundbreaking global report on the scourge of landmines. The report was timed to correspond with efforts at the United Nations to amend the Land Mines Protocol from a regulatory to an abolitionist legal regime. The Arms Project also investigated arms transfers and related abuse in Argentina-Brazil-Chile, Georgia, India-Pakistan, Lebanon, and Rwanda.

We continued to devote substantial time and effort toward shaping U.S. foreign policy. The advent of the Clinton administration, including several officials who are strong advocates for human rights, provided new opportunities. But the need for strong vigilance remained, since the administration often allowed countervailing interests to prevail over the consistent promotion of human rights.

In keeping with our belief that third-party governments and institutions can exert considerable influence on behalf of human rights, we took steps in 1993 to expand our advocacy work to the European Community. In early 1994, we plan to open an office in Brussels to address the E.C.'s human rights policy, and to scrutinize compliance with its stated commitment to link external assistance to the human rights record of the beneficiary. Several chapters of this report include discussion of the policy

of the E.C. or its member states. We also continued to work with the Japanese government to encourage it to live up to its commitment to condition foreign aid on human rights grounds. The chapter on Japan in this report analyzes Japan's evolving human rights policy.

We have always prided ourselves on the flexibility of our advocacy efforts, and one particularly noteworthy undertaking was our campaign to deprive Beijing of the prestige of hosting the 2000 Olympic Games because of its deplorable human rights record.

The hard-fought campaign, launched when it seemed only a pipedream, paid off in September when the International Olympic Committee rejected Beijing's bid by the narrowest of margins. In countries where international assistance was not substantial, particularly in China and Central Asia, we also increased our efforts to enlist the support of the business community in promoting human rights.

Our work on human rights in the United States in 1993 focused on the treatment of migrants and refugees seeking to enter U.S. territory. We investigated and reported on abuse by the Border Patrol along the U.S.-Mexican border, the U.S. government's summary repatriation of Haitian asylum-seekers, its inadequate attempts to compensate for this illegal policy by substituting an in-country processing center in Haiti, and its proposed restrictions on asylum procedures in the United States.

In addition, in a joint project with the American Civil Liberties Union, we are scheduled to publish in late 1993 an assessment of U.S. compliance with the International Covenant on Civil and Political Rights, which the U.S. government formally ratified in September 1992.

What follows is a review of human rights in 68 countries. As noted, the report covers 1993, through the end of November, plus the last month of 1992. For each country, we describe some of the major human rights developments of the year, restrictions on human rights monitoring in that country, U.S. human rights policy toward the country (sometimes supplemented by a discussion of the role of other governments and international actors, such as the U.N.), and our own response to these developments. This is our eleventh annual review of U.S. human rights policy, and the fourth report that also describes human rights developments worldwide.

This volume does not include a chapter on every country on which we have worked. Nor does it discuss every issue of importance. Rather, the countries and issues treated reflect the focus of our work, which in turn is determined by a variety of factors: the seriousness of abuses, our access to information about them, our ability to influence abusive practices, and our desire to balance our work across various political and other divides.