

INTRODUCTION

INTERNATIONAL HUMAN RIGHTS STANDARDS ARE BUILT ON THE PRINCIPLE OF UNIVERSALITY, THE FUNDAMENTAL PREMISE THAT THEY APPLY EQUALLY TO ALL NATIONS WITHOUT EXCEPTION. BECAUSE EVERY GOVERNMENT HAS ITS OWN PARTICULAR REASONS FOR VIOLATING HUMAN RIGHTS—WHETHER TO SILENCE AN AWKWARD CRITIC OR GRANT ITS MILITARY A BIT MORE LATITUDE IN BATTLE—EXCEPTIONS TO THE PRINCIPLE OF UNIVERSALITY THREATEN THE ENTIRE SYSTEM FOR THE DEFENSE OF HUMAN RIGHTS.

THE UNIVERSALITY OF HUMAN RIGHTS CAME UNDER SUSTAINED ATTACK IN 1997. AS IN PREVIOUS YEARS, GOVERNMENTS SEEKING TO JUSTIFY THEIR AUTHORITARIAN CONDUCT FOUND IT CONVENIENT TO CHALLENGE UNIVERSALITY, USUALLY IN CIRCUMSTANCES IN WHICH THEIR REPRESSION PRECLUDED REBUTTAL BY THE PEOPLE IN WHOSE NAME THEY CLAIMED TO SPEAK. IN THE PAST YEAR, A PARALLEL AND INSIDIOUS CHALLENGE WAS ALSO PARTICULARLY PRONOUNCED—AN UNWILLINGNESS ON THE PART OF SEVERAL MAJOR POWERS TO UPHOLD HUMAN RIGHTS IN THEIR DEALINGS WITH KEY ABUSIVE COUNTRIES, AND AN INCREASING RELUCTANCE TO SUBJECT THEIR OWN CONDUCT TO INTERNATIONAL HUMAN RIGHTS STANDARDS.

AS THIS REPORT DESCRIBES, THE MAJOR POWERS SHOWED A MARKED TENDENCY TO IGNORE HUMAN RIGHTS WHEN THEY PROVED INCONVENIENT TO ECONOMIC OR STRATEGIC INTERESTS—AN AFFLICTION COMMON TO BOTH EUROPE AND THE UNITED STATES. CHINA WAS THE LARGEST BENEFICIARY OF THIS SELECTIVE COMMITMENT TO HUMAN RIGHTS, BUT A NEW CHALLENGE FROM CENTRAL AFRICA ALSO MET A DISAPPOINTINGLY WEAK RESPONSE. IN ADDITION, THE U.S. GOVERNMENT DISPLAYED THE ARROGANCE OF A GREAT POWER IN OBSTRUCTING THE STRENGTHENING OF INTERNATIONAL HUMAN RIGHTS STANDARDS AND INSTITUTIONS. ITS ACTIONS REFLECTED A CYNICAL VIEW OF HUMAN RIGHTS AS STANDARDS TO BE EMBRACED ONLY IF THEY CODIFY WHAT THE U.S. GOVERNMENT ALREADY DOES, NOT IF THEY ENSHRINE WHAT THE AMERICAN PEOPLE OUGHT TO ACHIEVE. THE PROSPECTS FOR PEACE IN BOSNIA AND AN EFFECTIVE INTERNATIONAL SYSTEM OF JUSTICE WERE ALSO JEOPARDIZED BY THE REFUSAL OF THE NORTH ATLANTIC TREATY ORGANIZATION (NATO) TO FOLLOW A BRITISH LEAD AND ARREST INDICTED WAR CRIMINAL SUSPECTS—A SHORT-SIGHTED ABDICATION OF RESPONSIBILITY DUE IN

LARGE PART TO THE PENTAGON'S OVERRIDING PREOCCUPATION WITH AVOIDING ALL POSSIBLE RISKS TO ITS TROOPS.

FORTUNATELY, AS THE MOST POWERFUL GOVERNMENTS WAVERED IN THEIR DEFENSE OF HUMAN RIGHTS, A NEW SET OF ACTORS, BOTH GOVERNMENTAL AND NONGOVERNMENTAL, CAME TO THE FORE. IN NEGOTIATIONS TO BAN ANTI-PERSONNEL LANDMINES AND ESTABLISH AN INTERNATIONAL CRIMINAL COURT, ALLIANCES EMERGED OF SMALL AND MEDIUM-SIZED STATES FROM BOTH THE NORTH AND THE SOUTH. MANY OF THE SOUTHERN GOVERNMENTS, HAVING EXPERIENCED AND OVERCOME REPRESSION, BROUGHT AN IMPORTANT VOICE OF APPRECIATION FOR HUMAN RIGHTS. WITH THEIR SUCCESS IN CIRCUMVENTING THE U.S. GOVERNMENT'S OPPOSITION TO A LANDMINES BAN, THESE NEW COALITIONS COULD ASSUME IMPORTANT LEADERSHIP ROLES BY INSISTING ON THE PRINCIPLE OF UNIVERSALITY AND A STRONG DEFENSE OF HUMAN RIGHTS WHEN THE COMMITMENT OF THE MAJOR POWERS IS LACKING.

WHAT FOLLOWS IS HUMAN RIGHTS WATCH'S REVIEW OF HUMAN RIGHTS PRACTICES IN SIXTY-FIVE COUNTRIES. THIS REPORT IS RELEASED IN ADVANCE OF HUMAN RIGHTS DAY, DECEMBER 10, 1997, WHICH LAUNCHES CELEBRATIONS OF THE 50TH ANNIVERSARY OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS THE FOLLOWING YEAR. THE REPORT COVERS EVENTS FROM DECEMBER 1996 THROUGH NOVEMBER 1997. MOST CHAPTERS EXAMINE SIGNIFICANT HUMAN RIGHTS DEVELOPMENTS IN A PARTICULAR COUNTRY; THE RESPONSE OF GLOBAL ACTORS, SUCH AS THE UNITED STATES, THE EUROPEAN UNION, JAPAN, THE UNITED NATIONS, AND VARIOUS REGIONAL ORGANIZATIONS; AND RESTRICTIONS ON HUMAN RIGHTS MONITORING. OTHER CHAPTERS ADDRESS THEMATIC ISSUES. THIS INTRODUCTION DESCRIBES CERTAIN PATTERNS AND TRENDS THAT HUMAN RIGHTS WATCH HAS DISCERNED IN THE COURSE OF ITS WORK OVER THE PAST YEAR.

THIS VOLUME IS HUMAN RIGHTS WATCH'S EIGHTH WORLD REPORT ON GLOBAL HUMAN RIGHTS PRACTICES. IT DOES NOT INCLUDE A CHAPTER ON EVERY COUNTRY WHERE WE WORK, NOR DOES IT DISCUSS EVERY ISSUE OF IMPORTANCE. THE FAILURE TO INCLUDE A COUNTRY OR ISSUE OFTEN REFLECTS NO MORE THAN STAFFING AND FUNDING LIMITATIONS, AND SHOULD NOT BE TAKEN AS COMMENTARY ON THE SIGNIFICANCE OF THE RELATED HUMAN RIGHTS CONCERNS. OTHER FACTORS AFFECTING THE FOCUS OF OUR

work in 1997 and hence the content of this volume include the severity 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 regional divides and to address certain thematic concerns.

Beyond the Major Powers: A New Global Partnership

The awarding of the 1997 Nobel Peace Prize to the International Campaign to Ban Landmines signaled a new era in which nongovernmental organizations (NGOs), working closely with sympathetic governments from the developed and developing world, can set the international human rights agenda despite resistance from some major powers. Inspired by the victory in the battle over anti-personnel landmines, a similar coalition is now seeking to establish a strong and independent International Criminal Court to bring the most culpable human rights criminals to justice. Other NGO efforts of note include attempts to hold multinational corporations to human rights standards, to continue integrating women's rights into the human rights agenda, and to secure the arrest of indicted war criminal suspects in Bosnia.

This important role for NGOs reflects their essential function in modern society. Isolated individuals rarely have the capacity to devise solutions to today's complex problems and secure their implementation. Only by banding together, by merging their expertise, voice, and influence, can individuals hope meaningfully to address today's challenges. Governments and increasingly corporations exert a powerful influence on society, but governments are often hostage to powerful special interests, while corporations are driven above all by the quest for financial profit. Frequently, neither serves as an effective conduit for the concerns of ordinary citizens. As the past year showed, NGOs can help to fill that void.

Landmines

The campaign against anti-personnel landmines illustrates this NGO role. Less than a decade ago, a handful of NGOs working in war-torn countries began to comprehend the terrible humanitarian cost of landmines. In such countries as Cambodia, Angola, Somalia, and Bosnia, it was apparent that scores of ordinary civilians fell victim to these indiscriminate weapons, often far from war zones or long after conflict had ended. By reporting on the scope and severity of the problem—landmines are estimated to kill or maim some 26,000 civilians each year—a small group of NGOs brought the issue to international attention. With time, the International Campaign to Ban Landmines grew from its six founding members, including Human Rights Watch, to a vibrant coalition of over 1,000 NGOs in more than sixty countries.

The NGOs actively solicited and gained some major governmental allies, as when France agreed to call for an international conference to review international law regulating landmines, or when a U.S. senator, Patrick Leahy, sponsored legislation suspending the use and export of landmines. But what was notable about the landmines campaign was the central role played by governments that were not major powers. Spanning north-south lines, these included Austria, Belgium, Canada, Mexico, Mozambique, Norway, and South Africa. NGOs encouraged these governments to pursue a ban despite the resistance of some major powers. NGOs also brought expertise to the drafting of a ban treaty and mobilized a global network of allied organizations to build public pressure for a ban.

The importance of the NGO campaign was recognized during the final treaty negotiations in Oslo, when the International Campaign was given official observer status, with access to all deliberations and the right to make interventions—a first for NGOs in an arms control or humanitarian law treaty negotiation.

Also instrumental to the success of the landmines effort was the decision to proceed toward a treaty outside the straitjacket of the recent United Nations preference for "consensus," in which every government is given a veto. Rather than insisting that all governments embrace the new treaty from the start, the plan was to establish a strong international norm and then pull in reluctant governments through moral pressure. Since governmental obstruction could no longer take place during the arcane, back-room maneuvering of U.N. negotiations, the public could readily see whether governments joined the ban or not. Public pressure thus proved

to be a powerful factor.

As this report is released in early December 1997, more than one hundred governments are expected to assemble in Ottawa to sign a treaty unconditionally banning the use, production, stockpiling, and transfer of anti-personnel landmines—the first time that states have outlawed an entire weapons system that has been in widespread use. The moral force created by this alliance between NGOs and governments has succeeded in attracting even some of the reluctant major powers—the United Kingdom, France, and Japan—but not yet such governments as the United States, China, Russia, India, or Pakistan. Efforts will now turn toward persuading the holdouts to join the rest of the world.

An International Criminal Court

The power of this partnership between NGOs and small and mid-sized governments was also evident in the progress made toward a permanent international criminal court (ICC). The ICC would be a genuinely international court, with its own judges, prosecutors and investigators, which would be available to try those responsible for genocide, war crimes or crimes against humanity when national judicial systems fail to do so. It would add the threat of criminal prosecution to the human rights movement's traditional tools of stigmatizing abusive governments and denying them certain forms of aid. Just a few years ago, the ICC was only a dream. Today, it appears on the verge of becoming a reality, as plans are being set for the treaty establishing the court to be finalized in Rome in July 1998. Most strikingly, this feat has been accomplished despite the resistance of the permanent five members of the U.N. Security Council. Again, NGOs played a central role in this progress.

A strong and independent court could be a powerful supplement to the Security Council, since it promises to deter the gross abusers of human rights who lie behind most of today's threats to international peace. Unfortunately, allowing narrow self-interest to take precedence over the duty entrusted them to uphold international security, the permanent Security Council members seemed to see the ICC only as a threat to their power and sovereignty. Led by the United States, with backing from France and, at times, the United Kingdom, these governments formally endorsed an ICC while trying to weaken it and subordinate it to their Security Council prerogatives. They proposed that a broad range of prosecutions be approved in advance by the Security Council, that the ICC prosecutor be denied the right to initiate prosecutions on his or her own, that the number of crimes that the ICC is allowed to address without the consent of interested governments be limited, and that the ICC lend extraordinary deference to national judicial proceedings.

A group of human rights organizations from the United States, Europe and the developing world, again including Human Rights Watch, has sought to block this short-sighted effort. A caucus of women's rights advocates and organizations also played an important role in highlighting the need to incorporate crimes of sexual and gender violence as an integral part of an ICC. Bringing expertise about the legal and political issues to be resolved, these organizations have helped to build a broad coalition of some forty states from the developed and developing world to transform what might have become a North-South controversy into one that pits most of the world against the permanent Security Council members and a collection of implacable opponents of human rights institutions. Thus, a broad range of voices from the South, including Argentina, Egypt, Ghana, Malawi, South Africa, and South Korea, have joined traditionally supportive states from the North. Because many of these southern governments have completed transitions from authoritarian to democratic government, they speak with special authority about the importance of having an institution of justice that would remain above pressures for impunity from local forces.

The coalition of NGOs and these "like-minded" states still faces major obstacles in securing an independent and effective ICC. As described more fully below, a big challenge facing the governmental friends of an ICC is abandoning an approach that links the success of the ICC to early ratification by the United States—linkage that will only force the ICC to the level of one of its least enthusiastic supporters. It is time to leave the United States behind until the day that it transcends the great power arrogance toward international human rights

institutions that currently prevails in Washington. The new partnership between NGOs and small and mid-sized governments offers hope that this will occur.

Multinational Corporations

The collective power of NGOs is also seen in the growing movement to hold multinational corporations accountable for their human rights practices. The growth of the global economy means that multinational corporations today wield considerable influence on human rights. As economically influential actors, they can help bolster a repressive regime or steer it toward greater observance of human rights. As the operators of major business enterprises, they can set an example of indifference to or respect for these rights.

Governments have shown little interest in the issue of corporate responsibility for human rights, for fear of jeopardizing trade and investment opportunities. The trade agreements negotiated by governments have so far either ignored labor rights standards, as in the case of the World Trade Organization (WTO), or relegated them to weak side agreements, as NAFTA did. For example, the Clinton administration in 1997 unsuccessfully sought "fast-track authority" to negotiate trade agreements, but without any commitment to securing labor rights protection as an integral part of such agreements. In December 1996, the administration tried to introduce labor rights into WTO discussions, but it lacked credibility because it had not ratified the core conventions of the International Labour Organisation. While establishing a White House task force of business and labor leaders in the apparel industry and asking them to negotiate voluntary standards, the administration refused to press for legislated human rights standards or even to articulate its own preferred standards.

Yet today, multinational corporations in growing numbers are adopting codes of conduct that incorporate human rights standards. Some corporations are genuinely concerned about human rights and seek voluntarily to improve their practices. Many, however, are responding to public pressure built by NGOs in the developed and developing world, including Human Rights Watch, together with labor unions and the press. In the place of official legal regimes, NGOs are monitoring corporate practices, denouncing misconduct, and arousing public outrage over corporate abuses. To avoid tarnishing their public images, these corporations have taken preemptive steps by adopting human rights standards to guide their operations. Increasingly, the debate is not about whether corporations should respect human rights standards, but about which standards they have a duty to uphold and how best to monitor whether they are doing so.

While there are many NGOs reflecting a variety of interests, one overriding NGO concern is ensuring that competition among businesses is not waged through repression. Wages or factory costs can be kept low by denying workers the opportunity to speak out and organize around issues of salary and working conditions. But governments should not be encouraging competition through the suppression of the rights of workers.

Much remains to be accomplished before multinational corporations will reliably act to enhance respect for human rights. The codes adopted by many corporations remain disturbingly vague. Most do not address such difficult issues as working in countries where independent trade unions are barred, as in China, Vietnam, or Indonesia, or where operations depend for their security on police, military or paramilitary forces that have a history of abuse, as in mining or oil or gas-producing areas in Burma, Colombia, Nigeria or Indonesia. Only the rare code enables independent monitoring of a company's compliance—a step that is essential to the credibility of company vows to respect rights standards.

Yet, NGO pressure helped to achieve results in 1997. To cite three examples in which Human Rights Watch took the lead, General Motors agreed to stop testing women job applicants for pregnancy (previously the company had refused to hire pregnant job seekers); Phillips-Van Heusen became the first operator of a maquiladora (export-processing plant) in Guatemala to negotiate with a labor union, and then reached a collective bargaining agreement; eighteen U.S. manufacturers of anti-personnel landmine components pledged to cease their involvement in landmine production; numerous companies pulled out of Burma; and even oil companies like Royal Dutch/Shell and British Petroleum voiced a still-to-be-tested interest in complying with human rights standards.

Ultimately, corporate respect for human rights cannot depend on NGO monitoring alone. The collective resources of NGOs are too small for them to be the exclusive avenue of enforcement. Government action will be needed, at both the national and international levels, to obligate corporations to respect human rights standards.

But, today, while governments are unwilling to insist that corporations not profit from repression, a vibrant and burgeoning NGO movement is leading this campaign.

Lost Luster for the "Asian Concept of Human Rights"

For several years, a number of Asian governments have attacked the universality of human rights by trumpeting a supposed "Asian concept of human rights." Asian officials, particularly in China, Burma, Singapore, Malaysia, and Indonesia, have long insisted that Asian people prefer order to freedom, and that this order is the best means to secure economic growth. These claims have always been suspect, since they were usually made by those in power. The economic and environmental crises that plagued Southeast Asia in 1997 undermined their credibility all the more. The lack of free debate about important public issues and the practice of closed official decision-making produced unaccountable governments whose policies exacerbated these crises. It became clear that freedoms of expression and association, far from the impediments to order that Asian leaders decry, were essential to producing responsive governments that would safeguard the basic well-being of Asian people.

Malaysian Prime Minister Mahathir bin Mohamad provided the best illustration of the emptiness of the economic justification for repression. In July, he proposed a review of the Universal Declaration of Human Rights, as if the freedoms of expression and association that it guaranteed were inapplicable to Asia. By the end of the year, taking advantage of the diminished risk of contradiction that comes from the absence of free public debate, he deepened his country's economic crisis by attempting to deflect blame for it to foreign currency speculators.

A similar lack of accountability in Indonesia lay behind its economic crisis as well as the environmental crisis originating in Indonesian forest fires that produced a thick, unhealthy haze over much of Southeast Asia from September to November. Corruption and nepotism drove the economic crisis, while sweetheart land deals and irresponsible land-clearing methods created the environmental crisis. Each was the direct result of a government that was not answerable to its people.

The importance of civil and political rights to the physical well-being of people was also demonstrated in North Korea, where a devastating famine threatened millions with starvation. Severe restrictions on public debate within the country led to disastrous economic policies, precluded a clear understanding of the extent of the problem, and undermined effective international and national responses.

A New Challenge to Human Rights in Central Africa

As the Asian threat to the universality of human rights lost credibility, a parallel challenge emerged in Central Africa and attracted surprising sympathy in the West. Unlike the Asian variant, which was stated in cultural terms, the African challenge sought to justify deviations from human rights standards in political terms, as temporarily necessary to rebuild nations recently liberated from highly repressive regimes. Ugandan President Yoweri Museveni, the leading intellectual author of this theory of "nonparty democracy," argued that in these times a "movement" is adequate to meet the needs of the people. Under the slogan of "African solutions to African problems," supporters of this concept offered what was essentially a recycled version of the one-party state, except that they advocated capitalism instead of socialism as the economic base of the state. Like its Asian counterpart, the "movement system" was used in 1997 to justify tight control on speech, assembly, association, and democratic institutions. This thin cover for repression found adherents among the new generation of leaders in Eritrea, Ethiopia, Rwanda, and the Democratic Republic of the Congo (DRC), who have been dubbed the "soldier princes."

Within the DRC, government forces aided by soldiers from Rwanda, Uganda and Angola killed thousands of civilians, most of them Rwandan refugees, as they fought the war that deposed Mobutu Sese Seko and installed Laurent Kabila as president. Inside Rwanda, the government army murdered thousands of noncombatants in the course of an indiscriminate campaign against a brutal insurgency, which itself took many civilian lives. Leaders of the DRC and Rwanda did not challenge the validity of international humanitarian law prohibiting such slaughter. Instead, they tried to hide or minimize the extent of the killings by impeding independent investigation of the crimes. At the same time, they argued—as in the case of violations of civil and political rights—that the killings were justified by the context of overthrowing a tyrant in the DRC and combatting forces responsible for the genocide of 1994 and now waging war again in Rwanda.

Policymakers in Europe and North America showed moral myopia towards violations of civil and political rights and even the massive slaughter of civilians. Well aware of the complexity of the central African crises, they hesitated to discourage the initiative shown by the “soldier princes,” whose decisive action would, they hoped, contribute to stability in the region. They believed that the dynamic, media-savvy, militarily competent leaders represented a potential for moving beyond the tragedies of the past—a solution that could pull along a considerable part of the continent. They also seemed eager to minimize discussion of abuses in order to move on to talks about exploiting the vast mineral wealth of the DRC.

The U.S. government was particularly conspicuous in its tolerance of grave human rights violations. It provided strong political support and some military training to Rwanda before and during the time when its troops were waging war in the DRC and hunting down civilians in the rainforest. U.S. officials in Rwanda and Washington covered up the Rwandan presence in the DRC and obfuscated the number of civilians at risk in the region, hence delaying and eventually contributing to the halt of an international force designed to protect them.

The U.S. government also consistently put the best face on the conduct of Rwandan government troops and officials within Rwanda, refraining from firm and prompt condemnation of abuses. U.S. embassy officials in Kigali even suggested that independent critics should not publicize these abuses.

With the exception of the European humanitarian aid commissioner, Emma Bonino, and Belgian Minister of Cooperation Reginald Moreels, most European leaders kept quiet about atrocities committed in the DRC. A delegation of the European Commission initially recommended resuming structural aid in light of the “positive political environment” that it found on a visit to the DRC.

Ultimately, both the U.S. and European governments declared that the DRC must cooperate with a U.N. investigation into the massacres in order to receive assistance. They thus tacitly recognized that, as in the case of Mobutu's Zaire, aid to the DRC government would be squandered, or even underwrite repression, unless the government was made accountable under a regime of respect for human rights and the rule of law. But the international community's efforts to demand accountability were weakened by its own past record of inaction in the face of the Rwandan genocide and Mobutu's many years of repression. U.S. insistence that donors meet for a preliminary consideration of aid to the DRC in September, before the U.N. investigation had begun, suggested that it was not firmly committed to insisting on justice. For much of the year, local leaders played skillfully on the international community's past mistakes to justify obstructing the investigation into the massive civilian slaughter.

As this report went to press in mid-November, the DRC government had vowed to allow the U.N. investigation to go forward, although it remained unclear whether this vow would be respected.

International inaction at the time of the slaughter suggested that future massive killings would also provoke no interference from abroad, a particularly dangerous proposition given the current insurgency in Rwanda, the ongoing civil war in Burundi, and the renewed combat in eastern DRC. The fardy and uncertain demands for justice in the DRC also threatened to undermine the international effort to secure justice for the Rwandan genocide, which could now be viewed as a matter of convenience rather than principle. Failure to insist on justice for the victors in the DRC while prosecuting the genocidal losers of the Rwandan conflict risked sending the message

that it was not violations of international law that were being punished but rather such violations in defeat.

The government of Ethiopian President Meles Zenawi also benefited from this deferential attitude on the part of the international community. Despite government restrictions imposed on opposition political parties, critical press reporting, and independent associations, both the E.U. and the U.S. increased aid to the country without using this financial leverage to secure improvements in the government's human rights performance. The augmented U.S. aid included increased military assistance in the name of fighting Sudanese terrorism.

International acquiescence in the abuses of these new leaders is particularly disappointing because it came just when much of southern Africa was showing great promise on human rights. The fostering of strong human rights cultures by the governments of South Africa, Botswana, Malawi, and Namibia showed how wrong it is to condemn the rest of the continent to lesser expectations.

The international community did manage to exert useful pressure to curb abuses on two older-style leaders, in Kenya and Zambia, and to maintain pressure for democratization in Nigeria.

The Danger of Indulging Great Power Arrogance on Human Rights

In addition to the challenges to the universality of human rights emanating from Asia and Africa, a growing threat emerged in 1997 in the unwillingness of the U.S. government to subject itself to international human rights law. This arrogance was most apparent in U.S. efforts to block the strengthening of human rights standards and institutions, but it also could be seen in the U.S. government's unwillingness to permit the application of existing international standards at home. Within the U.S. government, the Pentagon has been the principal opponent of full participation in the international human rights system. But ultimate responsibility lies with President Clinton for refusing to override its parochial objections.

There are many reasons that the United States might be expected to embrace international human rights law. With its strong constitutional rights tradition, the United States should be particularly comfortable with a rights-based international legal regime. And as a global economic and military power, the United States would seem to have an interest in curtailing the threats to commerce, public welfare, and international peace that serious abuses of human rights often portend. Instead, the U.S. government's attitude toward international human rights law remained one of deep distrust.

A Narrow Embrace of Human Rights

In the case of the handful of treaties it has ratified so far, such as the International Covenant on Civil and Political Rights (ICCPR) or the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), it carefully entered reservations, declarations, and understandings in any area that it perceived expanded on existing U.S. law. This stingy form of ratification reflected a view that international human rights law was to be embraced only if it codified current U.S. practice, not if it required any improvement. Apparently to guard against any evolution in the strength of international protection, the U.S. government ratified these treaties in a way that denied U.S. citizens the right to insist on compliance before either U.S. courts or international institutions. The result was that ratification became an empty gesture for external consumption rather than an act that strengthened rights protections for Americans.

The U.S. government's one report on its compliance with the ICCPR reflected the same attitude. It reviewed the rights enshrined in U.S. constitutional law without any effort to examine whether that law ensured that Americans enjoyed the rights guaranteed them by international standards in practice. This is hardly an academic point, since, as Human Rights Watch reports have shown, U.S. practice falls short of international standards in such areas as police abuse, the treatment of prisoners, abuse by the border patrol, the treatment of asylum seekers, and the application of the death penalty. As this report goes to press, the U.S. government is also more than two years late in issuing its required reports under CERD and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

In addition, the U.S. government has so far refused to ratify several core human rights treaties. One egregious example is the Convention on the Rights of the Child, which has been ratified by 191 governments—representing every country of the world except for Somalia, which has no recognized government, and the United States. The U.S. government has also not ratified the Convention on the Elimination of All Forms of Discrimination Against Women; the International Covenant on Economic, Social and Cultural Rights; the Additional Protocols of 1977 to the Geneva Conventions of 1949 (which prohibit such forms of warfare as the indiscriminate bombing of civilians); the American Convention on Human Rights, and several key labor rights conventions of the International Labour Organisation. When, in September and October 1997, the U.N. special rapporteur on extrajudicial, summary, or arbitrary executions visited the United States to look into the arbitrariness with which the United States applies the death penalty and police officer's use of lethal force, Washington gave him the cold shoulder by relegating him to low-level officials.

Blocking New Human Rights Standards and Institutions

In the past year, the U.S. government has actively obstructed the emergence of human rights standards designed to strengthen international law and institutions, as shown in the U.S. position on landmines, child soldiers, and the International Criminal Court. On landmines, President Clinton endorsed their "eventual" abolition but, meanwhile, sought to insert various loopholes and exceptions into the unconditional ban offered by the Canadian government and now embraced by more than one hundred countries. The Clinton administration's principal argument was that it needed landmines to defend South Korea, but since many governments have similar reasons for wanting to retain a landmines option, the U.S. position threatened to undermine a ban by riddling it with exceptions. The Pentagon also sought to exempt permanently from an anti-personnel landmines ban certain types of self-destructing "smart" mines—those that come in mixed systems with anti-tank mines—even though other governments during the treaty negotiations rejected U.S. efforts to redefine these anti-personnel mines as mere "submunitions." The Pentagon would undoubtedly incur some cost and risk in genuinely stopping its use of landmines, but so will many of the one hundred other governments that will be signing the treaty in Ottawa in the interest of building a norm that could help save thousands of innocent landmine victims each year.

The U.S. government also stands virtually alone in opposing a ban on the use of children under the age of eighteen as soldiers. Stopping the use of child soldiers by governments and armed opposition groups in such countries as Liberia, Sudan, Uganda, Burundi, and Sri Lanka—an estimated quarter of a million children are under arms worldwide—would end a practice that leaves the children physically at risk, emotionally traumatized, and a danger to anyone they encounter. Such a ban would be attached as an optional protocol to the Convention on the Rights of the Child. The U.S. government has opposed codifying this ban even though, as noted, it is one of only two countries not to have ratified the underlying treaty, and it would be entirely optional whether signatories to the principal treaty would also endorse the protocol. The only apparent reason for the Clinton administration's obstruction is that the Pentagon finds it somewhat easier to reach its enlistment goals if it entices seventeen-year-olds to sign up for military service. Although only about one percent of the U.S. military is composed of such underage recruits, the Pentagon refuses to give up this recruitment practice in the interest of building a strong international norm against the use of child soldiers.

On the International Criminal Court, as noted, the U.S. government insisted on various restrictions that would weaken the court's independence and effectiveness. The goal seemed to be avoiding even the remotest possibility that an American soldier, pilot, or political leader might end up in the dock of the ICC. But that insistence on an effective U.S. exception—one that the other four permanent members of the Security Council were quick to demand for themselves—risked the universality on which any international system of justice must be built.

This attitude was best seen in the U.S. position on the requirement that the Security Council consent to any prosecution stemming from a situation that the council is confronting under its authority to address threats to peace under Chapter VII of the U.N. Charter. Washington's stated fear was that prosecution of those behind

GENOCIDE, WAR CRIMES, OR CRIMES AGAINST HUMANITY MIGHT JEOPARDIZE EFFORTS TO ESTABLISH PEACE. BUT BY SUGGESTING THAT PROSECUTIONS MIGHT BE A MERE BARGAINING CHIP, TO BE SACRIFICED IN THE COURSE OF PEACE NEGOTIATIONS, THIS POSITION WOULD ONLY EMBOLDEN THOSE COMMITTING ATROCITIES, BY OFFERING A WAY TO AVOID PROSECUTION WHEN IT COMES TIME TO TALK PEACE. THAT WOULD ONLY ACCENTUATE THE THREAT TO PEACE THAT THESE ABUSIVE INDIVIDUALS PRESENT.

THAT SELF-PROTECTION MIGHT HAVE BEEN THE DOMINANT AMERICAN MOTIVE COULD BE SEEN IN THE U.S. RESPONSE TO A COMPROMISE SUGGESTED BY SINGAPORE. UNDER THIS COMPROMISE, IF PROSECUTIONS WOULD CLEARLY THREATEN PEACE EFFORTS, THE SECURITY COUNCIL COULD HALT OR DELAY THEM, BUT ONLY BY A MAJORITY VOTE OF THE WHOLE COUNCIL. BUT THE UNITED STATES INSISTED ON SECURITY COUNCIL PERMISSION BEFORE PROSECUTIONS GO FORWARD, MEANING THAT, BY VIRTUE OF ITS VETO, THE U.S. GOVERNMENT COULD SINGLE-HANDEDLY BLOCK ANY PROSECUTION.

EVEN IF THE U.S. WERE TO SUCCEED IN WEAKENING A FUTURE ICC THROUGH SUCH RESTRICTIONS, THERE IS LITTLE CHANCE THAT THE ADMINISTRATION WOULD SUBMIT THE ICC TREATY TO THE CURRENT U.S. SENATE, WITH ITS MARKED DISDAIN FOR INTERNATIONAL HUMAN RIGHTS INSTITUTIONS, LET ALONE THAT THE SENATE WOULD CONSENT TO RATIFICATION. YET THE ADMINISTRATION PERSISTS IN WEAKENING AN HISTORIC INSTITUTION SIMPLY BECAUSE, AT SOME UNKNOWN DATE IN THE FUTURE, THE SENATE MIGHT FIND AN ENFEEBLED COURT PALATABLE.

IT IS TIME FOR THE INTERNATIONAL COMMUNITY TO STOP INDULGING THIS OBSTRUCTIONIST BEHAVIOR. THE LANDMINES NEGOTIATIONS MAY PROMISE A NEW APPROACH. BY SIDESTEPPING THE U.N.'S RECENT PREFERENCE FOR "CONSENSUS" IN NEGOTIATIONS FOR NEW HUMAN RIGHTS STANDARDS, THE PROPONENTS OF THE LANDMINES TREATY, LED BY CANADA, INSISTED THAT THE UNITED STATES EITHER ACCEPT AN UNCONDITIONAL BAN OR FACE THE ENSUING OPPROBRIUM. A SIMILAR APPROACH SHOULD BE TAKEN IN OTHER NEGOTIATIONS. NEGOTIATORS FOR A BAN ON CHILD SOLDIERS SHOULD INSIST THAT THE UNITED STATES RATIFY THE CONVENTION ON THE RIGHTS OF THE CHILD AS A CONDITION FOR TAKING A POSITION ON THE MINIMUM AGE FOR SOLDIERS. NEGOTIATORS FOR AN INTERNATIONAL CRIMINAL COURT SHOULD REFUSE TO ALLOW THE UNITED STATES TO WEAKEN THIS INSTITUTION ON THE DISTANT HOPE THAT THE U.S. SENATE MIGHT SOMEDAY EMBRACE IT.

IF THE U.S. GOVERNMENT PERSISTS IN ITS CURRENT ATTITUDE TOWARD INTERNATIONAL HUMAN RIGHTS LAW, THE INTERNATIONAL COMMUNITY SHOULD SIMPLY LEAVE THE UNITED STATES BEHIND. JUST AS IT TOOK THE UNITED STATES FORTY YEARS TO RATIFY THE GENOCIDE CONVENTION AND TWENTY-FIVE YEARS TO RATIFY THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, SO IT MAY BE SOME TIME BEFORE THE UNITED STATES IS WILLING TO ADOPT NEW HUMAN RIGHTS STANDARDS OR EMBRACE A STRONG AND INDEPENDENT ICC. IN THE CASE OF THE ICC, IT IS BETTER TO ACCEPT THAT THE UNITED STATES WILL NOT BE A FOUNDING MEMBER OF THE COURT THAN TO ALLOW THE U.S. GOVERNMENT TO UNDERMINE SUCH AN IMPORTANT INSTITUTION IN THE HOPE THAT IT CAN BE MADE ACCEPTABLE TO THE U.S. SENATE AT THIS MOMENT IN ITS HISTORY. WHILE U.S. FINANCIAL AND POLITICAL BACKING FOR THE ICC WILL STILL BE NECESSARY—TO HELP FUND PROSECUTIONS AND APPREHEND INDICTED SUSPECTS—SUCH SUPPORT IS LIKELY TO BE EASIER TO SECURE WHEN THE PURSUIT OF A PARTICULAR BRUTAL TYRANT IS AT STAKE THAN IN THE ABSTRACT. AS FOR THE REST OF THE WORLD, ITS SUPPORT—ALSO ESSENTIAL—IS MORE LIKELY FOR A COURT THAT IS TRULY UNIVERSAL THAN FOR ONE THAT ENABLES A HANDFUL OF MAJOR POWERS TO EXEMPT THEMSELVES AND THEIR ALLIES FROM PROSECUTION.

Weak Pressure on China

CHINA CONTINUED TO POSE A MAJOR DILEMMA FOR THE INTERNATIONAL COMMUNITY: HOW TO EXERT HUMAN RIGHTS PRESSURE ON A REPRESSIVE COUNTRY THAT IS ALSO A KEY TRADING PARTNER, POTENTIALLY THE WORLD'S LARGEST MARKET, A GROWING MILITARY POWER, AND A PERMANENT MEMBER OF THE U.N. SECURITY COUNCIL? CHINA SHOWED NO HESITATION IN RESPONDING TO ONE COUNTRY'S HUMAN RIGHTS CRITICISM BY EXCLUDING ITS NATIONALS FROM LUCRATIVE BUSINESS CONTRACTS, OR IN BUYING KEY VOTES AT THE U.N. FROM SMALL COUNTRIES WITH PROMISES OF ASSISTANCE. ASIAN ALLIES, WORRIED ABOUT CHINA'S MILITARY BUILD-UP, WARNED AGAINST TOO STRIDENT A HUMAN RIGHTS POSTURE, FEARING THAT IT WOULD ONLY EXACERBATE A SIEGE MENTALITY AMONG SOME OF CHINA'S LEADERS. POLICYMAKERS IN WASHINGTON WORRIED ABOUT HOW IRRITANTS IN THE U.S.-CHINA RELATIONSHIP, OF WHICH HUMAN RIGHTS WAS ONE, MIGHT AFFECT CHINA'S WILLINGNESS TO PLAY A CONSTRUCTIVE ROLE IN RESOLVING TENSIONS ON THE KOREAN PENINSULA OR STOPPING WEAPONS PROLIFERATION.

THE QUESTION OF STRIKING THE RIGHT BALANCE BETWEEN ECONOMICS, SECURITY, AND HUMAN RIGHTS WAS A REAL ISSUE, BUT

SOME COUNTRIES SEEMED MORE CONCERNED ABOUT STRIKING DEALS. NOWHERE WAS THIS MORE EVIDENT THAN AT THE ANNUAL MEETING OF THE U.N. COMMISSION ON HUMAN RIGHTS IN GENEVA, ONE OF THE FEW MULTILATERAL FORA LEFT FOR RAISING HUMAN RIGHTS CONCERNS IN CHINA. FRANCE, GERMANY, SPAIN, AND ITALY CAPITULATED TO CHINA'S COMMERCIAL SEDUCTION BY TRADING THE USUAL EUROPEAN UNION SPONSORSHIP OF A U.N. RESOLUTION CRITICAL OF CHINA'S HUMAN RIGHTS PRACTICES FOR THE PROSPECT OF MORE CHINESE PURCHASES OF THEIR JOINTLY PRODUCED AIRBUS PLANES. NOR DID THESE GOVERNMENTS RESPOND FORCEFULLY IN DEFENSE OF THEIR FELLOW E.U. MEMBERS WHEN CHINA RETALIATED ECONOMICALLY AGAINST DENMARK AND THE NETHERLANDS FOR SPONSORING THE RESOLUTION AND SPEAKING IN FAVOR OF IT. FOR SIMILAR COMMERCIAL MOTIVES, JAPAN, CANADA, AND AUSTRALIA ABANDONED THEIR TRADITIONAL SPONSORSHIP OF THE U.N. RESOLUTION IN RETURN FOR A FOOTHLESS BILATERAL HUMAN RIGHTS "DIALOGUE"; INDEED, JAPAN GAVE CHINA \$867 MILLION IN AID IN 1996, MORE THAN TO ANY GOVERNMENT OTHER THAN INDONESIA. THE DEVELOPING WORLD DISPLAYED NO GREATER COMMITMENT TO HUMAN RIGHTS AS IT SUCCUMBED TO CHINESE THREATS, BRIBES, AND BLANDISHMENTS.

WITH CHINA'S SHUTTERED CIVIL SOCIETY, PERVERSIVE TORTURE, EXTENSIVE RELIGIOUS REPRESSION, AND THOUSANDS OF POLITICAL PRISONERS, THERE ARE FEW MORE DESERVING CANDIDATES FOR CONDEMNATION BY THE U.N. HUMAN RIGHTS COMMISSION. YET CHINA'S SUCCESS IN FENDING OFF CONDEMNATION YEAR AFTER YEAR IS ITSELF AN AFFRONT TO THE UNIVERSALITY OF HUMAN RIGHTS AND AN EFFECTIVE PROCLAMATION THAT POWERFUL COUNTRIES ARE EXEMPT FROM HUMAN RIGHTS SCRUTINY.

ALTHOUGH THE U.S. GOVERNMENT DID SPONSOR THE U.N. RESOLUTION ON CHINA, IT WAFFLED SO LONG, AND LOBBIED ITS ALLIES FOR SUPPORT SO INEFFECTIVELY, THAT THE RESULT SEEMED MORE A COSMETIC GESTURE THAN A GENUINE EFFORT TO CENSURE CHINA. INDEED, BECAUSE THE U.S. GOVERNMENT AGREED TO SPONSOR THE RESOLUTION ONLY AFTER VICE PRESIDENT AL GORE VISITED BEIJING IN MARCH AND SECURED U.S.\$695 MILLION WORTH OF CONTRACTS FOR THE BOEING CORPORATION—AT A TIME WHEN HUMAN RIGHTS COMMISSION DELIBERATIONS WERE ALREADY IN FULL SWING—THE U.S. CONTENTION THAT ITS ALLIES SHOULD RISK THEIR OWN COMMERCIAL AMBITIONS RANG HOLLOW. THE UNITED STATES AND THE EUROPEAN UNION DESPERATELY SOUGHT A FEW CHINESE CONCESSIONS ON HUMAN RIGHTS TO JUSTIFY ABANDONING THE U.N. EFFORT, BUT EVEN THE CONCESSIONS UNDER DISCUSSION DID NOT JUSTIFY WITHDRAWING THE CONDEMNATION EFFORT AND THE RARE FORM OF MULTILATERAL LEVERAGE THAT IT PROVIDED. IT IS ONLY TO BE HOPED THAT THE UNITED STATES AND EUROPEAN GOVERNMENTS HEED THE EUROPEAN PARLIAMENT'S RESOLUTION OF OCTOBER 1997 CALLING FOR EARLY AND JOINT SPONSORSHIP OF A CHINA RESOLUTION IN 1999.

THE INTERNATIONAL COMMUNITY WAS NO MORE EFFECTIVE IN DEPLOYING THE OTHER SOURCES OF LEVERAGE AT ITS DISPOSAL. ONE OF THE POTENTIALLY MOST USEFUL, AND LEAST COSTLY, FORMS OF LEVERAGE WAS SUMMITRY. SUMMITS TOOK PLACE WITH THE LEADERS OF FRANCE, SWEDEN, RUSSIA, AND JAPAN, BUT FOR CHINESE PRESIDENT JIANG ZEMIN, THE MOST IMPORTANT OF THESE MEETINGS WAS THE LONG-FOUGHT SUMMIT IN WASHINGTON, A VISIT THAT WOULD FOR ALL PRACTICAL PURPOSES END CHINA'S POST-TIANANMEN STIGMA AND HELP CONSOLIDATE HIS POSITION AT HOME. BUT THE CLINTON ADMINISTRATION LARGELY SQUANDERED THIS OPPORTUNITY TO SECURE HUMAN RIGHTS CONCESSIONS BEFORE THE SUMMIT.

THE ONLY CONCESSION OFFERED BY BEIJING IN ADVANCE OF THE SUMMIT (WHICH HAD PREVIOUSLY BEEN PROMISED TO FRANCE AS A CONDITION OF ITS NOT SPONSORING THE CHINA RESOLUTION AT THE U.N. HUMAN RIGHTS COMMISSION) WAS CHINA'S DECISION TO SIGN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (ICESCR), THOUGH NOT THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS. THE SIGNIFICANCE OF THAT STEP MUST BE JUDGED IN LIGHT OF BEIJING'S PERSISTENT AND PERVERSIVE USE OF TORTURE DESPITE ITS EARLIER RATIFICATION OF THE CONVENTION AGAINST TORTURE. INDEED, ALTHOUGH THE ICESCR UPHOLDS THE RIGHT TO FORM INDEPENDENT LABOR UNIONS, CHINA INDICATED NO WILLINGNESS TO UPHOLD THIS RIGHT, AND WASHINGTON DID NOTHING TO PRESS AMERICAN BUSINESSES TO INSIST ON IT.

AT THE SUMMIT, PRESIDENT CLINTON TOOK THE IMPORTANT STEP OF ENGAGING IN A CANDID, PUBLIC EXCHANGE WITH PRESIDENT JIANG ABOUT HUMAN RIGHTS. SHORTLY AFTER THE SUMMIT, CHINA RELEASED WEI JINGSHENG FROM PRISON FOR EXILE IN THE UNITED STATES. THE RELEASE WAS UNEXPECTED AND WELCOME, BUT SUCH PERIODIC, ISOLATED RELEASES HAVE LITTLE IMPACT ON THE OVERALL HUMAN RIGHTS SITUATION IN CHINA. BECAUSE CHINA'S REPRESSIVE LAWS REMAIN IN PLACE, THERE IS NOTHING TO PREVENT THE CHINESE GOVERNMENT FROM USING OTHER PRISONERS AS HOSTAGES IN THE NEXT ROUND OF INTERNATIONAL NEGOTIATIONS OR, INDEED, FROM MAKING NEW ARRESTS.

IN THE PAST, CHINA HAS RESPONDED TO PRESSURE WHEN ITS HUMAN RIGHTS PRACTICES WERE CLEARLY LINKED TO SOMETHING OF CONCERN TO BEIJING. THERE ARE PLENTY OF POSSIBILITIES FOR SUCH LINKAGE TODAY—EVERYTHING FROM CHINA'S

admittance to international institutions like the World Trade Organization to the date for President Clinton's return visit to Beijing. World Bank loans are also a possibility—\$2.8 billion were extended in fiscal year 1997, more than to any other government—if the administration were able to secure support, at least to hold up loans, from other major donors. But the administration's refusal to link China's human rights performance to anything that mattered to Beijing made it easy for Chinese leaders to ignore U.S. concerns.

Over the past year, the Clinton administration seemed to spend more time and effort fending off critics of its China policy than it did pressing China to respect human rights. Administration officials, including Secretary of State Madeleine Albright, obfuscated the policy choices facing the administration by repeatedly presenting U.S. policy toward China in terms of a false dichotomy between "isolation" and "engagement." This simplistic argument diverts the public from asking how, while engaging China on a variety of topics, the U.S. government could effectively put pressure on Beijing to respect human rights. Another favorite ploy of the administration was to argue that the U.S.-China relationship is too important to be held "hostage" to human rights concerns—a truism that, again, deliberately avoids the questions about how pressure could be exerted for human rights within the larger relationship. When the administration confronted China on copyright piracy, missile sales, market access, or Taiwan, no one suggested that this pressure would "isolate" China or hold the relationship "hostage" to a single issue.

The administration also tried to steer the human rights conversation toward promoting the rule of law. This approach, the administration contended, was the best of all possible options: pressure would be unnecessary, since it was hoped that the Chinese government could be convinced that its economic development required greater legal regularity, and the introduction of the rule of law over time might be good for human rights. Building the rule of law is certainly important, but it is a long-term project which does nothing to redress the suffering of today's victims of torture and political imprisonment. Moreover, as demonstrated by Singapore's form of judicial repression of dissent, building the rule of law in the commercial realm does not necessarily ensure an independent judiciary and the rule of law in the political realm. Most important, the rule of law secures human rights only if the law itself respects those rights. So long as Chinese law continues to regard any criticism of the Chinese government as a threat to state security, so long as Chinese law permits the detention of any independent labor activist or religious leader, improvements in the rule of law will only secure more efficient repression. And China has demonstrated no inclination to change its law without the tough pressure that the administration studiously avoided exerting.

The international community should stop settling for tokenism and insist that Beijing take structural steps that will make a difference for significant numbers: granting humanitarian organizations access to prisons, opening all of China and Tibet to scrutiny by independent journalists and human rights monitors, or releasing the many nonviolent offenders among the 2,000 prisoners serving time for "counterrevolution," a crime which no longer exists (China having substituted new "state security" crimes with expanded scope). But none of these changes is likely to occur without the sustained international pressure that was so lacking in 1997.

Europe: More Direct Policy Linkage with Human Rights

While Europe failed as miserably as the United States in putting pressure on China, it demonstrated a somewhat greater willingness elsewhere to link aid and trade benefits to the recipient's respect for human rights. Although such linkages are built into U.S. law, they are routinely ignored in Washington. Indeed, many of the largest recipients of U.S. aid—Israel, Egypt, Turkey, Colombia, Armenia—faced little or no pressure from Washington in 1997 to improve their human rights records.

The European Union pursues a different approach, by concluding legally binding agreements with recipients of aid and trade benefits that are explicitly conditioned on human rights performance. The test of these agreements will be in their implementation, and E.U. adherence to them has been inconsistent. But in 1997, they gave rise to some promising interventions.

EUROPEAN INSISTENCE ON THE PRINCIPLE OF LINKAGE WAS BEST ILLUSTRATED IN THE CASE OF MEXICO. THE MEXICAN GOVERNMENT SOUGHT TO WEAKEN THE STANDARD CLAUSE CONDITIONING ITS TRADE AND COOPERATION AGREEMENT WITH THE EUROPEAN UNION ON ITS RESPECT FOR HUMAN RIGHTS. ALTHOUGH AT FIRST THE EUROPEAN COMMISSION AGREED, PROTEST LED THE COUNCIL OF MINISTERS TO INSIST ON THE STANDARD CLAUSE, AND MEXICO RELENTED. NEW AGREEMENTS WITH HUMAN RIGHTS CLAUSES WERE ALSO IN THE PROCESS OF RATIFICATION FOR ISRAEL AND TUNISIA. SIMILARLY, THE EUROPEAN PARLIAMENT CONTINUED TO BLOCK PAYMENT ON HUMAN RIGHTS GROUNDS OF SOME \$470 MILLION IN ADJUSTMENT FEES UNDER ITS 1995 CUSTOMS UNION AGREEMENT WITH TURKEY. THE EUROPEAN COMMISSION CUT OFF BURMA'S LOW-TARIFF ACCESS TO THE E.U. MARKET UNDER THE GENERALIZED SYSTEM OF PREFERENCES (GSP) BECAUSE OF ITS USE OF FORCED LABOR—THE FIRST TIME THAT THIS HUMAN RIGHTS CLAUSE IN THE EUROPEAN GSP PROGRAM HAD BEEN INVOKED. AND THE E.U. ADOPTED A "COMMON POSITION" TOWARD CUBA, CONDITIONING FULL ECONOMIC COOPERATION ON SPECIFIED HUMAN RIGHTS IMPROVEMENTS.

ON THE QUESTION OF MEMBERSHIP, THE EUROPEAN UNION IDENTIFIED SPECIFIC HUMAN RIGHTS CONCERNS THAT STOOD AS OBSTACLES TO THE EVENTUAL ADMISSION OF BULGARIA, THE CZECH REPUBLIC, HUNGARY, ROMANIA, AND SLOVAKIA. IT ALSO SUSPENDED ITS "CRITICAL DIALOGUE" WITH THE IRANIAN GOVERNMENT IN APRIL, AND TEMPORARILY WITHDREW MOST E.U. AMBASSADORS, FOLLOWING A VERDICT IN A GERMAN COURT HOLDING THE "IRANIAN POLITICAL LEADERSHIP" RESPONSIBLE FOR THE MURDER OF THE LEADER OF A KURDISH ARMED OPPOSITION GROUP AND THREE COMPANIONS IN BERLIN IN 1992. BRITISH FOREIGN SECRETARY ROBIN COOK, SPEAKING FOR BRITAIN IN ITS CAPACITY AS E.U. CHAIR AT THE TIME OF THE APRIL 1998 ASIA-EUROPE MEETING (ASEM), ANNOUNCED THAT BURMA WOULD NOT BE INVITED TO THE MEETING, DESPITE ITS ADMISSION TO THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS (ASEAN), BECAUSE OF ITS HUMAN RIGHTS RECORD.

THE COUNCIL OF EUROPE—AN INSTITUTION WHOSE RAISON D'ÊTRE IS THE PROMOTION OF HUMAN RIGHTS—ALSO HAD AN INCONSISTENT RECORD. IN 1996, IT ADMITTED RUSSIA AND CROATIA DESPITE SERIOUS HUMAN RIGHTS PROBLEMS, AND NEITHER MADE IMPROVEMENTS IN 1997 TO JUSTIFY THIS EXPERIMENT IN "CONSTRUCTIVE ENGAGEMENT." ONLY WHERE THERE WAS LESS AT STAKE DID THE COUNCIL OF EUROPE TAKE A MORE PRINCIPLED STAND ON HUMAN RIGHTS: IT SUSPENDED BELARUS'S SPECIAL GUEST STATUS IN JANUARY 1997 BECAUSE OF PRESIDENT ALEKSANDR LUKASHENKA'S TOUGHENING REPRESSION, AND CONTINUED TO BAR ADMISSION OF THE CAUCASUS COUNTRIES ON HUMAN RIGHTS GROUNDS.

THERE WERE SOME SIGNIFICANT BLEMISHES ON EUROPE'S RECORD IN PROMOTING HUMAN RIGHTS. DESPITE THE INCREASINGLY AUTHORITARIAN RULE OF ALBANIAN PRESIDENT SALI BERISHA, THE EUROPEAN COMMISSION HAD PROVIDED HIS GOVERNMENT WITH SOME \$560 MILLION SINCE 1990—MORE PER CAPITA THAN ANYWHERE ELSE IN EASTERN EUROPE—WHILE THE UNITED STATES HAD SUPPLIED \$236 MILLION IN THE SAME PERIOD. THE RATIONALE FOR THIS UNCRITICAL SUPPORT WAS BERISHA'S WILLINGNESS TO OPEN ALBANIAN PORTS AND AIRSTRIPS TO WESTERN TROOPS OPERATING IN BOSNIA. BUT BY PROPPING UP BERISHA'S INCREASINGLY AUTHORITARIAN GOVERNMENT, THE INTERNATIONAL COMMUNITY HELPED TO FUEL THE VIOLENT POLITICAL UPHEAVALS IN ALBANIA IN 1997 THAT LEFT 2,000 DEAD. FRANCE GRANTED VISAS TO SEVERAL MEMBERS OF THE NIGERIAN GOVERNMENT IN VIOLATION OF E.U. SANCTIONS. FRANCE ALSO REMAINED ALGERIA'S LARGEST DONOR, DESPITE THE ALGERIAN GOVERNMENT'S REFUSAL TO PERMIT INDEPENDENT INVESTIGATION OF THE LARGE-SCALE SLAUGHTER OF CIVILIANS IN THE VILLAGES SURROUNDING ALGIERS OR TO INTERVENE AGAINST THE ATTACKERS. AND FRANCE GAVE GENEROUSLY TO TUNISIA, DESPITE ITS BROAD CRACKDOWN ON HUMAN RIGHTS ACTIVISTS AND THE POLITICAL OPPOSITION UNDER THE GUISE OF FIGHTING ISLAMIST MILITANTS.

Bosnia and Rwanda: The International Criminal Tribunals

SIGNIFICANT PROGRESS WAS MADE IN 1997 TOWARD SECURING JUSTICE BEFORE INTERNATIONAL TRIBUNALS FOR THOSE BEHIND THE GENOCIDES IN RWANDA AND THE FORMER YUGOSLAVIA. BUT THIS EXPERIMENT WITH INTERNATIONAL JUSTICE REMAINED AT RISK BECAUSE PRESIDENT BILL CLINTON, BRITISH PRIME MINISTER TONY BLAIR, AND FRENCH PRESIDENT JACQUES CHIRAC REFUSED TO ORDER THEIR TROOPS IN THE NATO-LED, 30,000-STRONG FORCE IN BOSNIA (THE STABILIZATION FORCE, SFOR) TO ARREST THE BOSNIAN SERB POLITICAL AND MILITARY LEADERS AT THE TIME OF THE GENOCIDE, RADOVAN KARADZIC AND RATKO MLADIC.

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA MADE THE MOST PROGRESS IN THE PAST YEAR. WITH KENYA'S ARREST AND SURRENDER OF SEVEN ALLEGEDLY LEADING PARTICIPANTS IN THE GENOCIDE, THE RWANDAN TRIBUNAL HAD TWENTY-THREE OF THIRTY-FIVE INDICTED DEFENDANTS IN CUSTODY, INCLUDING THE APPARENT MASTERMIND OF THE GENOCIDE, COL. THEONESTE BAGASORA. CHIEF PROSECUTOR LOUISE ARBOUR REPLACED THE DEPUTY PROSECUTOR FOR RWANDA WITH AN APPARENTLY FAR MORE

engaged, energetic, and effective individual, Bernard Muna, and she took steps to address the administrative, staffing, and morale problems that affected the tribunal. In an important development and precedent, the tribunal filed its first indictment for rape and sexual abuse committed during the genocide. The tribunal also appointed a gender advisor in the witness protection unit as a first step toward addressing the specific needs of female victims and witnesses.

The International Criminal Tribunal for the Former Yugoslavia also advanced in 1997. It concluded its first trial, of Dusan Tadic, and secured his conviction on numerous counts; he was sentenced to twenty years in prison. It also accepted a guilty plea of Drazen Erdemovic and sentenced him to ten years in prison.

In addition, the Yugoslavia tribunal made some important progress in securing the custody of indicted defendants. In June, a lightly armed U.N. force in Croatia arrested one indicted Serb suspect. In July, British troops arrested a secretly indicted Bosnian Serb suspect in Prijedor and killed another in a firefight. In October, Croatia, facing tough diplomatic and economic pressure from the United States, the European Union and the World Bank, arranged the "voluntary" surrender of ten ethnic Croat suspects, including the highest-ranking Bosnian Croat facing charges. As of mid-November, of the seventy-eight known to have been indicted by the Yugoslavia tribunal, twenty were in custody awaiting trial, six were known or believed to be dead, and fifty-two were at large. All of the suspects in territory controlled by the Bosnian Federation and a majority of the suspects in Croatia and Croatian-controlled parts of Bosnia were thus in custody. Those still at large were primarily in Serbia or Serb-controlled parts of Bosnia.

While economic pressure succeeded in securing the cooperation of the Croatian government in surrendering suspects, there was no evidence that such pressure alone would result in the surrender of the remaining ethnic Serb defendants. It thus appeared likely that these indicted suspects, particularly Karadzic and Mladic, would find their way to the Hague only if they were arrested by the NATO-led international force in Bosnia.

The British arrest effort in July punctured two of the most overworked excuses for NATO's refusal to make these arrests. First, despite NATO's worst-case predictions, there was no serious retaliation against NATO troops or other international workers; as in the past, those tempted to attack international workers were scared off by warnings of severe consequences at the hands of the formidably armed NATO troops. Second, despite NATO's repeated protests that it had not "encountered" any of the suspects—its current mandate requires an "encounter" as a condition for making an arrest—it became clear that NATO could easily arrange such "encounters" if it chose.

After July, however, various NATO governments offered one excuse after another for deferring further arrests. They argued that arrests might upset Russia (when its acquiescence in NATO expansion was needed), disrupt the Bosnian municipal elections of September, spark Serb nationalism during the Bosnian Serb parliamentary elections of November, or disrupt the fragile peace. Above all, the U.S. military leadership remained determined to avoid subjecting its troops to the risk of apprehending indicted suspects, regardless of the stakes involved. Although, as noted, a functioning justice system would help to deter tyrants who today pose some of the greatest risks to international security, the Clinton administration refused to make this case to the American people, apparently terrified of the political costs of suggesting that casualties might be incurred in the course of making arrests.

It was also disappointing that Britain, France, and their European allies—which had already incurred casualties in the interest of establishing peace in Bosnia—were so deferential to Washington's excessive fear of casualties when it came to building the justice system necessary to keep that peace. Britain overcame this undue deference to American sensibilities once, but seemed unwilling to act again without Washington's participation. And France showed no willingness at all to proceed with arrests.

As Human Rights Watch showed in a series of reports on particular municipalities in Bosnia, the failure to apprehend these accused killers was the single biggest obstacle to ethnic reintegration and a secure peace in the country. The men who presided over ethnic slaughter during the war continued, through their control of local police forces and paramilitary networks, to use violence and intimidation to silence dissent and prevent ethnic

MINORITIES FROM RETURNING HOME. PEACE IS UNLIKELY TO SURVIVE THE ULTIMATE WITHDRAWAL OF NATO TROOPS WHILE THESE ACCUSED MURDERERS REMAIN AT LARGE.

NATO DID TAKE STEPS TO WEAKEN KARADZIC BY SEIZING HIS RADIO TRANSMITTERS AND DISARMING SOME OF HIS POLICE FORCE. IT ALSO OVERTLY BACKED HIS POLITICAL RIVAL, BOSNIAN SERB PRESIDENT BILJANA PLAVSIC. THE HOPE SEEMED TO BE THAT NATO MIGHT SUCCEED IN SHIFTING THE BALANCE OF POWER IN REPUBLIKA SRPSKA AWAY FROM KARADZIC AND PERHAPS EVEN ENCOURAGE OTHERS TO FORCE HIS SURRENDER. BUT PLAVSIC, ALSO A CONFIRMED SERB NATIONALIST AND PAST SUPPORTER OF "ETHNIC CLEANSING," REFUSED TO COOPERATE WITH THE YUGOSLAVIA TRIBUNAL, DESPITE HER PROFFESSED SUPPORT FOR THE DAYTON PEACE ACCORD. AND NATO'S OVERT INVOLVEMENT IN BOSNIAN SERB POLITICS, RATHER THAN IN THE PRINCIPLED SUPPORT OF INTERNATIONAL JUSTICE, RISKED PROMOTING THE SAME KIND OF POPULAR OUTRAGE THAT ITS IMMERSION IN LOCAL POLITICS DID IN SOMALIA IN 1993.

NATO'S PARALYSIS IN BOSNIA ALSO DIMMED HOPES FOR THE EMERGENCE OF A MEANINGFUL INTERNATIONAL SYSTEM OF JUSTICE. A FUTURE INTERNATIONAL CRIMINAL COURT COULD CONTRIBUTE TO DETERRING ATROCITIES ONLY IF THEIR AUTHORS FACE A REASONABLE LIKELIHOOD OF APPREHENSION, TRIAL, AND PUNISHMENT. SO LONG AS WAR CRIMINALS AND GENOCIDAL KILLERS CAN DISMISS INDICTMENTS AS BLUSTER—AN EMPTY ACCUSATION THAT THE MAJOR POWERS HAVE NO INTENTION OF BACKING—THE ICC WILL BE CONDEMNED TO SERVE AS A PAPER TIGER, AND THE INTERNATIONAL COMMUNITY RISKS SQUANDERING THIS FIRST OPPORTUNITY IN FIFTY YEARS TO FULFILL THE PROMISE OF THE NUREMBERG AND TOKYO TRIBUNALS.

New Hope and Persistent Challenges for Human Rights at the United Nations

THE ELECTION OF KOFI ANNAN AS U.N. SECRETARY-GENERAL AND HIS APPOINTMENT OF MARY ROBINSON AS U.N. HIGH COMMISSIONER FOR HUMAN RIGHTS GAVE A TREMENDOUS BOOST TO THOSE WHO LOOK TO THE UNITED NATIONS TO FULFILL THE OBLIGATIONS UNDER ITS CHARTER TO PROTECT HUMAN RIGHTS. YET SIGNIFICANT CHALLENGES STILL FACE THE U.N., PARTICULARLY ITS LEAD REFUGEE AGENCY AND ITS CENTRAL HUMAN RIGHTS BODY.

The Secretary-General

IN SHARP CONTRAST TO HIS PREDECESSOR, THE NEW SECRETARY-GENERAL, KOFI ANNAN, SPOKE FREQUENTLY, FORCEFULLY, AND THOUGHTFULLY ABOUT HUMAN RIGHTS. IN HIS FIRST PRESS CONFERENCE, IN FEBRUARY, HE STRESSED THE IMPORTANCE OF HUMAN RIGHTS TO THE FOUR MAIN AREAS OF U.N. ACTIVITY: PEACE AND SECURITY, HUMANITARIAN AFFAIRS, ECONOMIC AND SOCIAL AFFAIRS, AND DEVELOPMENT. THE HIGH COMMISSIONER FOR HUMAN RIGHTS WAS INVITED TO BE REPRESENTED ON ALL THEMATIC MANAGEMENT TEAMS AND TO TAKE PART HERSELF IN THE SECRETARY-GENERAL'S NEW CABINET-STYLE SENIOR MANAGEMENT GROUP.

THE SECRETARY-GENERAL ALSO FREQUENTLY EMPHASIZED THAT MANY OF THE WORLD'S ILLS, PARTICULARLY PROBLEMS OF SECURITY, CANNOT BE SOLVED WITHOUT ADDRESSING HUMAN RIGHTS. "HUMAN RIGHTS ARE PART OF HUMAN SECURITY" IS A PHRASE HE COINED AND REPEATEDLY USED, INCLUDING IN A SPEECH IN SHANGHAI. AS A SERIES OF MASSACRES TOOK PLACE IN THE VILLAGES SURROUNDING ALGIERS WHILE THE ALGERIAN GOVERNMENT DID LITTLE TO STOP THE CARNAGE AND BLOCKED INDEPENDENT INVESTIGATION INTO ITS ORIGINS, THE SECRETARY-GENERAL SPOKE OUT FORCEFULLY AND STRESSED THE "URGENT" NEED FOR INTERNATIONAL INVOLVEMENT TO END THE SLAUGHTER. CHALLENGING THE ALGERIAN GOVERNMENT'S VIEW THAT THE KILLING WAS A STRICTLY INTERNAL AFFAIR, THE SECRETARY-GENERAL SAID, "AS THE KILLING GOES ON...IT IS EXTREMELY DIFFICULT FOR ALL OF US TO PRETEND THAT IT IS NOT HAPPENING, THAT WE DO NOT KNOW ABOUT IT, AND THAT WE SHOULD LEAVE THE ALGERIAN POPULATION TO THEIR LOT." HE ALSO STEPPED IN DECISIVELY TO REMOVE, OR, IN ONE CASE, TO TRANSFER, A NUMBER OF THE U.N. OFFICIALS WHOSE CORRUPTION, INCOMPETENCE, OR OBSTRUCTION HAD HINDERED THE WORK OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA.

FROM A HUMAN RIGHTS PERSPECTIVE, THE BIGGEST DISAPPOINTMENT OF THE SECRETARY-GENERAL'S FIRST YEAR IN OFFICE WAS HIS INCONSISTENT SUPPORT FOR FUNDAMENTAL PRINCIPLES OF HUMAN RIGHTS INVESTIGATION IN HIS DEALINGS WITH THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF THE CONGO. WORST WAS HIS CAPITULATION TO THE DEMAND OF THE DRC GOVERNMENT THAT ROBERTO GARRETÓN, THE U.N. SPECIAL RAPPORTEUR FOR THE COUNTRY, BE REMOVED AS HEAD OF THE U.N.'S

investigation into the massacre of tens of thousands of Rwandan refugees as they fled across northern Congo. Garretón had issued a report in April calling attention to the massacres as they were underway—precisely the kind of preventive effort that the U.N. should applaud. But with the active support of the U.S. government, the U.N. rewarded him for his effort by removing him from the U.N. investigative team. This capitulation emboldened the DRC government to insist on further concessions, which U.S. Ambassador to the U.N. Bill Richardson traveled to Kinshasa to grant, including restrictions on the timing of the U.N. investigation, limits on the investigators' access to certain Congolese witnesses, a prohibition on recommendations of prosecution by the investigators, and the right of the DRC government to examine and comment on the investigators' report before it is released to the public.

The breach of the principle that abusive governments do not get to choose their investigators came back to haunt the U.N. In July, Burundi apparently followed the DRC's lead and asked, unsuccessfully, to remove its highly capable special rapporteur, Paulo Sérgio Pinheiro. And in October and November, Iraq demanded the removal of the American members of the U.N. team investigating Baghdad's production of weapons of mass destruction. While the U.S. government threatened war with Iraq over this incident, it never reaffirmed the general principle that Washington helped to undermine.

The new secretary-general also faces challenges in living up to his commitment to integrate human rights into all U.N. activities. The marginal role given human rights monitoring in such U.N. operations as UNOMIL in Liberia was a good example. UNOMIL regularly subordinated human rights to political concerns, and U.N. human rights monitors made no effort to monitor the behavior of abusive international troops from the regional ECOMOG force. The normally respected U.N. mission in Guatemala, MINUGUA, also tarnished its reputation in 1997 by, in the supposed interest of peace talks, suppressing evidence that the army had forcibly "disappeared" a rebel captive. The secretary-general will need to stress that strong and consistent human rights reporting is essential to any effort to build peace.

Also of concern is whether the secretary-general will deliver on his promise to increase work on women's rights throughout the U.N. He has made little if any progress, and his reform plan made scant reference to the issue.

The High Commissioner for Human Rights

Mary Robinson, the new high commissioner for human rights, was a welcome replacement for her predecessor, whose low-key approach and penchant for quiet diplomacy squandered the principal tool available to the high commissioner: the ability to use the moral authority of the office to shame governments into ending abusive practices. As the former president of Ireland, Mary Robinson skillfully used a ceremonial office to make high-profile statements on a range of important human rights issues. The challenge facing her now as high commissioner is to deploy the enormous potential of her office as a powerful and public voice for the oppressed worldwide.

The U.N. Commission on Human Rights

A major difficulty facing the U.N. Commission on Human Rights is the determination of a group of abusive governments and some of their regional allies—including China, Cuba, Egypt, Indonesia, Iran, Malaysia, Nigeria, Pakistan, Philippines, and Sri Lanka—to cripple the U.N.'s human rights machinery. A principal focus of this attack was the U.N. Working Group on Arbitrary Detention, which these governments pressured to defer to the judgments of domestic courts, limit the application of the International Covenant on Civil and Political Rights, and "give views rather than take decisions" about cases of unjust detention. In a related move, these countries convinced the commission for the first time to censor the report of one of its independent rapporteurs. And in a series of resolutions that were tabled but deferred for action until March and April 1998, these countries sought

to prohibit rapporteurs and working groups from speaking with the press during their investigative missions (the moment of maximum press interest) and similarly to "rationalize" the work of the Commission's investigative and reporting bodies.

Much of the reason for this attack on the U.N.'s most effective human rights institutions is the Commission's indifference to the human rights record of its membership. Commission members include not only countries that routinely flout basic human rights standards, such as China, Belarus, and Rwanda, but even countries that refuse to permit U.N. special rapporteurs to conduct on-site investigations, such as Cuba and, until recently, Sudan. It is time to end the charade that permits abusive governments to join the U.N.'s highest human rights body for the principal purpose of shielding their human rights conduct from criticism and enfeebling the U.N.'s capacity to defend human rights.

The major good news at the Commission was the willingness of many African governments to break with regional alliances on the vote regarding the appointment of a special rapporteur for Nigeria. South Africa and Uganda voted for the resolution, while the other African governments on the Commission abstained.

The U.N. High Commissioner for Refugees

The recent global tendency to downplay the protection of refugees in the interest of providing humanitarian relief exploded in disaster in 1997 in what became the Democratic Republic of the Congo. For over two years, the U.N. High Commissioner for Refugees (UNHCR) had been forced to tolerate a situation in which the camps it operated in Zaire housed not only legitimate refugees but also killers from Rwanda's genocide of 1994. When Rwandan troops took advantage of an uprising in eastern Zaire to attack the refugee camps where guerrillas had set up base, 600,000 refugees were returned home to Rwanda. Many returned voluntarily, but a significant number were sent back against their will to face severe repression by Rwandan authorities—a blatant violation of the principle of *nonrefoulement* which is at the core of UNHCR's mandate. Within weeks, another 470,000 Rwandan refugees were forcibly returned from Tanzania, also largely with UNHCR acquiescence.

Much of the responsibility for this state of affairs fell to the major powers, which refused countless pleas from UNHCR and NGOs to provide a military force to separate victims from oppressors in the camps run by UNHCR. Instead, these governments pursued a simplistic humanitarianism in which they preferred to pump upwards of \$1 million a day into the camps—a total of \$2.5 billion—rather than take the political and military risks necessary to separate combatants from genuine refugees. The failure to end this combustible mix fueled a new armed conflict and, through the parallel massacres that it triggered, the apparent slaughter of tens of thousands of refugees as they fled across Zaire/DRC. Even when large-scale massacres of refugees were underway, a number of governments, led by the United States and Canada, began planning for a military force to protect the Rwandans, but they finally decided not to intervene, in part because they refused to accept UNHCR's information about the number of people at risk. According to UNHCR, 213,000 refugees remain unaccounted for.

Some blame for this tragedy must also be shared by Sadako Ogata, the high commissioner, who might have rallied greater international support had she been more outspoken about the problem of refugees camps controlled by genocidaires rather than at first denying that the problem existed. Similarly, UNHCR in recent years has tended to disfavor its traditional strategy of protecting refugees in exile, in favor of promoting the return of refugees to their country of origin, even in circumstances in which their safety cannot be ensured. Again, the international community's unwillingness to pay for the long-term protection of refugees in exile is a major factor in this shift. But UNHCR made this shift easier by tacitly endorsing the premature or involuntary return of refugees in several cases.

For example, when Rwandan troops overran the camps and forced the refugees to return to Rwanda, UNHCR legitimized the expulsion by announcing that conditions in Rwanda were "safe," hardly an accurate depiction of a country where government and insurgent forces were engaged in indiscriminate attacks on civilians. Similarly,

UNTIL VERY LATE IN THE PROCESS, UNHCR FACILITATED RATHER THAN PROTESTED THE FORCED RETURN OF RWANDAN REFUGEES IN TANZANIA. UNHCR ALSO OBSERVED BUT DID NOT PROTEST THE APPARENTLY INVOLUNTARY RETURN OF SOME BURMESE REFUGEES IN THAILAND, AND IT GAVE BURMESE REFUGEES IN BANGLADESH A DECEPTIVELY ROSY PICTURE OF THE CONDITIONS THEY WOULD ENCOUNTER IF THEY RETURNED HOME.

UNHCR ALSO GAVE INSUFFICIENT ATTENTION TO PROTECTING WOMEN REFUGEES FROM SEXUAL VIOLENCE. THE PROBLEM WAS VIVIDLY ILLUSTRATED BY A STUDY OF BURUNDIAN REFUGEES IN TANZANIA WHICH SHOWED THAT 25 PERCENT HAD BEEN SEXUALLY ASSAULTED WHILE IN UNHCR-RUN CAMPS.

BY YEAR'S END, UNHCR SEEMED TO BE RETHINKING ITS DOWNGRADING OF PROTECTION. RATHER THAN SANCTION THE CONTINUING FORCIBLE RETURN OF RWANDAN REFUGEES NEAR KISANGANI IN THE DRC, IT PUBLICLY ANNOUNCED THAT IT COULD NOT GUARANTEE THE SAFETY OF THOSE BEING RETURNED, AND THUS DISTANCED THE AGENCY FROM THIS UNLAWFUL ACTION. WHEN GABON SUMMARILY RETURNED A SMALL GROUP OF REFUGEES TO RWANDA, UNHCR SENT A HIGH-PROFILE MISSION TO KIGALI TO INQUIRE INTO THEIR SAFETY. UNHCR ALSO URGED EUROPEAN GOVERNMENTS TO REFRAIN FROM THE "HASTY DEPORTATION OF REJECTED ALGERIAN ASYLUM SEEKERS IN THE MIDST OF AN UPSURGE OF VIOLENCE IN ALGERIA." IN ADDITION, UNHCR INITIATED A USEFUL DIALOGUE WITH HUMAN RIGHTS GROUPS ABOUT PROTECTION ISSUES.

RESTORING PROTECTION TO THE CENTRAL ROLE THAT IT TRADITIONALLY OCCUPIED AT UNHCR IS CLEARLY THE GREATEST CHALLENGE FACING THE AGENCY. WHETHER IT SUCCEEDS IN FULFILLING ITS CORE PROTECTIVE RESPONSIBILITIES WILL DEPEND NOT ONLY ON ITS SUCCESS IN GAINING SUPPORT FROM THE MAJOR GOVERNMENTAL POWERS BUT ALSO ON ITS CANDOR IN REVERSING THE DISTURBING DOWNGRADING OF PROTECTION THAT HAS INFECTED UNHCR OPERATIONS IN RECENT YEARS.

Closing Doors to Refugees

AS NOTED, UNHCR'S PROTECTION SHORTCOMINGS REFLECT A GROWING DETERMINATION AMONG POWERFUL GOVERNMENTS TO SHED THEIR RESPONSIBILITY FOR REFUGEES. WITH THE COLD WAR IDEOLOGICAL INCENTIVES FOR ADMITTING REFUGEES LONG GONE, THE WEST INCREASINGLY SHUT ITS DOORS TO THOSE FACING PERSECUTION. ILLUSTRATIVE WAS A U.S. LAW IMPLEMENTED IN APRIL THAT AUTHORIZED THE USE OF SUMMARY PROCEDURES TO EVALUATE THE CLAIMS OF ASYLUM SEEKERS WHO ARRIVE IN THE UNITED STATES WITHOUT PROPER TRAVEL DOCUMENTS, AS A LARGE PERCENTAGE OF THOSE FLEEING PERSECUTION DO. FREQUENTLY TIRED AFTER A LENGTHY JOURNEY, CONFUSED, UNABLE TO SPEAK ENGLISH, AND WITHOUT THE ASSISTANCE OF COUNSEL, ASYLUM SEEKERS FACE IMMEDIATE RETURN HOME UNLESS THEY CAN CONVINCE A LOW-LEVEL IMMIGRATION AGENT, OPERATING WITHOUT PUBLIC SCRUTINY, THAT THEY SHOULD BE GIVEN AN OPPORTUNITY TO DEMONSTRATE A CREDIBLE FEAR OF PERSECUTION. UNHCR AND OTHERS HAVE CRITICIZED THIS PROCEDURE BECAUSE OF THE LIKELIHOOD THAT IT WILL DELIVER REFUGEES BACK TO THEIR PERSECUTORS.

THE U.S. GOVERNMENT ALSO CONTINUED ITS HEAVY RELIANCE ON THE DETENTION OF THOSE ASYLUM SEEKERS WHOSE CLAIMS SURVIVE THIS CURSORY REVIEW. DETENTION FREQUENTLY OCCURRED NOT BECAUSE AN ASYLUM SEEKER WAS SHOWN TO POSE A RISK OF FLIGHT IF HIS OR HER CLAIM WERE DENIED, BUT FOR THE APPARENT PURPOSE OF DETERRING ASYLUM SEEKERS FROM ARRIVING ON U.S. SHORES.

MEANWHILE, THE EUROPEAN UNION ADOPTED RULES THAT ENABLED ITS MEMBER STATES TO REJECT ASYLUM CLAIMS IF THE APPLICANT HAD PREVIOUSLY PASSED THROUGH A "SAFE THIRD COUNTRY." THE E.U. AGGRESSIVELY PURSUED AGREEMENTS WITH COUNTRIES TO THE EAST AND SOUTH TO ACCEPT THE RETURN OF ASYLUM SEEKERS, OFTEN WITHOUT ADEQUATE GUARANTEES THAT THEIR CLAIMS WOULD BE HEARD AND FAIRLY ASSESSED. THIS PRACTICE LED TO THE PROSPECT OF REFOULEMENT THROUGH A CHAIN OF DEPORTATIONS TO SUPPOSEDLY "SAFE THIRD COUNTRIES." SIMILARLY, MANY E.U. GOVERNMENTS AGREED NOT TO CONSIDER REQUESTS FOR ASYLUM FROM RESIDENTS OF OTHER E.U. STATES—A BLANKET PROHIBITION THAT AGAIN VIOLATES THE REFOULEMENT PROHIBITION. IN ADDITION, THE E.U. ADOPTED A NARROW VIEW OF THE PERSECUTION THAT GIVES RISE TO ASYLUM BY EXCLUDING PERSECUTION BY REBEL GROUPS, EVEN WHEN LOCAL GOVERNMENTS LACK THE MEANS OR WILL TO PROVIDE PROTECTION, AND IT FAVORED TEMPORARY PROTECTIVE STATUS IN LIEU OF THE MORE COMPLETE AND DURABLE RIGHTS TO BE ACCORDED UNDER THE REFUGEE CONVENTION. GERMANY AND SWITZERLAND BEGAN TO DEMAND THAT REFUGEES RETURN TO BOSNIA EVEN THOUGH VIOLENCE AND INTIMIDATION PREVENTED THE VAST MAJORITY FROM RETURNING TO THEIR HOMES IN AREAS WHERE THEY WOULD NOW BE AN ETHNIC MINORITY.

AMONG OTHER COUNTRIES THAT TURNED THEIR BACKS ON REFUGEES, RUSSIA ROUTINELY BEAT, EXTORTED, AND EXPELLED REFUGEES, ESPECIALLY FROM THE COUNTRIES OF THE FORMER SOVIET UNION, AND THAILAND FORCIBLY RETURNED 20,000 REFUGEES TO BURMA AND DENIED ENTRY TO THOUSANDS MORE.

National Efforts to Establish Accountability

AT THE NATIONAL LEVEL, PROGRESS WAS MADE TOWARD HOLDING ABUSIVE OFFICIALS ACCOUNTABLE UNDER THE LAW IN SEVERAL COUNTRIES, PARTICULARLY IN LATIN AMERICA.

* IN PERU, A MILITARY COURT CONVICTED THE HEAD OF THE ARMY INTELLIGENCE SERVICE (SIE), CARLOS SÁNCHEZ NORIEGA, AND THREE OF HIS SUBORDINATES, AND SENTENCED THEM TO EIGHT YEARS IN PRISON, FOR THE TORTURE OF A FELLOW SIE AGENT. THE AGENT WAS SUSPECTED OF HAVING LEAKED INFORMATION REGARDING SECRET ARMY INTELLIGENCE PLANS TO BLOW UP A TELEVISION STATION AND INTIMIDATE WELL KNOWN JOURNALISTS AND HUMAN RIGHTS DEFENDERS.

* IN GUATEMALA, THE SO-CALLED LAW OF NATIONAL RECONCILIATION, WHICH WAS ENACTED IN DECEMBER 1996 AND ALLOWS JUDGES TO GRANT AMNESTY FOR CRIMES OTHER THAN "DISAPPEARANCE" AND TORTURE THAT OCCURRED IN THE CONTEXT OF THE COUNTRY'S LENGTHY ARMED CONFLICT, DID NOT LEAD TO THE AMNESTY OF HUMAN RIGHTS OFFENDERS THAT MANY HAD FEARED. GUATEMALAN JUDGES REJECTED AMNESTY APPLICATIONS IN ALL CASES INVOLVING HUMAN RIGHTS ABUSE, AND NO MEMBER OF THE MILITARY WAS GRANTED AMNESTY. GUERRILLAS RECEIVED AMNESTY ONLY FOR CRIMES OF SUBVERSION BUT NOT FOR VIOLENT ABUSES SUCH AS MURDER.

* IN COLOMBIA, THE CONSTITUTIONAL COURT RULED THAT CASES INVOLVING EXTRAJUDICIAL EXECUTIONS, TORTURE, FORCED DISAPPEARANCES, AND RAPE BY THE SECURITY FORCES MUST BE TRIED IN CIVILIAN, NOT MILITARY, COURTS. THE ARMY HAD USED MILITARY COURTS TO AVOID ACCOUNTABILITY FOR ITS ATROCITIES. HOWEVER, NO PENDING CASES HAD YET BEEN TRANSFERRED TO THE CIVILIAN COURTS.

IN THREE AFRICAN COUNTRIES, JUSTICE PROCEEDED PAINFULLY SLOWLY. ETHIOPIA'S TRIAL OF SEVENTY-TWO TOP-RANKING OFFICIALS OF THE FORMER MILITARY GOVERNMENT OF THE DERG WAS STILL PENDING, WHILE ANOTHER 2,246 FACING "GENOCIDE" CHARGES HAD BEEN IN CUSTODY FOR THREE TO FIVE YEARS WITHOUT TRIAL. IN RWANDA, TRIALS BEGAN OF SOME GENOCIDE SUSPECTS, AND A HANDFUL OF CONVICTIONS WERE HANDED DOWN, BUT 120,000 SUSPECTS REMAINED IN PRISON, CRAMMED INTO FACILITIES MEANT TO ACCOMMODATE A MERE FRACTION OF THEIR NUMBER. RWANDA'S RUDIMENTARY JUSTICE SYSTEM, WHICH WAS IN THE PROCESS OF BEING REBUILT AFTER HAVING BEEN DESTROYED DURING THE GENOCIDE, GAVE MOST PRISONERS LITTLE PROSPECT OF TRIAL. IN BURUNDI, THE TRIAL OF SOLDIERS ACCUSED OF HAVING ASSASSINATED PRESIDENT MELCHIOR NDAYAYE IN 1993 WAS ADJOURNED IN THE FIRST HALF OF 1997, BUT TRIALS OF CIVILIANS ACCUSED OF KILLINGS FOLLOWING THE ASSASSINATION CONTINUED. SIX OF THOSE CONVICTED WERE EXECUTED BY HANGING IN JULY.

IN ASIA, THE JAPANESE GOVERNMENT REJECTED THE RECOMMENDATION OF THE U.N. SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN THAT IT PROVIDE INDIVIDUAL COMPENSATION TO 200,000 WOMEN FORCED INTO SEXUAL SLAVERY BY THE JAPANESE ARMY DURING WORLD WAR II; INSTEAD, IT ESTABLISHED A VOLUNTARY FUND. POL POT'S IMPRISONMENT BY KHMER ROUGE TROOPS IN CAMBODIA RAISED MOMENTARY HOPES THAT HE WOULD BE SURRENDERED FOR TRIAL BEFORE AN INTERNATIONAL TRIBUNAL FOR HIS ROLE IN THE DEATHS OF SOME TWO MILLION PEOPLE DURING KHMER ROUGE RULE FROM 1975 TO 1979. HOWEVER, THE KHMER ROUGE OPTED INSTEAD FOR A SHOW TRIAL THAT HAD NOTHING TO DO WITH THE ATROCITIES OF THE 1970S, AND A COUP BY SECOND PRIME MINISTER HUN SEN AGAINST HIS ROYALIST COALITION PARTNER EFFECTIVELY ENDED THE INTERNATIONAL MOMENTUM TO BRING POL POT TO TRIAL.

THE UNITED STATES HAD A MIXED RECORD IN 1997 OF ALLOWING SCRUTINY OF ITS OWN ROLE IN HUMAN RIGHTS ABUSE. ON THE POSITIVE SIDE, THE CENTRAL INTELLIGENCE AGENCY (CIA) RELEASED DOCUMENTS CONFIRMING THAT IN THE 1980S IT HAD KNOWN ABOUT THE INTERROGATION AND TORTURE OF CIVILIANS BY A MILITARY DEATH SQUAD IN HONDURAS AND THAT ITS AGENTS HAD VISITED AT LEAST ONE CLANDESTINE PRISONER, ALL WHILE THE U.S. GOVERNMENT WAS DEFENDING HONDURAS'S HUMAN RIGHTS RECORD. THE CIA ALSO DECLASSIFIED 1,400 PAGES OF DOCUMENTS ABOUT ITS INVOLVEMENT IN A COUP THAT OVERTHREW THE ELECTED GOVERNMENT OF GUATEMALAN PRESIDENT JACOBO ARBENZ IN 1954. THE DOCUMENTS REVEALED THE AGENCY'S ENCOURAGEMENT OF POLITICAL ASSASSINATION AND MURDER.

By contrast, the Clinton administration continued to protect Emmanuel "Toto" Constant from deportation to Haiti. Constant, who under Haiti's 1991-94 military dictatorship was on the CIA payroll as the head of the paramilitary organization known as FRAPH, was wanted in Haiti for his role in FRAPH's extensive acts of political violence. The U.S. embassy in Port-au-Prince also continued to refuse to return to the Haitian government approximately 160,000 pages of documents and other material seized in 1994 from FRAPH and the Haitian military. While these documents could be invaluable to Haitian prosecutors, the Clinton administration continued to insist on redacting the names of all Americans—an apparent effort to avoid embarrassing revelations about the involvement of U.S. intelligence agents.

An Expanding Set of Actors Promoting Human Rights

Once, only a handful of Western governments played an active role in promoting human rights across national boundaries. Today, similar efforts by numerous regional groupings and coalitions have come to the fore. Although many of these new actors were no more consistent than Western governments in their human rights advocacy, they demonstrated that concern with human rights across national boundaries is a vigorous reality in the South.

In Latin America, the Organization of American States (OAS) in September 1996 amended its charter to allow the hemisphere's governments to ostracize any government that comes to power by a coup d'état. The OAS governments stressed that it is in each country's interest to promote constitutional, democratic governments. At the Iberoamerican Summit in November 1996, the governments of Latin America, together with Spain and Portugal, issued the Vina del Mar Declaration, which proclaimed their support for democracy, human rights and fundamental liberties. Even Cuban President Fidel Castro signed the declaration, although the Cuban government promptly sentenced one dissident to eighteen months in prison for challenging the government to comply with it. Following a campaign led by Human Rights Watch, OAS governments also voted in 1997 to reject a nominee with an unsavory human rights past who had been nominated by Guatemala to serve on the respected Inter-American Commission on Human Rights. The candidate, Francisco Villagrán Kramer, had been Guatemala's vice president for three years under a highly abusive dictatorship and then formed a political alliance with another former dictator with a comparably ruthless record.

In Asia, the Association of Southeast Asian Nations (ASEAN) postponed Cambodia's admission after the coup in July led by Hun Sen. However, ASEAN simultaneously admitted Burma, despite its worse record of suppressing political dissent.

In Africa, the Southern Africa Development Community (SADC) played an assertive and notably positive role in pressing for a strong and independent International Criminal Court. South African President Nelson Mandela also made a speech before SADC in which he stressed that respect for each member state's sovereignty and non-interference in each other's national interest could not blunt the SADC governments' common concern for democracy and human rights. However, SADC admitted the Democratic Republic of the Congo despite the massacres of refugees that occurred there. And South Africa itself had a mixed record in promoting human rights abroad: it refused to sell weapons to Turkey because of its human rights abuses, but sold the Rwandan government military equipment despite its continuing atrocities, and gave police equipment to the DRC despite the massacres there. President Mandela also gave vocal support to the DRC's Laurent Kabila and a high-profile embrace to Libya's autocratic leader, Mu'ammār al-Qadhafi.

The Organization of African Unity (OAU) actively promoted the landmines ban, but also rallied behind the Kabila government in the DRC despite its complicity in mass killings. The OAU's African Commission on Human and Peoples' Rights continued to be a disappointment: it sent commissioners to Sudan, Mauritania, Senegal, and Nigeria, but they allowed themselves to be manipulated by governments, often failed to meet with opposition or human rights groups, and did not issue a public report.

At least through the first ten months of 1997, governments of eastern and central Africa maintained sanctions against Burundi which had been imposed following the July 1996 coup. The governments of the Economic

Community of West African States (ECOWAS), using regional troops known as ECOMOG, intervened against a coup in Sierra Leone. Despite a history of abusive conduct, ECOMOG also played a generally positive role in Liberia in 1997 following the appointment of a new commander.

The Commonwealth maintained its suspension of Nigeria on human rights grounds. A new group of Francophone nations, organized in November, agreed to make respect for democracy and human rights a main value.

Progress and Retrenchment Around Elections

Elections advanced human rights in several countries in 1997, and at times the international community played a useful role in promoting free and fair elections. Other times, however, the international community showed itself still to be excessively preoccupied with elections as a surrogate for respect for human rights.

In Mexico and Iran, elections represented a major step forward. Mexico's congressional and municipal elections in July, reflecting reforms instituted by President Ernesto Zedillo, were the first in which opposition parties could compete on a level playing field with the long-governing Institutional Revolutionary Party (PRI). For the first time, the PRI lost its majority in the lower house of congress and the mayoralty in Mexico City, the country's second most important post. In Iran, although competition in the presidential elections in May was highly restricted—the Council of Guardians, an appointed body responsible for upholding Islamic principles in government policy, rejected all but four of 238 candidates—Mohammad Khatami, who had been opposed by the ruling clerical establishment, emerged the victor with a campaign that vowed to guarantee the rights of citizens and to institutionalize the rule of law.

By contrast, in Indonesia, the ruling Golkar party won parliamentary elections in May in what it called a "festival of democracy" after allowing only two opposition parties, one of which had been forced to remove its leader. Both the E.U. and the U.S. criticized the electoral process. In Croatia, President Franjo Tudjman was re-elected president in balloting that the Organization for Security and Cooperation in Europe described as seriously flawed because of slanted coverage by the state media and an eleventh-hour assault by a Croatian army captain on the leading opposition candidate, which forced him to spend the days leading up to the election in the hospital. In Slovakia, the government first delayed an opposition-proposed referendum on the direct election of the president and then subverted it through the apparently deliberate misprinting of referendum ballots. In Colombia, guerrilla attacks on candidates in local elections led 900 candidates to withdraw.

In Nigeria, Gen. Sani Abacha, who took power in a 1993 coup, continued cynically to implement his seemingly endless program of "transition" to democratic rule. Local elections held in March were neither free nor fair, as various official bodies screened candidates and excluded those with connections to pro-democracy, human rights, or opposition groups. On the national level, two of five officially registered political parties declared General Abacha their preferred candidate for president; possible alternative candidates for the three other parties withdrew after intimidation or arrest.

In Cambodia, Second Prime Minister Hun Sen overthrew the elected government and then promised "free and fair" elections for May 1998. The United States, while cutting some aid, refused to call this coup a coup because under U.S. law a total suspension of aid would have been required. Japan resumed aid a mere month after the coup and refused to criticize the appointment of a new prime minister to replace the elected prime minister who had been overthrown, although Japan did refuse to give any new assistance until after the 1998 elections.

The international community played a positive role in pushing for free and fair elections in Zambia and Kenya. In Zambia, donor governments put strong pressure on Lusaka when it prevented the principal opposition candidate from running for president and imposed other restrictions on the exercise of civil and political rights leading up to November 1996 elections. That pressure was maintained when, following the elections, the Zambian government blocked attempts by the main opposition party to hold a peaceful rally and harassed NGOs that had been involved in election monitoring and had found the election not free and fair. In Kenya, pressure from donor

GOVERNMENTS IN RESPONSE TO NAIROBI'S MANIPULATION OF VOTER REGISTRATION AND RESTRICTIONS ON THE FORMATION OF OPPOSITION POLITICAL PARTIES YIELDED SIGNIFICANT ELECTORAL REFORMS.

IN THE BALKANS, SOME POLICYMAKERS SHOWED THAT THEY STILL GAVE TOO MUCH CREDENCE TO ELECTIONS AS A SURROGATE FOR THE RESOLUTION OF MORE FUNDAMENTAL HUMAN RIGHTS PROBLEMS. IN THE FEDERAL REPUBLIC OF YUGOSLAVIA (FRY), THE INTERNATIONAL COMMUNITY PUT EFFECTIVE PRESSURE ON THEN-SERBIAN PRESIDENT SLOBODAN MILOŠEVIĆ TO REVERSE HIS ANNULMENT OF OPPOSITION VICTORIES IN NOVEMBER 1996 LOCAL ELECTIONS, BUT WHEN HE RELENDED, THE EUROPEAN UNION, IN APRIL 1997, GRANTED THE FRY PREFERENTIAL TRADE STATUS DESPITE ONGOING SERIOUS ABUSES AGAINST ETHNIC MINORITIES AND BELGRADE'S CONTINUING REFUSAL TO SURRENDER INDICTED WAR CRIMINAL SUSPECTS ON ITS TERRITORY. THE U.S. GOVERNMENT ADOPTED A MORE PRINCIPLED STAND BY MAINTAINING RESTRICTIONS ON BELGRADE'S ACCESS TO NONHUMANITARIAN AID, LOANS, AND TRADE BENEFITS. IN BOSNIA, THE INTERNATIONAL COMMUNITY, DETERMINED TO SHOW PROGRESS IN THE STALLED DAYTON PEACE PROCESS, PUSHED FOR MUNICIPAL ELECTIONS IN SEPTEMBER DESPITE SEVERE RESTRICTIONS ON PHYSICAL MOVEMENT AND ACCESS TO THE MEDIA BY OPPOSITION PARTIES AND CANDIDATES.

Religious Persecution

PERSECUTION OF MINORITY OR DISFAVORED RELIGIONS REMAINED A SERIOUS PROBLEM IN MANY PARTS OF THE WORLD. THE ISSUE GAINED PROMINENCE IN THE UNITED STATES AS EVANGELICAL CHRISTIANS RAISED THEIR VOICE AGAINST THE PERSECUTION OF FELLOW CHRISTIANS IN VARIOUS PARTS OF THE WORLD, ALTHOUGH THE GLOBAL PROBLEM OF RELIGIOUS PERSECUTION EXTENDED WELL BEYOND ANY PARTICULAR RELIGIOUS GROUP. LEGISLATION PENDING IN THE U.S. CONGRESS WOULD SANCTION OTHER GOVERNMENTS FOR THE MOST EXTREME FORMS OF PERSECUTION, SUCH AS MURDER, TORTURE, AND PROLONGED DETENTION, BUT LEFT UNADDRESSED SOME OF THE MOST COMMON FORMS OF RELIGIOUS OPPRESSION FACED BY BELIEVERS.

IN CHINA, "UNOFFICIAL" RELIGIOUS CONGREGATIONS WERE SUBJECTED TO A WIDENING GOVERNMENT CAMPAIGN AIMED AT FORCING THEM TO REGISTER WITH STATE-SANCTIONED RELIGIOUS BODIES OR FACE DISSOLUTION. THOSE AFFECTED INCLUDED ALL BUDDHISTS, PROTESTANTS, MUSLIMS, CATHOLICS, AND DAOISTS. THE CHINESE GOVERNMENT ALSO DENIES LEGITIMACY TO POPULAR RELIGION, THE BELIEF STRUCTURE OF THE VAST MAJORITY OF CHINESE CITIZENS, LABELING ITS PRACTICES "FEUDAL SUPERSTITION."

MEMBERS OF THE CATHOLIC "UNDERGROUND" CHURCHES AND OF UNREGISTERED CHRISTIAN "HOUSE CHURCHES" FACED HARASSMENT AND DETENTION. IN FEBRUARY, IN TONGXIANG, ZHEJIANG PROVINCE, A SELECT COMMUNIST PARTY-LED TEAM MOUNTED A FIVE-MONTH CAMPAIGN TO CURB THE INFLUENCE OF RELIGIOUS FIGURES WHO REFUSED TO SUBMIT TO STATE CONTROL. THE CAMPAIGN FEATURED STRENGTHENED DAILY SUPERVISION OF RELIGIOUS ACTIVITIES, A STEPPED-UP REGISTRATION CAMPAIGN, AND "STRICT SURVEILLANCE OF UNDERGROUND BISHOPS AND PRIESTS AND 'SELF-STYLED' MISSIONARIES WHO CANNOT YET BE PUNISHED ACCORDING TO THE LAW." IN YINJIANG PROVINCE, THE GOVERNMENT TARGETED "UNDERGROUND" MUSLIM RELIGIOUS ACTIVITIES, BANNING THE CONSTRUCTION OR RENOVATION OF 133 MOSQUES, ARRESTING FORTY-FOUR "CORE PARTICIPANTS IN ILLEGAL RELIGIOUS ACTIVITIES" IN THE YILI REGION, AND BREAKING UP MORE THAN ONE HUNDRED CLASSES "ILLEGALLY" TEACHING THE KORAN. IN TIBET, BUDDHIST MONKS AND NUNS WERE FORCED INTO REEDUCATION PROGRAMS IN WHICH THEY WERE SUPPOSED TO DENOUNCE THE DALAI LAMA AND ACKNOWLEDGE THE LEGITIMACY OF THE CHINESE GOVERNMENT'S SELECTION OF THE NEW PANCHEN LAMA. IN RESPONSE TO A NATIONAL DIRECTIVE, CHINESE OFFICIALS IN MANY PROVINCES ORDERED "EXCESSIVE" BUDDHIST TEMPLES DESTROYED OR CONVERTED TO OTHER USES.

IN BURMA, THE PERSECUTION OF THE ROHINGYA MUSLIM MINORITY CONTINUED IN ARAKAN (RAKHINE) STATE, CAUSING NEW OUTFLOWS OF REFUGEES TO BANGLADESH. APPARENTLY ACTING AT GOVERNMENT INSTIGATION, BUDDHIST MONKS ALSO ATTACKED MUSLIMS IN THE CENTRAL BURMESE CITY OF MANDALAY IN MARCH. GOVERNMENT-TOLERATED RIOTERS ATTACKED MOSQUES AND MUSLIM-OWNED SHOPS, AND SOLDIERS ORDERED SOME MUSLIMS TO CONVERT TO BUDDHISM OR LEAVE THE COUNTRY.

THE SUDANESE GOVERNMENT CONTINUED TO WAGE A HIGHLY ABUSIVE WAR AGAINST RESIDENTS OF THE SOUTHERN PART OF THE COUNTRY—a CONFLICT WITH RELIGIOUS, ETHNIC, AND REGIONAL DIMENSIONS. THE GOVERNMENT ALSO CONDONED KIDNAPPING AND ENSLAVEMENT OF SOUTHERNERS AND DENIED PERMITS FOR CHURCH-BUILDING IN KHARTOUM. IN PAKISTAN, SECTARIAN VIOLENCE BETWEEN SUNNI AND SHI'A MUSLIM GROUPS LEFT 200 DEAD, WHILE SO-CALLED BLASPHEMY LAWS AND RELATED LAWS REGULATING RELIGION WERE USED TO HARASS, INTIMIDATE AND PUNISH RELIGIOUS MINORITIES, PARTICULARLY CHRISTIANS AND AHMADIS. IN SAUDI ARABIA, THE SUNNI GOVERNMENT PROHIBITED ALL NON-MUSLIM RELIGIOUS MANIFESTATIONS. SHI'A MUSLIM CITIZENS OF

Saudi Arabia faced widespread official discrimination, including the banning of books on Shi'ism and tight restrictions on the private construction of Shi'a mosques or community centers.

The Iranian government continued to tolerate or encourage violent religious zealots known as Partisans of the Party of God (Ansar-e Hezbollah) to assault and intimidate writers and intellectuals, disrupt gatherings of those critical of government policies, and carry out raids on the offices of independent magazines and newspapers. Baha'is and evangelical Christians faced widespread persecution, including death sentences against two Baha'is accused of spying for Israel and, since 1994, the unexplained murder of three Christian leaders. An official council of clerics and jurists vetted candidates for public office for their "piety," and the constitution restricted the presidency to a male Shi'a Muslim, excluding not only all women but also the 20 percent of the population that is Sunni Muslim or belongs to other religious minorities.

In Egypt, the state's discriminatory treatment of the Christian minority remained unaddressed, including the requirement that congregations secure presidential permission prior to constructing or repairing churches. Coptic Christians in southern Egypt continued to be targeted by armed Islamist militants: in February, eight young Copts were massacred inside a church, and in March, gunmen entered a village and methodically killed thirteen residents, nine of them Copts. Armed opposition groups also invoked religion to kill civilians in Algeria and Israel.

In Russia, "traditional" religions tried to protect their privileged position from the influx of "new" religious groups through a new law revoking almost all rights of religious groups that had been in Russia for fewer than fifteen years. Macedonia proposed a similar law. In Bulgaria, non-Orthodox Christian groups, including Jehovah's Witnesses and World of Life, were refused official recognition and, along with Mormons, were the subject of public attacks and official discrimination. The chief prosecutor also warned that certain Protestant churches would face revocation of their legal recognition if they continued to evangelize. In Greece, the constitution gave only the Greek Orthodox church official status and prohibited proselytism.

In Uzbekistan, the Muslim community faced official curbs on the use of loudspeakers for the call to prayer, steps to prevent female students from wearing Islamic headscarves in schools and colleges, and the closure of Islamic teaching establishments. A Baptist teacher was also charged with conducting illegal church services (facing a possible three years in prison) and his congregation prevented from holding further meetings. To stop proselytizing by predominately Protestant groups, the Uzbekistan authorities confiscated 25,000 copies of the New Testament in Uzbek translation.

In Indonesia, the trial in October of a well-known Catholic priest and social activist in Jakarta on charges of harboring student radicals accused of subversion was widely interpreted as a government effort to brand opposition leaders in heavily Muslim Indonesia as non-Muslim. The Iraqi government interfered with Shi'a religious observance at shrines in Karbala by blocking the annual pilgrimage to the tomb of Imam Husayn. In Turkey, the military forced the ouster of the Islamic-led coalition government of Prime Minister Necmettin Erbakan and were threatening to outlaw his Welfare Party. The Erbakan government's stated offense, as alleged in the indictment to close the party, was attempting to allow a greater role for Islam in public life, such as allowing female civil servants to wear headscarves and, in the case of some party leaders, calling for the adoption of Islamic law (sharia).

In Cuba, the government sentenced one leader of an independent Christian organization to four years in prison, in part, it appeared, for his unsuccessful attempts to obtain legal status for his organization.

Attacks on Human Rights Monitors

Because the revelation of a government's human rights crimes can be deeply stigmatizing, some governments went to great lengths to silence the messenger, including murder. In apparent retaliation for their work, fifteen human rights monitors in 1997 were killed, forcibly "disappeared," or died in suspicious circumstances. This was more than double the toll for 1996, with all but one of the victims in Colombia or Rwanda. Many other human rights

MONITORS FACED DETENTION AND HARASSMENT.

Killings in Colombia

Colombian human rights activists suffered a wave of murders, with eight killed or “disappeared” in 1997, making the country one of the most dangerous places for human rights monitoring. On May 19, Mario Calderón, an employee of the Center for Research and Popular Education (Centro de Investigación y Educación Popular, CINEP); Elsa Alvarado, his wife and a former CINEP employee; and Carlos Alvarado, Elsa’s father, were killed by masked gunmen in their Bogotá apartment, apparently in retaliation for their human rights work.

Nazareno de Jesús Rivera, a member of the Segovia Human Rights Committee, was murdered on March 9. The same day, colleague Jaime Ortiz Londoño was forcibly “disappeared.” On March 12, the Army’s Fourteenth Brigade displayed Rivera’s body to the press, falsely claimed that he was “a guerrilla killed in action,” and showed reporters Ortiz’s identity documents. On March 23, a former member of the same group, Margarita Guzmán, was killed in her office, apparently for her work investigating Rivera’s death and Ortiz’s “disappearance.”

Victor Julio Garzón, the secretary general of an agrarian association and a well-known human rights defender, was killed by unidentified gunmen in his Bogotá office on March 7. Garzón was a member of the Meta Civic Committee for Human Rights, which had been all but extinguished after its members were systematically killed.

Although international outrage followed the 1996 murder of Josué Giraldo, president of the Meta Civic Committee for Human Rights, no arrests were made in his case, which remained in preliminary investigation along with most other investigations into past killings of Colombian human rights monitors.

A government worker who was investigating links between the security forces and paramilitary groups, former Yondó, Antioquia, ombudsman Gustavo Núñez, was pulled from a public bus by paramilitaries near Barrancabermeja and killed on August 8.

Killings in Rwanda

In early February, five staff members of the U.N. Human Rights Field Office for Rwanda (UNHRFOR) were murdered in southwestern Rwanda by assailants who ambushed their vehicle. Three of the five were Rwandan, Jean-Bosco Munyanza, Aimable Nsensiyumvu, and Aciripin Ngabo; one was Cambodian, Sastra Chim Chan; and one was British, Graham Turnbull. Rwandan authorities attributed the attack to a band of insurgents, several of whom they said they had killed in an encounter soon after.

In late January, a former judge and human rights activist, Innocent Murengezi, “disappeared” just after leaving court in Kigali. He had been one of only three Rwandan lawyers willing to defend persons accused of genocide.

Killing in Ethiopia

The acting president of Ethiopia’s Teachers’ Association (ETA), Assefa Maru, was shot and killed by the police in early May. He was also a member of the executive committee of the Independent Ethiopian Human Rights Council. Maru was shot in the street on the way to his office. Witnesses claimed that at least four police teams took part in the assassination.

Violence and Threats to Safety

Human rights defenders in Colombia were also the targets of threats and surveillance by members of the security forces. Wilson Patiño, a human rights activist from Remedios, Antioquia, was forced to leave the area after armed men came to his home on March 20, apparently to kill him. On May 24, Neftalí Vanegas Perea, a human rights defender in Ocaña, Norte de Santander, narrowly escaped an assassination attempt by armed men believed to be

working in league with the security forces. The offices of the Association of Family Members of the Detained and Disappeared (Asociación de Familiares de Detenidos y Desaparecidos, ASFADDES) were the target of a June 24 bombing that destroyed the group's archives. Later, organization members in Medellín and Riosucio, Chocó, received several threats, including that of a telephone caller who claimed that "the bomb was only a warning, so it would be better if you left the office." Two branch offices were later closed for fear of attacks, and the group's president and her family were forced to leave the country for their safety.

Other human rights workers in Colombia reported receiving threats related to their work. After a series of massacres in the Middle Magdalena region, five human rights workers associated with the Regional Corporation for the Defense of Human Rights (Corporación Regional para la Defensa de los Derechos Humanos, CREDHOS) were informed that their names appeared on death lists being circulated by paramilitary groups. In September, members of the Association for the Promotion of Social Alternatives (Asociación para la Promoción Social Alternativa, MINGA) said that suspicious men were watching their offices and were following the MINGA and ASFADDES members working there.

Human rights advocate Francisco Soberón, head of Peru's Pro-Human Rights Association (Asociación Pro-Derechos Humanos, APRODEH), faced repeated anonymous death threats, apparently in retaliation for APRODEH's defense of a respected judge facing arbitrary legal proceedings and a police whistle-blower facing persecution.

In Bolivia, on January 25, national police agents arrested Waldo Albarracín, president of the Permanent Assembly of Human Rights (Asamblea Permanente de Derechos Humanos, APDH), and reportedly tortured him for more than three hours. The police agents reportedly beat Albarracín all over his body, including his genitalia, and subjected him to death threats and near-asphyxiation. Albarracín was later hospitalized with serious wounds.

In the eastern town of Kindu, Democratic Republic of Congo, the military commander ordered the closure of the premises of the rights group Haki Za Binadamu, after he received a letter in which the group denounced the unlawful detention of suspects in criminal and civil cases in a military camp. Two of Haki's workers were detained and tortured; one was left hospitalized and in a coma.

After suffering enormous losses during the genocide, the five Rwandan human rights associations attempted to resume work but activists who criticized the authorities or urged the presumption of innocence for those accused of genocide were harassed and threatened.

A pattern of state-tolerated intimidation of civil liberties lawyers and other political activists continued in Andhra Pradesh, India, where the state government was engaged in a longstanding conflict with armed Maoist groups collectively known as Naxalites. In April and May a group calling itself the "Green Tigers"—a reportedly fictitious name used by a police counterinsurgency unit—claimed responsibility for assaults on two senior members of the Andhra Pradesh Civil Liberties Committee (APCLC) and a protest singer, and threatened to attack four other prominent civil liberties activists.

In September, a police official entered the offices of the South Asia Human Rights Documentation Centre (SAHRC) in New Delhi and questioned the director, Ravi Nair, about the group's activities. When Nair requested that the official provide proper identification, he left. Nair later received a call from the deputy commissioner of police who threatened to arrest him and give him "special treatment" if he did not cooperate.

In October, R. N. Kumar, an activist from the Committee for Initiative and Action in Punjab, received anonymous death threats over the telephone. Kumar had been instrumental in bringing about investigations into the "disappearances" of more than 980 people in Punjab between 1984 and 1994. Also in October, Babloo Singh Loitongbam of the Committee on Human Rights in Manipur was interrogated by police in Imphal, Manipur, after he criticized India's human rights record before the U.N. Human Rights Committee in July.

In Pakistan, human rights activists continued to receive more threats from religious groups than from government agents. Asma Jahangir, a prominent human rights lawyer and chairperson for the Human Rights Commission of Pakistan, continued to receive threats from religious organizations opposed to the Lahore High Court's decision in the Saima Wahed case, which upheld the validity of this twenty-two-year-old Pakistani woman's

MARRIAGE IN THE FACE OF A CHALLENGE FROM HER FATHER.

SEVERAL MEMBERS OF THE BELARUSIAN HELSINKI COMMITTEE (BHC) WERE ARRESTED DURING DEMONSTRATIONS IN MARCH, APRIL, AND JUNE. ONE OF THEM WAS ACQUITTED IN COURT WHILE THE OTHERS RECEIVED WARNINGS, FINES, OR SENTENCES OF ADMINISTRATIVE DETENTION. POLICE BEAT UP TWO MONITORS OF THE ORGANIZATION DURING DEMONSTRATIONS ON MARCH 14 AND APRIL 2. THE BHC CAME UNDER RENEWED ATTACK ON OCTOBER 20, WHEN THREE MEN WHO IDENTIFIED THEMSELVES AS "YOUNG BELARUSIAN PATRIOTS" ASSAULTED AND THREATENED TWENTY-ONE-YEAR-OLD NADEZHDA ZHUKOVA, A TRIAL AND DEMONSTRATION OBSERVER, AS SHE LEFT THE LENINSKY DISTRICT COURT.

Arrests, Detentions and Mistreatment

IN LATE 1996 AND 1997, LOCAL AUTHORITIES IN THE RUSSIAN PROVINCES ARRESTED AT LEAST FOUR HUMAN RIGHTS ACTIVISTS AND BROUGHT CHARGES AGAINST THEM FOR SUCH THINGS AS LIBEL, CONTEMPT OF COURT, MAKING DEATH OR OTHER THREATS, AND HAVING SEXUAL INTERCOURSE WITH A MINOR. ALL ACTIVISTS HAD PROVIDED FREE LEGAL ADVICE TO PEOPLE IN THEIR REGIONS AND ACTED AS PUBLIC DEFENDERS AT COURT HEARINGS.

IN KYRGYZSTAN, THE YNTYMAK SOCIETY, AN ORGANIZATION THAT ADVANCES THE HOUSING CONCERNS OF MIGRANT WORKERS IN BISHKEK, CAME UNDER ATTACK BY THE GOVERNMENT FOLLOWING PEACEFUL DEMONSTRATIONS OUTSIDE A GOVERNMENT BUILDING. ON JULY 7, TWELVE DEMONSTRATORS, INCLUDING HUMAN RIGHTS ACTIVIST TURSUNBEK AKHUNOV, WERE ARRESTED BY POLICE WHILE PICKETING THE BUILDING.

ON MARCH 14, A THREE-JUDGE PANEL FOUND THE TURKISH TRANSLATOR AND PUBLISHER OF A 1995 HUMAN RIGHTS WATCH REPORT ON ARMS TRANSFERS TO AND HUMAN RIGHTS VIOLATIONS IN TURKEY, ERTURUL KÜRKÇÜ AND AYENUR ZARAKOL, GUILTY OF THE CHARGE OF DEFAMATION. THE COURT GAVE KÜRKÇÜ A TEN-MONTH PRISON SENTENCE, SUSPENDED FOR TWO YEARS, AND FINED ZARAKOL 1.5 MILLION TURKISH LIRA, ABOUT \$750.

IN MAY, DR. TUĞAN KOSE WAS FOUND GUILTY OF "NEGLIGENCE IN DENOUNCING A CRIME" AND MUSTAFA ÇINKILIC, A LAWYER, WAS ACQUITTED OF "DISOBEYING THE ORDERS OF AUTHORITIES." THE CASE AGAINST BOTH MEN, REPRESENTATIVES OF THE HUMAN RIGHTS FOUNDATION OF TURKEY, ADANA BRANCH, STEMMED FROM THEIR REFUSAL TO PROVIDE AUTHORITIES WITH THE NAMES AND RECORDS OF 167 VICTIMS OF TORTURE WHO SOUGHT TREATMENT IN ADANA.

IN INDONESIA, ON MARCH 22, THE POLICE AND MILITARY BROKE UP THE NATIONAL MEETING OF INDONESIA'S LARGEST HUMAN RIGHTS ORGANIZATION, THE INDONESIAN LEGAL AID FOUNDATION (YAYASAN LEMBAGA BANTUAN HUKUM INDONESIA, YLBHI) AT THE GRAHA ASRI HOTEL IN BANDUNG, WEST JAVA, ON THE GROUNDS THAT YLBHI HAD NOT APPLIED FOR AN OFFICIAL PERMIT TO HOLD THE MEETING. TWO LOCAL ORGANIZERS, WIRAWAN AND HEMASARI, AS WELL AS THE HOTEL MANAGER, WERE TAKEN TO THE LOCAL POLICE STATION IN CIDADAP (KAPOLSEK) AND LATER TRANSFERRED TO THE REGIONAL POLICE OFFICE (KAPOLWILTABES) IN BANDUNG, WHERE THEY WERE INTERROGATED.

KHEMAÏS KSILA, A VICE PRESIDENT OF THE TUNISIAN HUMAN RIGHTS LEAGUE, WAS ARRESTED ON SEPTEMBER 29, THE DAY HE LAUNCHED A WELL-PUBLICIZED HUNGER STRIKE TO DRAMATIZE THE PRICE HE HIMSELF HAD PAID FOR HIS HUMAN RIGHTS WORK: DISMISSAL FROM HIS PUBLIC-SECTOR JOB, A BAN ON HIS TRAVEL ABROAD, AND POLICE SURVEILLANCE. HE WAS ACCUSED OF "DISSEMINATING FALSE NEWS" AND INCITING OTHERS TO DISTURB THE PUBLIC ORDER, AND WAS STILL IN DETENTION AS OF EARLY NOVEMBER.

IN ALGERIA, THE OFFICE OF LAWYER MOHAMED TAËHRI, WHOSE CLIENTS INCLUDED RELATIVES OF "DISAPPEARED" PERSONS, SUFFERED A SUSPICIOUS BURGLARY DURING THE WEEKEND OF JUNE 12-13, IN WHICH THE ONLY ITEMS MISSING WERE PERSONAL DOCUMENTS AND CORRESPONDENCE WITH CLIENTS. THE BREAK-IN OCCURRED ONLY DAYS AFTER TAËHRI WAS FEATURED SPEAKING ABOUT HUMAN RIGHTS IN *LE MONDE* (PARIS) AND ON FRENCH TELEVISION. ON OCTOBER 20, TAËHRI WAS ARRESTED AND HELD FOR SEVEN HOURS AFTER DEMONSTRATING IN ALGIERS WITH ABOUT FIFTY WOMEN SEEKING INFORMATION ON MISSING RELATIVES.

RACHID MESLI, AN ALGIERS LAWYER WHO HAD BEEN OPENLY HELPFUL TO AMNESTY INTERNATIONAL (AI) DURING AND SINCE ITS 1996 MISSION TO ALGERIA, WAS SENTENCED AFTER AN UNFAIR TRIAL TO THREE YEARS IN PRISON, ON CHARGES OF "ENCOURAGING" AND "PROVIDING APOLOGETICS" FOR "TERRORISM." DURING HIS INITIAL INTERROGATION AND TRIAL, THE JUDGE QUESTIONED MESLI ABOUT HIS CONTACTS WITH AI.

ON JULY 27, ISRAEL RENEWED FOR SIX MONTHS THE ADMINISTRATIVE DETENTION OF SHA'WAN JABARIN, FIELDWORK

COORDINATOR OF AL-HAQ, THE PALESTINIAN HUMAN RIGHTS ORGANIZATION. HE HAD BEEN HELD OFF AND ON FOR A TOTAL OF NEARLY FIVE YEARS SINCE 1999, ALL OF THAT TIME WITHOUT CHARGE OR TRIAL.

ON OCTOBER 26, PALESTINIAN SECURITY FORCES ARRESTED KHALED AMAYREH, A JOURNALIST AND HUMAN RIGHTS ACTIVIST, AFTER HE PUBLISHED A REPORT ON THE TORTURE OF HAMAS DETAINEES IN A PALESTINIAN AUTHORITY CENTER NEAR HEBRON. AMAYREH SAID LATER THAT HE WAS HELD FOR ALMOST TWO DAYS AND VERBALLY ABUSED BY JIBRIL RAJOUR, HEAD OF THE PREVENTIVE SECURITY SERVICE IN THE WEST BANK. HE WAS RELEASED WITHOUT CHARGE.

ODILIA COLLAZO VALDÉS, PRESIDENT OF CUBA'S HUMAN RIGHTS PARTY (PARTIDO PRO DERECHOS HUMANOS, PPDH), SUFFERED REPEATED ARRESTS DURING 1997, AS DID OTHER PPDH MEMBERS, INCLUDING MAITÉ MOYA GÓMEZ AND JORGE LUIS RODRÍGUEZ. ON OCTOBER 23, A CUBAN COURT IN SANTA CLARA CONVICTED ELEVEN MEMBERS OF THE PPDH OF "ASSOCIATION TO COMMIT CRIMINAL ACTS" AND "DISOBEDIENCE," WITH SENTENCES RANGING FROM ONE YEAR OF HOUSE ARREST (ONE WOMAN) TO ONE-AND-ONE-HALF YEARS IN PRISON OR WORK CAMP (FOR NINE). RENÉ GÓMEZ MANZANO, AN ATTORNEY WITH THE AGROMONTISTA CURRENT (CORRIENTE AGROMONTISTA), A LEGAL DEFENSE GROUP, AND LEADER OF THE INTERNAL DISSIDENTS' WORKING GROUP, REMAINED IN DETENTION IN MID-NOVEMBER.

IN SYRIA, FIVE ACTIVISTS FROM THE COMMITTEE FOR THE DEFENSE OF FREEDOM AND HUMAN RIGHTS CONTINUED TO SERVE PRISON SENTENCES OF UP TO TEN YEARS. ROBERTO MONTE, A HUMAN RIGHTS ACTIVIST WHO WORKED IN THE STATE OF RIO GRANDE DO NORTE, BRAZIL, WAS SUED FOR DEFAMATION FOR ACCUSATIONS HE MADE AGAINST A HIGH-RANKING POLICE OFFICIAL.

SEVEN HUMAN RIGHTS ACTIVISTS IN THE DOMINICAN REPUBLIC COMPLAINED OF POLICE HARASSMENT IN OCTOBER AND NOVEMBER, APPARENTLY LINKED TO A NATIONAL STRIKE. IN EARLY NOVEMBER, DANILO DE LA CRUZ, A MEMBER OF THE DOMINICAN COMMITTEE FOR HUMAN RIGHTS (COMITÉ DOMINICANO DE DERECHOS HUMANOS, CDDH) WHO POLICE HAD FIRED ON IN 1996, WAS DETAINED AND HELD INCOMMUNICADO FOR OVER ONE WEEK. DURING THAT TIME, POLICE REPEATEDLY INTERROGATED HIM ABOUT THE ACTIVITIES OF CDDH AND TORTURED HIM BY BEATING HIM, HANDCUFFING HIM TO A METAL TUBE, AND REFUSING TO PROVIDE HIM WITH SUFFICIENT FOOD OR WATER.

IN CHINA, LIU NIANCHUN, A PRINCIPAL SPONSOR OF THE LEAGUE FOR THE PROTECTION OF THE RIGHTS OF THE WORKING PEOPLE; ZHOU GUOQIANG, A LABOR RIGHTS ACTIVIST AND LAWYER; AND GAO FENG, A RELIGIOUS DISSIDENT, HAD THEIR SENTENCES EXTENDED (299 DAYS FOR ZHOU AND 216 FOR THE OTHERS) FOR FAILURE TO REFORM. ALL THREE WERE SERVING LABOR REEDUCATION SENTENCES IN SHUANGHE LABOR CAMP IN HEILONGJIANG PROVINCE, ALTHOUGH BY OCTOBER LUU HAD BEEN TRANSFERRED TO AN UNKNOWN LOCATION. WHEN LIU PROTESTED AND BEGAN A HUNGER STRIKE ON MAY 22, HE WAS THROWN INTO A SMALL DARK PUNISHMENT CELL, DENIED SUFFICIENT WATER, AND TORTURED WITH ELECTRIC SHOCKS. HE WAS EXTREMELY ILL WITH A BLOCKED INTESTINE, SWOLLEN LYMPH NODES, AND MOUTH ULCERS, AND HAD LOST OVER FORTY POUNDS, BUT PRISON AUTHORITIES IGNORED HIS REQUESTS FOR MEDICAL TREATMENT.

ALSO IN CHINA, IT BECAME KNOWN IN JANUARY 1997 THAT FIVE DISSIDENTS FROM GUIYANG HAD RECEIVED LENGTHY SENTENCES. A VERDICT DATED MAY 27, 1996 LISTED SENTENCES FOR CHEN YI, LIAO SHUANGYUAN, HUANG YANMING, LU YONGYIANG, AND ZENG NING RANGING FROM TWO TO TEN YEARS' IMPRISONMENT FOR "ORGANIZING AND LEADING A COUNTERREVOLUTIONARY GROUP," PARTICIPATING IN SUCH A GROUP, AND ENGAGING IN COUNTERREVOLUTIONARY PROPAGANDA AND INCITEMENT. SEVEN OTHERS, YU GUOPING, WANG JUN, HU KANGWEI, CHEN ZONGQING, YI HUA, TAO YUPING, AND WANG QUANZHENG, HAVE BEEN DETAINED SINCE 1995 IN THE SAME CASE AND ARE NOT KNOWN TO HAVE BEEN TRIED. IN MAY 1995, CHEN YI INITIATED AN "OPEN LETTER TO THE COMMUNIST PARTY CENTRAL COMMITTEE" WHICH ADVOCATED DEMOCRATIC REFORM, RESPECT FOR HUMAN RIGHTS, AND RELEASE OF POLITICAL PRISONERS. LIAO SIGNED THE PETITION, WHILE HUANG AND LU DISTRIBUTED IT.