

Tyranny's False Comfort

Why Rights Aren't Wrong in Tough Times

By Kenneth Roth

The world has not seen this much tumult for a generation. The once-heralded Arab Spring has given way almost everywhere to conflict and repression. Islamist extremists commit mass atrocities and threaten civilians throughout the Middle East and parts of Asia and Africa. Cold War-type tensions have revived over Ukraine, with even a civilian jetliner shot out of the sky. Sometimes it can seem as if the world is unraveling.

Many governments have responded to the turmoil by downplaying or abandoning human rights. Governments directly affected by the ferment are often eager for an excuse to suppress popular pressure for democratic change. Other influential governments are frequently more comfortable falling back on familiar relationships with autocrats than contending with the uncertainty of popular rule. Some of these governments continue to raise human rights concerns, but many appear to have concluded that today's serious security threats must take precedence over human rights. In this difficult moment, they seem to argue, human rights must be put on the back burner, a luxury for less trying times.

That subordination of human rights is not only wrong, but also shortsighted and counterproductive. Human rights violations played a major role in spawning or aggravating most of today's crises. Protecting human rights and enabling people to have a say in how their governments address the crises will be key to their resolution. Particularly in periods of challenges and difficult choices, human rights are an essential compass for political action.

The Rise of ISIS

No challenge in the past year has exploded more dramatically than the emergence of the self-proclaimed Islamic State, the extremist group also known as ISIS. One can only be appalled at ISIS's mass execution of captured combatants and disfavored civilians. This Sunni armed group has singled out Yazidis, Turkmen, Kurds, Shia, and even other Sunnis who contest its extreme interpretation of Islamic law. Its militants have enslaved, forcibly married, and raped Yazidi women and girls, and beheaded journalists and aid workers in gruesome videotaped spectacles. Rarely has an armed force engendered such widespread revulsion and opposition.

Yet ISIS did not emerge in a vacuum. In part it is a product of the United States-led war and military occupation of Iraq that began in 2003, which produced, among other things, a security vacuum and the abuses of detainees in Abu Ghraib prison and other US-run detention centers. Funding of extremist groups by Gulf states and their citizens also played a role. More recently, the sectarian policies of the Iraqi and Syrian governments, and international indifference to those governments' serious rights abuses, have been important factors. If the conditions that led to ISIS are left to fester, the group could deepen its hold on the two countries and expand into Lebanon, Jordan, Libya, and beyond.

Iraq

In Iraq, ISIS owes much of its emergence to the abusive sectarian rule of former Prime Minister Nouri al-Maliki and the resulting radicalization of the Sunni community. With Iranian backing, Maliki took personal control of Iraqi security forces and supported the formation of Shia militia, many of which brutally persecuted the minority Sunni population. Sunnis were excluded from select government jobs, rounded up and arbitrarily detained under new overbroad laws, summarily executed, and indiscriminately bombed.

The severity of the persecution can be measured by its effects. ISIS's predecessor, Al-Qaeda in Iraq (AQI), was defeated with the help of a military coalition of Sunni tribes in western Iraq known as the Awakening Councils. But many of the tribes that nearly single-handedly defeated AQI became so fearful of slaughter and persecution by pro-government security forces that when conflict broke out in 2014, they felt safer fighting those forces than ISIS.

Human rights groups persistently called attention to Maliki's abusive rule, but the US, the United Kingdom, and other countries, eager to put their own military involvement in Iraq behind them, largely shut their eyes to this sectarian reign—and even plied it with arms. Today, there is wider recognition that this indifference to atrocities under Maliki was a mistake. Eventually he was forced from office and replaced by Haider al-Abadi, who has pledged a more inclusive form of governance. But as Western military aid still flows into Iraq, abusive sectarianism has not ended. Maliki continues to serve as one of Iraq's three vice presidents, and the weak government has vastly increased its reliance on Shia militia, allowing the mobilization of almost one million Shia fighters without government oversight or regulation. Indeed, because of the Iraqi army's disarray, the militias are the lead ground forces fighting ISIS, despite their ongoing killing and cleansing of Sunnis as ostensible ISIS sympathizers. Until these atrocities end, the Shia militias are likely to do more to aid ISIS recruitment than to defeat ISIS on the battlefield.

Meanwhile, the Iraqi government has not ended indiscriminate military attacks in civilian areas or released a significant number of detainees held without a warrant or after completion of their sentences. The corrupt and abusive judiciary remains unreformed, and Abadi's calls for an end to abusive, exclusionary rule remain unimplemented. Over the long term, completing these reforms will be at least as important as military action to protect civilians from ISIS atrocities.

Syria

In Syria, ISIS owes its rise to various factors, including porous borders with Turkey that have enabled fighters armed and funded by foreign governments to flow in. Many then joined the extremist group. ISIS has also generated funds through exorbitant ransom demands and "taxes" on people in territory it controls, as well as selling Syrian oil and antiquities.

With these building blocks, ISIS came to portray itself as the force most capable of standing up to the extraordinary brutality of President Bashar al-Assad and his troops. In vicious fashion, Assad's forces have been deliberately attacking civilians who happen to live in opposition-held areas, aiming to depopulate these areas and punish presumed rebel sympathizers.

Since the Syrian government turned over its chemical weapons, its most notorious tool has been the barrel bomb, an oil drum or similar container filled with high explosives and metal fragments. Also used by the Iraqi air force, it has gained notoriety in Syria, where the air force typically drops it from a helicopter hovering at high altitudes to avoid anti-aircraft fire. From that height, the barrel bomb is impossible to target with any precision. It simply tumbles to earth, making its dreaded swishing sound as its contents shift back and forth, until it hits the ground and detonates.

Barrel bombs are so inaccurate that the Syrian military does not dare use them near the front lines for fear of hitting its own troops. Rather, it drops them well into territory held by rebel groups, knowing that they will destroy apartment buildings, hospitals, schools, and other institutions of civilian life. These indiscriminate weapons have made life so miserable for many civilians that some who do not flee the country choose to move their families near the front line, preferring to brave snipers and artillery rather than the horror of the barrel bombs.

When the Syrian government attacked civilians with chemical weapons, the United Nations Security Council pressured Assad to stop and to surrender his weapons. But as the Syrian government killed countless more civilians by indiscriminate attacks with conventional weapons such as barrel bombs, as well as cluster munitions, incendiary weapons, and unguided rockets, the Security Council has largely stood on the sidelines. A number of states have condemned the slaughter, but they have done little more to generate pressure to end it.

Russia has used its Security Council veto power to stop unified efforts to end the carnage. Russia, as well as Iran, has also refused to use their enormous influence in Damascus to press for an end to the indiscriminate attacks, despite demands from the Security Council, including Russia, for such attacks to cease. Referring Syria to the International Criminal Court (ICC) to address serious international crimes by all sides, a step endorsed by more than 65 countries, remains anathema to Moscow.

The US-led coalition has taken on ISIS, but no nation—whether adversaries like the US, or backers like Russia and Iran—have increased pressure on Assad to stop the slaughter of civilians. The two cannot, and should not, be so easily separated

This selective concern has been a gift to ISIS recruiters, who portray themselves as the only ones willing and able to stand up to Assad's atrocities. Simply attacking ISIS is clearly not going to end its appeal. A broader concern with protecting Syrian civilians is required.

Intensified Repression in Egypt

In Egypt, the brutal reign of the general-turned-president, Abdel Fattah al-Sisi, has sought to crush the democratic aspirations of Tahrir Square. The uprising that overthrew President Hosni Mubarak's authoritarian government gave Egypt its first free and fair presidential election, which was won by the Muslim Brotherhood's Mohamed Morsy. The Morsy government ruled in a way that left many Egyptians fearing (whether legitimately or not) the gradual emergence of a strict Islamic regime, but its abuses never came close to those now being visited upon the Egyptian people by the military-dominated government that overthrew Morsy on June 30, 2013.

The military coup led by Sisi devastated the Brotherhood and its supporters. In just 12 hours on August 14, 2013, security forces overseen by Sisi and Interior Minister Mohamed Ibrahim systematically shot dead at least 817 mostly peaceful protesters in Cairo's Rab'a Square, where they had conducted a weeks-long mass sit-in to protest Morsy's removal.

The security forces claimed self-defense, but their handful of casualties paled in comparison to the number of protesters shot by snipers and other gunmen, many as they sought medical aid. Egyptian authorities had planned the violent dispersal of the sit-in weeks in advance, and fully anticipated a massive death toll. It was the largest massacre of protesters in recent history—the most deadly since at least China's repression of the Tiananmen Square democracy movement in 1989.

Since the coup, Sisi's security forces have imprisoned tens of thousands of suspected Muslim Brotherhood members, often without charge or trial, as well as many secular activists. Egyptian courts have handed down death sentences by the hundreds after mass trials that make no pretense of individualizing proof or providing a meaningful opportunity for a defense.

The international community's response to this unprecedented repression has been shamefully inadequate. At the UN Human Rights Council, 27 countries pressed Egypt to investigate the Rab'a Square massacre but did not achieve a majority within the council. There is little appetite among the US, the UK, and other key European governments to look into the military government's abuses. Indeed, while Washington will apply selective sanctions on Venezuelan officials (a move we support) for their security forces' brutal response to protests—which took the lives of no more than a few dozen protesters (though victimized many more)—it has fought sanctions for Egypt, despite the government's murder of close to 1,000 protesters at Rab'a Square.

Congress cut off some military aid even though the Obama administration resisted calling the takeover a “coup” for fear of further ramifications under US law. Secretary of State John Kerry repeatedly spoke of a transition to democracy that was supposedly under way in Egypt despite the lack of supporting evidence. Now that Congress has added a new national security exception to the military aid conditions in place, the US government seems likely to restore most, if not all, of its military support for Cairo without any letup in its repression. This rush to turn the aid spigot back on is driven by a prioritization of enlisting the Egyptian military to curtail an insurgency in the Sinai, back Israel's fight against Hamas in Gaza, and support the anti-ISIS war in Syria and Iraq over supporting the rights of the Egyptian people. The UK, France, and other European governments have also done little to reverse Sisi's unprecedented crackdown.

Saudi Arabia and the United Arab Emirates (UAE) have eagerly helped Egypt to crush the Muslim Brotherhood. As monarchies that invoke Islam for their own legitimacy, they appear terrified of a religious movement that rules in the name of Islam yet embraces democratic elections. They have thrown billions of dollars at Sisi's project of suppression and have labeled the Brotherhood a terrorist organization. The UAE has hunted down those at home deemed to represent Brotherhood views.

International support for the repressive Sisi government is not only a disaster for Egyptian hopes of a democratic future; it sends an appalling message to the region. ISIS can now credibly argue that violence is the only path to power for Islamists because when they sought power through fair elections and won, they were ousted with little international

protest. Again, the short-term convenience of some influential powers—suppressing the Muslim Brotherhood—threatens a long-term debacle for the region’s political future.

Israeli-Palestinian Conflict

The past year saw more settlement construction by Israel, more tit-for-tat violence in the West Bank, and another round of bloody armed conflict in Gaza. Hamas and other Palestinian armed groups in Gaza fired thousands of indiscriminate rockets and mortars toward Israeli population centers. In some cases, Hamas and its allies unnecessarily endangered Palestinian civilians by fighting from populated areas, and summarily executed alleged Palestinian traitors.

Tens of thousands of Israeli rockets, bombs, and artillery attacks, as well as an expansive definition of legitimate military targets, attacks without any evident military target, and lax concern for civilian casualties, left an estimated 1,500 civilians dead in Gaza and wreaked unprecedented destruction on civilian homes and infrastructure. In the occupied West Bank, beyond the settlement expansion, Israel continued its discriminatory and punitive demolitions of Palestinian homes, and unnecessary use of lethal force against Palestinians, killing dozens, including children.

Israel has a poor record of holding its own forces to account for serious laws-of-war violations; Hamas has not even claimed to investigate violations by Palestinian fighters. The involvement of the ICC could help to deter both sides from committing war crimes, while potentially offering victims a modicum of justice. With its UN observer-state status, Palestine is eligible to join the ICC, and it marked the New Year by finally doing so. The ICC will have jurisdiction over war crimes committed in or from Palestinian territory; that is, its mandate would apply to both sides in the conflict.

However, the US and leading EU countries have tried to prevent this development by placing misguided pressure on Palestine not to join the Hague-based court. They have offered the rationale that ICC involvement would be unhelpful to the largely moribund peace process. But they take the opposite position in virtually every other situation of large-scale war crimes, where they recognize that curbing these crimes is often a

prerequisite to building the trust needed for productive peace talks. No one has credibly explained why the Israeli-Palestinian conflict should be an exception to this rule.

The real motive of Western governments is to protect Israelis from possible prosecution. That kind of selective embrace undermines the power and legitimacy of international justice around the world. It emboldens critics who argue that international justice is reserved for weak nations that are not close allies of the powerful.

Boko Haram Atrocities in Nigeria

The problem of turmoil trumping rights is not confined to the Middle East. Human rights concerns are central to the conflict in Nigeria, where the militant Islamist group Boko Haram attacks civilians as well as Nigeria's security forces. The armed group has become notorious for cruelly planting bombs in markets, mosques, and schools, killing thousands of civilians. This past year, Boko Haram abducted hundreds of schoolgirls and young women in the northeast. Some were forced to marry militants and were subjected to sexual violence. One mass abduction in April provoked a worldwide social media campaign, "#BringBackOurGirls," but those victims and many others remain in captivity.

Oil-rich Nigeria should be able to field a professional, rights-respecting army capable of protecting Nigerians from this abusive group. However, the country's leadership has left its military ill-equipped and poorly motivated to defend against Boko Haram attacks.

When the army has acted it has often done so in an abusive manner, rounding up hundreds of men and boys suspected of supporting Boko Haram, detaining them in inhuman conditions, and physically abusing or even killing them. Many other community members have been forcibly disappeared, allegedly by security forces. When Boko Haram suspects escaped in March from a famously abusive detention center, Giwa Barracks, Nigerian security forces reportedly recaptured and summarily executed hundreds of them.

The persistent lack of accountability for these atrocities has made it difficult for Nigeria's allies to provide security assistance for fear of themselves becoming complicit in abuses. The failure of Nigeria's leadership to rein in security forces has also alienated local communities that might otherwise have willingly provided intelligence to the authorities.

Winning the “hearts and minds” of the civilian population will require that the government transparently investigate alleged army abuses and punish offenders.

Kenya’s Abusive Response to Al-Shabaab

Like Nigeria, Kenya has experienced a major increase in extremist attacks on civilians at least partly fueled by an abusive security force response. Al-Shabaab, the Somali Islamist insurgent group, carried out its highest-profile attacks at a Nairobi shopping mall, in Mpeketoni and nearby villages along Kenya’s coast, and in northeastern Mandera.

Kenya’s response has been riddled with abuses. Instead of building public confidence in the ability of the security forces to combat such attacks, the security-force operations have generated public anger and mistrust. In April, after a spate of bombing and grenade attacks in Nairobi, the military and police carried out Operation Usalama Watch in the city’s Eastleigh neighborhood—a sweeping campaign that entailed rights violations of registered asylum seekers and refugees, undocumented Somalis and other foreign nationals, and ethnic Somali Kenyans. As in previous similar operations, Kenyan police arbitrarily detained several thousand people and used excessive force, raiding homes, extorting residents, and physically abusing ethnic Somalis.

Meanwhile, evidence mounted that Kenyan anti-terrorism units were forcibly disappearing and extrajudicially executing terrorism suspects rather than bringing them to court. Rather than respond to the public outcry, the government has tried to gag the messenger by further empowering security forces and strengthening legislative controls over media, civil society, and other sources of independent criticism. Donor countries, particularly the US and UK, that provide significant counter-terrorism support to the Kenyan security services have been slow to respond to the growing body of evidence of this abusive behavior.

Russia and the Crisis in Ukraine

Russia’s occupation of Ukraine’s Crimea and its military assistance to rebels in eastern Ukraine have been major political and security challenges for Western governments. The core of the dispute involves issues of sovereignty on which Human Rights Watch takes no position. However, the relatively narrow Western reaction to intensifying human rights

violations that had been brewing in Russia during the two preceding years may well have aggravated the Ukrainian crisis.

Western governments imposed intense political pressure on Russia, including targeted sanctions, to encourage it to withdraw from Crimea and stop supporting the rebels. However, these governments for the most part either underestimated growing authoritarian rule in Russia since Putin's return to the Kremlin, or struggled to respond to it.

Fearing a possible "color revolution," the Kremlin in 2012 began what has become the most intense crackdown on dissent since the Soviet era. By targeting human rights groups, dissidents, independent journalists, peaceful protesters, and Internet critics, the Russian government radically reduced the possibility that critical voices would reach large numbers of people. The resulting closed information system enabled the Kremlin to suppress most public criticism of its actions in Ukraine. The health of political rights in Russia should be a central part of any effort to resolve the Ukrainian conflict, but has not been.

By the same token, caught in what at times seems like a new Cold War with Russia over Ukraine, the West also has tended to fall back on a good-versus-bad mentality. The desire to present Ukraine as the innocent victim of Russian aggression has made the West reluctant to challenge troubling aspects of Ukraine's behavior, whether the use of "voluntary battalions" that routinely abuse detainees, or the indiscriminate firing of weapons into populated areas. Meanwhile, pro-Russian forces in eastern Ukraine themselves have seriously abused detainees and have endangered the civilian population by launching rockets from their midst. The Western reluctance to address Ukrainian abuses has politicized what should be a principled appeal to both sides to respect international humanitarian law—an appeal that, if successful, would lower temperatures and increase the possibility of a broader political solution.

China's Crackdown on Uighurs in Xinjiang

The Chinese government's approach to Xinjiang, the northwestern province that is home to the Muslim Uighur minority, is to respond to complaints about human rights abuses with more human rights abuses and restrictions. Beijing claims that its crackdown is necessary to fight separatism and terrorism, but its tactic is to impose some of the most draconian

and discriminatory policies against Uighurs, including prohibitions on wearing beards and veils, restrictions on fasting, and overt discrimination with respect to religious education.

The escalating deadly attacks against civilians and security forces in Xinjiang are a grave concern for the government. But the haste with which the government attributes violence to “Uighur terrorists”—while rarely producing evidence and routinely denying suspects the right to a fair trial—creates a vicious cycle in which already-repressed Uighurs feel under constant siege from the state. From the little information made publicly available, it is impossible to assess with any confidence whether those convicted and often sentenced to death are responsible for violence and whether the government’s severe counterterrorism measures are aimed at the right people.

As illustrated by the extraordinarily harsh life sentence handed down in September to Ilham Tohti, a moderate Uighur economist, the state remains unwilling to distinguish between peaceful criticism and those who engage in violence. Viciously prosecuting peaceful criticism, leaving virtually no room for religious or cultural freedom, and expanding an economic strategy in which Uighurs cannot compete equally with Han Chinese migrants is a recipe for increased violence.

Mexico’s Abuse-Riddled War on Drugs

Beginning in 2007, the government of then-President Felipe Calderón opened a “war on drugs” in Mexico, deploying security forces en masse to fight the country’s violent drug cartels. The result was an epidemic of summary executions, enforced disappearances, and torture by the military and police, spiraling violence among competing criminal organizations, and a public security catastrophe that has taken the lives of more than 90,000 Mexicans. In his two years in office, Mexico’s current president, Enrique Peña Nieto, has dialed down the rhetoric but has not made significant inroads in curtailing the corruption and impunity that allow these atrocities to flourish.

Washington has supported Mexico’s “drug war” policies, providing assistance to the country’s security forces, while repeatedly praising their efforts to confront the cartels. What it has not done is speak out about the terrible abuses that these forces commit, or enforce the human rights conditions that the US Congress placed on a portion of the assistance it gives

them. Rather than embarrass an important ally and risk bilateral cooperation on counter-narcotics and other policy priorities, the Obama administration has preferred to remain silent, facilitating Mexico's efforts to downplay its serious human rights problems.

Some US states have done more by legalizing marijuana, undermining the illicit market for this drug. The Obama administration has acquiesced in these initiatives but has hardly embraced them. It should. They are not only the right thing to do from the perspective of the right to privacy, but also an important step for undercutting the profits on which drug traffickers thrive.

United States: CIA Torture with Impunity

The year concluded with the US Senate Select Committee on Intelligence publishing a redacted summary of its report on the Central Intelligence Agency's use of torture against terrorist suspects under the administration of former President George W. Bush.

President Obama has taken a firm stand against torture during his tenure, using his second day in office to ban the Bush administration's "enhanced interrogation techniques"—a euphemism for torture—and to close the secret CIA detention facilities where much of the torture was carried out. Nonetheless, Obama has steadfastly refused to investigate, let alone prosecute, the Bush CIA's torture, even though that is required by the Convention against Torture, which the US ratified in 1994.

There are various possible reasons for Obama's refusal to allow prosecutions. He may have feared that they would be politically divisive, undermining the support of Bush backers in the US Congress for his legislative agenda, even though there has been little such cooperation. He may have felt it unfair to prosecute after the Justice Department's Office of Legal Counsel had ruled that the "enhanced interrogation techniques" were legal, even though the Senate report shows that the CIA knew these amounted to torture and went shopping for politicized government counsel who would justify the unjustifiable. He may have felt that the serious security threat faced after the September 11, 2001 attacks made resorting to extreme forms of interrogation understandable, even though the Senate report shows that they produced little if any actionable intelligence while undermining America's standing in the world and impeding counterterrorism efforts.

Obama's refusal to allow prosecutions means the basic criminal prohibition of torture remains unenforced in the United States. That enables future US presidents, who inevitably will face serious security threats, to treat torture as a policy option. It also greatly weakens the US government's ability to press other countries to prosecute their own torturers, weakening an important voice for human rights at a moment when principled support is urgently needed.

The revelations in the Senate report also require action in Europe, particularly in countries that hosted CIA detention sites or were complicit in renditions and resulting torture. To date, Italy is the only European country that has prosecuted people for involvement in CIA abuses. Poland has finally admitted it hosted a black site but a criminal investigation is stalled. Romania and Lithuania are both in denial.

Criminal investigations are ongoing in the UK, but its government has reneged on its promise to conduct a genuinely independent judicial inquiry into Britain's involvement in rendition and torture. Meaningful accountability for Europe's role in these abuses is vital to hold those responsible to account and to prevent them from being repeated in the future.

Conclusion: The Central Role of Human Rights

In all of these cases, policymakers inevitably can cite seemingly good reasons for downplaying human rights. Human rights require restraint that can feel antithetical to a "do what it takes" attitude that often prevails in the face of serious security challenges. But the last year shows how short-sighted that reflex can be. Violations of human rights often sparked these security challenges, and their continued violation frequently aggravates them.

Human rights are not just arbitrary restraints on governments. They reflect fundamental values, widely shared and deeply held, imposing limits on the power of governments and essential safeguards for human dignity and autonomy. Betraying those values rarely turns out well. Meeting security challenges demands not only containing certain dangerous individuals but also rebuilding a moral fabric that underpins the social and political order. The short-term gains of undermining those core values and the fundamental wisdom that they reflect are rarely worth the long-term price that must inevitably be paid. Rather than

treating human rights as a chafing restraint on their latitude for action, policymakers would do better to recognize them as moral guides as well as legal obligations. The results are likely to be both the right, and the most effective, thing to do.

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