

# COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1994

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HEARINGS  
BEFORE THE  
SUBCOMMITTEE ON  
INTERNATIONAL OPERATIONS AND HUMAN RIGHTS  
OF THE  
COMMITTEE ON  
INTERNATIONAL RELATIONS  
HOUSE OF REPRESENTATIVES  
ONE HUNDRED FOURTH CONGRESS  
FIRST SESSION

FEBRUARY 2 AND 15, 1995

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# COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1994

THURSDAY, FEBRUARY 2, 1995

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON INTERNATIONAL RELATIONS,  
SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND  
HUMAN RIGHTS,  
*Washington, DC.*

The subcommittee met, pursuant to call, at 10 a.m., in room 2172, Rayburn House Office Building, Hon. Christopher H. Smith (chairman of the subcommittee) presiding.

Mr. SMITH. The hearing will come to order.

Ladies and gentlemen and Secretary Shattuck, my good friend Tom Lantos, it is fitting that the first hearing of the new Subcommittee on International Operations and Human Rights should be for the purpose of receiving testimony and beginning to analyze 1994 country reports on human rights practices, and that our first witness should be John Shattuck, the Assistant Secretary for Human Rights, whom we are pleased to welcome.

As members of the subcommittee know, our panel is an amalgamation of two Foreign Affairs subcommittees from the previous Congress. In addition to our substantial legislative responsibilities, including the crafting of the Foreign Relations Authorization Act for fiscal years 1996 and 1997, today's proceeding marks the beginning of an extensive series of hearings, briefings, and reports by the subcommittee on human rights and humanitarian concerns around the globe.

It is my intention and sincere hope to leave no stone unturned in the attempt to expose, scrutinize, and seek remedies for man's inhumanity to man, wherever and however it occurs. In like manner, we will endeavor to recognize and encourage improvements in human rights practices. Above all, I would insist that objectivity, fairness, and the pursuit of truth be at the core of our work.

In the weeks and months ahead, the subcommittee will explore policy options designed to mitigate the seemingly endless suffering and abuse endured by so many. In my view, the country reports are among the most important work the Department of State does. They allow the United States an opportunity to bear witness, to reassert fundamental principles, and also to examine its own conscience about whether its foreign policy comports with these principles. Let me begin by making some general observations about human rights.

First, the very idea of human rights presupposes that certain rights are fundamental, universal, and inalienable. They are too important to be taken away or circumscribed by governments.

Second, the United States has a commitment to human rights that is unique in the history of the world. It is no accident that the signers of the Declaration of Independence rested their resistance to tyranny not on tradition, self-interest or the balance of power, but on the conviction that all human beings are endowed by their creator with certain inalienable rights.

More recently, President Reagan reminded us that it is the destiny of the United States to be a shining city on a hill, a living monument to the idea of freedom.

Human rights are indivisible, mutually reinforcing and all inclusive. Human rights cannot be abridged on account of race, color, creed, gender, age or condition of dependency. Inclusiveness means everyone, and perhaps especially the inconvenient—the unborn child or the dissident or the believer in another religious tradition. The right to life, religion, speech, assembly and due process are the pillars of a free, sane and compassionate society.

The moral character and depth of soul of any society is measured not by its military might, technological prowess, athletic excellence or GDP, but by how well or how poorly it treats its weakest and most vulnerable members.

It is particularly ironic that the subordination of human rights to other concerns, such as trade, immigration control, or congenial relations with other governments is often justified on the ground that these are, quote, “United States interests.” This formulation misses the point. The most important U.S. interest is the promotion of freedom and of decency. We are strong enough, and we are prosperous enough that we have no need to accept blood money or to send refugees back to persecution or to seek our alliances among regimes that murder and torture their own people.

Secretary Shattuck, I want to commend you and your colleagues for your exhaustive work on the 1994 country reports. Yesterday, I received several portions of the reports and had the opportunity late last night to read the findings concerning 10 countries. I have to note here that I have some reservations concerning certain portions of the reports which I would like to state briefly.

First, I hope that in your effort to keep pace with what you call the changing nature of human rights problems that you do not lose sight of the fact that some rights are fundamental. Every year the report seems to tell us more about the extent to which various societies have developed such institutions as collective bargaining and one-person/one-vote democracy.

I do not mean to suggest in any way that these things are not important, for surely they are. They tell us much about a society. However, we must not allow their presence or absence to deflect attention from extrajudicial killings, torture, and imprisonment on account of religious or political beliefs.

Second, and even more troubling, on some issues in some countries the 1994 report seems to acknowledge yet minimize human rights abuses. In a few cases, the reports seem almost to suggest excuses or justifications for such abuses. At least three instances of this forgiving approach involved cases in which the foreign policy

of the present administration has also given too little attention to egregious and well-documented human rights abuses. I refer to the harsh measures taken by the Chinese Government against those, especially women, who resist its coercive population control program, and by both China and Cuba against people who try to escape from these countries.

Finally, the report raises deep concerns about the halfhearted and inconsistent human rights policy of the present administration. On ethnic cleansing in Bosnia, on genocide and the brutal killings in Chechnya, the reports fully state the extent of the human rights abuses. Unfortunately the administration has not given sufficient weight to these abuses in formulating its public pronouncements, especially in Chechnya, where it was characterized as an internal affair; and other issues with regards to Bosnia. Human rights appear not to have been the primary concern.

The 1994 report acknowledges that forced abortions have been reported in China. Indeed, it acknowledges, and I quote from the report, that most people still depend on their government-linked work unit for permission to have a child and that the highly intrusive one-child family planning policy relies on propaganda, economic incentives, as well as more coercive measures, including psychological pressure and economic penalties, including fines, withholding of social services, demotion, and other administrative punishment such as loss of employment.

The report also clearly states that "penalties for excess births"—and that is very troubling, "excess births," as if children are excess—"can be levied against local officials in the mothers' work units, providing multiple sources of pressure." The report, however, then seems to accept blindly and uncritically the Chinese Government's oft-stated lie that "physical compulsion to submit to abortion or sterilization is not authorized" by the government. This is the same story, the same big lie that the Chinese Government has been telling for years.

The 1994 report also continues to suggest that the one-child policy is not even enforced in rural areas of the country. That is utter nonsense and also ignores the 1991 country-wide tightening of the enforcement of the coercive population control program. The pervasive use of forced abortion and sterilization, which this Congress on two separate occasions construed to be crimes against humanity, has gotten worse since 1991, and this has been well documented by demographers, dissidents, journalists and human rights activists. Even the New York Times in its 1993 story showed clearly that forced abortion in China is not rare, it is not limited to economic coercion or social pressure, it is not confined only to urban areas or to certain parts of the country, and definitely not unauthorized by those in power.

As Michael Weisskopf said so well in his 1985 expose in the Washington Post, publicly and for international consumption, the Chinese officials say one thing, then privately through their network they communicate a far different story.

The report, as in past years, also seems to excuse the excesses of brutal PRC policy by pointing with alarm to the size of China's population with evident approval to the general thrust of the regime's effort to minimize population growth. I would remind mem-

bers, and I say this very emphatically, that forced abortion was properly construed to be a crime against humanity at the Nuremberg war trials. Today it is employed with chilling effectiveness, and unbearable pain upon women in the People's Republic of China.

Women in China are required to obtain a birth coupon before conceiving a child. Chinese women are hounded by population control police, and even their menstrual cycles are publicly monitored as a means of ensuring compliance.

Let me also say that the 1994 report also barely mentioned the brutal eugenics policy under which the PRC regime has undertaken to reduce the number of defective children. Again, for public consumption, using euphemistic-sounding laws, they talk a good game about the handicapped; meanwhile they try to eradicate them, and this is reminiscent of the Nazis.

The report on China also states that escapees who are forcibly repatriated are "often detained for a short time to determine identity, and any past criminal record or involvement with smuggling activities." The report adds that, and I quote, "as a deterrent and to recover local costs incurred during the repatriation, the authorities in some areas levy a fine of \$1,000 or more to returnees." This appears, I would say to the distinguished Secretary, to be a deliberate attempt to put the government reprisals against escapees in the most favorable possible light, perhaps because these reprisals have frequently been conducted against people who are forcibly repatriated by the U.S. Government.

The report fails to mention that a thousand-dollar fine amounts to several times the per capita income in rural areas of China. A fine of this amount is a clear indication that the regime regards these people as its enemies, not as routine offenders, nor does the report say what happens to these people who are unable to pay these terrible fines.

Similarly, the report on Cuba describes two well-documented instances in which the Cuban border guard deliberately killed people who were trying to flee the country. These are the sinking of the *Olympia* and the 13th of March. The report goes on to state, however, that there have been no reports of such killings since the October 13 Clinton-Castro immigration agreement. The report does not state how we know whether such killings have taken place since the agreement or what steps, if any, have been taken to make sure they do not. Rather, it leaves the clear impression, without any supporting evidence, that the Castro regime quickly changed and reformed its ways upon signing the agreement.

I have already stated my concern about the incongruity between the well-documented human rights abuses in Bosnia and Chechnya and our policies toward those countries. The 1994 report confirms the atrocities in these countries: in Bosnian concentration camps, routine torture and rape as an instrument of government policy; in Chechnya, the killings of thousands of civilians and the destruction of hospitals and an orphanage.

The director of the Washington office of Amnesty International commented yesterday that the administration's policy toward Chechnya amounts to giving Russia a, quote, "green light to commit the brutality that is so well documented by the report."

I raised this same concern last month to an administration official who testified before the Commission on Security and Cooperation, which I also chair. He dismissed it out of hand. This is part, I would suggest, of an unfortunate pattern. After an initial period of encouraging rhetoric, saying the right things, as was said during the MFN fight with China, the Clinton administration human rights record has been marked by broken promises, weakness, retreat, inconsistency, and missed opportunity.

There is a similar incongruity between the administration's new friendship with the Government of North Korea and the 1994 report about the situation on the ground in that country. This is a rogue government—I think we all agree about that—that not only detains an estimated 150,000 political prisoners in concentration camps, but also kidnaps citizens of other nations and causes them to disappear. The report also states that the political prisoners, opponents of the regime, repatriated defectors and others have been summarily executed. This is the regime to which the administration, amid much self-congratulation, recently arranged a \$4 billion multilateral aid package.

Other abuses, well documented in the reports, to which our government's response, I believe, and even Congress' response, has been inadequate or nonexistent, include the extrajudicial executions, tortures, reprisals, and killings by the Indian security forces fighting separatist insurgents in Kashmir and the brutal persecution of Christian missionaries and others by the Government of Sudan.

Future country reports, Mr. Secretary, and ladies and gentlemen of the committee, will be far more useful to Congress, to the executive, and to the American people if they take care never to underestimate the extent of human rights abuses, especially when a thorough and honest account of such abuses might compel the reconsideration of U.S. Government policy toward the perpetrators.

Finally, let me note here how delighted I am to have my good friend Congressman Tom Lantos serving as the ranking member of this committee. Previously Tom had chaired the Subcommittee on National Security, International Organizations and Human Rights and was eminently fair, consistent, and effective. Like me—when the administration was Republican, I raised concerns about human rights, and this is not a partisan issue; Tom, too, will raise issues with the Democratic administration, as he has done so eloquently time and time again. During my 15 years in Congress, I have had the privilege to fight alongside Tom Lantos in numerous human rights fights and battles from Romania to the former U.S.S.R. and to the People's Republic of China; and I would like at this time to yield for whatever time he would like to consume to my good friend Tom Lantos.

Mr. LANTOS. Thank you very much, Mr. Chairman. Let me first thank you for your unduly gracious and kind closing comments.

I would like to begin by congratulating my distinguished colleague and dear friend, Chris Smith, on his assumption of the chairmanship of the Subcommittee on International Operations and Human Rights. A stalwart champion of human rights throughout his entire career, he has been quick to seek redress for victims of human rights without regard to ideology, race, religion, gender



or nationality. He is probably the foremost champion of human rights in the Congress of the United States, and I am truly delighted to be able to serve on his subcommittee. I am sure that this subcommittee under his leadership will continue the path we set in earlier Congresses as a body which is eloquent and authoritative as a voice for human rights; and I look forward to being a very active member of this subcommittee.

Before commenting on the substance of the report and the work of our distinguished witness, let me publicly express my appreciation to my wife Annette who has been my conscience on human rights issues for decades and continues to fulfill that role.

I am very pleased to participate in today's hearing on one of the most important and clearly the most distinctive aspect of U.S. foreign policy, our emphasis on promoting human rights. I am very pleased that this hearing offers us an opportunity to reflect on the state of human rights in the world today as this truly fundamental concern seems to receive short shrift in our current political discourse and a very secondary role under both Republican and Democratic administrations.

I am particularly concerned by the mindless isolationism which is a growing trend in this body and which, if continued, will have disastrous consequences for U.S. foreign policy.

I want to join Chairman Smith in welcoming Secretary John Shattuck. He is profoundly committed to the cause of human rights, and many of his battles clearly are not with human rights violators in other countries nor with Members of Congress but with forces within the administration who consider human rights to be of very secondary importance, and in most instances, nothing more than a nuisance which stands in the way of conducting an intelligent foreign policy.

The backdrop to this hearing is the series of 50th anniversary commemorations of a chain of human rights nightmares, ranging from Auschwitz to the capture of Raoul Wallenberg by Soviet troops, the rising in the Warsaw ghetto, and a whole range of horrific developments that some of us experienced, some of us fought against, but which, for most in the new generation, are as remote as the Peloponnesian wars.

It is discouraging to read Secretary Shattuck's annual report. It describes genocide in Rwanda as the world community stood aside and simply watched passively for months. It is disheartening to look at the former Yugoslavia, which continues to be ravaged by ferocious sectarian violence, and the disruption of the peace process in the Middle East endangered by extremists who engage in wholesale terrorism. Moreover, egregious abuse of the most basic human rights, including torture, murder, arbitrary arrest, and detention are commonplace in such repressive regimes as Burma, China, Cuba, Iran, Iraq, Libya, North Korea, Sudan, Syria, Vietnam, Zaire, and many others.

These states also deny their citizens freedom of expression, assembly, and worship, freedoms which are abridged to varying degrees in many other countries, such as Nigeria, Pakistan, Peru, Saudi Arabia, and Singapore; and the right to a fairly elected, accountable, representative government is still not the norm in most parts of the world.

Corrupt police and security forces violate human and civil rights with impunity in many Latin American countries and elsewhere, and many governments continue to deal harshly with large minority communities and with internationally recognized labor rights, and the instances range all the way from China to India, Indonesia, Mexico, Pakistan, and scores of others.

There is trafficking in human beings—this is still big business in many parts of the world, and incredibly, slavery is still an accepted practice in 1995. While children in many parts of the world are compelled to perform backbreaking work in hazardous conditions, the abusers are rarely brought to justice, so it is very hard to be optimistic that we are making progress on this front.

There are some instances of improvement. In South Africa peaceful elections in April 1994 led to the formation of a representative government; and there are clearly some improvements in Haiti, but I think it is important to realize that, on the whole, 1994 was a year of profound setbacks; and it doesn't make these setbacks any more palatable that many of us are in a position, unfortunately, to say we told you so.

We were told by the administration that decoupling of human rights from trade policy in China would result in a dramatic improvement in Chinese human rights conditions, that the only thing the Chinese Communist regime was waiting for was to have a lessening of political pressure from the United States. Well, there was a dramatic lessening, and as the report so clearly indicates—and I want to identify myself fully with the comments of Chairman Smith concerning forced abortions—there has been a worsening of the human rights situation in China.

Chinese attitudes toward us as a government and toward the human rights policies of this government today can best be described as disdainful. They have succeeded in decoupling. One of the people who led the way toward decoupling is our current Secretary of the Treasury, and I hope he tells himself in the privacy of his chamber, *mea culpa, mea maxima culpa*, because of his efforts, and those of large segments of the American business community, to accommodate the Chinese regime, which continues to perpetuate outrages in China today, as outlined by our distinguished Chairman.

There has been some progress in Central and Eastern Europe, and there has been some progress in the former Soviet Union. But clearly, Chechnya is a clear indication that the Russian Government has not yet learned that it is not going to be possible to dissociate these policies in Chechnya from its overall relationship with the United States.

We will simply not provide economic aid to Russia, if the outrages in Chechnya continue. It is in the American national interest to have good relations with the remaining single largest nuclear power, Russia. But we will not close our eyes to the nightmare which is unfolding nightly on our television screens.

And Mr. Yeltsin and his government better take note of this. This is a profoundly bipartisan concern here in the Congress. We will not do business as usual when children, and women, and the innocent elderly are being massacred in Chechnya day after day.

I also think that it is important to go beyond the daily events, and ask why we are seeing so much repression in the field of human rights. And I have my own theory. That theory is a simple theory. With the collapse of the Soviet Empire and the end of the cold war, the West had a great opportunity of indicating that it takes human rights seriously. The great West European governments and the previous administration failed that test miserably.

Vukovar took place during the watch of the Bush administration. Its human rights policy was weak-kneed and pathetic. And while many of us had hoped for dramatic improvement with the coming of this administration, our hopes have not been fulfilled.

But in all fairness, I think, I am compelled to state that the critical moment to make a change in the handling of human rights globally from Rwanda to Bosnia was in the early years of the 1990's. And the failure of the test in historical terms will appear to be nothing short of criminal.

Attempts now by some to render U.N. peacekeeping operations totally impotent will only add to the piling up of human rights problems across the globe. And half a million people in Rwanda with a pigmentation different from mine were massacred unnecessarily. If the West had slightest conscience, that genocide would not have been allowed to unfold.

And the ability of the conscience of the great Western powers and the previous administration which could have prevented the Rwanda massacre from developing to the point that, by the most conservative estimates 500,000 to 700,000 utterly innocent human beings were slaughtered; and this happened in the closing years of the twentieth century.

As in previous periods, like in Hitler's Germany, the perpetrators are always a minority. It is the bystanders that I worry about. And let the record show painfully that Western leadership may consist of the bystanders in Europe and the United States.

I very much hope that in a modest way that the work of this subcommittee under Chairman Smith's leadership will be able to awaken our administration and our colleagues in Congress. What distinguishes the United States from other countries is not our technological prowess. It is not our economic wealth. But it is our commitment to human rights.

If there is any aspect of American civilization of value, it is not economic, and it is not technological, and it is not even in the productive field, but it is in the field of respect for every single human being, and for every single human right, irrespective of a person's race, religion, sex, color, or any other criteria.

And while we have not been successful in recent years, I honestly hope that during the coming session of Congress that we might be able to make some headway.

Thank you, Mr. Chairman.

Mr. SMITH. I want to thank my good friend for his eloquent remarks.

And at this point, I would like to yield to Mr. King for any remarks that he would like to make.

Mr. KING. Thank you, Mr. Chairman. I want to, at the outset, express my delight at being a member of this subcommittee, and serving under Congressman Smith, who is a long time advocate

and supporter of human rights, and for whom I have the highest regard.

At the outset, I want to identify myself with the remarks of Congressman Smith and Congressman Lantos. I agree that while we do live in a new world, and while American foreign policy has to have our own self-interest at its heart, nevertheless what has distinguished American policy from other countries over the years is that we have a moral dimension to our foreign policy. And it has been that moral dimension that has been driving our people. Whether it was Woodrow Wilson or Ronald Reagan, there has always been a uniquely moral dimension to our policy.

I cannot think of any more important moral dimension today in American foreign policy than human rights as we enter into this post-cold war period. I believe that we are very concerned that as we cease our adversarial relationships, that we not put aside traditional American values, and that we not close our eyes to human rights violations.

I would like to mention several areas where I know you are concerned that America is trying to bring about stability and maybe look the other way when it comes to human rights violations.

For instance, right now, it is my understanding that the State Department is preparing an extradition treaty with India. And I would have great concerns about any type of extradition treaty with India, which has been cited in the Secretary's report on human rights violations, unless we can have ideally a political offense exception in that treaty. Or if we can put an exception in there which would exempt someone who has a legitimate fear of persecution. We cannot be returning people from this country to other countries where their rights are going to be violated.

To me, that violates the very concept of the Statue of Liberty, the very idea that the United States is a haven for those who are oppressed. People come to this country fleeing oppression. And to live under the fear that they would be returned to an oppressive nation, to me violates the very standards of what America should be all about.

Quite frankly, I could not conceive of us extraditing someone like Yitzhak Ajitzhak Shamir to Britain because of his activities in Palestine, or to extradite Sadat who came to this country because of his activities.

So any extradition treaties that we enter into, we have to make sure that those who are legitimately oppressed and have a legitimate fear of persecution are not going to be returned to the oppressive nation.

Similarly, when we talk about rights of women, Congressman Smith certainly has articulated a position about forced abortion, which is absolutely disgraceful and violates convention of law. And I again want to identify myself with Congressman Smith and Congressman Lantos in that I believe that our policy for China in the last year has been a failure with regard to human rights violations. And forced abortion is a very good example of those failures.

But also, apart from forced abortions, there is rape as an instrument of war that has been used in Bosnia. And quite frankly, I do not think that the U.N. Tribunal which has been set up, is anything more than a paper tiger. As you know it is moving forward,

and yet, we have thousands of women who have been raped against their will as an instrument of war by the Serbs, the Bosnian Serbs. And it is a measure I think of the world's commitment to justice that the U.N. Tribunal involved in Bosnia and the Balkans proceed, and that it receive the real support of the world, not just lip service, which it has until now.

I have also seen a report, as was mentioned, of the cease-fire in Northern Ireland. I think that's a very good example of a step toward peace. What I would hope is that as the peace process goes forward, that we not allow the British to go back to the policies of human rights violations which characterized the conduct of the previous 25 years in the Northern Ireland.

Similarly, when it comes to Russia, obviously we want stability in Russia. We want to maintain relations with the Russian Government. In doing that, we cannot close our eyes to a certain anti-Semitism, which is spreading in Russia and other Eastern European countries today. We cannot sacrifice our principles just for stability at the moment.

So these are particular areas that I have noted and that Congressman Lantos discussed in vivid detail as to the terrible situation in Rwanda. It is country after country. And while we cannot be the policeman of the world, we can at least be the conscience of the world. And to the extent that we can with our policy, we have to be sure that human rights is always a very, very significant dimension of that policy.

And I really look forward to working with Chairman Smith and other members of this committee, which as Congressman Lantos mentioned has a bipartisan consensus, to ensure that human rights will always be the pillar of American foreign policy.

Thank you, Mr. Chairman.

MR. SMITH. I want to thank the gentleman from New York for his fine statement. Also I would note that he is serving as vice chairman of our subcommittee.

At this point, I would like to yield to Don Payne, who is our fellow from New Jersey.

MR. PAYNE. Thank you very much, Mr. Chairman. First of all, I would congratulate you on your ascension to chairman of this committee. The important thing is, since it had to go to the other side, there is not a more qualified person to handle it.

Let me say that we are proud of the work that you have done in New Jersey. I commend you for your position of principle that has been the hallmark during your tenure in Congress.

I also would like to congratulate the former chairperson for the fine work that he has done. Mr. Lantos really has been the conscience of the subcommittee. And the international relations committee. And he has done an outstanding job for many years.

Let me be brief in my statement, but with, certainly, thanks to the Secretary's speech this morning. As you may know, I have had an interest in Africa for a number of years. And it is no secret that many of the human rights disasters that we are still experiencing—such as Somalia, Liberia, and Zaire—are a direct cause of our badgering, formerly, of dictators during the cold war period.

As you know, for the 45 years, we have had the war against communism, and we all supported that very, very strongly, and we

have won, and that isn't over. But in this war against communism, we have looked the other way. We have ignored humanitarian principles. We have turned our eyes away from human rights abuses, when it was in our interest of winning the cold war. Unfortunately, that is the way that wars are fought.

And it, in my opinion, contributed to some of the terrible legacies that we have today. The dictatorship in Somalia, where we sent millions and millions of dollars involving him, so that he could hold the government of his country.

We saw strong support for Mobutu, who still destroys the country of Zaire, one of the most mineral wealthy countries of the world, where there is abject poverty.

The fact that the predominant forces of Mozambique, the former Rhodesia, supported Liberia, President Doe, who took over in a military coup. In 10 years, Liberia received more money than it has ever received before.

Mr. Moi of Kenya, and Mobutu, and Mr. Savimbi, you could go on, and on, and on. You could point indirectly to Namibia when they were under Southwest Africa's rule.

And so we have a legacy of creating some very serious problems to win the cold war. So it would seem to me that the platform for the Clinton administration's human rights program would be one of acknowledgement, as a way of educating the American public that preferential rehabilitation assistance is needed for African countries.

While the United States is now known to speak out on human rights violations in almost every African country, we are still factoring in our policy of providing increased humanitarian and development assistance. Scarcity of food, lack of employment, refugees and displaced persons and families that have still to be reunited. And overpopulation, which is indeed a problem are all causes for continued monitoring of human rights violations. As we know, overpopulation can be dealt with. We have shown that the ultimate, that population actually declines and decreases, and that in countries population is viewed as a way of insuring the family of old will adhere to someone like them. But I think that we should add population with total knowledge of that.

Second, Rwanda would be one of the examples of where overpopulation and lack of sustainable elements were underlying causes of the genocide.

During a period where there is a move to cut aid to Africa, I would be most interested or I would be most interested very much in your thoughts on how cuts in Africa at this time would impact on human rights abuses in Africa, and also around the world. So during the period when we have an opportunity to answer questions, ask one within that frame of reference.

Thank you very much, Mr. Chairman.

Mr. SMITH. Thank you very much. And I welcome you to the subcommittee.

At this point, I would like to recognize the distinguished gentleman from Arizona, Mr. Salmon.

Mr. SALMON. Thank you, Mr. Smith. It is indeed an honor and a pleasure to serve on this committee. We will be focusing I think

on probably some of the most important issues that the world will face in the coming years and decades.

I am really impressed by all of the people who are on this committee, both Republicans and Democrats, with the depth of knowledge, and compassion, and commitment to a cause that I have seen over the last several weeks participating on the general committee. I have been very impressed.

And as I have told many people, I think part of why it's that way is, I think between the two parties, that although we have differences of philosophy sometimes, when the going gets tough, we go shoulder to shoulder to try to correct some of the inequities in the world and in our country.

Just a few mental notes that I made in the last 2 to 3 minutes. As I was reading through a couple of the articles on some of the human rights violations, I was greatly dismayed that not any mention was made of the forced abortions in China.

And I think that we need, and the media need as well, to place a little more emphasis on that; not only the impact that it has on those children who will never get a chance to enjoy the freedoms that we all enjoy, but also the violations against women. It is something that we all ought to be up in arms about.

The other great moral necessity is that we must constantly match words with deeds in our foreign policy. And we must ensure that everything that we do is in a cost effective way that produces results. We're accountable above all, to the people who sent us here. And to that end, as a person who has also been abroad and dealt with the perception of U.S. commitment to world peace and to the ascension of human rights across the globe, I have got to say that we are not as respected as I think sometimes we think we are. And maybe sometimes rightly so.

It appears that with much of the in-fighting that we have politically that it seems that the perception is that we just do not have the resolve sometimes in this country to follow through on our commitments. And I think that over the last several years that I would have to sadly agree, that it seems that our statements are strong when we take a position, but those statements are rarely followed up by action.

And I can only hope that as a member of this committee, that our goal would be much less to expose the weaknesses of one another, and much more so to solve problems, and to work together for the common good. Because ours is a very, very important chore.

It is an honor to serve here, and I appreciate the opportunity. Thank you.

Mr. SMITH. Thank you very much for your fine statement.

And finally, I would like to recognize the chairman of Western Hemisphere subcommittee, Mr. Burton.

Mr. BURTON. I thank my colleagues. Although I am not a member of this subcommittee, I do appreciate Congressman Smith allowing me to make a few brief comments.

I might start off by commenting on Congressman Lantos' remarks. I thought that they were very good. He has been a very strong supporter of human rights around the world. I would only add to what was said by saying that there is enough blame to go around in the executive branches of this administration.

I think that Ron Brown, the Department of Commerce chief, was in India recently on some kind of a trade mission, as well I think Secretary of Defense Perry. And there was very little said about the horrible violations and atrocities that have been taking place in Punjab, Kashmir, and Nagaland.

So while I agree that a lot more should have been done in the Bush administration, and that there was not enough attention paid under any administration that I know of, concerning human rights, it seems to me that it seems to continue today.

I would like to point out that there are horrible problems in China, Bosnia, Chechnya, Somalia, and Liberia. My colleague, Don Payne, and I worked on human rights violations throughout Africa. So there are horrible human rights violations, but there are none that I know of in the world that are worse than what is going on in India, in places like Punjab, Kashmir, and Nagaland.

In the Punjab, the Indian regime has killed over 115,000 Sikhs since 1984. Over 150,000 Christians in Nagaland have been killed since 1947. And tens of thousands, well over 43,000 Muslims have been killed in Kashmir since 1988, and in many other areas of India.

And it is not just the killing that is so bad. I mean that it is horrible to think that many human beings have been killed over there. But the methods of torture that they are employing is unbelievable.

I was just reading of some of the recent ways that they torture people, so that they do not leave marks on their body, because there is some public attention that is being focused on this. One of the methods that they use, a unique way of torturing, is by overstretching the hips, forcing a man onto the ground with his legs spread. This torture was often done with the victim sitting on the floor with a policeman behind him pulling his head back by the hair, or by pressing a knee in his back. Twenty-two men reported this torture.

And they also used a thick wooden roller called a ghotna to maim his leg without bruising or scarring. Such methods did permanent damage. The gang rapes. I have seen pictures of people who have been disemboweled. Their eyes have been gouged out. And they have put them to death by laboriously using hot poker, and cigarettes, and other methods to burn them to death. Their skins have been removed.

It is just horrible. And the problem with Kashmir, and Punjab, and Nagaland is that the world does not know about it. Because they will not allow human rights groups, the International Red Cross, or anybody else in there to see what is going on.

In addition to that, there are horrible laws that have been passed by India in which repressed people are not allowed any judicial review of people being thrown in prison. They are called TADA laws. They will take people out of their homes in the middle of the night, and throw them in jail for 4 or 5 years, and their family does not know what happened to them. They have been tortured or killed. And nobody even knows whether they are alive or dead, or whether they are ever coming home.

On January 5 of this year, Simranjit Singh Mann was arrested under one of these TADA laws, and was arrested for making a speech, just making a speech, in which he called for a peaceful



democratic nonviolent movement to liberate Kalistan. And a non-violent method was used when India gained its independence. And this was all this man was asking for. And they threw him into jail, and he is there without any judicial proceeding whatsoever. He was thrown into jail sometime ago. I do not remember the exact date that he was thrown in. But he was for 5 years. Five years without any trial, and without any judicial proceeding whatsoever.

And these TADA laws, according to the South Asian Human Rights Commission, are a tool of absolute repression.

So I just would like to say that while we are talking about these other two areas of the world, where there is some visible evidence of these horrible atrocities, the problem that we have in India is that the world does not know about it.

And my good friend, Dr. Raleb, who you see out there sitting in that bright orange turban, he is one of the leading fighters for human rights in India.

And Dr. Clive is another great fighter for the people in Kashmir. And they have been fighting for years trying to bring to the attention of the world these horrible atrocities.

I believe that the atrocities are taking place in Kashmir, Punjab, and Nagaland, but they are not known. And I just hope and pray that one day that we could get a coterie of Congressmen, and have some television cameras and newspaper people go with us over there, so that we can talk to people firsthand, and see for ourselves what is going on.

And I think that if we do that, that we will be able to shed, Mr. Chairman, light on the public scrutiny on what the Indian Government is doing. And I think that they will be forced to change their ways.

But in the meantime, you and other members of this committee will work very hard with us to keep the pressure on, so one day there really is freedom, democracy, and human rights in Punjab, Kashmir, and elsewhere.

And thank you very much for allowing me to be a part of this hearing.

Mr. SMITH. Thank you, Chairman Burton.

Secretary Shattuck, you may present your testimony. Without objection, your written statement will be made a part of the record, and you may proceed however you wish.

**STATEMENT OF HON. JOHN SHATTUCK, ASSISTANT SECRETARY, BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR, DEPARTMENT OF STATE**

Mr. SHATTUCK. Thank you very much, Mr. Chairman, and members of the committee. It is indeed a great privilege to appear before you. I salute you for the extraordinary work that you do. I also want to acknowledge the work of the ranking minority member, who I have had the privilege of working very closely with over the last 18 months.

Your concerns and serious efforts to address human rights abuse are legendary. This issue has evolved over many administrations now, going back to the administration of President Carter. I think that we now have a broad bipartisan commitment to address human rights as best we can in a very complex world, where the

spotlight that has been shined by these reports has been extremely significant in many instances.

I want to compliment the work of all of the many people who have participated in the creation of these reports. They come from inside the government and outside the government. We have been extremely open to the inclusion of information from many sources, from nongovernmental organizations and human rights defenders around the world, whom these reports are ultimately to serve, and to whom they are dedicated by this administration.

We have also gotten extraordinary assistance from embassies around the world, and from foreign service officers. And I think that their commitment to this process reflects what this Congress had in mind when it initiated the process of the human rights reports.

There are really two purposes of these reports, Mr. Chairman. They are to shine a spotlight on human rights abuses around the world, horrors of the kind that have been described by members of this committee, and are described in graphic detail in these reports.

Also achievements and advances, which we have to take note of. Because this is a process which is a long one. An effort to achieve human freedom in the world is not something that happens overnight. But we take note of the achievements when they occur.

The second purpose is to provide a basis for action. In the world that we are living in there is a need for the creation of major new institutions, not merely bilateral actions but institutions that can address the terrible injustices and crises of human rights that have been described by members of the committee.

War Crimes Tribunals. The United States and President Clinton's administration is very proud of the work that it has done to create the first international tribunals to address gross human rights violations.

And I would note on this 50th anniversary of the liberation of Auschwitz, a terrible event and the greatest single horror for human rights in this century, that we have again been plagued by genocide. And it is that issue which is addressed by the War Crimes Tribunals.

Another instrument of human rights accountability, Truth Commissions, have been created in a number of parts of the world under the U.S. leadership, and with the United Nations' involvement. I would also cite the very important work of the U.N. Human Rights Commission.

All of these efforts would perhaps not be as possible or as significant were it not for the reports that have been initiated by this Congress and produced regularly by our Government, by both Republican and Democratic administrations.

And this administration will take a back seat to none in its commitment to assuring that new institutions in this post-cold war world are created to address the problems of impunity that are plaguing the world in so many countries.

Mr. Chairman, I would like to go through some aspects of my prepared statement, because I think that they are a very important tour of the problems in the world that need to be brought to light

in this particular spotlight opportunity that we have thanks to your hearing.

During the cold war, threats to human rights were seen as coming primarily from the centralized strong governments ruling with an iron hand. In response, the human rights community developed the forms of advocacy with which we are now familiar—monitoring, reporting, publicizing abuses, advocacy on behalf of individual victims of human rights abuse, and advocacy of sanctions against strong governments.

It is also true that I think in some measure that there was a victim of the cold war, which was perhaps insufficient attention to human rights abuses in some countries as a result of the cold war itself, which I think both Mr. Lantos and Mr. Payne referred to.

Today in the post-cold war world, much has changed. The human rights abuses are still committed by strong central governments. For example, and I would cite as a very paramount example in our reports, China. But we have become all too familiar with abuses in countries with weak or unresponsive governments committed by ethnic, religious, and separatist extremists, as well as governments themselves. And in extreme cases, fanned into genocide by cynical political leaders, and made harder to resist by enormous economic, environmental, and demographic pressures.

These conflicts present us with a devastating array of new human rights problems in this world, although they all relate to the same kinds of abuses that we have known in the past.

But at the same time, the post-cold war environment offers opportunities for structural change, both within countries and in the international community, to give internationally recognized human rights far greater force than they have ever had before.

This is due in large part to the fall of Soviet communism, but also to a major powerful global movement, for human rights and democratic participation, which I think this committee should note. A movement, which in many respects was unleashed by the fall of the Berlin Wall, but has taken root in many other countries in the world such as South Africa, Cambodia, and I could go on and on.

In the U.N. World Conference on Human Rights in Vienna, I think we saw in 1993 that the global pressures for human rights in countries by people living in those countries is very strong indeed today.

All of this is taking place at a time when states are engaging with each other in a growing range of challenges that transcend national borders. Trade, the environment, security, population, migration, issues that are creating powerful forces of integration on the one hand, and increasing conflict on the other.

In this new world, the traditional human rights sticks, or sanctions, or other punitive measures directed against abusing regimes have an important role to play, particularly when they have multi-lateral support. But sanctions need to be complemented by broader means of promoting human rights. In countries and in regions that are in the midst of wrenching change, and as a consequence are often mired in internal conflict. This is why we need the new institutions that I was talking about earlier.

In short, with the passing of the cold war, we find ourselves in a new international strategic environment. The human rights

abuses of governments are accompanied by ethnic tension, a break down of authority in country after country, and environmental destruction.

As a result, human rights promotion must synthesize the familiar forms of pressure and advocacy with long term structural reform and the support of grassroots movements for change.

Indeed, we see a growing emphasis on multilateral action to support these movements. This has been a very major focus for this administration, first, through negotiated settlements of conflicts which often include provisions for internationally supported democratic elections; second, through institutions of accountability for human rights abuses, such as War Crimes Tribunals, Truth Commissions, and judicial assistance programs; and third, through scores of peacekeeping operations and humanitarian assistance programs in beleaguered countries such as Rwanda.

The appalling slaughter in Rwanda and ethnic cleansing in the former Yugoslavia cast in high relief the new human rights problems of our age. These catastrophes have urgently demonstrated the need to develop new institutions that will hold political leaders accountable for the most serious human rights abuses. The mass murders in Rwanda and the former Yugoslavia did not arise spontaneously. They were fomented by persons who sought to gain political ends through violent and hideous means. Unless these persons are called to account for genocide, war crimes, and crimes against humanity, justice will not be served, and reconciliation and reconstruction will not be possible.

This is why the United States has supported these ground breaking institutions and led the way in the international community to their creation. We have supported them with personnel and substantial funding. We are working together with the prosecutor, Justice Goldstone, in bringing forward the first indictments in the former Yugoslavia, and we expect subsequent indictments in the coming year in Rwanda.

The tribunals are necessary to lift the burden of collective guilt that settles on any society whose leaders direct such terrible violence. People feel that they are responsible when in fact that it was their leaders who were responsible. That kind of collective guilt creates a horror within any society, and it is essential to bring justice in order to end it.

In addition to War Crime Tribunals, the United States has led the effort to build other institutions of accountability: the Truth Commissions of Nicaragua, El Salvador, and Haiti; the United Nations verification mission in Guatemala; the National Human Rights Commissions established in India and Mexico, where there are very serious human rights abuses. They represent new and diverse ways of providing accountability.

Accountability is also furthered in a number of countries by assistance programs aimed at developing the administration of justice and the rule of law. For example, the recently established U.S. High Commissioner for Human Rights, is a position that was created after President Clinton called for its creation in the U.N. General Assembly in 1993.

The High Commissioner placed human rights monitors in Rwanda with substantial U.S. assistance, and is planning to work with

the United States and other countries to help rebuild the Rwanda legal system.

Mr. Chairman, around the world, there are a number of hard fought conflicts, which have created such human rights horrors which have moved toward long sought resolution. Major diplomatic efforts have been led or coordinated by the United States with the assistance of the United Nations in Northern Ireland, with Israel and with the Palestine Liberation Organization, with Israel and Jordan, in Mozambique and El Salvador.

Even so, armed conflict continued to generate very significant human rights abuse throughout last year, most visibly in Rwanda and the former Yugoslavia, but in many other places as well, above all, in Chechnya, a human rights disaster and a humanitarian crisis in that beleaguered area of the Russian Federation. The Russian troops crossed into Chechnya on December 11, 1994. This action included massive aerial and artillery bombardment of civilian areas in Chechnya's capital, resulting in major human rights abuses.

In Angola, the bloody civil war which erupted anew after the failed 1993 election raged throughout through much of 1994, with perhaps as many as 100,000 dead, mostly civilians.

Guerilla violence and the military actions continued to give Colombia one of the highest violent death rates in the world.

The Turkish Government's continued armed struggle against the terrorist Kurdistan's Workers Party, has resulted in violence against civilians and abuses of rights within Turkey, including the arrest and trial of Turkish parliamentarians and many other citizens for expressing their views, while the widespread use of torture, and prisons, and detention facilities continued with impunity.

Since 1992, Algeria has been embroiled in civil strife with killings and other human rights abuses on both sides.

The dismal human rights situation in Sudan further deteriorated in the face of intensified civil war, as both the government and insurgents engaged in massacres, extrajudicial killings, kidnappings, forced conscriptions, and the destruction of humanitarian aid.

Much of Kabul was destroyed, and as many as 1 million Afghans were displaced, as the Afghan civil war was renewed in early 1994.

These are among the horrible tragedies of armed conflict that have plagued the world in 1994. We also have flagrant and systematic abuses of basic human rights in the hands of the world's authoritarian and repressive regimes, such as China, Iraq, Iran, Burma, North Korea, and Cuba. In these other countries, denial of basic freedoms of expression, association, and religion, persecution of minorities, and the suppression of civil society have remained the norm.

Mr. Chairman, there are many other countries that I would mention in the context of flagrant and systematic abuses. They are not all authoritarian regimes by any means, nor are they fitting in the same category that I just described.

We have seen significant problems in Indonesia, and in Nigeria, not only during the course of this year but in over the course of the last year, where the government annulled the country's 1993 elections and continues to crack down on the opposition. The Unit-

ed States has imposed significant sanctions in an effort to try to change that situation.

I would mention Saudi Arabia. We have to be clear that in the case of friends we will make human rights assessments and report honestly and thoroughly on issues of torture, incommunicado detention, restrictions on freedom of speech and religion, suppression of the ethnic and religious minorities, and pervasive discrimination against women, all of which occur in that country.

In several less thoroughly repressive countries, including some with functioning democratic institutions, significant human rights abuses occur.

The Government of Singapore continues to intimidate opposition parties and their leaders, and regularly restricts freedoms of speech, association, and assembly.

In Egypt, the government security services and terrorist groups remain locked in a cycle of violence, and there continues to be widespread human rights violations.

As Mr. Burton was pointing out earlier, while India has a long-standing democracy with a free press, significant human rights abuses are committed by military and security forces in areas of unrest, particularly Kashmir. These abuses include extrajudicial killings and other political killings, torture, deaths, and custody, and violence against women.

Despite the inauguration of a former human rights ombudsman and President in 1993 in Guatemala, the human rights situation remains troubling with both sides in the civil war committing major violations, including extrajudicial killings, kidnapping, and torture.

Mr. Chairman, an increasingly important issue placed squarely in the public eye in 1994, and referred to by many comments here, was the relationship between economic development and trade on the one hand, and the promotion of human rights and democracy on the other.

The relationship between trade and human rights has taken on special salience as extensive networks of international trade have emerged, as nations have lifted trade barriers with full exchange among their peoples.

The suggestion in some quarters is that there is an inescapable and inevitable tradeoff between economic development and human rights promotion. It is not true. It is also not true that the United States does not take human rights into consideration in reaching its decisions on trade relations. It is true, of course, that trade relations by themselves are no substitute for vigorous human rights advocacy.

Economic growth, trade, and social mobility may not be sufficient conditions for political pluralism and the support for human rights, but they create powerful pressures for political change in countries. Open trade can support the movement toward freedom by strengthening independent institutions in a civil society, and by exposing isolated nations to the possibility of other ways of life. And because of the inescapable truth that free and open markets can only be meaningfully sustained over the long haul by open societies with respect to basic rights and the rule of law.

Mr. Chairman, with the expansion of global trade by many countries, the issue of worker rights takes on a very renewed urgency. The new world trade organization will have to face the effects of worker rights on trade. Here the United States has taken a very strong role under the leadership of President Clinton in inserting the issues of worker rights on the agenda of the World Trade Organization.

Mr. Chairman, the most stirring triumphs of the year for democracy and human rights were, of course, President Mandela's election and inauguration; in South Africa, and the restoration of President Jean-Bertrand Aristide and the democratically elected government in Haiti, the latter by a very strong United States leadership.

In Haiti, President Aristide was peacefully returned to power. The international community's resolute stand was the reason why the violent usurpers who opposed him and perpetrated massive human rights abusers were pushed aside.

Away from the headlines, democracy has also made great strides in little noticed places. In Malawi, voters defeated former President for life Hastings Banda in free elections in May.

Countries in the former Soviet bloc continued their halting transitions from closed to open societies with a backdrop of significant human rights abuse.

The picture was brighter in the countries of Central Europe, although dimmed in some places by disturbing encroachments on free speech and the press.

Several Latin American countries, such as Uruguay, Chile, and Brazil, which were formerly ruled by the military, held new rounds of elections and inaugurated new presidents in 1994.

There were significant setbacks to democracy as well. As I said before, in the case of Nigeria, the military dictatorship again refused to accept the outcome of elections, and the United States tightened its diplomatic approach and its sanctions with respect to that country.

In Gambia, the military overthrew the elected civilian government. And in Burma, the brutal military regime continued its refusal to abide by the results of the 1990 elections keeping Nobel Peace Prize winner, Aung San Suu Kyi, under house arrest, silencing all opposition and attacking most recently refugee camps in northern Burma. This led to a tightening of the U.S. policy with respect to continued isolation of that regime.

Mr. Chairman, the issue of civilian control of the military is a very significant one in this post-cold war period that we are all struggling with. The United States has made a major commitment to promote this process of moving military into the hands of civilians as democratic transitions occur.

There have been setbacks, of course. In Nigeria, I would mention again certainly the terrors of Rwanda and other countries as well. But there have also been advances.

In Argentina, which we all remember was ruled by military dictatorships, the democratic Government of Argentina has rejected the promotion of two Navy commanders, because of their admitted role in torture during the years of military rule.

In Guatemala, the parliament held hearings on the killing of a student by security forces during rioting in November, marking a step forward in congressional oversight. In Sri Lanka, a country previously plagued by terrible human rights abuses perpetrated by security forces, the government set up regional commissions to investigate allegations of disappearances, and began prosecution proceedings against extrajudicial killings.

While members of Colombia's security forces and guerrilla groups continued to commit serious human rights abuses, the new administration, with a very strong prodding by the United States, has taken a number of steps aimed at reducing the incidence of official abuses, and punishing those who commit them.

Finally, Mr. Chairman, this year saw an increased international focus on women's human rights and the advancement of the status of women throughout the world. But abuses persisted, and we chronicled them in detail in the report.

I want to particularly mention a major development of events that occurred in this area in 1994, and that was the strong leadership and support of the United States of the U.N. Human Rights Commission, which established a special rapporteur on violence against women, to examine its causes and consequences, and to take actions in countries where it is particularly egregious.

In 1994, our reports document the physical abuse of women, including torture, systematic rape, female genital mutilation, domestic violence, sexual abuse, harassment, exploitation, the trafficking of women, and female infanticide continued throughout the world.

I would like to take note, Mr. Chairman, of the fact that these are issues that I personally raised. In countries which I visited, I would mention it in a particular town where there is a special crisis with respect to the sale into prostitution, and in many respects a form of slavery of women and girls who have no idea of what they are being sold into.

In addition to physical abuse, the political, civil, and legal rights of women continue to be denied. In 1994, women in many countries were subjected to discriminatory restrictions of their fundamental freedoms regarding voting, marriage, travel, property ownership, and inheritance, custody of children, citizenship, and court testimony. Women also faced discrimination in access to education, employment, health care, financial services, and even food and water. Women, of course, were made to suffer in many respects the worst abuses that occurred in some of the refugee horrors that have been chronicled in our report in 1994.

Mr. Chairman, this administration will take, as I said before, a back seat to none in its commitment to the spotlighting and focusing on human rights catastrophes of the kinds that we have chronicled honestly and straightforwardly in our reports, with friend and foe alike from a security standpoint.

The world is very complicated, and it needs new institutions, as I said at the outset of my remarks. We are building, and we ask for your support and assistance. And I know you have given it in your leadership in working to build these institutions of justice despite impunity, to stop the violence that has been occurring in such horrible measure in places like Bosnia and Rwanda.



To create War Crime Tribunals, to create Truth Commissions, to enforce the laws in countries which are emerging from conditions of human rights carved into transitions of democracy. These countries which I think are in fact the bright lights in the world today, and there are many of them.

We need to assist them in the administration of justice. We need to provide support from them. We need to support the emergence of a jury system in Russia, which is indeed what we are doing. We need to support the prosecution of human rights violators in Colombia, which is indeed what we are doing.

We need to work together to look at this situation, which is so complex and yet so simple at the same time. And to lift our eyes above the necessarily partisan divisions that occur in these areas, to work for the support of the nongovernmental organizations and freedom fighters around the world.

I make a point, as I think you and Mr. Lantos both know, of meeting in every country that I go to—and I have been to 32 in my mission in human rights as Human Rights Assistant Secretary—with freedom fighters and defenders of their own rights in their countries under conditions which are extremely difficult and extremely tense.

I think that it is well known that my meeting with Wa Jing Chung in China was a signal event in that regard, and it certainly was not a meeting that pleased the Chinese. By the same token, in many countries around the world, in every country indeed, I make a point of going to nongovernmental organizations.

That is what human rights is ultimately all about. It is not so much of the relations among governments. But in this world where there is a powerful movement for democracy and human rights sweeping the globe, it is up to us to be able to do something to support that movement. And I think we do through our actions as a government, and through your actions as a Congress, and through these reports.

Let me just conclude with one story about how this is not always such grim work. There is extraordinary work out there, I think. About a year and a half ago, I happened to sit down for the first time with my Russian counterpart, Vyacheslav Bakhmin. We had had regular discussions of human rights issues, and I can assure you that the issues of Chechnya are on the agenda now, too. We had a recognition of each other. And all of a sudden, we realized that he had been a Soviet prisoner of conscience in Siberia for 8 years during the time that I was vice chairman of the human rights organization, Amnesty International. And I had been able to work on his case. I had written letters, and organized others to write to the then Soviet Government to secure his release. He is now the director of human rights in the Russian ministry of foreign affairs. And he and his colleague, Sergei Polyov, who also served as a Soviet dissident, had been the principal critics of the Russian Government's efforts in Chechnya insofar as they have had a major implication for human rights abuse.

There is great hope in the world I think where those who served in prison improperly for free speech and dissent now can serve in their governments, and engage in the same kind of free speech and

dissent. And I think that gives us hope for conditions in Russia over a long term.

But let me be very clear that over the short term that there are major crises. I think that it is not an overstatement to say that the pendulum that swung back and forth in 1994 on human rights is dramatically illustrated by the fact that the same month there were mass murders amounting to genocide in Rwanda and Nelson Mandela became the President of South Africa.

Mr. Chairman, let me quote in conclusion one of the great leaders of human rights in his country, who then assumed a position of power and authority like Vyacheslav Bakhmin after having served time in prison, and that is Vaclav Havel.

And what he says about human rights in our era I think should be a way that all of us should look at our charge. He says,

I am not an optimist, because I am not sure that everything ends well. Nor am I a pessimist, because I am not sure everything ends badly. Instead, I am a realist who carries hope, and hope is the belief that freedom and justice have meaning, and that liberty is always worth the struggle.

Thank you.

[The prepared statement of Mr. Shattuck appears in the appendix.]

Mr. SMITH. Thank you, Mr. Secretary, for your very comprehensive analysis, and I believe it will be very helpful to the subcommittee.

I, like you, have met with and have been in countries around the world, Tom Lantos and many other members of this subcommittee, and have met individuals in their homes and in very dilapidated flats, whether it be in Moscow, St. Petersburg, Beijing, or elsewhere. And it does give them hope, I think, when government officials from the United States bring their crises, and those like minded individuals in their countries to further attention.

It is interesting to note that today at the National Prayer Breakfast that there was a visiting delegation from Russia that includes Father Vlad Yakunin, who I like many others met with him when he was a dissident orthodox priest in Moscow. He, too, spent time in prison camps.

So I think that it is a remarkable evolution when someone goes from a prison to the parliament in the country as it evolves toward democracy.

You mentioned the spotlight and focus and that the administration takes no back seat. I think that the problem is not in the dissemination of information. Although as I indicated in my opening remarks, I do take some exceptions to the way things are phrased, and the lack of weight given to some issues over others.

But you probably read and heard the director of Human Rights Watch, who was reported to have said, and I quote: "The report is honest, but irrelevant," in that there has been a systematic failure to translate this observation into U.S. foreign policy.

The most striking example of that the one policy flip-flop that has caused widespread cynicism on the part of members as to the true determination of this administration when it comes to human rights clearly must be the MFN capitulation.

I, for years, and Nancy Pelosi, and of course Congressmen Tom Lantos, Dick Gephardt, and others, a bipartisan group, and Gerry

Solomon from New York, have repeatedly said that trade and human rights need to be linked.

We were disappointed when President Bush did not. They were at least intellectually honest to come before the committee, Secretary Eagleberger, Secretary Mather, and others, to make their case as to why they thought that was the most prudent policy to follow.

But President Clinton understood. He spoke as we do. He made it very clear during the campaign that Bush was coddling dictators, and was very critical of the previous administration. And when he issued his executive order, all of us stood up and cheered.

It seemed very clear, even though probably there were some things left out there—although I was told that forced abortion was part of that, even though it was not in the original submission—that this administration was going to use as a bench mark significant progress relevant to human rights before the conference of MFN.

As you know, Mr. Secretary, my visit to China preceded yours last year. I met with Wa Jing Chung for 3 hours. He talked very hopefully and courageously about what was happening. And he and others pointed out that the administration was hopeful, the people that I met with in the Chinese Government were hoping right in my face that it would be decoupled.

And I said no, this administration means it. I may disagree with the administration on some things, but I was a Clintonite in Beijing, believing that it meant its word.

In each instance, there was significant digression. Religious freedom has taken a turn for the worse with the promulgation of edicts 144 and 145. They are under an awful repression as to the Catholic Church.

I really believe, and there were parts that you agree with us, that there was a real argument, I am sure, downtown at the White House as to what policies you should have and would follow. And regrettably, those who fought for MFN seem to have won, and gotten the President's ear.

This gives all of us a great deal of disbelief. Yes, the report articulates problems, and focuses certainly on those problems. But where does the policy match. And again, if you would respond to the Human Rights Watch's observation.

Mr. SHATTUCK. Well, Mr. Chairman, let me go directly to the issue of China, because I want to talk about it. And talk at great length, as you and other members of the committee would like to. Partly because it is an opportunity to publicly air the conclusions of the report and address some of the points that were made. And, partly because I think that it is an important way to look at how we can best, with the rest of the international community, including many people within China itself, best address the human rights that are very significant in China.

Mr. SMITH. If the Secretary would yield for a second.

Mr. SHATTUCK. Yes.

Mr. SMITH. In your answer, if you could answer—you heard the comments about those who have been repatriated, and eugenics law, and some of these other concerns—if you would put that into your answer.

Mr. SHATTUCK. I would be happy to. Our conclusion in the report, as you know, is that there was no improvement in 1994. Over the course of the year, and indeed going into 1993 as well, there has been a significant and continuing crackdown on dissent in China.

A situation, I think, which was closely related to the tensions in the leadership situation in China, and tensions resulting from a great deal of social and economic forces that were at work in China, and an effort on the part of those within the government to suppress those forces.

It was very clear in our report last year that this situation was developing, and that this crackdown was occurring. And it was also clear in our candid assessment of the situation, at the time that the President made his MFN decision.

Much of that period I am talking about occurred when MFN was used, and was linked, and was in play as an instrument. And much of that occurred during the time, an equal amount, when MFN was not in play.

The decision that was made by the President at the time that he decided to extend MFN was obviously an extremely difficult one. It was a decision that had many factors. I will not go into all of them here, but let me address the human rights factor, which was paramount in the President's own thinking on the issue of the relationship between MFN and human rights.

And that was how could human rights best be improved, and standards that the international community follows be assured in China. How could the most effective progress occur.

It was not so much that President Clinton thought that progress would necessarily occur were the MFN extended. But rather, the conclusion was based on what was going to be the result if MFN was in fact denied to China? Would that in fact have a significant impact on the improvement of the human rights situation? The very difficult decision that the President made was that it would not. It clearly was not a popular decision from the human rights standpoint. There were many people, including this committee, subcommittee, and many others, who strongly favored the continuation. Not just the continuation, but the denial of MFN status, because of the human rights situation in China.

The President made the decision. And he made it, I think, in an honest assessment of what the situation would produce, if he were to deny MFN. And he was not persuaded that it would produce a significant improvement in the human rights situation. At the same time, clearly, it would harm a lot of other interests that were in play.

Let me be very clear about what the United States's response to this has been over the course of the period that MFN has been delinked. The response has been very firm and very clear. Not just in the report, but in a policy sense. The United States is pursuing a resolution in the U.N. Human Rights Commission, and in fact is taking a very active role and participating in that.

The United States is continuing sanctions that were imposed at the time of Tiananmen Square. The United States imposed additional sanctions at the time that the President made his decision. And above all, the United States has sent a very clear signal to

China at the highest levels, through the President and others, that an improvement in relations between China and the United States depends on an improvement in the human rights situation in China.

The President reached a conclusion that isolating China would not improve human rights, and certainly further disrupt the situation by denying MFN.

I think that if you look at events over the course of the last year, that they are more complicated than a single sentence can indicate. And I want to address the issue of forced abortions very specifically in a moment in some detail.

But the situation over the last year involves a number of instances in which I think that the United States and many other countries have had an impact on the situation of human rights in China, including the release of the leaders of the Tiananmen Square democracy movement, of production of passports to dissidents, limited information about the status of hundreds of prisoners which has been provided on the lists, and for the very first time, a discussion, which has not reached a conclusion to be sure, about access to Chinese prisoners by an international humanitarian organization.

There has also been a great deal of focus on long term structural changes that might be occurring in China, especially new laws, which we certainly want to applaud if they are enacted. In this case, the state compensation law and the administrative procedures law allowing citizens to sue officials. These laws have not been implemented, and we are not counting them at this point as progress. But I think that they were very significant signals of the long term structural rule of law, and the fact that the rule of law is very important in a country which is engaging in major economic change.

Mr. Chairman, let me get to the issue that you raised in particular, and that is the eugenics law and forced abortion. And again, this administration stands squarely with you and Mr. Lantos in its condemnation of all aspects of Chinese practice that involves coercion and forcing of women to have abortions.

These issues have been discussed extensively by me in seven meetings that I have had with the Chinese Government, more than with any other government incidently. And four trips to China, two times in which I met with the Family Planning Commission and the Health Ministry. We have also discussed these with other governments, and raised them in the U.N. Human Rights Commission. I think major international pressure resulted for the first time in a provision in the new child and material health care law that indicates that consent is required.

Now we do not put stock in that, unless in fact there is an enforcement of that law, and an effort to punish those local officials who do in fact coerce women in order to meet their mandates and their criteria. And we have asked the Chinese to produce evidence that in fact there are punishments being exacted against individuals who are acting beyond the law.

But I think that it is important to note here again that with a focus, an international focus, on many countries, and the focus that you, Mr. Chairman, have given, and that this administration has

given, to the issue of forced abortions and coercion, that there has been some response. And I think that is an important thing to note when it occurs. Because if we do not know of those things when they occur, they are not as likely to occur.

With respect to eugenics or to the issue that you raised regarding the determination of individuals who might not be authorized as it were to give birth, that too has been very directly raised with the Chinese repeatedly. And we have made it very clear publicly that to the extent that there is an effort to force people to have abortions or not to have children, because they are regarded as not being able to produce good children, that itself is a major violation of international human rights law, and sounds very similar to some of the worse abuses that we know in history.

Thank you for that opportunity to give a very comprehensive answer.

Mr. SMITH. If I could just follow up briefly before I call upon my good friend, Mr. Lantos, for some questions that he might have.

What exactly are we doing to monitor the way that those people have been forcibly repatriated, what kind of tracking to ensure that they are not tortured, put in concentration camps, and things of that nature?

In looking at the report, you mentioned that there is no enforcement of this so-called right to sue. But in reading the report, it leaves the impression that there is hope and expectation. But frankly, this is just another paper promise. There are advocates relative to the environmental law, not to individual basic human rights.

When I raised those questions when I was in Beijing, I was told that would never be the case. So hopefully, they are going to change there.

But in reading the country reports, it says that individuals can also sue officials who have exceeded their authority in implementing family planning policy. But government officials have not provided data on the number of successful suits on these grounds.

I think that kind of assertion put out by the government is not worth the paper that it is printed on. They keep saying that it is a voluntary program since 1979. And you know, we have the documentation that clearly shows that that is not the case.

In the beginning of your report, it points out that effective in January 1996 the law allows citizens to recover damages from the government for infringement on their rights. That seems to imply that there is this grand revolution occurring with regard to individual rights. And as you just said, this is not covered.

There is also the issue—and I brought this forward, other members of the Congress brought this forward repeatedly. During the year that MFN was conferred, it had conditions on it that there had to be significant progress.

We said over and over again that the administration is sending mixed signals as never before. Within the administration, people in our Embassy were stating that there would be interlinking, that that would be the way that they felt. The clear impression from FBIS accounts that I have read of the meeting between our President and the President of China, I believe it was in October a year

ago, or year and a half ago or so, stated very clearly that peace and mutual cooperation was a cornerstone of our relationship.

On human rights, I took from that the clear impression that human rights was an afterthought. I got that impression. And I raised it in every quarter in the administration, because their message was not getting through.

As you know, Wa Jing Chung was mistreated after meeting with you. Bishop Chu was arrested after meeting with me. And he conducted a Mass, celebrated the Mass, and he was held for 90 days.

These people took us as paper tigers, with all due respect. They took the President's word as not being valid. And I say that with all due respect.

So to say that during the year that the conditions were in place and that there was progress—as a matter of fact there was significant digression, because, I believe, in part, the gardener really makes the difference. So the administration, rather than saying we mean business, just rips up the contract and says "Here's to relations."

I am angry about that. I am deeply disappointed. Those who are languishing in gulags probably were moved to tears to know that the country that claims to stand for human rights had just reneged on that area where we really could have made a difference.

Tom Lantos has pointed out over and over again that they need our markets for their \$30 billion in trade deficit, for their Christmas lights, and Barbie dolls, and all those kinds of things. It is not the other way around. Yes, we would love to have a trade relationship with them, Mr. Secretary. But the situation is such that you do not deal with them. You do not deal with the Nazis. You do not deal with the tyrants in Beijing unless there is significant progress. We laid down the markers, and we are the ones who are being ripped into shreds.

Mr. SHATTUCK. Well, Mr. Chairman, let me first, if you will allow me, correct the record on the subject of President Clinton's meeting with President Jiang Zemin in November 1993. I was at that meeting, Mr. Chairman. I sat next to the President of the United States. And I had briefed him extensively on the issues, including the issues that are under discussion right here regarding human rights in China.

A good one-half of that meeting was devoted by the President of the United States speaking directly to the President of China about the subject to human rights in detail, including appeals for the release of particular prisoners, a subject incidently that he returned to in his meeting with the Chinese Foreign Minister in September 1994.

I would also note that one of the prisoners that President Clinton sought to be released was Wang Juntao, who is well known as the leader of the democracy movement in Tiananmen, and a much larger figure as well in terms of his stature. And he was indeed released as the result of the direct appeal made by the President of the United States.

President Clinton addressed the issue yes, in the context of discussion and engagement in China. It is not the policy of the United States to isolate China. It is not the policy of President Clinton to treat China as a pariah nation. It is the policy of the Clinton ad-

ministration, and it has been right from the start, to engage China on human rights issues, and on all other issues.

And I would assert that is exactly what has happened. That there has been every bit as much of engagement on the human rights front since the MFN decision as before, and the consequences in terms of developments in China has been as complex in the period afterwards, as before.

But I can assure you that the President of the United States, the Secretary of State, and also other officials, including those who often come under a lot of criticism for not having raised these issues, such as Secretary Brown, have also raised human rights issues in China on their missions.

I do not think that gets adequately reflected in the press accounts of the subject, but these meetings do not take place in the press. And I, of course, have dealt with virtually all of the Chinese ministers who have anything to do with the subject of human rights, and have met with nongovernmental organizations, have traveled to five cities in China, and visited Tibet. I think that I am the only Assistant Secretary who has ever been to Tibet.

And I will repeat the point that has been made at the outset, which is that this administration will take a back seat to none in its concern about human rights in China and any other part of the world.

Mr. SMITH. You still have not answered the question about the people who have been forced to repatriate.

Mr. SHATTUCK. Oh, I am sorry, right. I can give you further information on that in writing. But I can tell you that our Embassy is in fact closely following instances of that kind, but I would like to give you the longer answer in writing, if I may.

[The information appears in the appendix.]

And I think you also asked about the state compensation law. And I want to make very clear, as I did in my comments just now, you do not regard this as progress in a small measurable way. But it is a signal of the possibilities. And certainly, we want to try to encourage more actions under the rule of law that are signified by that kind of legislation.

You cannot run a huge market economy, to say nothing of a major world power, in the late twentieth century without operating under the rule of law. And this is a message that is being delivered forcibly and consistently with the Chinese.

I know that there are going to be some very high level visits by individuals who will have an opportunity to make that point directly to the Chinese in the near future. But these are long-term structural issues that we want to encourage in China.

We do not count them as progress until in fact those lawsuits have occurred, until we know that the coerced abortion incidences that occur in the field are in fact prosecuted. There is no question about it. But we want to encourage that that occurred.

That is exactly why we are engaged in China, and why this administration does not believe that an isolationist policy is the way to pursue human rights in China.

Mr. SMITH. I yield to Mr. Lantos. Just let me note that it struck me that China is characterized as an authoritarian regime, and Cuba as a totalitarian. And you may want to respond to that at



some point as to why the difference. Because they are certainly not splinters.

Mr. SHATTUCK. I could respond now, if you would like, just briefly. I think that the forces that have been unleashed by economic reforms and changes in China and the decentralization of a lot of activity has kept China as a very powerful authoritarian central regime. But it is not the kind of regime as we see in Cuba, which has in all instances is able to control the lives of all of its citizens. It is certainly a Communist regime with a very strong central government. It has significant powers to affect the human rights of the 1.3 billion Chinese.

Mr. SMITH. Mr. Lantos.

Mr. LANTOS. Thank you very much, Mr. Chairman. And thank you for yielding. I have another meeting that I have to go to.

Mr. Secretary, let me state for the record that I do not think that there is a person in this administration who is more committed to human rights than you are. And I suspect that your statement that this administration takes second place to no other administration in recent times is accurate, but it is faint praise. Because I had not noticed a passion on the issue of human rights in earlier administrations. And I do not sense one in this one.

To be very candid, we have lost our credibility on human rights with respect to China. Which means that not only have we lost our credibility with respect to human rights in China, but it also means that we may have lost that credibility with respect to a number of other issues, because there is linkage in the minds of policymakers.

Let me give you an example. As you probably know, I am about to introduce legislation denying MFN for China, if China continues its policy of supplying Iran with nuclear technology. The legislation is not likely to go very far, and China knows that it is unlikely to go very far because the human rights legislation did not go anyplace.

So I think that by downgrading our human rights policy in countries that we deem important, we undermine our policy in other areas as well. And I suspect, you know, we are not there yet. I can respect the American diplomats, like Ambassador Zimmerman and a number of other colleagues, who took the ultimate step of resigning, because they could not live with our policy toward the former Yugoslavia.

And I am not suggesting that anybody in the human rights office is at that stage or should be at that stage. But I think that it is important to realize that we all read the same reports, and we all read the same stories. And we all know the same facts. And we can camouflage basic government policy only up to a point.

After all, it is clear to the Chinese that violations of intellectual property rights are deemed as far more important than forced abortions, or torture, or even killings. The facts speak for themselves. Our trade representative gets exercised far more on commercial matters than human rights matters.

I understand the enormous pressure that the administration is getting from the business community. I am convinced that it is valid pressure because we could have more trade with China, if they respected us more. We could have a far greater clout for American exports if they respected us in the field of human rights.

They do not respect us in the field of human rights, because we have folded our arms, and this has negative repercussions in other areas.

I am glad that you mentioned Tibet. Because I failed to mention it in my earlier comments. The situation in Tibet has also deteriorated. And for those of us who have followed developments in Tibet, it is very regrettable that all of these predictions are coming true. I do not want to spend much time on Mexico, because we do not have enough time.

Those of us who were concerned with human rights in Mexico and labor rights in Mexico note that the description, not from you but from others, of a utopia in Mexico has not proven correct, with the financial and economic debacle in Mexico.

NAFTA does not look quite as glorious from the vantage point of February 1995 as it did when the Congress passed it with some bipartisan support, basically the support of the business community. This was viewed as an answer to all of our economic problems.

We are involved in a debate on a government whose human rights, labor rights, and democratic record, at the very least, is highly questionable.

It does not please any of us in the human rights trenches to again tell the administration that we told you so, but in fact we did tell you so. As you remember, I held a hearing on human rights and labor rights in Mexico, and what is unfolding today is a confirmation of the validity of the views expressed at the hearings.

Since we have been spending so much time on countries where we have active relations, I just would like to ask you for the record to summarize in a sentence or two the status of human rights in Iraq and Iran.

Mr. SHATTUCK. Thank you, Mr. Lantos.

If I may also start with a sentence or two on Mexico, since you raised it. And I think, as the report chronicles, the issues of human rights in Mexico continue to be serious. But as the report, and I think the record, accurately chronicles, including all of those same reports that we all read, Mexico over the last 2 years has engaged in two major events that I think give cause for a description of Mexico as having progressed significantly.

One, that it has conducted the freest and fairest election in its history in August, certified by the broadest number of international observers, including many who were critical or are critics of elections that are not free and fair.

And second, under a great deal of international scrutiny, and as a result of I would say a considerable amount of advocacy on the part of governments such as ours, very shortly after Mexico took the very unfortunate step of addressing the insurrection and armed activity in Chiapas by an armed force, it then conducted a cease-fire and negotiations, and stopped the human rights abuses that were occurring as a result of that.

That, I think, is a very significant development in what is not happening right now in Chechnya, and it ought to be happening. And it is what a democracy should do. And it is what a democracy that is a friend of the United States does do.

We do not in any way minimize the human rights crisis of impunity in Mexico, which is chronicled in our report. But those two events, I think, are very, very important.

With respect to Iran and Iraq, which are both among the worst human rights abusers in the world, as we have been very clear in this report, the Government of Iraq has continued to conduct what amounts to the mass extermination of the Shia Arabs by draining their swamps. They are brutally treating Kurdish minorities in the North, executing hundreds, we do not know how many because of the difficulty of getting access. They are committing torture and brutal forms of treatment of individuals, and massive detentions.

The chronicle of human rights abuses in Iraq and in Iran includes virtually every abuse that we have regarded as the most serious under international covenants.

I think that the treatment of the Iranian population is very similar. And certainly, the way in which individuals of the slightest amount of descent or other differences of opinion may result in not only oppression, but perhaps extrajudicial killing is true in that country as well.

So we have taken a very strong and clear, as we have in every other country, stance. But those are a summary of our positions.

Mr. LANTOS. I may just add a footnote and raise another point. One of the most serious problems that this administration and other administrations face is the difficulty in taking unilateral action in human rights when allies and friends do not join us. It is easier to impose sanctions if other similarly important countries would do the same, and they know it.

I realize that your report is extensive as it is. But I would like to suggest that beginning with next year's report that there be a section that outlines in specifics the extent to which our friends and allies have cooperated with us in connection with our human rights policy.

I think that it would be very helpful and very useful to have the cooperation of West European allies, Japan, and other countries spelled out in your official human rights report, which in my view should include the cooperation on the part of these countries and the extent to which they have responded positively.

I think that the American people need to know that one of the reasons why our human rights policy is so pathetically ineffective is because so many allies refuse to cooperate with us. And I think that it is important that this be part and parcel of the human rights record. This is an effort no less important than a military campaign. It will be looked at as a military campaign, and it will be useful for the American people to know the allies who do not participate.

And it is equally useful for the American people to know that the human rights campaign is a lonely effort, and that its failure is directly attributable, not to a lack of trying on our part, but a lack of assistance by our friends and allies.

Mr. SHATTUCK. I think that that is a very intriguing suggestion. I think that it certainly gets into policy areas as opposed to reports on human rights abuses. And I would be happy to take it under consideration. Obviously, it raises a very large number of questions as to the scope of these reports.

And at the moment, we have not been addressing policy issues. That is something that needs to be done. It needs probably to be done as much as possible in another place. But in any event, I am not rejecting the suggestion.

Mr. LANTOS. Let me pursue that for a minute.

Is it possible that you are asking your colleagues and counterparts in the Japanese Government or in the French Government to cooperate with us in our efforts to improve human rights conditions?

Mr. SHATTUCK. Yes.

Mr. LANTOS. Is it unrealistic for us to expect a summary of your requests and the responses from our friends and allies?

Mr. SHATTUCK. Well again, let me consider that, rather than giving you an answer here. Obviously, there are many who would want to consider that as well. But I think that it is a very important suggestion. Certainly, the spirit of what you are saying, goes very much to the spirit of my testimony and my oral statement at the outside, which is we are living in a new world. It is a multipolar world. It involves the need for multilateral action in many more instances than was the case perhaps earlier.

And we need to build institutions in this multilateral world, such as the War Crimes Tribunal, and other matters. And in that context, clearly what other powers are doing with respect to human rights is a very important subject.

Mr. LANTOS. Well, I would be grateful if you would come back to this subcommittee either in an open or closed session on this matter. Depending on the response, some of us may introduce legislation calling for the inclusion of this item in the human rights report. So we would like to work with you on a cooperative basis.

Mr. SHATTUCK. Thank you.

Mr. LANTOS. Thank you very much.

Mr. SMITH. Mr. King.

Mr. KING. Thank you, Mr. Chairman.

Secretary Shattuck, thank you for your testimony. Only one parenthetical remark in beginning, then. You mentioned in your statement that the United States was working with Russians introducing a jury system into Russia.

I would just point out that in Northern Ireland today, the British still deny jury trials to political defendants.

But let me ask you a question specifically involving India, but particularly involving their policy overall. I am using India as an example today with respect to talking about human rights violations including extrajudicial killings, political killings, torture, custody, and violence against women. And that is true of a number of countries around the world.

It is bad enough that countries are carrying out these violations. But as Mr Lantos pointed out, the business community in this country also has a different agenda than human rights abuses. And I know that Commerce Secretary Brown was recently in India with a large number of American businesses. I know that it is very important that we should expand business involvement with India.

At the same time that this is going on, there is an extradition treaty with India. And I think that this would make us in effect co-conspirators, or maybe that is too dramatic a word, at least ac-

cessories to the human rights violations in any country like India, if we extradite people to India without us making guarantees that these are not political offenders, without ensuring that we will not extradite people who will be persecuted because of their religious or political beliefs when they go back to India.

And again, this is one example that I am focusing on now. But I think that this could apply to many countries around the world. We cannot allow ourselves to become accessories to these human rights violations.

And I would just ask you to comment on the status of that particular extradition treaty, and what our policy will be with other countries around the world.

Mr. SHATTUCK. Well, Mr. King, I do not have information on the current status of that extradition treaty. I think that you raised an important point. Certainly, a point that we are taking very clearly into consideration, the issues of human rights that are raised in this report and elsewhere, in the bilateral relationship over such administration of justice issues as extradition. It is clearly very correct that we have to take that very much into consideration.

Of course, there are instances in which individuals will never be prosecuted for violations of human rights in countries with which we do not have extradition treaties in the sense that we are not therefore able to get extradition over them. I am not giving this as an answer in the context of India, because I do not have the current status of that.

But I think that the subject of extradition involves the administration of justice. And we have to be sure that the administration of justice in a country with which we have kind of a treaty is going to be consistent with the international human rights norm.

Mr. KING. I would again emphasize the report. That we have a clause in that treaty which would allow a person who was attempting—who is fighting the attempt to extradite him, that that person would have the right to raise a political offense, or to be able to raise the fact that if he is returned to the country, that he would not be returned because of a political or religious bias against him.

Mr. SHATTUCK. Well, under those circumstances, Mr. King, I think that our asylum laws would be a very strong protection for those individuals. Because, of course, a demonstration of a well founded fear of persecution upon return to your country would be a basis for denying extradition and granting asylum. And we have a very serious commitment, as you know, to the fair application of asylum laws.

But in addition, I think that we also need to take these situations into account more broadly. But the asylum right of a person who would face persecution upon return to India would be the right that they would have in this country before they would actually return.

Mr. KING. You're trying to tell me that MVP would apply.

Mr. SHATTUCK. Yes.

Mr. KING. Also one other question regarding the War Crimes Tribunals. I do not have the documentation with me, but just on a general note.

Do you think that it is feasible that we will really see War Crimes Tribunals in this era? The reason I say that is the only

time that they have really have been used in the past was Nuremberg, and that is when there was an unconditional surrender.

Will it not be very difficult to bring the Bosnian Serbs or Serbia to trial, since there is not obviously going to be an unconditional surrender? And with the conflict going on in the Balkans today. At best, there is going to be an agreed upon settlement. And I cannot imagine a leader of a country when he enters into that settlement then subjecting himself to a War Crimes Tribunal.

I wonder how we get around that. Because absent an unconditional surrender, there is very little we can do, I believe, to bring these political leaders to justice for the war crimes that they carry out.

Mr. SMITH. If my friend would yield for a moment. Dr. Salajis testified just recently that he was appalled by the fact that there was not sufficient money or insufficient funds to do the work, obviously answering Mr. King.

Mr. SHATTUCK. I think that the most important thing to know about the War Crimes Tribunal right now is that it has one of the leading international human rights jurists as its prosecutor, both for the Yugoslavian branch of the tribunal, and the Rwandan tribunal.

Richard Goldstone, a very distinguished figure, who maybe the committee is familiar with, is a former South African justice and a hero of those who have been seeking a transition to an inter-racial society in South Africa, as a result of his courage and his stance on the abuses of human rights by the South African security forces against those in South Africa. So his integrity, and his courage, and his credentials are impeccable. And the United States is very pleased to be about to work with other countries to persuade them to take this position.

With respect to the funding of the tribunal, the decision recently made, and I am not sure whether Mr. Salajis is familiar with this, by the Fifth Committee of the United Nations to fully fund the tribunal in this next period of time, as well as receive the funds that have been contributed by governments such as ours, does give the tribunal sufficient funding to go forward at this point.

With respect to the prosecution of war crimes in a situation where there has not been an unconditional surrender, there is no question that you are right, Mr. King, that this is a challenge. And Justice Goldstone has made very clear that he plans to follow the evidence as a prosecutor wherever it may lead.

Clearly, the effort to identify those individuals who are responsible for war crimes and crimes against humanity, to indict them, to charge them, and if possible prosecute them, but certainly to turn them into pariahs in the international community is a major instrument of justice.

And whether it works the same way that the Nuremberg Tribunal was able to work, or whether it works in a new way by focusing a spotlight on those who were responsible for genocide in Rwanda and the former Yugoslavia, we will have to see.

Mr. KING. Thank you, Mr. Secretary.

Thank you, Mr. Chairman.

Mr. SMITH. Mr. Gilman.

Mr. GILMAN. Thank you, Mr. Chairman.

I join in welcoming Secretary Shattuck.

I want to commend you, Mr. Chairman, for conducting this hearing on the human rights report. The State Department commended the Department for this extensive report circling the human rights violations that are global, they are not limited to one region of the world that they are continuing in all of the hostile areas around the world.

It is extremely important that this committee focus attention on those violations, and that the Congress be made aware of those areas that need attention.

We do look forward to the continued good work of your subcommittee, Chairman Smith. We hope that you will continue to prod those nations who have not fulfilled their responsibilities.

Certainly, as we find more and more relationships in trade and human rights, we have to keep in mind these concerns, and need to be focused on our need to undertake some important steps.

I regret that I could not be here earlier. We had a North Atlantic Assembly meeting earlier this morning. I regret, too, that you are going to have to transfer the committee to another room, since we have some ongoing work. In the opening days of the session, we have more on our platter than we can contend with. For that reason, we welcome the diligence with which you are addressing this situation.

Thank you, Mr. Chairman.

Mr. SMITH. Thank you very much, Mr. Chairman. And I thank you for being here. I know that you have a very, very extensive schedule.

To expedite this, Mr. Secretary, I will be presenting a number of questions that I will be asking for the record. But let me just go through a few different areas.

Mr. SHATTUCK. Could I just say, before the chairman leaves, that I want to salute your leadership in so many human rights fields, and how much we appreciate what you have done, particularly in China. I know that we have had occasion to discuss those. Excuse me, Mr. Chairman.

Mr. SMITH. On this issue we had, as you know, a very heart breaking and heart wrenching hearing with some of the survivors of the 13th of March. The effort was made by Fidel Castro and his people to kill those who were put out to sea on that ship. And we know that the Castro regime routinely, as the report makes so clear, beats and kills people.

Why on earth do we deputize this man to be an extension of our immigration control? He is part of an implementation of—excuse me. His track record is abysmal. And yet we have this man—I know you said in the report that there were not reports of killings. It's Russian roulette, in my opinion, when we let someone like that have the U.S. sanction to do what he does.

Mr. SHATTUCK. Mr. Chairman, in assuring larger numbers, significantly larger numbers, of Cubans who can come to the United States, the United States has not done anything but to expand the opportunities for those who are seeking to flee from Cuba to come to our shores in greater numbers.

And certainly, the purpose of the migration that you mentioned is not to decrease the opportunities for Cubans, but rather to increase them. And to also discourage dangerous sea voyages.

But the provision of an opportunity for people to come here, particularly in light of the human rights abuses that are so well chronicled in our report, is the underlying basis for that.

Mr. SMITH. You may not have seen the testimony or the transcript of the hearing, but the witnesses included some from the Cuban-American Foundation. They made it very clear that the one word to best describe America's policy was disgraceful. And I say that with all due respect. But that was the stance that they made, and actually articulated during the hearing.

Mr. SHATTUCK. I might say, Mr. Chairman, that there were many others who also were very grateful for the larger numbers who were committed to come to this country, larger than previous administrations had allowed.

Mr. SMITH. Mr. Secretary, in looking at the country report on Czechoslovakia, I am very pleased to know that it makes note of the Czech citizenship poll. Earlier this week, I sent a letter to the Czech Ambassador underscoring my belief that if this law fails the universal standards, given the serious human rights implications of this law, as well as the onerous precedent it set for other new countries in the region, drafting a similar citizen's request, I would like to know what steps the administration is taking to communicate U.S. concerns to the rest of the world.

Mr. SHATTUCK. Well, Mr. Chairman, of course, we are regularly in touch with the Czech Republic in our Embassy, and communicate by that method on a regular basis our concerns about all manner of human rights issues in the Czech Republic. And I can assure you that these issues are also being brought to their attention as well.

Mr. SMITH. Would you elaborate on that in a written way?

Mr. SHATTUCK. I would be happy to.

Mr. SMITH. On the situation in Russia, 2 days ago I talked to the Russian Ambassador to the United States for about an hour. And if he used the word internal affair once, he used it two dozen times. I know that many of our colleagues on both sides of the aisle have been critical of the administration for using that same word, "strike."

But where do we go from here, as far as our discussion as well? The OSCE mission that was deployed to Chechnya was denied the ability to really look at things from a human rights point of view. The Ambassador's statement in that regard was this is an internal matter, that it has no business looking at human rights questions.

What action does the United States intend to take now, are we seeking a resolution at the Human Rights Commission, for example, trying to really get a full accounting? And I think that it should be done on both sides. Because there have been atrocities committed by the Chechnyans. The record of the last 3 years has been less than stellar. A need again for an aggressive program, it seems to me.

Mr. SHATTUCK. Well, Mr. Chairman, let me first state for the record that Secretary Christopher made very clear before the bombing of Grozny began, and before the massive violations of human



rights that we have been discussing here this morning that are given in detail in our report, both publicly and privately to the Russian Government that negotiations should take place, restraint should be exercised, and that human rights, should be avoided including the loss of civilian lives.

This administration, earlier than any other power, European powers, or any other government, made that point publicly and to the Russian Government on December 13, 2 days before the heavy bombing of Grozny began. And we have repeatedly stated these concerns at every point along the way. As you know, we have very actively engaged both with the OSCE and with other humanitarian organizations.

At the moment, we are certainly looking to increase the attention that OSCE is giving to the gross human rights violations that are occurring. We are trying to provide as rapidly as possible humanitarian assistance to the International Committee for the Red Cross and others to accomplish those goals.

We are at all levels actively engaging with the Russians to begin negotiations, to stop the violations of the rights of civilians. And certainly, this subject will be discussed, I have no doubt. I cannot tell you exactly what form it will take in the U.N. Human Rights Commission, which is meeting at this point.

The United States is also reviewing a variety of assistance funds that we provide to respond to the humanitarian concerns of refugees, in order to be able to identify appropriate funds that are used in that direction.

Mr. SMITH. Just to respond briefly, and perhaps you want to respond back. I asked Mr. Collins, one of the key I believe, practices of United States foreign policy to Russia and the CIS, at a Helsinki commission hearing just a few days ago, to whom were these statements being made—I mean there are statements and there are statements.

When Vice President Gore is there in any country talking about this as an internal affair, you do not need to be a rocket scientist to see that this is not weighing very heavily in terms of possible sanction penalties, and diplomatic repercussions, when the administration takes that view.

Our former Ambassador to the Commission on Security and Cooperation in Europe wrote a scathing piece about the lack of moral leadership on the part of the President during the many weeks when this terrible aggression was occurring. I put that without objection into the record. It was in the International Herald Tribune. Which made it very clear that this standoffish attitude just indicated—and it made very clear to me, at least, Mr. Secretary. And Jim Baker made his comments in Belgrade relative to the independence of the former Yugoslavia and its various Republics. And it will preface the infamous statements of Saddam Hussein, that likewise have been brought out by some members as well.

I am not saying that it was done deliberately. But I think when the full potential of an action like this is not fully appreciated, what you see is to implicate. We never learned when we need to extend the green light to the regime. And again, it took an outcry, and the other countries of Europe felt the same line as the United States.

So the outcry from the news media, some Members of Congress, and other human rights activists, before the administration finally began reversing itself and began speaking out boldly on this.

I would hope to make part of this record these communications that occurred. And again, I would be willing to lump this in with what we are saying.

Mr. SHATTUCK. Mr. Chairman, let me respond to that, because I think that I can clear the record up right here in terms of the basic thrust of this. I categorically reject, as does the administration, any assertion that the United States has not from the very outset of this problem and this human rights crisis brought this to the attention of the Russian Government, and made public statements which are available to review, including a statement made by Secretary Christopher on national television in the United States on December 13, before the Grozny bombing began and before the violations of human rights that we are all concerned about occurred. Secretary Christopher publicly stated that he was calling for restraint on the part of the Russians and calling to avoid human rights abuses that occurred.

That has been the bench mark of our policy from day one. And assertions that are made and the statements that are made in the media to the contrary, are absolutely false.

We have also conveyed these privately, to be sure. And I am sure that that kind of information can be made available to you.

Mr. SMITH. Is it true though that the State Department did characterize this as analogous to the U.S. Civil War, and did not the administration repeatedly say that this was an internal affair?

Mr. SHATTUCK. Well, that statement that you referred to about the Civil War was a statement made and then retracted the following day. That is not a U.S. policy matter at all. And it was made by an official who was making a comment in that regard.

But with respect to the—there is a very serious issue here as to the question of borders in the Russian Federation. The OSCE, which we all support, is the principal focus of international efforts to end this crisis, recognizing the borders of the Russian Federation.

These are borders that cannot be lightly changed. The United States certainly agrees that the people of Chechnya, through the proper process of elections and other democratic process, could make their own decisions about where they wish to go. And by the same token, the Russian Federation and the Russian Government is bound by the principles of the OSCE.

But when the word internal affair was mentioned, it is the borders of the Russian Federation that are in fact borders that are accepted by the OSCE. That does not mean, however, that it is a license to engage in human rights abuse. And it is on that point that Secretary Christopher has been clear from day one, from December 13 of last year. And incidentally, I would just add one other point.

Mr. SMITH. I think it's time to go over, with respect that that has been predominantly an internal affair. I would concur as well. And one of the difficulties that the OSCE has grappled with is the whole issue of the borders. But to suggest or the repeated statements of this horrible aggression being an internal affair and just on the borders, I think that it is more by a long shot.

Mr. SHATTUCK. Well, to the extent that those statements—

Mr. SMITH. It was what was going on, Mr. Secretary, that should have been roundly denounced, and especially in the first few weeks, by either side.

Mr. SHATTUCK. With all due respect, I beg to differ with you on that. And I think that we could point to a number of instances in which it was regularly denounced, both in statements made by the State Department and that early statement that I pointed to Secretary Christopher.

The final point that I would make on this is that the United States strongly supports a follow-up OSCE mission with stronger authority dispatched by the OSCE to ensure a full investigation of human rights abuses. And we, of course, we deplore the fact that the mission was unable to do the work that we wanted it to do, that you commented on a minute ago.

Mr. SMITH. Let me just ask you one question on Vietnam, since our relationship with that country is growing closer by the day. In previous hearings, I had asked Secretary Brown if there was ever any linkage in the talks in terms of opening up relations with POW's and MIA's, as well as with the human rights question.

In your mind, is there any linkage between the two? I am not talking about—I mean specifically when negotiations occur on trade, are human rights a part of that, is there any standard being established for accounting for our POW's?

Mr. SHATTUCK. Absolutely, Mr. Chairman. We have, as we have with China, engaged in intensive human rights dialogues with the Government of Vietnam, and are continuing to do so, which we have sought the release of political prisoners, and the stopping of other human rights abuses. And obviously, the issue of POW remains as a very central part of our policy. Not a part of necessarily the human rights policy, but is an absolute critical part.

Here again, with the opening of a very low level mission, we believe that a much more active engagement with the Government of Vietnam on these issues of human rights will be possible. And of course, the mission will not be upgraded until there is movement in the human rights situation.

Mr. SMITH. Is there any specific linkage to trade?

Mr. SHATTUCK. Not in general terms. But in terms of a specific trade agreement, no. And of course, Vietnam does not have MFN status.

Mr. SMITH. We unfortunately have to leave this room. But I do have a number of questions that I will submit for the record. And I would also remind members and the administration that there will be a second hearing on the country reports over the next couple of weeks with a number of human rights organizations, which are being invited.

Thank you.

Mr. SHATTUCK. Thank you.

Mr. SMITH. This hearing is adjourned.

[Whereupon, at 12:34 p.m., the subcommittee was adjourned to reconvene at the call of the Chair.]

# COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES: TESTIMONY BY REPRESENTATIVES OF HUMAN RIGHTS ORGANIZATIONS

WEDNESDAY, FEBRUARY 15, 1995

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON INTERNATIONAL RELATIONS,  
SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND  
HUMAN RIGHTS,  
*Washington, DC.*

The subcommittee met, pursuant to call, at 10:07 a.m., in room 2172, Rayburn House Office Building, Hon. Christopher H. Smith (chairman of the subcommittee) presiding.

Mr. SMITH. This hearing of the Subcommittee on International Operations and Human Rights will come to order.

Ladies and gentlemen, this is the second of two hearings devoted to the State Department's 1995 Country Reports on Human Rights Practices. On February 2, the subcommittee received the 1993 Country Reports from Secretary John Shattuck, who is the Assistant Secretary of State for Democracy, Human Rights, and Labor, and began the process of analyzing the reports.

Our witnesses today represent nongovernmental organizations dedicated to the promotion of human rights throughout the world, who will assist the subcommittee by presenting their evaluations of the 1994 reports, and of whether the facts and values they contain are adequately reflected in U.S. foreign policy.

Frankly, I believe that human rights ought to be at the very core and the very center of every policy advanced by the U.S. Government. Sadly, this has not been the case with the Clinton administration's policy toward most countries, including the People's Republic of China, India, Russia, and Cuba.

These two hearings are the first step in an extensive series of hearings, briefings, and reports by the subcommittee on human rights and humanitarian concerns around the globe.

Let me first also say how proud I am to be chairing this hearing. Throughout my 15 years as a Member of the House of Representatives, I have had the honor to stand shoulder to shoulder with groups that are represented here today like Amnesty International, Freedom House, and Human Rights Watch on a variety of human rights issues. Other members of the subcommittee, including my dear friend and colleague, who will be here shortly, Tom Lantos, and the distinguished chairman of our full committee, Ben Gilman, have done the same.

Although human rights advocates come from a variety of political perspectives, they share a common recognition that certain rights are fundamental and inalienable. They know that the test of a civilized society is how it treats its weakest and least popular members. They have learned from experience and observation that good and evil are always at work in the world, and they feel a duty to bear witness to the truth.

These organizations and the people who comprise them have been bearing witness to many years, and the world is a better place for it. I can think of no higher compliment and no higher calling than the work that these important human rights organizations do for the suffering of our planet.

Mr. SMITH. I would at this point would like to yield to my good friend, the chairman of the full committee, Mr. Gilman, for any remarks that he would like to make.

Mr. GILMAN. Thank you, Chairman Smith. I want to commend you for conducting this hearing early in the 104th session. Our respect for human rights in our Nation is an important integral part of our foreign policy. We must keep apprised of what is happening around the globe. For that reason, I welcome the expert witnesses who are appearing before us today to give us an update on their analysis of some of the human rights situations throughout the world.

Thank you, Chairman Smith, for conducting this hearing.

Mr. SMITH. Thank you very much, Mr. Chairman.

At this point, I would like to ask our witnesses, beginning with Mr. James O'Dea of Amnesty International, if he would present his testimony. Your full statements will be made part of the record. But if there are portions and perhaps even in their entirety, if you would like to read them, this committee would be very pleased to accept it. Thank you.

#### **STATEMENT OF JAMES O'DEA, DIRECTOR, WASHINGTON OFFICE, AMNESTY INTERNATIONAL**

Mr. O'DEA. Thank you, Mr. Chairman. And Mr. Chairman, let me take this first public opportunity to congratulate you on your appointment. You have championed numerous human rights causes over the years, and we look forward to the practical benefits of your leadership.

And it is always good to see Chairman Gilman here, who is also a longstanding champion of human rights work.

It must be said, I think, more bluntly than ever that human rights is an island off the mainland of U.S. foreign policy, and that the Country Reports only serve to prevent the integration of human rights into the full range of policy development and implementation, as long as they are not used as the basis for a program of action.

Foreign governments responsible for human rights violations are aware that human rights is not one of the Clinton's administration core priorities. In fact, I think that we can see clearly that the Secretary of Commerce hardly pays lip service to human rights anymore. And as for President Clinton, it appears to be off his radar screen.

I think that we must recognize also that the Congress has a responsibility to act upon the documentation in the human rights reports. And I would note last year's failure of the Congress to redress the injustice done to Haitian refugees. And as I say more elaborately in my testimony, I hope that this Congress will redress the injustice done to Cuban asylum seekers, who are now being warehoused in Guantanamo. That is clearly an injustice.

The Country Report entry on Cuba clearly gives us enough evidence as to why people would be fleeing persecution there. And I hope that this Congress will redress the balance there.

I would like to make what I believe are some core practical recommendations that will I hope make the Country Reports a more useful and practical guide and working tool for the integration of human rights into foreign policy.

And the first recommendation is that the Country Reports should summarize major initiatives by the U.S. Government to prevent the violations that it documents. It should be there on record with its major initiatives.

Failing this, the Country Reports can be used as sort of a screen for inaction. I note that in the Country Report entry on Indonesia, the entry talks about the concerns that the human rights groups raised about Operation Clean-Up, which was this cleansing of the streets, the so-called criminal elements, that resulted in killings, and torture, and wrongful imprisonment. And that there was a clear escalation of this around the time of the APEC summit.

The report notices that human rights groups publicly raised their concerns. How much more significant it would have been if that record had said, "And the U.S. Government went on record about its concern that for a multibillion trade summit that people were being imprisoned, detained, and killed." And if the United States, if it had been publicly on the record condemning that, I think that it would have been a lot stronger than to say after the fact that well, human rights groups raised the issue.

And one of the most I think egregious examples of this post facto piety is in the case of Russia and Chechnya. The entry talks about the human rights and humanitarian crisis in Chechnya. But this administration gave a virtual green light to Yeltsin, and made no effort at the outset of this crisis to warn about the potential human rights crisis that could have ensued.

And the U.S. Government should be deeply embarrassed that it was publicly thanked by President Yeltsin for its restraint in issuing criticism over its handling of the Chechnya crisis. I notice that a number of the European governments did not get that thanks.

Perhaps cognizant that some of us decried this virtual green light to Yeltsin without warnings about the potential for a human rights crisis, the State Department has fortunately sounded such warnings with regard to the action of the Mexican Government in Chiapas. And if that means that they have learned something, I think that is significant.

So what I am saying is that summaries of key United States actions should include the kind of public warning to the Mexican Government, major initiatives and resolutions by the United States at the United Nations, and other major multilateral actions taken, major bilateral actions, and legislative initiatives.

The second recommendation is that the Country Reports must summarize the response of offending governments to major multi-lateral and bilateral initiatives, as well as noteworthy responses to the Country Reports themselves.

Everybody is aware that the Iraqi Government has had a totally rejectionist position to human rights initiatives. I think that they are less aware of that fact that the governments such as the Government of Turkey and Egypt have also taken such a rejectionist posture and denied responsibility for their abuses.

The Egyptian Government's public rejection of this year's entry on Egypt and the Country Reports should be noted, as should its attack on the work of Human Rights Watch, and the efforts of that government to discredit the impartiality of Human Rights Watch's research. I think that we should not stand for it. Human Rights Watch's work is reported extensively throughout the Country Reports. And I think that the U.S. Government needs to stand up when these kinds of attacks and assaults are made.

In fact, I thought that the entry on Egypt was particularly weak in one area when it comes to the military trials that lead to executions. Amnesty regards these trials as virtually the same as summary executions.

I think that it is very important to note when a government is showing signs of improvement. And clearly, the Government of Colombia led by President Samper has cooperated when the United Nations, has begun to acknowledge official responsibility for human rights violations, and has begun to initiate reform measures.

But I think that the report actually strikes a good balance in this regard. It notes those positive measures. But it says, and I am quoting from the entry on Colombia that, "The Colombia Government had yet to establish effective judicial control over military abusers of human rights, and thereby begin to end the long reign of impunity."

That, I think, is a very good position to take. Welcome noteworthy advances. But the bottom line is if impunity persists, if human rights violators are not prosecuted, then the United States should not change its current position in relation to the Government of Colombia.

And unfortunately, the reports may be a little bit uneven in that regard. Because the Government of Sri Lanka, the entry on Sri Lanka, gives the impression that the reform initiatives have actually really begun to break the cycle of impunity there, and that is not the case.

My last major recommendation and the central one is that the Country Reports must be used as a basis for action by both the Congress and the administration. If governments reject the findings of the Country Reports, take no action to stop abuses, and are governments with which the United States had trade and security relations that provide it with leverage, action clearly needs to be taken.

It is especially important that action be taken when U.S. security assistance is used to commit violations. The Country Reports can provide the objective documentary basis for escalating the U.S. Government's response to human rights abuses by offending governments.

The previous Congress requested a human rights strategy from the Clinton administration on several countries, and noted with regret that no such strategies were delivered to it. On the one hand, the administration has relied I think far too much on Assistant Secretary Shattuck to be its voice and conscience on human rights issues.

And the result I think is that human rights have been sidelined, because it means that the Commerce Department and the White House feel that they do not need to speak out on human rights issues.

On the question of action flowing from the documentation in the country reports, it is particularly important to note that at this present time, the U.N. Human Rights Commission is in session, but the U.S. Government has shown no indication that it is going to take a lead in following up on the documentation in this year's reports, with noteworthy action on the Governments of India, Indonesia, and Turkey.

Clearly, if governments see that there is no action follow-up from this documentation, why should they take note?

On the question of impunity, Secretary Shattuck praises the Human Rights Commissions in Mexico and India. And he also staunchly supports the War Crimes Tribunals in Yugoslavia and Rwanda. And we would like to point out that one has clear prosecutorial purpose. The others do not show any indication at this point of having a prosecutorial intent, and breaking the cycle of impunity.

And in this year, the fiftieth anniversary of the U.N., and the fiftieth anniversary of the conclusion of Nuremberg, we believe that the best approach to dealing with the question of impunity is to support an International Criminal Court. And we regret deeply that the U.S. Government has basically played a stalling and blocking motion at the U.N. on the creation of a criminal court.

As I said, further with the issue of Cuban refugees in my written testimony, I just would like to conclude with some breaking news. As we speak this morning, my colleague, Maryam Elahi is returning from Turkey, where she observed trial proceedings for members of the Human Rights Association accused of separatist propaganda.

They have been charged under Article VIII of the Anti-Terror Law for publishing a report on human rights violations in Southeast Turkey. The current Country Reports were cited just a few days ago by one of the defense lawyers at this trial in Turkey as evidence that the Human Rights Association's own report was not unfair. Because what was there in the State Department's reports is pretty much the same material that was in the Human Rights Association's report.

Ms. Elahi said that she gives very high marks to the U.S. Embassy and to the consular staff, who attended the trial hearing. But unfortunately, the decision was made to commence with a full trial on April 17.

I think that this is a perfect example of where Washington now needs to take action, where both the administration and the Congress need to say here is a perfect example where action needs to be taken and taken quickly.

Thank you.



[The prepared statement of Mr. O'Dea appears in the appendix.]

Mr. SMITH. Mr. O'Dea, I want to thank you for your fine testimony. And having read the presentation that you sent up to the Hill last night, it is one of the most scathing, I think, repudiations of a policy. And the fact that you point out that now more than ever human rights is an island off the mainland of U.S. foreign policy. And the suggestion that you make that the Country Reports may actually serve as cover for inaction needs to be taken very seriously.

And hopefully, that message will be heeded in the spirit that it is being given. That we all hope for improvement with this administration, as I would with any administration when it comes to applying human rights practices to its foreign policy. There should not be a disconnect.

And I do value your fine testimony, and I do thank you for presenting it today.

Our next witness will be from Freedom House. It is Adrian Karatnycky, who will make his testimony to the subcommittee. And again, you may proceed however you may like.

#### STATEMENT OF ADRIAN KARATNYCKY, PRESIDENT, FREEDOM HOUSE

Mr. KARATNYCKY. Chairman Smith, Chairman Gilman, and subcommittee members, I am delighted to have the opportunity to testify before you this morning, and to tell you that Freedom House is an organization founded in 1941. It has bipartisan roots. And I should tell you that on our board are representatives of the AFL-CIO as well as Empower America.

This to to say we have on our board a very broad range of the political spectrum in America, ranging from Jean Kirkpatrick to Andrew Young, Pat Derian to Peggy Noonan, Lane Kirkland to Malcolm Forbes.

And I believe that as a nongovernmental organization, we are an example that it is possible to build a bipartisan consensus around the issues of the promotion of democracy, freedom, and human rights. And I know that is one of the aims of your subcommittee, and of the subcommittee under your leadership.

We have a bias, that is to say that the organization that I represent has a bias. We believe that human rights are best protected through the private sector and through the institutions of a strong and vibrant civil society. And we believe, therefore, that it is important to make as an animating principle of American foreign policy the strengthening of democracies and promoting democratic transitions. That, we believe, is the way to get at the durable expansion of human rights and respect for rule of law.

From this perspective, we believe that the annual State Department Country Reports process really ought to be an essential part of the national discourse. And I think that you will find that all the three right groups testifying this morning, and I do not want to prejudge anything else that will be said, all of us really do worry about the disconnect between this report and U.S. policy.

But I would say that there is a disconnect not simply within the administration, but I think that there is also a disconnect within the Congress. And we hope that we can work together to connect

the findings and the data that are within this report to the fashioning of an active foreign policy that promotes democracy and human rights.

In broad terms that the State Department's report does speak the truth. It is a commendable exercise in truth telling. I will outline some of the places where it may miss the mark a bit. But I think that all of us will probably agree that what you see there is a generally accurate portrayal and description of the state and condition of political rights, civil liberties, and human rights around the world.

And Freedom House would like to commend the hundreds of men and women in the Foreign Service and the State Department that were part of this process of gathering the information and making these kinds of assessments. And we believe that their work importantly is largely free of euphemism, which I think makes it unlike much of what emanates from official sources.

Let me just, in very cursory and episodic fashion, focus on a few places where we believe the report misses the mark. We think that while much of the reporting on the new independent states is on target, the assessment of Tajikistan appears to ignore the central role of Russia in destabilizing and toppling the secular, non-Communist government of that newly independent state.

And while this may not seem to be terribly important, we think that the report really accepts in a sense the Russian spin on what occurred in Tajikistan by describing in effect a secular and pro-democratically inclined coalition that was ousted with help by the Russians as "an opposition of nationalist and Islamic groups defeated in a civil war."

It is not a civil war, if an outside state takes an active direct role in the combat. Nor is it an accurate characterization of a secular government that would have created the circumstances for or the potential for the rule of law and respect for human rights rather, than what has occurred as a result of the Russian intervention.

The reporting on Uzbekistan says that the country has made little progress in the transition from its authoritarian legacy toward democracy. In fact, that country has made no progress. If you compare to the late years of the Soviet Union, there is a distinct regression in the condition of human rights. And the same groups that were able to function during the Soviet period, during Communist rule are today in exile, having had their skulls broken as a result of the actions of thugs associated with and encouraged by the government.

The report on Uzbekistan, moreover fails to give significant attention to the issue of child labor, suggesting only that younger children turn out to harvest cotton and other crops. In fact, children in Uzbekistan are routinely involved in planting, fertilization, cultivation, and harvesting in unhygienic and very dangerous settings. This the report really gives short shrift to a very major aspect of the violation of rights there.

In our view, the report is too optimistic about the events that occurred in the last year in Mexico. And while it rightly focuses on the abuses of human rights including extra-judicial killings by the military security forces and police, it does not seem to quite understand the type of state Mexico is a the dominant party state. The

report implies a certain independence to civil institutions when it asserts that trade unions, employers, and rural organizations have voluntarily limited free collective bargaining in the past decade. It is really an incorrect description of these state dominated and state linked instruments.

The report on China is largely factually accurate. But it does not say, and presumably cannot say, that China released prisoners of conscience and granted passports to critics of the regime to influence the MFN debate in the U.S. And that in the latter half of 1994, after the MFN decision was made, that the human rights situation deteriorated sharply.

In the case of Sudan, we would say that there ought to be more emphasis on the failure of the authorities in that country to use famine and the direction of aid as a means of carrying out their tactical and strategic military objectives in the civil war there.

We believe that the Kenya report is unusually optimistic. We seek and search in vain for evidence of the report's conclusion that the government had taken steps to improve human rights practices in the grim narrative that in fact is presented.

There are more of these. But again, these are matters of dialogue and discussion. The real question that I would like to focus on is really the disconnect in policy.

Freedom House tracked this year an anomalous and maybe paradoxical phenomenon. There has been a systematic growth since the mid-1970's of democracies, of countries whose governments are elected in competitive processes, relatively open and competitive processes.

Today there are about 114 democracies, nearly double the number of democracies that existed in the mid-1970's. I believe this is partly the result of the emphasis by the United States' and Western governments', partly because of changes in the communications and technological revolutions, and partly because of the strength of indigenous movements to promote their rights and to demand accountability.

This trend has created a zone of opportunity. Not all of these newer democracies are stable. Not all of these democracies effectively promote and strengthen human rights. But they do create an arena in which it is much more possible to accomplish significant improvements in the state of human rights than in dictatorships and oligarchies.

Thus if you look at the State Department report and if you correlate it with the kind of snapshot that Freedom House gives of the world by dividing it between free, partly free, and not free countries, you will find general agreement about who are that the worst abusers, the ones that we would label "not free," and in which there are really total restrictions in terms of democratic rights, political rights, civil liberties, and human rights. There are 54 of these countries in our judgment.

Of those 49, over 90 percent share one of the following characteristics. First, they have a majority Muslim populations, and frequently confront pressures of fundamentalist Islam. Second, they are multiethnic societies, in which power is not held by a dominant ethnic group: that is a nation that represents an overwhelming proportion of that population. They are not nation states. Or, third,

they are neo-communist and post-communist transitional societies. And that is really the zone in which the vast majority of abuses is occurring.

Having laid out this snapshot of the world, I would like to turn now to the connect. How can we connect and take this data, which accurately describes the state of human rights, and to some extent the political rights, and civil liberties in the world, and to make it a more integral part of U.S. policy, something that I believe my colleagues have also addressed and will address.

One area is foreign aid. The U.S. Agency for International Development has made important progress in applying principles of democracy and human rights to its work overseas. It has made democracy-building a pillar, a declared pillar, of its work. But the application of these principles to the allocation of U.S. foreign aid still falls short of government declarations.

And as we know, the foreign aid pie has shrunk by 20 percent since the Bush years. And I believe and every one believes that this Congress is likely to pare it down even more considerably.

In this context, there is simply no compelling reason for U.S./foreign development aid funds to be spent in assisting the economies of dictatorships. While programs aimed at strengthening democratic nongovernmental groups should be reinforced, and urgent humanitarian aid in the case of crises and famines should be provided, repressive governments such as Chad's, Kenya's, Liberia's, Tajikistan's, Turkmenistan's, and Uzbekistan's should not receive foreign development aid.

In fiscal years 1994 and 1995, AID is spending nearly \$75 million in taxpayer dollars in Uzbekistan, Tajikistan, and Turkmenistan. This is indefensible. This sum, is well over double the entire budget of the National Endowment for Democracy—which is a small and effective instrument for promoting civic groups and human rights groups in other countries.

The same question could be asked about funding in Mauritania where there are still reliable reports of a continued and tolerated practice of slavery and broad human rights abuses.

The United States also has spent nearly a half a billion dollars in Peru in the last few years since the coup by President Fujimori in promoting a range of programs in that country.

If there is a shrinking foreign aid pie and if we have these accurate reports of human rights abuses, why doesn't the Congress and the Administration look more rigorously at really who is getting the aid. There is still in place the practice of trying to spread foreign aid thin across a broad range of countries, many of which have very regrettable practices.

So in conclusion, as we survey this year's State Department report, and examine the litany of abuses accurately reported, we are struck that both this report and the Freedom House Survey of Freedom ought not simply to be a call to conscience or an occasion for moral outrage. They ought to be essential tools in shaping our foreign aid strategies and priorities.

And we urge your subcommittee to lend its voice to that kind of an application of that report. I thank you, Mr. Smith.

Mr. SMITH. Thank you very much for your very comprehensive testimony, and for the good work that Freedom House does do.

And without objection, your testimony will be made part of the record, the written presentation.

[The prepared statement of Mr. Karatnycky appears in the appendix.]

Mr. SMITH. I would like at this point to ask Kenneth Roth, the executive director of the Human Rights Watch, to make his presentation. Please without objection, your written comments will be made part of the record as well. And proceed as you wish.

#### **STATEMENT OF KENNETH ROTH, EXECUTIVE DIRECTOR, HUMAN RIGHTS WATCH**

Mr. ROTH. Thank you very much, Chairman Smith.

Let me begin simply by congratulating you on your assumption of this important post. We have worked very closely with you for many years, and are particularly eager to continue that constructive work in the future, now that you head the congressional Human Rights Committee devoted to the interests that we share so deeply.

Let me also offer similar words of congratulations to Chairman Gilman on his assumption of his important post. He, too, has been a long time champion of human rights. And we welcome our continuing quest together.

This hearing today stands in noticeable contrast to Secretary Christopher's testimony yesterday across the way before the Senate Foreign Relations Committee. There, the Secretary outlined five new opportunities for U.S. foreign policy in 1995, as well as four subsidiary concerns. Unfortunately, human rights did not find their way into that listing at all.

That, despite the fact that many of the matters that he articulated, ranging from promoting development and curbing population growth, to avoiding humanitarian disaster are things that cannot effectively be pursued without strong respect for human rights. Indeed, it is the systematic violation of human rights that leads to and aggravates those problems in the first place.

What we see in that testimony reflects, unfortunately, a pattern in the administration's foreign policy overall, one that reflects the marginalization of human rights, the treatment of human rights as an embarrassment to be suppressed, rather than a guiding principle to be proudly asserted.

We welcome this committee's early attention to human rights policy, and urge that that attention be directed in particular to trying to reassert human rights at a higher and more appropriate place in the administration's foreign policy agenda.

As for the subject of today's hearing, the Country Reports, I largely share the assessment of my colleagues that they continue the trend of recent years toward being for the most part objective, careful, comprehensive analyses of human rights practices around the world.

I would not go so far as to say that their publication prevents the enforcement of human rights. I do not believe that. I think that the fact that U.S. political officers around the world know that they have to make an annual accounting of human rights practices in their countries forces them to pay attention to issues that otherwise might have been neglected. It forces them to stay in touch

with local human rights groups and others who are concerned with human rights matters.

And that annual accounting, I think, in and of itself is a beneficial step, and one that pushes human rights higher on the agenda than it might otherwise have been.

Second, the mere fact that the U.S. Government speaks out once a year is important. My colleague cited the critical reaction of the Egyptian Government to the joint publication of the State Department's country report, and Human Rights Watch's most recent report on the practice by the Egyptian Government of detaining and mistreating the relatives of those who have been themselves subjected to human rights abuse.

The latest example occurred only in the last couple of days, when the Egyptian semiofficial daily "Al-Ahram" quoted the widow of an Islamist attorney who died in Egyptian custody in 1994, and has quoted her as repudiating the account that she personally told our investigators.

That can only be the result of a despicable effort to put pressure on this young widow. And in my view, it is a terribly misguided effort on the part of the Egyptian Government to silence the messenger, to deflect criticism rather than to deal with the source of that criticism, the systematic abuse in the most serious way of human rights within Egypt itself.

I would like to devote the bulk of my remarks today to the problem that has also been signaled by my colleagues. And that is the systematic failure to translate the generally comprehensive and accurate observations of the Country Reports into U.S. policy devoted to eradicating the abuse being catalogued.

I would like to focus in particular on three issues. First, the relationship between the promotion of trade and the promotion of human rights. Second, U.S. policy toward the systematic violent abuses in Chechnya. And third, the unfortunate shift in U.S. policy signaled by the announcement yesterday with respect to Bosnia.

On the issue of trade and human rights, we unfortunately have seen over the last year that despite the very good reasons for a vigorous human rights policy that are documented in the Country Reports, there has been a systematic subordination of human rights to the pursuit of trade and investment opportunities.

I should note at the outset that we in no sense deny that the pursuit of trade and investment is a wholly legitimate governmental function, and in no sense take issue with the efforts of the Clinton administration in that regard.

What we object to is the fact that that quest has completely superseded any concern with human rights in the countries that have been identified as emerging markets because they hold the greatest prospect for the advancement of U.S. trade and investment opportunities.

We have all seen the trade delegations travel to China, to India, to Indonesia, and to various centers of systematic abuse, hawking United States wares, but ignoring the United States values that should stand behind United States policy, and that are indeed enshrined at an international level in the leading human rights treaties.

We saw this within our own hemisphere at the Summit of the Americas held in December in Miami, where there was strong concern expressed about impunity for corruption in the hemisphere, but nothing about impunity for violent abuses of human rights that lies behind the most serious human rights problems in places like Guatemala, or Colombia, or Peru.

The administration has justified what it calls commercial diplomacy on the grounds that pursuing trade is a human rights policy. It argues that trade promotes development, which builds a middle class, which eventually will demand its rights. And that over the long term, this development will lead to greater respect for human rights in and of itself. That there is not a need for a parallel vigorous human rights policy.

I think that justification is dead wrong. First, for every country where you can see a correlation between development and respect for human rights, that is, say, a Taiwan or a South Korea, you can easily point to other countries, such as Singapore, or China, Indonesia, or Peru, where economic development has served simply to bolster a repressive regime, and has not led to any improvement in human rights practices.

Second, even if you accept the unproven assertion, the unproven premise, behind the administration's trade-is-human-rights policy, the long term is simply too long, if we have to wait 10 or 20 years to provide any relief to today's victims of torture or arbitrary detention.

Indeed, if the administration indeed is concerned about economic development, which of course we are too, the goal of providing economic protection for the worse off members of a society is not helped by disregard for civil and political rights.

If you seek to promote wages for the worst off, you need to permit them to organize, to seek collective bargaining and enhancement of their wages.

The best way to avert famine is to give people free speech and association, to call attention to governmental policies that may be aggravating temporary food shortages.

If you seek to avoid environmental devastation, you need to permit local groups to speak out, and to organize against misguided environmental policies.

If you need to try to protect the worst off, the peasants, the small landowners, you need to ensure that there is a judicial system where they can enforce their property rights.

Disregard for civil and political rights simply will not achieve development goals if you define development as bettering the worst off members of society.

What we have seen from this abandonment of human rights in the pursuit of trade is, for example, in China, a tightening of the noose around the dissident community since the delinkage between most-favored-nation trading status and China's human rights policy.

In the case of Kashmir, we saw the Clinton administration go from in 1992, the very welcome development of speaking out against the violent abuses in Kashmir, to the silence that arose in 1993, as India was viewed as an emerging market, which led to a rise in deaths in custody in Kashmir.

In Indonesia, the failure to continue the linkage between labor rights and trade benefits has led to the arrest of labor activists. Time and time again, we have seen the abdication of a strong human rights policy by the administration lead to an immediate setback for human rights in the countries concerned.

I note that in China, for example, the administration is right now pressing for a condemnatory resolution in Geneva before the U.N. Human Rights Commissions, and we welcome that. But that message, we fear, is drowned out when delegation after delegation of CEO's travels to China at the Clinton administration's initiative, while human rights concerns are relegated to secret diplomacy, let alone quiet diplomacy.

And we hope that Energy Secretary O'Leary, who is about to embark on the latest such expedition, breaks with the disturbing record set previously by Commerce Secretary Brown, and makes sure that not only is she pursuing the energy concerns of the U.S. Government, but that she also speaks out loudly and clearly about deplorable Chinese human rights practices.

In the case of Russia and in particular Chechnya, the Clinton administration's policy has unfortunately been to continue business as usual with Russia on the theory that that is the best way to help our so-called democratic friends.

The Clinton administration has not followed the European lead of suspending economic assistance because of the systematic violent abuse in Chechnya, let alone has it even bothered to mention that the Russian Government, that Russian security forces, have been responsible for the bulk of those violations.

If you look at the Country Reports, if you look at the statements made by the administration, if you look even at the proposed chairman's statement that is now being considered by the U.N. Human Rights Commission, it is as if these violent abuses were a product of the weather, as if no Russian forces had anything to do with it.

And that diplomatic nicety, that failure even to name the name of the abuser, sends a signal that we do not care about the principles that in my view and in the view of my organization should be guiding U.S. foreign policy.

In fact, we think that the entire policy with respect to Chechnya is wrong. You do not promote democracy and respect for human rights in Russia by capitulating to the atrocities of the enemies of democracy. You promote human rights and democracy by supporting the basic principles that should be guiding our foreign policy worldwide. That is the best support for Russian democrats. Not identifying with a particular man, but identifying U.S. policy with the support of key democratic and human rights principles.

And unfortunately, the Clinton administration today is a long cry from that policy which should be guiding our relations with Moscow.

Finally, let me simply note the extremely unfortunate announcement by the Contact Group yesterday with respect to a shift in the policy about sanctions toward Belgrade. As all of you know, Madeleine Albright had articulated an extremely powerful U.S. policy of support for the International War Crimes Tribunal.

She stated not only that the U.S. Government opposes an amnesty for war criminals, that we will not permit that to be on the



bargaining table; but second and extremely important, she stated that sanctions against Belgrade would be continued unless Belgrade cooperates with the investigation of war criminals and the extradition of indicted criminals.

That policy was obliterated yesterday in a Valentine's Day Massacre that I think is terribly unfortunate, particularly coming one day after the historic announcement of an indictment for genocide against the leader of the Omarska concentration camp.

Again the premise behind that policy is fundamentally flawed. The administration seems to be arguing that it is sufficient simply to carve up Bosnia along ethnic lines, and that that will be sufficient to end the atrocities that have come to be known as ethnic cleansing.

That is simply not the case. First, the idea of rewarding Belgrade for political concessions, we have already seen, has not worked, in that Belgrade has not even lived up to the commitments that led to the first round of sanctions reductions in September when it was supposed to be blocking the provision of aid to Bosnian-Serb forces. That supposed embargo has been violated left and right. And the result has been not to reimpose sanctions, but rather to offer further sanction reductions for further political commitments that undoubtedly will be violated again.

Second, if you look at the areas of Bosnia that today are under complete Serbian control, where there really has not been a war for the last 2 or 3 years—for example, the area around Banja Luka—it is clear that peace has not led to an end of atrocities.

And indeed, the fact that ethnic cleansing continues to this day in those regions demonstrates, I believe, the importance not only of strong protections for human rights being built into the ultimate constitution to be drafted for Bosnia, but also the importance of ensuring accountability under law, through criminal prosecutions, for those who persist in violating these basic rights. A territorial carve-up alone will not do the trick.

Finally, if we are sincere about trying to end the war in Bosnia, if we want to establish a lasting peace, we need to end the cycle of violent retribution in which Bosnia today is trapped.

That requires, first, providing people a reason not to take the law into their own hands, to recognize that justice can be done lawfully by an international tribunal. But if we sacrifice that tribunal by taking away the teeth that will make it possible to bring people to justice, we will in a sense encourage people to continue the summary justice that is fueling the war today.

Second, if we are going to move beyond the ethnic labels that fuel that violence, if we are going to move beyond calling all Serbs, all Croats, or all Muslims guilty of atrocities, we need to individualize justice.

Again, the Tribunal through, its insistence on evidence in a court of law, is the ideal mechanism for doing that. But by undercutting the Tribunal, we push Bosnians back into the collective ethnic judgments that to this day has been fueling the conflict.

Finally, let us ask what kind of precedent we are setting. A peace today built upon impunity for the atrocities of ethnic cleansing is simply going to encourage tomorrow's potential murderers, be they

in Bosnia or elsewhere in the world, to resume the kinds of killings and the kinds of abuses that we have seen in Bosnia.

These are some of the kinds of policy changes that I believe are needed to make U.S. policy consistent with the detailed and accurate observations of the country reports. I welcome the attention of this committee to this matter, and I believe that it is precisely that interest that is needed to bring U.S. policy back in line with the principles that should be guiding it.

Thank you very much.

[The statement of Mr. Roth appears in the appendix.]

Mr. SMITH. Mr. Roth, I want to thank you for your very powerful and persuasive testimony before the subcommittee.

And I would like to recognize the distinguished chairman of the full committee, Mr. Gilman, who will have to make his way over to the floor, because of H.R. 7, which is coming up.

Mr. GILMAN. Thank you, Mr. Chairman. I appreciate your willingness to allow me to intervene at this time.

To all of the panelists, and we thank you for your extensive testimony and review of where we stand with regard to human rights and our foreign policy, in your experience how sensitive are the offender countries to the reports that we issue, and does the publication of the reports in and of itself, and I note what our good Amnesty witness had to say about doing more in the report about what has been accomplished, does the publication of the report by and of itself have any impact on the abuses of these regimes, and has any activity on the part of those governments been forthcoming after the reports have been issued?

I address that to all of the panelists.

Mr. O'DEA. Well, I think our experience has been that when you look at the cumulative process here, and now that the reports have become somewhat institutionalized, and then at the same time a policy that does not connect with them, they have increasingly less of an effect. I think that they probably had a lot more effect before. I think that the general trend is away from an effective result.

So I think that governments watch the behavior rather than the words. And I would hope that the Congress would see its role in relation to taking these reports, which are submitted, they were originally submitted, in relation to section 502(b) of the Foreign Assistance Act. And clearly, I believe that the countries that receive security assistance should be particularly scrutinized by Congress.

We put out an annual report on human rights and U.S. security assistance. I believe that is a very suitable topic for a hearing. So that we could actually scrutinize more carefully that issue, particularly where there are serious allegations that security assistance is actually used to commit violations.

And I think that when governments would see that relationship and scrutiny, I believe that their response would be much more effective.

Mr. GILMAN. Would the other panelists care to comment?

Mr. KARATNYCKY. Well, I would like to say that here we see an important difference in societies in which there is an internal independent press. Many governments, I think, are responding with less concern, because they understand that there is a decoupling

from a direct consequence in terms of trade, or assistance, or military security assistance, and the like.

On the other hand, in societies, which have a relatively open arena of free media and free press, the reports of nongovernmental organizations, as well as the reports of the State Department, become the object of an internal examination. And in that sense, they begin a political dialogue within these countries. Thus, the process gives a greater sense of purpose and of meaning to these human rights values. So the exercise is very valuable and effective for those kinds of countries.

But in closed societies, clearly, governments tend to ignore these reports, because they understand that there are no teeth behind them.

Mr. GILMAN. Mr. Roth.

Mr. ROTH. I actually think that human rights reporting remains tremendously important. There are essentially two ways to promote human rights in the absence of an international legal system. The first is by publicly stigmatizing abusive governments, by denying them the legitimacy that would come with the reputation of being a law-abiding and rights-respecting government.

The second, of course, is through economic pressure. The reports are most important in the first sense. And if you look, for example, at the reaction of the Egyptian Government, that demonstrates that tough reports do touch a raw nerve; and that governments do not like them, because they delegitimize them.

And often, the results will be in the long run to improve human rights practices. Obviously, there is a need frequently to supplement those reports with tough economic pressure. But if you simply look, for example, at the role that human rights reporting played in changing U.S. policy on the summary repatriation of Haitians, and for pressing for the restoration of President Aristide, that was one very good example of a key role that systematic human rights reporting played.

You can look at, for example, the role of reporting on the devastating impact of land mines worldwide, and how that has now led to a moratorium on exports, and the establishment of a review conference to possibly ban use of those weapons altogether. Those are just a few examples of the powerful effect that human rights reporting can have, but of course it needs to be backed by economic pressure frequently.

Mr. GILMAN. It is obvious then that what we have to do with the reporting system is to make certain that there is some implementation through other means in our legislation. Yes.

Mr. O'DEA. If I might add one point. I do think that there are a whole range of actions that can happen, and economic pressure is one means. But there are lots of other ways that pressure can be exerted, or that support can be given. And I think at the moment of the investigation into the abuses in Haiti and the Truth Commission there. That clearly needs support and funding.

And I think that if the United States, for example, were to move away from funding and supporting the Truth Commission, having sent in U.S. troops somewhat in the name of human rights, that itself would be a very unfortunate way of decoupling human rights documentation with action.

Mr. GILMAN. Let me ask just one or two other short questions. In the reorganization in the State Department, they folded the Human Rights Bureau into a larger global affairs division, increasing the risks that human rights policy be regarded as just another factor to be dealt with amongst other concerns.

What are your comments with regard to that reorganization?

Mr. ROTH. I think that a lot depends frankly on the commitment and forcefulness of the person to whom the Assistant Secretary for Human Rights report, in this case Under Secretary Wirth. And if his concern is genuinely to promote human rights, it can actually serve to elevate the cause of human rights within the State Department. If Mr. Wirth is more preoccupied with other issues like population or the environment, it can serve to marginalize human rights.

Mr. KARATNYCKY. I would say that really in the discussions about the reorganization of foreign aid, the internal structure of the State Department also ought to be an issue. And I do believe that there is some substantial departure from a central theme that was a pillar of the proclaimed Clinton administration foreign policy of the promotion of democracy.

It seems to me that the collapsing of foreign policy into the Global Issues Bureau of this important pillar really has placed the promotion of human rights and democratic transformations on an equal footing with environmental and population controls issues, and in a sense had diminished one of the three articulated pillars of foreign policy.

Mr. O'DEA. I do not think that the global track has helped human rights. And I think in fact by actually narrowing down the field of concerns of this particular under secretary, you then have the potential for what has happened. When one of those concerns, in this case counter-narcotics, is of more interest or concern to the under secretary than human rights, you see that one of those concerns gets more attention than human rights. So I do not think that it has been helpful.

However, I do have to say that the real problem I think at the moment in terms of the integration of human rights into the administration's policies is at the White House. And we would love to see an Under Secretary for Human Rights, somebody with that power and authority to really integrate human rights into the array of concerns of the State Department.

But if you did not have the support of the White House and the leadership of the President in these areas, I think that you might find that you were still with a major deficit.

Mr. GILMAN. Well, I want to thank you for those comments. Just another area. I note that you in your various reports indicate the growth of slavery and slave labor. I was just commenting to our good chairman, and he intends to hold a hearing on this.

Do you see this as a growing trend for example in Africa and China, the growth of slavery and slave labor, or is there any improvement?

Mr. ROTH. I think you can say that it is a serious problem. I mean if you look at, for example, the various forms that forced labor takes, be it the forced trafficking of Burmese girls and women for prostitution into Bangkok, or the use of forced labor in prisons

under horrendous conditions in China, or for that matter the use of forced labor within the Amazon region in Brazil, you can go around the world and find a number of places where slavery in various manifestations persists.

Whether it is getting worse or better is always hard to say, and in fact varies from country to country. But it clearly is a serious problem that is deserving of sustained U.S. attention.

Mr. GILMAN. I do not recall the United Nations addressing this problem. Maybe you are more aware of it.

Has the U.N. addressed this problem at all, any of the panelists, are you aware of whether the U.N. has addressed the problem of slavery and slave labor?

Mr. ROTH. I believe it has. Clearly, not adequately. It has not been a major focus, for example, of the Human Rights Commission. And I think that it is fair to say that it is not getting the attention that it deserves by the U.N., although that is a problem that unfortunately is not limited to forced labor.

Mr. GILMAN. I have just one other question. We note that recent press reports indicate that three members of Pakistan's Christian minority have been shot after allegedly violating Pakistan's anti-Islam activity law.

Is that the usual sentence for violation of this law, is the death sentence the usual sentence?

Mr. KARATNYCKY. The law is the law of blasphemy, as far as I understand, against Islam. And it is treated differently in Pakistan than the law on blasphemy against other religions. And, I think that under President Zia, the law, which carried with it a range of sentences from 2 to 10 years from the 1940's to the 1980's, was changed to the death penalty with no latitude for the judges.

Mr. GILMAN. So it is now mandatory?

Mr. KARATNYCKY. There is a mandatory death sentence for blasphemy, which is very widely defined, or can be applied very widely.

Mr. O'DEA. We just recently had a videoed interview with a 14-year-old boy, who is in hiding in Pakistan, who is to be executed if they find him for blasphemy. And the whole circumstance which this charge of blasphemy against this 10-year-old is highly questionable.

Mr. GILMAN. Well, I want to thank our panelists. Once again, I am being called to the floor. I thank our Chairman for allowing me to proceed.

Mr. SMITH. Thank you, Mr. Chairman.

Again I want to thank our three distinguished witnesses for their fine testimony. If I have heard you correctly, Mr. O'Dea, you did say that you felt that the problem was more focused at the White House in terms of priority or perhaps better said a lack of priority in affording human rights the kind of place at the table, what I would hope would be a central place when devising U.S. foreign policy.

We heard words, and in looking at your prepared testimonies saw words like illegal, immoral, neglect, the nondiplomacy, the disconnect between our foreign policy and human rights considerations. I sometimes believe, and I really believe it strongly, that we raise false hopes when we act as a city on a hill speaking out so forcibly when there is simply no real connect with our foreign pol-

icy, particularly as it relates to trade; which I think, Mr. Roth, you very strongly pointed out.

The reorganization that occurred with regard to our State Department, which again may be reorganized during the 104th Congress, is I think a very important issue. I sense that human rights got demoted when they were put on the flow chart under Under Secretary Tim Wirth. His basket, his issues, and his portfolio seems so extensive that human rights becomes one of many issues competing for attention and for a place at the table.

In your view, how would you characterize the stewardship of Mr. Wirth as it relates to human rights? We know that John Shattuck has been very outspoken. He does not craft policy. He articulates concerns. But when it comes to plugging those concerns into a viable, coherent policy, that is above his pay grade. It really I think would be left at the feet of Mr. Wirth. He is the formulator of that policy.

Mr. Roth, you might want to start.

Mr. ROTH. Sure. Instead of trying to provide a global answer to that, let me pick one example, which I think highlights an area where Under Secretary Wirth has fallen quite short of his obligations to uphold human rights. And that is on the issue of whether there should be antinarcotics assistance to SLORC, the military regime in Burma.

As I understand it, Secretary Wirth is a proponent of that assistance. Drugs are one of the things within his large basket of concerns. And what I am concerned about is that while clearly there is a serious problem of drug production in Burma, the notion that you can somehow combat that by providing what in essence becomes military aid, police aid and the like, to this extremely abusive regime, is terribly misguided.

Because on the one hand, we know that that will have the effect of bolstering this illegitimate, highly abusive government. And on the flip side, the prospect of that making even the slightest dent in Burma's drug production is dubious at best, in that we have already seen heroin production triple in Burma since SLORC took over in 1988.

This is a government that shows no will or inclination to cut drug trafficking. Indeed, in the areas where it has made peace with local ethnic groups, it has simply allowed them to continue drug trafficking, with SLORC taking its cut.

In fact, the kind of cooperation that you would need between these ethnic groups and legitimate law enforcement authorities is unlikely to occur until you have a legitimately elected democratic government that respects human rights of all Burmese regardless of their ethnicity.

So the tradeoff that Under Secretary Wirth seems to have made in the case of Burma, I think, may be reflective of a tendency to subordinate the human rights part of his portfolio for other concerns.

And while I think that John Shattuck has been exceptionally able and vigorous in promoting human rights concerns within the State Department, his conduit to the Secretary of State seems not to be upholding that part of the agenda.

Mr. SMITH. I appreciate that.

Mr. KARATNYCKY. I would say again that in the Under Secretary's broad portfolio, which includes issues such as women's rights, global warming, environmental issues, and population issues, and development issues, it seems to me that in that global issues portfolio Secretary Wirth is more identified with that range of issues rather than with human rights and the promotion of democracy.

As an example, I would point to the upcoming Beijing women's conference. I have no sense that there is a high priority being set for using this gathering to enable independent nongovernmental and governmental leaders to address women's issues and to put to a high priority the abuses perpetrated against women in China, or more broadly to the political climate in China.

It seems to me that that is a place where you can take a global issue and present it in the far broader perspective. But I have a sense that that democracy and human rights is a very minimal and marginal priority in U.S. planning for this meeting, and in the buildup to that meeting.

Mr. SMITH. Mr. O'Dea.

Mr. O'DEA. I do not think that this is an issue of personality here. Tim Wirth, I think, has had a serious personal commitment to human rights when he was in Congress. I think that it is a structural issue. I think that what Ken Roth was saying is right. That somehow in this position, he feels forced to subordinate human rights. And I think that is what is happening.

I do think that he ought to be commended for I think very staunch support of women's rights issues. And the kind of leadership—he seems as a leader really sort of galvanized around a particular international event or conference, and he has quite a few to manage. Because he certainly I think showed some leadership at the beginning of his tenure. That first year, there was the World Conference on Human Rights. And I thought that he played a vigorous role. He was outspoken, and he was highly critical of the Chinese.

But it does not seem that the kind of integration that we are talking about is happening. And Ken mentioned counter-narcotics. I would definitely agree with that, not only Burma but Colombia. And the people who are under Tarnoff in the political track seem closer to the kinds of connects of power and issues that are in the human rights realm for us. And the present arrangements do not reinforce the connection in the political track.

Mr. SMITH. I appreciate that. That will be very helpful to this subcommittee, and I think to the Congress as a whole. And other thoughts you might have, please feel free to provide them for the subcommittee. I think that as we look to reform, we need to know what is working and what is not. And as I believe, and as I believe you believe as well, human rights have been demoted. And part of that is attributed to a structural malfunction. And we need to fix that deficiency. So I do thank you for that.

I will ask one other question, and then yield to my good friend, Mr. Moran. And then we will go to a second round of questioning.

Mr. Karatnycky, you mentioned a moment ago the issue of women's rights at the Beijing Conference. And I think that if ever there was a conference that has been wrongly placed, it is to talk about

women's rights in Beijing, where women are routinely exploited by the one child per couple policy, which has outlawed brothers and sisters, and has made the state or put the state in a position where forced abortion and coerced population control is the rule rather than the exception, notwithstanding Chinese assertions to the contrary.

Just the other day, yesterday, there was a report, and I happen to believe that we should have reasons to question whether or not this is a manufactured alarm, that somehow China is not reaching its goals with regard to holding back population. We know that this government has been notorious in lying about production in terms of farm quotas, and virtually everything that it puts out for public consumption turns out to be far less than the truth, and why should this be any different.

But I think that it will be used to continue what began in 1991, and that was a further crackdown on those women who seek to have a second child, or even a first outside of the government authorized birth quota system. The one child per couple policy in my view is a violation of human rights in its implementation.

It has been extremely coercive. And as you pointed out, China is now the setting for a conference on women. Those women, who would dissent from that—and even internal polling shows that most women in China would love to have a second child. And the brother in Beijing says no to that.

They will not have a place at that conference, I can assure you. As we saw with Wei Jing Sheng and others who speak out against government atrocities and abuses, they are routinely incarcerated, or at least held for questioning.

With regard to the most-favored-nation status question, which many of us thought was a water shed return for the administration when it comes to human rights. There was a clearly articulated stand on human rights, taken both before the campaign was completed for the presidency, and this was followed up in a way that many of us thought was very consistent with what the President had promised. His executive order clearly laid out markers that needed to be achieved before a continuation of MFN for another year.

The Congress agreed to it. Many of us, Congressman Tom Lantos and I, and Congressman Gephardt who was then majority leader, all felt that the President had truly laid down a marker of significant progress in human rights and other progresses as well. And if they were not achieved, MFN was a goner. And lo and behold, as we all know, when significant regression occurred, MFN was decoupled from human rights.

I would appreciate if you could speak to whether or not the issue got worse since delinking. And I am talking about gulag labor, forced abortion, and religious repression. I would just say parenthetically that last January I led a human rights to China, and met with a number of people, including religious leaders, one of whom was arrested simply for meeting with me, bishop Tzu from Bouding Province, 9 days held simply for celebrating mass.

I raise this, because the word that I got back from the Chinese was that they felt that this was all bluster. And I said it when I came back. That they were not taking seriously the linkage.



And if you could speak to your belief as to whether or not human rights conditions have deteriorated, and the signal that has perhaps been sent around the world as a result of that watershed event. Mr. O'Dea, if you might want to start.

Mr. O'DEA. They certainly deteriorated I think immediately after the MFN decision. There were a whole series of people who had been in sort of legal suspension following Tiananmen Square that there were then tried and moved ahead.

The situation of human rights in China is so abysmal that it is difficult to see if it is one notch worse or better. In my view, certainly, it does not seem to be better, but it must be characterized as pervasive and abysmal.

I think that given the degree of focus that the MFN debate had and the President's shift, he really does have an incredible responsibility, not only to the Congress and the American people, but to the victims of abuse in China, to have followed the agenda that he set. And while in fact John Shattuck certainly has done his part I think to follow out some of those nine points that the President laid out, there really has not been a fulfillment of those goals.

The President talked about a code of conduct for businesses, which we have heard, those of us who discussed human rights with the NSC and the White House, it has been in the hallways for a long time, but it has not been produced and there has not been effective leadership there.

I think that on the level of coercion in population control, I am glad to see that my organization as its mandate expands is researching that more thoroughly. And I hope that at some point later this year to be able to share those findings with you.

Mr. KARATNYCKY. China is an important geo-political factor, but the decoupling of MFN from China was more than a symbolic act. It constituted a major shift in U.S. policy. And that instrument, in a sense, has been lost. I am not certain that there is a consensus within the Congress nor within the Republican Party or the Democratic Party to reverse that kind of a decision.

But the other troubling aspect of the trade and rights debate is that it avoids the issue of how you can create the durable conditions for countries to transform themselves. I think that there is kind of a lie that is being formulated in conjunction with liberalizing trade with dictatorships. As Ken Roth indicated, trade is said to create middle classes, which in theory press for change and democratic transformation.

Now that well may be true, but look at what has happened in Eastern Europe. You had statist systems, yet people clamored for their basic human rights, and for their political and democratic rights, and achieved democratic transformations before the onset of open trade and market reforms.

In the case of Latin America, the converse occurred. We did not implement trade sanctions, extensive trade sanctions, against military dictatorships that were dominant political players and dominantly characterized those systems in the 1970's. But we had a purpose and we had a policy that evolved through the years that intended to promote the strengthening of civic organizations, that pressed for elections, and pressed for democratic openings and promoted democratic transformations. And in some sense, it was cor-

related to the will of the people in these countries for empowerment and for the right of political participation.

And, thus, if you look at the political map of Latin America and the political map of Central and Eastern Europe, you have to say, broadly speaking, that this single-minded purposeful promotion of democracy, and the support of democratic forces, contributed to the improvement of human rights, and to the creation of many durable democratic transformations.

Now, in the case of China not only has the administration removed the trade instrument, but the administration has backtracked on Asian democracy radio and has no major democratic initiative to support democratic forces. You have this major country, and there is no specific targeted program modeled on the radios, Radio Free Europe, and Radio Liberty that played such an important role in providing accurate information to the people in these closed societies.

There is no major active program of democracy promotion, because the resources of the NED are very, very limited in comparison with the size of China and the need. And AID is not active in China in promoting nongovernmental civic institutions and civic developments.

So in a sense the things that have worked, the pressures that have been exerted to promote democratic transformations, are not being applied in any strategic way to China. And so there is no instrument for the active promotion of human rights. Clearly there is a disconnect both in terms of the prescriptive policies and the punishments, but also there is no direct policy of active assistance to promote democratic forces, and democratic ideas, and to support the values that propel democratic transformation.

Mr. SMITH. Mr. Roth.

Mr. ROTH. I think that there is no question that the awful human rights situation is just as bad if not worse. That there has been no improvement in some significant ways and a further worsening of the tragic human rights situation in China in other ways.

You can go through virtually any category. In the area of prisoners, there were I think eight releases at the time of the APEC conference in November. That is it as far as releases. And there continue to be further political trials.

There were new state security regulations imposed, further restricting the possibility of forming any sort of dissenting or independent organization.

The International Committee of the Red Cross. There had been negotiations up until the delinkage decision. That is over with. And in fact, this past January, the senior prison official within the Justice Ministry announced that it would be out of the question that the ICRC would be able to carry out unsupervised visits. In other words, there would be no meaningful visits period, a huge step backwards from what was promised as an important development last spring.

If you look at forced labor, that has continued over the course of the last year, particularly in the form of exports of prison made goods. There was an agreement put into effect—the country reports do not report at all on Chinese compliance with that agreement. Human Rights Watch has been able to document a couple of cases

that have come to our attention of continued export of prison made goods to the United States. And it seems like both the United States Government and the Chinese Government want to brush those incidents under the table, and not report about the overall practice.

You, of course, can look at the new Eugenics law that was passed this last fall to take effect this coming spring. Again, it is an important step backwards for the right of certain couples, who often are arbitrarily classified under that law, to marry and bear children.

Ironically, one of the arguments used against the kinds of targeted sanctions that in fact we were looking for during the MFN debate—no one really thought that MFN was going to be cutoff altogether, but we were hoping that specific sanctions could be targeted against particular state enterprises or at least sectors of the economy that were dominated by state enterprises—we were told that that is impossible.

But if you look now at what Mickey Kantor is doing right now on behalf of copyrights, it is precisely the same thing that we advocated, despite administration claims of impossibility, just 10 months ago.

So, again, what really matters here? Yes, copyrights are important. But I think that human rights deserve a somewhat higher place on the agenda than they have received until now.

In terms of what we can do, I think that it is important to look for particular policies that can reverse this devastating retreat from the vigorous enforcement of human rights.

First, legislation requires the administration to use its voice and vote at the World Bank on behalf of, particularly, labor rights. Let us make sure that that happens. And it should not be enough simply for the U.S. representative to vote against loans. There has to be a real, systematic effort to enlist our European allies and the Japanese Government on behalf of a coordinated policy of economic pressure to reverse the repression in China.

A good place to focus that coordinated strategy would be the G-7 meeting that is coming up next in June in Nova Scotia. Human rights were not on the agenda at all last time around. They need to be there. And that is precisely the place where the coordinated strategy could be forged. But it is going to take leadership from the White House, which simply has not been there.

Of course, if we are going to continue these kinds of trade missions to China, we have got to stop the secret diplomacy. Inherently, you are legitimizing Beijing by sending 70 CEOs over there. There is a duty at the same time to make clear that the Chinese Government is not living up to its basic human rights responsibilities. And it is not enough to whisper in private meetings, and then that message effectively winking or crossing your fingers at the same time.

There is a need to be speaking out forcefully, and have that backed up with significant pressure, economic and otherwise, from our Government.

Mr. SMITH. Thank you very much.

Mr. O'DEA. If I just may add a point. You mentioned at the beginning the Beijing women's conference. I think that it is very important for the Congress to hear early from the women's groups

and the human rights groups that are organizing for this conference.

There are all kinds of questions about access, and about freedom to speak out; to bring materials, books, you know, customs regulations. The ways that the Chinese Government can really restrict what should be a very major world conference for women. If this body could recommend to the Senate also. I think there is a very important need to ratify the women's convention before the United States goes to the world conference. That would send a very important signal also.

Mr. SMITH. Thank you, Mr. O'Dea.

Mr. Moran.

Mr. MORAN. Thank you, Chairman Smith.

Let me first ask unanimous consent to submit Mr. Lantos' statement for the record. Since you the only one here, I figured that we would probably get unanimous consent, if it was agreeable to you.

Mr. SMITH. Granted.

[The prepared statement of Mr. Lantos appears in the appendix.]

Mr. MORAN. You play a terribly important role in the conduct of our world society. And thus, it is so important that you retain your highest level of credibility. Many of us rely upon your objectivity to determine what ought to be our foreign policy priorities.

I do think that it should be recognized, since we have just spent so much time focusing on China, that in fact there has been substantial progress in China. Things are better than they were 10 years ago. They are considerably better than they were 20 years ago. In fact, some of the economic growth has contributed in substantial ways to bettering the quality of life of a significant portion of China's population.

I am not an apologist for China. I recognize the points that you have chosen to emphasize, and I think that they should be. But I think that we have to look at it in context as well. Even the coercive population policy that China has, it is nice to see a country where children are valued so highly.

I do not know that I have ever seen a country with the possible exception of Israel where children are treated so well, almost to the point of many of them being spoiled.

There ought to be some responsible middle ground through between an inhumane, immoral, coercive family planning policy and countries that have no family planning policy, and where children are oftentimes treated as expendable, readily replaceable commodities, which occurs in many of our Third World countries.

There ought to be a middle ground where we have a responsible family planning approach and where there is an incentive to limit the number of children that one has to the number that one is reasonably able to care for, and enable them to fulfill their potential.

I do not disagree with yours or Mr. Smith's concern about China's policy. But I just hope that we put these things into context. And with regard to China, I think that it should be recognized that there has been progress.

Now having said that, I do not disagree with your evaluation of Mr. Wirth's role. I do not think that we necessarily need an Under Secretary for Human Rights within the State Department. We need an administration that cares about human rights.

When you look at what Pat Darian was able to accomplish. It was important that she be an assistant secretary at least. But she had a receptive White House.

I am particularly offended, and embarrassed, and it would be fair to say infuriated at the decision that was just made with regard to Serbia, to enter into discussions to lift the economic sanctions, which shows a despicable lack of strength, leadership, or principle on our part.

And in fact, in my own personal opinion, there has been very little principle-centered leadership in terms of foreign policy. We have given way to economically focused foreign policy.

Now what we need to do is to decide where to set our priorities in terms of H.R. 7. And my view is it goes much too far. And I do not think that it is a particularly constructive approach. But it is nevertheless incumbent upon the legislative branch to try to make up for what seems to be a deliberate subordination of human rights policy in foreign affairs.

The conference on women in China is a terrific opportunity to emphasize some of those areas that are most disturbing. Not just in terms of coercive family planning policies, but then the exploitation of women and the use of women as tactical and military, to accomplish strategic military objectives, which more and more are psychologically oriented.

And Yugoslavia is an example, where there has been a deliberate policy of rape and degradation of women. To break people's spirits, in this case the Muslim population largely.

There also continues to exist widespread sexual mutilation of women that needs to be focused on. And I understand that even to this day that there are still situations where female children are being suffocated and killed at birth.

I would like to hear from you any response that you have to any of these prior comments. But I would like to hear from you succinctly what you think we should present to the administration and to our delegates in terms of priority recommendations that we should advance at this Beijing conference on women's issues. I guess I can go from left to right. Shall we start with Mr. O'Dea.

Mr. O'DEA. Yes. With regard to your first comment, I do not think that the United States can be the savior of the world, and be in a situation where it can intervene in every human rights crisis in the world. And so when one thinks about leadership from the White House, one is I think being realistic and not romantic to say there are defining times and moments when a principle should be affirmed. Clearly, Bosnia is one of those. Clearly, Rwanda was one of those.

And the notion of using the presidency to send a consistency of message, and I think rather strategically to try to help prevent abuses, to have the President recognize that we do not want a recurrence of Rwanda in Burundi. But the situation in Burundi is notching up in terms of tension.

And here, I think, there is not only—every interest is combined to be strategic and preventive, and to be there early. And so I wanted to clarify that, because I have made several remarks this morning, that points to a major problem, and your remarks echoed that, at the White House.

Mr. MORAN. You clarified that very well incidentally. Thank you.

Mr. O'DEA. Thank you. With regard to the women's conference, our organization has a limited mandate. And there are clearly lots of concerns that the U.S. delegation should be taking up that are outside of our purview. But all of the areas that pertain to the human rights abuses against women that were highlighted at the world conference on women, where there is now a global petition from all kinds of women's and human rights organizations asking that the U.N. and the governments define what progress they have made and what programs they will enact when they come to Beijing.

So it is not just another occasion for talk. But that in these areas that you have talked about, female genital mutilation, infanticide, bride burnings, and torture and rape of women, all kinds of gender specific abuses, that governments really come and discuss what they are going to do on those issues.

We would recommend that the United States, as I said, go there to the convention on women, and have elimination of all forms of discrimination against women ratified. I think that sends a very basic message that the United States is willing to participate in the U.N. structure to combat discrimination against women.

And then the very important U.N. declaration to eliminate violence against women. Now this declaration is very important. And I think that the U.S. Government needs to look at it more closely, because it also looks at responsibility in the area of domestic violence. And so much domestic violence of a most brutal nature is ignored by governments. And that level of not pursuing spouses who abuse is itself a clear responsibility that the governments need to pursue.

Mr. MORAN. Thank you very much.

Mr. KARATNYCKY. If I might, I think that the comments you have made and your broader question to us really makes the emphasis that I am trying to make in my testimony. That is, we have opportunities to create or to influence durable political transformations that create a political climate in which there will be a broadening of human rights.

Indeed, the points that you raise in terms of technological changes in China, changes in improved living standards, conditions of some small openings in terms of personal choice, and access to information, all of these create the circumstances for potential political democratic transformation. And that really ought to be a focus and an ambition of U.S. policy.

Yet if we have no resources to support broadcasting of transformational ideas, the production of democratic literature, materials, and information to countries like China, where through time democratic transitions are possible, or if we are not providing assistance to support and empower nongovernmental groups, encouraging their growth and development, I think that we are missing a great opportunity to take advantage of some of the opportunities that material technological and economic transformations afford.

Clearly, it is the obligation of this subcommittee and of the U.S. Government to speak out about genocide, ethnocide, political violence, abuses against children, child labor, women's rights, and the like. But we must also have an awareness that there are limited

ways in which an outside government can influence human rights. Certainly, anything that is done can or will contribute in the long term to openings and to an improvement.

But on the other hand, I think that there is a track record of democratic transformations, a track record of trying to influence change. Which ought really to be more rigorously pursued by the U.S. Government as an instrument for durably creating improved human rights in other countries.

Mr. MORAN. Thank you. I love that phrase, to create durable political transformations that create opportunities for commitments to human rights. That is well put. I wrote that down.

Mr. ROTH. On Beijing, I think first and foremost that it would really be shameful if the United States shows up without having ratified the women's rights convention. The significance of our voice will be substantially diminished there, not to mention what it will mean for women in the United States not to be able to have the security of an international backdrop to our traditional constitutional protections. So I think first and foremost that we need to make sure that that step occurs.

Second, just in terms of the modalities of the Beijing conference, obviously it is unfortunate that Beijing was chosen, but this is now a decision that we are stuck with. And I think that we should make sure that despite the repression around the convention center, that debate within the center be as free as possible. And thus we need to ensure access in a variety of forms.

We need to be sure that the Chinese Government does not arbitrarily exclude nongovernmental organizations or a variety of points of view that it might find inconvenient to have there, particularly some of the overseas Chinese voices that would like to go there, but will probably be excluded. And unfortunately, we cannot count on the U.N. to stand up for the right of free access.

We have already seen Boutros-Ghali cave in on precisely that point to the Chinese Government at the Vienna Conference on Human Rights. And so I think that the only way to ensure general NGO access is by having the U.S. Government and our allies insist on that form of access.

And of course, that concern should extend not simply to NGO's themselves, but also to their also right for them to bring printed material in, and for there to be foreign broadcasts freely entering Beijing. So through a variety of means, the different points of view can be heard in the conference center.

I am also concerned that the discussion will tend toward treating women's concerns as if they are simply economic or social, and that their civil and political rights are irrelevant. That clearly will be the point of view put forward by a number of governments who find it inconvenient to talk about civil and political rights.

And I think that we need to make sure that the U.S. delegation speaks out forcefully on the centrality of civil and political rights as a way of improving the economic and social lot of women. That you cannot have any lasting solution to the problems of women without first and foremost granting them the basic rights that everyone should be entitled to.

More broadly, I think that there is a need to make sure that women's rights are not marginalized within the U.N. system or

even within the U.S. Government. There clearly has been significant movement in the right direction over the last 2 years since Vienna.

But there is a long way to go. There still is a tendency to view women's rights issues as somehow private affairs. If you are talking about the state's systematic neglect of domestic violence, or the use of rape as a method of warfare, or discrimination in the application of property or inheritance laws, there is a tendency to look at these as somehow private and outside of the traditional public realm that human rights has been concerned with.

And I think that is an unduly narrow view of what the human rights movement should be about. And so we would like to make sure that the U.S. Government enters Beijing with an expansive approach to human rights that apply to all people, men and women, including these falsely labeled private realms.

If I could just take a moment and talk about one element of your comments introducing your question, which is the issue of whether China is better off today. Clearly today, we do not see a replication of the horrendous abuses of the Cultural Revolution. If you look in economic terms, there has been economic improvement. And in a society where the government had a monopoly on the means of gaining a livelihood, the possibility of private enterprise clearly does create a realm of autonomy, which is for the good.

But the argument that repression was somehow necessary for that development, I think is unproven and indeed wrong. A strong case can be made that repression has inhibited development, and indeed is part of the explanation for the tremendous dislocation and potential for unrest that one sees in China today.

Because there is no outlet for some of the natural outlets for grievances that inevitably arise as a country is developing so quickly. There is no way to debate those grievances publicly, or to alter the direction of government, unless you have a strong civil society.

Yes, of course, China has changed, but that is not an excuse for its repressive policies today. And indeed, a continuation of those repressive policies will lead to severe results down the road.

One example is, of course, the one child policy that I know has been of such concern to Chairman Smith. Yes, China has a population problem. But one of the lessons that emerged from the Cairo population conference is that the best way to deal with population problems is not through coercive mechanisms, but by providing women the basic rights that give them the freedom to make decisions themselves. And once they have that freedom, they do tend to limit family size substantially.

That has been the experience recently in Bangladesh. And I think that it was universally acclaimed as the wisdom that should be guiding population efforts, rather than the kind of coercion that has characterized the Chinese method.

Mr. MORAN. No question but you describe a far more sensible responsible response than China has taken, at least to my Western cultural perspective. I wish that they had. But I also think that Deng has been a more responsible visionary. I do not want to use the word humanitarian, but he has been a better leader than we normally have had in undemocratic massive nations that have had such deep economic problems as China, and came through a very



repressive period with occupation by the Japanese and civil war, and so on.

I think that there are many areas where China has shown substantial progress. I do not disagree with the fact that I wish that they had shown more wisdom, and that they had inculcated more of our Western values into both population control and their basic system of individual rights.

But you know, it is important to look at these things in context. There are so many nations where there is just such massive abuse. And I would hope that we would not put up the United States as a country when women's rights are in any way threatened to the extent that they are in so many other nations around the world.

You know, there are problems. There are problems with domestic violence, with unequal pay, and so on. But from your perspective, they do not compare with other nations. And except for some Scandinavian countries and most European nations, we are in the lead, and have been a model.

I am not going to get into that any further. Mr. Smith, the chairman, is going to take over. I am going to try to go and make that vote.

Mr. SMITH. I want to thank my friend.

I have a few questions that I would like to pose to the panel. And in the interest of time, I will go down those questions and ask all of you to respond to them.

What would be your recommendations for restoring democracy and respect for human rights in Lebanon in the course of U.S. brokering of the Middle East peace process?

Yesterday, I introduced legislation, the Humanitarian Aid Corridors Act, that is designed to try to encourage those countries, and Turkey is the one country that comes to mind that does not permit the transshipment of United States humanitarian medicines and foods to the people of Armenia. The legislation is cosponsored by about 45 members. It is bipartisan.

I was joined at yesterday's press conference by David Bonier, Joseph Kennedy, and others. And it is introduced on the Senate side by Senators Dole and Simon.

In your opinion, would that kind of legislation be helpful, and would condition U.S. aid to countries or prohibit aid to countries that do not permit the transshipment or the use of their country for the shipment of humanitarian aid to a third country? And again, the Armenian/Turkish situation is the issue at point.

I noticed in your testimony, Mr. O'Dea, you made a very pointed reference to the green light being given with regard to the Chechnyan crisis. We on the Commission on Security and Cooperation in Europe had two hearings on that issue. We had Yelena Bonner as our lead witness, and she gave very, very powerful testimony.

We also heard from Mr. Collins, James Collins, who is point person for the administration's policy vis-a-vis a sort of a union. And he categorically denied that any green light was given when in those early days the administration repeatedly said that this was an internal affair. One State Department spokesman unfortunately said that this was analogous to the U.S. Civil War back in the 1860's, which if that is not a green light, I do not know what is.

But I would appreciate your remarks, not just on the past mistakes, as I would construe them to be mistakes, but also on where we go from there. The OSCE is playing a constructive role.

What do you think what we ought to be doing as a member, as a member of important standing in the OSCE process, to bring peace to the people of Chechnya?

Also with regards to Cuba, we have, and during our meeting with Mr. Shattuck, I made special focus or had a special focus on what I thought was a very immoral agreement on September 9 between Mr. Castro and Mr. Clinton. I would appreciate your take on that agreement. And also whether or not those people who are not allowed out are being mistreated as a result.

I mean, have we made Fidel Castro a part of our immigration apparatus by doing this?

Also, the country report speaks almost frivolously about this. The people who have been forcibly repatriated to China, what kind of tabs are we keeping on those people, who perhaps had a well founded fear of persecution, yet have been sent back, as a result of government action here?

If you could respond to some of those questions, hopefully all, I would appreciate it. Mr. Roth.

Mr. ROTH. Let me just try to run through these, and give some quick answers. With respect to Lebanon, the United States Government has taken the position, basically, that human rights are irrelevant, so long as Lebanon participates in the peace process. That, unfortunately, has been the U.S. Government's attitude toward human rights concerns throughout the region. They are treated as somehow getting in the way of the peace process, as better being deferred.

I would argue that the opposite should be the case. That there is no way that you will build a lasting peace in the region without ensuring respect for human rights in all of the countries or entities of the region.

As we reported earlier this week, there have been serious problems by the Palestinian authority with respect to repressing dissent and using arbitrary lethal force against protestors. Similarly, the Israeli Government, which continues to impose a form of collective punishment on Gaza in response to what have been deplorable terrorist incidents, but acts which clearly have not been the responsibility of the Palestinian people, but rather of isolated individuals.

I think again that the administration should adhere to a more principled position which does not subordinate human rights, but treats them as an essential part of the peace process.

With respect to Turkey, our view is that humanitarian aid should flow everywhere. And that no one should interfere with its flow. All of the embargoes imposed by the U.N. have that kind of humanitarian exception to them. We would certainly urge Turkey to abide by that principle with respect to Armenia.

I also note that we are about to issue a report, on Armenian abuses in Nagorno-Karabakh, which themselves have been severe. The Armenian side has been responsible for the bulk of these abuses over the last year and a half.

There has tended to be an imbalance in United States policy tilting in favor of Armenia and against Azerbaijan, in part for domes-

tic political reasons. There is a need to redress that imbalance. Because at this stage, the biggest problem is Armenia, both the Karabakh Armenians and the Armenian Government which is actively supporting them.

With respect to Chechnya, quite simply, I think that a very useful thing that the OSCE could do is to put a semi-permanent mission in Chechnya. They have had a one-shot visit. They put out a statement, which was very good at describing the abuses, but bad at saying who was responsible. It did not.

At this stage, it would be useful to put a team on the ground, which could serve as a witness and deterrent of ongoing atrocities, and an ombudsman for the Chechnyan people. The team could facilitate repatriation, and do a variety of other useful things.

I know that so far Russia has resisted that kind of semi-permanent presence. But we have been urging the OSCE to press for it, and clearly the OSCE commission here in the United States could play a useful role in bolstering the OSCE's resolve in that respect.

The Cuban immigration agreement. Our greatest concern is that it essentially asked Castro to reinstate prosecutions for illegal exit. The largest number of political prisoners in Cuba traditionally have been illegal exit prisoners. There is a right to flee one's country. It was an essential right which played a key role in the collapse of dictatorial regimes in Eastern Europe. While there is no right to enter any particular country, and the United States is certainly entitled to block illegal immigration, there is a right to flee one's country.

But the administration, to try to solve its immigration problems has urged Castro to reinstate those illegal prosecutions. That makes us a direct party to a very serious human rights violation.

Finally, with respect to China, my understanding is that the Chinese Government has a policy of subjecting refugees who flee to fines and potential imprisonment for illegal emigration.

We do not at this stage have systematic data on that practice, but we have received anecdotal reports of concern. And I would be surprised if the U.S. Government was doing anything close to an adequate monitoring job to make sure that we have not become complicit in refoulement, forcibly sending refugees back to their persecutors.

Mr. KARATNYCKY. I am not going to go through the entire list, but I would like to comment on a couple of the issues that you raised. With regard to Turkey and humanitarian aid, I do believe that the kind of legislation that you are proposing is well advised, partly because Turkey has had a shifting policy in its relationship with Armenia. It has not been consistently unwilling to engage in direct economic relations with Armenia since independence, and really has had a policy that has responded to the ebb and flow of the Karabakh crisis.

But I think that the solution to the Karabakh crisis is clearly the centerpiece in this affair, and in Turkey's relationship with Armenia. Therefore, I do believe that because there have been these openings, I believe the kind of pressure you offer might push Turkey in a constructive direction. Even when there were tensions between Azerbaijan and Armenia, Turkey had begun a political dialogue as well as economic commerce with Armenia.

I would also like to comment a little bit more broadly about the events that led up to Chechnya. I think that perhaps while the Administration insists that no green light was given, it is clear that human rights groups and human rights advocates from Russia, including Yelena Bonner, have been urging for the last 6 weeks for President Clinton to speak to President Yeltsin, and to try to hold him back from the policies that were being pursued in Chechnya.

The State Department thought at one point that it was inadvisable for the President to be involved. Yet, he made a phone call to President Yeltsin 2 days ago, after an incredible amount of carnage, even though it was the judgment of the human rights and democratic forces in Russia that such a dialogue between the President and President Yeltsin would have been very constructive earlier on. Because there were a number of forces within Yeltsin's Presidential administration urging a broad range of policy options, the failure to act, I think, was an unfortunate one.

If the green light was not given, certainly a green light was implied in our muted response to aggressive Russian external conduct in other countries. There has not been a vigorous U.S. objection to Russian conduct in Tajikistan. We have not seen an active U.S. policy to oppose the restoration of Russian hegemony elsewhere. Russia has attempted through its military to topple and successfully help topple the democratically elected President of Azerbaijan, and it recently attempted to topple a second one who came in his wake.

Mr. SMITH. If you would yield on that one point. You know, in testimony, I think that it was Paul Goble who made the point at our Helsinki Commission hearing that he felt that our Moscow Embassy, as well as the State Department itself, here in Washington, had very much of an inside the beltway view when it came to Russia. And the caucuses were not even on the screen in terms of what was going on on a day to day basis. And that is one of the reasons that we missed the Chechnya problem, from day to day.

And your testimony focused on that quite a bit. So I appreciate you making that point.

Mr. KARATNYCKY. Yes. And I do think that the recurrence of the old habits of Russian hegemonism have not been resolutely resisted. And because of this absence of U.S. objection Russia has militarized with relations a number of other outside states, states that it regards in its sphere of influence, without any consistent resistance from the international community. And clearly, it thought that force could be a valuable instrument in reasserting dominion within its own borders. But I do believe that these two policies tend to be related, and that there were gaps in the inconsistencies, or consistencies, and mistakes in the U.S. policy.

With regard to Cuba, I want to point out one thing. It is my understanding that the broadcasts of Radio Marti are now having a greater difficulty of penetrating listeners in Cuba, partly because the number of transmitters broadcasting that signal has been reduced from 3 to 1 as a result of economies at the USIA or the Voice of America.

It is our understanding that it would cost about \$3000 a day to remedy this problem. And while there was a great commitment for intensifying broadcasting to halt the flow of refugees, and to dis-

courage refugee flows, we believe there should be a more durable commitment to providing free access to free information, real information about the true state of affairs inside Cuba that should not be linked simply to refugee flows.

Mr. O'DEA. Your legislation, the Humanitarian Aid Corridors Act, sounds extremely appropriate. If governments block humanitarian aid to others, what do they do to their own citizens. In the case of Chechnya, there are clearly a number of urgent practical measures that need to be pursued. The accounting for prisoners, and the cessation at this point of reports of house to house killings by Russian troops. There are a number of these particular points that need to be very urgently addressed.

If the administration wants to turn around its image on the green light, I am sure that Yelena Bonner would be happy to return. I am sure that Mr. Kovalyov would be happy to meet with them. They could certainly send a signal to the Human Rights Commission where a chairman's statement is being prepared, that needs to be seriously toughened up in terms of its critique of human rights abuses in Russia.

And on the question of the Cuban refugees, when Amnesty went some years ago, it is now blocked from visiting Cuba, to visit some of the prisons in Cuba, a man who tried to slip a note to the Amnesty delegation, the note was caught by the prison guards, and he was very brutally treated after that. He is one of the people on Guantanamo.

What our delegation found was that people who would qualify clearly as prisoners of conscience, people who seemed to have a very well justified basis to flee persecution, were among the population.

I would urge again the point I made earlier that if the administration is not going to redress this, that the Congress do that.

Mr. SMITH. OK.

Mr. O'DEA. If I actually could make one final note to Mr. Moran. I would hope that in his remarks about China and improvements in China, this discussion about the quality of life, that he would clearly agree that that is not the case for Tibet, which has not had anything but the most miserable course in history in terms of the desecration of its culture and the status of its people.

Mr. MORAN. I totally agree with you with regard to Tibet. It is just that some of China's leaders and Chou En-lai I think have tried to bring China out of the dark ages, and to resist many of the kinds of human rights abuses that you would anticipate. I think that Chiang Kai-shek was far less observant of human rights than Chou En-lai.

There is so much to criticize about China. You know, I think that it at least is moving in the right direction personally. And I do not think that a lot of other countries are. But continuing with my theme of being a devil's advocate here, Chechnya was largely a rogue country. It is a criminal regime. Didiyev is a criminal. That does not excuse the way that Russia has reacted. And I wish that Russia had allowed Chechnya to secede.

But between Yeltsin and Didiyev, Yeltsin is a more responsible leader in my opinion, even though he is guilty of these kinds of abuses that you have cited.

Let me get into another area. In Bihac, we have a population there that is on the verge of starvation. I do not know if they have allowed even one U.N. convoy to go in with food. I see that it is relegated to an inside page of the Post, which means that it probably did not even show in most papers. But people are about to die from starvation in its deliberate policy.

Again it points up to the U.N.'s ineffectiveness, and their inability to stand up to the Serbs in any possible way, as far as I am concerned.

The War Crimes Tribunal that has been set up, do you have any sense of confidence that that will be adequate in its scope or intensity to bring to justice people who have carried out crimes against humanity, whether it be genocide or the most egregious human rights abuses, or the mass rapes, or have maintained prison camps as has already been cited? Give me a short response on that, because I want to get into another area.

But what is your level of confidence as far as the War Crimes Tribunal that has been set up that it will be able to address the most egregious crimes?

Mr. ROTH. I have tremendous confidence in Judge Richard Goldstone, the chief prosecutor. I have met with him a number of times, and I am seeing him again Friday. He is a man of deep belief in the importance of criminal accountability, and has the vigor, intelligence, and skill to move this process forward.

His biggest obstacles are twofold. One is resources. He is very short on the key things that you need to push investigations forward. Investigators, interpreters, the bread and butter of an adequate investigation. And while the U.N. is providing some of this, it is not enough. Voluntary contributions by the United States and others have obviously taken place, but more should be encouraged.

I am fairly confident that they will issue indictments and at senior levels. Judge Goldstone has said that he has every intention of aiming as high as the evidence will allow.

But we need first to avert the inevitable call for amnesty. And to make clear that if you grant impunity for this round of crimes, you are simply going to be encouraging more crimes tomorrow, and will not be building the foundation for a lasting peace.

And second, you need to keep pressure on the pertinent parties to deliver the indicted criminals for trial. The only way to do that is to maintain the sanctions until cooperation is given. That is why the capitulation by the contact group yesterday, saying that they would drop the sanctions in return for political concessions that in my view are not going to go anywhere near ending the atrocities, let alone the war, is a terrible policy reversal, one that obviously Madeleine Albright opposed, because she had been the architect of the prior, laudable policy.

I would strongly recommend that Congress speak out and express its deep concern about yet another Clinton policy reversal. Because this one is going to sacrifice what was potentially a revolutionary step forward in building an international system of justice for the worst human rights criminals. Instead, we are going to be condemning this tribunal to simply writing history, but not promoting justice, which is a real step backwards.

Mr. MORAN. Well, I used the word despicable. I totally agree with you. It is another Christopher capitulation to what he considers to be realpolitik.

A quick response. Well, you do not elaborate. I guess all three of you would be in agreement on that in terms of the War Crimes Tribunal and the barrier that it faces, particularly with regard to the apparent intended lifting of the sanctions against Serbia.

Mr. O'DEA. Judge Goldstone himself has noted that his role is prosecutorial. And really, there also needs to be an independent office for the defense. And if there is not an adequate defense, ironically the credibility of these trials will be put in question. I think that is one of those details that in the political fury can get missed, but is an important one.

And even those that cannot be brought in person to trial, and we hope that every effort can be made that they will, will be tried in absentia, and will be recognized international piranhas.

Mr. KOTH. Actually, I have to correct that. They will not be tried in absentia. Trials in absentia are precluded by the statute of the court. That is important, because the goal is not simply to bring individuals to justice, but to uphold the rule of law, which trying an absent defendant does not do.

That is why it is so important that we keep pressure on Belgrade, which has the capacity of extraditing these people, so they can stand trial in person, which is the only way that it can be done.

Mr. MORAN. Mr. Chairman, I have one last question, if I could. The United Nations Secretary-General Boutros Boutros-Ghali has referred to your organizations in a disparaging way at the Vienna Conference in June 1993. I assume that he was referring to you when he said that you sometimes operate in a "disorganized, dangerous, and ill-conceived manner for the protection" for the protection of human rights.

That was my characterization that it was disparaging, but I think that is an accurate characterization. I would like to give you an opportunity to fire back at Mr. Boutros Boutros-Ghali.

Would you like to take that opportunity to respond for the record?

Mr. O'DEA. We may be disorganized. And we are probably very dangerous in one sense, in that we combine to keep the truth alive. And that a number of governments, even at the Human Rights Commission itself, now the world's major forum and body to look at human rights issues, that the truth is suppressed. That however disorganized we are, we will persist. And that the Secretary-General should recognize that the human rights movement around the world is growing. That more and more people at grassroots levels are participating in human rights activities.

The World Conference on Human Rights said that very clearly, and brought human rights groups from every corner of the world together. And I think despite the fact that these small organizations take on powerful military dictatorships and political regimes, that they are the ones that ultimately will prevail.

Mr. MORAN. Do you both want to let that stand for the record? In my own personal opinion, I think that Mr. Ghali's inept leadership is far more dangerous to world security than any disorganization within nongovernmental organizations that run it, and operate

at a minimal fraction of the kind of money that he wastes in a day. But that is my own personal opinion.

Did you want to add to anything to that?

Mr. ROTH. I would simply second that. I think that, unfortunately, Boutros-Ghali has defined his role as the humble servant of 185 governments. And human rights by their nature are inconvenient to governments. They are something that most governments, many governments around the world, would just as soon as get rid of.

And so if Boutros-Ghali defines himself in these agent-like terms, naturally he does not like us, the human rights movement. But I think that he is selling his position short. He has the capacity to serve as a moral leader, to articulate the human rights principles that are indeed enshrined within the U.N. charter and which should be defining his job.

Instead he has appointed a High Commissioner for Human Rights, who has explicitly said that he will not engage in public criticism of governments. I do not understand what he is doing otherwise. If you look at the disastrous humanitarian or peacekeeping operations that have led to a decline in the reputation of the United Nations over the last couple of years, I think you can regularly point to a failure to treat human rights as a major part of the operation that has contributed to the disaster.

It is the making of the pact with the devil in Bosnia. It is closing your eyes to genocide in Rwanda. It is treating the war lords in Somalia as people who are going to fashion the country's future rather than people who should be systematically excluded in favor of Somali civil society. You can go round the world and find a systematic disregard for human rights which is impeding the effectiveness of the United Nations. I agree with you entirely that it is a lack of leadership at the top that is largely responsible.

Mr. MORAN. I do not want to be unfair, Mr. Chairman. But I do think that Mr. Ghali's type of leadership, which is appeasement to evil leaders around the world, has in fact been partially to blame for the deaths of hundreds of thousands of people, the refugee status of millions both in Bosnia and Rwanda, and there are other smaller situations that we could cite.

And you know, I read a story, Mr. Chairman, I read an article written by Mr. Ghali in Foreign Affairs magazine, where he talked about the fact that the real conflict in the 21st century is not going to be between East and West, but it is North and South, between the haves and the have nots.

And there seemed to be so much wisdom there. When he was appointed, there were such fine people that supported his ascension to the head of the United Nations. I do not know what has happened in the meantime once he has gotten there. But as far as I am concerned, this is an opportunity to express for the record, if I have not made it clear, how utterly disappointed at least one Member of Congress is. And here he chooses this guy, Jose Lacayo, who has been guilty of human rights abuses himself to head the U.N. Commission on Human Rights. And it is just to further rubber stamp a policy that I think is shameful.



Anyway with that, I guess I have made my own position clear. And I think that we have gotten some very clear and very constructive statements from our three witnesses.

I appreciate the fact, Mr. Chairman, that you would give them an opportunity to testify, and that you would focus in this way on human rights. Thank you, Mr. Chairman.

Mr. SMITH. Thank you, Mr. Moran. And I thank you for your questions, and also for your patience. This has been a very long hearing. I have just a couple of final questions. And again, it is important, I think, for the record, because it is widely disseminated, that as much as humanly possible we can get on the record during these hearings, the better.

Mr. Roth, in your testimony, you made an outstanding point, I think, in pointing out that when the Commerce Department released its 10 emerging markets, that human rights concerns were once again relegated to the realm of quiet diplomacy. And you talk about India as one case in point.

Many of us, and Congressman Dan Burton has probably been the most tenacious in pointing out the abuses in Kashmir, have been very disappointed in this lack of responsiveness on the part of the administration. The almighty buck seems to be the motivator, not core values and human rights.

Would you want to comment on this question?

Mr. ROTH. I think that you are absolutely right. Commerce Secretary Brown was the one who said that public condemnations of human rights abuse are "a feel good policy that accomplishes nothing." We criticized him for that statement in our World Report which we issued in December.

He wrote to me and said, "I really did not mean that. You know, that was taken out of context. It was at a press conference in Beijing." In fact, it was not taken out of context. It clearly reflected his policy. But we gave him an opportunity to prove that we were wrong. This was in advance of his most recent trip to India.

We set forth a long list of things that he could do to reverse this utter subordination of human rights to the pursuit of trade, ranging from a meeting with local human rights groups to speaking out publicly about the rise in deaths in custody in Kashmir. There were a whole range of very specific things.

He basically ignored them. He basically went there to purchase trade with his silence on human rights. That, I think, is a short sighted and misguided policy. Yes, of course, the U.S. Government should be pursuing trade, so that we can build jobs at home. But I do not think that Americans want their jobs built on the repression of others. Nor do I think that it is in the long term interest of this Government to promote violent and dictatorial regimes as our trading partners. They are not stable or reliable trading partners. They lead to spreading violence that we see in many corners of the world today.

There is a need to bring human rights back to the high place on the agenda that we thought that they would assume when this administration took office.

Mr. SMITH. If that is not a private correspondence, and could be made part of the record, we would appreciate it.

Mr. ROTH. All right. We will submit it.

Mr. SMITH. I thank you.

I have a couple of other questions. Recently, Dr. Silajdzic testified before the Helsinki Commission, and one of the primary requests that he has made, and he made it before, before our commission and before other fora virtually everywhere around the world where he has spoken, and that is to lift the arms embargo on Bosnia.

I would appreciate it if all three of you would respond to whether or not you think lifting the embargo would lead to more bloodshed and more human rights abuses, or would it rightfully arm a sovereign nation that has been deprived of an ability to defend itself after the break up of the former Yugoslavia.

And second, I had a rather lengthy conversation with the Croat Ambassador to the United States, and he tried to explain to me why they feel the eighth continuation of the mandate of UNPROFOR should not be continued, and why President Tudjman is going to request that the UNPROFOR forces leave his country.

And my question is do you think that will lead to a destabilization of the situation there, perhaps additional human rights abuses and more bloodshed? Mr. O'Dea, if you want to start.

Mr. O'DEA. I do not feel qualified to say anything about the lifting of the arms embargo. On the question of UNPROFOR, I think that it is very important that when there are peacekeeping missions, that they really have a clear and explicit human rights mandate. And I think that part of the real failure has been that they have not had that mandate. That they have not been able to report or mandated to report on human rights violations. So that you have effectively U.N. personnel in the former Yugoslavia and so on, simply seeing violations without a systematic obligation to report those violations.

Mr. KARATNYCKY. I have a very diverse board, and I cannot speak for all of them. But I can say that clearly the predominant feeling within our board is to support a lifting of the embargo. There is a general sense that Freedom House has that the Government of Bosnia-Herzegovina, has the right to defend itself. It has credibility in terms of its own commitments to due process, democracy, and the like.

And it is unreasonable to expect that a country that is under attack to not defend itself. And it is also our general position that because the embargo predates the existence of Bosnia-Herzegovina, that the administration could unilaterally take the step of providing arms to a state that does not exist when that decision was initially taken.

Mr. ROTH. Human Rights Watch does not take a position on the arms embargo per se. Although clearly, if you were going to deny the Bosnian Government the right to defend itself, that would seem to heighten the duty to prevent genocide, and particularly to live up to the Security Council's resolutions declaring the six safe areas, resolutions that now seem to be worth little more than the piece of paper that they are written on.

So we have called for decisive action to stop the atrocities from taking place, at least in the safe areas, and ideally wherever genocide is being practiced right now. Unfortunately, the administration is going in the opposite direction today.

I think the Croatian Government is completely frustrated with the UNPAs, the U.N. protected areas. The premise for their creation was that they would not solidify ethnic cleansing, but rather reverse it—that the presence of U.N. forces there would enable ethnic Croats, who had been chased from their home by armed Serbs, return under some form of protection, or at least international observation. The U.N. has not played that role at all.

One interesting element of the Croatian request, as I understand it, is that they are asking the U.N. to go, but they have asked NATO to take its place, which reflects their perception of what has been preventing a more forceful response in Bosnia, where NATO seems at several stages to have been willing to engage in a more forceful defense of the safe areas, and it has been the U.N. commanders on the ground who have stopped it.

Now they are basically saying, well, let us get the U.N. out of there and substitute NATO, and maybe we will see some commitment to the principles that in theory have been guiding the U.N. operation.

Whether in the end it should be the U.N. or NATO, I think, is of less concern than the importance of making sure that human rights concerns do indeed infuse the international presence throughout the former Yugoslavia, wherever that might be.

Mr. SMITH. I want to thank our three very distinguished witnesses for their expert testimony. I do have some additional questions that I will submit to you on Czech nationality laws, and a few other issues, which I would ask you to respond to. But I do thank you, and this hearing is adjourned. Thank you.

[Whereupon, at 12:31 p.m., the subcommittee was adjourned.]

# APPENDIX

TESTIMONY BY  
ASSISTANT SECRETARY  
JOHN SHATTUCK  
BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR

Mr. Chairman and Members of the Committee, thank you for calling this hearing to highlight the human rights issues and concerns of our foreign policy. It is a pleasure to appear before you to discuss the 1994 Country Reports on Human Rights Practices. I want to commend the Committee's foresight in mandating the human rights reports and consistent bipartisan commitment to human rights. Your focus on human rights enhances our efforts to promote internationally recognized human rights standards.

Before sketching human rights trends and patterns in 1994, I want to pause to publicly acknowledge the work of the many people involved in the creation of the Country Reports, the members of the Foreign Service and others. As you know, the reports will be used as a resource for shaping policy, conducting diplomacy, and making assistance, training, and other resource allocations. They will serve as a basis for the US Government's cooperation with private groups to promote the observance of internationally recognized human rights. And so, it is fitting to note that these reports reflect the dedicated effort of hundreds of State Department, Foreign Service and other U.S. Government employees.

## The Changing Nature of Human Rights Problems

During the Cold War, threats to human rights were seen as coming primarily from centralized authorities--strong governments ruling with an iron hand. In response, the human rights community developed the forms of advocacy with which we are now familiar--monitoring, reporting, publicizing cases, advocacy on behalf of individual victims of human rights abuse, and advocacy of sanctions against strong governments.

Today, in the post-Cold War world, much has changed. Human rights abuses are still committed by strong central governments. But we have become all too familiar with abuses in countries with weak or unresponsive governments, committed by ethnic, religious, and separatist extremists, as well as governments themselves, and in extreme cases fanned into genocide by cynical political leaders, and made harder to resist by enormous economic, environmental, and demographic pressures. These conflicts present us with a devastating array of new human rights problems.

At the same time, the post-Cold War environment offers opportunities for structural change both within countries and in the international community that could give internationally recognized human rights greater force than ever before. This is due in large part to the fall of Soviet Communism, but also to a powerful global movement for human rights and democratic participation. This movement has been under way for some two decades. The past 5 years have been especially dramatic, changing the political face of many parts of the world, from the former Soviet Union and Eastern Europe to South Africa, Zambia, Cambodia, El Salvador, Chile, Mongolia, and elsewhere.

The movement for human rights and democracy is even beginning to show strength in diverse and unlikely places. As the 1993 U.N. World Conference on Human Rights in Vienna dramatically demonstrated, this global movement is among the strongest grassroots forces in the world today. Increasingly assertive and effective indigenous forces are pressing worldwide for government transparency and accountability, for basic democratic freedoms, and for internationally recognized human rights.

All this is taking place at a time when states are engaging with each other in a growing range of challenges that transcend national borders--trade, the environment, security, population, migration--issues that are creating powerful forces of integration in some cases and increasing conflict in others.

In this new multipolar world, the traditional human rights "sticks" of sanctions and other punitive measures directed against abusive regimes still have an important role to play. But sanctions need to be complemented by broader means of promoting human rights in countries that are in the midst of wrenching change, and as a consequence are often mired in internal conflict.

In short, with the passing of the Cold War we find ourselves in a new international strategic environment. The human rights abuses of governments are accompanied by ethnic tension, breakdown of authority, and environmental destruction. As a result, human rights promotion must synthesize familiar forms of pressure and advocacy with long-term structural reform and the support of grassroots movements for change.

Indeed, we see a growing emphasis on multilateral action to support these movements: First, through negotiated settlements of conflict, which often include provisions for internationally supported democratic elections; second, through institutions of accountability for human rights abuses such as war crimes tribunals, truth commissions, and judicial assistance programs; and third, through scores of peacekeeping operations and humanitarian assistance programs.

#### Institutions of Accountability

The appalling slaughter in Rwanda and the "ethnic cleansing" in the former Yugoslavia have cast into high relief the new human rights problems of our age. These catastrophes have urgently demonstrated the need to develop a spectrum of institutions that will hold political leaders accountable to their constituents and to the international community as a whole.

The mass murders in Rwanda and the former Yugoslavia did not arise spontaneously. They were fomented by persons who sought to gain political ends through these violent and hideous means. Unless those persons are called to account for genocide, war crimes, and crimes against humanity, justice will not be served, and reconciliation and reconstruction will not be possible. This is why the United States supported the U.N. Security Council's creation of war crimes tribunals for the former Yugoslavia and for Rwanda.

The tribunals are also necessary to lift the burden of collective guilt that settles on any society whose leaders have directed such terrible violence. The assignment of responsibility enables the international community to differentiate between victims and aggressors, and it helps expunge the cynical illusion that conflicts with an ethnic dimension are hopelessly complex and therefore insoluble. Moreover, the tribunals are essential if future crimes are to be deterred. If basic human rights can be massively violated with impunity in Rwanda and the former Yugoslavia, the world is fair game for every conceivable form of terror.

In addition to war crimes tribunals, a spectrum of institutions of accountability have contributed to reconciliation in a number of countries. The Truth Commissions of Nicaragua, El Salvador, and Haiti, the U.N. Verification Mission in Guatemala, and the National Human Rights Commissions established in India and Mexico represent new and diverse ways of providing accountability for human rights abuses. Accountability is also being furthered in a number of countries by assistance programs aimed at developing the administration of justice and the rule of law. For example, the recently established U.N. High Commissioner for Human Rights placed human rights monitors in Rwanda and is planning to work with the U.S. and other countries to help rebuild the Rwandan legal system.

### Armed Conflict

Around the world, a number of hard-fought conflicts have moved toward long-sought resolution. A cease-fire was negotiated in Northern Ireland and is holding, despite several incidents which could have led to renewed violence. Despite increasing violence and terror, Israel and the Palestine Liberation Organization began to implement their Declaration of Principles through their agreement on the Gaza and Jericho areas. We also witnessed the beginnings of Palestinian self-government in these areas. For the first time, this human rights report will examine Palestinian human rights practices in areas under

Palestinian jurisdiction. Israel and Jordan signed a treaty formally establishing peace. In Mozambique, a U.N.-negotiated peace accord led ultimately to elections and the installation of a new government. And in El Salvador, the U.N.-sponsored peace accord moved closer to full implementation with the dissolution of the former National Police and creation of a new civilian police force.

Even so, armed conflict continued to generate significant human rights abuse, most visibly in Rwanda and in the former Yugoslavia, but in many other places as well.

To prevent Chechnya's secession from Russia, Russian troops crossed into Chechnya on December 11, 1994. This action included massive aerial and artillery bombardment of civilian areas in Chechnya's capital, Grozny, resulting in a major humanitarian and human rights crisis.

In Angola, the bloody civil war which erupted anew after the failed 1993 election, raged throughout much of 1994, with perhaps 100,000 dead, mostly civilians.

Guerrilla violence and military actions continued to give Colombia one of the highest violent death rates in the world.

The Turkish Government's continued armed struggle against the terrorist Kurdistan Workers Party (or PKK) has resulted in violence against civilians and abuses of rights within Turkey, including the arrest and trial of Turkish parliamentarians and many other citizens for expressing their views, while the widespread use of torture in prisons and detention facilities has continued with impunity.

Since 1992 Algeria has been embroiled in civil strife, pitting armed Islamist groups and their sympathizers against the Government, with killings and other human rights abuses on both sides.

The dismal human rights situation in the Sudan further deteriorated in the face of intensified civil war, as both the Government and insurgents engaged in massacres, extrajudicial killings, kidnappings, forced conscriptions, and the obstruction of humanitarian aid.

Much of Kabul was destroyed as the Afghan civil war was renewed in early 1994. The Red Cross estimated from its clinical records that 34,000 civilians were killed or wounded in street fighting and heavy weapons attacks on Kabul alone. Over 1 million more Afghans were displaced by the fighting.

Torture, Arbitrary Detention, Impunity of Abusers

Flagrant and systematic abuses of basic human rights continued at the hand of the world's authoritarian and repressive regimes, such as Iraq, Iran, Burma, North Korea, and Cuba. In those and other countries, denial of basic freedoms of expression, association, and religion, persecution of minorities, and the suppression of civil society remain the norm.

In a departure from a recent trend toward openness, the Indonesian Government revoked the licenses of three prominent publications. Security forces serving in East Timor and elsewhere continued to be responsible for significant abuses, and the Government prepared a draft decree which, if implemented, could severely curtail the activities of many Indonesian nongovernmental organizations.

Nigeria's military regime, which annulled that country's 1993 elections, continued to crack down on the opposition, despite a massive strike by the labor force. The regime killed and wounded protesters, employed arbitrary detention and mass arrest, perpetrated extrajudicial killings and torture, and engaged in other abuses.

In Saudi Arabia abuses including torture, incommunicado detention, restrictions on freedom of speech and religion, suppression of ethnic and religious minorities, and pervasive discrimination against women continued.

In several less thoroughly repressive countries, including some with functioning democratic institutions, significant human rights abuses occurred.

The Government of Singapore continued to intimidate opposition parties and their leaders and regularly restrict freedoms of speech, association, and assembly.

In Egypt, the Government's security services and terrorist groups remained locked in a cycle of violence; and there continued to be widespread human rights violations.

India has a longstanding democracy with a free press, independent judiciary, and active political and civic life. Nonetheless, significant human rights abuses are committed by military and security forces in areas of unrest, particularly Kashmir. These include extrajudicial killings and other political killings; torture, deaths in custody; and violence against women.



Despite the inauguration of a former human rights ombudsman as President in 1993, the human rights situation in Guatemala remained troubling, with both sides in the civil war committing major violations, including extrajudicial killing, kidnaping, and torture.

#### Economics and Human Rights

An increasingly important issue placed squarely in the public eye in 1994 was the relationship between economic development and trade on the one hand, and the promotion of human rights and democracy on the other. This was most vividly the case with regard to the U.S. decision to delink China's Most Favored Nation status from China's human rights performance.

The relationship between trade and human rights has taken on special salience as extensive networks of international trade have emerged, and as nations have lifted trade barriers that have inhibited full exchange among their peoples. The suggestion in some quarters that there is an inescapable trade-off between economic development and human rights promotion is ultimately false.

It is precisely because the United States has an interest in economic development, political stability, and conflict resolution around the world that it promotes human rights and accountable government. As President Clinton said last November on the eve of his departure for Southeast Asia, "In societies where the rule of law prevails, where governments are held accountable to their people and where ideas and information freely circulate, we are more likely to find economic development and political stability." And as we have seen in nations undergoing economic transformation, market reformers who enjoy popular legitimacy are more likely to win popular support for tough economic choices. Trade relations by themselves are no substitute for vigorous human rights advocacy. Moreover, as the world trading system grows increasingly robust, care must be taken to incorporate the promotion of worker rights into bilateral and multilateral trade agreements.

Economic growth, trade, and social mobility may not be sufficient conditions for political pluralism, but they do create powerful pressures for political change. Open trade can support the movement toward freedom by strengthening independent institutions of civil society, by exposing isolated nations to the possibility of other ways of life, and because of the inescapable truth that free and open markets can only be meaningfully sustained over the long haul by open societies that respect basic rights and the rule of law.

### Worker Rights

With the expansion of global trade, worker rights take on renewed urgency. The new World Trade Organization will have to face the effects of worker rights on trade.

The universal right most pertinent to the workplace is freedom of association, which is the foundation on which workers can form and organize trade unions, bargain collectively, press grievances, and protect themselves from unsafe working conditions. In many countries, workers have far to go in realizing their rights. Restrictions on workers range from outright state control of all forms of worker organization to webs of legislation whose complexity is meant to overwhelm and disarm workers.

In 1994 we continued to see practices of forced and bonded labor and child labor in a number of places. In Burma citizens are taken off the streets and pressed into slave labor. Small children work on carpet looms, in garment factories, and myriad other occupations in India, Pakistan, and in dozens of other countries around the world. Trade unions are banned outright in a number of countries, including several in the Middle East, and in many more there is little protection of worker efforts to organize and bargain collectively. Some protesting workers have paid with their lives; others, most notably in China and Indonesia, have gone to jail simply for trying to inform fellow workers of their rights. We also see inadequate enforcement of labor legislation, especially with regard to health and safety in the workplace.

### Democracy

Democracy is by definition a system which provides for the participation of ordinary citizens in governing their country, and depends for its success on the growth of democratic culture along with democratic institutions. Elections are one essential dimension of participation and accountability. Democracy's most stirring triumphs of the year were Nelson Mandela's election as President in South Africa and the restoration of President Jean-Bertrand Aristide and the democratically elected Government of Haiti.

In South Africa, concerted efforts by all sides eventually brought all parties into the political process, resulting in profound structural change that has ended institutional apartheid and sharply decreased the violence it engendered. In Haiti, President Aristide was peacefully returned to power

through U.S. leadership and the international community's resolute stand against the violent usurpers who had deposed him and perpetrated massive human rights abuses on the people.

Away from the headlines, democracy has also made strides in little-noticed places:

In Malawi, voters defeated former President-for-Life H. Kamuzu Banda in free elections in May.

The countries of the former Soviet bloc continued their halting transitions from closed to open societies. The newly independent states of Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan held elections with varying degrees of freedom and fairness and in the shadow of continuing significant human rights abuse. The picture was brighter in the countries of Central Europe, though dimmed in some places by disturbing encroachments on freedom of speech and the press.

Democracy is not a one-time event but a process of governance and of history. As President Aristide said upon his return to Haiti, "The true test of a democracy is its second free election when power is transferred freely and constitutionally." These important milestones in democratic development were passed in a number of countries.

Several Latin American countries such as Uruguay, Chile, and Brazil, which were formerly ruled by the military, held new rounds of elections and inaugurated new presidents in 1994, further consolidating their democracies.

After Nepal's second parliamentary election since its democratic revolution in 1990, an opposition party formed a coalition government and peacefully assumed power.

There were significant setbacks for democracy as well. The long-delayed return of democracy to Nigeria was again blocked by a military dictatorship's refusal to accept the outcome of elections. In Gambia, the military overthrew the elected civilian Government. In Burma, the military regime continued its refusal to abide by the results of the 1990 elections, keeping Nobel Peace Prize Winner Aung San Suu Kyi under house arrest and silencing all opposition.

#### Civilian Control of the Military and Law Enforcement

As countries make the transition from authoritarian government to open societies, few issues become more crucial than the civilian control of the military and law enforcement

authorities. Indeed, in many countries, human rights abuses and democratic setbacks resulted from the inability of civilian authorities to control armed forces and security services. In other countries, there were examples of progress.

In Argentina the Senate rejected the promotion of two navy commanders because of their admitted role in torture during the years of military rule. In Guatemala, the Congress held hearings on the killing of a student by security forces during rioting in November, marking a step forward in congressional oversight.

In Sri Lanka, the Government set up regional commissions to investigate allegations of disappearances and began prosecution proceedings against accused extrajudicial killers.

While members of Colombia's security forces and guerrilla groups continue to commit serious human rights abuses, the new administration has taken a number of steps aimed at reducing the incidence of official abuses and punishing those who commit them.

In Nigeria, on the other hand, the military regime that seized power after annulling the free and fair elections of 1993 continued to ride roughshod over the opposition and ruin hopes for political or economic progress.

#### Rights of Women

This year saw an increased international focus on women's human rights and the advancement of the status of women. The International Conference on Population and Development, held in Cairo in September 1994, the World Summit for Social Development, to take place in Copenhagen in March 1995, and the Fourth World Conference on Women, to be held in Beijing in September 1995 encourage greater attention to and understanding of human rights abuses against women. Unfortunately, such abuses persisted in 1994.

Of particular concern is the problem of violence against women. In early 1994, the U.N. Human Rights Commission established a Special Rapporteur on Violence Against Women to examine its causes and consequences. The 1994 Human Rights Reports document that physical abuse of women, including torture, systematic rape, female genital mutilation, domestic violence, sexual abuse, harassment, exploitation and trafficking of women, and female feticide continued throughout the world.

In addition to physical abuse, the political, civil and legal rights of women continue to be denied. In 1994 women in many countries were subjected to discriminatory restrictions of their fundamental freedoms regarding voting, marriage, travel, property ownership and inheritance, custody of children, citizenship, and court testimony. Women also faced sex-based discrimination in access to education, employment, health care, financial services including credit, and even food and water.

### Looking Forward

The emergence of nongovernmental human rights organizations around the world is one of the most hopeful and arresting developments of the post-Cold War era. These organizations hold the key to the future if nations are to begin to hold each other accountable for human rights abuse. They have an especially vital role to play in the growth of human rights and democracy, precisely because they arise in, and reflect, the unique features of their respective societies. With the changing times, grassroots groups have taken on new roles, such as election monitoring, active negotiation as part of democratic transitions, serving as ombudsmen, and creating institutions of accountability and reconciliation.

Human rights violations span the globe, and no region has a monopoly on abuses.

The drive for realization of basic rights is a universal work-in-progress, and the story is not always grim. My counterpart in the Russian Government, Vyacheslav Bakhmin, was a Soviet prisoner of conscience on whose behalf I once campaigned. He, like other human rights activists in scores of countries, risked their lives to bear witness, and are now using their freedom to reform and rebuild their societies.

One of those activists-turned-leaders, Vaclav Havel, has powerfully expressed what it means to make a commitment to human rights in this complex new world, where the triumph of freedom can so quickly be overshadowed by the horror of genocide, where the inauguration of Nelson Mandela can take place in the same month as the mass murders of Tutsis in Rwanda:

"I am not an optimist because I am not sure that everything ends well. Nor am I a pessimist, because I am not sure everything ends badly. Instead, I am a realist who carries hope, and hope is the belief that freedom and justice have meaning . . . and that liberty is always worth the struggle."

OPENING STATEMENT OF HONORABLE TOM LANTOS  
HUMAN RIGHTS COUNTRY REPORTS:  
TESTIMONY OF HUMAN RIGHTS GROUPS  
FEBRUARY 15, 1995

Thank you, Mr. Chairman.

Today we meet to examine the 1994 edition of the State Department's Country Reports on Human Rights Practices. I am particularly interested in discussing its relevance to the formulation of U.S. foreign policy since it seems to me that in light of U.S. policy toward countries such as China, Mexico or Saudi Arabia, it is difficult to believe that any senior foreign policy officials take this great document very seriously.

So I am extremely pleased that we will focus on this subject today, and I thank Chairman Smith for convening this important and timely hearing. We are honored to have distinguished representatives of three highly respected human rights non-governmental organizations here to help us with this task.

These non-governmental organizations make an enormous contribution to the advancement of human rights. While the Executive and Legislative Branches of the U.S. Government are the engine of U.S. human rights advocacy, the NGOs are its conscience. They keep us informed, even about regimes that are so repressive that obtaining information about them is a difficult and dangerous undertaking; they keep us focused when human rights issues are overshadowed by the crisis of the week; and they keep us honest when, for reasons of diplomacy and geopolitics, it would be easier to ignore human rights concerns.

Today they will tell us where they think the Department of State has hit the mark and where they think it is off-target in the Country Reports. And I am sure they will also share with us their views about the subsequent use: which the Department should make of this massive document.

The efforts of the human rights NGOs complement and enhance the human rights work of the U.S. Government, and like a free press, they are never more useful than when they are a thorn in its side.

I salute you and look forward to engaging in an in-depth discussion of the Country Reports and the state of U.S. human rights policy. Thank you, Mr. Chairman.

## **Amnesty International Testimony on the Department of State Country Reports on Human Rights Practices for 1994**

Presented by  
James O'Dea  
Director, Washington Office AIUSA

Mr. Chairman, let me take this first public opportunity to congratulate you on your appointment. You have championed numerous human rights causes over the years and we look forward to the practical benefits of your leadership. We are also pleased to see that Mr. Lantos continues to serve on this committee with his distinguished record in the field of human rights.

Secretary Shattuck, his staff and the officers who work to put together the Country Reports should be recognized for their scope, depth and accuracy. Secretary Shattuck has made some very important contributions since he took up his post and the clarity and focus of this year's volume of the Country Reports is one of them.

**It must be said more bluntly than ever that human rights is an island off the mainland of US foreign policy and that the Country Reports only serve to prevent the integration of human rights into the full range of policy development and implementation as long as they are not used as the basis for a program of action.**

Foreign governments responsible for human rights violations are keenly aware that human rights is far from the Clinton Administration's core priorities. They notice that the Secretary of the Commerce Department hardly even pays lip-service to human rights anymore and that it is not on the President's radar-screen. It must also be said that Members of Congress have clearly not done enough to see that human rights concerns are fully integrated into their legislative activities. The failure of the last Congress to provide any legislative remedy to redress the unfair treatment of Haitian refugees is but one example. Congress has been selective in the countries it has criticized and has not systematically scrutinized the human rights records of recipients of security assistance.

The following program should be implemented if the Country reports are to be used to help reintegrate human rights into the mainstream of US foreign policy.

### **Recommendation I**

The Country Reports must summarize major initiatives by the US Government to prevent the violations it documents. Failing this, the production of the Country reports serves as a cover for inaction. For example, it is interesting that the entry in the Country Reports on Indonesia mentions that human rights groups were particularly concerned that Operation Cleanup, which was responsible for egregious human rights abuses, was intensified in the weeks leading up to the Asia-Pacific Economic forum (APEC). How much stronger the entry would have been if it had mentioned that the US Government had raised these issues before it went to over to the APEC summit to make billion dollar trade deals. We were told that the US was raising these concerns behind the diplomatic curtains. This may be true, however, the mixed signals sent Indonesia in recent years, and particularly the way the GSP decision was delayed last year,

suggests that the US Government finds it easier to maintain an unacceptable degree of ambiguity in its criticism of the Government of Indonesia.

Also this year the Country Reports refers to the "humanitarian and human rights crisis" precipitated by the Russian intervention in Chechnya. However, the Administration, the White House in particular, did nothing to avert this crisis. The US Government should be deeply embarrassed that it was thanked by President Yeltsin for its restraint in issuing criticism over its handling of the Chechnya crisis. The State Department, perhaps cognizant that some of us decried the virtual green light to Yeltsin without warnings about the potential for a human rights crisis, has fortunately sounded such warnings with regard to the action of the Mexican Government in Chiapas.

Summaries of key US actions might include precisely this kind of public warning to the Mexican Government. The US should also report major initiatives and resolutions sponsored by the US at the United Nations, other multilateral actions taken, major bilateral actions and legislative initiatives designed to curb violations.

## Recommendation II

The Country Reports must summarize the response of offending governments to major multilateral and bilateral initiatives as well as noteworthy responses to the Country reports themselves. Some entries currently mention some of the multilateral initiatives. It is important to try to use the Country Reports in a way that will reinforce with abusive governments that the US Government's purpose in documenting violations is not archival but action-oriented. The rejection of the government of Iraq to the international communities' proposals to improve human rights is well known. While of a different scale, the denial of responsibility for their abuses by the governments' of Turkey and Egypt is less well known. The Egyptian government's public rejection of this year's entry on Egypt in the Country Reports should be noted as should its attack on the work of Human Rights Watch and the efforts of that government to discredit the impartiality of HRW's research.

It is important to note not only whether a government is cooperating with UN officials such as the UN High Commissioner for Human Rights, the UN Special Rapporteurs, special envoys of the Secretary General etc., but also US Government requests for independent investigations into abuses and the prosecution of human rights violators. The Government of Colombia, led by President Samper, has cooperated with the UN, has begun to acknowledge official responsibility for human rights violations and has begun to initiate reform measures. It is very important that its activities in addressing past violations be carefully documented so that Congress can accurately measure the seriousness of its intentions and the



degree of progress achieved. We would emphasize the need for precise reporting of the action taken by governments and the need to examine its performance over several years. Sometimes the Administration and Congress are too eager to reward any sign of positive developments without evaluating whether these improvements are going to be sustained. In fact the entry on Colombia this year strikes the right balance: it recognizes very significant progress but notes that despite positive actions taken by the Colombian government, it "had yet to establish effective judicial control over military abusers of human rights and thereby begin to end the long reign of impunity." Unfortunately the entry on Sri Lanka gives the impression that impressive reform initiatives have really begun to break the cycle of impunity there and that is not the case: as with the Government of Colombia, the Government of Sri Lanka must get serious about prosecuting human rights violators.

### Recommendation III

The Country Reports must be used as a basis for action by both the Congress and the Administration. If governments reject the findings of the Country Reports, take no action to stop abuses and are governments with which the US has trade and security relations that provide it with leverage, action should be taken. It is especially important that action be taken when US security assistance is used to commit violations. The Country Reports can provide the objective documentary basis for escalating the US Government's response to human rights abuses by offending governments. The previous Congress requested a human rights strategy from the Clinton Administration on several countries and noted with regret that no such strategies were delivered to it. On the one hand, the Administration has relied too much on Assistant Secretary Shattuck to be its voice and conscience on human rights issues that has resulted in human rights being sidelined when it comes to key actions and statements by the White House, the Commerce Department, etc.. On the other hand, the Congress has itself not used the documentation in the Country Reports to formulate a systematic legislative response to human rights violations by recipients of US security assistance. I would recommend, Mr. Chairman, that you hold an annual hearing on security assistance and I would bring to your attention our annual report on Human Rights and US Security Assistance.

On the question of action flowing from the documentation in the Country Reports I would note that the governments of India, Indonesia and Turkey are mentioned in the introduction and their egregious violations well-documented in separate entries. The current Administration, however, has been clearly unwilling to take a leadership role in following its own documentation on these countries with action at the UN Human Rights Commission. Why should governments care about the Country Reports if they are not going to be used as a basis for the US action at the world's major human rights body. It is significant that the US has decided to keep pressure on China at the current session of the

Commission....one can only hope that is because of human rights per se and not because the US is now talking tough on piracy.

## Impunity

Secretary Shattuck should be recognized for his personal dedication to the issue of the War Crimes Tribunals for the former Yugoslavia and Rwanda. Continued US support and funding for these tribunals is vital and it is our firm view that there should not be wavering of support in this area. However, we believe there is a great difference in supporting these tribunals which have a clear prosecutorial purpose and unqualified endorsement of the work of national human rights commissions. Secretary Shattuck suggests praise for the human rights commissions in Mexico and India without any evidence to suggest that these commissions have helped lead to prosecutions or that they help break the cycle of impunity. It is disturbing to hear that the budget for the Truth Commission in Haiti is not getting much support. It would be tragic if the US, which intervened in Haiti partly because of gross violations by the former regime, were in any way to waver in its support for the first step in gathering information which may lead to the prosecution of Haiti's egregious human rights violators.

The US Government must develop a more coherent policy that aggressively and consistently promotes the prosecution of human rights violators. In this regard it is very regrettable that the Clinton Administration has stalled the best international effort to see that human rights violators are prosecuted: the creation of an International Criminal Court. I would urge this committee to examine US obstruction to the International Criminal Court.

## Cuban Refugees

It is also deeply regrettable that the Clinton Administration did not learn from its mistakes in dealing with Haitian asylum seekers. Now once again we see people whose claims of persecution are not going to be assessed by the US Government unless they return to the country they allege has abused them. When Amnesty International visited Guantanamo last year we determined that a large number of Cubans might qualify as political refugees. The entry on Cuba in the Country Reports makes it entirely understandable why thousands of people may have a legitimate basis to seek asylum in the US. I suggest that the Chair of this Committee send the entry on Cuba to the White House and the Justice Department and ask how this illegal and immoral policy can continue. It was cynical when Haitian asylum seekers were told the only way to obtain asylum in the US was to line up outside the US embassy in full view of the agents of the Cedras regime. It is equally cynical to say the same to Cuban asylum seekers. Given the failure of the

**Administration to fulfill its responsibilities in this matter the Congress should take legislative action to redress this policy.**

### **Conclusion:**

This year will mark the fiftieth anniversary of the establishment of the United Nations. There are those who seem to delight in pointing out the faults of the UN and its failures. There is indeed much that the UN needs to do to improve its ability to prevent human rights violations: but the legitimacy of international efforts to condemn violators and to seek to change their behavior would be seriously imperiled if UN efforts in this area were to be abandoned or just left greatly under-funded.

It will also mark fifty years from the conclusion of the Nuremberg Trials. There can be no more important way to honor the importance in human history of these trials than to insure that the War Crimes Tribunals for the former Yugoslavia and Rwanda succeed and that the UN moves to create an International Criminal Court.

We urge this committee to seriously evaluate ways in which the Country Reports can be used as a basis for effective action. There are some who will argue that the suggestions in this testimony to make the Country Reports more relevant will make them longer and that they are already too lengthy. It is my view that they could be a lot more succinct than they are: sometimes the longer the entry the more the message gets clouded in detail and nuancing. Ultimately, timely and effective intervention will do more to save lives than voluminous documentation which comes after the fact.

As we speak this morning my colleague Maryam Elahi is returning from Turkey where she observed trial proceedings for members of the Human Rights Association accused of "separatist propaganda." They have been charged under Article 8 of the Anti-Terror law for publishing a report on human rights violations in southeast Turkey. The current Country Reports was cited by one of the defense lawyers as evidence that the Human Rights Association report was not unfair. Ms. Elahi gives high marks to the US embassy and consulate staff who also attended the trial hearing but the decision was made to commence a full trial on April 17. Now it is up to you here in Washington to take action.



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Adrian Karatnycky  
President

Testimony of  
Adrian Karatnycky  
President, Freedom House

before the

Subcommittee on  
International Operations and Human Rights  
U.S. House of Representatives

on

"Country Reports on Human Rights Practices"

February 15, 1995  
10:00 AM  
2172 Rayburn Building

Mr. Chairman, Freedom House is delighted at the opportunity to testify before the Subcommittee on International Organizations and Human Rights.

Founded in 1941, Freedom House is a bipartisan organization dedicated to the strengthening of democratic institutions at home and abroad. On our Board of Trustees you will find prominent Democrats and Republicans, representatives of business and labor, and some of America's most prominent thinkers about foreign affairs.

Freedom House believes that human rights are best protected through the private sector and through the institutions of a strong and vibrant civil society. If we have a bias, it is the belief that strengthening democracies and promoting democratic transitions is the single best instrument for the durable expansion of human rights and respect for rule of law.

From this perspective, we believe the annual State Department "Country Reports on Human Rights Practices" around the world is an essential part of the national discourse on foreign policy. And the publication of State's report is an important confirmation of the American people's expectation that human rights and democracy are a central aim of U.S. policy.

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Freedom House would like to commend the hundreds of men and women in the State Department and in the foreign service who engage in the process of preparing these reports. The documents they have produced has a high degree of accuracy, is largely free of euphemism, and, therefore, is unlike much that emanates from a department of the government that often seeks to preserve cordial relations with other governments.

In most instances, the State Department's report is an exercise of commendable truth-telling. It is fair to say that the picture presented by the State Department reflects a troubled world in which billions of people live. This is not to say that the entire document is precise and fully accurate.

Let me, therefore, focus on several aspects of this year's report that appear to miss the mark.

While much of the reporting on the New Independent States is on target, the State Department's assessment of Tajikistan appears to ignore the central role of Russia in destabilizing and toppling the secular, non-Communist government of that newly independent state. The report also appears to accept the Russian version of events by describing the largely secular and pro-democratic coalition ousted with help by the Russians as an "opposition of nationalists and Islamic groups defeated in the 1992 civil war..." The level of Russian collusion in the establishment of Tajikistan's neo-Communist tyranny is minimized and thus turned into a civil war. And a secular government that included democrats is labeled as nationalist and probably fundamentalist.

The reporting on Uzbekistan also strays from the mark by suggesting that the country "has made little progress in the transition from its authoritarian legacy toward democracy." In fact, independent and sovereign Uzbekistan has regressed and today is more repressive than the Uzbek SSR in the latter years of glasnost. Indeed, Birluk a popular front movement that then functioned openly and maintained offices in Tashkent in the late 1980s has seen its leaders' skulls broken, its activists held in solitary confinement, and its members arrested on trumped up charges. Many democratic activists have been driven into exile as a result of the government's wave of terror. Such cases are accurately portrayed in the body of the report but are not conflated into a truthful summation. The report, moreover, does not give sufficient attention to the widespread phenomenon of child labor in Uzbekistan, suggesting only that "younger children...often turn out to harvest cotton and other crops." In fact, children are routinely involved in planting, fertilization and cultivation as well as harvesting in dangerous, unhygienic settings in which fields have been poisoned by the improper use of chemical fertilizers and insecticides. And the report implies that the Uzbek Labor Ministry "has an inspection service" for child labor, without commenting on the poor record of enforcement.

In covering Latin America the Report is far too optimistic about internal political developments in Mexico and Peru.

We take issue with the report's conclusion that the elections of August 21 "were a significant step forward for Mexico's democratic process." In our view, a fair election is one in which the process is fair and in which the results are accepted as legitimate by all the major participants. Yet, in November 1994, three months after the elections, only the ruling PRI majority in the Mexican Congress voted to sanction the election results. The two principal opposition parties did not. The left-leaning PRD voted no, and the right-of-center PAN abstained. The ascendancy of PRI hardliners in the recent Chiapas crackdown also does not augur well for Mexico's transition to democracy.

The report also seems to reveal a gross misunderstanding of state control of positively independent civic institutions, when it asserts that Mexico's major "trade union, employer and rural organizations have voluntarily limited free collective bargaining for the past decade."

The report, however, is on target in portraying the widespread violation of human rights by the military, security forces, and police--including extrajudicial killings. Yet it is these very forces that are now being given broad authority by the Zedillo government to enforce order in Chiapas.

The reporting on Peru sidesteps the issue of the nature of Peru's government. It makes scant and elliptical reference to the autogolpe--the self-coup by President Fujimori-- that constituted a departure from democratic practice.

The report also uses the unusual formulation that Peru is a multiparty republic. In our judgment Peru remains a Presidential-Military regime in which the presidency is supported by the military and state intelligence. Peru, by our reckoning, is not a democracy. The report's judgments on labor rights in Peru also appear to be unjustifiably generous. Worker rights have been drastically curtailed under President Fujimori.

In both Mexico and Peru, the report accurately documents human rights abuses, but it fails to reflect adequately the fundamental lack of democracy in both states.

In the case of China, the State Department report is factually correct but does not say --and presumably cannot say -- that China released several prisoners of conscience and granted passports to critics of the regime and their families in an effort to influence last year's MFN debate. With MFN renewal, the Chinese authorities reverted to repressive practices. Indeed, the report does not make clear that the human rights situation deteriorated in the latter half of 1994--after President Clinton made his MFN decision.

The reporting on Sudan covers most of the egregious violations but does not provide a synthesis of the cumulative effects of the massive human rights violations that include the sale of women and children, slavery, and forced Islamization. However, one major shortcoming is failure to address the use of children as young as eleven years old as combatants--an abuse of which both the government and the two main rebel factions have been guilty. The report mentions the famine in Sudan, but does not give sufficient attention to the efforts by authorities and rebels to control and divert humanitarian aid for military purposes and tactical advantage. The Sudan government's frequent bans on UN flights as a means of denying the delivery of aid to areas under the control of rebels, likewise, is not addressed with sufficient clarity.

In the case of Kenya, the report asserts that "The Government took some steps to improve its human rights practices," yet one searches in vain in the grim narrative for evidence to support this assertion. In our judgment, Kenya remains a dominant party state, in which opposition groups and independent journalists are tolerated but routinely harassed and intimidated and allowed to operate only within narrow limits.

In our view, the report on Mauritania does not sufficiently emphasize the continuing practice of slavery in the country. The section on political rights in the report is misleading in that it suggests greater dynamism than exists in the controlled political system.

These, Mr. Chairman, are points of emphasis and accuracy. There are others that I am sure my colleagues will mention. Still, despite these demerits, the document correlates with, and corroborates, much of what Freedom House has observed in its annual Survey of Freedom.

As many of you know, each year, for more than a quarter century, Freedom House has issued its own assessment of the state of political rights and civil liberties around the world. Our exercise has come to be regarded as one of the more accurate measures of the state of democratic development and respect for human rights around the world. It is a balance sheet of progress and regress in this sphere. It helps put into relief the country-by-country trends documented in the State Department reports.

As 1995 begins, the Survey of Freedom has documented a modest increase in the level of freedom. Nearly 20 percent of the world's population now lives in Free societies and enjoys a full range of political rights and civil liberties. The total represents an increase of 1 percent—some 70 million people from the year before. Forty percent of the world's population lives in Partly Free societies, in which some basic rights are abridged, while 40 percent live in countries that are Not Free—societies in which fundamental rights are denied.

In 1994, the world saw a gain in the ranks of countries judged Free by Freedom House. Today, there are 76 Free countries—an increase of four over the figures for last year. There are 61 countries that are Partly Free and 54 countries that are Not Free.

In 1993 Freedom House reported a major trend: freedom in retreat. While that alarming trend has not been reversed in this year's Survey, the modest increase in the number of free societies in 1994 indicates that the dramatic erosion in political rights and civil liberties of 1993 has subsided.

Perhaps the most significant trend of 1994 was the further enlargement of the number of countries with governments elected on the basis of relatively free and competitive elections. There is a growing acceptance in most countries of the principle of seeking the consent of the governed. Thus, 1994 saw an increase in the number of democracies, from 108 to 114 — the largest number in history and more than double the number of democracies since the early 1970s. Never before have there been as many countries attempting to play by the democratic rules. Many of these democracies, however, remain fragile and often are incapable of providing for the basic rights of their citizens. And a growing number of democracies confront serious challenges to their stability and cohesiveness.

Many of these fragile democracies are at risk because of internal division, rampant corruption, overarching influence by militaries and oligarchies, and destabilization from abroad. As a result 37 democracies are only Partly Free. Yet despite these difficulties, we believe these countries offer the greatest opportunity for U.S. policy to influence respect for the broad range of fundamental human rights.

In recent years, a clear pattern has emerged among the countries that are Not Free. Of the 54 countries that are Not Free, 49—over 90 percent—share one or more of the following characteristics: a) they have a majority Muslim population and frequently confront pressures of Fundamentalist Islam; b) they are multi-ethnic societies in which power is not held by a dominant ethnic group, i.e. a nation that represents more than two-thirds of the population; c) they are neo-Communist or post-Communist transitional societies.

Frequently, the Not Free countries have two or three of these characteristics. Significantly, these three indicators appear to have been more accurate in determining whether a country is Not Free than such characteristics as levels of prosperity and economic growth rates.

There are good practical reasons why U.S. and Western policy ought to be directed at strengthening the many "democracies at risk." Not the least of these is linked to our national security: Established democracies do not war with one another. Since 1819, out of 353 wars fought (defined as military actions in which more than 1,000 persons have been killed), none have been fought between two established democracies; 155 have been fought between nondemocracies and democracies; and 198 have been fought between nondemocracies.

Democracies also make for reliable allies. The treaties they sign endure because they reflect the will of their citizenry.

In recent years, the US Agency for International Development (USAID) has made important progress in applying these principles to its work overseas. USAID is to be lauded for launching innovative programs aimed at strengthening the independent non-governmental pillars of civil society and civil life, especially in Latin America and the former Soviet bloc. USAID also deserves credit for making democratic development an integral part of its strategy for sustainable development around the world and for cutting development aid to states that are undemocratic and violate basic human rights.

Yet the application of democratic principles in the allocation of U.S. foreign aid still falls far short of the U.S. government's declarations. With a diminishing foreign aid pie--there has been a reduction of 20 percent in foreign aid spending since the Bush years--there is simply no compelling reason for U.S. foreign development aid funds to be spent in assisting the economies of dictatorships. While programs aimed at strengthening democratic non-governmental groups should be reinforced, the repressive governments in Chad, Kenya, Liberia, Tajikistan, Turkmenistan and Uzbekistan should not receive foreign development aid.

In FY94 and 95 USAID projects are spending nearly \$75 million in taxpayer dollars in the dictatorships of Uzbekistan, Tajikistan, and Turkmenistan. This simply is indefensible. This sum alone is well over two times the entire annual budget of the extremely effective U.S. National Endowment for Democracy.

Is there a persuasive reason to spend tens of millions in foreign development aid money in Indonesia, whose government represses peaceful protest and dissent? Or in Mauritania, whose military-dominated government condones widespread slavery, but which received several millions in development assistance? And what sort of message is sent about U.S. respect for democratic rule when the U.S. rewards Peruvian President Alberto Fujimori's unconstitutional coup in 1992 against his democratically elected parliament with nearly half a billion dollars in foreign aid in the last two years?

At a time when the U.S. government faces increasing constraints on foreign aid spending, including the amount of funding available to support fragile new democracies that do respect human rights, it is time to defund tyrannies and to ensure the more effective targeting of that foreign assistance to poorer Free and Partly Free societies.

It also means increasing the amounts of funding available to promote democratic openings



in unfree societies, through U.S.-supported radio on the model of Radio Free Europe/Radio Liberty and the underfunded Asian Democracy Radio; through the expansion of support for democratic activists through programs like the National Endowment for Democracy, and through the expanded funding for democracy programs through USAID.

The new Congress is taking a close look at foreign aid. The state of the world reflected in the 1993 *Survey of Freedom* and in the State Department's Country Reports indicates that the U.S. government and other prosperous industrial democracies have a historic opportunity to promote human rights by strengthening and solidifying fragile democratic transitions and by rigorously redirecting economic assistance to countries that are playing by the democratic rules of the game.

Indeed, as we survey this year's State Department report and examine the litany of abuses recorded, we are struck that both our report and that of the State Department ought not simply be a call to conscience or an occasion for moral outrage. They ought to be essential tools in shaping our foreign aid strategies and priorities. Regrettably they are not. In 1994, the Clinton Administration effectively decoupled gross violations of human rights from normal trade relations. The same should not be allowed to happen when it comes to U.S. taxpayer dollars to promote development.

Mr. Chairman, I urge the Subcommittee and the entire International Relations Committee to be guided by the data in the State Department's reports and those of independent non-governmental monitoring organizations in fashioning a foreign policy that aids those fighting for democracy and human rights around the world--and which does not reward the tyrants of this world. We urge you to make a smaller, leaner foreign development aid budget all-the-more effective by making sure it rewards countries moving down the path of democratic change and respect for human rights.

Our country owes its birthright in part to the external support our struggle for democracy and independence received from abroad. As the 21st century approaches and an exhausted American public beckons for a turn inward, let us be mindful of the role played in our own democratic revolution by such foreigners as Lafayette and Kosciuszko.

If the Congress, the President, and we in the non-governmental sector make a strong and compelling case for the expansion of democratic governance as a pillar of our foreign policy, we will contribute to a safer and more prosperous world. In this way the long-term cause of human rights will be strengthened and the admirable process of human rights reporting by our government will be given effective purpose.

On behalf of Freedom House, thank you for your attention and for the opportunity to share our views.



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Testimony of Kenneth Roth, Executive Director, Human Rights Watch  
before the International Relations Subcommittee on International  
Operations and Human Rights

Wednesday, February 15, 1995

Thank you for holding this important hearing, Chairman Smith, and for inviting me to testify. My name is Kenneth Roth, and I am Executive Director of Human Rights Watch. We welcome you to the chairmanship of this Subcommittee, having worked with you for many years on human rights issues around the world. We also welcome your chairmanship of the Congressional CSCE Commission. We look forward to working with you and your staff.

This morning I would like to summarize recent trends in the Clinton Administration's human rights policies and make recommendations on ways to upgrade U.S. efforts to promote human rights in the coming year. The Subcommittee has also asked us to comment on the State Department's *Country Reports on Human Rights Practices for 1994*. Because our suggestions on the report are relatively minor and quite specific, I have attached them to this testimony in the form of a letter to John Shattuck, the Assistant Secretary of State for Democracy, Human Rights, and Labor. As we indicate in the letter, the *Country Reports* are an excellent and useful document, which, with rare exceptions, represent diligence and integrity on the part of the foreign service

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officers in the field and in the various bureaus in Washington. The consistent, neutral tone and comprehensive coverage of the issues is a particular tribute to those in the Human Rights Bureau who edited the volume. In particular, we recognize the excellent work of Tom Williams, who for many years has played the lead role in overseeing the production of the document. We appreciate his and the Bureau's openness to suggestions, questions and advice from the nongovernmental human rights community.

**The Clinton Administration's Human Rights Policy:** Notwithstanding the high-quality work of many within the Clinton Administration, Human Rights Watch finds U.S. human rights policy to be weak and uncertain. No single act has done more damage than the China-MFN decision. The current willingness of the U.S. to engage in a multi-billion dollar trade war over the issue of pirated compact discs stands in dramatic contrast to the President's rejection of even minimal trade sanctions on human rights grounds last May. By making it abundantly clear that China's gross abuse of human rights would never lead to a trade penalty, the Clinton Administration deprived itself of much leverage, and seriously damaged its credibility with the Chinese and other abusive governments. The official news agency, Xinhua, declared Clinton's MFN retreat to be China's top diplomatic victory in 1994.

Despite the State Department's solid diplomacy and frequent representations on human rights issues, the Chinese know that they face no penalty for their continued recalcitrance. While we are pleased by the extensive efforts that the Clinton Administration is now making to support a resolution on China at the U.N. Human Rights Commission meeting in Geneva, such efforts pale compared to the abundant economic leverage that the U.S. possesses.

The discrepancy between the Administration's stand on China's violations of copyrights and human rights is particularly galling. When the U.S. Trade Representative, Mickey Kantor,

announced tariff penalties for copyright piracy, he specifically targeted products made by state-run enterprises. Yet when Human Rights Watch suggested that state-run enterprises be targeted for selective tariff increases on human rights grounds -- a concept included in legislation last year -- Mr. Kantor insisted that this was technically impossible, a line echoed by virtually the entire executive branch. This lack of seriousness about human rights has not been lost on the Chinese authorities, who followed the MFN-human rights debate as closely as we did.

Regrettably, the implications of the President's unceremonious jettisoning of any linkage between trade and China's human rights practices has had implications elsewhere. The pursuit of economic investment and trade, to the virtual exclusion of human rights concerns, is in evidence in the Western Hemisphere.

Last December's Summit of the Americas, for example, was characterized by a great deal of attention to trade and market issues, and almost total neglect of human rights. A good illustration of the Administration's priorities at the summit (which happened to fall on International Human Rights Day, December 10) might be seen in its differing treatment of corruption and human rights violations. Executive branch officials attending the meeting (Assistant Secretary Shattuck, unfortunately, was not in attendance) strongly supported the Summit's plan of action calling on governments to prosecute officials who engaged in corruption -- a concern of the American business community. The same administration officials, however, were virtually silent on the need for governments to prosecute those engaged in violent human rights abuses -- a concern of every human rights organization in the hemisphere, as well as thousands of victims and their families.

In the case of India, the State Department in the early months of the Clinton presidency made an admirable departure from the "quiet diplomacy" of the Bush years, and publicly raised

human rights concerns, including violations in Kashmir. Yet from the moment the Indian government announced a policy of economic liberalism and India became one of the Commerce Department's "Ten Emerging Markets," human rights concerns were once again relegated to the realm of "quiet diplomacy." Defense Secretary Perry's trip to India, to promote closer U.S.-Indian military ties, spoke much louder than the representations he made on human rights, however much we welcomed the latter. (In particular, Secretary Perry raised with the Indian authorities one of our top concerns: ICRC access to Kashmir. His request might have been taken more seriously by the Indian government if he would have also indicated that the Clinton Administration would issue no licenses for the sale of weapons or military equipment to India until human rights abuses decrease significantly.)

In other areas, it is not trade or investment that appears to override human rights concerns, but rather, geopolitical exigencies. Nowhere is this more prevalent than the Administration's posture towards Russia. We have been very disappointed in the Administration's mild response to the Chechnya disaster, and the State Department's attempts to protect Russia from censure by others. At the U.N. Human Rights Commission session currently underway, for example, the Administration seems to be accepting a disgracefully weak "Chairman's statement" on Chechnya that fails even to mention that Russian forces have been responsible for widespread abuse. Indeed, the Administration seems to be countenancing Russia's efforts to dilute even this excessively weak statement. At a time when the Russian Government is bombing and strafing civilian targets, a resolution this toothless and conciliatory is an embarrassment to the Commission and the United Nations.

Elsewhere in the world, human rights disasters have simply been neglected. Perhaps the Clinton Administration's greatest human rights failing was in Rwanda, where executive branch

officials refused to identify mass ethnic slaughter as genocide until June, after hundreds of thousands had died. The United States played a key role in resisting international demands to strengthen the U.N. peacekeeping presence in Rwanda and pushed through a measure at the Security Council to reduce significantly the presence of UNAMIR troops at the height of the genocide. Moreover, neither the President nor top officials at the State Department engaged in meaningful diplomatic efforts to isolate, stigmatize, and denounce the perpetrators of genocide or to jam the radios that were broadcasting exhortations to genocide.

It is worth noting that few in the U.S. Congress supported efforts to enhance the peacekeeping presence in Rwanda that might have saved thousands of lives. With a few honorable exceptions, Members of Congress had little interest in the United States providing even financial or logistical support in response to the U.N. Secretary-General's appeals. If more in Congress had joined such members as Rep. Harry Johnston, Alcee Hastings, and Donald Payne in their appeals for a vigorous response to genocide in Rwanda, the Administration might well have responded more appropriately. The hostility of the new leadership in Congress to peace-keeping endeavors virtually assures similar neglect in the future.

On a more positive note, we believe that the Clinton Administration learned much from its mistakes in Rwanda and is, accordingly, much more active in heading off future ethnic killings in neighboring Burundi. The U.S. Ambassador in Bujumbura, Robert Krueger, has been very vocal in denouncing the rising campaign of ethnic killings by both Tutsi and Hutu extremists, and has regularly broadcast appeals to Burundians and to the international community to take immediate action to halt the campaign of killings and to ensure accountability for abuses and ethnic tolerance. Such activism is a fine reflection on the Clinton Administration, and deserving of emulation elsewhere.

Perhaps no human rights issue more clearly exemplifies an international failure of will than Bosnia. Despite President Clinton's support for a more robust response to Serbian atrocities in Bosnia, the U.S. eventually bowed to the U.N.'s misguided policy of strict impartiality in the face of civilian slaughter. The Clinton Administration, by year's end, had finally acceded to the U.N.'s policy of refusing to provide protection even to declared "safe areas," because of the premium placed on protecting U.N. personnel on the ground.

At the same time, it is also in Bosnia that the Clinton Administration has made one of its most important contributions to the human rights cause. Its strong support for the International Criminal Tribunal for the former Yugoslavia was the single most important factor in the creation of the tribunal, which faced significant obstacles. The Administration has also been supportive, both diplomatically and financially, of an extension of the Tribunal's mandate to Rwanda. The significance of this contribution to human rights in both countries, and to the system for enforcing international human rights law, cannot be overstated.

I would be remiss if I did not point out other bright spots in the Clinton Administration's human rights policy. We were extremely pleased with the Administration's mid-course correction in its policy towards Haiti last year, including the end of forcible repatriation of Haitian refugees, condemnation of rape as a terror tactic by the Cedras regime, and the establishment of the rule of law in Haiti. More recently, however, we have expressed concern over the forced repatriation of Haitian refugees at Guantanamo without adequate screening for refugee status. We have also expressed concern over the inadequate human rights screening for the interim police force for Haiti, and have urged the Administration to assist the Haitian government in thoroughly screening members of the permanent police force now being recruited and trained. While there is a long way to go, the U.S. military presence has resulted in a decrease

in political violence in the major cities, and has provided President Aristide with a brief, relatively calm period to begin rebuilding Haiti.

There are other bright spots, as well. The State Department's Human Rights Bureau, under the leadership of John Shattuck, has been very active on a number of countries. We note in particular Mr. Shattuck's activism on human rights in Turkey, where the U.S. has historically been far too indulgent of gross violations of human rights by our NATO ally. Mr. Shattuck's several trips to Turkey in recent months and his strong statements on behalf of the victims of abuses there, as well as his support for Turkey's beleaguered human rights community, have been most welcome.

We also welcome the appointment of a senior coordinator for international women's issues to the Office of Global Affairs. We hope that she will work within the State Department and with other federal agencies to ensure that U.S. condemnation of abuses against women is reflected not only in the State Department's annual human rights report, but in the Clinton administration's bilateral and multilateral policies as well.

While Human Rights Watch has been disappointed overall in the Clinton Administration's human rights policy, it is not too late for the executive branch to strengthen that policy considerably. It is all the more likely to do so if a stronger policy is embraced and supported by Republicans and Democrat alike in the Congress.





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February 14, 1995

Assistant Secretary John Shattuck  
 Bureau of Democracy, Human Rights and Labor  
 Department of State  
 Washington, DC 20520

Dear Assistant Secretary Shattuck:

I am writing to give you our initial comments on the Department of State's *Country Reports on Human Rights Practices for 1994*. On behalf of Human Rights Watch, I would like to commend you on your capable handling of the enormous task of compiling these reports. We have found them to be, generally, accurate and comprehensive, although, as you are aware, we are concerned that the U.S. government frequently does not act decisively to end the abuses you describe.

While we have not had a chance to read the entire report, we do have early observations on several chapters. We will forward any additional comments to you as soon as possible.

**BRAZIL**

For the most part, the Brazil chapter is comprehensive and fair. Its most significant problem is its treatment of Operation Rio, the military operations now being conducted in Rio de Janeiro's favelas.

The report states, "The joint military-police operations to seize arms and drugs in Rio's slums have been essentially nonviolent and popular with the city's residents. Military authorities denied allegations of illegal searches and arrests, saying that they have worked closely with judges to obtain the necessary warrants."

In fact, there have been numerous reports of violent conduct by troops involved in these operations, ranging from violent searches of homes (ransacking furniture, etc.) to beatings and torture. Human Rights Watch/Americas staff in our Rio office have personally documented these abuses. Beatings are not uncommon, especially in the makeshift detention centers which the military command establishes in favelas that it enters. We have also documented incidents of torture in one favela, involving at least five victims who were subjected to near drowning (submarino) and electric shock.

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The military exploits warrants permitting it to search limited areas by, in fact, searching entire favelas. Troops conducting the searches paint their faces or wear masks; no identification is worn. In the majority of the operations, the press has been denied access. Those detained as a result of these searches are typically held for thirty days without any substantiation of criminal activity. The conditions in detention centers are horrific, with thirty to fifty people held in cells designed for ten to fifteen. As a result, prisoners must take turns sleeping, since there is insufficient floor space for all to sleep at once.

#### BURMA

In general, the report presents an accurate overview, although we note some omissions and incomplete analysis at points. For example, the report refers to Congressman Bill Richardson's visit and meeting with Aung San Suu Kyi, but in the section describing the visit by the UN Special Rapporteur on Burma last November, it fails to mention that he was again denied access to her.

The report is also somewhat incomplete in the area of "Freedom of Movement." It cites SLORC's cooperation with the UNHCR in repatriating Rohingya refugees from Bangladesh and says UNHCR "had not detected any signs of renewed action" against the Rohingyas. Yet there have been credible accounts from NGOs of continuing abuses which should have been included.

#### CHINA

The China chapter acknowledges what Human Rights Watch has observed: a serious deterioration of human rights since last May's MFN decision. It is, in general, an accurate and tough critique.

The report gives China too much credit for acknowledging the need for rule of law, for reaffirming the Universal Declaration of Human Rights, engaging in a bilateral dialogue, and providing "limited" information on the status of several hundred prisoner cases. None of these steps has led to concrete improvements. For example, the information provided was incomplete, contradictory, and virtually useless. The report also gives China credit for the new compensation and prison laws, stating that these laws are evidence that the government is acting "to bring its behavior into conformity with international human rights norms." Unfortunately, there is no evidence that China intends to implement or seriously enforce these laws.

All of the most important trials, arrests and trends are reported in some detail. We did find one factual error: Tong Yi, Wei Jingsheng's assistant, was not convicted of forging an official stamp, but was sentenced to re-education through labor for being an "accessory" to Wei's crimes.

The section on freedom of religion is also accurate, but contains one omission: it fails to mention reliable reports of intimidation of Tibetans during the visit to Beijing and Lhasa of the UN Special Rapporteur on Religious Intolerance. The section devoted to Tibet is particularly well done.

Finally, the lengthy description of the new labor law, which took effect on January 1, 1995, could have presented a more critical analysis of its provisions. The brief section on forced prison labor and exports is disappointing in that it mentions none of the specific cases of prison labor exports in 1994, nor does it contain details on Chinese compliance with requests for Customs Agency inspections which were contained in last years report. It notes the new regulations agreed to during Secretary Christopher's visit in March, but says nothing about their implementation.

#### COLOMBIA

The Colombia chapter is a significant improvement over the reports of previous years. It does not blame the guerrillas for the majority of human rights violations. It includes frank discussions of state-sponsored abuses from torture to disappearances, and the government's failure to investigate or prosecute these offenses.

The report overplays the difficulty of finding the authors of gross human rights abuses, when in fact the emphasis should have been on the government's lack of good faith investigation of these crimes. In particular, the government's reliance on military courts to try human rights crimes should have been strongly criticized. In contrast, the report downplays the impact of forced displacement as a result of political violence.

Given the bleak human rights picture described in the chapter, we are compelled to wonder why the U.S. continues to fund police units engaged in a consistent pattern of human rights abuses. Indeed, the report seems to reiterate the call for improved measures to ensure that the Colombian government does not use U.S. military aid to commit human rights violations.

#### CUBA

The report's chapter on Cuba criticizes two elements of the human rights situation without acknowledging the United States' role in the problems cited. The chapter also suffers from the omission of relevant information.

The report mentions the Cuban government's restrictive emigration policy by noting its reinstatement of the prohibition on unauthorized departures "following the conclusion of the U.S.-Cuba migration talks on September 9." However, the report fails to point out clearly that the United States insisted that Cuba reinstate this policy as part of the agreement. If the State Department views restricting emigration as a human rights violation, as we do, and as it must if it chooses to include it in the chapter, then by implication U.S. pressure on Cuba to restrict immigration also contributes to the violation, as we have previously noted.

Similarly, the report discusses the severe beating by Cuban authorities of Gloria Bravo, a member of the Association of Mothers for Dignity, after the August 5 protests, but does not mention what happened to her subsequent to this incident. Following her release from prison, Bravo fled Cuba and was detained at Guantanamo. According to our information, Bravo is still being held there. This fact, coupled with the State Department's recognition of this case as one of serious human rights abuse, highlights the United States' failure to process Guantanamo

detainees with clearly legitimate asylum claims.

In a case of apparent exaggeration, the report states that "according to human rights advocates, there were at least 2,000 people imprisoned for various political crimes." When José Ayala Lasso, the United Nations High Commissioner for Human Rights, went to Cuba in late November, Elizardo Sánchez, a respected human rights leader, gave him a list of 1,195 people held for political motives. We are not aware of any lengthier list.

In another misstatement by omission, the chapter states categorically that all media must "faithfully reflect government views." Not mentioned is the film "Strawberry and Chocolate," which won the Havana Film Festival, was seen by approximately 1 million people and presents a fairly radical alternative view of the Cuban system. In addition, as this film exemplifies but the chapter ignores, Cuba has made enormous progress recently in its treatment of *g.y.s.* Even Castro has belatedly expressed support for gay rights.

#### GUATEMALA

The Guatemala chapter is very good. It reflects the themes which we believe are the most critical, including impunity for political violence, abuses by civil patrols, forced patrolling, intimidation of judges, prosecutors and police, and persecution of human rights monitors. The chapter presents a worsening human rights situation and, importantly, holds the security forces and civil patrolers responsible for political killings. The report also, fairly, blames the URNG for several laws of war violations.

In discussing the Colotenango case, which Human Rights Watch/Americas took to the Inter-American Commission on Human Rights because the government refused to arrest civil patrolers who murdered a human rights activist, the report points to Guatemala's failure to take even basic steps to ensure accountability for human rights abuses. The Military Police have been specifically ordered to execute arrest warrants issued on September 9, 1993, but to date have taken no action. We must note that despite pressure on the Clinton administration to criticize publicly the Guatemalan government's failure to execute these warrants, the U.S. ambassador in Guatemala City has opted for "quiet diplomacy," which so far has been completely unsuccessful.

Considering that Guatemala's Generalized System of Preferences trade privileges are under review, it is significant that the report states that "trade union leaders and members were victims of a marked increase in violence and abuse, such as threats, assassination attempts, kidnappings, and physical harm." The text singles out the government for responsibility in some cases (and quotes the Archbishop's office), finding "unknown assailants" responsible for others.

#### HAITI

The Haiti chapter is a vast improvement over last year's report in its portrayal of violent political repression of Haitians by the army and its adjuncts until the September 19 U.S.-led military intervention. Nonetheless, the relationship of the paramilitary group FRAPH to the army and to organized state repression is understated. In fact, FRAPH and the army were closely associated

and joined together in committing many human rights abuses. In particular, the army's and FRAPH's cooperation in a pattern of highly destructive neighborhood searches in Port-au-Prince and other areas such as Le Borgne is poorly described.

The chapter also downplays the magnitude of human rights abuses which occurred as a result of refugee flight. The report says that occasionally shots were fired at fleeing Haitians, but omits mention of Jonaissant's order to deter departures and the subsequent cases of army beatings and detentions. In one case which the report neglects to cite, a number of Haitians drowned when the army fired on their vessel. Similarly, the "cooperation of the de facto regime" in the forced repatriation of Haitians prior to June 1994 is mentioned, but hundreds of dock-side detentions accompanied by theft, extortion, and physical mistreatment of returnees is omitted.

Although internal displacement is briefly mentioned as an extension of traditional economic migration, the military's strategy of forced displacement and the numerous human rights abuses associated with it are not discussed.

In discussing violations after September 19, 1994, the report mentions 30 people detained by the Multi-National Force, but does not mention the hundreds detained briefly and released even though Haitians identified them as human rights violators.

#### HONG KONG

The Hong Kong section of the report is basically very good, but contains a few serious omissions. For instance, there is no mention of China's repeated statements that it will abolish Legco, close any proposed Human Rights Commission, and ban "political" organizations. Similarly, there is no mention of the problems encountered in constituting an independent Court of Final Appeal. Nor does the report mention the issue of arbitrary detention.

Although the report goes into detail on the procedures for forced and voluntary repatriation of Vietnamese, it fails to take any position on these policies. In relation to the forced repatriation exercise which followed the Whitehead incident, the report mentions that 200 injuries were initially claimed, but goes on to cite the account of three NGOs to show that injuries were minimal and the government behaved well; the report does not mention that these NGOs also said they could hardly see the events in question, and spoke to few Vietnamese.

#### PERU

The Peru chapter is very strong, highlighting continued impunity for extrajudicial executions, disappearances and torture. Significantly, the chapter focuses on torture and rape by security forces, stating "...torture and brutal treatment of detainees are common. Eyewitnesses and human rights monitors reported that government security forces routinely tortured suspected subversives at military and police detention centers." The report goes on to state that, "there continue to be credible reports that members of the security forces raped women, especially in the emergency zones."

In one instance, the report notes the decline in the number of reported disappearances in Peru, which is attributed to "the government's decision to end in late 1992 the tacit reliance on security forces' use of disappearances that characterized the previous two government's counterinsurgency practices." Although it is significant that the Department of State has, for the first time, recognized disappearances as a government policy (which can be changed by a decision at a certain level), it failed to point out that the Fujimori government also ruled during the two years in which disappearances were at an all-time high -- an important point for establishing accountability for these crimes.

#### RUSSIA

The 1994 report on human rights in Russia is the most hard-hitting in recent years. It captures the increasingly bleak picture of human rights in Russia today and rightly characterizes the gravity of such specific problems as inhumane prison conditions, police violence, and discrimination against women and certain ethnic minorities. Its treatment of Chechnya, however, lacks a distinctive voice and detail in the face of truly egregious human rights violations. By the end of January, Russian forces had committed such gross violations of humanitarian law as to cause the European Union to cease the ratification process of its trade treaty with Russia. Surely Russian conduct after the December 11 actions merited more than the paragraph assigned to it in the report. Moreover, while other sections in the report convey a judgment about human rights violations, the sections on Chechnya fail to delineate responsibility for the human rights crimes it describes.

An area that suffers from under-reporting is the treatment of refugees, whose rights are breached on a scale far wider than that indicated by the report. It would have been worth noting, for example, that the Federal Migration Service refuses to process applications from individuals who flee not war, but oppressive governments in other CIS states, such as Turkmenistan and Uzbekistan. Refugees residing in government-provided hotels in Moscow suffer police harassment, their children are sometimes denied emergency medical care, and they live in fear of having their refugee status stripped if they do not comply with government demands.

#### RWANDA

The Rwanda chapter is fairly comprehensive and reasonably accurate, although it does not adequately describe abuses by the RPA. In addition, there are several instances of incomplete analysis. One such area is the report's discussion of the "intimidation of would be returnees in refugee camps by Hutu extremists and the threat of civil war." There is no reference to the complicity of the international community in bringing about this situation -- most notably, by failing to disarm the Hutu army and militia and by not taking prompt action to protect civilians in the camps.

The report's discussion of disappearances is incomplete. Although disappearances from April through June are included, there is no discussion of disappearances which occurred later in the year at the hands of RPA soldiers. Human Rights Watch/Africa interviewed witnesses throughout Rwanda who reported that persons accused of having played important roles in the

genocide were taken away by RPA soldiers. The fate of these individuals is unknown.

The report states that alleged war criminals are held in Kigali Central Prison and certain "other facilities." This description seems overly vague in view of the fact that these facilities include lock-ups at communal offices, private houses, latrines, and shipping containers. In addition, there is no mention of torture or beatings that were occurring in the above-mentioned unofficial detention facilities, which are neither supervised by the Ministry of Justice nor visited by the International Red Cross.

Also incomplete is the section on the denial of fair public trials. Human Rights Watch/Africa reports that most soldiers enforcing the law were unfamiliar with Rwandan judicial procedure and with those parts of the legal code guaranteeing human rights. RPA soldiers arrest persons accused by others on the basis of the denunciation alone instead of a more complete criminal investigation. A significant number of these denunciations are false, motivated by hopes of personal profit, especially where property is involved, or by the desire to settle personal scores. As a result, the public prosecutor for the capital of Kigali estimates that up to twenty percent of the prisoners now housed in Kigali Central Prison are innocent.

Finally, the section on the government's attitude toward monitoring is inadequate. While agreeing to allow U.N. human rights monitors to be posted inside Rwanda and professing to be open to investigations by local and international human rights organizations, the new government sometimes restricted access to particular areas, especially in the southern prefecture of Butare. For example, the representative of the U.N. special rapporteur on Rwanda was refused permission to visit Butare Veterinary School. In another instance, a representative of Human Rights Watch/Africa, who was investigating reports of abuses by the current Rwandan government, was intercepted by soldiers and discouraged from continuing her research.

#### THAILAND

The Thailand chapter's coverage of trafficking of Burmese women to Thailand for forced prostitution is largely accurate. However, the report's statement that "there are continuing credible reports of corrupt police involvement in illegal trafficking schemes" fails to reflect accurately the depth of official complicity. The Human Rights Bureau similarly under-represented the problem in a report submitted to Congress this month that concluded, "There is no evidence to suggest systematic Thai Government involvement in trafficking of Burmese women and girls." While there is no Thai government policy that condones this practice, there is also more than a handful of corrupt police officers who are profiting from the trafficking of Burmese women and girls into forced prostitution. Rather, our investigation found a widespread pattern of police and, to a lesser extent, border patrol involvement in every stage of trafficking and forced prostitution of Burmese women and girls into Thailand. Moreover, to our knowledge, no police officer has ever been prosecuted for trafficking and forced prostitution, despite the Clinton administration's highly-publicized campaign against forced and child prostitution.

#### VIETNAM

The Vietnam chapter is generally quite good. However, there are a few places where the report minimizes problems by omitting relevant information, or states simply, "there is no information" rather than explaining why. In other spots, the report's wording is simply misleading.

The report states, "several persons are known to be in prison for the peaceful expression of their views," and goes on to mention a handful of well known examples. This statement would lead one to believe that a handful is all there is. We currently have more than sixty names on our list. Amnesty International has many more, and we learn of new cases everyday. In addition, there is a new trend to charge prisoners of conscience with common crimes, thus making the political nature of the prosecution harder to identify. The difficulty of monitoring Vietnam's prisons makes it impossible to estimate accurately the numbers of political and religious prisoners, but it is clear that the number is significantly larger than implied by the report and growing steadily.

Continuing on the issue of detainees, the report states that "there were no credible reports of torture." It is virtually impossible to discover incidences of abuse, since consistent independent monitoring of prisons is not allowed. Moreover, the well known prisoners are rarely the targets of gross abuses. In one positive development, the UN Working Group on Arbitrary Detention visited two prisons in late 1994. However, there were subsequent reports that the authorities tried to manipulate these visits by coercing prisoners to make positive statements to the group, or by concealing part of the prison population.

In discussing the issue of trial openness, the report states, "trials are generally open to the public, although the procurator has the right to close trials in sensitive cases." In fact, political trials are generally closed to all but a carefully chosen few. Although there have been trials in which close relatives of the defendant were allowed to attend, this does not represent full public access.

On the extent to which families and attorneys have access to criminal and political prisoners: "anecdotal evidence indicates they are generally allowed to visit." This is not the case with political prisoners, particularly in pre-trial detention, which can last for several years. There have also been cases in which the families of political prisoners who continue to speak out from prison, such as Nguyen Dan Que and Doan Viet Hoat, have been barred from visiting.

The conclusion that "people appear free to attend worship services" is apparently based only on attendance in major urban areas such as Ho Chi Minh City and major religious centers in the south. Home prayer services are still not permitted and there have been reports of hundreds of arrests of Hmong Protestants, not "several" as the report states. The few well documented cases concern people being held in jail on formal charges. However, according to Human Rights Watch/Asia sources, there are short term detentions or administrative detentions of many others.

Finally, on the issue of immigration, the statement that "the government does not use exile as a means of political control," is not entirely accurate. First of all, it does use internal exile regularly, as the example of senior leaders of the United Buddhist Church, who have been confined to rural pagodas, demonstrates. Second, the government does allow the emigration of former political prisoners to other countries. However, while it considers them to remain nationals of Vietnam, it does not always allow them to return for visits. The government clearly views the immigration program as a means to get rid of particularly anti-government individuals.

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Again, my compliments on a report that, overall, is tough and accurate. I understand how difficult a task it is to produce such a compilation. I wish you the best in seeing that its observations lead to rigorous steps by the U.S. government to remedy the violations described.

Sincerely,

  
Holly J. Burkhalter  
Washington Director



**RESPONSES BY DEPARTMENT OF STATE TO QUESTIONS REGARDING MONITORING  
PEOPLE WHO HAVE BEEN FORCIBLY REPATRIATED**

**Question.** What exactly are we doing to monitor the way that those people have been forcibly repatriated, what kind of tracking to ensure that they are not tortured, put in concentration camps, and things of that nature?

**Answer.** In 1994, 370 Chinese were repatriated from outside the United States. All cases were reviewed by INS or the UNHCR. Repatriation was handled by the International Organization for Migration, which obtained a signed voluntary repatriation agreement from each migrant.

All those who were deported from the United States by the Immigration and Naturalization Service had completed the asylum process in the U.S. courts and were ordered deported.

All cases were reviewed by INS to ensure conformity with the President's directive on China's one-child policy, which provides for a stay of deportation for persons who are requesting asylum and are able to prove that they will be forced to undergo an abortion or sterilization procedure or face undue harm upon their return to China.

The United States, Japan, and Australia have all followed-up on repatriated illegal migrants but have found no instances of mistreatment.

In the spring of 1993, when illegal aliens from the *M/V East Wood* and the *Mermaid* were repatriated to their home in Fujian Province, Embassy Beijing and the Consulate General in Guangzhou investigated reports of mistreatment of repatriated illegal aliens. No pattern of harassment or criminal imprisonment other than detention for an initial screening and a fine was discovered. In January of 1994, the principles governing these repatriations, including assurances of no mistreatment, were addressed in meetings between an interagency delegation led by Secretary Gelbard and the Chinese Ministry of Foreign Affairs and law enforcement counterparts. The terms of repatriation of migrants were discussed in greater detail in April 1994 by INS Associate Commissioner James Puleo.

Under Article 176 of the Chinese Criminal Code, a person violating China's exit laws may receive a sentence of up to 1-year imprisonment, but there have been no reports of repatriated illegal emigrants being sentenced to criminal imprisonment. Most returnees are released within a period of a few weeks after their identity has been established, their domicile and legal status has been confirmed, and the circumstances of their departure have been determined. The payment of a fine is required usually in the amount of RMB 10,000 (approx. \$1200). We have no information on returnees who cannot pay the fine.

We have asked our Embassy to update their reporting on the treatment of returned illegal migrants.

We have investigated reports that repatriated illegal migrants are dealt with harshly but to date have found no evidence of returnees being harassed. We have confirmed that everyone but smugglers, enforcers, wanted criminals and those who participated in more than one smuggling attempt were released from detention within 3 weeks of arriving back in China.

We have no evidence that repatriated Chinese illegal migrants are forced to have abortions or undergo sterilization procedures.

Forced abortions and sterilizations are not authorized by the Chinese Government and officials have told us that family planning officials who use coercion to meet family planning goals are punished. Chinese officials have agreed to provide the USG with examples of cases where family planning officials have been punished for exceeding their authority. We have not yet received this information from the Chinese but will continue to press them to provide such information.

We regularly express our concern to the Chinese about reports of coercive family planning practices. This is done in our formal bilateral human rights dialogue as well as in other bilateral meetings. During my most recent trip to China in January 1995, I met with officials from the State Family Commission and with officials from the Chinese Ministry of Health and discussed family planning practices in China.

**RESPONSES BY THE DEPARTMENT OF STATE TO ADDITIONAL QUESTIONS SUBMITTED  
FOR THE RECORD**

**THE CZECH REPUBLIC**

**Question.** This year's country report on the Czech Republic raises concern about the Czech citizenship law. While the Czech human rights record is, on net, quite good, and citizenship issues are admittedly complex, a Helsinki Commission report issued last year described numerous problems with the Czech citizenship law both

as drafted and applied, particularly in light of its discriminatory impact on the ethnic Roma minority. Numerous nongovernmental organizations have also documented problems with the law, and the law has also been criticized at CSCE (OSCE) meetings by the CSCE High Commissioner from National Minorities and representatives of the Council of Europe and the United Nations High Commissioner for Refugees.

Given the serious human rights implications of this law as well as the dangerous precedent it sets for other new countries in the region grappling with similar citizenship questions, what steps has or will the administration take to communicate U.S. concerns and to press for the law's amendment? Will the President raise this when he meets with Czech Prime Minister Vaclav Klaus, scheduled for May 4?

Answer. We continue to discuss with Czech Republic officials, as with governments throughout Europe, our concerns about the serious social, economic and political disadvantages facing the Roma. In that context we have begun a dialogue with Czech officials about the effects of the Czech Republic's citizenship law on Roma living there.

As your question notes, the issue was examined in this year's country report on human rights practices, which received wide attention in the Czech Republic.

More recent discussions took place with a high-level delegation from the Czech Parliament who participated here in February in friendly and open talks on a wide range of issues of mutual interest, including concerns over the situation of the Roma.

We welcome the Czech Government's decision, outlined in a February 10 letter to the Helsinki Commission from the Embassy of the Czech Republic, to receive a group of experts from the Council of Europe to study the citizenship law and its conformity with international human rights standards. This is an important step in beginning to document the number of Roma actually affected by the law.

We also strongly support the invitation recently extended to Chairman Smith by the Chairman of the Czech Parliament to visit the Czech Republic for a first-hand look at the situation of Roma living there, including the effects of the citizenship law.

We believe Prime Minister Klaus' visit with President Clinton in May will deepen the excellent ties which have developed between our countries since 1989. The two leaders will discuss a broad range of important political, economic and security issues, including human rights as appropriate.

#### BOSNIA AND HERZEGOVINA

*Question.* This year's country report on Bosnia and Herzegovina refers to the ongoing efforts of the International Criminal Tribunal for the former Yugoslavia to document, assess and determine the culpability of alleged perpetrators of war crimes. There is also a reference to "Serbian atrocities and genocide" in Bosnia and Herzegovina. In light of this acknowledgement that genocide has indeed occurred on the territory of Bosnia and Herzegovina, what specific actions have been undertaken by the United States to fulfill its obligations as a party to the Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention) of 1948? Beyond a series of published war crimes reports, what specific steps have been undertaken by the Department to cooperate with the Tribunal?

Answer. The United States has undertaken numerous efforts, in conjunction with other countries, to try to bring an end to the atrocities committed in Bosnia-Herzegovina.

We have made a peaceful settlement to the conflict in the region a priority. Only a durable and lasting peace will protect the people of the region from a continuation of the cycle of atrocities which has occurred during this century.

We have supported the stationing of UNPROFOR in Bosnia and Croatia and are working to strengthen its peacekeeping mission.

We are pressing Serbia to improve human rights conditions for ethnic minorities throughout Serbia/Montenegro.

We have taken a leadership role in NATO decisions on Bosnia. NATO has agreed to use its power as necessary to achieve objectives protecting the civilian population.

We are providing 40 of 180 international monitors to monitor the commitment made by Serbian President Milosevic last September to close his country's borders with Bosnia/Herzegovina.

While the Convention on Genocide does not impose obligations on States Parties in respect of genocide committed in another country, it does provide the possibility of prosecuting those accused of committing genocide before an international penal tribunal. The United States has led the effort to bring to justice those responsible

for genocide by supporting the establishment of a War Crimes Tribunal for Former Yugoslavia from its very inception.

In March 1994, the State Department made a voluntary contribution of \$3 million to the War Crimes Tribunal. Most of this amount, \$2.3 million, was used to set up the Tribunal's computer system. The remainder was allocated in September 1994 to be used for travel and other expenses related to carrying out investigations. This voluntary contribution was in addition to our assessed contribution of 25 percent of the Tribunal's U.N. budget (the U.N. budgeted \$11.5 million for the Tribunal in 1995).

In addition to the voluntary and assessed contributions, the administration is providing the Tribunal with more than 20 U.S. Government personnel to serve as prosecutors, regional experts and investigators. The estimated cost of their services to our government is \$3 million. The personnel is being provided cost-free to the Tribunal, financed from a \$25 million drawdown authority.

We have provided considerable amounts of information the Prosecutor needs, including over 700 first-hand reports of atrocities. We work daily with the Prosecutor to respond to his requests.

#### ROMANIA

*Question.* The country report on Romania describes the qualifications on freedom of expression contained in Romania's Penal Code—punishment of acts of "defamation" and "outrage" with several years in prison. It notes that several journalists have been tried and sentenced to fines or prison terms for slander. Additional amendments to the penal code are currently under consideration by the Chamber of Deputies which would impose even stronger prison terms for the crimes of "Insult" or "Slander" and specifically single out the media for the most severe punishment—6 months to 3 years in detention.

At the very least, these proposals have a chilling effect on the continued development of free and independent media in Romania. More importantly, as we understand these measures, they would violate basic principles of the Helsinki Final Act regarding the right of free expression. Civil remedies for slander or libel are sufficient to provide protection for the reputation of both public and private figures. Laws providing not merely for civil redress but for criminal penalties—bringing the full weight of the state to bear against a single individual—have the potential to be abused for political purposes.

What efforts has the administration made to advise the Government of Romania of U.S. concerns regarding this apparent repression of free speech and will U.S. representatives urge revision of these codes?

*Answer.* The U.S. Government has closely followed the growth of press freedoms in Romania, particularly in the print media, since the December 1989 overthrow of the Ceausescu regime. Dozens of daily papers, representing the entire spectrum of Romanian political ideologies and interest groups, proclaim their headlines to an eager public. Charges of wrongdoing against and outrageous lampooning of public figures are a staple of the current journalistic scene.

However, the U.S. Government is concerned about provisions in Romania's current Penal code which punish—with several years' imprisonment—ill-defined acts of "defamation" and "outrage." In the celebrated case of Nicolae Andrei, a journalist from Craiova detained for 5 days in March 1994 for writing satirical sketches of Romanian President Iliescu, U.S. officials in Bucharest worked closely with Romanian human rights groups to monitor Andrei's incarceration and its aftermath, including raising the issue with Romanian Government officials in Craiova and Bucharest. In Washington, U.S. officials also raised this issue with visiting Romanian officials.

In the related case of another Craiova journalist, Lucian Mateschescu, then-U.S. Ambassador to Romania John R. Davis expressed concern in May 1994 to the Romanian authorities about the excessive sentence—8 years—which was imposed on Mateschescu by a Craiova court for soliciting a U.S. fifteen-dollar bribe.

The U.S. Embassy in Bucharest continues to monitor other limitations on media freedoms. In his recent series of introductory calls, Ambassador Alfred Moses urged the Romanian Government to ensure an adequate supply of newsprint for all newspapers and to move ahead promptly with the licensing of a privately-owned nationwide television channel. In addition, the State Department's Human Rights Officer for Europe and its Romania Desk Officer met in January with Romanian journalists to hear at first-hand their concerns about newsprint shortages and amendments to the Penal Code which would impose prison sentences of up to 3 years for "insult" and "slander."