

**A GLOBAL REVIEW OF HUMAN RIGHTS:  
EXAMINING THE STATE DEPARTMENT'S 2004  
ANNUAL REPORT**

---

---

**HEARING**

BEFORE THE

SUBCOMMITTEE ON AFRICA, GLOBAL HUMAN  
RIGHTS AND INTERNATIONAL OPERATIONS

OF THE

COMMITTEE ON  
INTERNATIONAL RELATIONS  
HOUSE OF REPRESENTATIVES

ONE HUNDRED NINTH CONGRESS

FIRST SESSION

—————  
MARCH 17, 2005  
—————

**Serial No. 109-35**

—————

Printed for the use of the Committee on International Relations



Available via the World Wide Web: [http://www.house.gov/international\\_relations](http://www.house.gov/international_relations)

—————  
U.S. GOVERNMENT PRINTING OFFICE

20-060PDF

WASHINGTON : 2005

---

For sale by the Superintendent of Documents, U.S. Government Printing Office  
Internet: [bookstore.gpo.gov](http://bookstore.gpo.gov) Phone: toll free (866) 512-1800; DC area (202) 512-1800  
Fax: (202) 512-2250 Mail: Stop SSOP, Washington, DC 20402-0001

COMMITTEE ON INTERNATIONAL RELATIONS

HENRY J. HYDE, Illinois, *Chairman*

JAMES A. LEACH, Iowa	TOM LANTOS, California
CHRISTOPHER H. SMITH, New Jersey, <i>Vice Chairman</i>	HOWARD L. BERMAN, California
DAN BURTON, Indiana	GARY L. ACKERMAN, New York
ELTON GALLEGLEY, California	ENI F.H. FALEOMAVAEGA, American Samoa
ILEANA ROS-LEHTINEN, Florida	DONALD M. PAYNE, New Jersey
DANA ROHRABACHER, California	ROBERT MENENDEZ, New Jersey
EDWARD R. ROYCE, California	SHERROD BROWN, Ohio
PETER T. KING, New York	BRAD SHERMAN, California
STEVE CHABOT, Ohio	ROBERT WEXLER, Florida
THOMAS G. TANCREDO, Colorado	ELIOT L. ENGEL, New York
RON PAUL, Texas	WILLIAM D. DELAHUNT, Massachusetts
DARRELL ISSA, California	GREGORY W. MEEKS, New York
JEFF FLAKE, Arizona	BARBARA LEE, California
JO ANN DAVIS, Virginia	JOSEPH CROWLEY, New York
MARK GREEN, Wisconsin	EARL BLUMENAUER, Oregon
JERRY WELLER, Illinois	SHELLEY BERKLEY, Nevada
MIKE PENCE, Indiana	GRACE F. NAPOLITANO, California
THADDEUS G. McCOTTER, Michigan	ADAM B. SCHIFF, California
KATHERINE HARRIS, Florida	DIANE E. WATSON, California
JOE WILSON, South Carolina	ADAM SMITH, Washington
JOHN BOOZMAN, Arkansas	BETTY McCOLLUM, Minnesota
J. GRESHAM BARRETT, South Carolina	BEN CHANDLER, Kentucky
CONNIE MACK, Florida	DENNIS A. CARDOZA, California
JEFF FORTENBERRY, Nebraska	
MICHAEL McCAUL, Texas	
TED POE, Texas	

THOMAS E. MOONEY, SR., *Staff Director/General Counsel*  
ROBERT R. KING, *Democratic Staff Director*

---

SUBCOMMITTEE ON AFRICA, GLOBAL HUMAN RIGHTS AND INTERNATIONAL  
OPERATIONS

CHRISTOPHER H. SMITH, New Jersey, *Chairman*

THOMAS G. TANCREDO, Colorado	DONALD M. PAYNE, New Jersey
JEFF FLAKE, Arizona	BARBARA LEE, California
MARK GREEN, Wisconsin	BETTY McCOLLUM, Minnesota
JOHN BOOZMAN, Arkansas	BRAD SHERMAN, California
JEFF FORTENBERRY, Nebraska	GREGORY W. MEEKS, New York
EDWARD R. ROYCE, California, <i>Vice Chairman</i>	DIANE E. WATSON, California

MARY M. NOONAN, *Subcommittee Staff Director*  
NOELLE LUSANE, *Democratic Professional Staff Member*  
LINDSEY M. PLUMLEY, *Staff Associate*

# CONTENTS

	Page
WITNESSES	
The Honorable Michael G. Kozak, Acting Assistant Secretary, Bureau of Democracy, Human Rights and Labor, U.S. Department of State .....	48
Mr. Brian Steidle (former U.S. Marine Captain), Global Grassroots .....	77
Mr. Tom Malinowski, Washington Advocacy Director, Human Rights Watch ...	81
Mr. Adotei Akwei, Campaign Director, Amnesty International .....	89
Mr. Daniel S. Mariaschin, Executive Vice President, B'nai B'rith International .....	99
Mr. Vincuk Viacohrka, Chairman, Belarus Popular Front Party .....	109
LETTERS, STATEMENTS, ETC., SUBMITTED FOR THE HEARING	
The Honorable Christopher H. Smith, a Representative in Congress from the State of New Jersey, and Chairman, Subcommittee on Africa, Global Human Rights and International Operations: Prepared statement .....	5
The Honorable Michael G. Kozak: Prepared statement .....	55
Mr. Brian Steidle: Prepared statement .....	79
Mr. Tom Malinowski: Prepared statement .....	84
Mr. Adotei Akwei: Prepared statement .....	92
Mr. Daniel S. Mariaschin: Prepared statement .....	102
Mr. Vincuk Viacohrka: Prepared statement .....	111
APPENDIX	
Response from the Honorable Michael G. Kozak to question submitted for the record by the Honorable Adam Smith, a Representative in Congress from the State of Washington .....	129
Human Rights First Comments on 2004 State Department Country Reports ...	129



**A GLOBAL REVIEW OF HUMAN RIGHTS:  
EXAMINING THE STATE DEPARTMENT'S  
2004 ANNUAL REPORT**

THURSDAY, MARCH 17, 2005

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

The Subcommittee met, pursuant to call, at 1:47 p.m. in room 2200, Rayburn House Office Building, Hon. Christopher H. Smith, New Jersey (Chairman of the Subcommittee), presiding.

Mr. SMITH OF NEW JERSEY. The Subcommittee will come to order. I am pleased to convene this hearing of the Subcommittee on Africa, Global Human Rights and International Operations. The Subcommittee today is not only reviewing the State Department's 2004 *Country Reports on Human Rights Practices*; it is also examining the state of human rights around the world.

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. The right to life, religion, speech, assembly, and due process are the pillars of a free, sane, and compassionate society.

Second, the United States has a commitment to human rights that is unique in the history of the world. President Bush, in his State of the Union speech in January, reminded us that, and I quote:

“Our founders dedicated this country to the cause of human dignity, the rights of every person, and the possibilities of every life. This conviction leads us into the world to help the afflicted, defend the peace, and confound the designs of evil men.”

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, especially the inconvenient: The unborn child, the dissident, the believer in another religious tradition.

It is particularly disturbing that human rights concerns are often subordinated to other concerns, such as trade, cooperation on terrorism, immigration control, or selling military equipment, in the name of maintaining relations with countries of high importance to U.S. strategic goals. That misses the point. The most important

U.S. interest is the promotion of freedom and democracy and 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 out alliances among regimes that murder and torture their own people.

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. Other annual reports, such as the *Trafficking in Persons* report, the *Report on International Religious Freedom*, and the *Global Anti-Semitism Review Act*, which I helped to pass last year, along with Tom Lantos and others, also shined a spotlight on specific human rights areas which warrant closer examination.

There is a striking similarity between the “black lists” of all of these reports. Burma, China, Eritrea, Iran, North Korea, Saudi Arabia, Sudan, and Vietnam are all countries that engage in severe violations of religious freedom. Bangladesh, Burma, Cuba, Ecuador, Equatorial Guinea, Guyana, North Korea, Sierra Leone, Sudan, and Venezuela are all tier three countries whose Governments have made no significant efforts to satisfy the minimum standards to prevent the trafficking and the enslavement of people. It is no surprise that Secretary Rice’s six outposts of tyranny—Cuba, North Korea, Belarus, Iran, Burma, and Zimbabwe—also dominate these lists.

This Congress, this Subcommittee will track the records of the worst offenders, the “dirty dozen of human rights abusers,” so to speak. Their names are among those I have just cited. We will hold hearings on their human rights records. We will enact legislation, engage the State Department, censure them at the United Nations, and implement other measures to effect positive change. The spotlight will be on their governments and on their records. The victims will not be forgotten.

This year’s *Country Reports*, released by the State Department on February 28, 2004, document several important steps taken by governments around the world to respect and protect the fundamental human rights of their citizens. We have all heard about the historic elections in Afghanistan and Iraq where Governments are now in power because they have been chosen by their electorate. In Ukraine, the will of the people finally prevailed, and Ukraine’s supreme court upheld the rule of law to elect a new President. There were also numerous other smaller, but nevertheless important, victories, such as the inclusion of human rights provisions in the new Constitution of Qatar, indictments of former high-level officials for corruption in Costa Rica and Gambia; and the indictment of Pinochet for crimes in the 1970s in Chile.

Unfortunately, the news is not all good. The *Country Reports* also serve to confirm and document what we knew already, that the last year has not been a good one for the state of human rights around the world. Despite a declaration by then-Secretary of State Colin Powell in September 2004 that genocide had been committed against the people of Darfur, the Government and Government-supported militias continued their attacks on civilian targets. The

militias and Government forces routinely, according to the State Department, killed, injured, and displaced civilians, intentionally attacking civilians, looting their possessions, and destroying their villages.

We are fortunate today to have as one of our witnesses Brian Steidle, a former U.S. Marine captain who was embedded for 6 months with the African Union forces in Darfur and who was an eyewitness to many of these atrocities.

The totalitarian Governments of China, North Korea, Vietnam, Turkmenistan, and Cuba all continued their persecution of political and religious dissidents, and in China, women are subjected to forced abortions and sterilizations.

I am particularly upset that the State Department this year has decided not to offer a resolution condemning China and their record on human rights at the U.N. Commission on Human Rights, which is now currently underway. According to its own report, the Chinese Government's human rights record remained poor, and the Government continued to commit numerous and serious abuses. Abuses include killing, torture, mistreatment of prisoners, and forced confessions. The State Department *Human Rights Report* went on to say that, in late 2004, the Chinese Government launched a new campaign against dissident writers, commentators, and religious activists.

Nowhere is this more clearly illustrated than in the deplorable case of Mao Hengfeng, a victim of a forced abortion whose ongoing attempts to receive justice have resulted in her sentencing to 18 months of hard labor, during which she has been tortured, denied vitally-needed medicine, and whose life is in danger today.

The torture does not stop with those who demand basic human rights and political freedoms. On the religious front, there is an ongoing, aggressive repression of those who want to practice their faith as they see fit. We see Falun Gong practitioners who are routinely rounded up, beaten and abused, including hundreds who have been tortured to death while held in captivity. According to the State Department, government repression of some unregistered religious groups increased, not decreased, in China during the past year. For instance, the report documents that Chinese officials beat and abused a number of Catholic priests and lay leaders during 2004.

As some of my colleagues may know, since 1979, there has been the one-child-per-family policy in the People's Republic of China. That policy says that if a second child happens to come along, he or she has to be aborted. Heavy fines are imposed upon the women, particularly. They call it "social compensation fees." Sometimes these are 6 to 10 times the annual salaries of the parents, compelling them to abort. Who can pay 10 times the father's and mother's salary—a husband and wife? It is absolutely ruinous, and it leads to a so-called "voluntary abortion," which is anything but.

Forced abortion and forced sterilization are commonplace in China, and according to the State Department's 2003 report, one consequence of "the country's birth-limitation policies" is that 56 percent of the world's female suicides occur in China. This is five times the world average and translates, according to the State Department's report for that year, to about 500 suicides by women per

day. Five hundred per day! This year, the language has been watered down to note that there exist “especially high” female suicide rates.

Elsewhere in the world, dictatorships in Belarus and Burma were unsurprisingly similar in their repressive methods to control and maintain power. Security forces in both countries arbitrarily arrested and detained citizens for political reasons. Police abuse and torture of prisoners continued in Belarus, and, in Burma, abuses also included rape, beatings, forcible relocation of populations, and conscription of child soldiers.

Yesterday, I introduced a resolution urging the United States to offer a resolution on Belarus at the U.N. Commission on Human Rights and calling upon the Government of Belarus to cease its human rights violations. I look forward to hearing the testimony today of the Chairman of the Belarus Popular Front, who will be speaking momentarily.

In Africa, a continent this Subcommittee is particularly concerned with, human rights abuses are “almost routine” in places like the Great Lakes region, including the Congo, Uganda, and Rwanda, according to the U.S. State Department. Children are forcibly recruited and abducted into militia groups, rape is increasingly used as a weapon of war, and the region is home to one-fifth of the world’s IDPs. The situation is not helped by actions such as the Rwandan Government’s dismantling of leading human rights organizations as part of a campaign against “divisionism.”

Perhaps even more alarming were the reports of serious human rights violations by governments with whom the United States enjoys a close relationship. While Saudi Arabia was for the first time designated a “Country of Particular Concern,” and I commend the Department for its courage in doing that, Saudi Arabia, because of its violations of freedom of religion, there were also credible reports of torture and the abuse of prisoners by security forces, arbitrary arrests, and restrictions of freedom of speech, assembly, and movement.

The need for cooperation in the war on terror has also muted, at times, our concerns about the growing restrictions on democracy in Russia. The *Country Reports*’ overly positive and generalized statements in the introduction and in lead sentences elsewhere downplay the violations and are weak with regard to governmental responsibility for serious human rights abuses in Russia.

In Indonesia, elections resulted in the transfer of power to an elected opposition leader. However, Indonesia’s ad hoc trials on East Timor acquitted most militia leaders and Indonesian officers indicted by the U.N. for crimes against humanity in connection with the 1999 violence in East Timor and levied only minimal penalties against others, none of whom have spent 1 day in jail.

Rather than achieving accountability, the trials became a mechanism for impunity and were viewed as seriously flawed by most international observers. Many of those indicted for crimes against humanity in East Timor continue to maintain powerful positions, and the military continued its offensive in Aceh, attacking dozens of civilian targets, even after the tsunami devastated the region.

In conclusion, the biggest problem with the *Country Reports* is not the reporting itself but the uses to which this human rights re-



porting may or may not be put. It is a challenge. Human rights cannot be the work of one political officer in an Embassy who prepares the annual report once a year and then turns to other tasks. Rather, it must be the foundation on which our bilateral relationship is based.

Secretary Kozak, I want to commend you and your colleagues for your exhaustive work on the 2004 *Country Reports*. As I stated earlier, this is one of the most important services the Department performs. The cornerstone of U.S. policy must be the promotion of American values, which really are universally-recognized values, which include the protection and advancement of fundamental human rights of people around the world. The moral character and depth of soul of any society, again, is measured not by its military might, technological prowess, athletic excellence, or GDP, but by how well it treats its weakest and most vulnerable members.

I would like to yield to my good friend and colleague, Don Payne, for any opening comment you might have.

[The prepared statement of Mr. Smith follows:]

PREPARED STATEMENT OF THE HONORABLE CHRISTOPHER H. SMITH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY AND CHAIRMAN, SUBCOMMITTEE ON AFRICA, GLOBAL HUMAN RIGHTS AND INTERNATIONAL OPERATIONS

The Subcommittee will come to order. I am pleased to convene this hearing of the Subcommittee on Africa, Global Human Rights and International Operations. The Subcommittee today is not only reviewing the State Department's 2004 Country Reports on Human Rights Practices; it is also examining the state of human rights around the world.

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. The right to life, religion, speech, assembly and due process are the pillars of a free, sane and compassionate society.

Second, the United States has a commitment to human rights that is unique in the history of the world. President Bush in his State of the Union speech in January reminded us that "Our founders dedicated this country to the cause of human dignity, the rights of every person, and the possibilities of every life. This conviction leads us into the world to help the afflicted, and defend the peace, and confound the designs of evil men."

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, the dissident, the believer in another religious tradition.

It is particularly disturbing that human rights concerns are often subordinated to other concerns, such as trade, cooperation on terrorism, immigration control, or selling military equipment, in the name of maintaining relations with countries of high importance to U.S. strategic goals. This misses the point. The most important U.S. interest is the promotion of freedom and democracy and 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.

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. Other annual reports, such as the Trafficking in Persons report, the report on International Religious Freedom, and the Global Anti-Semitism Review Act, which last year I helped to pass, also shine the spotlight on specific human rights areas which bear closer examination.

There is a striking similarity between the "black lists" of all of these reports. Burma, China, Eritrea, Iran, North Korea, Saudi Arabia, Sudan and Vietnam are all countries that engage in severe violations of religious freedom. Bangladesh, Burma, Cuba, Ecuador, Equatorial Guinea, Guyana, North Korea, Sierra Leone, Sudan, and Venezuela are all Tier III countries whose governments have made no

significant efforts to satisfy the minimum standards to prevent the trafficking and enslavement of people. It is no surprise that Secretary Rice's six outposts of tyranny—Cuba, North Korea, Belarus, Iran, Burma and Zimbabwe—also dominate these lists.

This Congress, this Subcommittee will track the records of the worst offenders—the “Dirty Dozen of Human Rights Abusers,” so to speak. Their names are among those I have just cited. We will hold hearings on their human rights records. We will enact legislation, engage with the State Department, censure them at the United Nations, and implement other measures to effect positive change. The spotlight will be on their governments and their records. Their victims will not be forgotten.

This year's “Country Reports,” released by the State Department on February 28, 2004, document several important steps forward taken by governments around the world to respect and protect the fundamental human rights of their citizens. We have all heard about the historic elections in Afghanistan and Iraq where governments are now in power because they have been chosen by their electorate. In Ukraine, the will of the people finally prevailed and Ukraine's Supreme Court upheld the rule of law to elect a new President. And there were numerous other smaller but nevertheless important victories, such as the inclusion of human rights provisions in the new constitution of Qatar; indictments of former high-level officials for corruption in Costa Rica and the Gambia; and the indictment of Pinochet for crimes in the 1970s in Chile.

Unfortunately, the news is not all good. The Country Reports also serve to confirm and document what we knew already, that the last year has not been a good one for the state of human rights in the world. Despite a declaration by then-Secretary of State Colin Powell in September of 2004 that genocide had been committed against the people of Darfur, government and government-supported militias known as “janjaweed” continued their attacks on civilian targets. Janjaweed and government forces routinely, according to the State Department, killed, injured and displaced civilians, intentionally attacking civilians, looting their possessions, and destroying their villages. We are fortunate today to have as one of our witnesses Brian Steidle, a former U.S. Marine captain, who was embedded for six months with African Union forces in Darfur and who was an eyewitness to many of these atrocities.

The totalitarian governments of China, North Korea, Vietnam, Turkmenistan and Cuba all continued their persecution of political and religious dissidents, and women in China continued to be subjected to forced abortions and forced sterilization.

I am particularly upset that the State Department this year has decided not to offer a resolution condemning China's record on human rights at the UN Commission on Human Rights. According to its own report, the Chinese government's human rights record remains poor, and the government continued to commit numerous and serious abuses. Abuses include killing, torture, mistreatment of prisoners, and forced confessions. The State Department Human Rights Report went on to say that in late 2004, the Chinese government launched a new campaign against dissident writers, commentators and religious activists.

Nowhere is this more clearly illustrated than in the deplorable case of Mao Hengfeng, a victim of a forced abortion whose ongoing attempts to receive justice have resulted in her sentencing to 18 months of hard labor, during which she has been tortured, denied vitally-needed medicine, and whose life is in danger today. I chaired a hearing of the Committee on International Relations last December on this case and China's continuing abusive and coercive family planning policies. A leading activist in Shanghai, Mao's troubles with the Chinese government began in the late 1980s when, pregnant a second time, she petitioned her work unit for larger housing, which was refused. In the ensuing ten years, during which Mao has bravely fought the government through the Chinese courts, she has twice been confined to a psychiatric facility, been dismissed from her job for “missing too many days of work,” and arrested and sentenced to 18 months of re-education through labor (RTL) for “disturbance of the peace.”

In RTL, credible sources report that in August she was beaten, and that camp police have bound Mao's wrists and ankles with leather straps and pulled her limbs apart for a period of two days to force Mao to acknowledge wrongdoing. On November 19, she lost an appeal in a Shanghai court to receive welfare payments but was seen with blood-blisters and swelling around her wrists and ankles, indicating ongoing abuse. More recently, family members report she is being force-fed an unidentified medicine which turns her mouth black, that she is held for hours in restraints, and that she is incarcerated with two narcotics offenders who are reportedly free to abuse her. Her blood pressure is dangerously high, but she refuses to take medicine for fear of being given psychiatric drugs.

The torture does not stop with those who demand basic human rights and political freedoms. On the religious front there is ongoing aggressive repression of those who want to practice their faith as they see fit. We see Falun Gong practitioners who are routinely rounded up and beaten and abused, and hundreds have been tortured to death while held in captivity. According to the State Department government repression of some unregistered religious groups *increased* during the past year. For instance, the Report documents that Chinese officials beat and abused a number of Catholic priests and lay leaders during 2004.

As my colleagues know, since 1979 there has been the one-child per family policy. The policy says if the second child happens to come along, he or she has to be aborted. Heavy fines are imposed upon the women, particularly. They call it social compensation fees. Sometimes it is six times the annual salaries of the parents compelling them to abort that baby. Forced abortion and forced sterilization are commonplace in China. According to the State Department's 2003 report, one consequence of "the country's birth limitation policies" is that 56 percent of the world's female suicides occur in China, which is five times the world average and approximately 500 suicides by women per day. This year, that language has been watered down to note there exists an "especially high" female suicide rate.

Elsewhere in the world, dictatorships in Belarus and Burma were unsurprisingly similar in their oppressive methods of control to maintain power. Security forces in both countries arbitrarily arrested and detained citizens for political reasons. Police abuse and torture of prisoners continued in Belarus, and in Burma, abuses also included rape, beatings, forcible relocation of populations, and conscription of child soldiers. Yesterday, I introduced a resolution urging the United States to offer a resolution on Belarus at the UN Commission on Human Rights and calling upon the Government of Belarus to cease its human rights violations. I look forward to hearing the testimony today of Vincuk Viachorka, Chairman of the Belarus Popular Front Party. Mr. Viachorka is a key leader in the Belarussian opposition who has refused to bend to the will of Lukashenko.

In Africa, a continent this Subcommittee is particularly concerned with, human rights abuses are "almost routine" in places like the Great Lakes region including the Congo, Uganda, and Rwanda, according to the State Department. Children are forcibly recruited and abducted into militia groups, rape is increasingly used as a weapon of war, and the region is home to one-fifth of the world's 25 million IDPs. The situation is not helped by actions such as the Rwandan government's dismantling of leading human rights organizations as part of a campaign against "divisionism."

Perhaps even more alarming were the reports of serious human rights violations by governments with which the United States enjoys a close relationship. While Saudi Arabia was for the first time designated a "country of particular concern" for its severe violations of religious freedom, there were also credible reports of torture and abuse of prisoners by security forces, arbitrary arrests, and restrictions of freedoms of speech, assembly, and movement.

The need for cooperation in the war on terror has also muted our concerns about growing restrictions on democracy in Russia. The Country Report's overly positive and generalized statements in the introduction and in lead sentences elsewhere downplay the violations and are weak with regard to governmental responsibility for serious human rights abuses.

In Indonesia, elections resulted in the transfer of power to an elected opposition leader. However, Indonesia's *ad hoc* trials on East Timor acquitted most militia leaders and Indonesian officers indicted by the UN for crimes against humanity in connection with the 1999 violence, and levied only minimal penalties against others, none of whom has spent a day in jail. Rather than achieving accountability, the trials became a mechanism for impunity and were viewed as seriously flawed by most international observers. Many of those indicted for crimes against humanity in East Timor continue to maintain powerful positions, and the military continued its offensive in Aceh, attacking dozens of civilian targets even after the tsunami devastated the region. I am disturbed that given these circumstances, the State Department recently certified cooperation on the Papua killings to allow resumption of IMET military training.

Finally, I continue to oppose our growing trade and commercial ties with Vietnam, a one-party state run by the Communists which oppressively controls the ordinary lives of its citizens, rigidly represses political rights, and has been cited by the State Department for its severe violations of religious freedom. The country report on Vietnam documents that the government failed to issue a nationwide decree banning forced renunciations of faith, did not end the physical abuse of religious believers, continued to hold a significant number of religious prisoners, and refused to

allow the re-opening and registration of hundreds of churches in the Central Highlands closed in 2001.

In conclusion, the biggest problem with the Country Reports is not the reporting itself, but the uses to which this human rights reporting may or may not be put. Human Rights can not be the work of one political officer in the Embassy who prepares the annual report once a year and then turns to other tasks. Rather, it must be the foundation on which our bilateral relationship is based.

Secretary Kozak, I want to commend you and your colleagues for your exhaustive work on the 2004 Country Reports. As I stated earlier, this is one of the most important services the Department performs. The cornerstone of U.S. foreign policy must be the promotion of American values, which include the protection and advancement of fundamental human rights of people around the world. The moral character and depth of soul of any society will be 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.

Mr. PAYNE. Thank you very much, Mr. Chairman. Let me commend you for calling this very important and timely hearing. It is always very interesting to hear the annual report of the State Department examining the previous year.

On December 10, 1948, the General Assembly of the United Nations adopted the Universal Declaration of Human Rights. This document should be used as a standard for the basic rights of people all around the world. Universal human rights include, for example, the right to freedom and equality, to not be held in slavery, to not be tortured or abused, the right to work, the right to education, and motherhood and childhood are entitled to special care and assistance.

I think it is important that we focus not only on the most obvious human rights violations, such as violence, physical abuse, torture, and others, but that we also understand and focus adequate attention on hunger, poverty, lack of access to health care, poor quality of education, unfair trade, and the impact of Western agricultural subsidies on developing countries, which create problems back in their own lands.

The World Food Program (WFP) estimates that when women, men, and children go hungry, their human rights, their basic rights to food, which is needed for mere survival, are violated. The worst locust invasion in 15 years has devastated the harvests in Mauritania, leaving hundreds of thousands of people in urgent need of food aid. WFP studies show that 6 out of 10 families in Mauritania's agro-pastoral zone will not have enough food to eat in 2005.

In the late 1990s, the rate of chronic hunger among people in the developing world increased by almost 4 million a year. In today's world, one out of eight people do not have enough food to live healthy, active lives, according to the WFP, therefore, making hunger and malnutrition the number one health risk globally, greater than HIV/AIDS, malaria, and tuberculosis combined.

So whether in Ethiopia, Democratic Republic of Congo, Bangladesh, or Cambodia, hunger still remains an issue, an issue that we need to attack as a basic human rights issue. Among the Millennium Development Goals agreed to by the United Nations member states in 2001 for the 21st century, having the proportion of hungry people in the world reduced is the number one issue on the list. The United States is the largest donor to WFP, but I think we could, and should, be doing more to combat this global human rights problem which should not exist. There is enough food in the world for no one to go hungry.

To do so, we need to focus more on supporting and facilitating agricultural production in the developing world, particularly in Africa. We need to ensure our policies do not infringe upon the ability of people in developing worlds to grow their own food, feed their families, send their children to school, or trade their products. That should be a part of our commitment to human rights.

If we adequately address the issue I just mentioned, we will find that the world will have fewer conflicts and less strife. As a matter of fact, if we can really go about truly alleviating poverty, I think many of the issues that we deal with in Committees like this will be alleviated and will be eliminated.

In order for human rights to thrive, governments around the world must take the Universal Declaration of Human Rights seriously and uphold its provisions. That means allowing people to assemble and have a say in their government. That means girls should have equal access to education as boys and should not be subjected to forms of repressions, such as female genital mutilation. Women should have the same rights as men, including access to employment at wages equal to those of men, and make their own decisions.

We have a long way to go in this world in order to fully live up to the U.N. Universal Declaration of Human Rights. So I look forward to the witnesses' testimony. We will continue to try to urge governments to address all of these human rights abuses, whether it is in Darfur, where it is estimated 180,000 people have died in the last 18 months of hunger and disease and killings, and the problems go on and on, as we have heard the Chairman mention. So I look forward to hearing the testimony of Ambassador Kozak.

Mr. SMITH OF NEW JERSEY. Thank you, Mr. Payne.

Mr. Tancredo?

Mr. TANCREDO. No.

Mr. SMITH OF NEW JERSEY. Ms. Lee?

Ms. LEE. Thank you, Mr. Chairman. Let me just thank you for this hearing, and I want to welcome our witnesses and just say a couple of things. I think it is very important that this hearing be conducted, and we continue to look at international human rights records, consider the inconsistencies, and adjust our foreign policies accordingly.

I would like to also mention this report, and I want all of the witnesses, if possible, to comment on it, that the People's Republic of China came out with as it relates to the human rights record of the United States. I would like to just ask our witnesses for their response to that report.

Very briefly, as I was going through it, Mr. Chairman, let me just say a couple of things that it points out. It says, "Once again," and I raise this because we are the greatest democracy in the world, and we care about standards of human rights everywhere in terms of the Universal Declaration of Human Rights, and it disturbs me, quite frankly, when I read reports like this, and so I would like the witnesses to kind of clarify what they think and how we should respond. But this report says:

"Once again, the United States has acted as the world human rights police by distorting and censoring in the reports the

human rights situation in more than 190 countries and regions across the world, including China.”

They go on to say that:

“As usual, the United States, once again, has omitted its own longstanding malpractice and problems of human rights in the reports. The Chinese report touches on a number of subjects. It mainly draws from news stories readily available on the Internet relating domestic accounts of crime, gun violence, drug abuse, and prison abuse, to name a few. This report also points to inconsistencies in the enormous wealth that the United States has but the poverty, hunger, and homelessness that is prevalent. The report also observes that 40 years after the late Dr. Martin Luther King, Jr.’s ‘I Have a Dream’ speech, the equal rights pursued by American Blacks and minority ethnic groups remain an unattainable dream today.

“Internationally, the Chinese report takes exceptions to the unilateral foreign policy of the United States in terms of military aggression, citing,” and they cite in this report, “a 2003 Human Rights Watch study on the use of cluster bombs in Iraq. The Chinese report also points out the questionable treatment of prisoners in Guantanamo Bay, Cuba.”

Now, they are not the only ones pointing out these inconsistencies. Well-respected nongovernmental organizations like Human Rights Watch and Amnesty International have also made similar claims that the United States is not living up to its name as the staunchest defender of global human rights. Human Rights Watch and Amnesty International point to prolonged, secret detentions in the United States after the horrific September 11th attacks.

They also report on the ill treatment and excessive use of force by United States law enforcement and the harsh sentencing policies that continue to burden our prisons. In fact, Human Rights Watch notes that prisons generally fail to provide safe and humane conditions of confinement or adequate rehabilitative services and programs for prisoners.

So, Mr. Chairman, whenever our human rights record is called into question, I do believe we must take a hard look at it and these reports in order to be credible in our attempts to ensure global human rights, and I would just ask for unanimous consent to insert this report into the record as we discuss global human rights. Thank you very much, Mr. Chairman.

[The information referred to follows:]

- ▶ [China](#)
- ▶ [World](#)
- ▶ [Opinion](#)
- ▶ [Business](#)
- ▶ [Sci-Edu](#)
- ▶ [Culture/Life](#)
- ▶ [Sports](#)
- ▶ [Photos](#)

Services

- [Newsletter](#)
- [Online Community](#)
- [China Biz Info](#)
- [News Archive](#)
- [Feedback](#)
- [Voices of Readers](#)
- [Weather Forecast](#)

RSS Feeds

- [China](#) RSS
- [Business](#) RSS
- [World](#) RSS
- [Sci-Edu](#) RSS
- [Culture/Life](#) RSS
- [Sports](#) RSS
- [Photos](#) RSS
- [Most Popular](#) RSS
- [FM Briefings](#) RSS

Search

About China

- [China at a glance](#)
- [Chinese history](#)
- [Constitution](#)
- [Laws & regulations](#)
- [CPC & state organs](#)
- [Chinese leadership](#)
- [Selected Works of Deng Xiaoping](#)



Home >> [China](#)

UPDATED: 13:28, March 03, 2005

Recomm

## Full text of Human Rights Record of the US in 2004



Following is the full text of the Human Rights Record of the [United States](#) in 2004, released by the Information office of China's State Council Thursday, March 3, 2005.

### The Human Rights Record of the United States in 2004

By the Information Office of the State Council of the People's Republic of China  
March 3, 2005

In 2004 the atrocity of US troops abusing Iraqi POWs exposed the dark side of human rights performance of the United States. The scandal shocked the humanity and was condemned by the international community. It is quite ironic that on Feb. 28 of this year, the State Department of the United States once again posed as the "the world human rights police" and released its Country Reports on Human Rights Practices for 2004. As in previous

years, the reports pointed fingers at human rights situation in more than 190 countries and regions (including China) but kept silent on the US misdeeds in this field. Therefore, the world people have to probe the human rights record behind the Statue of Liberty in the United States.

#### I. On Life, Liberty and Security of Person

American society is characterized with rampant violent crimes, severe infringement of people's rights by law enforcement departments and lack of guarantee for people's rights to life, liberty and security of person.

Violent crimes pose a serious threat to people's lives. According to a report released by the Department of Justice of the United States on Nov. 29, 2004, in 2003 residents aged 12 and above in the United States experienced about 24 million victimizations, and there occurred 1,381,259 murders, robberies and other violent crimes, averaging 475 cases per 100,000 people. Among them there were 16,503 homicides, up 1.7 percent over 2002, or nearly six cases in every 100,000 residents, and one of every 44 Americans aged above 12 was victimized.

The Associated Press reported on June 24, 2004 that the number of violent crimes in many US cities were on the rise. In 2003 Chicago alone recorded 598 homicides, 80 percent of which involved the use of guns. The Washington D.C. reported 41,738 murders, robberies and other violent crimes in 2003, averaging 6,406.4 cases per 100,000 residents. In 2004 the District recorded 198 killings, or a homicide rate of 35 per 100,000 residents. Detroit, which has less than 1 million residents, recorded 18,724 criminal cases in 2003, including 386 murders and 814 rapes, which amounted to a homicide rate of 41 per 100,000 residents.

In 2003 the homicide rate in Baltimore was 43 per 100,000 residents. The Baltimore Sun reported on Dec. 17, 2004 that the city reported 271 killings from January to early December in 2004.

It was reported that on Sept. 8, 2004 that by Sept. 4, 2004 there had been 368 homicides in the city, up 4.2 percent year-on-year. The USA Today reported on July 16, 2004 that in an average week in the US workplace one employee is killed and at least 25 are seriously injured in violent assaults by current or former co-workers. The Cincinnati Post reported on Nov. 12, 2004 that homicides average 17 a week and there are nearly 5,500 violent

- [China Fc](#)

- [PD New](#)

- [People's](#)

- [Most Po](#)

Related N

- [China is: record of 1](#)

- [China's r](#)

US for inf

rights, citi

- [Racial di](#)

deeply roc

report

- [Poverty,](#)

homelessr

China's re

- [China's r](#)

for its "mc

- [China st](#)

US report

human rig

- [Full text](#)

Record of

assaults a day at US job sites.

The United States has the biggest number of gun owners and gun violence has affected lots of innocent lives. According to a survey released by the University of Chicago in 2001, 41.7 percent

of men and 28.5 percent of women in the United States report having a gun in their homes, and 29.2 percent of men and 10.2 percent of women personally own a gun. The Los Angeles Times reported on Jul. 19, 2004 that since 2000 the number of firearm holders rose 28 percent in California.

About 31,000 Americans are killed and 75,000 wounded by firearms each year, which means more than 80 people are shot dead each day. In 2002 there were 30,242 firearm killings in the United States; 54 percent of all suicides and 67 percent of all homicides were related to the use of firearms. The Associated Press reported that 808 people were shot dead in the first half of 2004 in Detroit.

Police violence and infringement of human rights by law enforcement agencies also constitute a serious problem. At present, 5,000 law enforcement agencies in the United States use TASER - a kind of electric shock gun, which sends out 50,000 volts of impulse voltage after hitting the target. Since 1999, more than 80 people died from TASER shootings, 60 percent of which occurred between November 2003 and November 2004.

A survey found that in the 17 years from 1985 to 2002, Los Angeles recorded more than 100 times increase in police shooting at automobile drivers, killing at least 25 and injuring more than 30 of them. Of these cases, 90 percent were due to misjudgment. (The Los Angeles Times, Feb. 29, 2004.)

On Jul. 21, 2004 Chinese citizen Zhao Yan was handcuffed and severely beaten while she was in the United States on a normal business trip. She suffered injuries in many parts of her body and serious mental harm.

The New York Times reported on Apr. 19, 2004 a comprehensive study of 328 criminal cases over the last 15 years in which the convicted person was exonerated suggests that there are thousands of innocent people in prison today. The study identified 199 murder exonerations, 73 of them in capital cases. In more than half of the cases, the defendants had been in prison for more than 10 years.

The United States characterizes itself as "a paradise for free people," but the ratio of its citizens deprived of freedom has remained among the highest in the world. Statistics released by the Federal Bureau of Investigation last November showed that the nation made an estimated 13.6 million arrests in 2003. The national arrest rate was 4,695.1 arrests per 100,000 people, 0.2 percent up than that of the previous year (USA Today, Nov. 8, 2004).

According to statistics from the Department of Justice, the number of inmates in the United States jumped from 320,000 in 1980 to 2 million in 2000, a hike by six times. From 1995 to 2003, the number of inmates grew at an annual rate of 3.5 percent in the country, where one out of every 142 people is behind bars. The number of convicted offenders may total more than 6 million if parolees and probationers are also counted. The Chicago Tribune reported on Nov. 8 last year that the federal and state prison population amounted to 1.47 million last year, 2.1 percent more than in 2003. The number of criminals rose by over 5 percent in 11 states, with the growth in North Dakota up by 11.4 percent and in Minnesota by 10.3 percent.

Most prisons in the United States are overcrowded, but still cannot meet the demand. The country has spent an average of 7 billion US dollars a year building new jails and prisons in the past 10 years. California has seen only one college but 21 new prisons built since 1984.

Jails have become one of the huge and most lucrative industries, with a combined staff of more than 530,000 and being the second largest employer in the United States only after the General Motors. Private prisons are more and more common. The country now has over 100 private prisons in 27 states and 18 private prison companies. The value of goods and services created by inmates surged from 400 million US dollars in 1980 to 1.1 billion US dollars in 1994. Abuse of prisoners and violence occur frequently in US jails and prisons, which are under disorderly management. The Los Angeles Times reported on Aug. 15 last year that over 40 state prison systems were once under some form of court order, for brutality, crowding, poor food and lack of medical care.



The NewsWeek of the United States also reported last May that in Pennsylvania, Arizona and some other states, inmates are routinely stripped in front of others before being moved to a new prison or a new unit within their prison. Male inmates are often made to wear women's pink underwear as a form of humiliation. New inmates are frequently beaten and cursed at and sometimes made to crawl.

At a jail in New York City, some guards bump prisoners against the walls, pinch their arms and wrists, and force them to receive insulting checks nakedly. Some male inmates are sometimes compelled to stand in the nude before a group of women guards. Some female inmates go in shackles to hospital for treatment and nursing after they get ill or pregnant, some give births without a midwife, and some are locked to sickbeds with fetters after Caesarean operation.

Over 80,000 women prisoners in the United States are mothers, and the overall number of the minor children of the American women prisoners is estimated at some 200,000. The country had more than 3,000 pregnant women in jails from 2000 to 2003 and 3,000 babies were born to the prisoners during this period (see Mexico's Milenio on Feb. 21, 2004). It is estimated that at least more than 40,000 prisoners are locked up in the so-called "super jails", where the prisoner is confined to a very tiny cell, cannot see other people throughout the year, and has only one hour out for exercise every day.

Sexual harassment and encroachment are common in jails in the United States. The New York Times reported last October that at least 13 percent of inmates in the country are sexually assaulted in prison (Ex-Inmate's Suit Offers View Into Sexual Slavery in Prisons, The New York Times, Oct. 12, 2004). In jails of seven central and western US states, 21 percent of the inmates suffer sexual abuse at least once after being put in prison. The ratio is higher among women inmates, with nearly one fourth of them sexually assaulted by jail guards.

## II. On Political Rights and Freedom

The United States claims to be "a paragon of democracy," but American democracy is manipulated by the rich and malpractices are common.

Elections in the United States are in fact a contest of money. The presidential and Congressional elections last year cost nearly 4 billion US dollars, some 1 billion US dollars or one third more than that spent in the 2000 elections. The 2004 presidential election has been listed as the most expensive campaign in the country's history (see <http://www.opensecrets.org/overview>), with the cost jumping to 1.7 billion US dollars from 1 billion US dollars in 2000. To win the election, the Democratic Party and Republican Party had to try their utmost to raise funds.

The Washington Post reported on Dec. 3 last year that the Democratic Party collected 389.8 million US dollars in electoral funds and the Republican Party raised 385.3 million US dollars, both hitting a record high (see Fundraising Records Broken by Both Major Political Parties, Washington Post on Dec. 3, 2004).

Data released by the Federal Election Commission (FEC) on Dec. 14, 2004 show the average spending for Senate races was 2,518,750 US dollars in 2004, with the highest reaching 31,488,821 US dollars; and the average spending for House races was 511,043 US dollars (see <http://www.opensecrets.org/overview>), with the highest reaching 9,043,293 US dollars (see <http://www.opensecrets.org/overview/topraces.asp?cycle=2004>).

The Republican Party, the Democratic Party and their periphery organizations spent a total of 1.2 billion US dollars on TV commercials, making this presidential election the most expensive in history. The TV commercials were broadcast 750,000 times, twice of the airings in the general election in 2000. In the Oct. 1 - 13 period in 2004, the Republican Party spent 14.5 million US dollars on advertising, and the Democratic Party's advertising spending amounted to 24 million US dollars in the first 20 days of October 2004.

In the elections, political parties and interest groups not only donated money for their favorite candidates, but also directly spent funds on maximizing their influence upon the elections. In Maryland, some corporate bosses donated as much as 130,000 US dollars. In return, the candidates after being elected would serve the interests of big political donors. The Baltimore Sun called this "Buying Power" (see "Buying Power", The Baltimore Sun, April 5, 2004). Due to the fact that local judges in 38 states need to be elected, quite a number of candidates began campaign advertising and looking for

big donors. Some interest groups also got themselves involved in the judge election campaign. The US election system has quite a few flaws. The newly adopted Help America Vote Act of 2004 requires voters to offer a series of documents such as a stable residence or identification in registering, which in reality disenfranchises thousands of homeless people.

The United States is the only country in the world that rules out ex-inmates' right to vote, which disenfranchises 5 million ex-inmates and 13 percent male black people (see Milenio, Mexico, Oct. 22 2004).

The 2004 US presidential election reported many problems, including counting errors, machine malfunctions, registration confusion, legal uncertainty, and lack of respect for voters. According to a report carried by the USA Today on Dec. 28, 2004, due to counting errors, a review of election results in 10 counties nationwide by the Scripps Howard News Service found more than 12,000 ballots that weren't counted in the presidential race, almost one in every 10 ballots cast in those counties. Due to machine malfunctions, 92,000 ballots failed to record a vote for president in Ohio alone. Registration confusion made four fifths of the states go into the election without computerized statewide voter databases (see "Election Day Leftovers", USA Today, Dec. 28, 2004). The Democratic Party brought 35 lawsuits against the Republican Party in at least 17 states, charging the latter with threatening and blocking voters from registering or voting, especially minority ethnic groups. In Florida, the cases of black people being removed from voter registration list or their votes being denied were 10 times higher than people of other races. The British Broadcasting Corporation (BBC) reported on Sept. 22, 2004 that during the period of election, someone often distributed handbills to black voters to balk and intimidate them by saying that anyone who defaulted electricity bills, apartment bills or parking fines would be arrested outside the polling booths. Some others pretended to be plainclothes outside polling booths and demanded voters show their identifications. However, black people who were able to present photo identification were less than one fifth of white people, therefore, many of them were rejected.

In the meantime, fabrications of disputable pictures and statements were put in the agenda of political maneuvers. Campaign advertisement and political debates were full of distorted facts, false information and lies. According to statistics of the Annenberg Public Policy Center of University of Pennsylvania, campaign advertisement for the 2004 US presidential election had a large proportion of false information that was enough to mislead voters, far beyond 50 percent in 1996. In the Republican camp, at least 75 percent contained untrue information and personal attacks. The website of the center (<http://www.FactCheck.org>) listed at least 100 items of such information.

The US freedom of the press is filled with hypocrisy. Power and intimidation hang over the halo of press freedom. The New York Times published a commentary on March 30, 2004, saying that the US government's reliance on slandering had reached an unprecedented level in contemporary American political history, and the government prepared to abuse power at any moment to threat potential critics.

A collected works, *Sensor USA*, revealed that whenever the faults of government dignitaries or big companies were touched, the strong American press censorship system would snap at the journalists who insisted on investigation and made them the last sacrificial lamb. (see *Das Schweigen der Journalisten*, *Handelsblatt, Germany*, March 17, 2004).

The Federal Bureau of Investigation (FBI) kept watch on a leader of freedom of speech movement in University of California at Berkeley for a decade long. Although no record showed he violated federal laws, the FBI hired someone to keep monitoring his daily activities and collect his personal information without permission from the court. (see *SingTao Daily*, Oct. 11, 2004).

On July 16, 2004 the US State Department made a regulation, in violation of the norms of most other countries, that foreign reporters should leave the country while waiting for the valid period of their visas to be extended. The annual report of Native American Journalists Association criticized the US administration for the move, which severely infringes upon press freedom. (see AP story, *Antigua, Guatemala* Oct. 24, 2004).

Someone with the American Society of Newspaper Editors said that the US administration's measures reflected its repulsion of foreign news media. (see *Milenio, Mexico*, June 20, 2004). In Iraq, the United States on the one hand alleged that it had brought democracy to the Iraqi people, on the other hand it suppressed public opinion. On March 28, 2004 US troops closed down a Shiite newspaper in Baghdad, which

triggered a protest demonstration by thousands of Iraqi people.

On Sept. 27, the Association of American University Presses, Association of American Publishers and other organizations jointly lodged a complaint to the district court of Manhattan, New York, charging the Office of Foreign Assets Control under the Department of the Treasury with deliberately preventing literary works of Iranian, Cuban and Sudanese writers from entering the United States and turning the economic sanctions against the three countries into a "censorship system" to stop free dissemination of information and ideology. (see Xinhua story, Sept. 30, 2004).

In another case, eight reporters, including Jim Taricani of the TV station in Providence, Rhode Island with the National Broadcasting Company (NBC), Judith Miller of The New York Times, and Matthew Cooper of Time magazine, were declared guilty for they declined to disclose the confidential sources of news. The New York Times pointed out on Nov. 10, 2004 that through these cases, it was found out that press freedom suffered rampant infringement.

In addition, in recent years, over a dozen foreign journalists have been detained in airports in the United States, including the one in Los Angeles. In March 2003, a Danish press-photographer was expelled out of the country after a DNA test. A Swiss journalist was rejected from entry of an airport in Washington D.C. The airport staffs by force took pictures and finger prints of the journalist. Meanwhile, he was not permitted to contact the Swiss embassy in the United States. In May, two groups of French journalists, altogether six members, were rejected of entry the US territory. They simply came to the United States to cover an exposition. Two Dutch journalists fell into trouble when they were covering a film award ceremony. In October and December, one British reporter and one Austrian journalist were held up at US airports respectively. In early May, 2004, a British female journalist, who was sent by The Guardian to Los Angeles to cover some events, was detained at the Los Angeles airport and faced interrogation and body search, and then was handcuffed and taken to the detention house in the downtown. There, she was detained for 26 hours before sent back to Britain.

### III. On Economic, Social and Cultural Rights

The United States refuses to ratify the International Covenant on Economic, Social and Cultural rights and took negative attitude to the economic, social and cultural rights of the laborers. Poverty, hunger and homelessness have haunted the world richest country.

The population of people living in poverty has been on a steady rise. According to a report by The Sun on July, 6, 2004, from 1970 to 2000 (adjusted for inflation), the bottom 90 percent's average income stagnated while the top 10 percent experienced an average yearly income increase of nearly 90 percent. Upper-middle-and-upper-class families that constitute the top 10 percent of the income distribution are prospering while many among the remaining 90 percent struggle to maintain their standard of living. Worsening income disparities have formed two Americas. (Two Americas, The Baltimore Sun, July 6, 2004). According to a report of the Wall Street Journal on June 15, 2004, a study on the fall of 2003 by Arthur Kennickell of the Board of Governor of the Federal Reserve System showed that the nation's wealthiest 1 percent owned 53 percent of all the stocks held by families or individuals, and 64 percent of the bonds. They control more than a third of the nation's wealth. (US Led a Resurgence Last Year Among Millionaires World-Wide, The Wall Street Journal, June 15, 2004). In Washington D.C., the top 20 percent of the city's households have 31 times the average income of the 20 percent at the bottom. (D.C. Gap in Wealth Growing, The Washington Post, July 22, 2004).

Since November 2003, the average income of most American families have been on the decline. The earning of many medium and low-income families could not keep up with the price rises. They could barely handle the situation. According to the statistics released by the US Census Bureau in 2004, the number of Americans in poverty has been climbing for three years. It rose by 1.3 million year-on-year in 2003 to 35.9 million. The poverty rate in 2003 hit 12.5 percent, or one in eight people, the highest since 1996. (Census: Poverty Rose By Million, USA Today, August 27, 2004, More Americans Were Uninsured and Poor in 2003, Census Finds, The New York Times, August 27, 2004).

The homeless population continues to rise nationwide. On Dec. 15, 2004, an annual survey report released at the US Conference of Mayors showed that the number of people seeking emergency food aid increased by 14 percent year-on-year while the

number of people seeking emergency shelter aid increased by 6 percent. (<http://www.usmayors.org>). It is estimated that the homeless population reached 3.5 million in the United States. But the US Federal budget has stopped providing funds to build new affordable housing, which forced many local governments to cut the public housing projects. The city of San Diego has a homeless population of 8,000, but the government could only provide 3,000 temporary beds. Those without lodging tickets are regarded as illegal to live on the streets. They would be summoned or detained. In January 2004, an investigator with the US Commission on Human Rights denounced the US for large-scale infringement on human rights on housing issues.

The health insurance crisis has become prominent. A report of the Washington Post on Sept. 28, 2004 said health insurance costs posted their fourth straight year of double-digit increases in 2004. Over the past four years, health insurance costs have leaped 59 percent - about five times faster than both wage growth and inflation. Around 14.3 million Americans put one fourth of their income on the health expenses. (Higher Costs, Less Care, The Washington Post, September 28, 2004). Currently, family health insurance plan costs more than 10,000 US dollars each year. Many families could not afford it. Fewer workers have coverage - 61 percent in 2004, compared with 65 percent in 2001. (Health Plan Costs Jump 11%, The Washington Post, September 10, 2004) Compared with 2003, the number of people without health insurance increased 1.4 million to 45 million, or 15.6 percent of the country's population. (Census: Poverty Rose by Million, USA Today, August 27, 2004). In Texas, about one fourth of the workers don't have health insurance. (Spain Uprising newspaper, May 11, 2004). In California, around 6 million Californians don't have health insurance and the welfare system with the annual cost of 60 billion US dollars are about to collapse. (The Los Angeles Times, May 6, 2004). Meanwhile, medical accidents occurred one after another, becoming the third killer following heart disease and cancer. According to a report of Boston Globe on July 27, 2004, one out of every 25 in-patients become the victim of medical accident. From 2000 to 2002, 195,000 people died of medical accidents each year. The actual figure might be twice of that.

#### IV. On Racial Discrimination

Racial discrimination has been deeply rooted in the United States, permeating into every aspects of society.

The colored people are generally poor, with living condition much worse than the white. According to a report of The Guardian of Britain on Oct. 9, 2004, the average net assets of a white family is 88,000 US dollars in 2002, 11 times of a family of Latin American ancestry, or nearly 15 times of a family of African ancestry. Nearly one third of the African ancestry families and 26 percent of the Latin American ancestry families have negative net assets. 74 percent of the white families have their own houses, while only 47 percent of families of the African and Latin American ancestry have their own houses. The market value of houses bought by black families is only 65 percent of those of white people. Black people's encounter of mortgage loans refusal for house purchase or furniture is twice that of white people. Some black families don't even think of buying their own houses. The death rate of illness, accident and murder among the black people is twice that of the white.

The rate of being victim of murders for the black people is five times that of the white. The rate of being affected by AIDS for the black people is ten times that of the whites while the rate of being diagnosed by diabetes for the black people is twice that of the whites. (The State Of Black America 2004, issued by National Urban League on March 24, 2004. <http://www.nul.org/pdf/sobaexec.pdf>).

Statistics show that the number of black people living in poverty is three times that of the white. The average life expectancy of the black is six years shorter than the white.

People of minority ethnic groups are biased against in employment and occupation. The Equal Employment Opportunity Commission of the United States received 29,000 complaints in 2003 of racial bias in the workplace (Racism in the 21st Century, published in USA Today May 5, 2004 issue).

Statistics provided by the United States Department of Labor also suggest that by November 2004, the unemployment rate for black and white people is 10.8 percent and 4.7 percent respectively (<http://bls.gov/news.release/pdf/empst.pdf>). In New York City, one of every two black men between 16 and 64 was not working by 2003 (see Nearly Half of Black Men Found Jobless, published by The New York Times on Feb. 28 2004). Black people not only have fewer job opportunities, but also earn less than white

people. Even with the same job, a black man only earns 70 percent of that for a white man. Regions such as California, where immigrants make up a larger proportion of the local population, are almost like traps of death. Mexican Laborers who have come to work in the United States have a mortality as high as 80 percent.

Teenagers from at least 38 countries work like slaves (EFE San Francisco, Sept. 26, 2004). Out of 45 million people who are unable to afford Medicare in the United States, 7 million are African-Americans, accounting for about one fifth of the total African-Americans in the States. The proportion is 77 percent higher than that for the white people (available at [http://www.johnkerry.com/communities/african-americans/gw\\_record.html](http://www.johnkerry.com/communities/african-americans/gw_record.html)).

The Declaration of Independence said all men are created equal, so the gap between black and white people is simply an insult to the founding essence of the United States (see US News and World Report on March 29, 2004).

Apartheid runs rampant at schools of the United States. On May 17, 1954, Chief justice Earl Warren of the Supreme Court announced the court's decision over a case known as *Brown v. Board of Education* that the doctrine of "separate but equal" had no place in US public schools. Fifty years later, white children and black children in the United States still lead largely separate lives. One in eight southern black students attends a school that is 99 percent black. About a third attend schools that are at least 90 percent minority. In the Northeast, by contrast, more than half of blacks attend such schools (*Schools and Lives Are Still Separate*, The Washington Post, May 17, 2004).

Racism recurs on campus of American universities. Fascist slogans and posters promoting superiority of white people, along with threats by weapon or words were found on college campuses including University of California at Berkeley. Protests were sparked off when Santa Rosa Junior College in California published anti-Semitism opinions in a column article in its campus newspaper and the chat room of its website were dominated by white-superior surfers. At Dartmouth College, white girl students auctioned off black slaves in fund-raising activities. At the University of Southern Mississippi, hordes of white students assaulted four black students, chanting racist slogans after a football match was over. At Olivet College of Michigan State, where there are only 55 black students, 51 of the black students quitted school after racial cases of violence or harassment (see The China Press, a Chinese language newspaper published in New York, on April 17, 2004).

Racial prejudice has made social conflicts to become acute, causing a rise in hate crimes. Racial prejudice, most often directed at black people, was behind more than half of the nation's 7,489 reported hate crime incidents in 2003, the FBI said on Nov. 22 2004. Race bias was behind 3,844 of the total cases in 2003. FBI claimed after having made statistics of hate crimes handled by 16 percent of the law-enforcement organizations in the States.

Reports of hate crimes motivated by anti-black bias totaled 2,548 in 2003, accounting for 51.4 percent of the total, more than double the total hate crimes against all other racial groups. There were 3,150 black victims in these reports, according to the annual FBI figures (AP, Washington, Jan. 26, 2004). And with regard to the attribute of race, among the 6,934 reported offenders, 62.3 percent were white (<http://www.fbi.gov/pressrel/pressrel04/pressrel12204.htm>).

In a related development, because of the "lingering atmosphere of fear" stemming from the Sept. 11 attacks and fallout from the Iraq War, there were 1,019 anti-Muslim incidents in the United States in 2003, representing a 69 percent increase. There were 221 incidents in 2003 of anti-muslim bias in California, tripled a year ago (Los Angeles Times, May 3).

Racial prejudice is ubiquitous in judicial fields. The proportion for persons of colored races being sentenced or being imprisoned is notably higher than whites. In accordance with a report published in November 2004 by the US Department of Justice, colored races accounted for over 70 percent of inmates in the United States. And 29 percent of black people have the experience of being in jail for once. Black people make up 12.3 percent of the population in the United States, but by the end of 2003, out of 1.4 million prisoners who are serving jail terms above one year at the federal or state prisons, 44 percent were blacks, or on average, 3,231 in every 100,000 African-Americans were criminals. Latino-American inmates make up 19 percent of the total prisoners, or 1,778 in every 100,000 Latino-Americans are inmates. Inmates of other color races account for 21 percent (<http://www.ojp.usdoj.gov/bjs/abstract/P03.htm>). At the end of 2003, 12.8 percent of

black men aged 25 to 29 were in prison (Chicago Tribune, Nov. 8, 2004), compared 1.6 percent of white men in the same group (A Growing Need for Reform, The Baltimore Sun, June 20, 2004). Blacks receive, on average, a longer felony sentence than whites. A black person's average jail sentence is six months longer than a white's for the same crime. Blacks who are arrested are 3 times more likely to be imprisoned than whites who are arrested. White felons are more likely to get probation than blacks. (see the State Black America 2004, issued by National Urban League on March 24, 2004, <http://www.nul.org/pdf/sobaexec.pdf>).

After the Sept. 11 incident, the United States openly restricts the rights of citizens under the cloak of homeland security, and uses diverse means including wire tapping of phone conversations and secret investigations, checks on all secret files, and monitoring transfers of fund and cash flows to supervise activities of its citizens, in which, people of ethnic minority groups, foreigners and immigrants become main victims.

Statistics show that after the Sept. 11 attacks, 32 million were investigated out of racial prejudice concern throughout the United States. Among the people being investigated out of racial prejudice concern, African-Americans made up 47 percent, followed by people of Latino and Asian origins. White Americans only account for 3 percent. On June 23, 2004, authorities with the Los Angeles Police Department and the US Federal Bureau of Investigation authorities investigated the televised beating of a black suspect by white police in Los Angeles that has resurrected the explosive spectre of the 1991 Rodney King assault. Eight police officers have been removed from regular duties following the incident on June 23 in which three of them were seen tackling the suspected black car thief, one beating him repeatedly with a metal flashlight (AFP, Los Angeles, June 24, 2004).

In the meantime, the anti-immigrant trend has become increasingly serious in the States. The US Department of Homeland Security announced in November 2004 that 157,281 immigrants were repatriated in one year, up 8 percent from a year ago, a record high. The number of foreigners arrested without any documents also went up by 112 percent (Argentina La Nacion, Nov. 21, 2004).

Another report says starting from last year, many American cities such as San Francisco, Baltimore, Philadelphia, Miami, Saint Paul, Denver, Kansas and Portland, dozens of immigrants from Mexico or other countries are arrested each day and are forced to wear letters like suspects. The practice of treating illegal immigrants like criminals has become a national trend. The limit in the definition of terrorists and illegal immigrants has become very blurry.

#### V. On The Rights of Women and Children

The situation of American women and children was disturbing. The rates of women and children physically or sexually victimized were high. According to FBI Crime Statistics, in 2003 the United States witnessed 93,233 cases of raping. Virtually 63.2 in every 100,000 women fell victims. The statistics also showed that every two minutes one woman was sexually assaulted and every six minutes one woman was raped.

The number of women abused and treated at First Aid Centers exceeded one million every year. More than 1,500 women in the United States were killed every year by their husbands, lovers or roommates (The Milenio, Mexico, Sept. 26, 2004). Nearly 78 percent of American women were physically victimized at least once in their lifetime. And 79 percent of the women were sexually abused at least once. A survey released in November 2004 by the US National Institute of Justice showed by the time they concluded four years of college education, 88 percent of the women had experiences of physical or sexual victimization and 64 percent of them experienced both. In the past decade, charges handled by the US Equal Employment Opportunity Commission against sexual harassment on women surged 22 percent (The Sun, Jul. 16, 2004).

Sex crimes in the US military were on the rise. According to the Washington Post (Jun. 3, 2004), from 1999 to 2002 the number of lawsuits against sexual crimes in the US army that were formally filed grew from 658 to 783, up 19 percent. And the number of rape cases went up from 356 to 445, up 25 percent. The number of such cases rose equally 5 percent between 2002 and 2003. The British Guardian reported on Oct. 25, 2004 that by the end of September 2004 the Miles Foundation had dealt with 242 cases filed between September 2002 and August 2003 about US woman soldiers being raped or sexually harassed in Iraq, Kuwait, Bahrain or Afghanistan. In addition, there were 431 cases of US women soldiers being sexually harassed at other military bases.

Women's labor and social rights were violated. According to The Sun newspaper (Jul. 16, 2004), the charges handled by the Equal Employment Opportunity Commission on sexual discrimination against women grew 12 percent in the past decade. In 2004 two cases drew wide attention. They were a bias class lawsuit involving 1.6 million women employees at Wal-Mart and another case involving 340 women staffers of Morgan Stanley (New York Times, Jul. 13, 2004).

Men and women on the same job were not paid the same. Statistics released by the US Labor Department in Jan. 2004 showed a woman who worked full time had the median earning of 81.1 percent of that for a man. The Chicago Tribune said on Aug. 27, 2004 that the rate of women in poverty went up fast, to 12.4 percent of the entire female population.

The health care for American women was at a low level. The US Family Medical Leave Act guarantees 12 weeks of unpaid leave for childbirth to about half of all mothers and nothing for the rest. A study of 168 countries conducted by the Harvard School of Public Health indicated that US workers have fewer rights to time off for family matters than workers in most other countries, and rank near the bottom in pregnancy and sick leave. "The United States trails enormously far behind the rest of the world when it comes to legislation to protect the health and welfare of working families," said Jody Heymann, a Harvard associate professor who led the study. (AP Boston, Jun. 17, 2004)

Child poverty was a serious problem. The Chicago Tribune reported on Aug. 27, 2004 that the number of children in poverty climbed from 12.1 million in 2002 to 12.9 million in 2003, a year-on-year increase of 0.9 percent. About 20 million children lived in "low-income working families" -- with barely enough money to cover basic needs (AP Washington, Oct. 12, 2004). In California, one in every six children did not have medical insurance. The Los Angeles Times said on May 6, 2004 that in the metropolitan area the number of homeless children found wandering on the streets at night numbered 8,000, which had stretched the 2,500-bed government-run emergency shelter system well beyond capacity. Poverty deprived many children the opportunity to obtain higher education. In the 146 renowned institutions of higher learning, only 3 percent of the students came from the low-income class, while 74 percent of them were from the high-income class.

Children were victims of sex crimes. Every year about 400,000 children in the US were forced to engage in prostitution or other sexual dealings on the streets. Home-deserting or homeless children were the most likely to fall victims of sexual abuse. Reports on children sexually exploited, which were received by the National Center for Missing & Exploited Children, soared from 4,573 cases in 1998 to 81,987 cases in 2003 (The USA Today, Feb. 27, 2004).

In recent years scandals about clergymen molesting children kept breaking out. According to a study commissioned by the American Catholic Bishops, in 2004 a total of 756 catholic priests and lay employees were charged with child sexual harassment. It is believed that from 1950 to 2002 more than 10,600 boys and girls were sexually abused by nearly 4,400 clergymen (AFP, Feb. 17, 2005). Moreover, every year over 4.5 million kids in the United States were molested in kindergartens and schools, which amounted to one in every ten (AP, Jul. 14, 2004).

Violent crimes occurred frequently. Studies show nearly 20 percent of US juveniles lived in families that possessed guns. In Washington D.C. 24 people younger than 18 were killed in 2004, twice as many as in 2003 (The Washington Post, Jan. 1, 2005). In Baltimore, 29 juveniles were killed from Jan. 1 to Sept. 27 in 2004. In 2003 35 were killed (The Washington Post, Sept. 28, 2004).

A report released by the US Justice Department on November 29, 2004 said about 9 percent of school kids aged 9 to 12 admitted being threatened with injury or having suffered an injury from a weapon while at school in 2003.

More and more schoolers were reluctant to go to school because of security concerns. Child abuses and neglects were widely reported in the United States. The Sun newspaper reported on May 18, 2004 that in 2002, a total of 900,000 children in the United States were abused, of whom nearly 1,400 died.

Every year, 1.98 out of every 100,000 American children were killed by their parents or guardians. In Maryland, the rate was as high as 2.4 per 100,000. (Md Child Abuse Deaths Exceed National Average, The Sun, May 18, 2004). The Houston Chronicle newspaper reported on Oct. 2, 2004 that in Texas, each staff of local government

departments responsible for protecting children's rights handled 50 child abuse cases every month.

Two thirds of juvenile detention facilities in the United States lock up mentally ill youth; every day, about 2,000 youth were incarcerated simply because community mental health services were unavailable. In 33 states, juvenile detention centers held youth with mental illness without any specific charges against them (<http://demonstrats.reform.house.gov/Documents/200408171941-41051.pdf>).

The USA Today reported on July 8, 2004 that between Jan. 1 and June 30 of 2003, 15,000 youth detained in US youth detention centers were awaiting mental health services, while children at the age of 10 or younger were locked up in 117 youth detention centers. The detention centers totally ignored human rights and personal safety with excessive use of drugs and force, and failed to take care of inmates with mental problems in a proper way. They even locked up prisoners in cages. There were reports about scandals involving correctional authorities in California, where two juvenile inmates hanged themselves after they were badly beaten by jail police (San Jose Mercury News and Singtao Daily, March 18, 2004).

#### **VI. On the Infringement of Human Rights of Foreign Nationals**

In 2004, US army service people were reported to have abused and insulted Iraqi POWs, which stunned the whole world. The US forces were blamed for their fierce and dirty treatments for these Iraqi POWs. They made the POWs naked by force, masking their heads with underwear (even women's underwear), locking up their necks with a belt, towing them over the ground, letting military dogs bite them, beating them with a whip, shocking them with electric batons, needling them sometimes, and putting chemical fluids containing phosphorus on their wounds. They even forced some of these POWs to play "human-body pyramid" while staying naked, in the presence of US soldiers who were standing on the roof and mocking at them. They sometimes sodomized these POWs with lamp pipes and brooms. Some Iraqi civilians were also fiercely abused.

The newspaper Pyramid pointed out that the true face of Americans was exposed through this incident. A spokesman of the International Committee of the Red Cross (ICRC) said, sarcastically, that the US has made the whole world see what the hell a democratic, law-ruled nation is.

According to US media like the Newsweek and the Washington Post, as early as several years ago, in US forces' prisons in Afghanistan, interrogators used various kinds of torture tools for acquiring confession, causing many deaths.

British newspaper The Observer reported on March 14, 2004 that according to a report by the ICRC, US soldiers had formed a kind of mode for arresting people even before the Iraq war. "Torture is part of the process."

Over 100 former Iraqi high-ranking government and military officials were put under special custody by the US military. They stayed 23 hours a day in dark, small and tightly closed concrete-made wards, where they were allowed to leave the wards twice a day, with 20 minutes available for taking a bath or going to the toilet.

On Nov. 26, Iraqi Lieutenant General Abid Hamid Mahmud al-Tikriti was put in a sleeping bag by force and died after he was physically tortured during an interrogation.

According to a latest report by AP, on Feb. 18, 2005, in November 2003, CIA people hanged dead one of the so-called "ghost" prisoner in the Abu Ghraib Prison by fierce means, with his two hands cuffed behind his back. When he was released with shackles and lowered, blood gushed from his mouth "as if a faucet had been turned on."

Among the 94 abuse cases confirmed and published by the Office of the US Inspector General for the Field Army, 39 people were killed, 20 of these cases were confirmed as murder. There were also severe child abuses conducted by the US forces.

At least 107 children were imprisoned in seven prisons including the Abu Ghraib Prison run by the US forces in Afghanistan. They were not allowed to get in contact with their families. Their term in prison was undetermined. It was not clear when they were going to be brought court hearing. Some of these children had been abused. One low-ranking US officer who had served in the Abu Ghraib Prison testified that US soldiers abused some of these children in custody, and they had even assaulted young girls sexually.



What's more fierce is that US soldiers used military dogs to frighten these juvenile prisoners to see whose dog could scare them to lose control on excretion. US forces had violated the Vienna Convention on Diplomatic Relations, by detaining two Palestinian diplomats to Iraq in a prison ward of the Abu Ghraib Prison, together with 90 other men. They spent one year in the prison, suffering from very poor living conditions.

The ICRC believed that abuse of detained Iraqis in the notorious Abu Ghraib Prison was not a single case. It was a systematic behavior. According to some White House documents that were made public on June 22, 2004, the Department of Defense approved to use harsh means to interrogate prisoners in Guantanamo, Cuba.

The US Secretary of Defense said in the public that the Geneva Convention does not mean that all the detainees, especially those who were so-called "non-fighting personnel", should be treated as a POW. A draft memorandum of the Department of Defense also claimed that US laws and international conventions, including the Geneva Convention, which strictly ban the use of torture, do not apply to US President as the General Commander of the US Army. A memorandum of the US Department of Justice makes it even more clearly that the United States could use international laws to measure other countries on the issue of the treatment of POWs, while it is not necessary for Washington to abide by these laws. The interrogators were trained to find ways to torture prisoners, physically, while they should exceed the Geneva Convention, technically.

Media found that the US soldiers' behaviors in humiliating Iraqi prisoners as showed photos were typically what they were trained for. US Brigadier General Yanis Karpinski told the press that her boss once said to her that "prisoners are dogs." if they were made to think that they were a bit better than dogs, they could get out of control.

Meanwhile, the US government has tried for the third successive year to extend the term of a resolution of the UN Security Council that soldiers could be exempted of lawsuit by the International Criminal Court, even if they break the relevant rules. In view of prisoner abuses in Iraq, this has been strongly criticized by the UN General Secretary (Reuters' story on June 17, 2004).

Former US President Jimmy Carter also criticized that the US policies formulated by the high-ranking officials are a kind of retrogression, which has damaged the principles of democracy and rule of law and lacked respect for fundamental human rights.

To avoid international scrutiny, the United States keeps under wraps half of its 20-odd detention centers worldwide which are holding terrorist suspects. And at least seven US-controlled clandestine prisons, one of which dubbed "inferno," in Afghanistan, have not been kept within the bounds of law. (Prensa Latina, Aug. 16, 2004)

In a report by the Human Rights First on 24 US secret interrogation centers, these secret facilities are believed to "make inappropriate detention and abuse not only likely but virtually inevitable." (British newspaper the Times, Sept. 11, 2004)

Moreover, an executive jet is being used by the American intelligence agencies to fly terrorist suspects to other countries, in a bid to use torture and evade American laws. The plane is leased by the US Defense Department and the CIA from a private company in Massachusetts. Being accused of making so-called "torture flights," the jet has conducted more than 300 flights and has flown to 49 destinations outside the United States, including the Guantanamo Bay prison camp in Cuba. The suspects are frequently bound, gagged and sedated before being put on board the plane (British newspaper the Times, Nov. 14, 2004). The United States has secretly shifted thousands of captives worldwide in the past three years, most of whom were not indicted officially.

The United States is the No. 1 military power in the world, and its military spending has kept shooting up. Its fiscal 2005 defense budget hit a historical high of 422 billion US dollars, an increase of 21 billion dollars over fiscal 2004. As the biggest arms dealer in the world, the United States has made a fortune out of war. Its transactions of conventional weapons exceeded 14.5 billion dollars in 2003, up 900 million dollars year-on-year and accounting for 56.7 percent of the total sales worldwide. The Iraq War has been "a helping straw" to the US economic development.

The United States frequently commits wanton slaughters during external invasions and military attacks. Spain's Uprising newspaper on May, 12, 2004 published a list of human rights infringement incidents committed by the US troops, quoting two bloodthirsty sayings of two American generals, "The only good Indians I ever saw were

dead" by General Philip Sheridan and "we should bomb Vietnam back to the stone age" by air force general Curtis LeMay. We can still smell a similar bloodiness in the Iraq War waged by the United States.

Statistics from the health department of the interim Iraqi government show 3,487 people, including 328 women and children, have been killed and another 13,720 injured in 15 of Iraq's 18 provinces between April 15 and Sept. 19 in 2004.

A survey on Iraqi civilian deaths, based on the natural death rate before the war, estimates that the US-led invasion might have led to 100,000 more deaths in the country, with most victims being women and children.

Jointly designed and conducted by researchers at Johns Hopkins University, Columbia University and the Al-Mustansiriya University in Baghdad, the survey also finds that the majority of the additional, unnatural deaths since the invasion were caused by violence, while air strikes from the coalition forces were the main factor to blame for the violence-caused deaths. (Associated Press, Oct. 28, 2004)

On Jan. 3, 2004, four US soldiers stationed in Iraq pushed two Iraqi civilians into the Tigris River, making one of them drowned.

On May 19, 2004, an American helicopter fired on a wedding party in a remote Iraqi village close to the Syrian border, killing 45 people, including 15 children and 10 women. On Nov. 20, 2004, seven people were killed in Ramadi in the Anbar province when US troops opened fire on a civilian bus.

According to a Staff Sergeant in the US Marines, his platoon killed 30 civilians in six weeks. And he has witnessed the blasphemy and gradual rotting of many corpses, and a lot of wounded civilians were deserted without any medical treatment. (British newspaper The Independent, May 23, 2004)

In addition, the US troops often plunder Iraqi households when tracking down anti-US militants since the invasion. The American forces has so far committed at least thousands of robberies and 90 percent of the Iraqis that have been rummaged are innocent.

The United States has been hindering the work of the United Nation's human rights mechanism. And it either took no notice of or used delaying tactics on the requests of relevant UN agencies to visit its Guantanamo Bay prison camp in Cuba.

Some justice-upholding developing countries introduced draft resolutions on America's democracy and human rights situation to the 59th UN General Assembly, to show their strong concern over the US human rights infringement, prisoner abuse, media control, and loopholes in its election system.

It is the common goal and obligation for all countries in the world to promote and safeguard human rights. No country in the world can claim itself as perfect and has no room for improvement in the human rights area. And no country should exclude itself from the international human rights development process, or view itself as the incarnation of human rights which can reign over other countries and give orders to the others. Even the United States shall be no exception.

Despite tons of problems in its own human rights, the United States continues to stick to its belligerent stance, wantonly trample on the sovereignty of other countries, and constantly stage tragedies of human rights infringement in the world.

Instead of indulging itself in publishing the "human rights country report" to censure other countries unreasonably, the United States should reflect on its erroneous behavior on human rights and take its own human rights problems seriously. The double standards of the United States on human rights and its exercise of hegemonism and power politics under the pretext of promoting human rights will certainly put itself in an isolated and passive position and beget opposition from all just members of the international community.

 [Comment on the story](#)  [Tell a friend](#)  [Print friendly format](#)  [Save this](#)

## Full text of Human Rights Record of the US in 2003

Following is the full text of the Human Rights Record of the United States in 2003, released by the information office of China's State Council Monday.

### The Human Rights Record of the United States in 2003

By the Information Office of the State Council of the People's Republic of China

March 1, 2004

On February 25, 2004, the State Department of the United States released its Country Reports on Human Rights Practices for 2003 (called the "reports" thereafter). As in previous years, the United States once again acted as "the world human rights police" by distorting and censuring in the "reports" the human rights situations in more than 190 countries and regions across the world, including China. And just as usual, the United States once again "omitted" its own long-standing malpractice and problems of human rights in the "reports". Therefore, we have to, as before, help the United States keep its human rights record.

#### I. On Life, Freedom and Personal Safety

The United States has long been in a violent, crime-ridden society with a severe infringement of the people's rights by law enforcement departments and with a lack of guarantee for the life of people, their freedom and personal safety.

The United States is a country plagued most seriously by violence and crimes. According to the statistical figures released in June 2003 by the US Federal Bureau of Investigation (FBI), a total of 11.9 million criminal cases were reported in 2002 in the United States, including homicides, rapes, robbery and theft. Of these cases, 19,940 cases were reported in Detroit, where 2,073 people committed crimes in every 100,000 people. In Baltimore, where 2,055 people committed crimes in every 100,000 people. With regard to personal offenses, cases of murders and rapes rose by 0.8 percent, and 4.0 percent, respectively, over 2002 (see The Sun, USA on June 18, 2003).

On Sept. 15, 2003, US Surgeon General Richard Carmona admitted at a workshop that the United States has always ranked first in the world in terms of homicide incidence. In August 2003, the US Department of Justice acknowledged in a report that a total of 15,586 homicide cases occurred around the country in 2000, as against 15,980 in 2001, and 16,110 in 2002, indicating a rising trend year by year (see the edition of USA Today on Aug. 25, 2003).

In a report released by the FBI in December 2003, the FBI said the overall incidence of offenses in the U.S. somewhat dropped, whereas the number of people murdered across the country grew by 1.1 percent during the first half of 2003 (see the edition of USA Today published on Dec. 16, 2003).

From January to August of 2003, 166 homicides were reported in Washington D.C., up 5.1 percent year on year. In Chicago, which is known as America's "homicide capital".

there were 648 homicides in 2002, compared with 599 in 2003, or an average of 22.2 people victimized in every 100,000 residents (AP dispatch from Chicago on Jan. 1, 2004). In New York, the number of people murdered in 2003 amounted to 596 (AP dispatch from Chicago on Jan. 2, 2004). In California, the number of murder cases for 2002 went up 11 percent. The US Justice Policy Institute held that the existing legal system could not ensure the safety and health of community residents.

The United States ranked first in private ownership of guns, resulting in drastic rise in gun-related crimes. According to a survey of crime victims, 350,000 criminal cases involving the use of guns were reported in the United States in 2002, and guns were used in 63 percent of the 15,980 killings in 2001. On Aug. 27, 2003, a jobless man carrying a gun broke into a car part supplying company, killing seven of his former colleagues. Statistical figures from US National Center for Health Statistics showed that 56.5 percent of Americans who committed suicides in 2000 with the use of guns, involving 16,586 people (see Gun Violence, Related Facts. [www.jointogether.org](http://www.jointogether.org)).

Improper management of firearms led to the frequent occurrence of juvenile offenses involving the use of guns. At least 18 people in American public schools were reportedly killed in violence with 50 others wounded in mid Aug. of 2003. According to data from US Center for Disease Control and Prevention, more than 50 percent of the murderers in campus shootings in the United States used guns owned by their families or friends, while over 80 percent of the guns used by students for suicides came from their families or friends (Most Guns Used in School Shootings from Family, Friends, [www.jointogether.org](http://www.jointogether.org)).

Unrestrained evil social forces and widespread drug abuse endangered the people's life and safety. According to a report released by US National Youth Gang Center, there were altogether 21,500 sinister gangs in the United States in 2002 with a combined membership of 731,000. In April 2003, an innocent woman was killed in a gang shootout in New York. Police had to impose a state of citywide emergency in the summer of 2003 due to frequent gang-related violence (see the edition of USA Today on Dec. 16, 2003).

Drug-related crimes have been on the rise, with new characteristics involving a growing number of gangs, intensified violence and trans-national smuggling and collaboration with terrorist groups. The rate of crimes induced by drug abuse has risen year by year. Relevant data released by the US Department of Justice showed that over half of the inmates in federal jails have something to do with drug-related crimes (see Washington Post on July 28, 2003).

According to the outcome of a survey released by Washington D.C. Mayor Anthony A. Williams, 60,000 people out of the 600,000 population in Washington used drugs and indulged in excessive drinking, causing an annual economic loss of 1.2 billion US dollars. Half of those people arrested on charge of violence in Washington D.C. took drugs (see Washington Post on Dec. 2, 2003).

In recent years, the number of AIDS patients has also increased partly due to the widespread drug abuse. Statistical figures released by the US Center for Disease Control and Prevention indicated that the number of people diagnosed as AIDS carriers across the United States in 2002 rose by 2.2 percent over the previous year to reach 42,136 (see Washington Post on July 28, 2003).

The infringement of lawful rights constitutes a malignant obstinate disease of American society. Random assaults committed by the police resulted in the frequent occurrence of tragedies with heavy casualties. The New York City Police was reported for several willful shooting cases when chasing suspects in January 2003. Four people were killed by the police in the city from Jan. 1 to 5 last year. In Dec. 2003, a black man named Nathaniel Jones was beaten to death by six policemen in Cincinnati, causing a great uproar against police brutality across the country.

According to an AP report, a woman in the city of Detroit had one of her fingers cut off and another finger injured by the police simply for a dispute with them in a parking lot. The report said the police also boxed her ears and tore her hair.

The United States issued the Patriot Act in name of land security and anti-terrorism after the Sept. 11 terrorist attack, and many substantial contents of this act encroached upon rights and freedom of citizens, especially the people of ethnic minorities. Under the authority of the Patriot Act, the government departments are empowered to wiretap phone calls of citizens, trace their online records, read their private mails and e-mails. The FBI is even allowed to keep a watch on people's reading habits. They check the booklists of what people borrow from libraries, so as to judge whether they have been influenced by terrorism. A resolution passed by Cambridge, Massachusetts, explicitly noted that the civil rights of the American people are being jeopardized by the Patriot Act and, therefore, the Sun in Aug. 2003 set forth an appeal for "freedom to read" (see the Sun on Aug. 18, 2003).

The United States claim itself as a paradise for free people but the ratio of inmates in the United States has remained the highest in the world. The number of inmates in the country exceeded 2.1 million in 2002, a year-on-year rise of 2.6 percent, according to the statistical figures released by the Department of Justice in July 2003. The jails nationwide receive 700 new inmates every week in the U.S. where 701 out of every 100,000 people are in prison (see Washington Post on July 28, 2003).

Inmates have received inhumane treatment in the overloaded jails. An International Herald Tribune story said the states of Virginia, North Carolina, Minnesota, Iowa, Texas and Arizona had lowered the food supply standards of inmates so as to curb the huge government budget deficit. They reduced the calorie of each meal in jail and cut three meals a day to two on weekends and holidays. According to a report by Amnesty International, more than 700,000 inmates were held in high security prisons and there they are compelled to stay in wards for 23 hours a day and even longer, subjected to ruthless and inhuman treatment and humiliation. Last year, at least three inmates were hit to death by prison guards with guns of high voltage electric prods (2003 Report: United States of America, Amnesty International, [www.amnestyusa.org](http://www.amnestyusa.org)).

Sexual harassment and encroachment are common in jails in the United States. A report issued by Human Rights Watch in Sept. 2003 said that one in five male inmates in the country had faced forced sexual contact in custody and one in 10 has been raped. For women inmates, they are objects of sexual assault of jail guards, and one fourth of the women inmates are sexually assaulted in a few jails (see Editorial, 'Doing Something about Prison Rape, [http:// www.hrw.org](http://www.hrw.org), 26/09/2003).

Nine girls in a juvenile delinquent center of the state of Alabama accused the guards of assaulting and raping them and compelling them to have forced abortion. They also said male guards watched girls take bath and und clothe themselves for so-called frisk. They had to have sex with male guards in the hope for better treatment, for instance, to get a can of cola or food.

According to another Human Rights Watch report, one in six US inmates suffer various kinds of mental illnesses. Many of them suffer from schizophrenia, bipolar disorder and serious depression. The proportion of inmates with mental illness in the prison population is over three times higher than in the general population (see United States: Mentally Ill Mistreated in Prison, [www.hrw.org/2003/10/US102203.htm](http://www.hrw.org/2003/10/US102203.htm)). The total population of these patients has reached as high as 200,000 to 300,000. "Prisons have become the nation's primary mental health facilities," said Human Rights Watch. The prisoners with mental illness are likely to be picked on, physically or sexually abused and manipulated by other inmates. For example, a female inmate named Georgia, who is both mentally ill and retarded, has been raped repeatedly in an exchange for small items such as cigarettes and coffee.

## ii. On Political Rights and Freedom

The presidential election, often symbolized as US democracy, in fact is the game and competition for the rich people. Presidential candidates have to raise money far and wide for their expensive campaign cost and most of the donors are big companies and millionaires. President George W. Bush and Vice President Dick Cheney had raised as high as 113 million US dollars in their 2000 presidential campaign, a record in US history, and the fund raising is expected to reach 200 million US dollars for this year's re-election campaign (see Britain's Independent newspaper on Jan.20, 2004).

Statistical figures from the Center for Responsive Politics showed that Lockheed Martin Corp., the country's biggest arms dealer, has been the biggest political donor. The company had donated 10.6 billion US dollars for political campaigns in the United States from 1999 to 2000 and has been the main donor to the Committee on Armed Services of the House of Representatives as well as one of the top ten donors to the Committee on Appropriations of the House.

The so-called "freedom of press" in the United States has also been brought under intensive criticism. According to an investigative report of the Sonoma State University in the United States, freedom of press, speech and expression of opinion in the United States is amid a crisis. An increasing number of US media organizations are getting involved in false reporting or cheating scandals. On June 5, 2003, two chief editors of the New York Times resigned after their role in a plagiarism scandal was exposed. John Barrie, head of Plagiarism.org in Oakland, California, claimed that "every newspaper in this country is not doing due diligence" and "everybody's got this problem".

Meanwhile, the US government has exercised an extremely tight control over news media, which went to the extreme during the 2003 U.S.-led war against Iraq. During the war, the US government had tried every means to prevent the press from getting timely and true information and had wielded its hegemony to override the journalistic principle of "faithful and unbiased reporting". Peter Arnett, a veteran reporter with the US National Broadcasting Company (NBC), was fired simply because he voiced some of his personal

views on the Iraq war. News coverage by international media in Iraq also often fell prey to US restrictions and crackdown. Media watchdog Reporters Without Borders (RSF) has accused US troops in Iraq of frequent "obstruction of journalists trying to do their jobs in Iraq" and described the number of attacks on press freedom there as "alarming" (see Reuters story on Oct. 20, 2003).

In January 2004, the U.S.-installed Iraqi Interim Governing Council issued an order to ban the Al-Qaida-based Al-Jazeera TV station from covering any activity of the Council's members between January 28 and February 27. A book named "Black List", co-written by 15 American reporters, has warned that America's press freedom is facing danger. In an interview with the French newspaper Le Figaro, Kristina Borjesson, one of the book's authors and a former reporter with the CBS (Columbia Broadcasting System) and CNN (Cable News Network), said that US authorities had controlled all information to be spread by the media while journalists had degenerated into the government's stenographers (see French newspaper Le Figaro on May 8, 2003).

The US has also time and again launched attacks on news media organizations and journalists in Iraq. In one of such attacks on April 8, 2003, the US troops bombed the Baghdad branch of an Arab TV station and killed one cameraman on the spot.

### III. On Living Conditions of US Laborers

Although the United States is the world's No. one developed nation, the US government has to date refused to ratify the International Covenant on Economic, Social and Cultural Rights. It is apathetic to the rights and interests of ordinary workers in economic, social and cultural aspects, leading to serious problems such as poverty, hunger and homelessness.

The disparity between the rich and the poor keep widening in the United States. A 2003 report by the Office of Management and Budget (OMB) under the US Congress acknowledged that the gap between the rich and the poor in the country today is wider than anytime in nearly 70 years, with the wealth of the country's richest one percent population exceeding the overall possessions of the needy, who account for 40 percent of the total population. In 2000, the rich people's wealth makes up 15.5 percent of the country's overall national income, as against 7.5 percent in 1979 (according to BBC report on Sept. 25, 2003).

A report by the US Federal Reserve also showed that between 1998 and 2001, the wealth gap between the country's richest and poorest had widened by 70 percent (see Britain's Guardian report on Jan. 24, 2003).

Certain policies of the US government, instead of helping narrowing the country's wealth gap, have aggravated the rich-poor disparity and led to an unfair distribution of wealth. According to a report by the US Environmental Working Group in 2003, the agricultural policy of the US government has ensured 70 percent of the government subsidies go to ranch owners, resulting in a yawning income gap between ranch owners and ordinary farmers and pushing many farmers to the verge of bankruptcy (ABC report on Oct. 9, 2003).

The population living in need and hunger in the United States has been on a steady rise.

According to statistics from the 2003 economic report of the US Census Bureau, the impoverished population in the United States had been increasing for two consecutive years, reaching 34.6 million, or 12.1 percent of the total population, in 2002, up 1.7 million over the previous year. The country's poverty ratio in 2002 had risen by 0.4 percentage points over the previous year. Among the impoverished population, the number of extremely needy people had risen to 14.1 million from the previous 13.4 million, and the proportion of children in need had gone up to 16.7 percent in 2002 from 16.3 percent in 2001. Since 2001, the number of needy families in the United States has been growing at 6 percent a year, and there are now 7.3 million impoverished families in the country, which means 31 million people are facing the threat of hunger. In the 25 leading metropolises of the United States, the number of people who need emergency food aid has increased by 19 percent on average, while the number of people who live on charity food coupons, or those who have to queue up for free food distributions, has surged to 22 million (see Spain's El Mundo on May 19, 2003).

In October 2003, the US Department of Agriculture released a report, which showed that in 2002 there were 12 million American families worrying about their food expenditures and 3.8 million families with members who actually suffered from hunger. On December 18, 2003, an annual survey report released at the US Conference of Mayors showed that in the 25 cities surveyed, the number of people seeking emergency food aid in 2003 had increased by 17 percent on average over 2002. Moreover, 87 percent of the surveyed cities believed that the number of such people would continue to rise in 2004.

The homeless population continues to rise. According to information released by the US National Law Center on Homelessness and Poverty, more than 3 million people were homeless in the United States in 2002 (Homeless and Poverty in America, www.nlchp.org). Washington D.C. has the highest rate of homelessness of any city in the United States, with an estimated 20,000 people having experienced homelessness and nearly 400 families having applied for emergency shelters in 2002 (A snapshot of Homelessness in the Metropolitan, www.naeh.org). In April of 2002 alone, 38,476 people in New York spent their night in aid centers, including 16,685 children. According to a survey released by the US Conference of Mayors in December 2003, requests for emergency shelter assistance rose by an average of 13 percent in the past year; 88 percent of the cities surveyed predicted that the situation would be even worse in 2004.

Recently, the US Christian Science Monitor reminded the United States that it should regard "a home for every American" as the most rudimentary human right. Chicago Coalition for the Homeless said the government was unable to provide the basic subsistence guarantee for people, and that the local government had violated international human rights law by forcibly taking over 8,000 local residential houses in five years.

There is a lack of work safety. According to US laws, only the accidents of industrial injuries resulting from "intended" violation of safety rules by the employers are eligible to be submitted to the judicial authorities. Even when alarming cases occur, the employers are seldom confirmed as "intended" and rarely face public prosecution. The New York Times quoted a surveyed report of the US Occupational Safety & Health Administration as saying that in 20 years from 1982 to 2002, there were 1,242 cases involving the death of workers caused by the employers' "intended" violation of safety rules, yet 93 percent of the cases were not brought to the court. In these two decades, there were a total of 2,197



accidents caused by employers' violation of safety rules and resulted in death of the workers in the United States, and the combined prison terms for employers involved were less than 30 years.

The situation of health insurance worsened. According to a report released by the US Census Bureau in September 2003, the number of Americans without health insurance climbed by 5.7 percent over 2001, to reach 43.6 million in 2002, the largest single increase in a decade. Overall, 15.2 percent of the Americans were uninsured in 2002 (see Washington Post on Sept. 30, 2003).

Based on a survey, the ratio of employees uninsured in big US companies rose from seven percent to 11 percent during the 1987-2001 period (see Wall Street Journal on Oct. 22, 2003). More and more people cannot afford medical treatment. In Nebraska, 250,000 single mothers lost free medical care they previously enjoyed, and in Arizona, approximately 60,000 children were no longer covered by free medical care (see Spain's El Mundo on May 19, 2003).

#### **IV. On Racial Discrimination**

Forty years have elapsed since late civil rights leader Martin Luther King made the famous speech "I Have a Dream", yet the equal rights pursued by the American blacks and minority ethnic groups remained an unattainable dream today.

Racial discrimination in the United States has a long history with age-old malpractice. It has been permeated into every aspects of society. According to an investigative report released by the United Nations, the blacks and colored people received twice or three times more severe penalties than the whites for the crimes of the same kind; the number of black people who received death penalty for killing white people was four times that of the white people for killing black people. In state prisons nationwide, about 47 percent of the inmates were black people, and the 16 percent were people of Latin American ancestry. The blacks accounted for 13 percent of the total US population, yet 35 percent of the people arrested for drug abuse crimes were blacks and 53 percent of the people that were convicted for drug abuse crimes were blacks.

At present, more than 750,000 black inmates were in US jails, or over 35 percent of the total number of inmates in the country; approximately 2 million black people were disciplined or put under various forms of surveillance; 22 percent of black males in the 30-34 age group had jail records, while the white inmates only make up three percent; 36 of 1,000 black females have possibilities of being jailed in their lives, while only five of 1,000 white females have such a possibility.

The poverty rate and joblessness rate of the US blacks remained high. According to statistics of the US Department of Labor, the white people's unemployment rate in the U.S. was 5.2 percent in November 2003, while the rate was as high as 10.2 percent for the blacks, almost twice that of the whites (Employment Status of the Civilian Population by Race, Sex, and Age, [www.bls.gov/news.release/empgit.to2.htm](http://www.bls.gov/news.release/empgit.to2.htm), 05/12/2003).

According to statistics of the US Census Bureau, poverty rate among the blacks reached 24.1 percent in 2002, up 1.4 percentage points over the 22.7 percent rate in the previous year; 20.2 percent of the blacks were without health insurance; average annual income of

median black families was 40 percent less than the ordinary median US families (see USA Today on Oct. 3, 2003).

Racial discrimination exists on the US real estate market, too. In 2002, the US federal government received a total of 25,246 discrimination accusations on housing market, 72 percent of which were from the families of black people, disabled people or those families with children, according to a report released by the National Fair Housing Alliance in April 2003. Discrimination over the birth place nationality of house purchasers rose from 10 percent in 2001 to 12 percent in 2002 (see the Sun newspaper, USA on Aug. 17, 2003). Black people usually spend more money than white people on housing purchase, but their houses are not as good as those of white people and they have to accept loans with higher interests. The market value of houses bought by black people with same amount of money is only 82 percent of those of white people, and houses with high mortgage interest rate in black people communities are five times more than those in white people communities, the Sun newspaper quoted the US Department of Housing and Urban Development as saying in on July 3, 2003.

Apartheid recurs at school. More than one third of American students of the African origin are studying in schools where over 90 percent of students are non-white people, according to an investigation made by Harvard University in 2004. Since 1988, many schools abandoned the compulsory racial integration in class due to a series of court verdicts and changes in federal policies. According to a verdict passed in 1991 by the Supreme Court, the resumption of community schools was allowed and it was no longer mandatory to carry black students from other communities by school bus, which led to the disappearance of black students in white people's schools. Meanwhile, wealthy white people in some southern areas withdrew from publicly-owned school systems and sent their kids to private schools where most students were white. Racial differentiation in US middle and elementary schools is serious, noted a commentary of the New York Times on Jan. 21, 2003. Those black students in schools where most are white students often feel unwelcome, discriminated or even scared (The New York Times on Jan.21, 2003).

Less proportion of colored races can go to universities than white people. According to a report issued by the America Council on Education in Oct. 2003, 40 percent of black people and 34 percent of Hispanic-Americans of the age group from 18 to 24 can go to university, while 46 percent of white people can go to university ([www.acenet.edu/news/press\\_release/2003/10october/minority\\_report.cfm](http://www.acenet.edu/news/press_release/2003/10october/minority_report.cfm)).

According to the census result in March 2003, the income of black people with bachelor degree was 24.5 percent lower than white people with same degree, that of black people with master degree 21.2 percent lower than white people with same degree, and that of black people with doctoral degree 28.1 percent lower than white people (see USA Today on Sept. 9, 2003).

The US discrimination toward immigrants tends to become serious. After the Sept. 11 incident, the US congress adopted anti-terrorism act containing items infringing on human rights. The act permits the arrest of immigrants with indefinite duration, checks on all secret files, inspection in public and private occasions, wiretapping of phone conversations and secret investigations. In June 2003, US Procurator-General Glenn Fine revealed in his investigative report that after the Sept. 11 incident, US authorities detained 762 foreign immigrants for an average of about three months in excuse of

violation of immigrant law, but later investigation showed they had nothing to do with the Sept. 11 incident (see Washington Post on June 3, 2003).

In the Operation Landmark launched in Chicago from Dec. 2002 to May 2003, the backgrounds of some staff working in public places such as airports and high-rises were surveyed secretly, with some immigrants being detained and deported without criminal acts, and the government refused to publicize any details of this special policy toward immigrants and information about the detainment and deportation of immigrants. According to the report, this kind of "secret policing" activity in excuse of national security infringed on the civil rights and freedom of millions of immigrants in the United States (see Los Angeles Times on May 29, 2003).

Another report shows that 1,200 immigrants were detained in the United States with no indictment, and at least 484 people are still in custody. To date, the US government still refuses to reveal the identity of these people (see a report by Britain's Independent newspaper on June 26, 2003).

Immigrant children are maltreated. According to a report from the Amnesty International, at least 5,000 children going to the United States to find relatives, or avoid abuses and mistreatment, wars and recruiting by domestic rebels were put into custody in the United States. These children were jailed together with adult inmates, and were abused in ways of frisk by being unclothed, handcuffed and flogged. These children aged one to ten years from all over the world were often imprisoned for months, or even for years. A kid jailed in a detention center in Pennsylvania was beaten up for minor faults such as saying "Can I use the toilet" instead of "May I use the toilet." Staffs in a detention house in Texas will take back blankets and mattress and switch off air-conditioners just because children make faults (Reuters dispatch from Miami on June 18, 2003). The United States reportedly jailed a number of prisoners regarded as illegal fighters, three of whom were 13 to 15 years of age (see Britain's Guardian newspaper on April 24, 2003).

#### **V. On Conditions of Women, Children and Elderly People**

Little can be spoken of the human rights record in the US in view of protecting the rights of women, children, elderly people and other special disadvantaged social groups.

American women cannot enjoy the equal rights with men to take part in government and political affairs. Statistics from the Center for American Women in Politics indicated that in 2003, women hold 59, or 13.6 percent of the seats in the House of Representatives, and 14, or 14 percent of the seats in the Senate. Despite an increase in the number of women seated in state legislatures in 2003, they made up only 22.3 percent of the total 7,382 state legislators in the US. (Women in Elected Office 2003 Fact Sheet Summaries, [www.cawp.rutgers.edu/Facts/Officeholds/cawpfs.html](http://www.cawp.rutgers.edu/Facts/Officeholds/cawpfs.html)).

Women are not entitled to equal treatment with regard to employment and income. American women are still largely pigeonholed in "pink collar" jobs, such as secretaries, saleswomen and restaurant attendants, according to a report released by the American Association of University of Women in May, 2003 ([www.aauw.org/about/newspress\\_releases/230505.cfm](http://www.aauw.org/about/newspress_releases/230505.cfm)).

Statistics from the US Department of Labor indicated that in 2002, the average weekly

income for women aged 16 and above were 530 US dollars, or 77.9 percent of the 680 dollars for their male counterparts. Analysis by the department noted that there were twice as many as women whose earnings were below the Federal minimum wage, compared with men. Among the whites and Hispanics, women are more likely than men to become low income earners (Bureau of Labor Statistics of the US Department of Labor, [www.bls.gov](http://www.bls.gov))

There has been serious domestic and sexual violence against women. According to figures released by the White House in October 2003, a total of 700,000 incidents of domestic violence were reported in the U.S. in 2001. One-third of women murdered each year are murdered by their current or former husbands or partners (National Domestic Violence Awareness Month, 2003, by George W. Bush, [www.whitehouse.gov](http://www.whitehouse.gov)).

According to a survey conducted by the US National Coalition Against Domestic Violence, 92 percent of American women cite domestic and sexual violence as one of their top worries. One out of every three women experiences at least one physical assault during adulthood, and only one out of every seven cases of domestic violence, however, drew the attention of the police. A report by the US military on sexual harassment scandals in the US Air Force Academy showed that 109 out of the 579 female cadets, or almost 20 percent, that were interviewed said they had been sexually harassed and assaulted in different ways and to varying extent.

The protection of children provided in the U.S. is far below the international standards. The United States is one of the only two countries in the world that have not ratified the Convention on the Rights of the Child. Since 1980s, all the states in the U.S. have lowered the age of criminal culpability against juvenile offenders, and in some states, juvenile offenders aged 10 even stood on trial in courts for adults.

According to the Department of Justice, 27 out of the 50 US states have set minimum age of criminal culpability. Most states such as California set the age at 14, states like Colorado at 12 and two states including Kansas at 10. In states where there is no minimum age of criminal culpability, judges can decide to try juvenile offenders in juvenile courts or transfer them to ordinary criminal courts according to the seriousness of the crimes. In 2002, a 15-year-old student, who killed two of his classmates in a shooting rampage, was sentenced to 50 years in prison. In the same year, Brian Robertson, an 18-year-old student in a high school in Oklahoma was arrested for his writing a novel with "extraordinary violent" plots on a school computer and if convicted, he faces upto 10 years in prison.

The US is the country that has handed most of the death penalties to juvenile offenders and carried out the executions in the world. According to a report released by the Amnesty International on Jan. 21, two-thirds of the documented executions of juvenile offenders in the world occurred in the US in the past decade and more. Since 1990, there have been a total of 34 documented executions of juvenile offenders worldwide, and 19 of them happened in the US (an AP dispatch from London on Jan. 2, 2004).

While many countries around the world are abolishing executions of minors, some politicians in the U.S. are asking to lower the minimum age for death penalty, and the Federal Supreme Court has even set the age at 16. Up to date, there are 80 such juvenile inmates on the death row waiting to be executed (a Prensa Latina from Havana

on Aug. 4, 2003).

Among the developed nations, the United States ranks the first in terms of the number of children living under the poverty line and the last in the life expectancy of its children (Britain's Guardian newspaper on Nov. 3, 2003). According to statistics released by the US Census Bureau in September 2003, 10.4 percent of all US minors lived in poverty by the definition of income in 2002 (Poverty: 2002 Highlights, [www.census.gov](http://www.census.gov)), up to 13 million people (Britain's Guardian newspaper on Nov. 3, 2003).

Of all the children, 11.6 percent could not afford health insurance. Of the millions of homeless population in the United States, kids account for a considerable proportion. The US Conference of Mayors said in its 2003 annual report that of all homeless families, 40 percent were families with children, and among all the families applying for food subsidies, 59 percent of them had at least one kid. And according to the United Nations Children's Fund, of the 27 well-off nations in the world, the United States ranks the first in the number of deaths of its children as a result of violence and negligence (see Reuters dispatch from Geneva on Sept. 18, 2003).

The under-aged population are under threat in terms of physical and mental health. According to statistics from the US Federal Government, of all the kids under the age of 18, 10 percent suffer from psychological illness to varying extent, some to the point of committing crimes. But only one fifth of them have been provided with medical treatment (see the edition of USA Today on Oct. 26, 2003). Violent acts plaguing the US public media are bringing adverse impact to the minors. Statistics show that before coming of age at 18, kids and youngsters could be exposed to at least 40,000 murder scenes and 200,000 other acts of violence in various public media (an AP dispatch on Feb. 5, 2004). They are so accustomed to fist fights, bloody killings that some have been worshipping for violence, which gives rise to more malignant acts of violence in the country accordingly.

Children are often the victims of sexual assault. In recent years, more and more scandals have come to light that children were harassed, molested and raped by priests in the U.S.. In June 2003, USA Today reported that in the past 18 months, of all the 46,000 clergymen in the United States, around 425 were dismissed by churches for crime allegations involved, including the crime of sexual assault against children (edition of USA Today on June 17, 2003). According to other reports, at least 1,000 people were arrested in the United States for accused acts of eroticism targeting at kids since June 2003. Of all the arrested, 400 were charged with the crime of making and spreading erotic materials relating to children via the Internet.

The senior citizens are prejudiced against and mistreated, which led to a higher rate of suicides among them. In the United States, people aged over 65 account for 13 percent of the national population, and of all the people who committed suicide, the senior population make up 19 percent. According to a report of the Christian Science Monitor, of every 100,000 people between the age of 15 to 24, 10.3 such people killed themselves in 1999, and the number rose to 15.9 for the elderly people above the age of 65, which was nearly 50 percent higher than the national average level. All the numbers boiled down to the fact that more than 6,000 senior citizens committed suicide in the United States in 1999.

#### VI. On Infringement upon Human Rights of Other Nations

In recent years, the United States has been practicing unilateralism in the international arena, indulging itself in military aggression around the world, brutal violation of sovereign rights of other nations. Its image has been tarnished by numerous misdeeds of human rights infringement in other countries.

The United States tops the world in terms of military expenditure, and is the largest exporter of arms. Its military spendings for the 2004 fiscal year reaches 400.5 billion US dollars, exceeding the total amount of defense budgets of all other countries in the world in summation. The New York Times reported on September 25, 2003, that the United States export of conventional arms accounted for 45.5 percent of the world's arms trade volume in 2002, ranking the first in the world. And according to a Capitol report, the United States sold 8.6 billion US dollars worth of conventional arms to the developing nations, or 48.6 percent of all the arms procured by the developing world in 2002.

The United States has been active in sabre-rattling and launching wars. It is the No. One in terms of gross violation of other countries' sovereign rights and other people's human rights. The United States has resorted to the use of force against other countries 40 times since 1990s. Well-known US journalist and writer William Blum said in his recent book "Rouge State: A Guide to the World's Only Superpower" that since 1945, the United States has attempted to overthrow more than 40 foreign governments, suppressed over 30 national movements, in which millions of people have lost their precious lives and many more people been plunged into misery and despair.

In March 2003, without authorization by the United Nations, the United States unilaterally waged a large-scale war on Iraq based on its claim that the Iraq possessed weapons of mass destruction (WMD). In its wanton and indiscriminate bombing of Iraq, many bombs of the US army were dropped on residential areas, shopping malls and civilian vehicles.

According to an article carried by Britain's Independent newspaper in January 2004 titled "George W. Bush and the real state of the Union," in the war on Iraq by then, more than 16,000 Iraqis had been killed, of which 10,000 were civilians (see the edition of Britain's Independent on Jan. 20, 2004). On April 2, 2003, the US armed forces attacked a Baghdad maternity hospital installed by the Red Crescent, a local market and other adjacent buildings for civilian use, claiming a lot of human lives and injured at least 25 people. Five cars were bombed and drivers were burned to death inside their cars (see the edition of San Diego Union-Tribune, U.S. on Aug. 5, 2003).

Based on a report by Britain's Independent newspaper on Feb. 8, 2004, more than 13,000 civilians, many of them women and children, have been killed so far by the US army and its allied forces in the Afghanistan and Iraq wars in the wake of Sept. 11 incident in 2001, "making the continuing conflicts the most deadly wars for non-combatants waged by the West since the Vietnam War more than 30 years ago." Zbigniew Brzezinski, national security adviser to former US President Jimmy Carter in the 1970s, said "it is a serious matter when the world's Number One superpower undertakes a war claiming a *causus belli* that turns out to have been false." (Washington Post on Feb. 2, 2004).

Depleted uranium (DU) shells and cluster bombs were used recklessly during wars in violation of international laws. In December 2003, the Human Rights Watch disclosed in a

report that the 13,000 cluster bombs US troops used in Iraq contained nearly 2 million bomblets, which have caused casualties of over 1,000 people. The "dub" cluster bombs that did not blast on the spot continued to menace the lives of innocent people. The US troops also used large quantities of depleted uranium shells during their military operations in Iraq. The quantity and residue of pollutants from these bombs far exceeded those of the Gulf War in 1991. Through a spokesman for the Central Command, the Pentagon acknowledged that ammunition containing depleted uranium was used during the Iraq war. Indeed, Doug Rokke, ex-director of the Pentagon's depleted uranium project, former professor of environmental science and onetime US army colonel, said after the Iraq War that the willful use of DU bombs to contaminate any other nation and bring harms to the people and their environment is a crime against humanity (see Spain's Uprising newspaper on June 2, 2003).

Another investigation report said that in the Iraqi capital Baghdad alone, numerous places were found to have the amount of radioactive materials that exceeded the normal level by 1,000 times. The US troops also used "Mark-77" napalm, a kind of bomb banned by the United Nations, in Iraq, which negatively impacted on environment there. On July 7, 2003, Dato Param Kumaraswamy of the United Nations Commission on Human Rights, openly voiced his shock at the fact that the US Government did not abide by international human rights rules and humanism in its counter-terrorism military actions. (United Nations Rights Expert "Alarmed" over United States Implementation of Military Order, United Nations Press Release, July 7, 2003, [www.un.org](http://www.un.org))

The United States put behind bars 3,000 Taliban and Al-Qaida inmates in Afghanistan, 680 alleged die-hard Al-Qaida elements from 40-odd countries in Guantanamo Bay in Cuba, and an undefined number of prisoners in the US army base on Diego Garcia island on the India Ocean leased from Britain. All these prisoners locked up by the U.S. were not indicted officially (Britain's Independent newspaper on June 26, 2004). The New York Times quoted a high-ranking official from the US Department of Defense on February 13, 2003 as saying that the United States planned to jail most of the prisoners currently in Guantanamo for a long time or indefinitely. The US Government said the detainees in Guantanamo were not "prisoners of war" and therefore not subjected to the protection of the Geneva Conventions.

"The main concern for us is the US authorities ... have effectively placed them beyond the law," said Amanda Williamson, spokeswoman for the Washington office of the Geneva-based International Committee of the Red Cross. (Overseas Chinese newspaper in U.S., Oct. 11, 2003). A report entitled People the Law Forgot, carried on the British Guardian in Dec. 2003, depicted the plight of the 600-odd foreigners detained by the US in Guantanamo Bay. These people had been detained in Guantanamo Bay since January 2002, where they were tortured both mentally and physically (Britain's Guardian newspaper on Dec. 3, 2003). The detainees were given only one minute a week for taking shower and only through a hunger strike did they win the weekly five-minute shower time and the weekly ten-minute break for physical exercises. At a clandestine interrogation center of the US troops in Bagram of Afghanistan, prisoners were even more tortured. They were forced to stand or kneel down for hours in varied awkward positions while wearing hoods over their heads or colored glasses. Exposed to strong light 24 hours a day, they could not go to sleep (Britain's Independent newspaper on June 26, 2003).

The US is the nation with the most troops stationed overseas, about 364,000 troops in over 130 countries and regions. The violations of human rights against local people frequently occurred. In 2003, the US military authority received 88 reports about "misbehavior" of its overseas troops. On May 25, 2003, a soldier of the US Marine Corps in Okinawa of Japan wounded and raped a 19-year-old Japanese girl. The soldier was sentenced to three and a half years in prison. In the past dozen years, such cases occurred frequently in Okinawa and up to 100 US soldiers have been reported of committing crimes. On February 7, 2004, Australian police detained three soldiers of the US Marine Corps suspected of committing sexual harassment of two Australian women. In September 2003, three officers and soldiers from the US Kitty Hawk aircraft carrier robbed and seriously wounded a taxi driver in Kanagawa-Ken of Japan. The three officers and soldiers were sentenced to four years in prison. In October 2002, a female engineer in Baghdad of Iraq was handcuffed and made to stand in the scorching sun for one hour because she refused to be snuffed at by police dogs as she was taking a copy of Alcoran with her. The case sparked large-scale protest and demonstration in Iraq.

For a long time, the US State Department has been publishing "Country Reports on Human Rights Practices" every year. It presumes to be the "Judge of Human Rights in the World" and, regardless of the differences and disparities among different countries in politics, economy, history, culture and social development and strong opposition from other countries, denounces other countries unreasonably for their human rights status in compliance with its own ideology, value and human rights model. Meanwhile, it has turned a blind eye to its own human rights problems. This fully exposed the dual standards of the U.S. on human rights and its hegemonism. The human rights record of the U.S. is absolutely not in accord with its position as a world power, which constitutes a strong irony against its self-granted title of a big power in human rights. The United States should take its own human rights problems seriously, reflect on its erroneous position and behavior on human rights, and stop its unpopular interference with other countries' internal affairs under the pretext of promoting human rights.



Mr. SMITH OF NEW JERSEY. Thank you. If I could, if the gentleman would yield, this is a hearing, but it is also a semi-debate. I think it would be worth noting, especially for the international press that are here, there is a response—it may not be perfect—to some of those concerns. One is that we have a two-party system. Obviously, other parties can run, and that friction that a free-and-fair election generates, hopefully, gets to the truth, so where there is wrongdoing and culpability, it can be done away with or, at least, held to account.

We have an independent judiciary, a Justice Department where in every department there are IGs who look into any malfeasance, whether it be misappropriation of funds or wrongful doing. When the problems with Abu Ghraib and Guantanamo were discovered, Congressmen and Senators and others went into high gear to investigate, and while we are still not to the end of it, I, myself, offered a resolution at the OSCE Parliamentary Assembly last year condemning all torture. The Convention Against Torture could not be more clear in its proscribing of torture in any way for any reason whatsoever, and we have convicted several people, including a man who was sentenced to 10 years in prison recently for committing atrocities against detainees.

We have public advocates. We have, maybe most importantly, a free press. The press can come in here and do anything they want. Not so in China. As a matter of fact, today, there is an editorial in *The New York Times*, a Chinese journalist in peril, in which the *Times* opines how disturbed they are that Xaio Yan, because seemingly he broke a story, maybe or maybe not—we do not know if he was the one who helped write it—that Jiang Zemin was going to retire. For that, he has received a jail sentence and has been held. Now NGOs can operate freely.

One of the things we have tried to do with Cuba, for example, and I have done it several times—I have done it with Cuban interlocutors in Geneva, and I will do it everywhere, and I have tried to get into Cuba myself to get into the prisons—is to say, let the Red Cross in. The Red Cross has unfettered access to the United States and our prisons. They are wide open to them and public advocates and attorneys and the like. Not so with China and a lot of other dictatorships.

So, with all due respect, while we are far from perfect, we have safeguards and checks and balances. What is absent in these dictatorial regimes is anything that even comes close to being a check or a balance.

Ms. LEE. May I respond, Mr. Chairman? I agree with you, Mr. Chairman, on everything you said. However, I think that we also need to add to that the issue of looking at the real disparities in sentencing as it relates to African-American men, when you look at the health care disparities, the unemployment disparities in the African-American community, when you look at the fact that the infant mortality rate is much higher and that 35 million are living in poverty, and the poverty rates continue to grow, when you look at the homeless population in the wealthiest country in the world.

I think that what you are saying is very important in terms of the political systems that are nondemocratic, but we have the greatest democracy in the world, and there is much work to be

done, and I suggest to you that these human rights violations which the world, at least, is condemning us on, we need to address very fairly in a global sense, and I think that this Committee can be forthright in doing just that.

Mr. SMITH OF NEW JERSEY. Mr. Smith?

Mr. SMITH OF WASHINGTON. Thank you, Mr. Chairman. I appreciate the opportunity to testify. I am not a Member of this Subcommittee, so I appreciate your forbearance in letting me say a couple of words before we get started.

I just want to raise one important issue that is contained in the report, and that has to do with the death of Rachel Corrie. Her relatives are constituents of mine, and she was killed in Israel 2 years ago yesterday. As a matter of fact, actually, she was killed in the Gaza Strip by an Israeli bulldozer that was engaged in demolition there, and Rachel Corrie was part of a protest against that effort.

There are just a couple of specific issues I want to raise. First of all, I want to recognize Craig Corrie, Rachel's father, and Sarah Corrie Simpson, her sister, who are in the audience today, as well as other members of her family, and thank them for their forbearance on this issue. There are a couple of things I want to submit, but the bottomline, what the Corries want is a full and fair and open investigation of what happened, and they and I and many others do not feel that they have gotten that to this point, and there is a mention of this incident in the State Department report.

One thing I am going to submit for the record is a letter from the Corrie family which details their concerns about the incident and about the lack of a thorough, credible, and transparent investigation.

And the other thing that I am going to submit for the record is a statement from Lawrence B. Wilkerson, who was the Chief of Staff of the U.S. State Department on June 11, 2004, responding to some of the concerns that the Corries had raised, and the key point in all of this is the contrast between that statement and what is in the *Country Reports on Human Rights*. The *Country Reports on Human Rights* describes the incident and says that "the Corrie family believes that the investigation was not thorough, credible, and transparent and continue to pursue the case," and that is absolutely true, but it also leaves the impression that they are sort of on this lonely quest in which it is just their opinion. What Mr. Wilkerson said sort of makes it clear that that is not the case.

In a letter he sent to them, he said:

"Your ultimate question, however, is a valid one: Whether or not we review the report that was done by the Israeli military advocate general's office to have reflected an investigation that was 'thorough, credible, and transparent.' I can answer your question without equivocation. No, we do not consider it so."

That was from our own State Department. In the interest of accuracy, that probably should have been reflected in the *Country Reports* to make it not appear that it was simply the Corries who felt this way.

It is a legitimate issue to be raised, but like I said, overall, they want that thorough, credible investigation that they do not believe that they have gotten yet. From my investigation of it, I agree with

them. If we could get it from the Israeli Government or the IDF, that would be fine.

Also, it is something that I think the U.S. State Department and Justice Department should take an interest in. If we have a citizen of our country who is killed in another country, and we do not feel it was adequately investigated, we certainly ought to be able to do that, particularly when we are talking about a country that we have such a close alliance with and such a positive relationship, and I do not want anyone on the panel to misunderstand. I am a very strong supporter of Israel, but this matter deserves to be investigated. We do not feel that it has been.

So I will submit those things for the record. I apologize. I have got other meetings I have to get to. We will also submit some questions, and, Ambassador, if you could respond to those, I would appreciate it, and, again, I thank the Chairman for giving me the time.

[The information referred to follows:]

## MEMORANDUM

March 8, 2005

**To:** Members of Congress, State Department Officials

**From:** The Family of Rachel Corrie

**Subject:** Department of State's 2004 Human Rights Report Listing for Rachel Corrie

On February 28, 2005, the Department of State submitted to Congress its 2004 Human Rights Report entitled "Country Reports on Human Rights Practices." The report included reference to the killing of our family member, Rachel Corrie. Members of Congress, as well as our family, indicated in testimony and in written statements to the Department that concerns existed regarding the Department's reference to Rachel in the 2003 Human Rights Report. Therefore, we find it disturbing that the 2004 Human Rights Report continues to publicly perpetuate inaccuracies regarding Rachel's killing and the Department's own statements regarding the credibility of the Israeli investigation into the incident. We respectfully request that the following concerns be addressed with the Department of State and members of Congress, that the report's inaccuracies be changed, and that the Department as well as all Government officials work to ensure accurate reporting of the killing in all official correspondence, reports, and documentation.

**Concerns Regarding the Department's 2004 Human Rights Report Statements regarding Rachel Corrie**

1. The 2004 Human Rights Report states, "*The Corrie family believes that the investigation was not thorough, credible, and transparent and continued to pursue the case.*" In this, their own report, the Department of State fails to include their own assessment of the Israeli military investigation as articulated in official State Department correspondence of June 11, 2004. In that letter to the Corrie family, Mr. Larry Wilkerson, Chief of Staff to Colin Powell, writes that he can say "without equivocation," that the department does not consider the report on the Israeli military investigation into Rachel Corrie's killing to reflect an investigation that was "'thorough, credible and transparent'" as was promised to President Bush by Prime Minister Sharon in March 2003.

*Your ultimate question, however, is a valid one, i.e., whether or not we view that report to have reflected an investigation that was 'thorough, credible and transparent'. I can answer your question without equivocation. No, we do not consider it so.*

*Larry Wilkerson – June 11, 2004*

The statement in the Wilkerson letter was clearly an official response to questions posed to the Department of State by the Corrie family. At no time did the State Department under the Powell Administration, or Mr. Wilkerson, ever indicate that this statement was made in anything other than an official capacity. In fact, statements made to Corrie family members during a December 2004 meeting with Mr. Wilkerson, accentuated that this was clearly a departmental finding. **The Department of State needs to stand behind the Department's own words, rather than attribute those words solely to the Corries.**

2. The 2004 Human Rights Report refers to "*people involved in the accident.*" By using the word "accident," the Department of State endorses the conclusion of an Israeli report that the Department has itself characterized as failing to reflect an investigation that is thorough, credible, and transparent and of which the Department has been denied a copy. Note: the State Department's own report *U.S. Citizen Deaths from Non-Natural Causes* (reporting period: October 01, 2003 to June 30, 2004) does not list Rachel's killing as an accident. Rather, her death is cited as "other." Originally, this report did list Rachel's killing as "other accident," but the State Department changed the notation to

"other," indicating the Department's agreement with the family that Rachel's killing should not be classified as an accident. **Without a thorough, credible, and transparent investigation, the State Department should drop all reference to Rachel's killing as an "accident"**

3. The 2004 Human Rights Report reads, "***U.S. officials who have seen the IDF report found inconsistencies among the statements of the people involved in the accident and other witnesses.***" This reference does not accurately reflect the statements made in the memorandum by Richard LeBaron, Deputy Chief of Mission to the U.S. Embassy in Tel Aviv, written after reading the Israeli Advocate General's report about Rachel's killing. The reference does not make clear that the inconsistencies cited in the LeBaron Memorandum were between the statements of IDF personnel involved in the incident – not between members of the IDF and international witnesses. The LeBaron Memorandum specifically mentions three "inconsistencies worthy of note," all relating solely to the IDF testimony. The memorandum contains no mention of any inconsistencies in the reports of the international eyewitnesses. The sentence in the Human Rights report may, in fact, lead readers to believe erroneously that the inconsistencies are only between IDF personnel and international witnesses to the killing. **The Human Rights Report should clearly reflect that U.S officials who have seen the report found "inconsistencies worthy of note" in the IDF testimony.**
4. The 2004 Human Rights Report continues to refer to "***IDF investigations***" which infers that multiple investigative processes occurred. The Department of State documented in writing that the results of the Command Report were "unsatisfactory." It was orally indicated to the family that we should not consider this the investigation. The Command Report is a report that is compiled by the military commanders responsible for the actions of the IDF unit involved in Rachel's killing. This report, a PowerPoint presentation, shows no evidence of being the result of any investigative process and, therefore, should not be classified by the Department of State as such. **The Human Rights Report should drop all reference to more than one investigation.**
5. The 2004 Human Rights Report refers to an Israeli bulldozer "***clearing land in Rafah in the Gaza Strip.***" According to eyewitnesses, the IDF was pushing on buildings and a wall that day. Rachel's actions clearly indicate that she believed the Nasrallah home was being threatened. Without a thorough, credible, and transparent investigation, there is no ability for the Department of State to objectively characterize the activity or intent of the IDF operations. The intent of the IDF on March 16, 2003, regarding demolition of the Nasrallah home has not been conclusively determined. However, the IDF's intention for this home was made indisputably clear in October 2003, during "Operation Root Canal," when the Nasrallah family was forced to leave it, and, also, in subsequent IDF actions, when the home was fully demolished. Given all of these findings, certainly the IDF acts should not officially be described by the Department of State as the benign "clearing land." **The Human Rights Report should remove this reference or clearly articulate that there is discrepancy between the IDF and eyewitness descriptions of IDF activity that day. The report should then, also, include the information that the Nasrallah home was eventually demolished by the IDF.**
6. The 2004 Human Rights Report lists Rachel's killing under Section 4: "***Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights.***" (Addendum 1) Our family articulated in writing to the Department of State and members of Congress that Rachel's killing should also be included under Section 1: "***Respect for the integrity of the person, including (a) Arbitrary or Unlawful Deprivation of Life.***" (Addendum 2)
  - The killing of a civilian, whether intentional or not, still clearly falls under the Department of State's own definition of "***Arbitrary or Unlawful Deprivation of Life.***" Given the Department's own definition, Rachel's killing should be included under this

category. **Our family would like an explanation from the Department for why this has not occurred.**

- There are other activists and journalists whose deaths are listed along with Rachel's in Section 4, "*Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights.*" Judging from the Department's definition for Section 4, this appears to be an acknowledgement that Rachel was in Gaza as a member of the International Solidarity Movement to investigate violations of human rights, and was killed while doing so. **If the Department intends for that characterization to be made, then all Department documentation and correspondence regarding Rachel needs to clearly reflect that view.**
- **The family requests that Rachel be referenced in both Section 1a and Section 4.**

We provide here three versions of text regarding Rachel that can be used for comparison purposes. The first is the Department of State's listing regarding Rachel as printed in the 2003 Human Rights Report; the second is the Corrie family's response to the 2003 listing--requested changes that were sent to the Department in November 2004; the third is the current, 2004 Human Rights Report listing about Rachel, with those words that concern our family clearly marked.

**Original 2003 Human Rights Report Paragraph Regarding Rachel Corrie:**

On March 16, an Israeli bulldozer clearing land in Rafah in the Gaza Strip crushed and killed Rachel Corrie, 23, a US Citizen peace activist. Corrie was standing in front of the bulldozer and was wearing a reflective vest. Eyewitness demonstrators stated that they believe the driver knew Rachel was in front of the bulldozer as he proceeded forward. The IDF conducted two investigations into the case, including a polygraph of the operator, and found no negligence on the part of the operator. The operator knew that there were demonstrators in the area, but claimed he did not see Corrie at the time she was struck. However, the report of the IDF Judge Advocate General recommended several remedial measures including remedying blindspots from the cabs of armored bulldozers, for improved safety during future operations.

**Corrie Family's Requested Changes to the Original 2003 Paragraph (as marked, and submitted to the Department of State in a detailed written request of November 14, 2004):**

On March 16, an Israeli bulldozer ~~clearing land~~ in Rafah in the Gaza Strip crushed and killed Rachel Corrie, 23, a US Citizen peace activist. Corrie was standing in front of the bulldozer and was wearing a reflective vest. Eyewitness demonstrators stated that they believe the driver knew Rachel was in front of the bulldozer as he proceeded forward. ~~The IDF conducted two investigations into the case, including a polygraph of the operator, and found no negligence on the part of the operator. A report of the IDF Judge Advocate General stated the~~ The operator knew that there were demonstrators in the area, but claimed he did not see Corrie at the time she was struck. ~~However, the report of the IDF Judge Advocate General~~ This report recommended several remedial measures, including remedying blindspots from the cabs of armored bulldozers, for improved safety during future operations. The report stated that the IDF found no negligence on the part of the operator. However, the Department of State does not consider this report to reflect an investigation that was thorough, credible, and transparent, as was promised to President Bush by Israeli Prime Minister Ariel Sharon in March of 2003.

**Current 2004 Human Rights Report Paragraph Regarding Rachel Corrie**

On March 16, 2003, an Israeli bulldozer clearing land in Rafah in the Gaza Strip crushed and killed Rachel Corrie, 23, a U.S. citizen peace activist. Corrie was standing in front of the bulldozer and was wearing a reflective vest. Eyewitness demonstrators stated that they believe the driver knew Corrie was in front of the bulldozer as he proceeded forward. IDF investigations concluded that the operator

was not negligent. U.S. officials who have seen the IDF report **found inconsistencies among the statements of the people involved in the accident and other witnesses.** **The Corrie family believes that** the investigation was not thorough, credible, and transparent and continued to pursue the case. In conjunction with the report of the IDF Judge Advocate General, the IDF implemented two remedial procedures for improved safety: The presence of more senior officers to oversee such operations and the designation of closed military zones with orders forbidding the presence of civilians in areas when IDF military operations are concluded.

---

Thank you for your review of this matter. Our family is happy to make ourselves available to members of Congress, the Department of State, and other government entities, as needed, to ensure that these concerns are sufficiently addressed. We appreciate the willingness of members of Congress to discuss these issues in a meeting with the Department of State, and look forward to the results of such effort. Please feel free to contact the family with any additional questions or concerns.

Sincerely,



Craig R. Corrie (on behalf of the Corrie family)

(360) 866-2053

(360) 252-6466 (Fax)

PO Box 12149, Olympia, WA 98508

craig@the-corries.com; cindy@the-corries.com; sarah@the-corries.com;

---

#### ADDENDA

**Addendum 1: The Department of State's Human Rights Report Definition for "Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights"**

*Discusses whether the government permits the free functioning of local human rights groups (including the right to investigate and publish their findings on alleged human rights abuses), whether these groups are subject to reprisal by government or other forces, and whether government officials are cooperative and responsive to their views. Also discusses whether the government grants access to and cooperates with outside entities (including foreign human rights organizations, international organizations, and foreign governments) interested in human rights developments in the country. Discusses corruption in the executive or legislative branches of government and whether the public has access in law and practice to government information.*

**Addendum 2: The Department of State's Human Rights Report definition for "Arbitrary or Unlawful Deprivation of Life"**

*Includes killings in which there is evidence of government involvement without due process of law or of political motivation by a government or by opposition groups. Also covers extrajudicial killings (for example, the unlawful and deliberate killing of individuals carried out by order of a government or with its complicity), as well as killings committed by police or security forces that resulted in the unintended death of persons without due process of law (for example, mistargeted bombing or shelling or killing of bystanders). In general, excludes combat deaths and killings by common criminals, if the likelihood of political motivation can be ruled out (see also "Internal Conflicts" below). Although mentioned briefly here, deaths in detention due*

*to official negligence are covered in detail in the section on "Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment."*





United States Department of State

Chief of Staff

Washington, D.C. 20520

June 11, 2004

Mr. and Mrs. Craig Corrie  
P.O. Box 12149  
Olympia, WA 98508

Dear Mr. and Mrs. Corrie,

I have reviewed the material in the Department's possession with regard to the tragic death of your daughter Rachel. This review included the letter from Senators Grassley and Harkin to Assistant Secretary Paul Kelly and his letter back to them, as well as your letter to Secretary Kelly of 26 April of this year (dated 29 April in the package you faxed to me).

In your letter of 26 (29) April, you inform us that you have two areas of concern with regard to Secretary Kelly's response to the Senators, the first concern stemming from apparent misunderstanding, the second concern stemming from apparent omissions. Let me address both of these concerns first.

I hope that any misunderstanding with regard to the FBI's conducting an investigation may have been cleared up by my preliminary response to you of 25 May; but let me try a further clarification. While the Department, through our diplomatic posts abroad, can and certainly does pursue inquiries into the deaths of American citizens in foreign countries through diplomatic and consular channels, we cannot compel a foreign government or any of its personnel to release to us information beyond that which it is prepared to release. With respect to FBI investigations requiring steps abroad, the consent or request, and the cooperation, of the government of the country concerned is essential. In addition, the Criminal Division of the Department of Justice has informed us that under the facts as currently known, the Justice Department is unable to find a U.S. criminal statute with which to proceed with a U.S. investigation or prosecution. Unlike the tragic case of your daughter, these elements were present in connection with the investigation into the deaths of the U.S. Government contract employees near the Erez Checkpoint. In any case, it is not likely that the Israeli Government would agree to an FBI investigation into Rachel's death, as I inferred in my most recent response to you.

The apparent misunderstanding with regard to the State Department's determination of its assessment of the Israeli investigations may be partly attributed, I believe, to the merging of two separate investigations. The first was the IDF's own investigation. The results of that investigation were clearly unsatisfactory and we said so, as did you. We agreed to await the results of the second investigation. The second investigation, conducted by the Military Advocate General's Office, was more thorough. As Secretary Kelly pointed out

in his letter to the two Senators, the report of that investigation recommended several remedial measures that the IDF implement to ensure the likelihood of similar tragedies occurring in the future was reduced, but it did not find negligence on the part of the IDF or the bulldozer crew. Your ultimate question, however, is a valid one, i.e., whether or not we view that report to have reflected an investigation that was "thorough, credible and transparent". I can answer your question without equivocation. No, we do not consider it so. It was, as I said, more thorough than the IDF investigation, but not thorough to the extent we would want in such a case. And the fact that we do not have a full copy of the report hinders somewhat a fuller evaluation, as you noted. As recently as 14 May our Ambassador in Tel Aviv wrote to the Israeli Defense Minister requesting an update on the report's recommendations to help prevent another tragedy such as that which took Rachel's life. So, we are pursuing what diplomatic actions are left to us and might be effective.

I must tell you also that contrary to what you might believe, such reports as that of the investigation by the Israeli Military Attorney General are not – I repeat, not – normally made available to the public. The U.S. military itself does not release recommendatory or similar non-factual portions of its investigations into civilian deaths caused by actions of U.S. military personnel. There are reasons for such a policy and these reasons include legal as well as privacy concerns.

In my personal view, as I mentioned to you last year, there seems to be only one course of action that makes sense if you want to pursue these matters further on your own: use the Israeli court system. Which brings me to your final point, i.e., that the State Department did not provide you with a list of lawyers whom you might consider for such a purpose. I believe by now you have had opportunity to check with your son, Chris, and you know that in fact we did provide him with such a list on April 16, 2004.

I hope this helps clarify our position and your potential future actions. If I can do anything more for you, in a personal or a professional capacity, please do not hesitate to let me know. As I mentioned in our most recent meeting, I have a daughter not unlike Rachel as you described her to me. I grieve for you and with you. I have some feeling for how devastating your loss was – and still is and will always be. So please do let me know if I can offer any assistance.

Sincerely,



Lawrence B. Wilkerson

Mr. SMITH OF NEW JERSEY. Thank you, Mr. Smith.

Mr. PAYNE. Just on the same vein, Mr. Chairman, yesterday, we had a hearing on Libya which was interrupted. I think the Ambassador did testify, but he had to leave, and I was going to raise some questions. It may be a part of your human rights. I have not had a chance to go through the report. Although I am pleased to see there are overtures to Libya to try to come outside of the community of nations where there seems to be an advocacy on the part of the leadership there to suspend nuclear manufacturing, and it indicated that it wants to become a productive country. I cannot, for the life of me, understand why the United States Government has not pursued compensation for the two U.S. GIs who were killed at the Labelle Discotheque in Berlin. They were two Black soldiers. This was a place that was known where African-American soldiers used to frequent. I met the father of one of the young men just several days ago.

But our Government has not even raised the question that the Libyan Government had paid the German Government for the deaths and injuries to Germans, and our Government will not pursue with Libya some kind of accommodation for the number of U.S. GIs and the two men who were killed at that discotheque. I cannot understand how it is not even an issue. And so I would appreciate it if you could look into that, and if we do have the reconvening of the Libya meeting, I will raise it again, but since you are here, and since this other issue was brought up, I thought I would raise that. Thank you very much.

Mr. SMITH OF NEW JERSEY. Thank you, Mr. Payne.

Ms. McCollum?

Ms. MCCOLLUM. Mr. Chair, I think what the Ambassador is hearing is that many of us have constituents in our districts, and I have been approached by people in Minnesota who had a son who was murdered in Armenia, another country which, I believe, we have worked to have warm relationships with. And to this day, they feel that they do not have answers.

In our wanting to talk about human rights, I think, when we talk about other countries, people do want to know that we have open dialogue, that they can have questions answered, that our Embassies are treated with respect when investigating these deaths. And, Mr. Chair, I think maybe I would be interested for the Committee, at some point, to receive something from the State Department as to what the protocol is and how many reports like this we have in our congressional districts around the country where we are waiting to hear answers, whether they are allies of ours or emerging friends, so to speak, as we purport to be with Libya now, and get a handle on this because I would bet if we all started talking to each other, we all have instances of this in our districts, and we might perceive this not to be a problem one at a time, but when you put it all together, if there are countries that start appearing on the list frequently, we might want to address it. Thank you, Mr. Chair.

Mr. SMITH OF NEW JERSEY. I would like to welcome our very distinguished first witness, Ambassador Michael Kozak, the Acting Secretary for the Bureau of Democracy, Human Rights and Labor. He was appointed to the position of Principal Deputy Assistant

Secretary in September 2003. From August 1, 2004, as I said, he is the Acting Assistant.

A career civil servant, Michael Kozak was named U.S. Ambassador to Belarus in 2000. He served as Chief of the U.S. Diplomatic Mission in Cuba from 1996 to 1999 and Special Negotiator for Haiti from 1993 to 1996. From 1988 to 1991, he was Principal Deputy Assistant Secretary of State for Inter-American Affairs and Principal Deputy Legal Adviser from 1984 to 1988. During the 1970s, Ambassador Kozak was Assistant U.S. Negotiator for the Panama Canal Treaties under Presidents Nixon, Ford, and Carter, and he participated in the multilateral efforts to mediate the end to the Nicaraguan civil war in 1978 to 1979.

A very distinguished member of the U.S. Department of State, Ambassador Kozak, welcome, and we look forward to your testimony.

**STATEMENT OF THE HONORABLE MICHAEL G. KOZAK, ACTING ASSISTANT SECRETARY, BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR, U.S. DEPARTMENT OF STATE**

Mr. KOZAK. Mr. Chairman and Members of the Committee, thank you very much. I did register the various comments, and I will try to address some of them either during or at the end of my testimony. Where there is a question about the status of a case, we will undertake to get answers back to the Committee.

Again, I want to say, it is an honor and a pleasure to represent the Department at this hearing on the *Country Reports on Human Rights Practices for 2004*. Each year, this Committee has held a hearing to spotlight the release of this report and, in doing so, has elevated worldwide attention to democracy and other human rights. Each year, the *Country Reports* hearing has been a source of encouragement and hope to those around the world who long for liberty. Your dedication is appreciated, and you are to be commended for the steadfast support for our democracy around the world.

The *Country Reports* represent the year-long efforts of hundreds of State Department employees. Our officers regularly go to great lengths, sometimes under dangerous conditions, to investigate reports of human rights abuses, monitor electoral processes, and come to the aid of individuals at risk. Our staff works closely with citizens, human rights defenders, foreign governments, NGOs, and community leaders to identify, investigate, and verify information.

I would like to take this opportunity to publicly thank everyone involved in producing this report. I particularly want to thank the officers of our Office of Country Reports and Asylum Affairs, headed by Nadia Tangor, who is here with me today, and others in the Bureau of Human Rights, Democracy and Labor. We take seriously our responsibility to report accurately and carefully in these reports.

The *Country Reports* for 2004 covers 196 countries, ranging from the stoutest defenders to the worst violators of human rights. This year, we increased our coverage of anti-Semitism, disabilities, and corruption. Also, beginning with this report, all country-specific sections will be translated each year for each country where English is not the predominant language. We will also translate other

human rights reports in a similar manner, for example, the *International Religious Freedom Report*, the *Trafficking in Persons Report*, and so on. So the main report will appear on the State Department Web page, and then the reports in the languages of the countries concerned will appear on our Embassy Web sites.

In 2002, the U.S. adopted a new National Security Strategy based on the principle that promoting economic and political freedom and respect for human dignity are not only the right things to do but are essential to the national security of the United States.

In his second inaugural address, President Bush elaborated:

“Survival of liberty in our land depends on the success of liberty in other lands. The best hope for peace in our world is the expansion of freedom for the whole world. . . . So it is the policy of the United States to seek and to support the growth of democratic movements and institutions in every nation and culture, with the ultimate goal of ending tyranny in our world. . . . Our goal is to help others find their own voice, attain their own freedom, and make their own way.”

In 2004, the U.S. worked with many international partners in many countries to expand freedom. Where concerns centered on the rights of people to choose their own governments, dramatic developments focused global attention on their struggles and landmark achievements.

As was mentioned earlier by the Chairman’s statement, following the removal of the Taliban regime, the people of Afghanistan have worked to reduce terrorism; improve security; bridge ethnic, religious, and tribal divides; and craft a Constitution faithful to their values and universal human rights principles. The international community responded to their efforts by helping to register voters across a geographically-scattered, largely illiterate population, to educate cadres of Afghan election workers and political participants in the conduct of elections and campaigns, and by joining with Afghan forces to provide security during the election cycle.

In Ukraine, the Presidential campaign was marred by Government pressure on opposition candidates and by widespread violations. Government officials engaged in fraud and manipulations in the first two rounds of voting. The Government censored the media, sparking a “journalist rebellion,” and then popular demonstrations against electoral fraud and the official results swelled into an “Orange Revolution.” I chose the color of my tie today (orange) not by coincidence, it is the campaign color associated with Opposition Leader Victor Yushchenko.

So we really felt that there were major improvements in Ukraine, where not only were people rebelling in the streets, but the supreme court and members of their parliament stood up and were counted as well. We all saw the result, which was a third re-vote of the runoff in the election, and a victory by Mr. Yushchenko.

In Iraq, I think we all saw the drama there as people braved not only threats but actual shelling by terrorists who were trying to intimidate them for exercising their right to vote, and people turned out in great numbers and took back their country. Today, we are seeing the seating of the elected assembly of Iraq, a big first step on their path toward institutionalizing democracy.

So we think events like these show the increased prospects for peace and provide a solid ground for self-government and for improvement of human rights. But despite these successes, we have got other areas where human rights practices have eroded. One example is in Venezuela where respect for human rights remains poor and where we have seen increased interference with the judiciary by the executive branch and efforts to suppress independent media.

Sudan's human rights record remained extremely poor, as was mentioned. In addition to the *Country Reports*, we did a special report done by our Bureau where we sent people out into the field, working with NGOs, and did a systematic set of interviews. It was that report that led to Secretary Powell's conclusion that genocide was occurring.

We provided our data to the Commission of Inquiry that the United Nations formed, on a motion to the Security Council, again led by the United States. They came to the conclusion that there were crimes against humanity being committed, and we are working very hard there to try to get further action from the U.N. Security Council to try to deter further attacks on the civilian population by the Government and their militias and to try to move back into a more positive light, as we have seen with the North-South Agreement in Sudan.

North Korea remains one of the world's most repressive and brutal regimes, with an estimated 150,000 to 200,000 political prisoners, and horrific conditions.

In Belarus, police abuse and occasional torture of prisoners and detainees continued. I have been to court in Belarus and seen Mr. Stakevich, who is in the next panel, put on trial for peaceful political demonstration. Mr. Labedka continues to have injuries from being beaten for doing nothing other than a peaceful protest following the rigged elections and referendums there earlier this year. We continue in that country to have the problem of political opponents of the President and journalists being "disappeared"—kidnapped, taken away, and killed, essentially. A report done by the Parliamentary Council of Europe, which set up an investigative panel to look into this, concluded that high Government officials were the people responsible. The Government responded, first, by placing the main suspect as prosecutor general of the country, and now he has been elevated to head of the Presidential administration.

In Burma, the junta ruled by decree and did not adhere to human rights standards and did not even abide by their own constitutional provisions. This is another horrific situation, as you indicated.

We remain deeply concerned about China's poor human rights record. Chinese citizens who openly expressed dissenting political views were harassed, detained, imprisoned, particularly in a campaign late in the year against writers, religious activists, dissidents, and petitioners. China's coercive, birth-limitation regime remains a major human rights concern. The suffering of Civil Activist Mao Hengfeng, about which I testified in December 2004, is illustrative of these abuses. We understand her treatment may have improved since that hearing, and we believe, in part, at least,

it is because of the increased international attention on her case. We commend Members of Congress who provided that opportunity.

Others who are guilty only of peaceful political dissent and peaceful practice of their religious beliefs, including Tibetan Buddhists and Uighur Muslims, have suffered similar forms of repression, as have Falun Gong, the underground Protestant community, and Catholics faithful to the Vatican.

Now, early this year, the Chinese Government took steps to provide some relief to those serving sentences for political activities. You mentioned our position on the resolution in Geneva, Mr. Chairman. We have always taken the position with the Chinese that whether or not we run a resolution in Geneva in a given year would depend on what concrete steps they took to improve the overall very poor human rights situation of its citizens.

Over the past decade, we have urged the Chinese to take a number of steps to reform specific aspects of their system and to improve the situation of people who are in prison, often unjustly, in our view. We have also urged steps to reduce the number of cases in which people are harassed or detained for conducting what we would consider normal, peaceful activities.

During the past half-year, the President, Secretary, and other State Department officials, both here and in Beijing, have been engaged with the Chinese about the poor human rights record and the need for structural reform and prisoner releases, and this has resulted in some steps. I do not want to overblow it because, as you mentioned, and as the report documents, the overall human rights situation in China remains poor. There has been a lot of backsliding. But what we have seen is, earlier in the year, the Chinese Government took steps to provide relief to people who were serving sentences for political activities, some of which are now out of the criminal code, the so-called "counterrevolutionary crimes," and then ones that are current in the code, "state-security crimes."

For many years, China interpreted their own laws as excluding those prisoners from the opportunity to petition for a commutation of sentence or for parole. In a significant shift, China has now committed itself to applying the same criteria for sentence reduction and parole to such security prisoners as they apply to common prisoners. By the way, normally about a third of common prisoners get out early by applying these rules.

We have seen some concrete progress in this already. China announced in February that it had granted sentence reduction or parole for a total of 58 individuals, including Tibetans and Uighurs who had been jailed on the so-called "security crimes," and in other cases that were still under review. Of these 58 individuals, 17 were actually released from prison last year. One of them, Liu Jing Sheng, a democracy and labor activist whose case we have for years included in our *Country Reports* and our lists of prisoners of concern, was released in November 2004. Mr. Liu was involved both in the 1979 Democracy Wall movement and in the 1989 Beijing Spring, along with Wei Jeng Chang.

Also, according to the Tibet Information Network, two Tibetan nuns, one of them still a teenager when she was jailed, were released in July of last year.

Many more prisoners of conscience remain in detention, and we will continue our work to win them their freedom. As President Bush stated in his inaugural speech:

“America will not pretend that jailed dissidents prefer their chains, or that women welcome humiliation and servitude, or that any other human being aspires to live at the mercy of bullies.”

Now, basically, this element of what the Chinese have done is a gift that keeps on giving. Not only have certain people been released; others who are in jail now or might be in the future will have increased opportunities to reduce their sentences. That is not an excuse for them being in jail in the first place, but it is a concrete step in the right direction of getting them out.

In addition, on Tuesday, the Chinese announced for the first time that parents providing religious education to minors is not a punishable offense. You would think that that would not be a punishable offense, to begin with, but for some years people have been harassed for providing religious education to their children. Now they have made a public statement that is on the Web that, as of Tuesday, that will no longer be the case.

Further, they have invited, for the period May 23 through June 4, the Special Rapporteur on Torture of the United Nations Commission on Human Rights, on his terms of reference. This is a matter that we have been seeking since 1995. So we now have a precise date, precise terms of reference. Again, it is not just the symbolic value of the visit. The Special Rapporteur on Torture’s practice is to go into prisons and other detention facilities, and to make specific recommendations so we will have benchmarks for further improvements for the treatment of prisoners.

China also announced on Tuesday that an office of the International Committee of the Red Cross would open in Beijing by the middle of this year. They have issued an invitation to the U.N. Special Rapporteur on Religious Intolerance. They already hosted, in November 2004, the Special Rapporteur on Arbitrary Detention.

On March 1, they issued new regulations on religious activities, many of which are of questionable value but one of which is of slight utility. They have made clear to us that if people have their friends and family in to worship in their homes, they do not have to have this registered as a church, and that they will be able to do that without harassment. They have again invited the U.S. Commission on International Religious Freedom to visit.

They have already agreed on a date. They had a previous date for the High Commissioner of Human Rights to come. She was not able to, but they have agreed on a new date for that.

And then, finally, as of early this morning, our time, they released Rebiya Kadeer, who has been one of the longest-serving prisoners of conscience in China. She is someone of great concern to all of us and, I know, she has been of concern to Members of the Committee. She was arrested allegedly for passing State secrets because she gave newspaper articles to someone—absolutely incredible. She was on her way to meet with U.S. congressional staff when she was arrested. So we are very pleased that she is out. She will be arriving in the United States this evening.



But let me be clear. Her release, by itself, is not enough. Much as we welcome it, it is one step. The totality of all of the other steps I mentioned are progress. But we are still very concerned about the other prisoners who are in prison. We are hoping some of these steps will help to alleviate their condition, to some extent, but we have got to keep the pressure on. Again, we commend the Committee Members. The Chairman actually produced a resolution calling for statements in Geneva, and I think that helped in the effort to get some movement on the part of the Chinese.

So we are going to stick with the effort to get further progress there. Again, I want to be clear. While we recognize that these steps were positive, and clearly to the people concerned are very useful, they do not change the overall situation in China. The Secretary, when she is there, is going to have a few things to say about the human rights situation, and also we will continue to speak out on the subject elsewhere.

I will submit for the record, my remarks which are long and touch on Colombia, where there has been some progress but is still a horrendous situation, and Cuba, which is one near and dear to my heart. Tomorrow is the second anniversary of the crackdown on 75 leading dissidents who were put in jail, many of whom I know personally. I also would not want to forget people who were in jail even before that, like Dr. Biscet. He is a real nemesis because he blew the whistle on them killing people born with birth defects in order to say that they were dead at birth and, therefore, would not count in the child-mortality statistics. Bureaucracy at its finest.

Egypt is another one that we highlighted in the report this year. Happily, we have seen now some slight hints of movement on the part of the Egyptian authorities since the time the report was written. The continuation of the emergency law and torture of prisoners and so on is documented in the report.

I am just going to turn in the rest of this, Mr. Chairman. I can come back and hit some of the comments that were made in the opening remarks because many of them were very good.

Thank you for your call for attention to Belarus. By the way, we will be introducing, with the European Union, a resolution on Belarus at the U.N. Human Rights Commission. We are also introducing a resolution on Cuba ourselves. We are looking forward to co-sponsoring and supporting resolutions on Burma and North Korea. Those are run by the European Union, but we will be strongly supporting them.

I mentioned an effort to downplay the situation in Russia. I would say there was no effort. I hope it did not come out that way because the situation there has gotten worse, not better, and that is what should be reflected. I think you have seen the President and the Secretary speaking out on that.

Mr. Payne mentioned the Universal Declaration, which is the foundation for all of this. People tend to make a distinction between human rights and democracy, and yet when you look in the Universal Declaration, it covers everything. It has economic rights, it has the right to vote, it has freedom of speech, freedom of association. We need to look at all of those. It is not part; it is all together, including the situation on food and so on. I will leave it to my friend, Andrew Natzius, to expand on what we have been doing

to try to alleviate the famine that you rightly mention is brewing in Africa, with the locusts and so on. More needs to be done.

Ms. Lee mentioned the Chinese report on the United States, and I am not surprised that they accuse of us distorting and censoring others. But when they accuse us of omitting a report on ourselves, they are absolutely accurate, and we do that deliberately. For us to try to write a report on the United States would be like an investigative journalist trying to write a report on his own family's finances. It might even be accurate, but it would not be credible. So we do not do it, but we welcome scrutiny by others, including the Chinese report, which I even actually managed to wade through once or twice in my career.

In our report you get lots of data about countries that are not necessarily the worst countries. Our reports on many countries that are pretty good are very long because they have open societies. You can get data. But most of the data in the Chinese report comes from the FBI Web site, actually, and you see this in many other places. In closed societies it is hard to get information; in open societies, it is easy.

But with respect to a number of the allegations the Chinese have raised, I would associate myself with the Chairman's comments. I would also note, on the situation of prisoners in Iraq, during last year's session in Geneva the High Commissioner of Human Rights decided that he wanted to do an investigation of Iraq and treatment of prisoners there. We said, great, we welcome it.

CPA invited them to come visit. As it turned out, they chose not to actually visit in Iraq, for their own reasons of time and safety or something. But they did interview people in Jordan. They prepared a report. They sent it to us, and we followed up on the elements of the report that could be followed up on. Some allegations were so generalized, you could not. But we went back to the Defense Department, and we fed them information. So, basically, we tried to react to that report the way we would like to see others react to ours.

As the Chairman said, nobody is perfect, and we are certainly not; you need scrutiny. The same with the Human Rights Watch and Amnesty reports. It does not mean we necessarily accept everything that is in there as being accurate, but it is there to be followed up on, and if we want to contest it. We are going to have to come out with facts and rebuttals, not just with denunciations of someone doing a report.

Mr. Smith, who explained he had to leave us, had mentioned the Rachel Corrie case, which is something that I am familiar with. First, obviously, we have tremendous sympathy for the family regarding the tragic loss of their daughter. I want to make clear, though, the relationship between this report and what the State Department does overall in cases of this kind, or other cases. As you will note going through this report, there are all kinds of incidents described in here about which the U.S. has said a lot, done a lot, sometimes privately, sometimes publicly, sometimes with press statements, and sometimes with legislation passed by the Congress. We do not describe in this report what we did about something. So if we describe the situation in Belarus, we do not say, "and the United States passed the Belarus Democracy Act and

put on these sanctions.” We do not write that we made a statement at a press conference, or something like that. So what I want to be clear is that we are not saying that only the family had concerns about the process in Israel and that we were disassociating from that. The statements that were made by Mr. Wilkerson have been made by other State Department officials and by our Ambassador to the Israeli Government. Those statements stand absolutely valid; there is no walking back from them. So I would just want to put on the record the way we write these reports. It should not be interpreted as saying that because we do not mention what we have done about something that means we are taking back what we have said or done about it.

On Mr. Payne’s question about Libya, I will have to ask my colleagues who have been working on it and get to it.

Ms. McCollum, I wanted to say there are a lot of cases involving American citizens abroad that tend not to be featured so much in this report because we have a separate branch of the State Department, the Office of Citizen Services of our Consular Affairs Bureau, that is specifically tasked with following up and trying to assist Americans who have problems of various kinds, whether they get arrested overseas or in cases where they are the victims of crime, or worse. We do organize and go in and push for investigations and so on.

The limitation is, of course, that even in a friendly country, we cannot conduct an investigation ourselves in someone else’s country. We have to appeal, pressure, whatever, the Government to do that. And then there is also the use of the legal system of that country, and there we also do try to assist American citizens in pursuing their rights through those systems. But my colleague, Maura Harty, I am sure, can give you a long list of cases and cases where we have not been satisfied with the results to date.

But, Mr. Chairman, thank you.

[The prepared statement of Mr. Kozak follows:]

PREPARED STATEMENT OF THE HONORABLE MICHAEL G. KOZAK, ACTING ASSISTANT SECRETARY, BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR, U.S. DEPARTMENT OF STATE

Chairman Smith, Mr. Payne, and Members of the Subcommittee, it is both an honor and a pleasure to represent the Department of State at this hearing to mark the submission to Congress of the *Country Report on Human Rights Practices for 2004*. Each year, this Committee has faithfully held a hearing to spotlight the release of this report, and in so doing this committee has elevated worldwide attention to democracy and other human rights. Each year, the *Country Report* hearing has been a source of encouragement and hope to those around the world who long for liberty. Your dedication is appreciated, and you are to be commended for your steadfast support for democracy and other human rights.

The *Country Report* represents the year-long efforts of hundreds of Department employees. Our officers regularly go to great lengths, under trying and sometimes dangerous conditions, to investigate reports of human rights abuses, monitor electoral processes, and come to the aid of individuals at risk. Our staff works closely with local citizens, human rights defenders, foreign governments, NGOs, and community leaders to identify, investigate, and verify information. I would like to take this opportunity to publicly thank everyone involved in producing this report. I would especially like to thank officers in the Office of Country Reports and Asylum Affairs and others in the Bureau of Democracy, Human Rights and Labor. The officers of the Democracy, Human Rights and Labor Bureau take seriously our responsibility to report accurately and carefully in these reports.

The *2004 Country Report* covers 196 countries, ranging from the stoutest defenders to the worst violators of human rights. This year, we increased our coverage on

anti-Semitism, disabilities and corruption. Also, beginning with the *2004 Country Report*, all country specific sections of the *Country Reports* will be translated into primary languages for each country around the globe where English is not the predominant language. We will also translate other human rights reports in a similar manner. In addition, U.S. Embassies will be posting translations on their web pages. Reports are also available on the Department Web Page at [www.state.gov](http://www.state.gov).

In 2002, the U.S. adopted a new National Security Strategy based on the principle that promoting political and economic freedom and respect for human dignity are not only the right things to do, but are essential to the national security of the U.S. In his second Inaugural Address, President Bush elaborated:

“The survival of liberty in our land depends on the success of liberty in other lands. The best hope for peace in our world is the expansion of freedom in all the world. . . . So it is the policy of the United States to seek and support the growth of democratic movements and institutions in every nation and culture, with the ultimate goal of ending tyranny in our world. This is not primarily the task of arms, though we will defend ourselves and our friends by force of arms when necessary. Freedom, by its nature, must be chosen, and defended by citizens, and sustained by the rule of law and the protection of minorities. And when the soul of a nation finally speaks, the institutions that arise may reflect customs and traditions very different from our own. America will not impose our own style of government on the unwilling. Our goal instead is to help others find their own voice, attain their own freedom, and make their own way.”

In 2004, the U.S. and our international partners worked with many countries to expand freedom. Where concerns centered on the rights of the people to choose their own governments, dramatic developments focused global attention on their struggles and landmark achievements.

Since the removal of the Taliban regime, the people of Afghanistan have worked to reduce terrorism and improve security; to bridge traditional ethnic, religious, and tribal divides; to craft a constitution faithful to their values and universal human rights principles; to extend fundamental rights to women and minorities; and to open their society to political competition and freedom of expression. The international community responded by helping to register voters across a geographically scattered, largely illiterate population, by educating cadres of Afghan election workers and political participants in the conduct of elections and campaigns, and by joining with Afghan forces to provide security during pre-election preparations and the actual voting. In the presidential election, 18 candidates vied for the votes. Despite threats and attacks before the vote and serious logistical challenges, more than 8 million Afghans—including more than 3.2 million women—cast ballots to chose their leader in a truly democratic election for the first time.

In Ukraine, the presidential election campaign was marred by government pressure on opposition candidates and by widespread violations. Government officials engaged in fraud and manipulation in both the first and second round of voting. The Government censored the media, sparking a “journalist rebellion.” Popular demonstrations against electoral fraud and the official results swelled into an “Orange Revolution,” the campaign color associated with opposition leader Viktor Yushchenko, who was widely believed to have won. Respect for the rule of law and human rights took a decided turn for the better when the country’s Supreme Court invalidated the runoff, vindicating the observations and reports of many domestic and international monitors. In the court-mandated revote, the people selected Yushchenko. International observers noted the improvements in media coverage, increase in transparency of the voting process, decrease in government pressure to support a particular candidate, and fewer disruptions at the polls. Yushchenko expressed strong commitment to democracy, the rule of law, and observance of human rights.

In Iraq, people faced difficult tasks as they prepared for democratic elections, while the severity and ubiquity of terrorist attacks expanded the challenges. First, the Iraqi Governing Council achieved consensus on a framework and timeline for Iraq’s democratic transition. The Transitional Administrative Law clearly defined procedures by which Iraq’s citizens would be able to choose their own authorities and construct their own constitutional order. The approval of the Transitional Administrative Law paved the way for the restoration of Iraqi sovereignty and the appointment of the Iraqi Interim Government. In the summer of 2004, with the assistance of the UN and other international advisors, the Iraqi Interim Government established the Independent Electoral Commission of Iraq which developed registration and voting regulations and procedures for Iraq’s election. The National Conference convened and elected a 100-member Interim Iraqi National Council. On January 30, 2005, brave Iraqis cast their votes in elections for the Transitional National

Assembly, the first step in the formation of an Iraqi Transitional Government. According to the Transitional Administrative Law, the Transitional National Assembly will draft a constitution that is to be ratified by October 2005, and new elections are to be held under that constitution by December 2005.

We believe events like these increase the prospect for peace, provide solid ground for self-government and create momentum for the improvement of human rights. Progress will not be easy or rapid. Despite these successes, these reports show that human rights practices have eroded in some areas. One example is Venezuela where respect for human rights remained poor, despite the Government victory in an August referendum to recall President Chavez. Since the August recall referendum, a disturbing range of Venezuelan policies and actions reflect an increasingly authoritarian regime that is headed in a negative and undemocratic direction. The executive branch of the Venezuelan Government has established its control over the judicial branch and has increased its interference in the administration of justice. Independent NGOs were targeted for prosecution by the Government and have been subjected to intimidation by government supporters. The government-controlled legislature enacted laws that have eroded freedom of the press making criticism of the government a criminal offense. The Venezuelan Government has reduced the economic freedom of its people by expropriating private property and by undermining the rule of law in commercial matters as well.

Developments and experiences in certain countries stand out, due not only to the intensity of the human rights problems, but also to our involvement with the victims and their governments during 2004.

Sudan's human rights record remained extremely poor as it continued deliberately to kill its own citizens and to restrict freedom of speech, press, assembly, association, religion and movement. It arrested and harassed those who exercised these rights. At year's end, there were more than 1.5 million Internally Displaced Persons in Darfur, and another 213,000 civilians who had fled into Chad. Approximately 70,000 people reportedly died as a result of violence and forced displacement. Despite Sudan's repeated commitments to refrain from further violence in Darfur, atrocities continued. Government regular forces and government-supported militias, Jinjaweed, routinely attacked civilian villages, looted possessions and destroyed villages, sometimes under cover of military aerial support. In September, the State Department concluded: "Genocide has been committed in Darfur and the Government of Sudan and Jinjaweed bear responsibility that genocide may still be occurring." Government forces along with Jinjaweed militia routinely killed, raped, injured, and displaced civilians. They destroyed clinics and dwellings intentionally during offensive operations. Year-end developments in negotiations provided hope for peace and an improvement of human rights practices in other areas of Sudan. We saw significant movement on the preliminary accords between the Government and the Sudan People's Liberation Movement Army (SPLM/A). On January 9, 2005 the Government of Sudan and the SPLM signed a Comprehensive Peace Agreement ending over two decades of civil war.

North Korea remains one of the world's most repressive and brutal regimes. An estimated 150,000-200,000 persons are believed to be political prisoners, and defectors report that many prisoners have died from torture, starvation, disease, exposure, or a combination of causes. The regime also subjects its citizens to rigid controls.

In Belarus, police abuse and occasional torture of prisoners and detainees continued. Security forces arbitrarily arrested and detained citizens for political reasons and individuals were sued and sentenced to jail terms for such political crimes as "defamation" of state officials, often interpreted to include criticism of their policies. The Government persisted in discounting credible reports regarding the role of government officials in the disappearances of a journalist and well-known opposition political figures, and failed to conduct full, transparent investigations into these disappearances. The Government appointed Viktor Sheiman, linked to disappearances by a Council of Europe report, as Head of the Presidential Administration, perpetuating a climate of abuse with impunity.

In Burma, the Junta ruled by decree and did not adhere to any constitutional provisions providing any fundamental rights. Security forces carried out extrajudicial killings. Disappearances continued, and security forces raped, tortured, beat, and otherwise abused prisoners, detainees and civilians in ethnic minority regions of the country. Arbitrary arrests and incommunicado detention were frequent. Security forces also regularly infringed on citizens' privacy, forcibly relocated populations, used forced labor and conscripted child soldiers.

We remain deeply concerned about China's poor human rights record. Chinese citizens who openly expressed dissenting political views were harassed, detained, or imprisoned, particularly in a campaign late in the year against writers, religious ac-

tivists, dissidents, and petitioners. China's coercive birth limitation regime remains a major human rights concern. The suffering of civil activist Mao Hengfeng, about which I testified in December 2004, is illustrative of these abuses. We understand her treatment may have improved since the hearing because of the international attention focused on her case. Others who are guilty only of peaceful political dissent and the peaceful practice of their religious beliefs, including Tibetan Buddhists and Uighur Muslims, have suffered similar forms of repression as have the Falun Gong, the underground Protestant community and Catholics faithful to the Vatican.

But there are some hopeful signs in the overall picture for human rights. Early this year, the Chinese government took steps to provide relief to those still serving sentences for political activities that have been removed from China's Criminal Code. For many years, China apparently interpreted its law to provide few if any opportunities for sentence reduction or parole to such security prisoners. In a significant systemic shift, China now is committed to applying the same criteria for sentence reduction and parole to such prisoners as apply to common criminals. In early February, China granted sentence reduction or parole for a total of 58 individuals, including Tibetans and Uighurs who had been jailed for these so-called security crimes, and other cases are under review. According to the Tibet Information Network, two Tibetan nuns—one of them still a teenager when she was jailed—were released in July 2004. Many more prisoners of conscience remain in detention and we will continue our work to win their freedom. As President Bush stated in his inaugural speech, "America will not pretend that jailed dissidents prefer their chains, or that women welcome humiliation and servitude, or that any human being aspires to live at the mercy of bullies. We will encourage reform in other governments by making clear that success in our relations will require the decent treatment of their own people." On Tuesday, the Chinese announced for the first time that they do not have a problem with parents providing religious education for their minor children under 18; this is a statement that we sought for years. The Chinese have also stated that they expect the International Commission of the Red Cross will establish a local office in Beijing by mid-year.

Colombia demobilized approximately 3,000 fighters from the United Self-Defense Forces of Colombia. Hundreds of municipal officials returned to their towns after the government established a permanent police presence in every urban center in the country. As a result, rates for homicides, kidnappings, and other violent crimes decreased. Still, serious problems remain, as terrorist organizations of both the right and left, financed by drug money, continue to target innocent civilians and to bribe or intimidate and even kill prosecutors, investigators and judges.

In Cuba, Fidel Castro added another year to his record as the world's longest serving dictator. The Government rejected all democratic processes and continued its intimidation of pro-democracy activists, dissidents, journalists and others seeking to exercise their basic human rights. The majority of the 75 dissidents sentenced to long jail terms in 2003, and others such as Dr. Elias Biscet who were imprisoned even before that massive crackdown, remained incarcerated despite international protests. In addition, the authorities arrested 22 additional human rights activists and sentenced them for acts such as "contempt for authority" and "dangerousness." Addressing abuses in Cuba continued to be a priority for the U.S.

In Egypt, the 1981 Emergency Law, extended in February 2003 for an additional 3 years, restricted many basic rights. The security forces continued to mistreat and torture prisoners, which resulted in at least 10 reported deaths in custody. Arbitrary arrest and detention and prolonged pretrial detention remained serious problems.

Although there have been some significant positive developments in Georgia and Ukraine, political developments in Eurasia remain a serious concern. Governments of the region are drawing the wrong lessons from Ukraine and Georgia and attempting to stifle civil society by harassing democracy NGOs. Progress continues to be measured largely in terms of civil society development. More and more NGOs, opposition parties, and citizens are willing to organize and advocate for government accountability. In Turkmenistan and Uzbekistan, opposition parties are unable to register. In Uzbekistan, torture has long been routine in prisons, pretrial facilities, and local police and security service precincts. Members of security forces responsible for documented abuses were rarely punished. However, the Government took some notable steps in 2004 to deter torture and establish police accountability. It created preliminary procedures within some divisions of the Ministry of Internal Affairs for investigating and disciplining officers for human rights abuses and allowed NGO access to its prisons and to train prison guards in human rights practices. The Government also cooperated with international forensic experts in investigations of deaths in custody in which torture had been alleged.

The Great Lakes region of Central Africa has been plagued by civil war, large-scale inter-ethnic violence, and massive human rights abuses with the continuing

presence of armed groups and militia. These groups compete with one another for strategic and natural resources and inhabit an environment of shifting alliances. Among the most notorious groups is the Ex-FAR Interahamwe who have taken sanctuary in the Eastern Congo region after the 1994 Rwandan genocide in the eastern Congo. The Ex-FAR Interahamwe or the Democratic Forces for the Liberation of Rwanda (FDLR), continues to attack and kill civilians in the DRC as well as to pose a threat to the regional stability of Burundi, Rwanda and Uganda. There are also armed groups in the region who oppose the governments and peace process in Uganda and Burundi. While prospects for peace in the region are promising, armed militias continue to commit human rights abuses. Children, the primary victims, are abducted, forcefully recruited and turned into soldiers. Some of the governments have made progress in demobilizing child soldiers in their ranks. Some militia groups are predominantly comprised of children. Women and girls are particularly vulnerable, as rape increasingly is used as a weapon of war. The U.S. is actively facilitating Tripartite talks between the DRC, Uganda and Rwanda.

In Haiti, political turmoil was compounded by violence between pro- and anti-Aristide factions. Aristide had deliberately and systematically undermined and corrupted the police force, preferring to exercise authority through loyal gangs. When the leaders of one large gang turned against him, and other gangs and members of the former military took advantage of that situation, he found himself without government institutions capable of maintaining order. The crisis culminated when Aristide submitted his resignation and left the country. Despite the presence of UN peacekeeping forces, the constitutionally-established Interim Government was hampered by the weakness of governmental security and justice institutions. Pro-Aristide partisans launched a campaign of destabilization and violence known as "Operation Baghdad" in the fall, which included kidnapping, decapitation and burning of police officers and civilians, indiscriminate shootings, and the destruction of public and private property. Violence prevented normal operation of schools, markets, the seaport, and the justice system in Port-au-Prince for several weeks.

The human rights situation in Iran deteriorated and the regime was responsible for numerous killings, including executions following trials that lacked due process. There were numerous reports that security forces tortured prisoners and detainees. There were arbitrary arrests, extended incommunicado detention, poor and overcrowded prisons, lack of access to counsel, punishment by the lash, and violation of personal privacy. In February 2004, democratic forces in Iran were foiled by a rigged parliamentary election process. The Guardian Council ruled approximately 2,500 of the over 8,000 prospective candidates ineligible to run, thereby consolidating gains by their supporters and further repressing the rights of individuals to choose their own leaders.

In Russia, a shift to the appointment and confirmation by regional legislatures, instead of direct election, of regional governors strengthened the power of the executive branch. Greater restrictions on the media, a compliant Duma (Parliament), shortcomings in recent national elections, law enforcement corruption, and political pressure on the judiciary also raised concerns about the erosion of government accountability. Racially motivated violence and discrimination increased, despite considerable legislative prohibitions. Authorities failed to investigate actions against minorities while subjecting them to more frequent document checks, targeting them for deportation from urban centers, and fining them in excess of permissible penalties or detaining them more frequently. Government institutions intended to protect human rights were relatively weak. The September attack on a school in Beslan and other attacks on Russian civilians, including two airliner bombings and a bombing of a Moscow subway, underscored the extent to which terrorists in the North Caucasus continue to demonstrate little respect for human rights. Unfortunately, the Russian authorities have often responded in kind. There were also credible reports of serious violations by government forces, including politically motivated disappearances and unlawful killings by government forces, and individuals seeking accountability for these abuses continued to be targeted.

Saudi Arabia remains an extremely closed, non-democratic society. Freedom of religion does not exist. The Government rigidly mandates religious conformity and failed to take responsibility for the propagation of religious intolerance and incitement to violence at home and abroad. However, there were positive developments in a few areas, including a government-sponsored conference on women's rights and obligations, and the formation of the first formal human rights organization permitted in the Kingdom. The Government issued an executive by-law entitling some long-term residents to apply for citizenship. By year's end, voter and candidate registration, albeit only for men, was well advanced for municipal elections. The record of human rights abuses still far exceeds advances. There were credible reports of abuse of prisoners by some security forces, arbitrary arrests, and incommunicado de-

tention. The religious police continued to intimidate, abuse, and detain citizens and foreigners. Most trials were closed, and defendants usually appeared before judges without legal counsel. Security forces arrested and detained reformers. The Government continued to restrict freedoms of speech and press, assembly, association and movement, and there were reports that the Government infringed on individuals' privacy rights. Violence and discrimination against women, violence against children, discrimination against ethnic and religious minorities, and strict limitations on workers' rights continued.

In Syria, widespread use of torture resulted in at least 8 deaths. Arbitrary arrest and detention, prolonged pre-trial detention, fundamentally unfair trials in the security courts, and deteriorating prison conditions persisted. Security services conducted mass arrests of Kurds. Security forces in Hassakeh Province opened fire on a crowd at a soccer match after clashes between Arab and Kurdish fans erupted. In the days of rioting that followed, dozens were killed, as many as 2,000 Kurds were detained, and nearly 300 Kurds remained in custody and were awaiting trial at year's end.

Vietnam continued to restrict freedom of religion and religious organizations, other than those approved by the State and freedom of expression. The Government failed to issue a nationwide decree banning forced renunciations of faith, did not end the physical abuse of religious believers, and continued to hold a significant number of religious prisoners. Although it permitted the re-opening of some churches closed in the Central Highlands in 2001, it did not allow the re-opening and registration of hundreds of others. Following CPC designation, some improvements in religious freedom were evident. Some religious leaders expressed cautious optimism about a new ordinance on religion that the Government released in November, and in December, the Evangelical Church of Vietnam North (ECVN) held its first National Congress in 20 years and named a new, independent leadership board. Several democracy advocates remained in prison for the peaceful expression of political views.

Zimbabwe conducted a concerted campaign of violence, repression, and intimidation marked by disregard for human rights, the rule of law, and the welfare of citizens. Torture is used against political opponents and human rights advocates. War veterans, youth brigades, and police officers act with brutality against political enemies. President Mugabe and his regime continue to target other institutions of government, including the judiciary and police. Judges have been harassed into submission or resignation and replaced by Mugabe's cronies. The news media have been restricted and suppressed, with offending journalists arrested and beaten. Land seizures continue to be used as a tool for political and social oppression, and opponents of these destructive policies were subject to violent reprisals.

Mr. Chairman, I have included in my remarks today summaries from the *2004 Country Report* for those countries typically of interest to Congress. I would also like to note that in less than two weeks we will be transmitting to the Congress our annual report concerning the strategy the U.S. is following to promote democracy and other human rights in the countries with the most serious human rights problems. I hope we will have further opportunities to discuss how best to pursue our common objectives in testimony concerning that report. We hope that the *Country Reports* serve as an indicator of the progress made and as a guide for the challenges ahead. Thank you, again. I am prepared to take your questions.

Mr. SMITH OF NEW JERSEY. I appreciate your willingness to answer questions raised in opening statements.

Regrettably, we have a vote on the Floor which will be followed soon thereafter by another vote, but we will try to reconvene after this vote and just work our way through. I apologize for the delay, and thank you for your patience and for your fine answers.

Mr. KOZAK. Thank you.

Mr. SMITH OF NEW JERSEY. We stand in recess.

[Whereupon, at 2:47 p.m., a brief recess was taken.]

Mr. SMITH OF NEW JERSEY. The Subcommittee will come to order.

The April or Easter crackdown from just a couple of years ago continues to be a very serious violation of human rights by the Vietnamese Government, and then if you look at their religious law, which went into effect just a few months ago, it is riddled with old, hard-line, Stalinist-type, catch-all phrases with boundaries that



anyone can easily cross with regard to their belief or their expression of their religious faith and find themselves being incarcerated and worse, tortured.

So my first question is on Vietnam. They are a Country of Particular Concern (CPC) country. What do you think we ought to be doing with regards to Vietnam on human rights and especially on the Montiyard, which have been very cruelly dealt with?

Mr. KOZAK. Well, first, as you mentioned, Mr. Chairman, Vietnam was designated for the first time this year as a Country of Particular Concern under the International Religious Freedom Act. As you know, that has consequences downstream. One of them is that there is a provision in there to try to negotiate a resolution. John Hanford, our Ambassador-at-Large for International Religious Freedom, has been working very hard on that. I just met with him yesterday on the matter.

So, basically, we are trying to get some of those things that you just mentioned rectified or mitigated. I hope John will be in a position to give you a progress report in the very near future.

Mr. SMITH OF NEW JERSEY. You know, when we wrote that law—and Frank Wolf certainly was the prime sponsor of that legislation when it went through our Committee, that and the trafficking law, which I was the sponsor of—we wanted to make sure there was a way of making things whole. In the end, we do not want penalties or sanctions, although they should fall when a country continues an egregious practice, but if there is a way of getting or obtaining genuine progress, certainly that was the intent of the legislation. So perhaps we should have John here soon, Ambassador Hanford, to give some insights on that.

Mr. KOZAK. I think that is a very good way of looking at these things. It is a tool to be used to try to achieve progress. That was the way we saw the situation with China as well. We used the tool of the Human Rights Commission resolution to accomplish something. That was the calculation. As you say, you could always differ on exactly what the cost benefit is, but the goal is identical.

Mr. SMITH OF NEW JERSEY. Knowing you, I know there is good faith.

Mr. KOZAK. Thank you.

Mr. SMITH OF NEW JERSEY. I would also point out, and I think, again, not to belabor the point, but on the trafficking legislation or the law, several of our best friends—South Korea, Greece, Turkey, and Israel—were all on tier three, subject to sanctions, but got off tier three when they moved rather aggressively to enact new laws and to enforce existing statutes and to protect women from trafficking. So I would agree with you.

On Cuba, obviously, there will be a resolution, as you said, that we will be tabling in Geneva. I saw the foreign minister of Cuba in the press recently boasting that Latin countries would not be supporting our efforts, and my hope is that a full-court press will be made, especially, as you pointed out, with people like Dr. Oscar Biscet and others languishing in prison because they spoke truth to power. It is an outrage, and to think that they would be able to escape the scrutiny that they so richly deserve is also very troubling.

Mr. KOZAK. I think the Cuban foreign minister's statement is one of wishful thinking on his behalf, rather than a statement of fact. We have been out already, consulting. As you know, this is a matter of extremely high concern for the President and everybody on down, so "full-court press" is the right word. It is not a question of pressing people. People throughout this region know what the situation in Cuba is. We have had very good support for bringing it to light from countries in the region in past years and would anticipate it again this year. But also, in other parts of the world, we need to get people to pay attention to what goes on in Cuba. It is really horrendous.

Mr. SMITH OF NEW JERSEY. You mentioned Dr. Oscar Biscet and one of the reasons why he received the long prison sentence that he did. Could you elaborate on that, if you would, because I remember when we held a hearing on Ilean Gonzales, one of the Members of our Committee had talking points, if you will, that talked about how infant mortality rates were so low? There is a reason for it. When you do eugenic abortions because a child may have Down Syndrome, you get an outcome of healthier children, but that is because they have been destroyed prior to birth.

Mr. KOZAK. Or in the Cuban case, you destroy them immediately upon birth and put them down as a stillborn child. I believe the last time he was jailed it was not for that, rather it was his activism on that topic that got him thrown out of the hospital and into the community that has tried to bring about more freedom in Cuba. He is very committed to peaceful demonstrations. I visited one time when he was conducting a hunger strike for 40 days, 1 day for, at that time, each year of the revolution. Now we are up to 45 or 46 years of one man, one rule, not even one vote in that case; he never even bothered to have a vote. But that was, indeed, what motivated him in the first place to become an activist for freedom in his own country.

Mr. SMITH OF NEW JERSEY. Let me just ask you, on the Congo, and, I think, the untold story on the revelations within the United Nations peacekeeping deployment of horrific behavior, including rape of 13- and 14-year-olds by U.N. peacekeepers; the impetus for that actually came from the United States Government and from our mission. We had a hearing on this just a few weeks ago, and we had a representative from the United Nations, Jane Holl Lute, who I do believe is a very dedicated person who wants to weed out this deplorable activity on the part of the U.N. peacekeepers, and Kim Holmes testified at that hearing as well.

Could you speak to the issue of the Congo? First, the hopes and expectations that the U.N. peacekeepers will adhere to the Blue Helmet Code of Conduct and that there will be some enforcement of it and, secondly, the situation itself, which, in a way, gets obscured by misdeeds by the U.N. when we have two civil wars and a very large loss of life and all kinds of human rights abuses occurring.

Mr. KOZAK. Let me hit the scandal first. We have been pleased that the U.N. hierarchy is now taking this seriously and starting to bring people to account.

I think you run into the problems, too, though, of applicable law and so on. You have a peacekeeping force in one of these countries.

They are not really there under the local law, so they are not going to be brought in, and maybe this is why people feel that they can behave that way. Obviously, their own military need to use their version of the Uniform Code of Justice to bring them to account.

So I think it still remains to be seen just how the U.N. loops that all together, but, at least, they are taking disciplinary measures against not only people who were obviously culpable but people who had supervisory responsibility and failed to detect or act on these types of abuses.

Mr. SMITH OF NEW JERSEY. Could you identify yourself, please?

Ms. PEKKINEN. I am Jennifer Pekkinen, and I am the Senior Editor for Africa in the *Country Reports*.

Mr. SMITH OF NEW JERSEY. Have a seat, please.

Ms. PEKKINEN. Well, the situation in the Congo is obviously a huge concern. We report extensively in the report about all of the violations committed on many sides. We report on several examples regarding the peacekeeper issue in the report this year. The transition is moving forward. There has been some progress toward ending the war. There are still a lot of difficulties, but there is some progress.

Mr. SMITH OF NEW JERSEY. Let me ask you, if I could, and maybe you want to respond as well, to the issue, obviously, in Sudan, both Darfur and, of course, the ongoing—

Mr. KOZAK. I want to know a little better myself.

Mr. SMITH OF NEW JERSEY. Yes, I know you would.

Mr. KOZAK. Darfur remains one of the most acute, egregious human rights violations going on in the world today.

As we mentioned in the testimony, we went out and did interviews of people in the refugee camps. This was done very systematically. We worked out a questionnaire with professionals so that we did random samples and interviewed people. What came across consistently was, unlike what had been thought before, this was not a case of Government not just reining in militias; virtually every attack was preceded by Sudanese Air Force strafing runs on villages. And, in most cases, you had regular army troops coming in in trucks, and then you might have militias coming in and molesting people. But it is clearly part of a deliberate Government policy; it is not just lack of control over local groups or something.

So that was a big factor in the decision-making that the Secretary made. Now, given that both Secretary Powell and the Secretary-General of the U.N., and the Special Representative, Mr. Pronk, had gone out and talked to the Government in Khartoum. They have given assurances over and over again that they were taking measures to put an end to this kind of activity. Assurances are one thing; practice is another. We have seen no cessation or diminishment of their attacks on their own citizens, so it is a really bad situation.

And as I mentioned, what we are trying to do about it is to get sufficient votes in the Security Council of the U.N. to impose some sanctions on government personnel who are behind these kinds of things or responsible in one way or another. We are working also with other members of the Security Council on trying to find a formula for accountability, as you may have seen in the debate. Many agree that there needs to be an international court. But then, what

kind of international court becomes an issue. But that is under active work.

Mr. SMITH OF NEW JERSEY. Well, if it is not at the ICC, why not do something like what David Crane did so well in Sierra Leone? Where not only did they prosecute, but they now leave a working physical plant and juris and judges that understand more, rather than less, the rule of law and what needs to be done to hold that kind of behavior—

Mr. KOZAK. Exactly. We very much think that is a very good model as to how to go forward.

Mr. SMITH OF NEW JERSEY. If you do not mind me asking, is there a problem in the Security Council with any particular nation with regard to the Sudan and Darfur?

Mr. KOZAK. I would defer on that to Assistant Secretary Kim Holmes and others who are closer to the actual kind of vote-counting side of it, but there is no consensus yet on the passage of additional sanctions. There is also this issue of trying to find consensus on accountability mechanisms. Again, I will defer to Kim to give you the really sort of up-to-date, blow-by-blow. But there are problems on both fronts.

Mr. SMITH OF NEW JERSEY. Let me ask you, with regards to the Belarus Democracy Act and the ongoing problems in Belarus, you know, a friend of mine, Mr. Labiedzka, was recently attacked when he was protesting. The concern is that I know Europe cares, but we have not done enough, I do not think, to build civil society and to promote those institutions that could make the difference, as we saw with the Orange Revolution. There was a lot of work for years that led to that very positive outcome.

And I noticed in the President's submission, the amount of money for the Belarus Democracy Act type of activities is far below what we envisioned. We were hoping for something on the order of \$20 million, and it is \$7 million or less. I am hoping that we can work to ratchet that up, but would appreciate any support you can provide from the Administration to say, "Wait a minute. We need to get that higher." I did ask this question of Secretary of State Condoleezza Rice when she appeared on the budget, and I hope that we will realize that every dollar spent to strengthen civil society, free media, and the forces of democracy will pay off really well.

Mr. KOZAK. I could not agree with you more, Mr. Chairman, and I think that view is widely shared within the Administration. The problems we get into, of course, is within the overall foreign-assistance budget. There are a lot of earmarks and so on, so the amount of money that you actually have that you can shift around to do these kinds of useful work is limited, and people make judgments. But we believe that additional funding is certainly warranted, will be usefully used, not wasted away, and that the capacity that is being developed in Belarus to do more in the areas you mentioned is there. It needs our support. It also needs support from others.

One of the dilemmas in the world these days is that Europe, for example, provides a fair amount of assistance in emerging countries, but their whole system is based on the assumption that the Government in power is going to be helpful. In a place like Belarus where the Government has blocked them doing their work, that is a further constraint, that we do not end up with the conjoining of

assistance that we are providing. That is not to minimize a lot of the individual European countries. Party institutes and so on have been helpful there, but there is a constraint on them as well.

Anyway, we are working very hard on it with our Belarusian colleagues. We met yesterday with senior people in the Department, and I know there is a lot of interest there, too.

Mr. SMITH OF NEW JERSEY. I appreciate that, especially given your ambassadorship. I was the prime sponsor of the Belarus Democracy Act, and when the President signed that legislation, the statement he made was outstanding. Now we need to back it up with money.

Mr. KOZAK. Put our money where the President's mouth is, yes.

Mr. SMITH OF NEW JERSEY. We need to put our money where our mouth is. It gave me and, I am sure, the true democrats in Belarus a real jolt of hope and a sense that real help is on the way. I would hate to disappoint and frustrate them.

Mr. KOZAK. Well, we will keep working, and we will work with you as well, because you have been a champion on this topic. We really appreciate it.

Mr. SMITH OF NEW JERSEY. You mentioned that the U.N. torture rapporteur will be making a visit to China. Have you seen the terms of reference? Are we satisfied that that rapporteur will have unfettered access to wherever he wants to go?

Mr. KOZAK. It is our understanding. Obviously, it is his job to decide what his terms of reference are, but my understanding of the terms of reference, and this had been one of the disputes in the past, was that the Special Rapporteur was saying he really needs to have unfettered access, and there had been efforts to limit the statement. The clear statement that was made was we are inviting him on his terms of reference.

Mr. SMITH OF NEW JERSEY. Are we confident that he will have a sufficient number of prisoners lists. Mrs. Mao, Bishop Chiu—there are so many people throughout China.

Mr. KOZAK. He will have whatever information we have, and, hopefully, that from others as well. I know Kevin Moley, our representative in Geneva, who I think you know—

Mr. SMITH OF NEW JERSEY. Yes.

Mr. KOZAK [continuing]. Has been in touch with the Special Rapporteur and offered all of the help we can provide. So, to us, this is a good development. We need to follow up on it in the ways you suggest to be sure that we get the expected payoff from the visit in terms of an improved situation for the people there.

Mr. SMITH OF NEW JERSEY. Can I just ask you, on Zimbabwe, with the upcoming elections, what your sense is? Obviously, Zimbabwe has had egregious human rights abuses due to the fact that so many people have been killed—the opposition leaders, the White farmers. President Mugabe has not, obviously, comported himself to the universal standards on human rights. What is your sense on this upcoming election?

Mr. KOZAK. Just to give you a sense, one of my old friends was our Ambassador in Zimbabwe when I was in Belarus. We used to e-mail each other about whose guy was doing the most damage to the democratic process that week, and it was a real close contest between the two of them. So I would not anticipate anything ap-

proximating a fair-and-free-election condition. There have been no new positive developments in the last week.

Mr. SMITH OF NEW JERSEY. Let me ask you, on the new Global Anti-Semitism Review Act and the report that was submitted, would you care to comment briefly on that because we do have a representative from B'nai B'rith who will be presenting testimony. I just had the opportunity to read it. It is very strong, as it should be, and one of the points that Mr. Mariaschin makes in his testimony, and I quote him:

“The two State Department reports reveal clear indications that anti-Semitic literature in media coverage is a common feature in the Arab and Muslim world, as well as in European countries with large Arab and Muslim populations. In Europe, these communities have immediate and regular access to Arabic language cable TV networks, like Al-Jazeera, print publications and Internet sites, all of which offer, predictably, one-sided, inflammatory coverage of the Arab-Israeli conflict . . .”

and then it goes on with the stereotypes.

We had a hearing on the Commission on Security and Cooperation in Europe and heard from Chiransky, a minister in the Israeli Government, who himself was a political prisoner, and he showed a video that I will never forget on blood libel in which these actors purporting to be Jewish men were killing this young Christian boy named Joseph, as they called him, to make matzo mixed with blood. It was disgusting in the extreme, but as he pointed out, this is common fare, and these kinds of big lies perpetuate the hatred of Jews. And now that that is spreading throughout Europe, and virtually anyone can watch this in France and elsewhere by way of satellite television, it perpetuates a very cruel, like I said, stereotype that is absolutely untrue about Jews.

Remember the old “South Pacific” song, “You’ve Got To Be Taught”? Young people at very young ages are being taught to hate.

I add to that, if you could, the textbook issue. I know UNESCO is trying to make an effort to work on textbooks where the anti-Semitic perspective is done away with. We had a hearing last year in which we heard from a man from Saudi Arabia who brought in textbooks that were being promoted in Saudi Arabia and elsewhere, and he read from them, and they were just filled with hatred toward Christians and Jews and anybody without a more radicalized Muslim belief. We are never going to get at this terrorism issue, as it shows itself, I do not think, or these other acts of anti-Semitism and the like until we get at what is causing that, and it seems it is being taught. Could you respond?

Mr. KOZAK. Everything you mention is of great concern. In Europe, over the last few years—thanks to the work of many Members here, including yourself, and folks like Steve Minikes, our Ambassador to the OSCE—there has been increasing attention and creation of mechanisms within the European structures, particularly within the OSCE structure. Efforts have been focused on getting governments to pay attention to this, to try to find ways to combat anti-Semitism. There is always the balance between free speech and hate speech and hate education. We feel that there is

some progress being made in Europe on trying to get a handle on this and restrict it.

In the Middle East, much less extensive efforts. We have had discussions with the Saudi Government, for example. They have acknowledged that there is a problem and undertaken to start reining in some of these most egregious textbooks and so on. We are waiting to see the results.

I am hoping we will get a boost out of this because of the recent legislation establishing a Special Envoy for Anti-Semitism. The Secretary has decided to locate that office in our Bureau. I was pleased at that decision, and we are moving now toward the administrative side of getting office space, getting positions allocated, and, obviously, getting a Special Envoy appointed. But I think once we have got that, we can start to work more methodically with some of those governments in the region.

The Arab satellite TVs are a real conundrum. They do influence people all over the place. On one side, you want to back up the idea of free press; on the other side, you end up with some really horrendous, anti-Semitic remarks, anti-U.S., totally distorted facts about news that is going on on the ground. We have tried recently, though, to engage directly with them to try get our own side of the story aired. I appeared on Al-Jazeera not too long ago to talk about the *Human Rights Report*, and a friend of mine in Jeddah said that they actually showed it in Saudi Arabia.

So maybe little by little, we will get a handle on it, but it is a very serious problem, and you are absolutely right. Kids are taught from a young age that these are the facts about the way the world operates, and these are the people who are behind it and the people you should hate and that the heroes are people who strap bombs around usually not themselves, around some innocent kid, and send them off to blow themselves up and kill. Somehow the leaders of these organizations never seem to put the bombs on themselves. They find some 18-year-old, or younger, and send them off to blow themselves up.

But I guess I would also indicate that maybe one of the greatest hopes is the movement toward democracy in the Middle East right now. The reason these kinds of stations and activities can flourish is the kinds of regimes you have in power there. Hopefully we can start to see changes in Lebanon, and a little glimmer in Egypt—we will have to see how that pans out. Even in Saudi Arabia itself, in the fact that they had municipal elections. “Municipal.” They still appointed a good deal of the people to those governments. They restricted the elections only to men, not to women. But the fact was there was an election is a new phenomenon there.

So I get the sense, after Iraq, things are rolling. The Palestinian Authority had elections and are starting to move forward. It is going to be a question of the chicken and the egg: Are we successful in stopping all of this kind of hate speech first, or will there be governments that are responsive to their own people in place and thereby take some of the steam out of that hate doctrine?

Mr. SMITH OF NEW JERSEY. On India, I know the Members are deeply concerned about widespread human rights violations in the State of Gujarat. The Gujarat Chief Minister Modi has implemented numerous policies, including an anti-conversion law which

requires State approval in order for an individual to change his or her religion, that violate the Indian Constitution and the most fundamental human rights of the Indian people. Could you tell us what actions the State Department has taken to condemn the actions of Chief Modi and to assist those in India who are fighting against this human rights abuse?

Mr. KOZAK. In the report itself we outline the abusive situation in Gujarat, including the religious-conversion law. We have spoken out on that as well, as has our Embassy. My sense is that there are other consequences provided for in our law that people out there will have to take into account. I want to emphasize that the concerns you have just expressed are ones that we share completely and our perception of the situation in that state.

Mr. SMITH OF NEW JERSEY. Has the North Korea Human Rights Act had any impact with regards to the human rights situation there?

Mr. KOZAK. Well, again, it is the lag time that you find with anything. Congress passes legislation, and then we have to set up positions and all that, but we are moving along on two fronts. One, the North Korea Human Rights Act provides for a Special Envoy to carry out our diplomacy. We have got the office established—again, it will be in the DRL Bureau. We are moving to what I hope will very soon be an announcement of a very distinguished individual to serve in that capacity. So within the not-too-distant future, we should start to have staff in place to really pick up and galvanize that whole effort.

On the other side, the act provided \$2 million, and the appropriators had indicated that, for this year at least, that money should go to Freedom House for the conduct of a conference. The money is being administered in our Bureau. Freedom House has put forward a proposal for a series of conferences that will build up to a big, international conference on North Korea. So, again, the results will come down the stream, but steps are underway, in accord with the act. That would not have been possible were it not for the passage of that legislation.

Mr. SMITH OF NEW JERSEY. As you know, Turkmenistan and Uzbekistan have probably the worst records on human rights in the religious freedom area of the entire 55 countries of the OSCE. Obviously, you work with Ambassador Hanford in terms of working through the data and trying to come to conclusions. I, for one, have written in the past to the Department suggesting they ought to be CPC countries. What is your sense on that?

Mr. KOZAK. You are right. The record is very bad in both. I was out in Uzbekistan 3 or 4 months ago. I toured around and I talked to a lot of people, both in Tashkant and in the Farigana Valley.

What I found was sort of a mixed bag. On the democracy front, not good. Despite everyone's appeals—and the Embassy there has been working very hard on this—no one who was not a Government candidate managed to get registered for the elections.

On the torture front, what the Uzbeks seem to mix up is, they do have a problem with extreme terrorist groups who engage in violent activity in the name of Islam, but they extrapolate from that and say anyone who is a devout Muslim could be a terrorist and needs to be treated like one, which is where they lose us.



We are trying to work to change it. Where we have seen some success has been on the torture front. They had the most absolutely egregious cases of torture. There was a report a year ago, when we were reporting on the previous year, that they had boiled people to death in the course of torturing them—just really horrendous stuff.

The good news I found was that the Government had actually started to make some change on that. They were starting to prosecute police and prison custodians for abusing prisoners, for engaging in torture. When I got out in the field, I found some of the local police authorities were cooperating now with human rights defenders. When they arrest somebody, they call up lawyers and say, "Please get over here and talk to this guy as your client so that I do not get accused of torturing him." This is a good response, and I was happy to see that.

So, again, I do not want to overblow this. They have still got a terrible problem of abuse of people in custody and so on, but we have seen some improvement in that area. But I cannot report any improvement on the democracy front, or on their attitude toward religion generally. Our Embassy there is very dedicated on this. I commend what they are trying to do. They spend half of their time on human rights issues. That is about what they should be doing.

Mr. SMITH OF NEW JERSEY. Let me just ask you, on the Convention Against Torture, the United States is required to submit a report on that. Is that something we are planning on doing soon?

Mr. KOZAK. Yes, sir, and we are overdue, as are many other countries. This was something, actually, that the Legal Adviser's Office, our Bureau, and the IO Bureau have been working on very hard.

I might expand it beyond the Convention on Torture. We will be submitting a report, I think, within the next couple of months. Then there will be a hearing on it, which is the way that the Convention on Torture works. There is also a report coming along on the ICCPR, where we were very overdue.

But I might just use this occasion to get on record. We had a tremendous problem of unanswered responses to Special Rapporteurs from the U.N. Human Rights Commission and others, not because people were hostile toward them, not because people were cavalier about our obligations under CAP, but simply because if you leave it to the people who are trying to do the day-to-day work there, the urgent always takes precedent over the important.

So what we did was gather up some money from our different Bureaus and hire a retired officer, a very good one, to be the sparkplug for preparing this report. He has got no other duties but to do these reports, and so, finally, it is getting done. Also, the IO Bureau got a very fine young officer in, and she has worked her way through all of the backlog. I think we are getting pretty close to current now in all of our responses. So we have tried to get our record on these topics up where we would like to see others to be.

Mr. SMITH OF NEW JERSEY. Let me just ask you, if I could, on Indonesia. I recently was in Aceh as part of a delegation looking at the tsunami-ravaged area there, Sri Lanka and Phuket, and one part that really concerned me was that some of the generals, and, in one case, one of the generals who was part of the relief effort in Aceh had been an indicted war criminal in the 1999 Isti Maurice

killings. The ad hoc trial had acquitted him—surprise, surprise—and I raised it, and it went over like a lead balloon, I think, with the foreign minister. For us in the international community who try to take human rights seriously and say that those who commit atrocities need to be held to account, this is poor management, to say the least, and this man should be behind bars, based on what we see.

The report itself describes the convictions and acquittal on appeal of the defendants in the ad hoc trials in neutral terms, and it is a criticism that Human Rights First has levied. How do you respond to that?

Mr. KOZAK. First, we share the view that people who engage in abuses should be behind bars. They certainly should not be still in uniform. We have not seen the kind of performance in Indonesia, and in some other countries as well. It is an interesting phenomenon where you see countries like Indonesia that are starting to move forward on the democracy front. Colombia is another one I would put in this category, where you are starting to see positive actions and so on on the part of the Government, but you have got crimes that were committed in the past where entrenched military, and perhaps sometimes in conjunction with corruption of judges and prosecutors and so on, get people off. Sometimes the ability of the new executive to do something about that is limited. We have to keep pushing for it, though, even as we recognize that they may have limits in their own ability to effectuate changes.

But I think there is maybe a distinction that you can make between cases where people have been acquitted, even in a proceeding that we do not think is adequate, and I do not want to comment on every particular case. I cannot say this guy was guilty, or this guy was innocent, but the proceedings we have seen in Indonesia were not, in general, the kind of proceedings that would bring about justice, in our view. But even in those cases where somebody has gotten off, they have got no business being in the military. The very least the executive can do is get them dismissed so that they do not have the capacity to repeat their sins.

Mr. SMITH OF NEW JERSEY. I regret that there is another vote on the Floor. I was hoping some of my colleagues would return. I am sure they have questions, but if you could, we will submit questions to you, if you would not mind getting back to us, because I have another dozen or so myself. I would greatly appreciate it.

Mr. KOZAK. I would be delighted.

Mr. SMITH OF NEW JERSEY. And I want to say clearly for the record, I deeply appreciate your service. I think you are the consummate professional. You believe deeply in human rights and you have proven it, and I, for one, as Chairman of this Subcommittee, want to thank you so much for your service.

Mr. KOZAK. Thank you, Mr. Chairman. I deeply appreciate that. As you can tell, I am kind of choked up by your comments, but, likewise, it has been always just an honor and a pleasure to work with you and your staff. Again, you can see when the commitment is really there. I think we have managed to accomplish a few things together, so thank you.

Mr. SMITH OF NEW JERSEY. Thank you.

Unfortunately, there is a vote on, and the hearing will be adjourned until immediately after that vote when we will bring up the second panel. I apologize to them for that delay. Thank you, Mr. Ambassador.

[Whereupon, at 3:44 p.m., a brief recess was taken.]

Mr. TANCREDO [presiding]. Mr. Smith will be back momentarily, and we will do a little tag-team match here on the votes.

I really want to thank you, Mr. Ambassador, because I know that you have been here for some time and answered a lot of questions. There are a couple of things I did want to bring out that I am told were not brought out during the original questioning, and that is, first of all, the issue of the Dhalits in India.

It is something that has been growing, I think, concerns certainly have been growing dramatically in the last couple of years, attempts by the Dhalits to convert to other religions, both Christian and Buddhist, have been met with anticonversion laws in India.

I understand that they apply and have resulted in other things which you have already talked about, but I want to know specifically what you know about, and what you think about what we should say and do with regard to the Dhalits, the untouchables, the caste that is right now looking for support from the rest of the world in their attempt to—if they can extricate themselves from the religious constraints that they are operating under and become something else, it changes their whole life. It is not just moving from religion to religion; it is moving essentially out of the caste system for them. So should we be giving them some aid? What is the position of the Administration, and what do you think we should be talking about in terms of the report?

Mr. KOZAK. Well, it is a serious concern. These anticonversion laws anywhere are a serious concern but particularly where you have the effect that you are mentioning. The caste system is supposed to be banned in India, but, in societal terms, it is not. I know, John Hanford, in our International Religious Freedom Office, has been looking into this very carefully, and I think I will let him speak to it since he is the one who has been carrying on the conversations. Let me just make it clear that it is a matter of real concern, and it is something that John will turn his attention to.

Mr. TANCREDO. Is it mentioned in the report? And I am sorry, I do not know if it is mentioned in the report or not.

Mr. KOZAK. The anticonversion laws are mentioned.

Mr. TANCREDO. But nothing specific to the Dhalits?

Mr. KOZAK. I will have to go back and look. I have to admit that this report is 5,000 pages long, and some of it, I just did not internalize, but—

Mr. TANCREDO. I did not either.

Mr. KOZAK. So please understand. Let me try to get you a more precise answer on that, Mr. Tancredo.

[The information referred to follows:]

We reported the following information on Dalits in the *Country Reports on Human Rights Practices for 2004*:

The Constitution and the 1955 Civil Rights Act outlaws the practice of untouchability, which discriminates against Dalits and other people defined as Scheduled Castes; however, such discrimination remained an important aspect of life. Despite longstanding efforts by the Government to eliminate the discriminatory aspects of caste, the practice has remained, and widespread discrimination based on the caste system occurred throughout the country.

The Constitution gives the President the authority to identify historically disadvantaged castes, Dalits, and tribal people (members of indigenous groups historically outside the caste system). These "scheduled" castes, Dalits, and tribes were entitled to affirmative action and hiring quotas in employment, benefits from special development funds, and special training programs. The impact of reservations and quotas on society and on the groups they were designed to benefit was a subject of active debate. According to the 2001 census, scheduled castes, including Dalits, made up 16 percent (166.6 million) of the population, and scheduled tribes were 8 percent (84.3 million) of the country's population.

Many rural Dalits worked as agricultural laborers for caste landowners without remuneration. The majority of bonded laborers were Dalits (see Section 6.c.). Dalits, among the poorest of citizens, generally did not own land, and often were illiterate. They faced significant discrimination despite laws to protect them, and often were socially prohibited from using the same wells and from attending the same temples as caste Hindus, and from marrying caste Hindus. In addition, they faced social segregation in housing, land ownership, and public transport. Dalits were malnourished, lacked access to health care, worked in poor conditions (see Section 6.e.), and continued to face social ostracism. NGOs reported that crimes committed by higher caste Hindus against Dalits often went

unpunished, either because the authorities failed to prosecute vigorously such cases or because the crimes were unreported by the victims, who feared retaliation.

On May 16, approximately 100 Dalit houses in the village of Kalapatti in Tamil Nadu were set on fire during the night, just days after the Government announced the general election results. Upper caste residents who blamed Dalits for their candidates' loss reportedly committed the attacks. In July, police in Tamil Nadu reportedly used excessive force to target Dalits while responding to riots at a religious festival. The injured included approximately 20 Dalits, 8 of whom required hospitalization. The riot broke out when upper-caste Hindus forcefully barred Dalits from participating in the festival.

Christians historically rejected the concept of caste; however, because many Christians descended from low caste or Dalit families, many continued to suffer the same social and economic limitations, particularly in rural areas. Low caste Hindus who converted to Christianity lost their eligibility for affirmative action programs. Those who became Buddhists or Sikhs did not. In some states, government jobs were reserved for Muslims of low caste descent.

The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act lists offenses against disadvantaged persons and provides for stiff penalties for offenders; however, this act had only a modest effect in curbing abuse. Human rights NGOs alleged that caste violence was on the increase.

Intercaste violence claimed hundreds of lives; it was especially pronounced in Uttar Pradesh, Bihar, Rajasthan, Madhya Pradesh, Tamil Nadu, and Andhra Pradesh.

Social pressures to enforce rigid caste lines in all social settings led to episodes of vigilante retribution. While much more rare in urban settings, examples of intolerance occurred regularly in rural parts of the country. Complicated social and ethnic divisions in society created severe localized discrimination. For example, in July, 30 men from the Yadav community in Madhya Pradesh, with the backing of the village council, allegedly gang raped three Dalit women. The gang rape is thought to have been in response to the elopement of a girl

from the Yadav community with a Dalit boy. Police arrested 8 persons, and cases have been filed against 20 unidentified persons. A day after the incident, a village leader allegedly stripped a Dalit woman in public view. The Madhya Pradesh Chief Minister indicated she was considering ordering a community fine on the entire village where residents were mute spectators to these acts; however, no action reportedly was taken.

Discrimination against Dalits covered the entire spectrum of social, economic, and political activities, from withholding of rights to killings. In January, Dalits participating in a national Dalit Swadhikar rally in Rajasthan were denied entry to the Shrinathji temple in Nathdwara. In May, a Dalit woman who had filed a complaint at the Aurangabad police station, died from severe burns, after allegedly being removed from the police station and set on fire by the officer in charge. The officer was suspended and charged with murder.

Mr. TANCREDO. I sincerely appreciate it because when we talk about human rights abuses in any country, but especially in India, this, in my mind, anyway, comes to the top of the pack. We are talking about 350 million people, I believe. Among them, there are many millions who have been, of course, treated shabbily just because of who they are, not just because they are trying to change religions. But their position in Indian society, it seems to me, is something that we should address and do so in the context of your report.

The other thing, I wondered if there was any concern expressed or any mention in terms of the way in which Sindis are treated in Pakistan. Sind is a province of Pakistan, but it is one, I think, that recently is witnessing a lot of human rights abuses, I think, at the hands of the Government of Pakistan, and I just wondered, again, if there is anything mentioned about them. The Sind is, as I say, a province.

Mr. KOZAK. We lost the people from the country office who wrote this thing.

Mr. TANCREDO. They were smart. They got out of here.

Mr. KOZAK. They got out of here before I did.

Mr. TANCREDO. [Laughter.] All right.

Mr. KOZAK. I will have to see. I know, in Pakistan, generally, we documented some really serious human rights problems.

Mr. TANCREDO. Right. I bring these up because they have also, in the past, sort of fallen through the cracks. We have not seen anything mentioned about them, but I think that there is reason for us to look at it a little more carefully and to look at their claims of abuse, especially in terms of the *Human Rights Report*, so I will just ask you to do that, if you would.

Mr. KOZAK. Okay. And we will keep a focus on that for future years to be sure that it is properly addressed.

Mr. TANCREDO. I have no other questions. I did want to just make an observation, and, I am sorry, my colleagues are not here yet, especially Ms. Lee, who brought up the issue of a report published by Communist China, sort of saying, "Oh, yeah? Well, look at what you are doing" type of thing. I would be happy to take a report from a country like that seriously when, in fact, you recognize that there are millions of people throughout the world who are fleeing to that country, that there are folks being packed inside of containers, trying to sneak into China for a better life. Then I will be willing to listen.

In fact, you know, really, Mr. Ambassador, I am willing to listen to any country that can show me that they actually offer to the world what the West offers, what, at least, the United States offers. If you raise all of the gates all over the world, where do people flee to? There is only one place, really. I just do not know that many people who have fled from the United States to any other country in the world, looking for a better life. Now, they may be fleeing for other reasons, but not looking for "a better life, a greater opportunity."

It all happens the other way, and that is something that we should not be ashamed to admit, and it is something that I think we have every right to hold up as a reason for us to be able to prepare a report like this and not care one twit what the Communist Chinese think about it, for what it is worth. Thank you, Mr. Ambassador.

Mr. KOZAK. Thank you very much.

Mr. TANCREDO. Thank you. I appreciate it, and we will let you go now.

Mr. KOZAK. Thank you.

Mr. TANCREDO. Let us go ahead and start.

[Pause.]

Mr. TANCREDO. I want to wait until the Chairman gets back here so he can try to pronounce all of these names and not slaughter them, as I am afraid I might.

At any rate, let me go ahead and introduce the panel. First, Captain Brian Steidle, and, by the way, it is good to see you again, Captain. I was over in Senator Brownback's office when you did the briefing, and it was very, very compelling stuff, so I think you are all going to be, I think, quite moved by this.

Captain Steidle graduated with a Bachelor's from the Virginia Polytechnic Institute and State University in 1999 and then received a commission to the U.S. Marine Corps as an infantry officer. He served with the U.S. Marine Corps until the end of 2003 as captain.

In 2004, Captain Steidle accepted a contract position with the Joint Military Commission in the Nuba Mountains of Sudan, working on the North-South cease-fire, and worked his way up from a team leader to a senior operations officer. Captain Steidle was then invited to serve in Darfur as an unarmed military observer and U.S. representative with the African Union. After witnessing villages burned to the ground, hundreds of thousands of displaced civilians, and the results of violent atrocities, Captain Steidle joined his sister, Gretchen Steidle Wallace, founder of Global Grassroots, a nonprofit organization, to lead a social movement to raise public

awareness about the atrocities in Sudan and seek international support for the African Union in stopping the violence.

Mr. Tom Malinowski. Mr. Malinowski has been Washington Advocate Director for Human Rights Watch since April 2001, responsible for the organization's overall advocacy effort with the United States Government. Prior to joining Human Rights Watch, he was a Special Assistant to the President and Senior Director for Foreign Policy Speechwriting at the National Security Council.

From 1994 to 1998, he was a speechwriter for Secretaries of State Christopher and Albright and a member of the State Department's policy-planning staff. He has also worked with the Ford Foundation and as a legislative aide to U.S. Senator Patrick Daniel Moynihan. He holds a degree in political science from the University of California at Berkeley and is an Oxford University member of the Council on Foreign Relations. He appears frequently as a radio and television and op-ed commentator on human rights policies worldwide.

Adotei Akwei. Mr. Akwei is the Director of Amnesty International USA's Campaigns Unit, a division of Amnesty responsible for the design of strategically sound, results-oriented, and effective programs. Prior to being appointed campaign director, Mr. Akwei served for 10 years as Advocacy Director for Africa. In that position, Mr. Akwei helped to implement the U.S. Government's component of Amnesty campaigns. In 1999, he received the Washington Peacemaker Award from American University for his work promoting human rights values to university students.

On December 10, 2001, he received the 2001 Human Rights Award from the United Nations Association of the National Capital Area. In 2003, Mr. Akwei was accepted as a Visiting Fellow by the Carr Human Rights Center at Harvard University and by the National Endowment for Democracy. Mr. Akwei has a Master's Degree in Government, specializing in international relations, from the School of Government, the College of William and Mary. He received his Bachelor of Arts in Political Science from the State University of New York, College at Purchase.

Daniel S. Mariaschin. Mr. Mariaschin is the Executive Vice President of B'nai B'rith International. As the organization's top executive officer, he directs and supervises B'nai B'rith programs, activities, and staff in over 50 countries where B'nai B'rith is organized. Mr. Mariaschin serves in the dual capacity as Director of B'nai B'rith's Center for Human Rights and Public Policy. In this position, he is a spokesman for B'nai B'rith, interpreting its policies to a variety of audiences, including Congress and the media, with the responsibility for coordinating its programs and policies on issues of concern to the Jewish community.

Prior to joining B'nai B'rith, Mr. Mariaschin served as Director of Communications and Principal Spokesman for Former Secretary of State Alexander Haig, Jr., during this 1987-1988 Presidential campaign. Mr. Mariaschin has spent nearly all of his professional life working on behalf of Jewish organizations.

Now, this one, help me again here. Mr. Vincuk Viacohrka. Mr. Viacohrka has served as Chairman of the Belarus Popular Front Party [BPF], and Belarus Popular Front Revival since 1999. His public policy involvement dates back to the late 1970s, when he be-



came a founding member of the Underground Youth Antitotalitarian and Pro-Independence Movement.

Mr. Viacohrka participated in the creation of the Confederation of Belarusan Associations, the first nationwide democratic organization, in 1987, and was one of the BPF's founders a year later. From 1995 to 1999, he was BPF's Vice Chairman and also the Chairman of Sopolsnuk, a civil society center.

Mr. Viacohrka has been detained and arrested by the authorities for his political activities many times. Welcome to you all, and my apologies for the way I tried to pronounce the names. I hope I came close.

Mr. Steidle?

**STATEMENT OF MR. BRIAN STEIDLE (FORMER U.S. MARINE CAPTAIN), GLOBAL GRASSROOTS**

Mr. STEIDLE. Thank you for the opportunity to come here and speak about my experiences. Instead of reading through my statement, sir, I would like to just make a summary of the statement on my experiences in Sudan.

First, I spent the last 6 months in Sudan, in the Darfur region of Sudan, a total of 13 months in Sudan. After getting out of the Marine Corps, I went there in the beginning of 2003–2004 and just returned there in February 2005. While I was there, I was part of an African Union monitoring team based in Nyalin, South Darfur, and we would conduct investigations of violations of the cease-fire agreement.

Every day, we would go out on patrols, and we would see burnt villages. Twenty thousand have been burned to the ground. We would see men, women, and children who had been killed for no reason besides the fact that they were African. We would conduct interviews with women who had been gang raped when they went to collect firewood. We would see evidence of torture, people who had their ears cut off, eyes gouged out, men who had been castrated and left to bleed.

And after serving there for 6 months, I felt that it was important that I come back here and try to spread the word about what I had seen so that the world can see what is happening. And I come before you today to speak about the three most important issues, one being the fact that this is ongoing, right now. Today, as we sit here in this room, people are dying in Darfur. The magnitude of this issue—hundreds of thousands of people, and possibly now 2 million people, have been displaced from Darfur.

The second one being the fact that this is a Government-sponsored, military operation. This is not a tribal conflict. This is not an issue between a family and a family or a village and a village. This is a Government-sponsored, military operation that is backing the Arab militias, or the “Janjaweed.”

And, three, the fact that this can be stopped. I think, with the number of suggestions I would like to make, I think that this can be stopped, and I have some specific examples on what the African Union has done there on the ground to actually stop it.

So, to elaborate a little bit about the Government-sponsored—they use helicopter gunships. Only the Government has those, not the Janjaweed, not the tribal families. They attack the villages to-

gether, the Janjaweed and the Government forces. Many, many examples—I will just be brief.

The things that can be done to stop this: I believe that a weapons sanction against the Government of Sudan will deter them from continuing to supply the Janjaweed with weapons and ammunition to fight these civilians; two, a no-fly zone over the Darfur region so that the Government not only stops attacking the villages with helicopter gunships but stops terrorizing the people with their Antonov aircraft and their helicopter gunships, even if they do not fire. People live in fear. And I think that more support to the African Union is needed on all levels, not just monetary level but logistics, communications, and assistance in getting an expanded mandate, whoever is responsible for that. Instead of having them on the ground and the protection force there for the purpose of protecting the monitors, they need 25,000 to 50,000 people on the ground to protect every village, every IDP camp. Open up the roads for humanitarian access.

So my three points being that it is ongoing today and the magnitude of it; the fact that this is a Government-sponsored, military operation, and I have evidence of that; and that it can be stopped if the world pulls together and puts their differences aside and works together to stop this.

So, with your permission, I would like to go through some pictures here. I have made some copies of some of them. I do warn the audience that some of these are rather graphic.

This is what happens after the Government of Sudan comes in and drives the people out. This is an Arab Janjaweed militia. It has just begun burning this village of Umzaefa.

This one here, sir, we were told by the Janjaweed chief that he had 15 animals stolen from him, and so he went out and burned 15 villages, and this was one of the unknown villages that was burned that day. This is the result of the burning. This is the village of Labado, which housed 20,000 people.

This was one of the first pictures I took in Sudan. Her name was Mihad Hameed. She is 1 year old. When her village of Valiet was attacked, her mother had her around her waist, tied in fabric, as they often do. She was running from the Government when her child was shot.

This is approximately a 3- to 4-year-old child who had been apparently smashed in the face with the butt end of a rifle. This village of Hamada was surrounded by the Janjaweed and Government, attacked with gunships, and 107 civilians lost their lives this day. There were no rebels anywhere around.

The same village. Lots of evidence of sexual assault, not only among the women but also among the men. This individual had apparently been sexually assaulted and then executed with a shot to the back of the head. Sometimes, the members, as I mentioned before, have been castrated. This gentleman here had been castrated and just left to bleed.

This here, I do not recall the name of the village, but the members here—it is kind of hard to see in the photograph—have had their ears cut off and their eyes plucked out. I do not know whether that was an interrogation process or just brutal torture, but we see this often.

This is a machete wound. The Janjaweed attacked this village, the village of Hamada, and this is actually in our dining facility. We were able to evacuate some of the members, even though it is not in the mandate of the African Union, but we were able to do the right thing and evacuate a number of people, and this was in our dining facility that we turned into a triage ward.

The village of Amikasar. This individual had been hit in the head, a direct shot, by a rocket from a helicopter gunship.

It is common practice for the Janjaweed to lock people in their huts and pull the door shut before they burn the huts down, and this is the result.

Evidence of Government support: A helicopter gunship flying over the village of Labado after just recently firing. This village, as I mentioned before and showed the photograph, is no longer there. They deny that they use these. Here is a closer-up picture of one. We can see the Sudanese flag on the tail.

Impacts from the rockets that they use on these villages and the shrapnel from the rockets that fired from the gunship.

And this is flashettes, a flashette rocket. Each gunship carries about four rocket pods, each rocket pod, about 20 rockets; and in each rocket, about 500 of these little flashettes, which is a small nail. It comes out like a shotgun round, and it is not used against military targets. It is not used against trucks or buildings. This is used only against people, to kill or to maim people, and they use this almost exclusively.

Military position outside the village of Labado.

A Government of Sudan soldier looting stores after they attack a village and drive the civilian population out. All of the loot is collected by the Janjaweed as a form of payment.

A Sudanese soldier burning food stores in the village after driving everyone out.

This is the IDP camp of Algier, on the outskirts of Nyala. After the people are displaced by the Government, they are put in these IDP camps, as you can see in the background. They then come in and move them out and forcefully displace them, either back to villages or other IDP camps. On this day, we were tear-gassed taking these pictures because they did not want us to see what was going on.

Mr. TANCREDO. I am sorry. You say they used tear gas on you?

Mr. STEIDLE. They used tear gas on us, yes, sir.

So, sir, I appeal to you and to the international community and anyone that will listen to me to let us, at least, step in here and help these people out. Thank you very much, sir.

[The prepared statement of Mr. Steidle follows:]

PREPARED STATEMENT OF MR. BRIAN STEIDLE (FORMER U.S. MARINE CAPTAIN),  
GLOBAL GRASSROOTS

Thank you for the opportunity to speak with you today.

Three of the most important points that I wish to make today include:

- (1) the atrocities resulting in millions displaced and hundreds of thousands killed are ongoing today and must be addressed urgently before thousands more die;
- (2) these crimes against humanity result from a Government of Sudan-sponsored military operation that is systematically eliminating the black African population from all of Darfur;

- (3) this conflict can be resolved through weapons sanctions, a no-fly zone throughout Darfur and greater international support and an expanded mandate for the African Union (AU).

First, I offer some quick background. I grew up living around the world as the son of a naval officer, now retired Admiral. I graduated with a B.S. from Virginia Polytechnic Institute & State University in 1999 and received a commission in the US Marine Corps as an infantry officer. I completed my service with the USMC at the end of 2003 as a Captain. In January 2004 I accepted a contract position with the Joint Military Commission in the Nuba Mountains of Sudan working on the North-South cease fire, now peace agreement. Within seven months I worked my way up from a Team Leader to the Senior Operations Officer. In September 2004, I was then invited to serve in Darfur as an unarmed military observer and U.S. representative with the African Union. I was one of only three Americans serving with a coalition of African countries monitoring the cease fire between the two African rebel groups and the Government of Sudan of Sudan. My military observer team was made up of representatives from the two rebel groups, the Sudanese Liberation Army (SLA) and Justice and Equality Movement (JEM), the Government of Sudan of Sudan, a Chadian mediator, a Team Leader and Assistant Team Leaders from the member countries of the African Union and either an EU or US representative. Our mission was to report back on the violations of the cease fire agreement, such as an attack on villages, troop movements and military operations. I was armed only with a pen and my reports were my ammunition. After six months, my conscience would no longer allow me to stand by without taking further action, and I became convinced that I could be more effective by bringing the story of what I witnessed to the world. I returned in early February 2005.

Atrocities of the most hideous nature are occurring today in Darfur. Every day we saw villages of up to 20,000 inhabitants burned to the ground with nothing left but ash frames. In my team's area of operation, which was South Darfur, I estimate that nearly 75 percent of the villages had been decimated by the beginning of February. We witnessed scores of dead bodies providing evidence of torture—arms bound, ears cut off, eyes plucked out, males castrated and left to bleed to death, children beaten to a pulp, people locked in their huts before being burned alive, and apparent executions. We would interview women who had been gang raped during attacks and others that had been raped in their huts within the confines of the IDP (Internally Displaced Persons) camps. Many children had been killed or violently injured and many others ended up missing never to be seen again.

This February apparently saw a decrease in the overall violence in Darfur. However, December 2004 and January 2005 represented some of the most violent months of the entire conflict. These occurred after a similarly quiet lull in November. I do not believe the current calm may necessarily be an indication that the conflict is ending.

I have clear evidence that the atrocities committed in Darfur are the direct result of a Government of Sudan of Sudan military operation in collaboration with the "Janjaweed" Arab militias. To begin, Government of Sudan officials and Arab militias come together in coordination to attack a village. Before these attacks occur, the cell phone systems are shut down by the Government of Sudan so that villagers cannot warn each other. Helicopter gunships support the Arab militias on the ground by firing anti-personnel rockets at civilian targets. These rockets contain flashettes, or small nails with a stabilizing fin on the back. Each gunship contains four rocket pods, each rocket pod contains about twenty rockets and each rocket contains about 500 of these flashettes. These flashettes are used only to kill or maim people on the ground. Flashette wounds look like shot-gun wounds. One small child, I remember, looked as if his back had been shredded. We were able to get him to a hospital, but we did not expect him to live.

On many occasions, when we would attempt to go investigate one of these attacks, we would find that the fuel for our helicopters was unavailable. We would receive many explanations from the Sudanese fuel company—from "we are out of fuel" to "our fuel pumps are broken". At the same time, the Government of Sudan helicopters continued to fly and attack villages with no shortage of their own fuel.

I have personally witnessed on many occasions Arab militias and Government of Sudan soldiers looting stores and huts, then setting these structures on fire. It is well known the Government of Sudan allows the Arab militias to keep the loot as a form of payment for their assistance in the attacks.

Those villagers that were able to escape alive, flocked to IDP (Internally Displaced Persons) camps, where they would scrounge for sticks and plastic bags to construct shelter from the sun and wind. In even these desperate situations, the Government of Sudan would not give up its mission. The Government of Sudan was also respon-

sible for the bulldozing of a number of these IDP camps. The Government of Sudan would first announce the need to relocate an IDP camp and assess the population of displaced people, often grossly underestimating the need. A new camp would be built by the international aid organizations, and then the Government of Sudan would forcibly relocate the population, leaving hundreds to thousands without shelter. They would bulldoze or drive over the camps with trucks, often without notice in the middle of the night, then gather up the remaining debris to burn.

The difference between the Government of Sudan and the rebel groups is that, for the majority of the time, the rebel groups target military and police positions, while the Government of Sudan targets civilians. The purpose of the rebel attacks are to gain ammunition, weapons, logistical stores and to show the Government of Sudan that they are still a force with which to be reckoned. I believe that one of the purposes of the Government of Sudan attacks is to kill or drive the African tribes from Darfur.

I believe this conflict can be resolved through international support for the AU. More specifically, I believe weapons sanctions and a no-fly zone throughout Darfur are critical. I have witnessed the effectiveness of the AU and believe they can stop the conflict with more support. After a violent attack on the town of Labado (pop. 20,000), a Government of Sudan General told us that his mission was to continue clearing the route all the way to Khartoum, several hundred kilometers away. The next village in line was the village of Muhajeryia, with a population near 40,000. The AU was able to place 35 soldiers into Muhajeryia to protect civilian contractors establishing a base camp for future deployment. This alone was able to deter the Government of Sudan of Sudan with a force of a few thousand soldiers and Janjaweed from attacking. Then the AU was able to deploy 70 more soldiers from the protection force and ten military observers to the burnt village of Labado. Within one week, approximately 3000 people returned to rebuild. In addition, the AU was able to negotiate and have the Government of Sudan of Sudan withdraw their troops from the area.

The AU can secure and protect all villages in Darfur with the following support:

- a) an expanded mandate to protect civilians and ensure secure routes for humanitarian aid access,
- b) advanced logistics and communication support,
- c) an increase in protection force troops in the tens of thousands on the ground.

We cannot fail the men, women and children of Darfur. We must stop the ongoing genocide.

Mr. TANCREDO. Thank you, Mr. Steidle. Even though this is the second time I have seen it, I am still overwhelmed by it. You know, it is one thing to know all of these things happened there. We talk about it here often. It is quite another to see it and to hear a first-hand observer, as you are. We will get back to you with more questions.

We will go to Mr. Malinowski now.

**STATEMENT OF MR. TOM MALINOWSKI, WASHINGTON  
ADVOCACY DIRECTOR, HUMAN RIGHTS WATCH**

Mr. MALINOWSKI. Thank you, Mr. Chairman, and thank you for inviting me to testify. I will skip 90 percent of my testimony, which goes over a number of the countries in the *Human Rights Report*, and just focus on what I think are two big issues that ought to trouble us in reading these reports, and the first is where we just left off, with Captain Steidle's very moving presentation, and that is Darfur.

If you read the description of Darfur in the State Department reports, I think the one thing that struck me was that it is exactly the same as last year's report. Nothing has changed. We have made a lot of promises about "no more Rwandas," but we are not keeping those promises right now.

It occurred to me to compare the lethargic response of the world to what is happening in Darfur to the response to the tsunami.

Somehow, when nature kills people, we do not hesitate; when governments kill people, we throw up our hands and say, "It is all so complicated, nothing can be done." The truth is, a lot can be done right now to help the millions of people in Darfur who are still alive. The key lies in placing a military force on the ground with the size and the authority to protect civilians, to do more than just bear witness and take pictures, as you so courageously did, and stopping these aerial bombardments and imposing sanctions and ensuring that those responsible are prosecuted as quickly as possible.

Now, the U.N. Security Council, as we speak, is debating a resolution on Darfur that, frankly, does not do the job. It does not call for the AU force to be increased or to protect civilians. It endorses a no-fly zone that is purely consensual. It does not resolve the issue of justice and accountability.

Now, there are lots of excuses for this, including opposition from China and Russia. That just means the United States needs to make Darfur a higher priority than it has been with key allies, as well as with Russia and China. Unless the President and the State Department make the maximum effort, the apathy and opposition of others will not be a sufficient excuse.

Now, the United States, I think, has done more than any other country in the world to respond to this crisis in Darfur, but there is one issue, frankly, where it is the United States right now, I am afraid, that is obstructing swift action, and that is this issue of justice and accountability for the killing.

This is very urgent and consequential, Mr. Chairman, for once there is an international court that is investigating these crimes, Sudanese officials are going to be looking over their shoulders with a strong incentive to avoid crimes that are going to call attention to themselves. The sooner we get this process started, the more lives we can save.

Right now, as a practical matter, there is only one institution that can move immediately to investigate and prosecute Sudanese officials, and that is the ICC. Now, I understand the Bush Administration's concerns about the ICC and those of many Members of Congress, and I understand their alternative of setting up a brand-new tribunal based in Tanzania to deal with that concern. The problem is, it would take at least a year to recruit the judges, the prosecutors, and staff to get that new tribunal going.

You asked, Mr. Chairman, about the Sierra Leone court, which is a wonderful model. It took a year and a half to set up the Sierra Leone court, and that was okay because the Sierra Leone crisis was largely over at the time. This is ongoing. We need to save lives now, and I am afraid that delay is going to cost lives.

A Darfur-only tribunal is also going to cost, by the State Department's own estimation, half a billion dollars over the next 5 years. That is half a billion dollars for what I believe is a superfluous court that could be spent to provide aid to these people, to help the AU put troops on the ground—not a good use of funds.

The ICC, on the other hand, has the capacity to begin investigating and prosecuting right now. It has the support of virtually every member of the Security Council, including the African members, and the United States could support using this instrument

consistent with the general objections that it has expressed about the ICC because this would be a Security Council referral, and we have never, as a country, objected to that mechanism of using the ICC.

So I would strongly argue that we should have this debate about the ICC later and do what is best for Darfur now, and I would ask you, Mr. Chairman, to weigh in with the Administration on this issue because it really is about saving lives.

The second big, troubling issue that I think is raised by these reports that I wanted to raise with you today is that the reports, in many respects, call into question some of the practices in which the United States, sadly, itself, has recently engaged. One of those practices is the so-called “extraordinary rendition” of terror suspects to countries that routinely torture prisoners.

Now, these State Department reports say that in countries to which detainees have been rendered—countries like Syria, Uzbekistan, Egypt, Saudi Arabia—the most gruesome forms of torture, from electric shock to pulling out fingernails to rape and asphyxiation, are standard operating procedure. This is what the U.S. Government knows about what happens in these countries.

So how can we justify delivering prisoners into the hands of these regimes? The President was asked this question yesterday, and he said that the practice is okay because these countries have promised us that they will not torture the people we send. Now, does anyone here think that we should believe such unenforceable promises from regimes like Syria and Saudi Arabia? It is a bit to me like trusting unverifiable promises from North Korea or Iran on nuclear weapons. We would not do that, and yet we do it in this case, something that I believe is either willfully naive or terribly cynical.

As it is, we have strong evidence that several of these countries, including Syria and Egypt, have already violated the assurances they have given to the United States in these cases. Even those involved in the process privately acknowledge that the promises are worthless. As one Arab diplomat said to *The Washington Post* in an article today, “It would be stupid to keep track of rendered prisoners because then you would know what’s going on.”

Now, how can our Government speak with authority about the evil of torture in countries like Egypt and Syria, which I know President Bush genuinely is committed to ending, when it knowingly makes deals with the worst elements of those regimes to send people to the very dungeons in which they torture prisoners? The practice diminishes America, and it is not necessary to protect our security. After all, I would say it is pretty naive to trust the reliability of intelligence obtained in Syrian or Uzbek torture chambers by intelligence services in those countries that have their own agendas that they are trying to promote.

The Administration must stop this practice, Mr. Chairman, and if it does not, I believe the Congress should. Now, this week, the House already took one very positive step in voting to prohibit the expenditure of funds for any purpose that contravenes the torture convention, as rendition to torture clearly does, and I thank you both for your support for that provision. But I urge the Congress to support legislation that would explicitly forbid this practice and,

in that sense, to be the safeguard, Mr. Chairman, that you spoke about in your exchange with Ms. Lee earlier today.

The basic point here is, we need the moral clarity that these reports provide, but we also need the moral authority that the United States has when it leads the struggle for human rights by example. Both are equally important. Thank you.

[The prepared statement of Mr. Malinowski follows:]

PREPARED STATEMENT OF MR. TOM MALINOWSKI, WASHINGTON ADVOCACY DIRECTOR,  
HUMAN RIGHTS WATCH

Thank you Mr. Chairman for inviting me to testify.

This year's State Department human rights reports live up to the tradition of candid and comprehensive reporting the Department has established over the years. The reports fairly describe human rights violations committed by America's allies and adversaries alike. They are so honest, in fact, that they describe as abuses of human rights a number of practices in which the United States itself has recently engaged, a subject I will return to in a moment. Ambassador Kozak and his team deserve credit for a job well done.

This annual exercise in truth telling serves a very useful purpose. By publishing these reports, the United States makes it harder for repressive governments to deny the indefensible reality of their behavior, and thus encourages them to alter that reality. The annual human rights reports also help to keep the State Department and the U.S. government as a whole more honest in dealing with abusive governments around the world. American diplomats can still argue that engaging the governments of countries like China or Uzbekistan or Egypt may be important to the national interest, despite their miserable human rights practices. But they cannot deny the brutality of those practices, or pretend that mere engagement is improving matters, if the State Department's own human rights reports state otherwise.

In addition to showing us what is happening inside individual countries, the reports also help us to see larger trends in the struggle for liberty and human rights around the world. They show us the hopeful victory of democracy in Ukraine, for example. But they also show how repressive governments elsewhere in the former Soviet Union, including Kyrgyzstan, Uzbekistan, Azerbaijan, and increasingly Russia itself are cracking down on dissent to avoid becoming the next Ukraine. They show how the Iraqi and Palestinian elections have encouraged demands for reform throughout the Arab world, but also how leaders in the region are pushing against the tide. They show the front edge of freedom and the backlash against it.

Every word and paragraph and chapter in these reports represents a challenge for the U.S. government. For it is obviously not enough for the State Department merely to describe once a year the injustices it sees around the world. The ultimate test of the human rights reports lies in what happens after the day they are published. How is the administration using their findings the other 364 days of the year? Is it applying the tools Congress has given it to combat the problems described in the reports? Is respect for human rights truly a consequential issue in America's bilateral relationships with governments that abuse human rights? When it becomes an issue, is the administration applying the right strategies and doing so aggressively enough? And is the United States leading the struggle for human rights by example, applying to itself the standards by which it judges others in these reports?

With those questions in mind, let me briefly mention a few countries where human rights abuses pose particularly great challenges for the United States right now (a list that will be illustrative but far from exhaustive). And then I would like to say a bit more about two issues raised by these reports that I believe ought to trouble us the most.

#### CHINA

This year's State Department report makes clear that China remains a country where the most fundamental freedoms are denied. In Xinjiang, the government has engaged in a sweeping crackdown on Uighur religious expression, cultural traditions and social institutions, as well as systematic torture and executions. Regulations on March 1 of this year consolidate controls on religious belief and expression throughout the country, tightening requirements for any group hoping to register as a legal religious institution. China's court system continues to use coerced confessions, and political interference with judicial decisions is common. Chinese authorities have continued to tighten their control over the media and the internet, to discriminate



against people with HIV/AIDS, and to limit the rights of the people of Tibet. We welcome the announced release of Uighur dissident Rebiya Kadir. But this does not represent fundamental change in China, or even a signal that a commitment to change may be present. It is simply the hostage diplomacy that always precedes possible action against China at the UN Human Rights Commission. For that reason, I strongly disagree with the administration's decision not to press a China resolution at the Commission this year. And I hope that these issues will remain front and center when Secretary Rice visits China this week and in every high level dialogue between the United States and China.

#### NEPAL

For several years, Nepal has been ravaged by a civil war fought between government forces and Maoist insurgents. Hundreds and perhaps thousands of civilians have been killed by both sides. Nepal now has the highest rate of disappearances of any country in the world. On February 1st of this year, Nepal's King and the Nepalese Army seized absolute power and imposed a state of emergency, suspending freedom of expression and assembly, and arresting opposition leaders, journalists, and human rights activists. The King launched the coup ostensibly to strengthen Nepal's fight against the Maoist insurgents; in fact, the coup will almost certainly weaken that struggle. It increases the likelihood that the Nepali army will fight the insurgency with indiscriminate force that further alienates the country's rural population and makes impossible a unified front of Nepali political factions against the Maoists. The Bush administration has condemned the coup and urged a restoration of democracy in Nepal. But surprisingly, it has not reacted as forcefully as the United Kingdom or even India, both of which, unlike the United States, have suspended military aid to Nepal. The United States should get in step with India and the UK and suspend military assistance until the King takes real steps to restore democratic freedoms. It should also mobilize donors to suspend budget support for the Nepali government, and back a Nepal resolution at the UN Commission on Human Rights. Swift action is needed both for the sake of the Nepali people's human rights and their interest in ending the Maoist threat.

#### BURMA

As the State Department reports make clear, the situation in Burma has worsened. Aung San Suu Kyi remains under house arrest. More than a thousand political prisoners languish in jail (and while the government has released a few in the last year, it has arrested even more). The Burmese government has ended its cooperation with the International Labor Organization on forced labor. The Burmese military continues its campaign of ethnic cleansing in isolated areas of the country, a campaign that merits international investigation to determine if prosecutable war crimes and crimes against humanity are occurring as well as responsibility for those crimes. The only good news about Burma, and it is a significant piece of good news, comes from its region. A number of Burma's neighbors, including Singapore and the Philippines, have expressed increasing frustration with the Burmese government's refusal to reform. The criticism is led by elected parliamentarians from the ASEAN countries, who well reflect the values of the people of the region and their desire to see genuine change in Burma. The United States must remain firm in its demand for the restoration of human rights in Burma. The Congress should renew sanctions imposed last year against Burma. The administration should urge more proactive leadership on Burma from the United Nations and America's European allies.

#### UZBEKISTAN

In the past few years, Uzbekistan has come under increasing pressure from the international community, including the United States, to improve its human rights record. Little progress has been made. The Uzbek government continues to imprison thousands of people for the peaceful exercise of their religious and political beliefs. Torture remains systematic in Uzbek prisons. There is no free media. Independent political parties cannot legally operate. Dissidents are persecuted and harassed; some, in an eerie echo of Soviet repression, are committed to psychiatric institutions. Uzbekistan has been a key U.S. partner in the war on terrorism and a host to U.S. military bases. Last August, the Bush administration suspended military aid to Uzbekistan over its human rights record. But shortly thereafter, General Richard Myers, Chairman of the Joint Chiefs of Staff, traveled to Uzbekistan, where he announced a new aid program equal to the one the administration suspended, and publicly criticized his own administration's decision to suspend aid. Since then, the Uzbek government has become increasingly resistant to U.S. demands for reform. The Bush administration is sending Uzbekistan mixed messages that undermine

both its human rights and its security agenda. All elements of the U.S. government, including the Pentagon, must start to speak with a single voice in Uzbekistan.

#### TURKMENISTAN

The people of Turkmenistan are suffering from the increasingly bizarre, arbitrary, and potentially deadly policies of their president, Saparmurat Niazov, who has sought to exercise absolute power over their lives. His government tolerates no opposition or criticism and crushes critical thinking. He has instituted a perverse cult of personality that increasingly dominates public life and the education system. In the name of building the Turkmen nation, he has banned opera, ballet, circus, and the philharmonic orchestra. Libraries in rural areas are being shut down. And last month, Niazov announced that all hospitals outside the capitol of Ashgabat would also be closed. "If people are sick," Niazov reportedly said, "they can come to Ashgabat." Turkmenistan is an outpost of tyranny that also suffers from obscurity—President Bush and Secretary Rice never mention it, though it clearly belongs in the same category as North Korea as a country that stifles the freedoms that make normal human life possible. The United States is even considering not supporting a resolution at this year's UN Human Rights Commission on Turkmenistan. The spotlight on Turkmenistan should be growing brighter, not dimmer.

#### RUSSIA

The largest human rights crisis in Europe remains the war in Chechnya. This is the only place on the continent where civilians are killed and disappeared on a daily basis as a result of armed conflict. As the State Department reports make clear, the situation is not "normalizing," despite statements to the contrary from Russian officials. Chechens believed to be linked to rebels committed a series of horrendous attacks on civilians, including the massacre of hundreds of school children in Beslan. Russian and pro-Russian Chechen forces continued to arbitrarily detain, extort, and execute civilians. Meanwhile, the Russian government continued its crack-down on independent media and civil society throughout Russia. The progress Russia has made towards democracy in the last decade is in serious jeopardy. During his trip to Europe, President Bush called on world leaders to make democracy a central issue in their engagement with the Russian government. But in his public appearance with Russian President Putin in Slovakia, President Bush did not confront the Russian leader, and instead appeared to take at face value Putin's assertion that he was committed to democracy.

#### EGYPT

The Egyptian government is under great pressure to begin political reforms, in large part from its own people, but also from the example of the Iraqi elections and the Bush administration's efforts to promote democracy in the Middle East. But the State Department reports illustrate just how far Egypt has to go. Emergency rule in Egypt continues, with massive arbitrary arrests, routine torture, stifling restrictions on non-governmental organizations, persecution of persons engaging in consensual homosexual conduct, and discrimination against women. Recent political reforms announced by President Mubarak do not go nearly far enough to guarantee a fair presidential election. Opposition leader Ayman Nour was recently released from prison due in part to strong protests by the United States, but still faces harassment and possible prosecution. The Bush administration deserves credit for beginning to press Egypt to open its society, but should not rush to claim credit for success before that is merited. It will take a much more persistent and consistent effort to move Egypt in the right direction.

#### DARFUR

Perhaps the most troubling part of these reports, Mr. Chairman, is the description of continuing human rights abuses in the Darfur region of Sudan. There is nothing inaccurate about the description itself. On the contrary: What should make us angry is that the description of massive atrocities committed against civilians in Darfur is absolutely true, and absolutely unchanged from the report the State Department issued last year.

We have known for more than a year what is happening in Darfur. For more than a year, the Sudanese government and the Janjaweed militias it supports have been killing civilians in Darfur or pushing them from their homes. For more than a year, the Sudanese air force has been bombing villages in Darfur to support this brutal campaign. For more than a year, we have been saying that Darfur should not become another Rwanda. Speeches are given; resolutions are passed; promises are

made. And yet, the violence continues. The most the world has been able to muster for the people of Darfur is a small force of only 2,000 troops sent by the African Union, who have a mandate to observe crimes, but not to stop them. The kinds of sanctions that might convince the government of Sudan to change course have not been imposed. The UN Security Council has not even managed to ban arms shipments to Khartoum. Meanwhile, probably over 100,000 civilians have died as a direct result of the Sudanese government's actions. Almost 2 million people have been internally displaced.

Compare the world's lethargic response to what the United States has called genocide in Darfur to its immediate response to the Tsunami disaster in Asia. Somehow, when nature kills people, we do not hesitate to come to their aid. When governments kill people, we throw up our hands in despair and say it's all too complicated; nothing can be done. And then, ten years later, we attend solemn ceremonies of remembrance, express regret, and promise that next time, the lessons will be learned and people will be saved.

The truth is, a great deal can be done right now to help the millions of people in Darfur who are still alive and who still hold out hope of returning to their homes in peace. The key lies in placing a military force on the ground with the size and authority to protect civilians, in stopping aerial bombardment by the Sudanese air force, in imposing sanctions on the perpetrators until the price they pay for continuing atrocities is greater than the perceived benefit, and in ensuring that those responsible are prosecuted for their crimes as quickly and credibly as possible.

The U.N. Security Council is now debating a resolution that, frankly, does far too little. The draft resolution does not call for the AU force in Darfur to be increased or to protect civilians. It imposes targeted sanctions on government officials and militia leaders responsible for the violence, but only for acts committed after the passage of the resolution, not for the crimes that have already claimed so many lives. It endorses a purely consensual no-fly zone, without providing for any military enforcement or even active monitoring of Sudanese air force flights in Darfur. It does not resolve the issue of how perpetrators of atrocities in Darfur should be prosecuted.

There are plenty of excuses for the weaknesses of this draft resolution. The Bush administration, which, to its great credit, would like tougher action on Sudan, will say that China and Russia are blocking it at the Security Council. That may be partly true. But that just means the United States needs to make Darfur a higher priority in its engagement with key allies as well as with Russia and China. Darfur was not prominent on President Bush's agenda during his trip to Europe and it does not appear to be high on Secretary Rice's agenda during her trip to China this week. Unless the President and the State Department make the maximum effort, the apathy and opposition of others will not be a sufficient excuse for weak action.

Moreover, there is one issue on which the United States is obstructing swift action by the international community. That is the issue of justice for those responsible for the killing in Darfur.

Justice is a moral imperative in Darfur. It is also a practical imperative. Justice is one of the most effective targeted sanctions we can apply to the Sudanese leadership. For once leaders are indicted by an international court, they will not be able to travel without fear of arrest; they will find it much harder to move their money around outside Sudan or to have any dealings with other governments. Indictment, therefore, would be the practical equivalent of a travel ban or asset freeze, but unlike those measures, it never expires; it remains in place at least until its targets stand trial. An effective process of accountability could also deter further violence. The more seriously officials in Khartoum take the prospect of prosecution by an international court, the more likely they are to refrain from further killing to avoid calling the court's attention to themselves. Lives can be saved, therefore, if such a process can be started swiftly. Lives may be lost if there is delay. Right now, there is only one institution in the world that can move immediately to investigate, indict, and prosecute Sudanese officials. That institution is the International Criminal Court (ICC) in the Hague—so long as Sudan is referred to it by the UN Security Council (since Sudan is not a party to the ICC treaty, this court can only prosecute crimes committed there with a Security Council referral).

As you know, the Bush administration has profound concerns about the ICC. It has proposed as an alternative the creation of a brand new international court for Darfur, to be housed alongside the International Criminal Tribunal for Rwanda in Arusha, Tanzania. The problem with this alternative is that, based on past experience with such courts, it would take at least a year to recruit the judges, prosecutors, and staff needed to establish a new Darfur Tribunal. In the meantime, the Sudanese government could continue its killing spree without an existing international court looking over its shoulders. It could take the time to burn documents, kill off

witnesses, clean up mass graves. This delay will cost lives. It will make the ultimate task of prosecuting the killers harder.

Creating a new court for Darfur would also cost, by the State Department's estimation, about \$100 million a year for the next five years. Because most U.S. allies are already assessed to support the ICC, none are likely to contribute a penny for a new tribunal. Realistically, the United States would have to bear the entire cost. That means the Congress would have to be prepared to allocate half a billion dollars over the next few years simply to avoid having to use the ICC in Darfur—half a billion dollars for a superfluous court that could instead be used to equip peacekeepers to protect civilians in Darfur, or to buy food and medicine for desperate refugees. In addition, a Darfur-only court would expire after several years, as all ad-hoc, single issue tribunals eventually do. This means that the killers in Khartoum could wait it out.

The ICC, on the other hand, has the capacity to begin investigating and prosecuting and deterring crimes in Darfur right now. The ICC is a permanent court—it cannot be outlasted by indicted Sudanese officials; if they hide, it will be pursuing them till the day they die. It is fully funded by other nations. What's more, the United States could support employing the ICC consistent with its general objections to this court, because the ICC would be acting in this case in the manner the United States has consistently said it could support—via a referral from the UN Security Council, where the United States has a veto.

Wherever one stands on the merits of U.S. participation in the ICC, this court is clearly the best option for saving lives in Darfur. And in a moment of crisis such as this, that should be our only consideration. The State Department has argued that its alternative is better because it would empower Africans to settle this problem in an African-based court. But the African members of the Security Council have made clear that they themselves would prefer Darfur to be handled by the ICC. Twelve of fifteen Security Council members support using the ICC; none have endorsed the administration's alternative. The administration's reluctance to accept an ICC referral, therefore, is holding up a resolution that could bring some help to the people of Darfur. Were the administration open to compromise on this issue, it would be in a much better position to win its allies' support for an even stronger resolution, with real sanctions and a more effective peacekeeping force. My understanding is that discussions are underway on a deal that would let ICC referral go forward. I urge all members of the Committee to encourage the administration to seek such an outcome as quickly as possible.

#### RENDITION/TORTURE

Mr. Chairman, a second troubling issue raised by the human rights reports is the one I alluded to at the start—the reports call into question practices in which the United States itself has engaged since September 11th. One of those practices is the so called “extraordinary rendition” of terror suspects to countries that routinely torture prisoners. Consider what the State Department reports say about some of the countries to which the United States renders terror suspects. They say that torture is used “frequently” by security services in Syria, including methods such as electrical shocks, pulling out fingernails, forcing objects into the rectum, beating, hyperextending the spine, and using a backwards bending chair to asphyxiate the victim or fracture the victim's spine. They say that in Egypt, “a systematic pattern of torture by security services exists,” including beating victims with fists, whips and metal rods, electrical shocks, and sexual assaults. They say that authorities in Uzbekistan “routinely tortured, beat, and otherwise mistreated detainees to obtain confessions” using suffocation, electric shock, rape, and beating. These reports make clear that the Bush administration knows perfectly well what goes on in the prisons of countries to which it sends terror suspects. It knows perfectly well that torture is standard operating procedure in these places and that anyone delivered to the custody of their security services is likely to be tortured. So how does the administration defend this practice? It says that it doesn't send anyone to a place like Syria or Egypt unless Syria or Egypt promises not to torture that person. If anyone here today thinks we should believe such unenforceable promises from countries that systematically torture people, please let me know.

As it is, we have strong evidence that several of these countries, including Syria and Egypt, have already violated the assurances they have given the United States in these cases. And those involved in the process privately acknowledge the assurances are worthless. As one Arab diplomat quoted in the Washington Post today said: “It would be stupid to keep track of [rendered prisoners] because then you would know what's going on. It's really more like don't ask, don't tell.” An American

official quoted in the same story said: "They say they are not abusing [rendered prisoners], and that satisfied the legal requirement, but we all know they do."

How can our government speak with authority about the evil of torture in countries like Egypt and Syria and Uzbekistan when it knowingly making deals with the worst elements of those regimes to send people to the very dungeons where they torture prisoners? This practice diminishes America, Mr. Chairman. And it does not strengthen America's security—for one would have to be truly naive to trust the reliability of intelligence obtained in Syrian or Uzbek torture chambers by intelligence services that have their own agendas to promote. The administration must stop this practice. If it does not, the Congress should. The House already took one step in this direction earlier this week when it voted to prohibit the expenditure of funds for any purpose that contravenes the Torture Convention (as rendition to torture clearly does). I urge the Congress to support legislation that explicitly forbids this practice.

A similar problem highlighted by the State Department reports relates to the methods that the United States has used to interrogate suspects in American custody. In chapter after chapter of these reports, the State Department candidly describes some of these methods as torture. The chapter on North Korea, for example, condemns as torture methods of interrogation such as "prolonged periods of exposure"; "humiliations such as public nakedness;" "being forced to kneel or sit immobilized for long periods;" and "being forced to stand-up and sit-down to the point of collapse" (practices referred to in the U.S. military as "stress positions.") The chapter on Libya condemns as torture the use of dogs to threaten detainees. The chapter on Iran condemns as torture "prolonged solitary confinement with sensory deprivation," "long confinement in contorted positions," and "sleep deprivation." The chapter on Tunisia condemns as torture "submersion of the head in water" (which is often referred to as "waterboarding.") All these methods have at one point or another been approved by administration officials, including Secretary Rumsfeld, for use on detainees in Guantanamo, in Iraq, in Afghanistan, and in CIA custody around the world, where they clearly contributed to abuses that have done great harm to America's standing in the world. When they are used in places like Libya and North Korea, the State Department agrees that they are torture. Yet their use by the Pentagon and CIA has never been repudiated by the administration; no one has acknowledged that it was wrong; no one has pledged that it will not be tolerated again.

Once again, the Congress must do what the Executive Branch apparently will not. The Congress should establish clear standards for interrogating detainees that are consistent with the laws and treaties of the United States. The best way to do that is to mandate compliance with the standard that has guided America's armed forces successfully in the past, the standard that reflects the armed forces finest values—the standard contained in the U.S. Army's Field Manual on Intelligence Interrogation. The fundamental point is that we need the moral clarity that is provided by these State Department human rights reports and by the efforts of the President and the State Department to condemn human rights abuses throughout the year. But the United States needs to project more than moral clarity—it must maintain moral authority to promote a more humane and democratic world. That requires consistent leadership abroad and a sterling example at home.

Mr. TANCREDO. Thank you. Mr. Akwei?

**STATEMENT OF MR. ADOTEI AKWEI, CAMPAIGN DIRECTOR,  
AMNESTY INTERNATIONAL**

Mr. AKWEI. Thank you very much, Mr. Chairman and Members of the Committee. I would like to say that it is a pleasure to be back again working with such longtime comrades and champions in the fight for human rights. I am also going to try to limit my presentation, really, to two issues: The first, looking at the status of women's rights in Africa, which is one of the things that the State Department reports truly highlight in great detail and, for Amnesty International, represents one of the greatest deprioritized human rights epidemics, and that is the violence against women; and the second would be to just talk a little bit about the other major conflict zone in Africa, which is, of course, as you mentioned, the Democratic Republic of the Congo and the Great Lakes.

Very briefly, the reasons for talking about women's rights and, in particular, gender-based violence is, first of all, because of the statistics that measure discrimination inflicted upon women, either in conflict or post-conflict situations and even within their families and the communities. For example, in conflicts in Liberia, Rwanda, Burundi, Sierra Leone, the Democratic Republic of the Congo, and Darfur, the victims have been as young as 8 and as old as 80. They have been raped and mutilated in the open, in front of their families and their communities.

At the same time, women throughout Africa face violence in non-conflict situations that are discriminatory and are either ignored by their societies or, in some cases, even condoned by them. For example, in North Africa, Amnesty estimates that as many as 6,000 women suffer genital mutilation every day and that possibly as many as 135 million women have undergone this practice. In other regions, the failure of corrupt, inactive justice systems impacts all citizens; however, women face additional hurdles in terms of official inaction or indifference, combined with an unwillingness to prioritize gender-related, human rights concerns by other sectors of society and traditional allies in human rights work.

Millions of African women, like others around the world, face cultures and practices that stigmatize women, who, let us remember, are the victims when they raise cases of domestic abuse or rape. The State Department reports underscore how prevalent violence is amongst women in Africa by exposing the fundamental inability or unwillingness to address it by the political or justice systems. These same failures of the rule of law—equal protection and respect for the rights of women and accountability—are, not surprisingly, usually present when other human rights issues are being discussed. To effectively stop those human rights abuses, we must prioritize ending violence against women as well.

If that were not reason enough to highlight this issue, then one must also consider the link between gender-based violence and the spread of HIV/AIDS. As you know, at the moment, Africa holds the largest number of persons infected with the disease. African women constitute 58 percent of this population and are four times more likely to contract HIV from males than vice versa.

Violence against women is both a cause and a consequence of a woman's infection with HIV. Violence, especially coerced sex, increases a woman's vulnerability to becoming infected with HIV infection. Violence and fear limit a woman's ability to negotiate safe sexual behavior, even in a consensual encounter. When one adds the impact of conflict to health care systems that are already in ruins, the impact of gender-based violence and the spread of AIDS becomes starkly clear.

Amnesty International has launched a campaign called the Stop Violence Against Women Campaign, and we hope to be working with Members of the Committee and Congress to try to highlight these issues and to try to get the governments in the countries where these issues are so serious to seriously prioritize them.

I would now like to talk very briefly about the situation in the Democratic Republic of the Congo. Unlike Darfur where, I think, it is safe to say that the situation there has not just not improved but has probably deepened, given that we now actually have an Af-

rican Union force there on the ground, and the abuses are still happening, the situation in the DRC is off the radar and certainly appears to be more intractable.

We certainly have progressed, in terms of the Government of national unity having survived yet another year. You have an increased MONUC force. Despite major problems and the need for reform and strengthening, it is on the ground, and you also continue to have continuing growth in terms of civil society activities. That has not changed the security situation for the general Congolese person outside of Kinchasa.

The violence that I referred to and which was documented in Mr. Steidle's presentation is endemic in the Democratic Republic of the Congo—the use of child soldiers, the abuses and violence committed by the warlords and by militias—and the issue of accountability is so far off the radar that we are truly talking about how do you stabilize and implement even one set of rules for the whole country?

So the situation there, I think, the reports underscore, is of a serious priority and impacts many different countries, and until you actually resolve it there, you are going to continue to have all of the abuses that I have just mentioned, in addition to transits of conflict diamonds, of weapons, and of other natural resources, not to mention instability within the whole region.

There are, of course, other parts of Africa that are not in conflict, and those, I think, are areas where the United States must pay much greater attention. Just as Tom mentioned, the need for sticking to principles in terms of interaction with countries that are human rights abusers, the United States has to become a little bit more serious in terms of strategic partners, such as Nigeria, Ethiopia, and Uganda, and their respect for the rule of law and human rights. It is not good enough that they are key allies in the war on terror when they are, in fact, committing abuses that equate abuses of a terrorist organization on their own citizens.

In particular, in Nigeria, you continue to have a disregard for the rule of law by the executive branch. You have vigilante violence in the Niger Delta, and you have a failure to prosecute abuses by the security forces. These are ongoing. They have been in the State Department report for the last 5 or 6 years, probably from the period under General Sani Abacha, and we still have no progress in terms of resolving those.

The same concerns that we saw last year with Eritrea remain today in this year's report, and, in fact, some of the prisoners-of-conscience cases that Members of Congress have been working on, we only do not have any new information; we have a complete disregard by the Eritrean Government, and I would like to mention Aster Yohannes and Fesshaye Yonhannes, who we have seen letters generated on by many of you. The Eritrean Government just denies any legitimacy of their prisoner-of-conscience status.

The same concerns, in terms of the rule of law and accountability, also remain with Ethiopia and also with Uganda, and, of course, the crisis in northern Uganda, which, I know, is of personal interest to Congressman Payne. I would just end by saying that it is important that the security of the civilians in northern Uganda be a priority, and this would involve putting more pressure on the

Sudanese Government to stop offering safe haven to the LRA, to turn over weapons caches that the LRA has hidden in Sudan, and, of course, to put pressure on the Ugandan Government to seriously commit itself to a peace process as opposed to trying, after 18 years of futility, to resolve the situation by a military solution. And I will stop there.

[The prepared statement of Mr. Akwei follows:]

PREPARED STATEMENT OF MR. ADOTEI AKWEI,<sup>1</sup> CAMPAIGN DIRECTOR, AMNESTY INTERNATIONAL

#### INTRODUCTION

Amnesty International appreciates the opportunity to testify and provide an oral statement focused on Africa for this hearing and requests the opportunity to submit an expanded and revised statement for the record that will focus globally and provide Amnesty International's overall assessment with regards the Department of State Country Reports on Human Rights Practices for 2004.

It is both an honor and a pleasure to be working again with members who have been steadfast champions and allies in the effort to promote human rights globally and in particular to highlight and address the challenges facing Africa.

First Amnesty International commends the State Department for issuing a report that is generally strong and factual in character. This year's report continues the trend of improvement year by year. In particular AI welcomes the coverage on issues such as Honor Killings and on the treatment of persons who are gay, lesbian or bi-sexual. We reiterate our call to the State Department to expand coverage to include rights issues linked to the HIV/AIDS pandemic, abuses related to corporate actions and lack of accountability, and country performances on access to housing, food, and medical services.

Mr. Chairman I would like to frame my comments by first highlighting broader issues that face the continent and then looking at development in the past year in a select set of countries.

#### I. CASE FOR PRIORITIZING WOMEN'S RIGHTS

I would like to start off by looking in particular the state of women's rights in Africa. I do this for several reasons. First the statistics measuring discrimination and gender-based violence inflicted upon women, either in conflict and post conflict situations or within their families and communities, is staggering. For example in conflicts Liberia, Rwanda, Burundi, Sierra Leone, the Democratic Republic of the Congo and Darfur Sudan girls as young as 8 and women as old as 80 have been raped and mutilated in the open, in front of their families and communities.

At the same time, women throughout Africa face acts of violence in non-conflict situations that are discriminatory and are either ignored by their societies or in some cases condoned by them. In North Africa AI estimates that as many as 6,000 women suffer genital mutilation every day and that possibly 135 million girls have undergone this practice. In other regions the failure of corrupt, inactive justice systems impact all citizens however women face additional hurdles in terms of official inaction or indifference combined with an unwillingness to prioritize gender related human rights concerns by other sectors of society. Millions of African women, like others around the world, face cultures and practices that stigmatize women—who let us remember, are the victims—, when they raise cases of domestic abuse and rape. The DOS reports underscore how prevalent violence against women is in Africa, by exposing the fundamental inability or unwillingness of the respective political and justice systems to address this issue or prioritize it. These same failures of the rule of law, equal protection and respect for the rights of men and women and accountability are, not surprisingly, usually present when the other human rights concerns are being discussed. To most effectively stop human rights abuses in general our efforts here must prioritize ending violence against women as well.

If this were not reason enough to highlight this issue then one must also consider the link-between gender-based violence and the spread of HIV/AIDS. As you know at the moment Africa holds the largest number of persons infected with the disease. African women constitute 58% of this population and are 4 times more likely to contract HIV from males than vice versa. Violence against women is both a cause and a consequence of a woman's infection with HIV. Violence, especially coerced sex in-

<sup>1</sup>This testimony was completed with the help of Mulenga Trish Katyoka



creases a woman's vulnerability to becoming infected with HIV infection. Violence and fear also limit a woman's ability to negotiate safe sexual behavior even in a consensual encounter. When one adds the impact of conflict to healthcare system that is already in ruins, the impact of gender-based violence on the spread of AIDS becomes starkly clear.

Mr. Chairman, in the year since the last DOS report as published the level of human suffering in Democratic Republic of the Congo, Northern Uganda, and Cote d'Ivoire has not improved and in Sudan, in particular Darfur the situation worsened. In all of these conflicts women and girls can no longer be described as collateral damage, they are the targets of the violence. In Darfur one of the most disturbing of the war crimes committed in Darfur has been the violence against thousands of women and girls who have been and continue to be deliberately and systematically targeted by opposing forces for extrajudicial execution, rape, assault, harassment and mutilation. Women in camps for the internally displaced continue to be attacked and raped by the very people who forced them out of their homes in the first place further, in many cases by they are also being attacked by Sudanese security forces who claim to be there to protect them. Even after these women have survived rape or assault, in some cases multiple times, they face intimidation, harassment. Legal obstacles in getting action on their cases as well as a lack of resources to help them address their medical needs or, as the Sudanese authorities call it their "illegal pregnancies" The DOS report documents that the targets have been as young as 8 and as old as 80.

Similar abuses are also documented in detail in the Democratic Republic of the Congo where the conflict between the Central government and regional militias continues to create suffering for Congolese women despite a government of national unity and the presence of international peacekeepers. Armed groups continued to use rape as a weapon of war, exacerbating the incidence of rape and other forms of violence against women and girls, which include forced labor and sexual slavery. The UN Office for the Coordination of Humanitarian Affairs estimated that between October 2003 and February of 2003, 5,000 women were raped in South Kivu Province alone. That is an average of 40 per day. While that level of violence has subsided somewhat, violence against women continues to be endemic and impunity—only a handful of cases have ever been brought to trial—remains the law of the land. This behavior continued during the last year with armed groups using rape as a tool of war with impunity.

Even in the areas of relative security, Congolese women face major challenges. The DOS report states that "that domestic violence, including rape, was common, police rarely intervened in domestic disputes and rapists were very rarely prosecuted. That there were no laws prohibiting spousal abuse or assault and that it remains commonplace for family members to instruct a rape victim to keep quiet about the incident, even to health care professionals, to save the reputation of the victim and her family. Further, the DRC's active and energetic press that survived Mobutu rarely reported incidents of violence against women or children."

The law does not prohibit the practice of FGM and the government initiative to help end the practice was under funded and understaffed. The DOS report also refers allegations of official involvement in trafficking prostitution and child prostitution during the last year

AI also is concerned that complacency to the plight of women to a secondary role in society contributes to encourages their oppression. Married women were required by law to obtain their husband's permission before engaging in routine legal transactions, such as selling or renting real estate, opening a bank account, accepting employment, or applying for a passport. The law permits a woman to inherit her husband's property, to control her own property, and to receive a property settlement in the event of divorce; however, in practice, women often were denied these rights, which in some cases was consistent with traditional law. Widows are commonly were stripped of all possessions—as well as their dependent children—by the deceased husband's family. Human rights groups and church organizations worked to combat this custom, but there was little government intervention or legal recourse available.

Similar concerns also apply to Uganda where women have been particularly hurt by the conflict in Northern Uganda. There were reports of trafficking in women, girls, and babies during the year. Rape remained widespread and common. Thousands of women and girls were victims of abduction and rape by rebel forces. There also were reports that women were raped by the UPDF. Unlike in previous years, there were no reports that the SPLA forcibly recruited Sudanese refugees in the north for service in their forces.

Despite Uganda despite a parliament with a broad representation of women, laws that prohibit assault, battery, and rape, there were no laws that specifically pro-

tected women from spousal abuse. Many law enforcement officials continued to view wife beating as a husband's prerogative and rarely intervened in cases of domestic violence. Women remained more likely to sue for divorce than to file rape or assault charges against their husbands. A 2003 HRW report concluded that married women were particularly vulnerable to HIV/AIDS infection as a result of forced sex in marriage by husbands with multiple partners or wives. The report identified numerous social and legal obstacles to women's ability to protect themselves against HIV/AIDS infection in abusive relationships.

The DOS report also documents how traditional and widespread societal discrimination against women continued, especially in rural areas where many customary laws discriminate. Many customary laws discriminate against women in the areas of adoption, marriage, divorce, and inheritance. In many areas, women could not own or inherit property or retain custody of their children under local customary law. Traditional divorce law in many areas requires women to meet stricter evidentiary standards than men to prove adultery. There was no law against FGM, but the Government, women's groups, and international organizations continued programs to combat the practice through education. These programs, which received some support from local leaders, emphasized close cooperation with traditional authority figures and peer counseling. Significant press attention to these ongoing efforts brought public attention to the problem during the year.

Trafficking in Persons is another area of grave concern in Uganda. The law does not specifically prohibit trafficking in persons; however, it prohibits trafficking-related offenses. The penalty for the procurement of women for purposes of prostitution or detention with sexual intent is up to 7 years' imprisonment; the penalty for trading in slaves is up to 10 years' imprisonment. A range of sentences up to the death penalty can be imposed for defilement, when adults engage in sex with minors. Forced labor is a misdemeanor. There were reports that persons were trafficked to, from, or within the country. During the year, persons were arrested for trafficking-related offenses; however, none reportedly were convicted.

In Nigeria, domestic violence and discrimination against women remained widespread. Female genital mutilation (FGM) remained widely practiced in some parts of the country, and child abuse and child prostitution were common. Further, the use of Shari'a courts increased the likelihood that women would face discrimination based differing weight placed on a women's testimony in the case of rape. Further these courts have sentenced women and men to harsh punishments including amputations and death by stoning; although there were no reports of any sentences actually being carried out during the year.

In Ethiopia, women continue to face domestic violence, including wife beating and marital rape. There are no laws targeting domestic violence or sexual harassment. The DOS report states that while Ethiopian women "had recourse to the police and the courts, societal norms and limited infrastructure prevented many women from seeking legal redress, particularly in rural areas. Social practices obstructed investigations and prosecutions in rape cases, and many women were not aware of their rights under the law" The DOS report goes on to add that it is estimated that every year over 1,000 women are raped in Addis Ababa. During the year, rape sentences were handed down in line with the 10 to 15 years prescribed by law however, the problem persists. On a positive note, the government established a court to try cases of sexual abuse against women and children.

Women and girls in parts of the Ethiopia continue to face abduction as a form of marriage despite it being illegal and the government's attempts to stop the practice. Forced sexual relationships often accompanied most marriages by abduction, and according to the report women often were physically abused during the abduction. Many of those girls married under these circumstances were as young as 7, despite the legal marriage age of 18. According to the report, in cases of marriage by abduction, the perpetrator was not punished if the victim agreed to marry him (unless the marriage was annulled); even after a perpetrator was convicted, the sentence was commuted if the victim married him.

FGM remained a serious challenge during the year. According to the findings of a government national baseline survey released in 2003 on harmful traditional practices, 90 percent of women undergo one of four forms of FGM—circumcision, clitoridectomy, excision, and infibulation. The National Committee on Harmful Traditional Practices also reported that, harmful practices against women, including FGM, abduction, and early marriage have declined from over 90 percent to 73 percent since 1992.

The Constitution and the penal code prohibit bodily injury. They do not specifically outlaw FGM. According the report the Government continued to update the penal code during the year as well as working to discourage the practice of FGM through education in public schools and through broader mass media campaigns.

The Government also took action against persons who were involved in operations such as arresting individuals who requested the procedure for women as well as people who performed the operations.

Despite Constitutional provisions stating that all persons are equal before the law and a Family Law bill that removes numerous cultural practices that discriminate against women effective protection for women remains elusive due to a lack of mechanisms to enforce the laws and the fact that regional councils retain the authority to determine family law for their respective regions.

According to the DOS report during the past year discrimination against women Ethiopia was most acute in rural areas, where 85 percent of the population lived. Legal codes recognize the husband as the legal head of the family and the sole guardian of children over 5 years old, do not view domestic violence as enough justification to obtain a divorce and had only limited juridical recognition of common law marriage. According to the report "Irrespective of the number of years the marriage existed, the number of children raised, and joint property, the woman was entitled to only 3 months' financial support if the common law relationship ended. A husband had no obligation to provide financial assistance to his family and, as a result, women and children sometimes were abandoned when there was a problem in the marriage. The law states that any property owned before marriage belongs to the spouse that had it. Any property gained during marriage is shared equally by the husband and wife. Thus a widow is entitled to her 50 percent share of property gained during the marriage; however, a wife does not have inheritance right to her deceased husband's share." Women also faced continued discrimination in terms of access to leasing of land.

While all land belonged to the Government and although women could obtain government leases to land, through a Government policy to provide equal access to land for women, this policy rarely was enforced in rural communities. According to the Ethiopian women's groups in nearly all regions women do not have access to land. They cannot inherit land, and the only way for them to gain access to land was via marriage. However, when the husband dies, other family members often take the land from the wife."

## II. HUMAN RIGHTS DEVELOPMENTS IN THE LAST YEAR

Mr. Chairman, I would now like to briefly review some of the developments in Africa documented by the DOS reports, starting with the situation in conflict areas. In the year since the last DOS report as published the level of human suffering in Democratic Republic of the Congo, Northern Uganda, and Cote d'Ivoire has not improved and in Sudan, in particular Darfur the situation worsened. In all of these conflicts women and girls can no longer be described as collateral damage, they are the targets of the violence

### *Darfur / Sudan*

In Darfur the United Nations recently concluded that at least 180,000 people have died as a result of the conflict between the Sudanese government and two rebel groups the Justice and Equality Movement and the Sudan Liberation Army. Over 2.2 million have been impacted with 1.8 million being internally displaced and 213,000 in refugee camps in Chad. This violence has happened even with the presence of a Ceasefire Monitoring Force from the African Union, the very courageous work of international relief agencies at last count, nearly half a dozen UN Security Council resolutions and a surprisingly high level of attention from the international media and general public. We must and can do more.

### *Democratic Republic of the Congo*

The human rights record in areas under marginal government control remained extremely poor, and armed groups continued to commit numerous, serious abuses, particularly in North and South Kivu, Maniema, northern Katanga, and Ituri District in Orientale Province. Political freedom increased slightly during the year. Armed groups committed numerous, serious abuses with impunity against civilians, including deliberate large-scale killings, the burning of villages, kidnappings, torture, rape, cannibalism, mutilation, looting, and extortion. Arbitrary arrest and detention continued to be problems. Armed groups severely restricted freedoms of speech, the press, assembly, and movement. Respect for religious freedom improved. Fighting in the Kivus and Ituri District of Orientale Province continued to result in large numbers of internally displaced persons (IDPs). Armed groups attacked local and international nongovernmental organizations (NGOs) and killed MONUC peacekeepers. Rape, violence against women and girls, and forced labor, including sexual slavery, were severe problems. Child labor, including the forced recruitment and use of child soldiers, was a serious problem. Trafficking remained a problem.

Discrimination continued against indigenous Pygmies and Congolese Tutsis from South Kivu, known as Banyamulenge.

#### *Northern Uganda*

The reporting for Northern Uganda sufficiently recounts the ensuing human rights abuses resulting from the conflict between the Lord's Resistance Army and the Ugandan government in Northern Uganda. This conflict has now reached its 18th year, has continued to destabilize Uganda. In the last year President Museveni has asked the ICC to investigate and prosecute perpetrators of abuses committed during the conflict but at the same time has failed to protect persons in camps for the internally displaced while insisting that the LRA would soon be defeated militarily. After 18 years of military initiatives, 20,000 child abductions and thousands of lives it is more than time to seek alternatives options to a military resolution of the conflict. Further given the lack of accountability for abuses by the Ugandan military and allied militia in the neighboring DRC, it is far from clear that supporting a military resolution will be the best use of assistance from the United States.

The women have been particularly hurt by the conflict. To prioritize their strife and to raise their voices at a national platform so that communities in Northern Ugandan, in particular the children and women receive the support and empowerment that is key to their prosperity. There were reports of trafficking in women, girls, and babies during the year. Acts of rape remain common. Thousands of women and girls were victims of abduction and rape by rebel forces. There also were reports that women were raped by the UPDF. Unlike in previous years, there were no reports that the SPLA forcibly recruited Sudanese refugees in the north for service in their forces.

The conflict between the Lord's Resistance Army and the Ugandan government in Northern Uganda is now in its 18th year. In the last year President Museveni has asked the ICC to investigate and prosecute perpetrators of abuses committed during the conflict but at the same time has failed to protect persons in camps for the internally displaced while insisting that the LRA would soon be defeated militarily. After 18 years of military initiatives, more than 20,000 child abductions and thousands of lives it is more than time to seek alternatives options to a military resolution of the conflict. Further given the lack of accountability for abuses by the Ugandan military and allied militia in the neighboring DRC it is far from clear that supporting a military resolution will be the best use of assistance from the United States.

#### *Zimbabwe*

President Robert Mugabe and continued the systematic dismantling of what little was left of the façade of the rule of law and democracy in Zimbabwe. In fact with the exception of individual specifics on what new acts of repression inflicted by the government the DOS report entry for Zimbabwe was depressingly similar to the one from the year before and the one before that; legislation further restricting NGOs and information were enacted, efforts to organize by the MDM were blocked or disrupted. The 2004 DOS report notes that in the last twelve months the government "used intimidation and violence to maintain political power." Including "a systematic, government-sanctioned campaign of violence targeting supporters and perceived supporters of the opposition continued during the year. During the year security forces committed extrajudicial killings. Allies of the government continued to occupy commercial farms, and in some cases killed, abducted, tortured, intimidated, raped, or threatened farm occupants. The 2004 report details incidents where the security forces, government-sanctioned youth militias, and ruling party supporters tortured, raped, and abused persons perceived to be associated with the opposition, resulting in the deaths of some persons. There were arbitrary arrests and detentions and in addition to further enshrining impunity for government officials and their supporters.

The Government continued to restrict freedom of speech and of the press, academic freedom, freedom of assembly, movement and the right of association for political organizations. In particular NGOs and members of civil society were attacked and arrested. The government also continued to churn out repressive legislation such as the Criminal Procedure and Evidence Amendment Act, which allows the police to hold persons suspected of committing economic crimes for up to 4 weeks without bail.

#### *Ethiopia*

The DOS report also continues to paint a grim picture in Ethiopia. During the last year the security forces committed unlawful killings in addition to beating, torturing and mistreating detainees. Persons were arbitrarily arrested and detained,

particularly those suspected of sympathizing with or being members of the Oromo Liberation Front. The DOS report states that "Thousands of suspects remained in detention without charge, and lengthy pretrial detention continued to be a problem". The report found that freedom of the press remained restricted; despite fewer journalists being arrested, detained or punished for writing articles critical of the Government and freedom of assembly was restricted, particularly for members of opposition political parties; as was freedom of association. The report mentioned that during the last year tolerance of nongovernmental organization (NGO) in particular the registration process for NGOs continued to improve.

#### *Eritrea*

The last 12 months saw little to no improvement in terms of the human rights situation in Eritrea, leaving the government's record poor. The DOS report noted that security forces were responsible for unlawful killings, arbitrary arrest and detention; numerous reports of torture and physical beatings of prisoners, particularly during interrogations, and the severe mistreatment of army deserters and draft evaders. At this point I would like to point out that over a dozen prisoners of conscience, many whose cases have been taken up during the year by members of Congress and this Committee remain in incommunicado detention including Aster Yohannes and Fesshaye Yohannes and others.

The Government used special courts that limited due process and severely restricted freedom of speech and press, and restricted freedom of assembly, movement, association and religion (for religious groups not approved by the Government), Human rights groups were not allowed to operate in the country and access to Eritrea for international NGO remained proscribed with the exception of the Red Cross. Violence and societal discrimination against women continued to be problems, and female genital mutilation (FGM) remained widespread despite government efforts to discourage the practice.

#### *Nigeria*

In the case of Nigeria, the DOS report states clearly that the Government's human rights record remained poor, and that security forces continued to commit serious abuses such as extrajudicial killings and the use of excessive force. During the year under review, the police and army regularly beat protesters, criminal suspects, detainees, and convicted prisoners and committed torture although the DOS report indicates that there were fewer reports than in previous years. The rule of law did not advance during the year, with impunity, the questionable interpretations of the law by Shari'a courts, and arbitrary arrest and detention being a problem.

During the year the Government occasionally restricted freedom of speech and press and limited freedom of assembly. Inter-communal violence in particular but no limited to the Niger Delta continued.

#### *Positive Developments*

Mr. Chairman, members of the Committee, I will end my review by noting that despite all of these issues the year in review in Africa also held major advances in terms of human rights, there was the deployment of the African Union Ceasefire monitors in Darfur, representing a fundamental shift limiting national sovereignty in defense of human rights. The AU also forcefully responded to violations of the ceasefire by the Ivorian government and worked with the international community to impose an arms embargo. There were the continuing operations of the Special Court in Sierra Leone and the International Criminal Tribunal for Rwanda. As I mentioned earlier, the efforts of the Ethiopian government over the last year to end the practice of FGM were also laudable. But much more needs to be done because as the DOS reports illustrate what we are doing is simply not enough. We can and must do better.

### III RECOMMENDATIONS

Until the culture of impunity is shattered and clear disincentives for abusive behavior be it against women, children or men are established, in all of these conflicts, effort to secure peace, security and the protection of human rights will be reduced to running from one fire to another. At the same time more can and must be done to try and address the medical needs of the survivors. We can do this by increasing our support for efforts to provide medical care for all of those impacted by these conflicts but in particular for survivors of gender based violence and by encouraging government in Africa to challenge and end cultural taboos stigmatizing victims, in too many cases the mothers and the babies born of these rapes, by the very communities that should be helping them. Current restrictions on US funding for health

care services has caused some desperately needed services to close, denying urgent care to many.

Members of the Committee, these limited examples of the issues facing women in these African countries are, sadly, replicated all too often in other countries around the world, including here in the United States. As a result of this AI has launched a multi-year campaign focused on stopping violence against women that we hope Congress and the Administration will work on with us. Among the initiatives we hope to use to end this epidemic of violence will be working for US ratification of the Convention on the Elimination of All Forms of Discrimination Against Women and domestically, reauthorizing the Violence Against Women Act. These standards will help convey the message that violence and discrimination against women are unacceptable and that wherever it happens—whether in Nigeria, Ethiopia or here in the United States—we will stand with local women and men to fight it and we will work to bring governments to the same position. We must also make such behavior have real consequences, be it in the form of prosecuting those who commit acts of gender based violence in front of the International Criminal Court or linking the possible provisions of security assistance to aggressive and measurable actions taken to end violence against women. Finally we must also increase our support of efforts to help the survivors of this violence as they seek to rebuild their lives. The United States should and must lead by example in the fight to end gender-based violence against women and promote and protect human rights internationally. The DOS report provides a critical diagnostic tool. Congress and the Administration must now provide the political will and resources to make a difference.

#### *Recommendations for Darfur/Sudan*

The United States should

- press for extending the UN arms embargo to include the government of Sudan
- urge the African Union Cease-fire monitoring force to protect civilians and supporting this more proactive mandate logistically, financially and politically.
- bring the perpetrators of the abuses in this crisis to justice by allowing the case of Darfur to be referred to the International Criminal Court. As the only government to have officially declared abuses in Darfur to constitute genocide, opposing and obstructing the use of the very mechanism created to help prevent future genocides is puzzling, disappointing and undermining to the entire human rights system that the United States helped create.
- Ensure that human rights, in particular issues of gender based violence be prioritized by the international community in the larger on-going peace process between the Khartoum government and the Sudan Peoples Liberation Movement.
- Ensure that the Sudanese women must have a genuine and central role in the peace and reconciliation process in Sudan.

#### *Recommendations for Northern Uganda*

The United States should

- press the Government of Sudan to end safe harbor for the LRA and turn over LRA leadership who are implicated in the commission of human rights abuses;
- Press the Government of Sudan to identify and help destroy secret LRA weapons caches.
- Press the government of Uganda to improve protection of civilians in particular children who remain at risk of forcible recruitment by the LRA.
- Urge the Ugandan government to prioritize its commitment to the peace process as well as on the involvement of women in the peace process.
- Link future security assistance to the Ugandan government's performance vis a vis transparency within the security forces and on human rights issues.

#### *Recommendations for the DRC*

The US Government should

- Ensure that perpetrators of human rights violations, in particular gender-based violations are held accountable by international as well as domestic mechanisms of justice.
- Increase support for efforts to provide material and therapeutic services for survivors of gender-based violence in addition to general medical support.

- Work with the government, civil society and societal leaders to address and end discrimination and stigmatization of survivors of gender based violence.

*Recommendations for Ethiopia and Eritrea*

The US Government should

- Link future security assistance to improved respect and protection for human rights by both governments.
- Encourage and support the initiatives by the Ethiopian government and Ethiopian civil society to end the practice of FGM and societal discrimination against women.
- Challenge and press the government of Eritrea to release all prisoners of conscience including Fessahaye Yohannes and Aster Yohannes.

Mr. SMITH OF NEW JERSEY [presiding]. Thank you so much for your testimony.

Mr. Mariaschin?

**STATEMENT OF MR. DANIEL S. MARIASCHIN, EXECUTIVE VICE PRESIDENT, B'NAI B'RITH INTERNATIONAL**

Mr. MARIASCHIN. Mr. Chairman, I have a full written statement with attachments which I have submitted for the record.

Mr. SMITH OF NEW JERSEY. Without objection, your statement, with attachments, and all statements and any attachments you would like will all be made a part of the record.

Mr. MARIASCHIN. Thank you. Mr. Chairman, I would like to thank you for the privilege of addressing this hearing on behalf of B'nai B'rith International and its more than 110,000 members and supporters. Your role and that of your colleagues on the International Relations Committee and on the U.S. Helsinki Commission has been invaluable to the global effort to promote human rights. You have helped guide U.S. policy in this area and have fostered international cooperation, both in the struggle to expand human rights generally and, in particular, in the effort to combat anti-Semitism, which will be the topic of my remarks today.

I would also like to acknowledge the dedicated work of Assistant Secretary of State Michael Kozak, whose Bureau of Democracy, Human Rights and Labor has compiled the State Department's 2004 *Human Rights Report*. Two months ago, Assistant Secretary Kozak's Bureau also produced the *Report on Global Anti-Semitism*, consistent with the Global Anti-Semitism Review Act of 2004, another initiative for which you deserve great credit, Mr. Chairman. The work of Ambassador Ed O'Donnell, who has focused on anti-Semitism and Holocaust-related issues since 2003, has also been essential to this concerted effort.

As a member of the U.S. delegation to the OSCE's Vienna conference on anti-Semitism in 2003 and as an adviser to the U.S. delegation at the Berlin anti-Semitism conference last year, I am encouraged by what I feel to be the many positive developments that have resulted from these OSCE-sponsored gatherings. I hope that the followup conference in Cordoba, Spain, this June will prove similarly productive.

What we have seen in Europe over the past decade has been a series of meetings, the adoption of legislation, and the creation of commissions and committees on Holocaust-era restitution issues, but nothing so coordinated or prioritized regarding anti-Semitism has been attempted.

Compounding the problem has been the “blinders-on” view of many European leaders about the demonization of Israel and Zionism, which has become a pernicious and regularly accepted form of modern-day anti-Semitism. Rather than characterize, for example, the comparison of Israel to Nazi Germany or violent acts against Jews and Jewish communal properties as outright anti-Semitism, the initial reaction of some leaders to these acts was dismissive, with many ascribing such incidents or portrayals as “legitimate criticism” of Israel or as “pranks” of disaffected youth. This was especially true when such acts were carried out by individuals from the growing Arab and Muslim communities in countries like Belgium and France.

It was, therefore, of particular note that the historic Berlin Declaration, which provided a blueprint for combating hate crimes against Jewish individuals and institutions, specifically addressed the growing problem of anti-Semitic attacks being committed by opponents of Israel’s policies toward the Palestinians. The passage stating that “international developments or political issues, including those in Israel or elsewhere in the Middle East, never justify anti-Semitism” should be a wake-up call to those who try to justify hate crimes with politics.

But despite these decidedly positive developments, some of the data presented in the State Department’s 2004 *Human Rights Report* reveal a disturbing increase in anti-Semitic activity in certain countries.

In France, where the problem has been most acute over the past 5 years, authorities recorded a rise of more than 50 percent in the number of anti-Semitic incidents in 2004 compared to 2003, bringing the total number of acts in the most recent year to 950. However, the report also noted about France:

“Authorities vigorously condemned anti-Semitism, increased security at Jewish institutions, investigated all attacks, and arrested and prosecuted perpetrators when there was sufficient evidence.”

Furthermore, in December, the State Council banned the transmission in France of al-Manar—this was an issue which, Mr. Chairman, you raised earlier with Secretary Kozak—a Lebanese Hezbollah satellite channel which aired an anti-Semitic television series during Ramadan in 2003.

In the United Kingdom, where London Mayor Ken Livingstone recently compared a Jewish journalist to a “German war criminal” and a “concentration camp guard,” the country experienced a similarly significant increase in anti-Semitic violence. According to the State Department’s recent report, the number of acts in Great Britain ballooned from 163 in 2003, to 310 in 2004. Incidents targeting Jews also increased in Belgium last year.

In Russia, according to the report, “while the number of anti-Semitic incidents remained roughly stable in 2003, the nature of the attacks had become more violent.” And while Russian officials, including President Putin, have condemned anti-Semitic activity and prosecuted some offenders, some local and regional officials have minimized the extent of the problem by dismissing anti-Semitic violence as simple “hooliganism.”



One particularly disturbing episode occurred in Russia earlier this year, when more than 500 public figures, including 30 members of the Duma, signed a flagrantly anti-Semitic letter calling for a ban on Judaism and Jewish institutions. The fiery missive, from which the Russian foreign ministry has publicly distanced itself, called Jews anti-Christian and accused them of performing ritual murders.

Both the *Human Rights Report* and the earlier *Anti-Semitism Report* cited a finding by B'nai B'rith Canada's League for Human Rights that anti-Semitic incidents north of the U.S. border had increased significantly in 2004. However, the State Department reported no increase in anti-Semitic activity in Argentina, which is home to Latin America's largest Jewish community and which, I might add, is also where the Israeli Embassy in Buenos Aires was bombed 13 years ago today. Argentina's Jewish organizations have reported their ongoing concern about incidents and threats, especially against the backdrop of the unresolved investigations into the 1992 bombing, which I just cited, and the 1994 bombing of the AMIA Jewish social welfare building in Buenos Aires.

With the advent of last year's Berlin conference, the demonization of Israel has now been broached in an international forum, but the parameters of the problem still have not been defined. European leaders will need to summon the political will and courage to acknowledge the dangers of anti-Israel hatred and to act forcefully against it. This means recognizing that anti-Israel sentiment is growing fastest among Arabs and Muslims in the Middle East and in Europe, a realization that, until now, European officials have not been swift to achieve.

The two State Department reports reveal clear indications that anti-Semitic literature and media coverage is a common feature in the Arab and Muslim world, as well as in European countries with large Arab and Muslim populations, and you referenced this earlier in your question to the Assistant Secretary.

In Europe, these communities have immediate and regular access to Arabic-language cable TV networks like Al-Jazeera, print publications, and Internet sites, all of which offer predictably one-sided, inflammatory coverage of the Arab-Israeli conflict. These outlets employ primitive Jewish stereotypes in service of their anti-Zionist message, often borrowing symbols and motifs from Nazi propaganda so as to evoke the virulent anti-Semitism of Der Sturmer.

Thus, one sees images of Jews as ghoulish, even satanic, caricatures with misshapen noses, festooned with dollar signs or carrying money bags, and of Israelis bearing swastikas or drinking the blood of children. As attachments to my written testimony, I have included several recent editorial cartoons from the Middle East and Europe that are representative of this trend. Meanwhile, Arabic editions of *Mein Kampf* sell briskly in London and other European capitals.

In Iran, where an Olympic athlete was lavishly praised by his Government for avoiding his obligation to compete against an Israeli opponent last summer, a viciously anti-Semitic series called *Zahra's Blue Eyes* began airing on national TV less than 3 months ago. Filmed in Farsi and dubbed into Arabic, the series depicts

Israeli doctors posing as United Nations medical workers whose true purpose is to harvest body organs from Palestinian children.

In Egypt and Syria, anti-Semitic and virulently anti-Israel content abounds in the press. The Egyptian Government maintains that it has advised journalists and cartoonists to avoid anti-Semitic themes, but anti-Semitism is nonetheless found in both the State-sponsored and opposition media. Meanwhile, Syrian textbooks not only contain rabid, anti-Semitic material; they teach children that Zionism is more egregious than Nazism, that Israel's very existence is intolerable, and that the Jewish State must be destroyed.

Mr. Chairman, European leaders attending opening ceremonies at the Yad Vashem Holocaust Museum, the new museum building in Jerusalem, just yesterday, vowed to fight the rising anti-Semitism in their countries. In a moving display, leaders, such as German Foreign Minister Joschka Fischer and French Prime Minister Jean-Pierre Raffarin and others promised to be vigilant against the world's oldest and most resilient social pathology.

But as the evidence in the two recent State Department reports indicates, much work remains to be done in this regard. The incidents and statistics detailed in the 2004 *Human Rights Report* and the *Report on Global Anti-Semitism*, some of which I have cited in my remarks today, are painful reminders of the urgency of the problem we continue to face.

As we gauge our progress in the struggle against anti-Semitism, let us draw reassurance from the positive atmosphere of the Berlin conference and the promise of the Cordoba conference, but let us also commit ourselves to sustaining the forward momentum of these gatherings. Sixty years after the Holocaust and nearly 5 years after the start of the current rise of anti-Semitism in Europe, let us embrace one of the central messages of the Berlin conference, that complacency and passivity in the face of anti-Semitism can no longer be tolerated. Thank you.

[The prepared statement of Mr. Mariaschin follows:]

PREPARED STATEMENT OF MR. DANIEL S. MARIASCHIN, EXECUTIVE VICE PRESIDENT,  
B'NAI B'RITH INTERNATIONAL

Mr. Chairman,

I would like to thank you for the privilege of addressing this hearing on behalf of B'nai B'rith International and its more than 110,000 members and supporters.

Your role, and that of your colleagues on the International Relations Committee and on the U.S. Helsinki Commission, has been invaluable to the global effort to promote human rights. You have helped guide U.S. policy in this area and have fostered international cooperation both in the struggle to expand human rights generally, and in particular, in the effort to combat anti-Semitism, which will be the topic of my remarks today. I would also like to acknowledge the dedicated work of Assistant Secretary of State Michael Kozak, whose Bureau of Democracy, Human Rights and Labor has compiled the State Department's 2004 Human Rights Report. Two months ago, Assistant Secretary Kozak's bureau also produced the Report on Global Anti-Semitism, consistent with the Global Anti-Semitism Review Act of 2004—another initiative for which you deserve great credit, Mr. Chairman. The work of Ambassador Ed O'Donnell, who has focused on anti-Semitism and Holocaust-related issues since 2003, has also been essential to this concerted effort.

As a member of the U.S. delegation to the OSCE's Vienna conference on anti-Semitism in 2003, and as an advisor to the U.S. delegation at the Berlin anti-Semitism conference last year, I am encouraged by what I feel to be the many positive developments that have resulted from these OSCE-sponsored gatherings. I hope that the follow-up conference in Cordoba, Spain this June will prove similarly productive.

The Berlin conference was long overdue. With the exception of the Vienna meeting the year before, and a brief seminar on the subject hosted by the European

Union earlier in 2004—both of which helped place anti-Semitism on the world “radar screen”—no collective body since 1945 has met to discuss, and act, on hate crimes committed against Jews.

What we have seen in Europe over the past decade has been a series of meetings, the adoption of legislation, and the creation of commissions and committees on Holocaust-era restitution issues. But nothing so coordinated or prioritized regarding anti-Semitism has been attempted.

Compounding the problem has been the “blinders-on” view of many European leaders about the demonization of Israel and Zionism, which has become a pernicious—and regularly-accepted—form of modern-day anti-Semitism. Rather than characterize, for example, the comparison of Israel to Nazi Germany, or violent acts against Jews and Jewish communal properties as outright anti-Semitism, the initial reaction of some leaders to these acts was dismissive, with many ascribing such incidents or portrayals as “legitimate criticism” of Israel, or as the “pranks” of disaffected youth. This was especially true when such acts were carried out by individuals from the growing Arab and Muslim communities in countries like France and Belgium.

It was therefore of particular note that the historic Berlin Declaration, which provided a blueprint for combating hate crimes against Jewish individuals and institutions, specifically addressed the growing problem of anti-Semitic attacks being committed by opponents of Israel’s policies toward the Palestinians. The passage stating that “international developments or political issues, including those in Israel or elsewhere in the Middle East, never justify anti-Semitism” should be a wake-up call to those who try to justify hate crimes with politics.

But despite these decidedly positive developments, some of the data presented in the State Department’s 2004 Human Rights Report reveal a disturbing increase in anti-Semitic activity in certain countries.

In France, where the problem has been most acute over the past five years, authorities recorded a rise of more than 50 percent in the number of anti-Semitic incidents in 2004 compared to 2003, bringing the total number of acts in the most recent year to 950. However, the report also noted about France, “Authorities vigorously condemned anti-Semitism, increased security at Jewish institutions, investigated all attacks, and arrested and prosecuted perpetrators when there was sufficient evidence.” Furthermore, in December the State Council banned the transmission in France of al-Manar, a Lebanese Hezbollah satellite channel which aired an anti-Semitic television series during Ramadan in 2003.

In the United Kingdom, where London Mayor Ken Livingstone recently compared a Jewish journalist to a “German war criminal” and a “concentration camp guard,” the country experienced a similarly significant increase in anti-Semitic violence. According to the State Department’s recent report, the number of acts in Great Britain ballooned from 163 in 2003 to 310 in 2004. Incidents targeting Jews also increased in Belgium last year.

In Russia, according to the report, “while the number of anti-Semitic incidents remained roughly stable [in 2003], the nature of the attacks had become more violent.” And while Russian officials, including President Putin, have condemned anti-Semitic activity and prosecuted some offenders, some local and regional officials have minimized the extent of the problem by dismissing anti-Semitic violence as simple “hooliganism.”

One particularly disturbing episode occurred in Russia earlier this year, when more than 500 public figures, including 30 members of the Duma, signed a flagrantly anti-Semitic letter calling for a ban on Judaism and Jewish institutions. The fiery missive, from which the Russian Foreign Ministry has publicly distanced itself, called Jews anti-Christian and accused them of performing ritual murders.

Both the recent human rights report and the earlier anti-Semitism report cited a finding by B’nai B’rith Canada’s League for Human Rights that anti-Semitic incidents north of the U.S. border had significantly increased in 2004. However, the State Department reported no increase in anti-Semitic activity in Argentina, which is home to Latin America’s largest Jewish community, and which is also where the Israeli Embassy in Buenos Aires was bombed 13 years ago today. Argentina’s Jewish organizations have reported their ongoing concern about attacks and threats, though, despite the government’s attempts to combat anti-Semitism.

With the advent of last year’s Berlin conference, the demonization of Israel has now been broached in an international forum, but the parameters of the problem have still not been defined. European leaders will need to summon the political will and courage to acknowledge the dangers of anti-Israel hatred and to act forcefully against it. This means recognizing that anti-Israel sentiment is growing fastest among Arabs and Muslims, in the Middle East and in Europe—a realization that, until now, European officials have not been swift to achieve.

The two State Department reports reveal clear indications that anti-Semitic literature and media coverage is a common feature in the Arab and Muslim world, as well as in European countries with large Arab and Muslim populations. In Europe, these communities have immediate and regular access to Arabic-language cable TV networks like Al Jazeera; print publications; and Internet sites, all of which offer predictably one-sided, inflammatory coverage of the Arab-Israeli conflict. These outlets employ primitive Jewish stereotypes in service of their anti-Zionist message, often borrowing symbols and motifs from Nazi propaganda so as to evoke the virulent anti-Semitism of *Der Sturmer*. Thus, one sees images of Jews as ghoulish, even satanic, caricatures with misshapen noses, festooned with dollar signs or carrying money-bags, and of Israelis bearing swastikas or drinking the blood of children. (As attachments to my written testimony, I have included several recent editorial cartoons from the Middle East and Europe that are representative of this trend.) Meanwhile, Arabic editions of *Mein Kampf* sell briskly in London and other European capitals.

In Iran, where an Olympic athlete was lavishly praised by his government for avoiding his obligation to compete against an Israeli opponent last summer, a viciously anti-Semitic series called *Zahra's Blue Eyes* began airing on national TV less than three months ago. Filmed in Farsi and dubbed into Arabic, the series depicts Israeli doctors posing as United Nations medical workers whose true purpose is to harvest bodily organs from Palestinian children. In Egypt and Syria, anti-Semitic and virulently anti-Israel content abounds in the press. The Egyptian government maintains that it has advised journalists and cartoonists to avoid anti-Semitic themes, but anti-Semitism is nonetheless found in both the state-sponsored and opposition media. Meanwhile, Syrian school textbooks not only contain rabid anti-Semitic material; they teach children that Zionism is more egregious than Nazism, that Israel's very existence is intolerable, and that the Jewish state must be destroyed.

Another major issue at the Berlin conference was the matter of how best to monitor acts of anti-Semitism, Europe-wide. While the Office of Democratic Institutions and Human Rights (ODIHR) serves as the OSCE's own monitoring arm, it has only recently begun to carry out any kind of systematic process of gathering accurate data on anti-Semitic acts in the OSCE member-states. For there to be a coordinated approach to combating the phenomenon, one needs to have factual information on what is happening, and where.

ODIHR's involvement in this effort is indispensable, and it must be provided with the necessary funding to implement this information- and data-gathering process. And yet, even on this question, some member-states initially balked, citing budgetary concerns or doubts as to whether national governments could demand such information from provinces or states.

To capitalize upon the progress made at the Berlin conference, OSCE member-states should actively carry out their own recommendations. Some of these proposals include an informal exchange of "best practices" between nations; government support for anti-hate programs; assistance in facilitating the prosecution of anti-Semitic crimes; and the promotion of academic exchange and educational programs.

Furthermore, as we look forward to the Cordoba conference this June, there must be ongoing work in the areas of legislation; law enforcement; education; media; and general monitoring of anti-Semitic hate crimes. Progress in these spheres will require a continuation of the collaborative effort of friendly countries and NGOs in order for the promise of Berlin to be realized in a serious way. Education ministers and justice ministers, for example, should regularly meet in multilateral forums to develop an ongoing form of cooperation on matters related to anti-Semitism and hate crimes. Governments should actively support the important work of the International Task Force on Holocaust Education. And as OSCE member-states create legislation, they should call on the experience of NGOs—many of whom met the day before the opening of the Berlin OSCE plenary and agreed on their own highly detailed proposal to combat anti-Semitism—to assist them in this effort.

Another action the OSCE could take to elevate the problem of anti-Semitism on the organization's agenda, now that a special representative has been appointed to deal with the issue, would be to extend his term, which is currently scheduled to expire on December 31. German parliamentarian Gert Weisskirchen, who has been appointed by and is working closely with the OSCE chair, should have the prestige, the profile, and the resources—on an ongoing basis—to bring the OSCE's influence to bear in addressing the problem.

Mr. Chairman, European leaders attending opening ceremonies at the Yad Vashem Holocaust museum in Jerusalem just yesterday vowed to fight the rising anti-Semitism in their countries. In a moving display, leaders such as German Foreign Minister Joschka Fischer and French Prime Minister Jean-Pierre Raffarin

promised to be vigilant against the world's oldest and most resilient social pathology. But as the evidence in the two recent State Department reports indicates, much work remains to be done in this regard. The incidents and statistics detailed in the 2004 Human Rights Report and the Report on Global Anti-Semitism, some of which I have cited in my remarks today, are painful reminders of the urgency of the problem we continue to face.

As we gauge our progress in the struggle against anti-Semitism, let us draw reassurance from the positive atmosphere of the Berlin conference and the promise of the Cordoba conference, but let us also commit ourselves to sustaining the forward momentum of these gatherings. Sixty years after the Holocaust, and nearly five years after the start of the current rise of anti-Semitism in Europe, let us embrace one of the central messages of the Berlin conference: that complacency and passivity in the face of anti-Semitism can no longer be tolerated.

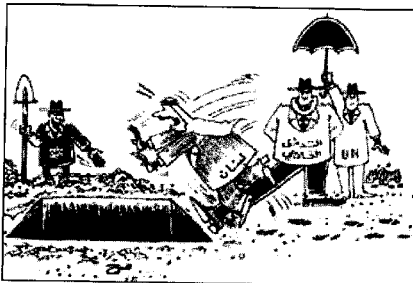
Thank you.



*Akbar al-Khalij* (Bahrain), January 2005

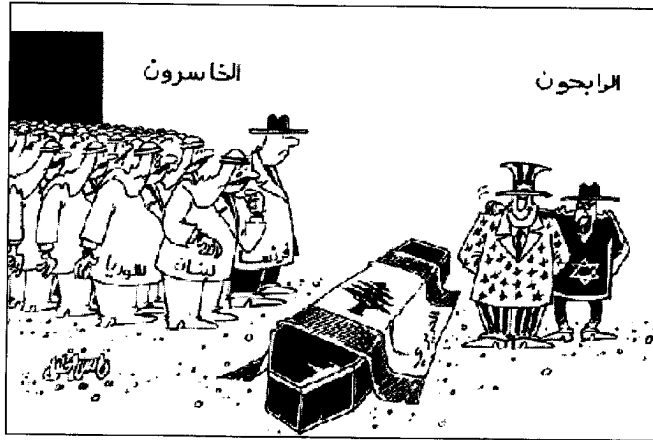


*Al-Wafd* (Egypt), March 27, 2004



*Tishrin* (Syria), February 23, 2005

The UN and "Foreign Intervention" are causing "Lebanon" to fall into the grave dug by the Jew.



*Al-Watan* (Oman), February 25, 2005

On the coffin: "Al-Hariri"; on the right, "The Beneficiaries", and on the left, "The Losers – France, Lebanon and Syria".



*The Independent* (United Kingdom), January 27, 2003



*La Voz del Interior* (Argentina), January 30, 2005

Argentine President Nestor Kircher as a stereotypical Jew



*Kleine Zeitung* (Austria), May 19, 2004

Mr. SMITH OF NEW JERSEY. Thank you very much, Mr. Mariaschin. Thank you. I would just note for the record that you were very helpful in establishing the Berlin and, before that, the



Vienna conferences as well, and I do appreciate the good work and leadership you provide.

Our next witness, Mr. Viacohrka.

**STATEMENT OF MR. VINCUK VIACOHKA, CHAIRMAN,  
BELARUS POPULAR FRONT PARTY**

Mr. VIACOHKA. Thank you. Mr. Chairman and Members of the Subcommittee, I would like to thank you for the opportunity to testify today. I am grateful for the attention this Committee, as well as the Helsinki Commission, has focused on the deteriorating human rights situation in Belarus and for your personal involvement in passing the Belarus Democracy Act. It is important that Members of Congress recognize that the lack of political freedom in Belarus is an important piece of the overall lack of human rights there.

The recently released United States State Department *Country Report on Human Rights Practices* paints a bleak picture of the human rights situation in my country. I am here today to personally attest to this. If anything, the situation is getting worse by the day. Let me mention only recent facts.

Just last week, we received reports that Michail Marynic, one of the opposition leaders, suffered a stroke after being unjustly detained by the KGB. Marynic sits in prison, accused of stealing United States Government computers, despite the fact that the United States Embassy has stated that the computers are being loaned to him and have not been stolen. He was moved to a prison outside of the capital and was then denied access to needed medicine and suffered a stroke. Unfortunately, this mistreatment is all too familiar in Belarus. Viktor Hancar, Anatol Krasouski, Jury Zacharanka, and Dzmitry Zavadksi all suffered fates far worse than Marynic.

After the 2004 parliamentary elections, which were assessed as fraudulent by the majority of international observing missions, numerous party activists, including party leaders in attendance today, Anatol Labiedzka and Mikalaj Statkievic, suffered severely for their protestations during the most recent elections. Mr. Labiedzka was severely beaten; Statkievic and Youth Leader Paval Sieviaryniec, as well present here, were imprisoned.

Simply claiming that the elections were fraudulent is dangerous in my country. During the elections, I participated in a press conference with two other party leaders present here, Mr. Labiedzka and Mr. Siarhiej Kalakin, where the examples of electoral fraud were detailed. As a result of this press conference, the criminal case of libel against Lukashenko is now prosecuted.

The people of Belarus suffer from the lack of economic freedom and fair legislation. Recently, small vendors carried out acts of civil disobedience throughout Belarus, including strikes and meetings, protesting against a double taxation. Now, Anatol Sumcanka, the leader of their association, is falsely accused of assaulting his prison cellmate and is expecting a long-term imprisonment. Four leaders of vendors' actions and political activists in Hrodna City and one in Recyca were sentenced for administrative terms. This one in Recyca is sentenced to spend his term in a very cold cell where the ice is now on the floor.

Let me remind the Subcommittee that in Hrodna City, two people, Valery Levaniuski and Alaksandar Vasiljeu, have already spent years in prison for libel against the President. Ironically, Constitution Day, March 15th, was marked by a new series of arbitrary arrests. Young activists tried to carry out a mock funeral for democracy, commemorating the holiday. They were immediately arrested before the peaceful protest and immediately sentenced to prison.

The structures of civil society are consistently destroyed by the regime. After closure of dozens of pro-democratic NGOs and labor unions, the Government has focused its attention on the political parties. It leads to the counseling of the registration of democratic political parties in Belarus.

I fully agree with an assessment of the situation with media in Belarus made by the United States deputy representative to the OSCE Permanent Council, Paul Jones. After closure of 25 media outlets during the last year, it is impossible for the majority of Belarusian people to obtain independent information about their own country and the outside world. Meanwhile, Mr. Lukashenko has launched his satellite TV for Russia, Ukraine, and Baltic States with anti-Western, anti-American, totalitarian propaganda. This means that the existence of alternative information space, including printed media, radio from abroad, and satellite TV, becomes a priority for the democratization of Belarus.

It is not only the political rights that are violated in my country. The same is true with regards to educational, cultural, and linguistic rights, all of which are violated according to the ideology of a Soviet-style cult of personality. The only high-profile high school with instruction in the Belarusian language in Minsk, Humanities Lyceum, was closed by the Government a year ago. The pupils continue their activities in the underground. After protesting in Minsk's central square with posters stating, "We want to study in our native language," they were detained and beaten by the special police for their actions.

As for freedom of belief, only the Russian Orthodox Church enjoys full support from the State, despite the history of traditional multi-confessionalism in Belarus. Numerous Protestant beliefs, as well as Belarusian Autocephalous Orthodox Church, claim they are deprived of equal rights. Additionally, the authorities have a record of anti-Semitism with the destruction of an historical synagogue in the center of Minsk and of a Jewish cemetery in Hrodna. No excuse from the Government for this.

Over the past year, numerous actions and statements have been made by the United States Government that have energized our movement. Secretary of State Condoleezza Rice called Belarus an "outpost of tyranny." Speaking to a crowd of thousands in Bratislava, President Bush stated that "the people of Belarus will someday proudly belong to the family of democracies."

We are grateful for these statements; however, more needs to be done. The Belarus Democracy Act needs concrete instruments to fulfill its purpose. The unanimous position on Belarus by the United States and the European Union should be followed by practical steps. Lukashenko is reaching out to corrupt regimes in Iran and Libya for support. Russian President Putin has made it clear

that keeping Lukashenko in place is a priority. Simply put, Belarus marks the final regime that Putin can rely upon. He will do all in his power to keep it this way.

However, the situation is not hopeless. Ukraine's Orange Revolution had a profound impact on the people of Belarus. Lukashenko, too, was influenced by the revolution. In fact, he recently issued a decree granting himself the right to directly order Internal Forces to use arms.

However, according to an exit poll conducted by the International Republican Institute and the Gallup Organization 3 months ago, Mr. Lukashenko only received 48 percent of the vote on his referendum to change the Constitution and only 39 percent for his personal support. While he ultimately chose to ignore the results of the voting, the democracy movement was buoyed by the results of the exit poll.

Building on this, our coalition has expanded to include more parties and more NGOs. We have drafted a detailed democratic plan to select a candidate for the Presidential elections next year. We understand that any success of democracy in Belarus, the last dark spot on the map of Central Eastern Europe, depends on our unity.

Mr. Chairman, I understand that my time before you today is limited. I am available to answer any questions, and, once again, I thank you for the opportunity to appear here today. I would like to submit my written testimony to the Subcommittee. Thank you.

[The prepared statement of Mr. Viacohrka follows:]

PREPARED STATEMENT OF MR. VINCUK VIAČOHRKA, CHAIRMAN, BELARUS POPULAR FRONT PARTY

Congressman Smith, Members of the Subcommittee, I would like to thank you for the opportunity to testify today. I am grateful for the attention this committee has focused on the deteriorating human rights situation in Belarus and for your involvement in passing the Belarus Democracy Act. It is important that Members of Congress recognize that the lack of political freedom in Belarus is an important piece of the overall lack of human rights in Belarus. The Members of the House International Relations Committee have taken the lead in doing this.

The recently released United States Department of State Country Reports on Human Rights Practices paints a bleak picture of the human rights situation in Belarus. I am here today to personally attest to this. If anything, the situation is getting worse by the day. Just last week, we received reports that Michail Marynič suffered a stroke due to the lack of medical attention he received while being unjustly detained by the KGB.

Michail Marynič's story is but one of the many struggles facing the leaders of the Belarus democracy movement. Marynič sits in prison, accused of stealing United States Government computers, despite the fact that the United States Embassy has stated that the computers are being loaned to Marynič and have not been stolen. He was moved out to a prison about 100 kilometers outside of the capital and was then denied access to needed medicine and suffered a stroke.

Unfortunately, this mistreatment is all too familiar in Belarus. Viktor Hančar, Anatol Krasouski, Jury Zacharanka, and Dzmitry Zavadski—all suffered fates far worse than Marynič.

After the 2004 parliamentary elections, which were assessed as fraudulent by the majority of international observing missions, numerous party activists, including two party leaders in attendance today, Anatol Labiedzka and Mikalaj Statkievič, suffered severely for their actions during the most recent elections. Mr. Labiedzka was severely beaten; Statkievič and youth leader Paval Sieviaryniec were imprisoned.

Simply claiming that the elections were fraudulent is dangerous in my country. After the elections, I participated in a press conference with two other party leaders present here, Mr. Labiedzka and Mr. Siarhiey Kalakin, where we detailed examples of electoral fraud by the Belarusian authorities. As a result of this press conference, we have now been accused of libel against Lukashenko.

Recently, small vendors carried acts of civil disobedience throughout Belarus, including strikes and meetings, protesting against a double taxation. Now, Anatol Sumčanka, the leader of their association “Perspektyva,” is falsely accused of assaulting his prison cellmate and is expecting a long-term imprisonment. Leaders of vendors’ actions and political activists in Hrodna (Horadnia city), namely Vadzim Sarancukou, Zmicier Ivanouski, Mikola Lemianouski, and journalist Andrej Pacobut were sentenced for administrative terms, as well as Leanid Nievar in Recyca city. Let me remind the Subcommittee, that in Hrodna, two people—Valery Levanieuski and Alaksandar Vasiljeu—are already in prison for libel against the president.

Ironically, Constitution Day, March 15, was marked by a series of arbitrary arrests. Young activists Zmicier Daškievič and Artur Finkievič tried to carry out a mock funeral for democracy commemorating the holiday—“Funeral of the Constitution”. The authorities learned of their planned protest and they were arrested before the protest and immediately sentenced to prison.

The structures of civil society are consistently destroyed by the regime. After closure of dozens of pro-democratic NGOs, the government has focused its attention on the political parties. The Labour Party was just eliminated by a decision made by the Supreme Court, which is controlled by Lukashenko, and now the local cells of other parties are losing their official registration.

I fully agree with an assessment of the situation with media in Belarus made by U.S. Deputy Representative to the OSCE Council Paul W. Jones. After closure of 25 media outlets during the last year, it is impossible for the majority of Belarusian people to obtain independent information about their own country and the outside world.

It is not only the political rights that are violated in my country. The same is true with regards to educational, cultural, and linguistic rights, all of which are violated according to the ideology of a Soviet-style cult of personality. The only high-profile high school with instruction in Belarusian in Minsk—Humanities Lyceum—was closed by the government a year ago. Despite the closure, the pupils continue their activities in the underground—trying to defend their rights on the First School Day holiday by protesting in Minsk’s central square with posters stating, “We want to study in our native language.” They were detained and beaten by the special police for their actions.

As for freedom of belief, only the Russian Orthodox Church (ROC) enjoys full support from the state, despite the history of traditional multi-confessionalism in Belarus. Numerous Protestant beliefs, as well as Belarusian Autocephalous Orthodox Church, claim they are deprived of equal rights with the ROC. Additionally, the authorities have a record of anti-Semitism with the destruction of a historical synagogue in Minsk and of a Jewish cemetery in Hrodna.

However, the situation is not hopeless. I am in Washington this week with a delegation of Belarusian pro-democracy leaders who are present here and may confirm my words. We are visiting key members of the Administration, House, and Senate, as well as NGOs to shed light on the current situation as well as articulate our plan for the 2006 presidential elections.

Despite being not so large in size, Belarus is important. As the final dictatorship in Europe, bringing democracy to Belarus marks the final step in fully restoring democracy on the continent. Until Belarus is democratic, Europe is not safe; so long as a corrupt regime is in place anywhere inside the continent, Europe is not safe.

However, too many people see the situation in Belarus as one that is too difficult. They are wrong. The democratic opposition is united and ready to campaign, despite real personal risks, to advance the democratic cause in Belarus. We are putting aside our personal aspirations to run the country in the interest of ensuring that a democratic leader is elected in Belarus.

Over the past year, numerous actions and statements have been made by the United States Government that have energized our movement. As I acknowledged earlier, the House and Senate passed the Belarus Democracy Act, a very important piece of legislation to those involved in bringing democracy to Belarus. Secretary of State Condoleezza Rice called Belarus an “outpost of tyranny” in her confirmation hearing before the Senate Committee on Foreign Relations. Speaking to a crowd of thousands in Bratislava, President Bush stated that, “the people of Belarus will someday proudly belong to the country of democracies. Eventually, the call of liberty comes to every mind and every soul.”

We are grateful for these statements. However, more needs to be done. The Belarus Democracy Act needs concrete instruments to fulfill its purpose. Lukashenka is reaching out to corrupt regimes in Iran and Libya for support. Russian President Vladimir Putin has made it clear that keeping Lukashenka in place is a priority. Simply put, Belarus marks the final regime that Putin can rely upon. He will do all in his power to keep it that way.

The European Parliament recently recognized Belarus as the last dictatorship in Europe. There are several concrete steps that Europe, together with the U.S., can take to promote democracy in Belarus. Unlike Ukraine, which had Channel 5, Belarus has no independent television or radio stations. I would like to see the Europeans assist Belarus in immediately supporting the still existing independent printed media, and in setting up additional independent media sources, like TV and FM/AM radio, to counter the state-run media, which is the only news that the people of Belarus have access to.

Much in the same way that political parties of different ideologies have united behind a common strategy to compete in the 2006 elections, the international community must unite. This is even more important in light of the recent success by our brothers in Ukraine. More so than the Rose Revolution in Georgia, Ukraine's Orange Revolution had a profound impact on the people of Belarus. Lukashenka, too, was influenced by the revolution. In fact, he recently issued a decree granting himself the right to directly order Internal Forces to use arms.

For the parliamentary elections in 2004, the Five Plus Coalition came together with a common platform for a group of six pro-democracy parties and non-partisan activist organizations. We achieved significant success in the 2004 election. According to an exit poll conducted by the International Republican Institute and the Gallup organization, Mr. Lukashenka only received 48 percent of the vote on his referendum to change the constitution to allow him to seek a third term in office. While he ultimately choose to ignore the results of the voting, the democracy movement was buoyed by results of the exit poll.

Building on this, our coalition has expanded to include more parties and more NGOs. Four additional political organizations from the European Coalition have joined together with the parties and organizations in Five Plus to form a coalition for 2006. We have drafted a detailed, democratic plan to select a candidate for the presidential elections. We understand that any electoral success depends on our unity, and we will all campaign for this candidate.

Mr. Chairman, I understand that my time before you today is limited. I am available to answer any questions that the committee has for me. And once again, I thank you for the opportunity to appear here today.

Mr. SMITH OF NEW JERSEY. Mr. Viacohrka, thank you so much for your testimony and for the bravery that you have exhibited throughout these many years in speaking out for democracy and human rights in Belarus and for being here. Your presence here today sends a clear and unmistakable message about not only what is going on on the ground in Belarus but the fact that there is a strong group of individuals who are very strong-willed and full of passion who are speaking out against the abuses.

We will do everything we can, and your point about how more needs to be done and that the Belarus Democracy Act needs to fulfill its promise, and that is to provide those necessary resources, you heard our Ambassador earlier today testify, and I can assure you, we will work very hard on this Committee to make sure that those resources are there. It is a matter of when and not "if" that democracy does break out in Belarus, and the sooner, the better, obviously.

I do have a couple of questions, and then I will yield to my good friend and colleague, Mr. Payne. If you want to respond any further, your time is not limited. If you have more to say, we want to hear it.

I would like to ask Mr. Akwei: One of the things that we are trying to do is to figure out what more needs to be done with regards to Sudan and many other countries where there are ongoing problems. Mr. Tancredo, to my right, as you know, was the leader on the Sudan Peace Act, and one of the provisions he had in that piece of legislation that all of us, at least those of us who thought that it was a very useful tool, was to allow for the delisting of those companies that are aiding and abetting the killing fields in Sudan.

In particular, Mr. Payne and I wrote and admonished our own States to divest themselves of Talisman Oil, which was obviously providing petrodollars to keep the killing fields going in Sudan. And, of course, the legislation that Mr. Tancredo was offering had that provision in there, but, regrettably, it was taken out, and it was against his will, my will, and many others people's will who wanted that in there.

My question would be: Do you think that is something we should reenergize in terms of a useful tool, because not only would companies like Talisman Oil but the company that is based in China would also find itself being denied access to capital from United States markets as a result if they were, indeed, delisted.

Also, if I could, you mentioned Nigeria, Ethiopia, and Uganda, that it is not good enough, because they are good, key allies, that we cease boldly speaking truth to power. My question would be: Are the *Country Reports of Human Rights Practices* accurate as it relates to those three countries since we have a good relationship with each? It is important that these reports be as accurate as possible.

Let me ask you, Mr. Malinowski, with regards to the rapporteur on torture, and you have spoken to so many countries, and time does not permit to go into every one of them, but you heard earlier, and I know you know, that there will be a rapporteur on torture deployed to China. It has been my experience that sometimes the rapporteurs do an outstanding job; other times, they exchange letters and really get very little accomplished. Have you had access to any of the terms of reference that he might be using to ensure that he has an access to the prisons in China so he can go anywhere he wants to go and do a report that is real and not half a loaf?

On Burma, I am glad you raised that, and I wanted to raise that earlier, but time did not permit it. Is there anything else you might want to speak to on Burma and Aung San Suu Kyi and the ethnic cleansing that you speak about in your testimony?

Just finally, and we will get to a second round if your time permits it, but, Mr. Mariaschin, the Cordoba conference is upcoming; what are your hopes and expectations there? As you know, there is an effort now underway to train the trainers, for police to train USAID. We think it will be a fully-funded effort to make sure that police understand.

You spoke to it in your testimony that, very often, acts of anti-Semitism are mischaracterized, and if Nathan Chiransky said anything, he said it very clearly in Berlin, that chronicling the abuse is the beginning of rectifying it, and if the people do not know what they are looking at, if the police arrive at a synagogue, and swastikas are all over it, and they say "hooliganism" or some other characterization, they have missed by a mile what is actually happening there.

I will never forget, in Berlin—I will say this to the panel and especially to Mr. Mariaschin—when we were at the Berlin conference, the head rabbi of Berlin said, "It is not the way it looks here." He goes:

"A few years ago, I could wear my yarmulke, I could travel on public transportation without any fear. Now I take a taxi be-

cause I am not sure what is going to come my way because things have changed so dramatically in Berlin.”

Mr. Akwei, if you could begin.

Mr. AKWEI. Sure. As you know, our organization has never taken a position on economic sanctions, not just because of internal policies, but I think that Mr. Tancredo's efforts and Mr. Payne's and all of the efforts to maximize pursuing the Sudanese Government are the only way forward.

I think that the Government, its allies, and, unfortunately, I would also argue, even some members of the African Union need to make a decision as to whether they are for the people of Darfur and Sudan or whether they are for the Government of Sudan, and that seems to be our big stumbling block at this point. They have deployed troops on the ground. These troops are supposed to protect the monitors. Some of them are doing an outstanding job, but then you also get reports that they do not want a referral to an international court. They do not want a mechanism, and, in some cases, you hear reports that they would like to have a mechanism in Sudan itself to try the atrocities in Darfur.

So I think that, in some cases, some of these hard discussions about putting your money where your mouth is in terms of wanting assistance, wanting investment, and accountability on human rights have to be taken to these African governments, even as we support them and improve the work that they are doing in terms of actual peacekeeping on the ground in Sudan.

In terms of the accuracy of the reports, I think, absolutely, they are accurate. That is the real tragedy. As Tom said, you look at the detail, and you have seen it the year before, and there is no change, and it makes you wonder what happens with the reports. The gap between what the report says is happening and the political will to increase pressure or to raise difficult issues seems to be widening, and, in particular, there are concerns about copycat or worse versions of legislation allegedly designed to combat terrorist organizations by governments that are abusive, even to begin with, and that is extremely alarming.

So I think that, yes, in particular, in those countries, we found no shading or gray areas, but the problem is, is there going to be follow-up?

Mr. MALINOWSKI. Thanks. You asked about the torture rapporteur, and as you said, some rapporteurs are better or stronger than others. The torture rapporteur is fantastic—forceful, fearless—and has done fantastic work in places like Uzbekistan, for example, and demands proper terms of reference, including access to everyone.

Now, Mr. Kozak said today that China has agreed to allow the torture rapporteur in based on his terms of reference. I assume that is good news. I would like to see the details, obviously, before rendering more of a judgment, and that is a very useful step because he will go in, if he, indeed, can, and find what we all know he will find and leave behind a series of very precise, specific, hard-hitting recommendations, which we will then be able to use with the Chinese Government and say, this is not just the United States demanding these things but an agent of the United Nations, which is important for legitimacy.

On Burma, very little good news. Aung San Suu Kyi remains under house arrest, as do, well, more than 1,000 political prisoners, not under house arrest but in prison, subject to torture. A few releases over the last year, but many more arrests than releases. As you mentioned, an ongoing campaign of ethnic cleansing by the Burmese military against ethnic minority people in the outlying areas of the country, which we have been watching and observing and denouncing for many years.

I really do believe it is time to start investigating properly with the aim of actually holding specific Burmese officials and military officers accountable in, hopefully, someday the International Court. We have not gone that route, in part, because Aung San Suu Kyi has been so focused on reconciliation, and God bless her. But I think the time has come to really begin seriously putting that on the table, and if the Burmese Government wants to avoid it, well, they, you know, had better deal with Aung San Suu Kyi, who may be the only person who can ultimately save them from that kind of accountability.

Perhaps the only good news on Burma is that there is increasing activism in the region, which is always a good thing to hear, particularly from members of parliament in other ASEAN countries—the Philippines, Indonesia, and so forth—and that is something that I would encourage you all, as American parliamentarians, to engage in: To work with newly-elected, increasingly democratic parliaments in the region in Southeast Asia to try to bring more pressure to bear on their Governments to put more pressure on the Burmese Government. Thank you.

Mr. MARIASCHIN. Before addressing the Cordoba meeting itself, Mr. Chairman, I would just like to make a couple of comments about OSCE itself. The Office of Democratic Institutions and Human Rights, ODIHR, as its known by its acronym, is the monitoring mechanism, as you know, for the OSCE, and it has only recently begun to carry out any kind of systematic process of gathering data on anti-Semitic acts in the OSCE member states. And it is important that before we can begin to really assess how deep the problem goes, that that monitoring get moving.

Funding is an important part of that. There are some funding problems, and, frankly, there are countries who have been dragging their feet on this issue by raising budgetary concerns and over whether or not this monitoring could be able to demand information from provinces or from member states. But the will is there, the mandate has been set, and we need to move ODIHR to gather this information.

Secondly, as was referenced by Secretary Kozak, the OSCE now has a special representative dealing with anti-Semitism, also one dealing with Islamaphobia and one dealing with Christianaphobia. The term for the special representative, and the one who handles anti-Semitism is a member of the German Parliament, Gert Weisskirchen, who really is topnotch, one of the best, I think, appointments that could possibly be made for handling this. But his term expires December 31st, and it is important that this term be extended so that Gert and the others can work with the Chair in office to accomplish the important monitoring mechanism that they have.



As far as Cordoba is concerned, there were people who did not want to have, and countries that did not want to have, a Vienna conference, and then, as you know, they did not want to have a Berlin conference. Now, we have the third conference, and we see the merit and the value in meeting annually, frankly, to assess exactly what is being done to grapple with these problems and to deal with anti-Semitism.

So, for Cordoba, we look for discussions on best practices regarding legislation; law enforcement training, which you have referenced; education; the media; and general monitoring of anti-Semitic hate crimes. And we would like to see specifics about how education ministers and justice ministers, for example, could regularly meet in multilateral forums and develop an ongoing form of cooperation on those specific areas where their interests and their influence can be brought to bear.

Mr. SMITH OF NEW JERSEY. Thank you. Mr. Payne?

Mr. PAYNE. Thank you very much. I have a question that maybe Mr. Akwei might be able to address. I have heard very little in OSCE or in European countries in general, and I am not sure whether this is your area or not, or anyone else who might want to comment—I have been following the reports of the increase in anti-Semitism in Europe, and the issues have been brought up, and there is acknowledgement of it and work toward it.

I have heard, in several European countries, that there is an increase in sort of racism in general, difficulty in Africans getting housing and proper protection under the law. Belgium has a large, new population. In England, there has been tension in the prisons, several deaths by the police system they use, the choke lock or something, that they have had several deaths in the prisons.

And I wonder if OSCE or anybody is paying any attention to—and even in Ireland, and they have been doing great with the tremendous growth, but the African immigrants in Ireland are having an extremely difficult time with immigration authorities. That is in Ireland, not in the North of Ireland.

I have had some discussions with some of my friends in the North of Ireland who also are very disturbed at what they see happening in Ireland with Africans and Caribbeans trying to get into Ireland because they say, well, we have been fighting injustice from Protestants and the Brits all of these years, and to see our people using discrimination against another group, some of the ones that are being really criticized, the Sinn Fein people, were discussing their disapproval of what is happening in Ireland. As you know, they have been sort of persona non grata because of what happened there, although I think we are making a mistake if we isolate the organization, and I think that dialogue is very important and that an incident is a setback, but you do not throw out the baby with the bath water.

But, anyway, on that, have you heard any discussion, or has Amnesty International been taking any surveys, or has there been any kind of reporting done on that, to your knowledge?

Mr. AKWEI. I will be honest. I can go back and find out for you. I, myself, do not have that knowledge. I know that we do work on asylum issues and treatment of African immigrants, and I am sure that I can get you information, and I promise I will do that.

Mr. PAYNE. Thank you very much.

On the DRC, unfortunately, I missed most of your testimony on Darfur and all of yours, but you are the gentleman that took the photographs that Senator Brownback had, and you are also showing your photographs tomorrow at the Holocaust Museum.

Let me commend you for the work that you have done, and Senator Corazine also spoke to me yesterday about the fact that the photos and what you have testified and have shown were really worth a thousand words and that we may want to see if we can get you to come up to New Jersey at some point.

But let me ask a question about the DRC and its elections. Anyone can try to answer that. The elections are due in June. I do not feel that the country is ready for elections in June. In the accord, it said that if it is not ready, there should be a 6-month reevaluation at two 6-month triggers, and I do not like to delay things. But there is a group that is coming around that has been advocating having the elections in June. I think that Tesakaty's party, evidently they might feel they have more going, so let us get them over with; he might win.

I just think that if you have elections that are flawed, you just set the clock back, and the DRC has been in turmoil ever since they murdered Patrice Lamumba, and to push an election in 3 months, rather than maybe 18 months from now, would be foolish, in my opinion. What is your opinion about whether the country is ready for elections 2 months from now?

Mr. AKWEI. Again, I want to be clear. We usually do not take a position on elections, but we do talk about conditions for elections because they are directly linked to fundamental civil liberties and human rights, and, like you, I would have to say that the conditions do not exist. In all honesty, the parties that "will be contesting the election" are limited to the capital.

Mr. PAYNE. That is right.

Mr. AKWEI. The rest of the country is, at best, loosely affiliated based on personal allegiances. I think that it would probably behoove interested governments to really focus more on reestablishing some kind of accountability and connectivity in the country as opposed to working on a poll that is going to happen in 3 months, and as you said, that could easily not only inflame competition in the center and thereby lose the ground that has been gained over the last few years, but that could also basically just continue this disintegration that is happening.

So I think, yes, in terms of conditions, it would be very hard to see free-and-fair elections in 3 months in the DRC.

Mr. PAYNE. Finally, on Darfur, as you know, Congressman Tancredo and I, and Mr. Smith, we pushed for capital market sanctions before, and we have been discussing attempting to do that again. We had it passed, but there was pressure from the Wall Street types that say, "Well, you cannot do that." Now, I know that Amnesty International does not advocate sanctions and all.

As a matter of fact, I was very disturbed, but I got a little better news today from my brother, who is an assemblyman in the State of New Jersey, that legislation passed that the State of New Jersey has about \$5 billion invested in companies that do business in Sudan, and although it is restricted in the United States, compa-

nies that do business in New Jersey do business in Sudan, although they may not specifically be United States companies. And so his legislation was to then have those companies divest from Sudan, just invest the money somewhere else, because this is pension money from workers in New Jersey. His pension is being used to support the Government of Sudan.

There is \$100 billion in oil, and I started a move with the state legislatures, and with the bill that he has passed, we sent it around to a number of States, and Illinois and California are looking at it and New York State. However, the treasurer of New Jersey, a week ago, was saying that he really did not think that the State should take money out of profit-making investments, but I think there has been a change because some of the photos and things that my brother brought forth to some of the authorities in New Jersey, I understand the bill may be posted next week.

What do you think, either one of you, who are not necessarily bound by the bylaws of the institution on sanctions? We have tried everything else, and the Government just seems to continue to look the other way.

What do you think about, secondly, the PRC, the People's Republic of China, being on the Security Council, having the veto threat, and Russia, both of them dealing with oil? Petro China is, as you know, the biggest. They even had Chinese troops in Sudan during the time of the North-South fighting. And Talisman; as Congressman Smith said, we have forced the government of New Jersey to finally divest, but then it was picked up. Talisman moved out, and the oil was turned over to Malaysia and the PRC, and they continue to try to keep any strong resolution from the Security Council, although our Nation has its normal trade relation and balance-of-trade deficit, so, you know, that is another issue another day.

But how can China sit around and make billions of dollars off of the United States and then sit there at the Security Council and say, "We are not going to allow anyone to do anything because we sit on the Security Council and have this vote that we can veto"?

But, anyway, if I could hear some of your feelings on what else can be done because the Government of Sudan is just one of the most nongovernment governments I have ever seen, and the photos of bombing their people with the Antanovs and then strafing them with fighter planes and then having the Janjaweed come on camels and kill and rape and maim, and our Government and the governments of the world—it was very difficult even to get the Europeans to decide that they would even be involved. We went to the meeting in Scotland—remember, Mr. Tancredo?—and it was like Nero was fiddling while Rome was burning. They did not know what was going on. Is it really that bad? We have seen a little change, but what about economic sanctions and those things, either one of you?

Mr. MALINOWSKI. Economic sanctions, yes, absolutely. Capital markets; I am not an expert in the practicalities of how that would work, but, in principle, if there is a way to raise the cost to Chinese companies of doing business with the Sudanese Government, 100-percent yes. There is not much more beyond that that the United States can do that it has not already done.

There are, obviously, sanctions that the U.N. Security Council can impose beyond that, that European countries can impose be-

yond that. We still do not have an arms embargo, an effective arms embargo, which is just pathetic after all that has happened. We could impose internationally-targeted sanctions on Sudanese officials, banning their travel, seizing any assets they may have overseas, sanctions that, I think, would be quite effective.

And then, of course, there is accountability and prosecution, which, I think, is the ultimate sanction. We often think of it as sort of a principled thing to, you know, satisfy the victims. It is actually a very practical measure that targets the perpetrators in very real ways.

You mentioned China, which is, of course, a problem in the Security Council. It is a problem, I think, that can be dealt with. Secretary Rice is traveling to China right now. I would like to know how high up on her agenda with the Chinese Government the situation is. I am not confident that it is the first thing in her talking points. You know, we have to be realistic about these things, but when an Administration has declared genocide, I do think that one, a reasonable person, can then ask that it be at the top of the talking points in dealing with a permanent member of the Security Council.

At the end of the day, though, I do not think the Chinese will veto a resolution, and we have talked to diplomats at the U.N. every day, more than once, about this, and there is a complicated game being played. I think, at the end of the day, if we push them hard, if we work our allies the right way, we can get a resolution that the Chinese will not veto. In fact, I am a little more worried right now about a United States veto than a Chinese veto because of this dispute over the ICC. That is real.

Mr. PAYNE. It is very unfortunate. I would like to see the ICC move forward, but that is a policy decision above my influence. Yes?

Mr. STEIDLE. I think that economic sanctions would be a tremendously good idea. I think, though, that the first thing that needs to happen is the fighting needs to stop, and that is what we need to concentrate on. Let us worry about punishment of the people, and let us worry about whether the U.N. wants to call this genocide or not. Let us separate the issues.

I do not like to put the issues together. I think that the people that have done these things need to be held accountable. They absolutely need to be held accountable, whatever way that is, but what needs to happen first is it needs to stop. Since we have been in this room, more than 50 people in Darfur have died. That is how serious this is, and it has got to stop. Economic sanctions, I think, would be a great way to convince the Government of Sudan to stop it.

Mr. PAYNE. Thank you. Thank you very much.

Mr. SMITH OF NEW JERSEY. Yes. You raised earlier the point about the OSCE and racism. We have had conferences at the ministerial level in September 2003 and September 2004. There have been conferences on racism, xenophobia, and discrimination. J.C. Watts led the delegation on one of those. So your point is well taken, and we are, in that organization, trying to get the countries to address the issue of racism in their respective lands, so thank you for raising that.

Mr. Tancredo?

Mr. TANCREDO. Thank you, Mr. Chairman.

As I sit here today and listen to both the testimony of the Ambassador and these fine gentlemen, the thought keeps running through my mind—I think it was Russo who said at one time—“Men are born free, and everywhere they are in chains,” and you think to yourself about the degree to which the President has been able to articulate this philosophy, this idea, that there is a desire for freedom all over the world. It is an innate human desire. Boundaries of countries or cultures really do not influence it, and as I sit here and look at this table, I am impressed by the fact that it is a true statement. There is that innate human desire, and yet it is so difficult in so many places to actually achieve. That is the perplexing dilemma of the human race and none we are going to solve today, of course.

I just want to commend you all, and really the purpose of my stating all of that is that I want to commend you all for trying and for doing what you do to bring about a change in the human condition and the breaking of those chains. Our challenge here, and it is a frustrating one because Mr. Steidle says, you know, let us put things in proper order in Darfur, for instance, and stop the killing now. Well, okay, absolutely. There is not a soul here, not a soul in this room, and not a soul in the Capitol; no one here would disagree with that, yet it is so hard to actually accomplish this task. It is just sometimes so frustrating and so overwhelmingly difficult for us all.

Let me ask you, the claim, specifically, Mr. Akwei and Mr. Malinowski, actually, anybody who wants to answer it, but I would think that the three of you would have the insight: The claim on the part of the Government is that they—I have heard this voiced—that they really have nothing to do with the Janjaweed. We know, of course, that that is not true. We saw the slides. We saw the helicopters. We know the Antanovs fly.

I guess what I am wondering is: Do they have control? I know the Government is involved with doing this, but what if tomorrow they said, “Okay. We want to stop them.” Can they? Are they now in a situation where they may have lost control of this thing that they prompted, they started, they funded, they armed, because the killing in Darfur is not based on some sort of property disputes or even economic? It is a racial issue. It is Arab Muslim against Black Muslim. That is the situation in Darfur. People are being killed because they are Black. There are implications, of course, and other things happening, but it is a racial war, and one wonders whether or not, if the Government says tomorrow, “Okay, everybody, cool it. Janjaweed, cool it,” will it happen, do you think?

Mr. STEIDLE. Sir, I know that they have not total control over the Janjaweed. There are going to be groups, there are going to be elements, that do not listen to the Government, but the majority of the Janjaweed, at least the ones that they have equipped, armed—there are other groups, other small factions that act more like bandits that they call in on mercenary missions and pay them money, but the majority of them are controlled directly by the security agencies within the military units, and I believe that they can rein them in, and I believe that they can control them, for the most

part. There will always be banditry groups that are out there, but once they rein them in, then they can worry about prosecuting the banditry.

Mr. TANCREDO. I agree completely. Mr. Akwei?

Mr. AKWEI. Two things. Obviously, I also agree with the assessment of the control of the bulk of the militias.

The second is that even if it were not the case, these African governments have made a commitment under this new African Union charter to allow, in theory, an intervention on behalf of African people. We are still stuck in this governmental niceties type of relationship that we do not do it except with the consent of the Sudanese Government, and the Sudanese Government does not have the moral authority in this case to say, "We will take care of this," even when they know they cannot. And that is what we need to get to change within the leadership of the AU.

Mr. TANCREDO. Yes.

Mr. AKWEI. The second issue, in terms of the defining of the conflict, racial elements, yes. It is a part of it.

Mr. TANCREDO. When they are being raped and being told that the purpose of the rape is to produce lighter-skinned babies you have to think that race has something to do with it.

Mr. AKWEI. It does, but it is not the only driving thing. I think, in many cases, the racial element of it, the structure may have existed in the Darfur region itself, but then the Government, by making use of those militias and the power structure, has aggravated it. And so Mr. Steidle's point about the Government-sponsored-type campaign is very important to be identified and given the same weight as the existing racial tensions that are now playing themselves out in this kind of ugliness.

Mr. TANCREDO. Yes.

Mr. PAYNE. You are right, and, you know, the devastation, even as one-and-a-quarter million people went over into Chad, to the camps on the eastern part of Chad, other problems are being created in Chad now. I have been there twice in the last 6 or 7 months, and the water is going to dry up in that region in about another year. Now, the people who already live there are now saying, "Well, what is going to happen to us?" You have got a million people on their land, and now the tensions start to grow between refugee people, and the people of Government. The President is concerned because, as you know, African countries have cross-border ethnic groups, and this election is coming up, and there is a group that feels he is not doing enough since these people who are being persecuted are from his own ethnic group. And that is why he is allowing them to come in, even though it is having a degradative [sic] effect on the ecology. Of course, it is very fragile up there in that region that these camps are in.

And so, as Mr. Steidle mentioned, you know, people die every day. It is unbelievable, and I agree with you that the AU, unfortunately, this started when the organization started, and, I think, if this were 5 years from now, they would have in place strong practices, best practices. I think that they are starting a new organization and have this tremendous challenge there with Muslim countries.

With Algeria, just because they are Muslim, they were voting against Darfur, our resolutions in Russia, because they are interested in oil. And they do not want to see an oil sanction because what happened with Chechnya, where they have been treating the Chechnyans wrong for all of this time. Unfortunately, the Chechnyans have turned and used terror against children, which, I think, set their cause back because it has been similar to what happened in Northern Ireland with the killing of this Catholic by some Catholics. It has kind of set back a movement.

These things happen, and I have visited the AU three times in the last 6 months to talk to their leadership about having a sufficient number of troops, having a plan, getting the logistics going again, trying to change the mandate. And so we will continue to try to work with the AU. They mean well, but like I said, it is such a fragile beginning, and I think they are totally overwhelmed.

Mr. AKWEI. I think Tom mentioned a point: The U.S., I think, has created an incredible precedent by declaring this genocide. The U.S. officials have gone very far also, but they need to go that final step of basically dealing with this emergency-type situation. In other words, we need to have Presidential level, Secretary of State level-type interventions with the AU. If this is how important it is, and if we really believe this term to be that important, that is the only acceptable type of energy and nothing less.

Mr. PAYNE. I could not agree with you more. Thank you.

Mr. SMITH OF NEW JERSEY. On that point, I would just remind my colleagues, Don Payne and I tried very hard during the Rwandan massacres to get the word "genocide," to get the Administration then to be, at least, a little bit proactive, and, you recall, they could not utter the word. Not only was our policy feckless and ineffective; we could not even say the word "genocide" when 800,000 people were slaughtered.

Mr. TANCREDO. I wanted to ask Mr. Viacohrka something about the situation in Belarus. You know, our hands are tied in so many ways, and I would like to ask you to be as specific and clear as possible about exactly what the United States unilaterally could do, if anything, to change the situation there. In fact, we have been trying to figure that out here quite a bit.

I wish there were ways that we could act in lieu of something like the World Court and the ICC. If we do not want that, then I sometimes wonder why we cannot act unilaterally to go ahead and indict these people ourselves for war crimes. There is a precedent, after all. Israel did it after the second world war and brought people back and tried them and executed them. It is a different world, and I know all of the kinds of problems we would run into. But what can the United States do unilaterally, do you think, Mr. Viacohrka, in regard to Belarus? What actions can we take in this Congress to change the situation for you and those others who have suffered?

Mr. VIACOHKA. Thank you for the question. First of all, we do appreciate the consistent and value-based position of the United States and all of the international bodies where the United States participates. The OSCE was a very effective floor for this position of the United States, despite the fact that OSCE sometimes was too weak an instrument to promote democracy in problem countries.

We suppose it is very important to continue the synchronization of policies between the United States and the European Union, and the last resolution of the EU, I suppose, is a result of these consistent efforts to synchronize both the words in which the situation in Belarus is described and concrete steps.

As for instruments, the Belarus Democracy Act provides a couple of effective steps to isolate the regime itself, Lukashenko and his clique, not the country. This is a very important division line, to isolate Lukashenko and not the people, not the country. There are effective means provided by the media like following the accounts of Mr. Lukashenko and so on.

I must stress that, according to the statement made by the finance minister of Belarus, no ruble acquired from the weapons trade comes to the State budget; it comes from somewhere else. So this is a recognition of the fact that the weapons trade exists, and it does not contribute to the country's welfare.

The Belarus Democracy Act provides other measures like assistance in the creation of alternative information space for the Belarus people. I do hope our people are ready for democracy. They are eager to see changes, and, as it was in Ukraine half a year ago, a few people in Ukraine made forecasts that something like it happened could happen at all. But the information channels were prepared, and the democratic job in regions throughout the country was supported. That is a kind of example for us as well, and this is a hint of what needs to be done for the changes in Belarus. We are convinced that without a democratic Belarus, the stability in our region is not finally done. The Central Eastern European region cannot be described as democratic without Belarus.

Mr. TANCREDO. Thank you, sir.

Mr. PAYNE. You mentioned Ukraine. I happen to have spent Christmas week in Iraq and Afghanistan. We left Christmas night, which happened to be the eve of the election in Ukraine, and had a chance to be around at the pre-election, and then, on election day, monitored, went to a number of polling sites, and it was really very inspiring to see the turnout. This was their fourth election, I think, in 2 months, and people were still very anxious. But then the evening after the polls closed, to see the tens of thousands of people out in the square where, you know, once democracy started to catch hold, the people really were determined that it was irreversible. They were going to have a fair-and-free election, and we sort of evaluated the election the next day and came up with our feeling that it was fair and free.

But the point is, I think that once a movement gets going, people see that one person can really get things moving in the right direction, and so I hope that even in Uzbekistan where they are struggling—I had some opportunities to stay there—they have some good leadership that, with encouragement, I think, from the Europeans and from the United States, I think that we can see a transformation from the former Warsaw Pact countries and see democracy flourish in those countries. Thank you.

Mr. SMITH OF NEW JERSEY. I know it is late, and you have been so patient with your time and generous with it. I do have a couple of additional questions, and then we will submit some for the record.



I think, Mr. Malinowski, you made a very compelling point about the importance of timeliness in getting this referred to a competent court of jurisdiction, justice and accountability, as you pointed out, and I think your point about how it would take at least a year to construct the Sierra Leone type of court is a very good point, and your point about the referral to the Security Council, likewise, covers one of the objections that the Administration has.

I will try and do my level best because I think, while the ICC has some flaws, in my view, there are a number of ongoing atrocities that I personally would like to refer to it, not to mention Cuba, what has gone in China and other places certainly are crimes, heinous crimes, so your point, I think, is very well taken.

I would like you, if you could, to give us any evidence you might have about how many detainees—or, at least, a number—have been sent to third countries, either now or for the record. I think that would be very helpful because that is a serious problem that we need to confront in our own backyard in terms of our performance.

Mr. Akwei, if you could respond. You mentioned how several of us—I think you raised that point—have raised individual cases vis-a-vis Eritrea. I raised the case of Fesshaye Yonhannes, a woman who got pre-cleared, if you will, by the Embassy right here, the Eritrean Embassy, and I talked to the Eritrean Ambassador to the U.N. Commission on Human Rights, who promised me he would look into it. A year later, as far as I know, nothing has happened, and here is a mother who went over with the precondition that nothing would happen to her, and then the Government, you know, picked her up.

And, Mr. Malinowski, you might want to speak to the issue of Rachel Corrie, which was raised earlier, if your organization has done any reporting on her tragic death and whether or not the Israeli Government and the United States Government has done what it ought to do to investigate that very tragic passing.

And if I could, on Ireland, it being St. Patrick's Day, and the fact that just yesterday, Mr. Payne and I held a very long but, I think, very insightful hearing on the ongoing problems of Patrick Fanoogan and we had Geraldine Fanoogan as our lead witness, and she spoke to the fact that, 16 years later, the issue of collusion remains unsettled, and now the Government of the U.K. is poised to pass an inquiries bill which will probably make that inquiry impossible.

Without objection, I would like to include in the record a letter from the Honorable Peter Cory, the eminent jurist who was picked by the Blair Government and the Verdia Hearn Government to determine whether or not a public inquiry was justified. He has said—and he has been very, very severe and, I think, accurate in his criticism—that a public inquiry, under the new law that may be passed shortly by the British Parliament, will make such an inquiry impossible.

[The information referred to follows:]

**The Honorable Peter Cory C.C., C.D., Q.C.**

130 King Street West  
Suite 3400  
Toronto, Ontario  
M5X 1K6

Tel.: (416) 973-8324  
Fax: (416) 973-3004

Tuesday, March 15<sup>th</sup>, 2005

**BY FAX**

Chairman Chris Smith  
2172 Rayburn HOB  
Washington  
20515

Dear Chairman Smith:

The proposed legislation pertaining to the public inquiries is unfortunate to say the least.

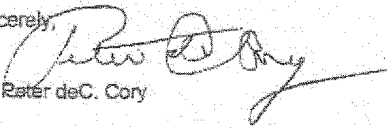
First, it must be remembered that when the Weston Park Accord was signed, the signatories would have had only one concept of a public inquiry. Namely, that it would be conducted pursuant to the 1921 *Public Inquiry Act*. Indeed, as an example, the Bloody Sunday Inquiry would have commenced its work as a public inquiry by that time. The families of the victims and the people of Northern Ireland would have thought that if a public inquiry were to be directed it would be brought into existence pursuant to the 1921 *Public Inquiry Act*.

To change the ground rules at this late date seems unfair. It seems as well unnecessary since the security of the realm would be ensured by the courts when the issue arose in a true public inquiry.

My report certainly contemplated a true public inquiry constituted and acting pursuant to the provisions of the 1921 Act.

Further, it seems to me that the proposed new Act would make a meaningful inquiry impossible. The commissions would be working in an impossible situation. For example, the Minister, the actions of whose ministry was to be reviewed by the public inquiry would have the authority to thwart the efforts of the inquiry at every step. It really creates an intolerable Alice in Wonderland situation. There have been references in the press to an international judicial membership in the inquiry. If the new Act were to become law, I would advise all Canadian judges to decline an appointment in light of the impossible situation they would be facing. In fact, I cannot contemplate any self respecting Canadian judge accepting an appointment to an inquiry constituted under the new proposed act.

Yours sincerely,



The Hon. Peter deC. Cory

Mr. SMITH OF NEW JERSEY. As a matter of fact, he calls it an "intolerable, Alice-in-Wonderland situation" because the ministers will have the ability to set terms of reference, to tell the justice of the

commission what they can do and what they cannot do. That would be like having members of the President's Cabinet investigate themselves and say it is an absolute, impartial inquiry. It looks like a farce in the making. If you might want to speak to that, I would appreciate that. And I do have other questions, but for the sake of time, we will defer and submit them for the record.

Mr. MALINOWSKI. Sure. Thank you. First of all, I appreciate your comments on Darfur. Maybe we should talk more with your office about the complexities at the Security Council of that situation. We very much appreciate any help that you can offer.

On rendition and the numbers, of course, nobody knows—well, somebody knows, but we do not know. I would imagine it is dozens or maybe low hundreds, but that is speculation. But we can send you what information we do have based on what has been admitted publicly, and that gives us, I think, a picture of the totals and, more importantly, the kinds of countries that people are being sent to.

Mr. SMITH OF NEW JERSEY. Do you have any confidence that the report of the Convention Against Torture, that the Ambassador spoke of earlier, will include information on those?

Mr. MALINOWSKI. I have confidence that it will include a vague statement that the commitments are being met by virtue of the fact that the United States receives assurances from these countries, which the State Department will argue is sufficient, which we would argue is just not sufficient when it is Syria or Saudi Arabia.

On Rachel Corrie, I do not believe that we have investigated the case ourselves, but we are aware of it. We agree that the Israeli investigation was insufficient. We have also done extensive work on this larger issue of home demolitions where we found, regrettably, that there has been quite a high degree of indiscriminate violence that has been harmful to human rights and also harmful to Israel's legitimate security interests. We can get you more details on that and any more details we may have on Rachel's case as well. Thank you.

Mr. SMITH OF NEW JERSEY. Mr. Akwei?

Mr. AKWEI. I will definitely want to get you the most recent updates on the—but I can tell you now [off mike] that she was a spy, and she had not done that yet. I will also provide you the names of the others who have also been in detention for about 2 years who are also part of a larger group of thousands of local prisoners that we do know [off mike]. So I will direct them to do that.

Mr. SMITH OF NEW JERSEY. I appreciate that.

Would anybody else like to add anything before we close?

Mr. PAYNE. Just on the Northern Ireland situation, you know, we were trying to get the Pat Fanoogan going, but also, Rosemary Nelson's case is going to be sort of similar to that. And I had the opportunity to visit the late Rosemary Nelson's husband 6 or 7 months ago in Northern Ireland, and, you know, the authorities have never even interviewed him yet on circumstances surrounding the death.

Like I said, the incidents that happened in the north of Ireland with Sinn Fein and the IRA and all; by the authorities, RUC, not moving rapidly enough and doing the right thing, one of the problems is that there is the lack of confidence in the policing up there,

and that is why people do not go to the authorities to say, "I want to give you evidence," and so forth, because the RUC has been so anti-Republican that they have this sort of blue code of silence, so to speak. And so if the authorities can see that if they can do something serious with the Patton Commission Report and other things to truly open up policing, then I think some of this long history of silence and cooperation with the police as their enemy will break down, and it will be better for everyone there.

Mr. SMITH OF NEW JERSEY. We have held 10 hearings on policing in Northern Ireland. We had Rosemary Nelson, as you might recall, as one of our witnesses, and she told us, right from the witness table, "The RUC is going to kill me." Six months later, her car was blown up. We remembered the sixth anniversary of that just 2 days ago.

So it is very tragic, and, hopefully, that sense of impunity that was rampant within the RUC is being changed. Hugh Ward, who is now the chief constable, is a professional policeman and, I think, very much committed to the rule of law and, hopefully, the proper enforcement of the laws of Northern Ireland.

I, again, want to thank our very distinguished witnesses for your wise counsel and insights, and your testimonies help us and help the whole Congress make, hopefully, informed decisions going forward. The hearing is adjourned.

[Whereupon, at 5:39 p.m., the Subcommittee was adjourned.]

## A P P E N D I X

---

### MATERIAL SUBMITTED FOR THE HEARING RECORD

RESPONSE FROM THE HONORABLE MICHAEL G. KOZAK, ACTING ASSISTANT SECRETARY, BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR, U.S. DEPARTMENT OF STATE, TO QUESTION SUBMITTED FOR THE RECORD BY THE HONORABLE ADAM SMITH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WASHINGTON

*Question:*

*To your knowledge, has the U.S. government requested of the Israeli government that the U.S. be allowed to conduct either its own investigation, or a joint U.S.-Israeli investigation, into Rachel Corrie's death? If not, why not, considering State Department Chief of Staff Lawrence B. Wilkerson's statement that the Israeli investigation was not 'thorough, credible, and transparent'?*

*Response:*

The death of Rachel Corrie in Gaza on March 16, 2003 was truly a tragedy. In response, President Bush raised Ms. Corrie's death with Prime Minister Sharon immediately after the incident, and received assurances that a thorough and transparent investigation would be undertaken by the Government of Israel. The investigatory results that have been shared with us by Israel were not entirely satisfactory, and we have pressed for additional information. U.S. Ambassador to Israel Daniel Kurtzer followed up on several occasions with Prime Minister Sharon and other senior Israeli officials, including Defense Minister Shaul Mofaz, while then-Assistant Secretary of State for Near Eastern Affairs William Burns raised the issue with Israeli representatives both in Washington and in Israel. The Corrie family has maintained continued contact with the State Department since Rachel Corrie's death, and is currently in the process of pursuing legal remedies through Israel's court system.

We do not believe that pursuing an independent U.S. investigation into the circumstances of Rachel Corrie's death would be fruitful. As we have explained to the Corries, there is no basis under U.S. law upon which U.S. law enforcement entities would have authority to conduct such an investigation. Equally if not more significantly, the consent and cooperation of the Israeli authorities would be essential, and we have no reason to believe that the Israeli authorities would be more forthcoming than they have been in response to our diplomatic efforts to date.

---

### HUMAN RIGHTS FIRST COMMENTS ON 2004 STATE DEPARTMENT COUNTRY REPORTS

MARCH 2005

Human Rights First appreciates the opportunity to provide this assessment of the State Department's 2004 Country Reports on Human Rights Practices. We look forward to a continued dialogue on this important subject and related issues.

The State Department's 2004 Country Reports represent a significant contribution to the monitoring of human rights worldwide. Most of the 196 country reports are detailed and comprehensive, and reflect the diligent work of numerous officials serving in U.S. embassies and the Department's Bureau of Democracy, Human Rights, and Labor in monitoring both individual cases and broader human rights conditions throughout the year.

Based on over a quarter century of monitoring and reporting on human rights conditions, and analyzing the Department's annual reports, and on a close examination of several of this year's country reports (focused critiques of the chapters on Russia, Indonesia, Thailand, and Uzbekistan are included below), we highlight

below two general concerns that we see as increasing in recent years, as well as two concerns specific to the content of this year's reports.

#### A. GENERAL CONCERNS

##### 1. *The use of the reports in determining foreign policy*

As the quality of the reports has improved, the question of how they relate to the process of policy formulation within the State Department and the executive branch as a whole has come into sharper focus. For example, the contrast between the picture of the Indonesian military as a source of widespread human rights abuses set out in the report on that country contrasts sharply with the decision to restore the U.S. training program there. Similarly, the concerns in the Russia report were only partially raised at the recent Bush-Putin summit in Bratislava.

The question of the role of human rights in foreign policy is both broad and complex, but any consideration of the reports should consider their importance as a tool to guide and influence U.S. foreign policy. Too often, even when the reports are detailed and accurate, they appear to be largely fenced off from U.S. policy toward the country in question.

##### 2. *Challenges to U.S. Credibility*

In recent years concerns have grown regarding the credibility of the United States as a human rights monitor and a champion of international human rights protection. While once this was the province of only the United States' most vocal critics, such as Cuba and China, this year several U.S. allies joined the chorus accusing the United States of hypocrisy, particularly citing incidents of torture by U.S. forces in Cuba, Iraq, and Afghanistan.

While we have little appetite for criticism directed at the United States from governments that are among the world's leading human rights abusers, Human Rights First shares the concern that U.S. credibility as a global leader in human rights promotion and protection is being undermined by this country's own human rights violations and failure to hold those responsible for instigating, consenting to, or acquiescing in torture and other serious violations. The proper response must not be to reduce the United States' commitment to monitoring of and reporting on human rights abroad, and to naming and criticizing violators, but to promptly and effectively address the United States' own human rights record and diminished leadership position on this issue.

With particular respect to this problem of reduced U.S. credibility, while the impact of U.S. policies is specifically excluded from the consideration of country conditions in the main body of the report, the Introduction leads with a strong affirmation of the U.S. government's policy "to champion aspirations for human rights and build democracy." The clear intention is to associate that policy with positive developments in Afghanistan, Ukraine, Iraq, and elsewhere.

If the Country Reports are to be used as a vehicle for presenting the positive impact of U.S. policies in promoting human rights and democracy, their credibility would be enhanced if there also was mention of the revelations about the involvement of U.S. forces in serious violations of human rights—and the consequences for global efforts to promote respect for human rights.

#### B. SPECIFIC CONCERNS WITH THE 2004 COUNTRY REPORTS

Despite improvements in both the reporting guidelines and their execution over the past two years, Human Rights First has two particular concerns regarding the substance of this year's reports.

##### 1. *The Whole is Less than the Sum of the Parts*

The cataloguing of facts in the reports, while important, too often lacks the complementary analysis or summation necessary to identify systemic problems. For example, the decline in human rights observance in Thailand can be inferred by the facts presented but is nowhere evident in the general country description. Descriptions of individual cases, such as the death or "disappearance" of a human rights defender, often lack the context necessary to understand that each is part of a trend or tied to a much more systemic problem, such as police impunity or an ineffective legal framework.

In some cases the concern in this regard is not just a lack of analysis, but a tendency to sum up evidence of systemic problems or trends in language that does not seem warranted based on the facts presented in the report itself. Those who skim the report or rely mainly on the Introduction are likely to come away with a misleading picture of the human rights conditions in a given country despite the careful cataloguing of specific incidents and cases. For example, the two paragraph discus-

sion of Saudi Arabia in the introduction leads off with the statement that there were “positive developments” followed by a very weak list of supposed advances, like a “government sponsored conference on women’s rights’ taking up an entire paragraph. Only in the second paragraph does the reader learn of the serious human rights violations that remain widespread in the Kingdom.

Moreover, too often, particularly in reports on countries of high importance to U.S. strategic goals, conclusions concerning the overall human rights situation bear little relation to the details of abuses catalogued. Practices that together represent patterns of gross and persistent violations of human rights frequently are described only in isolation. The disconnect between the country reports and actual U.S. policy is in turn facilitated to the extent that coverage even of extremely abusive situations rarely describes these as representing patterns of gross and persistent violations of human rights.

## 2. *The Reports Often Fail to Link Specific Incidents to Broader Trends*

Even where there is clear evidence of abuse or even prior statements on a particular matter by State Department officials, some reports describe incidents without assessing either their veracity or their human rights implications. While acknowledging the degree of uncertainty that attaches to many cases, the reports risk contributing to a lost opportunity to establish a clearer factual record and in so doing help fight impunity.

Taken together, these tendencies can mask the true human rights conditions of a country. This phenomenon deserves particularly close monitoring in areas in which the United States has cooperated with a country, such as in the development of antiterrorism laws or trials of alleged terrorists, or where human rights conditions may impact key policy outcomes, such as a decision to resume military ties.

### C. ANALYSIS OF SPECIFIC COUNTRIES

#### 1. *Indonesia*

The chapter on Indonesia is detailed and comprehensive, and its opening paragraphs clearly state the significant human rights problems facing the nation. The report includes important, if brief, acknowledgments of often-overlooked issues such as land conflicts, military businesses, and clashes between the military and the police.

As in years past, in places the strength of the report is undermined by problems of both structure and voice. The report describes some events in judgment-free language not wholly warranted by the facts or even commensurate with past statements by U.S. government officials. The language on the anti-terrorism law is particularly uncritical, as are several sections with special relevance to U.S.-Indonesian relations: the *ad hoc* trials of those implicated in serious violations of human rights in East Timor and the killing of two Americans in Papua. The discussion of human rights defenders omits some salient facts, as do the references to the tsunami. Because the disaster occurred at the very end of the reporting period, presumably issues connected to the relief effort will be covered in next year’s report.

#### *Anti-Terrorism Law*

Despite a detailed description of the rules of detention under the Code of Criminal Procedure, there is no explanation of the expansion of the scope of detention powers under the 2003 anti-terrorism law. None of the human rights concerns raised by Indonesian civil society are noted, such as an overly broad definition of terrorism and the use of uncorroborated intelligence reports as a basis to detain suspects. The report also notes that the law was used against negotiators from the Free Aceh Movement but does not critique or otherwise evaluate this practice.

There are descriptions of successful prosecutions of terrorist suspects, which are in fact one of Indonesia’s achievements in 2004. However, other than a mention of an alleged torture victim it does not describe allegations of the arbitrary arrest and detention of Muslim activists under the provisions of the anti-terrorism law. It also does not mention the allegations of torture and coerced confessions made by those charged with involvement in terrorist bombings. The language from the 2002 report asserting the support of human rights lawyers for the law has been removed, but so has 2003 language describing domestic criticism of the law’s application against Muslim activists and GAM negotiators.

There is also no mention of an armed forces law passed in late 2004 that retains the military’s territorial role down to the local level and returns to the practice of members of the military simultaneously serving in some key civilian posts, a setback in the struggle to place the military more fully under the civilian control.

*The Ad Hoc Trials and Timika Killings*

The report's language is somewhat vague on two issues closely linked to U.S.-Indonesian military ties: the ad hoc trials on East Timor and the killing of two Americans and one Indonesian near the Freeport MacMoRan mine in Timika in the province of Papua. Progress on the first is required to remove restrictions imposed by Congress on lethal arms transfers and Foreign Military Financing. The Secretary of State recently certified cooperation with the FBI on the Timika killings to allow resumption of the military training program known as IMET.

The report describes the convictions and acquittal on appeal of the defendants in the *ad hoc* trials on East Timor held in Jakarta in neutral terms. It does not describe the extensive flaws throughout the process, from weak indictments to intimidation in the courtroom. Rather than achieving accountability, the trials became a mechanism for impunity.

State Department officials, including the outgoing ambassador, have previously expressed disappointment in the trials. After an appeals court overturned several convictions in August 2004, a spokesman noted that the State Department was "dismayed" and "profoundly disappointed," adding, "We think that the overall process was seriously flawed and lacked credibility."<sup>1</sup> The 2003 country report, commenting on the conviction of only four police defendants, noted, "The tribunal's performance reinforced the impression that impunity would continue for soldiers and police who committed human rights abuses." Now that even those convictions have been overturned, the report does not comment on the implications for accountability in Indonesia.

The 2004 report also notes that "As a possible alternative to a [United Nations] Commission of Experts, the Governments of Indonesia and East Timor agreed in December to form a bilateral Truth and Friendship Commission to address accountability." It is not clear from this sentence whether the view that the bilateral commission might serve as an alternative to the U.N. mechanism comes from the Indonesian and Timorese governments or from the State Department itself. Even if it is only the former (a recent State Department expressed support for both processes) it is important to describe the significant flaws in the terms of reference of the proposed bilateral commission, which are consistently advantageous to the perpetrators of human rights abuses at the expense of their victims.

The report is also somewhat vague on the 2002 Freeport killings of three teachers, including two Americans. Following the guidelines, it refers only to indictment by a "foreign court" (not mentioning it was a U.S. court) and uncritically describes the suspect Antonius Wamang as an OPM (Organisasi Papua Merdeka, or Free Papua Movement) guerilla. The report does not note the possible involvement by the military in the killings, despite earlier statements to that effect by the Indonesian police and U.S. government officials. Wamang himself has said of the Indonesian army that he was in "a business relationship with them for purchasing ammunition."

*Human Rights Defenders*

The report includes numerous incidents of attacks on human rights defenders in recent years, and also notes failure to achieve accountability in most of these incidents. However there are a few gaps in the discussion under "Section 4: Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights" and in relevant paragraphs on disappearances and killings.

Possibly because of reporting guidelines on deaths outside the country's borders, the report states that no human rights defenders were killed this year. However, one of Indonesia's most famous defenders, Munir, was poisoned in September while flying to Amsterdam on the Indonesian national airline Garuda. Elsewhere the report does describe the killing and notes that "the incident was under investigation at year's end." (In March 2005 evidence mounted that airline staff was involved in the death, and a pilot rumored to have ties to the State Intelligence Agency has been named a suspect.)

The report describes the army's successful libel suit against the human rights group ELSHAM but does not mention other libel suits against activists, including the prominent human rights lawyer Hendardi, by the head of the intelligence service, Hendropriyono. The US\$1 million suit was filed after Hendardi accused the intelligence chief of harassing activists instead of catching terrorists. It was withdrawn late in the year, but only after officials had threatened to confiscate Hendardi's house to cover potential damages. (Hendropriyono stepped down during the transition to the new administration).

<sup>1</sup>"US 'dismayed' at E Timor tribunal," *BBC*, August 10, 2004, available at <http://news.bbc.co.uk/2/hi/asia-pacific/3550390.stm>.



While the report discusses the expulsion of Sidney Jones of the International Crisis Group, it does not mention that just prior to that act, in May 2004, intelligence chief Hendropriyono told the House of Representatives that 20 local and foreign NGOs were a threat to security in the run-up to the July 5 presidential elections. He warned that the country might need to return to “old measures” against people who “sell out their country.” Taken together, these additional incidents helped create an increasingly threatening climate for human rights defenders.

#### *Military Operations in Papua*

While noting the higher incidence of rights abuses in conflict areas, identified primarily as Aceh and Papua, the report is silent on a new round of military operations in the Central Highlands region of Papua. The report does note: “In Papua Province, the Government continued to conduct operations against rebels of the Free Papua Movement (OPM), and OPM rebels continued their operations against military units.” This description masks the overwhelming imbalance in the two forces, and more significantly overlooks the fears of local rights organizations over a new round of operations that began in August 2004 and continued through the end of the year. Local NGOs cited direct attacks on civilians leading to widespread displacement.<sup>2</sup> After a priest named Elisa Tabuni was shot and killed by Indonesian troops on September 14, several thousand residents fled their villages. There were reports of dire living conditions contributing to an unknown number of deaths. While information from the remote region is difficult to obtain or confirm, this makes it that much more important to include in the annual report.

#### *Political Prisoners*

Definitions used in drafting the country reports may lead to statements confusing to the reader. Similar to the statement on the killing of human rights defenders described above, the report states that “There were no reports of political detainees.” However, several categories of prisoners described in the report, such as nonviolent Acehese activists or those held for “insulting the president” or “spreading hatred against the government” were clearly imprisoned for political reasons. Amnesty International noted in May of 2004 that there were at least 58 prisoners of conscience sentenced since 1998, including ten that were currently imprisoned and seven more facing trial.

The report itself notes the use of these charges. It is possible the statement means no new prisoners, but this is also called into question by such as cases as the Acehese environmentalist Bestari Raden sentenced to two years and a half years in prison in October 2004 and two Papuans, Filep Karma and Yusak Pakage arrested in late 2004 for joining a peaceful flag-raising ceremony in Abepura, Papua on December 1, 2004. They were later charged with rebellion and “spreading hatred” towards the state.<sup>3</sup> The report should clarify its definitions and avoid misleading declarations that seem to clear the government in question of an important category of human rights abuse.

#### *The Impact of the Tsunami*

Because the tsunami happened at the very end of the year, on December 26—and its full impact was not known until well into 2005—it is not surprising that the disaster is mentioned only briefly in the 2004 report. The human rights aspects of the disaster, including the role of the military in aid coordination and the treatment of internally displaced people, will be an important topic in next year’s report. However, in the description of unfair trials held in Aceh that led to the imprisonment of several activists and suspected GAM members, the report should have mentioned that many died in several coastal prisons when the tsunami hit, including several mentioned by name in the report.

The report also states that both the Free Aceh Movement and the Indonesian military declared a unilateral ceasefire after the tsunami. However, the armed forces did not at first declare a ceasefire and in fact claims it has killed more than 200 rebels since the tsunami, although these figures were met with skepticism by many observers.

<sup>2</sup>“Konferensi Pers Bersama, ELSHAM Papua, LBH Papua, KontraS Papua, Dewan Adat Papua, Gereja, dan Mahasiswa , Hentikan Upaya Pemberlakuan Darurat Sipil dan Militer di Papua,” November 17, 2004. <http://www.geocities.com/elshamnewsservice/ENS2004/ENS171104-Hentikan-Upaya-Pemberlakuan-Darurat-Sipil-dan-Militer.htm>

<sup>3</sup>Amnesty International, “Case sheet: The Jayapura Flag-raisers,” February 1, 2005. <http://web.amnesty.org/library/Index/ENGASA210042005?open&of=ENG-IDN>

*Thailand*

The 2004 report on Thailand is largely accurate and well-researched. It describes the lack of progress in cases from past years and also identifies several new and worrying trends, such as the use of deadly force in the southern states, libel suits to attack critics, and internet censorship.

However, due in part to the atomized structure of the report, it does not provide a clear, overall picture of the decline in the human rights situation in Thailand in 2004, or of some of the systemic problems Thailand faces, including torture and attacks on civil society. This decline can be inferred from the facts presented, but are not made clear in the report. As in past years, the report is reluctant to assign blame in some cases.

*Overlooking Declining Respect for Human Rights*

The 2003 report had noted, “The Government’s human rights record worsened with regard to extrajudicial killings and arbitrary arrests. There was a significant increase in killings of criminal suspects.” This assessment was largely due to the killings of suspected drug traffickers in the context of the “war on drugs” declared by the Prime Minister.

While these killings largely subsided in 2004, there were many new violations that undermine the assertion that “the Government generally respected the human rights of its citizens”—including:

- Violence in the south surged on all sides, as more than 500 people were killed by unknown gunmen and some 200 people were killed by government forces, most of them in two incidents.
- Civil society came under attack as well, with at least one human rights defender killed and another disappeared. Threats and intimidation against the press were on the rise, and as noted in the report, even members of the official National Human Rights Commission received death threats for its reporting on the violence in the south.

Based on these developments, several local and international organizations noted a decline in the human rights environment in 2004. However, this trend does not come through adequately in the tone and substance of the report.

*Failure to Identify Systemic Problems*

As with past reports the whole is often less than the sum of its parts. As noted in the introductory comments above, the cataloguing of facts, while important, lacks the analysis or summation necessary to identify systemic problems.

One of these failures is particularly clear in the discussion of human rights defenders under Sections 4 (Governmental Attitude regarding International and Non-governmental Investigation of Alleged Violations of Human Rights) and in the descriptions of disappearances and killings. While noting the death of Charoen Wataksorn and the disappearance of Somchai Neelaphaijit, the report does not mention that 18 human rights defenders have been killed or disappeared since Thaksin Shinawatra became prime minister. In the March 2004 report of her mission to Thailand (which is not mentioned in the State Department report) the Special Representative of the Secretary General on Human Rights Defenders expressed alarm over statements by government officials attacking NGOs, and human rights advocates in particular.

The report also notes incorrectly that the suspects in Somchai’s disappearance, all policemen, were charged with kidnapping, when in fact they face lesser charges of gang robbery and coercion. The distinction is tied to a systemic problem: a loophole in Thai law precludes more serious charges in the absence of a body, making the prosecution of forced disappearances extremely difficult. The report does not note that efforts by Somchai’s wife and colleagues to have the investigation transferred from the police to the Department of Special Investigations have been unsuccessful, and that cooperation by the police and Prime Minister’s office with a Thai Senate inquiry has been poor.

The Somchai case illustrates another worrying phenomenon, accusations that human rights defenders, and especially Muslim lawyers, are terrorists or terrorist sympathizers. Somchai was told shortly before he disappeared that he was on a “terrorist blacklist” for his work representing suspected militants and terrorists.

A second example of the failure to identify systemic problems is in the observation that “some members of the police occasionally tortured” people in custody. But several organizations have identified torture in custody as a pervasive problem. The report does note elsewhere that there are significant problems with respect to police impunity, which encourages widespread rights violations in custody. In one place

the language has improved in this regard, noting that security forces (rather than “elements” of the police, as in 2003) “continued to use excessive, lethal force against criminal suspects and committed or were connected to numerous extrajudicial, arbitrary, and unlawful killings.”

A third example is in the discussion of the press. The report states that “Journalists generally were free to comment on government activities without fear of official reprisal.” But at the same time it details a list of reprisals, including warning letters from the Police Special Branch. Furthermore, the libel suit filed by the private corporation owned by the Prime Minister is not clearly unofficial. The report notes all of these measures and one view of their impact on press freedom:

According to some members of the Thai Journalists Association, the Government used various means to increase control over the media, including direct control through ownership, the threat of withdrawing financial support and advertisements, constraints on the flow of information, and direct pressure on critical journalists and activists.

But the report subsumes them all under a fairly broad conception of *self-censorship*. But when sparked by direct and indirect warnings from police or other officials, in a context where journalists have been killed in the past, some of these measures may approach actual censorship. The report also fails to mention direct government efforts to prevent the release and distribution of DVDs with footage of the demonstration and arrests at Tak Bai that preceded 78 deaths in custody. Interestingly, unlike previous years, the launch of the State Department report in Bangkok was closed to the press.

A fourth example is that in the discussion of the violence in the south there is also no mention of the fact that the government declared martial law in the southern states at the start of 2004, a declaration that enables widespread detentions. In the same incident in which 78 protestors died of suffocation, more than a thousand civilians were detained under martial law provisions.

Finally, Burmese victims are mentioned in nearly every section, but there is not a comprehensive picture of the increasingly precarious position of Burmese activists and refugees in Thailand.

#### *Reluctance to Assign Blame*

As in previous years the report is reluctant to clearly assign responsibility. For example the section on the extrajudicial executions of some 1,300 suspected drug dealers in 2003 notes:

The Government maintained that the deaths were the result of disputes between those involved in the drug trade. Local and international human rights groups, including the National Human Rights Commission (NHRC), disputed this claim and called for thorough investigations of all extrajudicial killings.”

But rather than just describing two opposing views, the 2003 report more clearly assigns blame to the government in its voice and in the presentation of evidence, such as statements by the Prime Minister and directives to create “blacklists” and eliminate the names on those lists.

While the report does note a rise in deadly force in the southern states, the statement that “Separatist violence in the extreme southern region of the country resulted in the deaths of more than 180 persons at the hands of security forces” seems to absolve the Thai security forces of much of the blame for these deaths. While many of the estimated 500 killings may have been caused by militants, most of the 180 deaths cited are a product of significant missteps by the security forces. As described in the report, 78 of those who died were unarmed protesters who died of suffocation while stacked horizontally in trucks. In the other major incident about 100 men and boys armed mainly with machetes were killed by security forces said to have advance knowledge of the attack. These cases are extremely important, as the deaths are thought to have further inflamed the violence.

#### *Anti-terrorism Law*

There is no human rights critique of either the terms of the Anti-terrorism law passed in 2003 or concerning its implementation by the Thai government.

#### *Russia*

The introductory paragraphs of the country report on Russia correctly state that the human rights record there is poor in certain areas and worsened in several others since 2003. However, the tone of the report is generally weak with regard to governmental responsibility for serious human rights abuses. Whereas the report clearly attributes some abuses to criminals or rebels, in most cases, government ac-

tions are described merely as “reports of government involvement” although credible sources have provided information about government involvement. Given the report’s description of corruption and lack of independence of the judiciary, threats and attacks on witnesses to abuses and attacks on human rights lawyers, the failure to clearly attribute responsibility to the government is particularly disappointing.

The report makes overly positive generalized statements in the introduction and in several lead sentences, although it often does present adequately detailed information about specific human rights abuses. The impact of this presentation is to downplay violations. Nevertheless, the cataloguing of abuses is in there, even if examples are sometimes deeply buried in the text.

An example of this involves the description of the use of the armed forces against peaceful demonstrators. The report states in general terms that “in contrast to previous years, there were no reports of beating of peaceful protestors.” However, further along the report states that on June 1, 2004, members of the Federal Guard Service attacked a correspondent for a daily newspaper while dispersing a rally near the Cabinet headquarters.

The description of the judiciary’s independence in the introduction, stating that “the judiciary continued to show greater independence in non politicized cases,” is more positive than what is indicated by specific instances of political pressure on the judiciary, described later. The report mentions the undue influence of the Federal Security Service (FSB) in judicial proceedings and other examples of executive control over the judiciary. Attacks on defense lawyers and witnesses also undermine independent judicial proceedings.

The report similarly misrepresents the government’s attitude toward nongovernmental organizations, stating that they are “permitted without hindrance” to criticize the government. On the contrary, organizations that are critical of the government face obstacles to their legal registration, attacks on their members, arrests, as well as other measures to harass or intimidate them. Registration problems, receiving passing mention only, have actually been a fairly serious means for harassing defenders. Furthermore, patterns of attacks on and arrests of human rights workers over the past two to three years should be taken into account when characterizing the government’s attitude toward non-governmental organizations (NGOs) in 2004.

The report states that local officials arrested people who were publicly discussing their religious and political views, but downplays the significance of these arrests because the individuals were released after a short time. The report should not imply, however, that these arrests are insignificant as routine arrests amount to serious harassment, and torture and other forms of mistreatment can occur even during a short stay in government custody.

Another category of violations against NGOs are prosecutions under security-related laws. The introduction mentions that restrictions on NGOs were “in part for security reasons,” but does not clarify what exactly the security concerns were, nor does it point out that charges against NGOs on security grounds were proven to be unjustified and a means for harassment. The human rights group Chechen Committee for National Salvation (CCNS) was prosecuted under the law “On Countering Extremist Activities” for publishing press releases critical of the government. This incident is described under the freedom of speech section of the report, though it could be characterized as abuse of the judicial system, prosecution under false pretexts, or other categories of abuse. Regardless, it is a key example of the hindrances that NGOs face in today’s Russia, and an oversight that this incident is not characterized as such in the relevant section of the report.

Reliance on counterterrorism as a pretext to mask unjustifiable human rights abuses is a serious and growing problem in Russia, and one that should have been more clearly identified and described as such in the report.

The report leaves out discussion of the government’s affirmative responsibility to investigate attacks committed by unknown assailants so that its citizens will be protected. For example, the report states that leaders of NGOs received death threats from nationalist organizations, but it does not indicate whether the government took any steps to investigate the abuses or to ensure the protection of human rights workers in the future. While the report described attacks on complainants to the European Court for Human Rights, it did not address what is being done to investigate their deaths.

Furthermore, while the introduction mentions, for the first time, official harassment of those who seek accountability for human rights abuses in Chechnya and Ingushetia, it does not go a step further to assess what the government is doing, or failing to do, to assure the safety of human rights defenders. The report highlights the case against Mikhail Trepashkin as a cause for concern and the killing

of Nikolay Girenko. However, the report does not explain that no independent investigation into the murder of Girenko is taking place.

The report names Igor Sutyagin a political prisoner and mentions that some organizations have characterized other individuals as such. The report fails to draw attention to the political nature of the arrest and detention of other individuals who could fit the definition of a political prisoner, such as Trepashkin, whose prosecution appears to arise from his investigation into the circumstances of the devastating apartment building bombings in Moscow in 1999, and Mikhail Khodorkovskiy. However, in discussing the right of citizens to change their government, the report indicates that the arrest of Khodorkovskiy was “widely believed” to be in retaliation for financial support he provided to opposition political parties. Also in that section, during the discussion of the elimination of direct gubernatorial elections, the report discusses Khodorkovskiy’s arrest as “the most recent of a number of politically motivated moves.”

In short, the report presents evidence leading to conclusions of serious politically motivated detentions, but is unwilling to label such individuals political prisoners. Doing so would contribute to an understanding of the weight of the control of the executive upon the judiciary.

#### *Uzbekistan*

Overall, the country report on Uzbekistan does an effective job of covering the range of human rights abuses in the country. The tone and language of the report are strong. It accurately reflects changes in regulations placing increased governmental pressure on domestic and international nongovernmental organizations operating in Uzbekistan.

However, there remains a notable inconsistency between general statements claiming improvements in areas of human rights abuses and the specific examples of abuses raised throughout. The introduction refers to “important steps” taken by the government to address torture and establish police accountability. However, these measures are described as the creation of “preliminary procedures” in “some divisions” of the Ministry of Internal Affairs—changes which hardly merit noting in the report, let alone describing as important.

In fact, the report makes clear that torture in prisons—like suspension of detainees in boiling water—and abuses by police—including arbitrary arrest and detention—are widespread and systematic. The report also states without qualification that incidents of brutality by police and prison officials go uninvestigated and are not prosecuted. Therefore, it is unclear to which “important steps” the introduction could be referring.

Furthermore, the effectiveness of any measures to address torture and police accountability which may have been instituted must be evaluated with skepticism when the government’s overall human rights record worsened during 2004. The increased oppression of human rights defenders is a sign that any measures the government may have taken are purely cosmetic.

Another shortcoming of the report is that some positive statements do not take into consideration official measures to obstruct investigations into government misconduct. The introduction to the report states that “unlike past years, there were no credible reports of persons dying in custody as a result of torture.” This positive statement should reflect government pressure to quickly bury those who die in custody as well as the difficulty in ascertaining the cause of death of many prisoners due to the lack of forensic examiners independent of the government.

The report plays down government responsibility for deaths that take place while individuals are in government custody. The report states that “police and security force negligence likely contributed to the deaths of at least four persons.” The term negligence is too weak to describe the inhumane conditions of confinement and the absence of proper medical care for detainees which directly led to the deaths of many detainees. Extremely poor prison conditions were common, and in some cases prisoners were allowed to suffer from curable diseases such as tuberculosis or from infections which were fatal because the government did not provide treatment.

The report describes the arrest and detention of hundreds of observant Muslims immediately after the March and April 2004 terrorist attacks in the section relating to arbitrary arrest and detention, but seems to justify the arrests as necessary for “national security reasons.” The report explains that arrests were based on a list of people previously convicted of extremism and later amnestied, but omits available

information that many of those harassed and arrested were simply religious Muslims with no connection to groups implicated in terrorism. It also omits mention of credible reports that many of those who were ultimately convicted were forced to make confessions while being tortured by government officials.

