Special Conference Series

Human Rights Defenders on the Frontlines of Freedom

Protecting Human Rights in the Context of the War on Terror

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Human Rights Defenders on the Frontlines of Freedom

Protecting Human Rights in the Context of the War on Terror

CONFERENCE REPORT

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The Carter Center
Atlanta

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http://www.cartercenter.org/peaceprograms/showstaticdoc.asp?programID=13&docname=hrconference&submenu=peaceprograms

PREFACE

BY JIMMY CARTER

In November 2003, we at The Carter Center had the honor to bring together leading activists of the human rights and democracy movements from 41 different countries. Before his tragic death in Baghdad, the late United Nations High Commissioner for Human Rights Sergio Vieira de Mello and I had decided to convene this gathering because we considered it to be very important to assess new challenges facing those on the frontline of the struggle for freedom. Human rights organizations such as Amnesty International, the Lawyers Committee for Human Rights (now Human Rights First), and Human Rights Watch had issued some disturbing reports concerning difficulties facing human rights defenders throughout the world as a result of the U.S.-led war on terror. We agreed that it would be important to bring together activists from the national level in order to hear directly from them.

What we learned during our discussions both surprised and disturbed us. In weighing the views expressed by participants, it is important to realize that these are especially courageous and effective activists who take great risks under difficult conditions to protect and advocate the rights of others. Many of them have either spent time in prison or been the subject of harassment as a result of their work in holding their governments accountable to international standards of human rights and the

President Carter and Bertrand Ramcharan co-chaired the Human Rights Defenders conference.

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principles of democracy. They are committed to the nonviolent struggle for freedom, and it is vital to all of us that they succeed in their efforts.

These representatives from all regions of the world told of a general retreat by governments from previous human rights commitments and a real danger of setting back democratic movements by decades in some countries. Participants explained that dictators have been emboldened to violate the human rights of their peoples under the guise of joining the fight against terrorism and that the same reason is used to deflect criticism from other powers regarding their human rights violations. We learned that in emerging and even established democracies, hard-won human rights principles are being eroded on these same grounds of emulating new U.S. policies. The consequence is that many lawyers, professors, doctors, and journalists have been labeled as terrorists, often for merely criticizing a particular policy or carrying out their daily work. In India, for example, advocates distributing leaflets with information about the rights of persons under arrest were incarcerated and charged with sedition. We heard about many cases involving human rights lawyers being charged with abetting terrorists simply for defending an accused person.

Perhaps most disturbing were the reports that indicate that the United States is in some cases contributing directly to an erosion of human rights protection by pushing governments to adopt regressive counterterrorism laws that lead to the undermining of democratic principles and the rule of law. The Patriot Act has generated considerable controversy within the United States, including Congress and the federal courts, which may roll back some aspects of the law that are inconsistent with civil rights principles. In young democracies, such checks and balances are not so well-developed, making the adoption of these laws doubly disturbing, especially after so many have sacrificed in these countries to struggle for democracy.

The participants were in broad agreement that recent actions by the United States, traditionally a great champion of human rights, were being manipulated and abused by opportunistic governments to serve their own interests. Specifically, the indiscriminate roundup in the United States of men from Middle Eastern countries after 9/11 and the indefinite detention of soldiers and civilians at Guantánamo Bay, Cuba, of people captured in Afghanistan have been cited by governments as a sign that human rights standards have been lowered and that no one, especially the United States, has the right to criticize their policies. Though conference participants agreed that the United States does not bear all the responsibility for the abusive actions of other governments, there was consensus that the work of promoting democracy and human rights has been set back significantly in this new environment. Participants asserted that the United States and other powerful democracies will become even less effective as leaders on human rights and rule of law issues if there is no modification of current policies.

Also instructive was the observation from those who came from Northern Ireland, Turkey, Colombia, Israel, the occupied Palestinian territories, and other conflict-ridden societies that military approaches to the divisions within their countries did not create greater security and stability in the medium and long term. They reflected on the lesson that a policy based on violence always results in escalation of violence and that peaceful political and societal approaches are necessary to make progress toward the resolution of differences. This is an important message for Americans as we consider whether a military

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approach and the weakening of international laws and human rights standards will strengthen extremist groups who aim to recruit more and more allies in their cause. Given the recent outburst of violence in Madrid, Turkey, and Uzbekistan, as well as the escalation of violence in Iraq and between Israel and the Palestinians, it is doubtful that military and police actions alone are the most effective responses to the various challenges that these societies face.

The leaders of the United States and Britain have taken the world into a war in Iraq that they say is necessary to promote freedom and democracy in the Middle East, and they claim that this effort will help spread freedom throughout the region. It is difficult to reconcile this idea with the realities presented to us by the world's foremost experts on democracy and freedom — those who are on the frontlines of this movement throughout the world. The spread of freedom and democracy is not compatible with threats to decades of struggle for these goals in many nations.

In the following pages are the views of human rights defenders about how best to address these pressing questions, first by informing policy-makers in government and at the United Nations about the problem. To this end, the group decided it would be necessary to hold a regular Human Rights Defenders Policy Forum where those on the frontlines of the struggle for freedom and democracy can communicate directly with those in positions to set policy. It is our hope that this will be the beginning of a useful dialogue that will lead to a more united and coherent strategy to promote democracy and human rights.

EXECUTIVE SUMMARY

The Carter Center's decision to bring together human rights and democracy activists from all regions of the world was based on the idea that it would be valuable to generate a picture of the state of global democracy and human rights movements. The late U.N. High Commissioner for Human Rights Sergio Vieira de Mello agreed that in order to determine how the United Nations could support democratization and improvement in human rights conditions at the national level, he wanted to hear the views of those who are close to the action, those who work on the "frontlines of freedom." Though situations differ according to local circumstances, it is important to watch for trends and assess progress as well as challenges that lie ahead. In the pages that follow is a selection of the pressing concerns of some of the world's most dedicated individuals who are truly betting their lives on the idea that universal freedom can be built law by law, case by case, community by community.

Their testimonies echo the words of analysts and observers who have provided important insights into the consequences of the war on terror for democracy and human rights movements.[1] A briefing book prepared for the conference, which includes a bibliography and references to related Web sites, can be found on the Center's Web site.[2]

Human rights defenders are the defenders of people and principles. They seek to build institutions that will make justice a permanent pursuit within their society. They are truth tellers, diagnosticians who must be accurate in their analysis of the health or weakness of their nation's democracy project if effective remedies are to be found.

WHO ARE HUMAN RIGHTS DEFENDERS?

It is important to distinguish the unique role played by human rights defenders in society if one hopes to identify the challenges peculiar to them. The mistake is often made that anyone engaged in good works or humanitarian efforts is part of the human rights movement. Though these efforts are consistent with human rights goals, these fields of endeavor have different methodologies and priorities.

Human rights defenders have a specific job — to defend the victims of violations and to watch and tell the world whether internationally recognized human rights are being respected or violated by governments or those with control over the lives of populations in cases of conflict or breakdown of the state. They are the defenders of people and principles. They do not use or defend violence to further the cause of justice, but rather they seek to build institutions that will make justice a permanent pursuit within their society. They are not diplomats or politicians, though individuals may migrate between those roles. They are truth tellers, diagnosticians who must be accurate in their analysis of the health or weakness of

1 For example, Amnesty International, Human Rights Watch, The Fédération Internationale des Ligues des Droits de l'Homme, and Human Rights First (formerly the Lawyers Committee for Human Rights) have all issued global reports on this issue. Human Rights First, at the time of this printing, is producing an in-depth study of the impact of the war on terror on the situation facing selected human rights defenders.

2 To view the briefing book, go to http://www.cartercenter.org/documents/nondatabase/hrbriefingbook.pdf

their nation's democracy project if effective remedies are to be found. For the most part, human rights defenders are those who dedicate their energies to holding governments accountable to international standards of human rights that are well-defined by numerous treaties. For all of these reasons, they are usually not well-liked by governments and are especially vulnerable to claims of bias or accusations of harboring political motives or agendas.

In preparing for the conference, we encountered a real example of the courage necessary to do this job. We invited Irene Fernandez, a Malaysian human rights lawyer, to attend the conference. She was barred by her government from traveling because she had just received a one-year sentence for "maliciously publishing false news" through her publication eight years earlier of a report on the treatment of migrant women in Malaysia. For more about Ms. Fernandez, see page 39.

Most of all, human rights defenders are the sentinels of democracy and freedom in all societies. They rush to the front of the battle that is always waged between the limits of the power of the state and respect for the liberties of the individual. In order to understand the value of the role they play, one would have to imagine what would happen if they were not there — if the state alone were relied upon to determine whether its policies meet human rights standards.

If nothing else is clear from the events of the last few years, at least there should be agreement that instability and repression in any single country can have ripple effects that reach everyone eventually. The logical conclusion is that accountable government and respect for human rights in every society are related directly to our own self-interest. Therefore, we all should hope that human rights defenders everywhere succeed in their endeavors, because they are working on behalf of all of us.

UNDER THE RADAR

Over the past two or more years, human rights organizations and activists have been assessing how to respond to the new global environment that was created when the United States, the sole remaining superpower, was attacked by Islamic extremists on Sept. 11, 2001. The outpouring of sympathy throughout the world for the victims of those attacks meant that the United States had a unique opportunity to help lead the world toward a collective approach that could stabilize societies where terrorists are recruited and, thereby, make us all safer. While the current U.S. government asserts that its policies in Afghanistan, Iraq, and elsewhere are the most appropriate ones given the circumstances, conference participants agreed that these policies have, in fact, made it more difficult for democratic movements throughout the world to succeed. While the situation in Iraq occupies the attention of world leaders, other disturbing trends are unfolding virtually undetected under the radar.

Given the international community's tragic failures to correctly read important trends since the conclusion of the Cold War, this may be the right time to try harder to see what problems lie ahead. We learned that in nearly every country represented at the conference, human rights and democracy activities have come under increased attack by governments and that officials sometimes justify such attacks by claiming they are acting to prevent the emergence of terrorist threats. Some participants reported that established and reputable organizations are being shut down; lawyers, journalists, and other professionals who seek to expose human rights violations or harmful policies are attacked or otherwise harassed, sometimes accused of being terrorists themselves or perhaps abetting them. In addition, sources of political and

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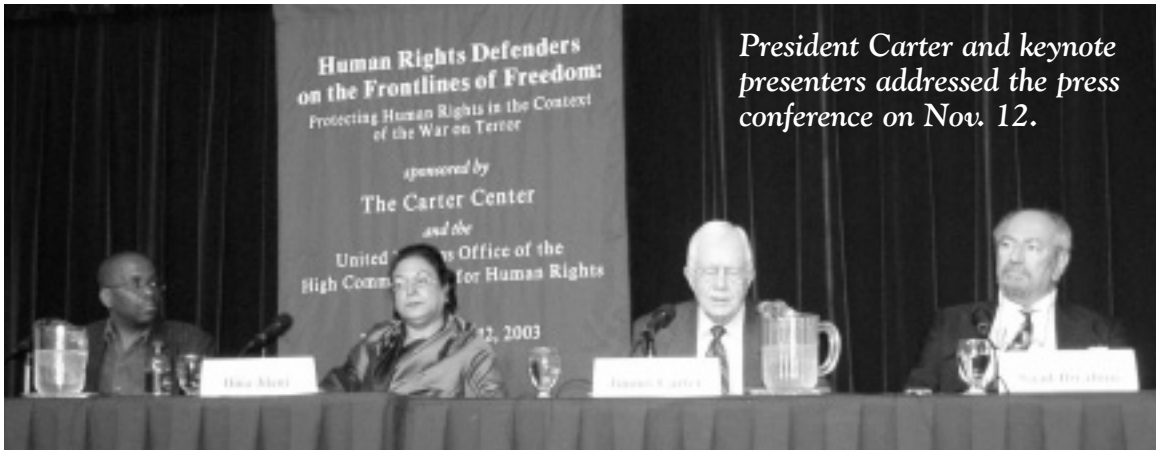
material support for these courageous individuals are becoming harder to find.

Complicating matters is the fact that the United States, long considered to be a great champion of human rights issues on the global stage and in its bilateral relationships, has compromised its ability to prod offending governments toward better human rights practices. This is partly due to decisions taken to revoke the U.S. signature on the Rome Statute on the International Criminal Court and to reject the Kyoto Treaty on climate change, among other actions considered by many to be extremely destabilizing to the hopeful and emerging area of international law.

Most wrenching, however, was the U.S. decision to bypass the international community in launching a war against Iraq. Its claim that the war was to be waged in the name of freedom for the Iraqi people threw into question the prospects for every democracy and human rights movement because of the United States' new and bold assertion about means and ends. Suddenly it was easy for dictators to dismiss long-established movements for self-determination and greater accountability as pawns in the new and risky geopolitical chess match being played out on the world stage. Add to this the indefinite detention at Guantánamo Bay, Cuba, of more than 600 individuals captured during the war in Afghanistan — a policy that the United States would never have tolerated if practiced by another government — and accusations of hypocrisy make it easier for autocrats to claim new and creative justifications for abusive policies.

Conference participants did not blame the United States for the political opportunism of their own governments, but they were unanimous in the view that the consequences of these policies, if they are not corrected, could be devastating both in the short and long term.

Discussions on this issue produced a number of ideas about how to raise the awareness of the public and of policy-makers about the dangers if democratic movements are continuously undermined. A number of participants expressed the concern that the public in the United States and



President Carter and keynote presenters addressed the press conference on Nov. 12.

other powerful and wealthy nations are uninformed about the consequences of current policies throughout the world. American and European human rights organizations were challenged by some participants to become more effective in raising awareness about these issues so that policymakers will feel pressure to address them.

Hauwa Ibrahim (Nigeria), Salbiah Ahmad (Malaysia), and Sudarshana Gunawardana (Sri Lanka) were among participants from 41 countries at the conference.

DEFINING A FRAMEWORK FOR A WAR ON TERROR: WHAT WORKS?

This analysis actually must begin with the question: What does not work? Participants from Northern Ireland, Turkey, Colombia, Israel, and the occupied Palestinian territories, among others, explained how military and police actions alone have not defeated terrorism in the context of the conflicts in their countries. In fact, they asserted, such actions often lead to considerable escalation in violence, and not just in the short term. It was the political solution in Northern Ireland that led to the cessation of frequent and overt hostilities there. And during the most hopeful periods of the peace process between Israel and the Palestinians, there were very few suicide bombings against Israeli targets, and public support for extremist organizations among Palestinians was minimal.

One direct result of this discussion was the adoption of the Atlanta Declaration. (See Appendix B.) This document is an appeal for governments to recommit themselves to human rights principles as they move forward to adopt new procedures to address the threat of terrorism. The declaration calls on states to repeal aspects of counterterrorism laws that infringe on human rights and to create an enabling domestic environment so that human rights defenders can carry out their work without fear of retaliation, among other actions. The declaration also recommends specific actions for civil society actors and intergovernmental bodies such as the United Nations. Every society is forced to balance the issue of security against the pressures of democratization. Hopefully, the Atlanta Declaration and similar future initiatives can help reinforce boundaries that should not be crossed.

Another question raised repeatedly has to do with the terms that have come to dominate the agenda. What is terrorism? Although participants were hesitant to adopt a definition of terrorism, there was agreement that the term, when too broadly used, can be wielded against anyone deemed by the state to be dangerous. This overusage can lead to extreme polarization in some

countries where the line between democratization movements and "terrorist organizations" becomes blurred. Examples discussed included El Salvador and Northern Ireland, where a negotiated solution resulted in the cessation of armed conflict, even when "terrorist" groups had been central to the conflict.

An overwhelming concern of this group was that there is a double standard when the major powers define terrorism, human rights violations, and even the idea of freedom itself. Most of the participants work directly with, or have been themselves, victims of state violence. It is difficult for them to understand why more criticism is not generated against state policies that cause large but powerless communities to live in conditions of fear and terror. The examples of Chechnya and Uzbekistan, among others, were illustrative. Many participants also address on a daily basis the violence of extreme poverty and the consequences of profound corruption and failed states. Participants pointed out that there is little room in today's discourse to criticize policies that are advocated or enforced by the major powers and that help generate such consequences for so many people. Here, the issues of U.S., European, and Japanese farm subsidies that harm African farmers, and cooperative relations between the United States and repressive governments were cited.

There is no doubt that the great majority of the work must be done by defenders within their own circumstances; no democracy was built otherwise. But there is a world of difference between working in isolation versus having active and effective support from abroad.

LIMITS OF NATIONAL MOVEMENTS

The frontline for the protection of human rights is at the national and local level. It is defined by the degree to which governments accept their responsibility to preserve the individual liberties of each citizen, under all circumstances, according to international standards. It has to do with whether the courts function properly and whether the police treat citizens in a nonarbitrary and transparent manner and appropriately address any abuses against citizens. However, because these conditions are so difficult to establish in traumatized societies, there is a limit to how much human rights defenders at the local and national level can accomplish on their own. There is no doubt that the great majority of the work must be done by defenders within their own circumstances; no democracy was built otherwise. But there is a world of difference between working in isolation versus having active and effective support from abroad. There are three main types of international solidarity that can make the difference between real improvements in human rights practices and the status quo — or even a deterioration of conditions: 1) effective networks among human rights activists and nongovernmental organizations; 2) cooperation and support from intergovernmental organizations such as the United Nations and regional bodies; and 3) consistent support from influential governments, including through these nations' bilateral interactions with defenders' governments, where other policy priorities threaten to marginalize the human rights agenda.

The Importance of Nongovernmental Networks: Participants reflected on how support from the global nongovernmental human rights

movement had an impact on their efforts at the national level. In Zimbabwe, international observers attended a trial of a judge who was being persecuted because he did not follow the instructions of the government, and the charges were dismissed. In Israel, French jurists attended proceedings on the banning of torture and, after five years, the human rights organizations won the case. International human rights organizations issued statements of support on behalf of a Nicaraguan activist whose husband had been killed as a result of her human rights work. That level of support shielded her from the threat of jail. This kind of visible international support is a strong reason for building and strengthening regional and international networks.

Carter Center Senior Program Associate for Human Rights Ashley Barr introduced President Carter.

Another important rationale for the development of networks has to do with sharing experiences and methodologies in order to become more effective. Participants expressed the view that the gathering in Atlanta was, by itself, valuable, providing a setting for professional exchange of ideas. Although communication can take place with ease over the Internet, the opportunity to meet personally and draw strength from each other was considered important.

Participants were complimentary about a presentation given by Gillian Caldwell from Witness, an organization dedicated to helping human rights organizations use video documentation as an effective advocacy tool. Ms. Caldwell was able to demonstrate how video productions can be much more effective, for example, than written reports alone, whether the video is used for news reports, for testimony before policy-making bodies, or in courtrooms. This kind of training opportunity can be made available to human rights defenders through well-organized networks.

Networks have proven to be valuable also in developing concerted actions on pressing matters of global policy. When member states of the United Nations engage in negotiations on international agreements, like those leading to the creation of the International Criminal Court or the Beijing Platform for Action on the human rights of women, nongovernmental organization networks have played a crucial role in setting high standards for the final provisions within those agreements. Nongovernmental organizations can become partners in these negotiations, advising governments on how agreements can be operationalized in practice, while still maintaining basic principles.

Gillian Caldwell is the executive director of Witness, a New York-based non-governmental organization that trains activists around the world to use video and other technology in their human rights work.

Intergovernmental Organizations: While participants expressed a range of views about the role of the United Nations in protecting human rights, there was consensus that there is a great need to strengthen existing institutions within the United Nations. Many expressed frustration that the United Nations is mostly unable to respond with meaningful support to the real needs of human rights defenders. Others gave examples of helpful support from the Office of the High Commissioner for Human Rights (OHCHR) or related bodies. The participants from Northern Ireland and Colombia each gave positive reports about the support they received from the U.N. human rights system. The representatives from Peru and Nepal reported that the good efforts made by various U.N. bodies have not succeeded in their countries because the governments ignore the recommendations and pressure from the United Nations. Because there are no direct consequences for ignoring U.N. human rights mechanisms, defenders are sometimes unsure how these bodies can help them.

Part of the problem, some suggested, was that at the national level, many decisions about how the United Nations will deal with a government are made by U.N. agencies such as the United Nations Development Programme (UNDP). Because the goals and priorities of UNDP are often quite different from those of the human rights community, there can be significant disagreement about how the United Nations should exercise its influence with those governments.

Because of these kinds of frustrations, the discussion was focused on two specific parts of the United Nations that can have the most significant impact in this regard. The OHCHR was the first topic of interest, as 2003 marks the 10th anniversary of the establishment of the post of high commissioner at the World Conference on Human Rights in Vienna. Participants agreed it was an opportune time to review the effectiveness of the OHCHR and offer ideas that will help the incoming high commissioner become a more effective advocate for frontline activists.

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The conference addressed various challenges and opportunities before the OHCHR at this important juncture. President Carter reflected on the high hopes for the post held by human rights organizations in Vienna 10 years ago. He was disappointed to learn that the high commissioner is still highly constrained by the political complications of the Geneva-based Commission on Human Rights. The commission is a political body, where geopolitical battles play themselves out, often at the expense of addressing pressing human rights problems. Many agreed that it is important, with the appointment of Louise Arbour as the new high commissioner, to push for more autonomy so she can exercise the leadership necessary to bring human rights issues to a more central place in high-level policy-making.

One important positive development in the last 10 years has been the establishment of an OHCHR field presence in more than 40 countries.[3] The representative from Colombia described the important role of the OHCHR Colombian field office in supporting human rights defenders. The Colombia field office was among the first field presences established by the office and is widely considered to be an important model for the kind of support that can be offered by the United Nations to national human rights movements. Of course, there is always a difficult balance between how publicly critical a U.N. office is able to be and still maintain a workable relationship with the host government.

Two other areas within the U.N.'s human rights system that can potentially be the most effective points of support for defenders are the treaty bodies and the special mechanisms. There is a set of treaties that together constitute an international bill of rights. They define civil, political, social, economic, and cultural rights that have been negotiated by governments over several decades. Most governments have signed and ratified many of these treaties, and there has been a push in recent years for universal ratification of all the core human rights agreements. When ratifying a treaty, governments agree also to submit regular reports to expert committees (called "treaty bodies") that are responsible for reviewing the human rights practices of reporting governments and making recommendations for improvements. While often slow and unsatisfying, this process can sometimes result in constructive dialogue and even policy changes. Human rights nongovernmental organizations have become more active in these reporting procedures, sometimes issuing alternative reports that are used by committee experts as they formulate questions for the reporting government. The treaty bodies could be an ideal avenue for human rights defenders to bring their cases to the global arena.[4]

The special mechanisms of the Commission on Human Rights include special rapporteurs,

3 For more information about field presences, go to http://www.unhchr.ch/html/menu2/5/field.htm

4 For more information about human rights treaties, go to http://www.unhchr.ch/html/menu6/2/fs2.htm

working groups, and special representatives. Each of these is given a mandate by the commission to investigate and report on specific issues, including torture, extrajudicial executions, or the situation of human rights defenders.[5] Acting High Commissioner for Human Rights Bertrand Ramcharan, Special Representative on Human Rights Defenders Hina Jilani, and Special Rapporteur on Somalia Ghanim Alnajjar explained how these mechanisms are in a unique position within the U.N. system to get information about human rights violations into the proper hands. Mr. Ramcharan referred to the special mechanisms as the "fire brigade," because they are able to deal with emerging problems at an early stage, before problems become too acute. The problem has been that these individuals are unpaid volunteers and rarely have the resources to support adequately their travel and staffing needs.

Karin Ryan (with Saad Eddin Ibrahim) was the senior conference adviser.

Another 10-year anniversary provides the most useful example of how important it is to strengthen the role of the special mechanisms. In 1993, Special Rapporteur on Extrajudicial and Summary Executions Bacre Waly N'Diaye issued a report warning of an escalation in violence potentially leading to genocide in Rwanda. His report was not circulated or discussed widely among member states, and less than a year later, his worst predictions were realized. The value of his report cannot be overstated, but it was ignored in high-level Security Council discussions about the crisis in Rwanda. Human rights organizations have for years been pushing for greater consideration of special mechanism reports in policy discussions, especially in situations of conflict or chronic human rights violations. Governments have resisted this arrangement, despite the fact that the reports are readily available.

Since 1994, human rights organizations, including The Carter Center, have worked to build support from U.N. member states for all of these important aspects of the organization's human rights system. Some successes can be reported, including the growth of the number of OHCHR field presences; the successful non-governmental organizations effort to resist a campaign by U.N. delegations of certain repressive governments to undermine the independence of

5 For a complete list of special mechanisms, go to http://www.unhchr.ch/html/menu2/2/mechanisms.htm

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the special mechanisms; and the adoption of strong protections for human rights defenders in the U.N. Declaration on the Rights of Human Rights Defenders that was finally adopted by the General Assembly in 1998 after 14 years of negotiations.

The adoption of the Human Rights Defenders Declaration was discussed at length during the conference. (See Appendix A.) Some expressed the view that this document could provide the framework for measuring whether governments are meeting their obligation to allow defenders to operate freely. Indeed, the mandate of the special representative on human rights defenders was created by the Commission on Human Rights to do just that. Unfortunately, governments continue to starve the special mechanisms of the financial resources and political support needed to create a strong human rights voice within the United Nations.

The discussion centered on the United Nations because of the global character of the gathering. The conference did benefit, however, from the participation of a representative from the Inter-American Commission on Human Rights (IACHR), who was able to impress upon the meeting the important role that is often played by regional intergovernmental organizations. Indeed, the IACHR has established an impressive initiative to support the work of human rights defenders that can show the way for the United Nations as well as other regional organizations.

Bilateral Initiatives: Conference participants brought forward an important issue about whether and how human rights issues figure into bilateral relations between powerful democracies and the governments of developing nations. Because of preoccupation with the war in Iraq and the issue of terrorism, firmly addressing human rights violations by governments in the former Soviet republics and countries with majority Muslim populations such as Tunisia and Indonesia, to name a few, is a lower priority for the United States and other powerful nations. The opinion was expressed that there are many excuses for withholding criticism for these violations. It was asserted, however, that failing to denounce such violations undermines the security agenda, because radicalization results from increased repression. The question is whether current policies will lead to a safer world or whether recent escalations in violence in places such as Israel/Palestine, Uzbekistan, and Chechnya point to more polarized and radicalized conditions. In all of these places, extreme violations of human rights and humanitarian law have long been virtually ignored in high-level discussions.

Participants agreed that a more consistent, principled policy of addressing human rights violations in bilateral discussions in a systematic and balanced way would ultimately serve the interest of global stability and security.

REACHING POLICY-MAKERS

Every topic addressed at the conference has been the subject of discussions and publications initiated

by human rights defenders and organizations for many years. Therefore, it was the goal of the organizers to go beyond a diagnosis of contemporary challenges and to develop concrete ideas about how to articulate more effectively human rights messages. It was agreed that what is needed is to reach both the public at large and policy-makers who are in a position to influence events immediately. To this end, the group decided to establish a Human Rights Defenders Policy Forum for the purpose of bringing frontline human rights defenders into regular and direct dialogue with influential policy-makers around specific and pressing topics. Conference participants agreed that human rights organizations are very good at documenting violations and agreeing among themselves about the problems with current policies. What has proven more illusive for most human rights organizations, however, is getting the right information into the right hands at the right time. The policy forums would be designed to channel the information and analysis that is already being produced into the most relevant policy circles.

This concept was tested in the days immediately following the November conference when a small group of participants traveled to Washington, D.C., to meet with high-ranking members of the U.S. administration and Senate, as well as foreign affairs columnists from the *Washington Post* and *New York Times,* and to participate in a panel discussion at the Center for Strategic and International Studies. In each of the meetings, the message from the conference was presented and specific cases were addressed. For example, Dr. Willy Mutunga explained that the U.S. Embassy in Nairobi had refused to consider proposals from the Kenyan Law Society concerning the U.S.-backed Suppression of Terrorism Bill under consideration by the Kenyan Parliament. As a result of the meetings in Washington, the U.S. ambassador was directed by officials in Washington to meet with representatives of the Law Society. As of this writing, a dialogue between the U.S. Embassy and Kenyan human rights defenders is ongoing and is a very constructive development.

[B]ig powers, resourceful democracies ... grant impunity to nations that are widely considered as human rights violators in the world. It is one thing to grant impunity to these nations, but another thing to fund or even reward them. – Natalia Ablova, Bureau on Human Rights and Rule of Law, Kyrgyzstan

One specific aspect of the policy forum that was reiterated by many delegates is the need for the sustained involvement of high-profile individuals such as President Carter and the high commissioner for human rights. For example, the suggestion was made that a special effort by a group of Nobel Peace Prize laureates would generate much more interest in the subject than almost any other group. President Carter agreed to look into the possibility of such an effort. Another suggestion was that a "Friends of Human Rights" group be a component of the policy forum to bring together influential and experienced individuals with a particular interest in human rights. The group could include former government officials, committed business leaders, and celebrities, among others, to work together toward particular goals, like securing from governments a substantial

The conference allowed for two full days of intense discussion among defenders from around the world about balancing the need for global security with protection for fundamental rights.

increase in the resources allocated to the United Nations' human rights system.

It is our hope that what was begun in November 2003 will lead to a new and vital effort to tell the evolving story of the human dream of freedom. We hope that a new generation of thinkers, advocates, and even politicians will take up the challenge of showing how freedom for all is the only way to preserve freedom for any. Then, with this knowledge, we can find a way to build a world that is safer, more prosperous, and more just.

FEATURE PRESENTATIONS

WELCOME BY PRESIDENT JIMMY CARTER

We are delighted to have this assembly here. It is a great honor for The Carter Center, and I want to welcome you all. We have many human rights organizations represented here. We do not have any governments represented here, so we can speak very freely about governments without fear of having too much competition or contradiction here at this meeting.

My co-chairman at this meeting was originally going to be Sergio Vieira De Mello. I talked to him several times about this conference. He was very enthusiastic about it. In fact, even when he went to Iraq to represent the secretary-general directly, I talked to him on the phone. He said his first love was human rights and although he was there to serve the Iraqi people for just a few months, he would be back here before the time for this conference. He's one of the heroes who have given their lives for this purpose, and I think we should remember him as we proceed with our deliberations. After his death, the secretary-general appointed Bertrand Ramcharan as acting high commissioner for human rights. Bertie has in the past been a deputy high commissioner for human rights. He's been assistant secretary-general of the United Nations, and he has served in the United Nations for 30 years. He has taught as an adjunct professor of international human rights law at Columbia University and has been a prolific author. I see he's written some 20 books. I have only written 18 books, so I'm still behind him in that respect. He holds a doctorate in international law from the London School of Economics, and we are honored to have him here with us this morning. I would like to now invite Bertie Ramcharan to make some remarks.

OPENING REMARKS BY BERTRAND RAMCHARAN, UNITED NATIONS ACTING HIGH COMMISSIONER FOR HUMAN RIGHTS

Thank you very much, President Carter, and may I say to you and Mrs. Carter what a great honor it is to be here at The Carter Center and to join with you on this occasion to take stock of the state of human rights in the world in contemporary circumstances and perhaps to think about ways ahead for the defense of human rights and to support the human rights defenders who are gathered around this table and those who are not.

U.N. Acting High Commissioner for Human Rights Bertrand Ramcharan stepped into the breach after the death of Sergio Vieira de Mello in Baghdad.

Allow me to say, Mr. President, that these 30 years that I have been in the human rights program, one of the moments when human rights flowered was when you were president. One saw this policy of human rights, now a lasting legacy — what I call the mushrooming of human rights organizations in different parts of the world. Today we are gathered here to speak about human rights defenders on the frontlines of freedom. I think it is in great

part credit to you because of this human rights policy that you gave life to human rights movements in many parts of the world.

There are many problems when it comes to respect for human rights in different parts of the world. I am asking myself, "How shall we think strategically to deal with the challenges that are before us at this juncture when it comes to the defense of human rights?" I would like to invite you to look back to see whether or not the strategic journey of the United Nations' human rights program might have some lessons to offer us and might help us to set course for dealing with the challenges that we have before us at this time and that are likely to emerge in the coming period.

The first point in my strategic journey is during the period of the Second World War and the Holocaust. After these massive violations of human rights, the world committed itself to be a world built on the foundation of human rights. If you look at the blueprints that were produced during the interwar period or go to the deliberations of a body called Institute of International Law in 1947, you will see they did a study and adopted a resolution called The Fundamental Rights of Man as the basis for the restoration of international law. They wanted to build this new order on the foundation of human rights.

World War II would give us this blueprint of the U.N. charter, a vision of peace grounded in justice, grounded in respect for human rights, and grounded in economic and social progress. When Mrs. Roosevelt led the Commission on Human Rights, she would flesh out with the members of the commission the idea of an International Bill of Human Rights that would have three parts: the Declaration of Human Rights, one or more treaties, and measures of implementation. So in this strategic journey I note this commitment to the vision of the charter and the vision of the International Bill of Human Rights, and I ask us to examine the foundations of the vision of the charter and the International Bill of Human Rights.

Then we know during the period of Cold War, the Commission on Human Rights would adopt what is known as a "no-power doctrine" and a resolution saying we do not have the competence to deal with the complaints that were coming into the United Nations. It would take the developing countries coming into the United Nations in the 1960s to press for actions on violations of human rights in the colonial territories and in other parts of the world. As a young officer

In the Commission on Human Rights, the refrain is now, "Let us cooperate and let us not confront." When we come to think about how we can defend human rights defenders, we have to keep in mind that this mood has not only to do with the fight against terrorism. The very developing countries that for years fought for dealing with violations at the United Nations are saying now that we must not deal with them.

30 years ago when I joined the United Nations, my then-director asked me to prove from the documentary records that from 1966 to 1976 the United Nations sought to move from standard setting to implementation. You see in 1965 the General Assembly saying to the Commission on Human Rights, "You must deal with gross violations of human rights." We would then see resolutions of the commission calling for annual discussions on violations of human rights in any

part of the world. That would lead to the adoption of resolutions calling for many rapporteurs, many working groups, many efforts to deal with gross violations of human rights.

The reason I tell this story is that these days, the very developing countries that many of you are coming from are claiming that the mission of the United Nations is not to confront governments but it is to cooperate with governments. So when we talk about the strategic journey, I place in the center the vision of the charter, the vision of the Universal Declaration, and I take this action of the General Assembly to say that we must deal with violations of human rights.

Now I will fast-track to the present period — in the Commission on Human Rights, the refrain is now "let us cooperate and let us not confront." When we come to think about how we can defend human rights defenders and human rights in different parts of the world, we have to keep in mind that this mood has not only to do with the fight against terrorism. This mood has to do with the way the world is going. The very developing countries that for years fought for dealing with violations at the United Nations are saying that now we must not deal with them.

In the run-up to the 1993 Vienna World Conference on Human Rights, we had big debates about the universality of human rights and how to protect human rights. We had big debates, the one that President Carter referred to, about whether or not an institution such as the High Commission on Human Rights could be of any value. Vienna gave us a consensus on universality. Vienna gave us the consensus that it is important to act for the promotion and protection of all human rights — civil and political, economic, social and cultural — and Vienna established the post of high commissioner.

What can we say are the gains since the Vienna Conference? My answer is that we have formal universality, but not de facto universality. We still have not developed the technique of addressing consistent patterns of gross violations of economic, social, and cultural rights. We don't have any idea how to deal with accountability for these rights in a world of inequality, violence against women, and shocking violations of human rights that have to do with torture, disappearances, arbitrary and summary execution, religious intolerance, and lack of freedom of expression.

Perhaps there are two or three gains that we have achieved since Vienna. The establishment of the International Criminal Court was a major gain. The development of some efforts for human rights education is an important gain, and the mobilization of civil society and nongovernmental organizations is a major gain. So, even as human rights defenders are hurting on the ground, it is important to think strategically about how it is that one might take this cause forward and protect human rights in the period ahead.

There are four windows in the mind of a high commissioner. There is what I call a leadership window. The high commissioner must lead on issues. In today's world I would say that the problem of trafficking is an issue that I think the high commissioner should lead on — the trafficking in women, in particular. Then the high commissioner has a second window of troubleshooting. There are problems and situations that are taking place in any part of the world, and the high commissioner must try to deal with those problem situations. Thirdly, the high commissioner has a diplomatic window, good offices actions behind the scenes. Fourthly, leaving aside what I would call a bureaucratic window, namely leading an institution, the high commissioner has a window

that has to deal with policy development on future issues.

When I think about these four windows of the high commissioner, I see some progress in the area of leadership. I see some halting efforts in the area of troubleshooting. I see some good offices action — very limited good offices action — and I see a few instances of long-range policy development. Mr. President, I think in your own remarks you were saying that the OHCHR has made a substantial but not adequate contribution. I think that would describe the situation rather aptly.

So what is the relevance of the experience of the Office of High Commissioner? The relevance, in my view, is to say that while the high commissioner must lead with human rights defenders, it is you, by and large, who will have to defend yourselves. Because the idea that, with all of the goodwill in the world, an international official, however important and I do not minimize that, will come to your defense adequately, as President Carter was saying, I think for the time being, we are not there yet. I actually think that the special rapporteurs of the United Nations are the frontline protection actors in the fight for freedom in the contemporary world. So I ask you to keep in mind the experience of the Office of High Commissioner and the experience of the rapporteurs.

The high commissioner has to have some relevance to the situation of developing countries and for the countries out there in different shades of development. First of all, I do not think that we will dent this issue unless we dent the issue of governance, because unless societies are better governed, we will continue to be in difficulties. By governance, I mean governance in the image of the Universal Declaration and the article of the declaration that says the will of the people shall be the basis of the authority of government — democracy, the rule of law, respect for human rights, and participation.

Second, I think about a concept that the secretary-general has put on the table of a national protection system in each country. I am from Guyana. We have less than 1 million people. President Carter has been very active in Guyana because we don't know how to develop forms of governance that would provide for power sharing. In my estimation, in my own country, unless we tackle three things — a formula for power sharing, strengthening the courts, and race relations institutions — we will be headed for difficulties constantly. So my concept of a national protection system tells me that we should be working on these issues in my country. Unless protection is developing at home, international protection will always be secondary.

And as I think about the problems that you are encountering and as I understand your desire to have international actors come to your assistance, I am saying to myself also it is important to develop fora of action closer to home so that the pressure can also be felt. I am thinking about international as well as regional fora.

One of my young colleagues, Ben Majekodunmi, who is seated in the back there, asked me, "What is it that you are going to say to these people about how we can perhaps use the Declaration on Human Rights Defenders more to generate stronger protection for them on the ground?" I said, "Well, you give me your thoughts and I'll put it to the group." His thoughts were twofold and I place them before you. First, he thinks that we should find ways of strengthening the binding character of the Declaration on Human Rights Defenders and making it more available to you in your day-to-day work. During the course of this meeting, I would ask you what

do you think of this idea? His second thought was that we need to find ways of getting the information out faster so that those who work at the international level can draw upon this information and come to your aid.

I thought it was important to go into this strategic journey because, as I said, it is not good enough for us all simply to decry the problems. The strength of the human rights movement lies in the strength of its strategic ideas, and during the course of this conference, I will be particularly interested in listening to what your thoughts are. How it is that together, we might be able to generate activities and policies and programs to help you in what you are feeling on the ground.

Opening Remarks by Ms. Hina Jilani, United Nations Special Representative of the Secretary-General on Human Rights Defenders

Reinforcing the Frontlines of Freedom in a Climate of Retreat From Human Rights Commitments

Thank you very much. President and Mrs. Carter, High Commissioner for Human Rights, dear friends. I feel very privileged to be amongst a gathering of people who are working so hard around the world trying to safeguard the values and the norms for which we have all waged a collective struggle in our respective work and in our respective countries. I am particularly proud to be associated with The Carter Center even before this conference as a part of the council that President Carter constituted at one time. Let me also say that I think that this is the time, more than ever, that the world needs the leadership of President Carter in the defense of human rights and particularly in this country. I do not think that I need to recall the very important contributions that President Carter has been making for the promotion and protection of human rights the world over.

I must also thank Karin Ryan and Ashley Barr for spending so much time to bring us all together. I know that you've really held such vast discussions on what should be the content of this conference to make it unique. I think the very fact that many of us have been able to come and sit around this table is unique in itself.

I must also congratulate whoever formulated the title of my presentation, "Reinforcing the Frontlines of Freedom in a Climate of Retreat From Human Rights Commitments." I think it is so apt today, when we speak about not just the defenders at the frontline for the protection of human rights, but how do we reinforce that frontline? There are gathering clouds that threaten the safety and security of that frontline. I deliberately say safety and security and not that the frontline will ever be obliterated. It will not. Like we heard from our friend from Mississippi in the morning, we will do it anyway. And that's what we do. That's how we survive in many ways. We cannot afford the luxury of either frustration or of feeling that there are some instances in which there is a lack of commitment or a regression in what we have achieved so far. But I think this is a time, at this point, to sit down very seriously and think about what we need to preserve. It has taken us decades to build the standards of human rights, and we are still in the process of getting a consensus on the concept of the universality of human rights. Coming from the region that I do and fighting for women's rights, I know the value of the concept of universality. For us it's not just a concept; for us it's a practical need. We have to find the core upon which we base our struggles, and these internationally accepted standards of social justice and equality have proved to be that

U.N. Special Representative on Human Rights Defenders Hina Jilani is an attorney and human rights defender from Pakistan.

foundation, which takes us out of the controversial issues of where are the basic principles going to come from. Religion? Ultranationalist ideologies? That's why I think these are worth preserving. The work the human rights defenders do is exactly that: preserving principles. We don't necessarily just defend people. We defend people in the act of defending principles. I think it's very important to see where the strengths are going to come from so that we can sustain the work that we do in a manner in which we are able, not only to preserve what we have but to go forward and to strengthen the very values for which we have fought for a long time.

I say this also because I feel that we have, after 9/11, not necessarily experienced a turning point. What we have experienced is the exposure of the gaps and the weaknesses. I think that the threats to human rights, the situations of adversities, which could reverse the positive trends that we were trying to build on, were already there. That's why I think it's very important for us to find the appropriate means to reinforce the frontline for the defense of human rights.

Let me begin by saying that there are several issues and aspects of these phenomena that need our attention. First of all, I think that we have to place more faith in civil society. We have to make sure that all parts of the international community recognize and acknowledge that there is no notion of international community that can be complete without the inclusion of civil society. So, we don't

just address states, we address civil society.

Much of what you have been speaking about since the morning is the context in which human rights defenders work. Without this context, it is very difficult to either understand or evaluate the situation of human rights defenders or indeed to find ways and means to deal with the various situations that they confront. The context, therefore, becomes very important. Also, I think it is important for us to realize that human rights violations emerge and emanate from conditions, whether they are political, social, or economic. When human rights defenders choose the strategies in which to confront the situations that they are working on, they have to work with full awareness of the political, economic, and social conditions that affect the environment in which they work.

I have felt, as a human rights defender, that human rights work cannot be carried out in isolation. Also, that human rights work cannot be carried out without a very keen political sense of what you are doing. Therefore, there are so many linkages that we have to be aware of, but we have to be also aware of what kind of relationships we form at what level. What do we get out of those relationships? This is important in the context of what the high commissioner said in the morning with respect to formulating strategies. I think it is very important not to just react but to respond. By respond, I mean to sit back; think about the right strategies, the most effective ways and means of dealing with the situations, dangers, and the threats that we face; and then together, in consultation with each other, with a collective wisdom, select the best means of going forward.

I've also learned in my work as a human rights defender that while it is important to work at the national level, today's world is not an isolated world and you have to be aware of what's happening in your region and what's happening at the international level and the influences that are determining national situations. Therefore, this kind of network at regional and international levels has become very important. We've all learned this in the South Asian region. Because of that, we have spent almost one and a half decades trying to create those very strong networks so that we are able to respond to situations that are influencing the human rights conditions in our part of the world.

I was the first one always to say let's deal with our own situation rather than pointing to somebody in the north and saying they are responsible for what's happening to us. I stick to that. I think it is much more important for us to detect the problems within our own countries and to deal with those. But, at the same time, when we apply our minds and our energies, we do discover that sometimes these situations can only be helped if we work at the national level but have linkages at the international level, so that we are able to create a support group and some kind of international public opinion on the issues that we are grappling with. This is what I think is also important in the context of reinforcing the frontline.

In this whole scenario that we have been listening to since the morning and the realities that we are confronting right now, we know that one positive thing has come out. That is the emergence of a world public opinion. I think that is of extreme significance for us. The current situation that we are experiencing shows that there are very definite and very real threats to the preservation of the norms of human rights. But, we do not limit our action by just speaking. The essence of advocacy is to influence state conduct and state

I see no evidence that security cannot be insured within the framework of the rule of law. In fact, I think it would be much more sustainable if security were entrenched in measures, policies, and laws that strengthen the rule of law and strengthen the respect for human rights.

action. In the process of fulfilling the obligation to protect, we are ignoring and, in many ways, undermining the obligation to respect human rights. I see no evidence that security cannot be insured within the framework of the rule of law. In fact, I think it would be much more sustainable if security were entrenched in measures, policies, and laws that strengthen the rule of law and strengthen the respect for human rights.

We keep talking about international standards; I think they are very important. But many of the measures that are being adopted at national levels are contravening their own constitutions and therefore contravening the aspirations of the very people whom these measures seek to protect.

In the course of implementing the mandate on human rights defenders, the wealth of information that I have received enables me to identify many trends and the consequences that one fears will emerge from these trends. First of all, the very fact that institutions are being weakened. We, in my part of the world, have never enjoyed independent and strong judiciaries. Judiciaries as institutions are becoming more weak because they are not just being forced, but in some ways are surrendering their obligation and responsibility to safeguard human rights and to protect constitutions and fundamental freedoms. Secondly, in the name of security, we have given precedence to military means and methods. In my way of thinking, we have almost abandoned political solutions to political issues. This makes for more and more militarization of states. This is one of the biggest threats I fear is emerging which could permanently destroy the value, the effectiveness, and the essence of human rights and the values and norms of human rights as we know them.

Thirdly, when we militarize states, we undermine democratic institutions. So we see elections happening everywhere, but how many countries have strong sovereign independent legislatures? The quest for democracy increases but so do the threats to democracy. I am not saying this has happened after 9/11, but what has happened after 9/11 is a diminishing commitment for democracy. We may talk about democracy, but we are also willing to compromise the democracy at the altar of security. We are willing to accept and tolerate military governments as long as they become a part of the war against terror. And for the first time, I see that there are expectations of democratization and restoration of democracy from military governments. It is a contradiction in terms. When we speak about militarization as a threat, what's it a threat to? To civil society. So, there is a conflict of interest. We are expecting the military to give people stronger civil societies and democracies when it infringes and impinges on their own self-interest. I think that is an expectation with no foundation.

In the name of security, we have seen human rights standards being destroyed. Now we no longer think it necessary to accept fair trial and due process as a part of the rule of law. Our tolerance for exceptions is growing. We are now in the third year after 9/11, and yet we have accepted situations that create a legal vacuum for certain people. I

know of a time when this would not have been tolerated: arbitrary detention and refusal of due process rights, of fair trial rights. Now, we are keeping silent. Those who are speaking, in some ways, find themselves on the margins. I think this is bound to change because those who highlighted the issues are in many ways those whose work it is to persist in what they are doing.

As a part of this mandate, I have seen such strange happenings. Distribution of the Universal Declaration of Human Rights received a charge of distributing seditious material. Farmers protesting against eviction by military were tried in anti-terrorist courts. When lawyers who stood up to defend somebody whose right was being denied, those lawyers were labeled as friends of terrorists. Many of them were actually interrogated. Some were even confined.

These are situations which are emerging in many parts of the world. These are not just individuals. This kind of situation is having a very adverse impact on the work for human rights that we carry out.

When we, as human rights defenders, speak about the anti-terrorism measures, we are not denying the menace of terrorism. We were the first ones to experience the threats and the violence of these terrorists. This was much before 9/11. Let us not forget that. I come from a part of the world where there is no denying the problem of terrorism. We are those who fought for the rights of women, minorities; trying to accommodate religious and ethnic pluralism, we actually experienced the violence of these terrorists. So we know all about it. But, at the same time, it is very important that we fight this menace with the tools of human rights. We use human rights as a tool so that more and more support for the human rights movement can be gathered within the populations where we work.

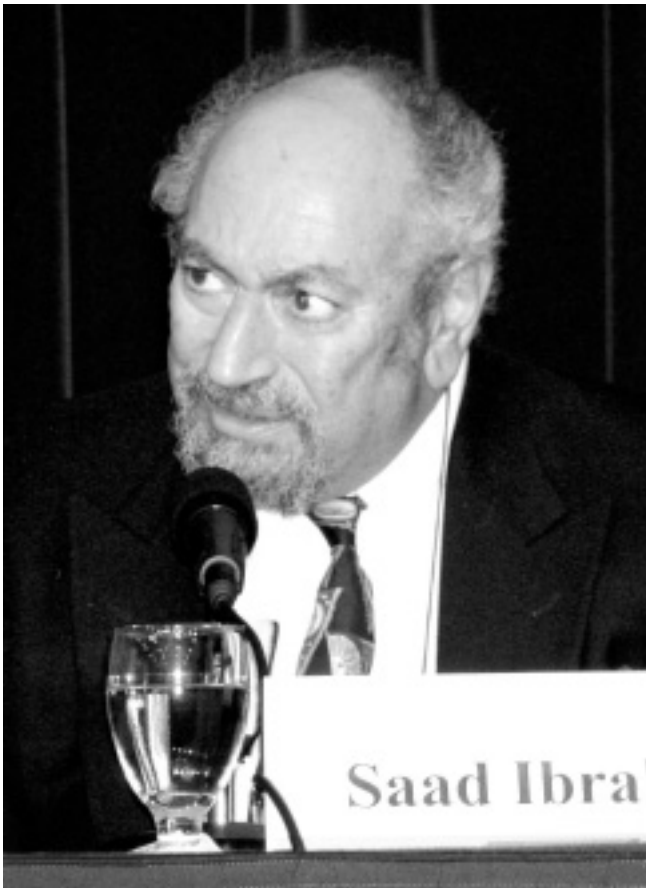
Today we find it very difficult, as human rights defenders, to speak about human rights in a polarized environment where there is one end at which there are measures against terrorism and at the other end, there is opposition to those measures, but not necessarily because they want to strengthen human rights. The opposition comes for very political reasons, and I think it's very important that now we strategize so that this voice for human rights, for the right to security, to be protected in a manner in which human rights are promoted, be strengthened. This should be done not just at national levels, because this is not a national issue; it's a global issue. For this, global strategies will have to be devised. For this purpose, it is so important that organizations like the United Nations develop better capacity to rise to this challenge and stand on the side of those who wish for security because security is an important human right, but at the same time to make sure that nothing is allowed to undermine the respect for human rights.

Both counterterrorism measures and respect of human rights have the same objective, but when these measures are intended to undermine human rights, then it becomes counterproductive. It makes it difficult for human rights activity to have the political impact that it is supposed to have so that an enabling environment for the promotion, protection, and enjoyment of human rights is created.

Both counterterrorism measures and respect of human rights have the same objective, but when these measures are intended to undermine

human rights, then it becomes counterproductive. It makes it difficult for human rights activity to have the political impact that it is supposed to have so that an enabling environment for the promotion, protection, and enjoyment of human rights is created. It is extremely important that the bodies of the United Nations recall the charter which makes it the fundamental objective of the United Nations to struggle collectively for peace and security so that democracy is promoted and in order to fulfill people's rights to self-determination. Let us not allow security-driven approaches to forget about people's struggle for self-determination, to forget that the right to seek democracy is a fundamental human right and that now these struggles are fast being threatened with extinction because they are being labeled as terrorism.

I will end with one thought, which I would like people to think about. This is something that's been disturbing me for a long time. As human rights defenders, we are all for nonviolent struggles. Violence in any form and for any cause is unacceptable. That's a principle we cannot compromise on. But, what do you do when violence is a reaction to rigidity, to the lack of any hope or expectation of going forward? How do we deal with that violence? We don't tolerate it and we don't accept it, but we have to respond to it. In my mind, while violence in any form is unacceptable, we have to make a distinction between those who commit terrorist acts because they have an agenda. Then there are those who hurt their own movement by taking nonviolent struggles into the direction of violence. It is wrong, it is unacceptable, and it has to be stopped. But, how do we choose to stop this kind of violence? I think we need to think about it because this will be the essence of sitting back and strategizing. Do we go on a confrontation course, or do we do it by cooperation? I don't think it can be either, but that will really be determined once we have been able to understand the demon that we are confronting.



Professor Saad Eddin Ibrahim (Egypt) was only recently released from prison for his activism.

OPENING REMARKS BY PROFESSOR SAAD EDDIN IBRAHIM[6]

President Carter, Mrs. Carter, High Commissioner, Ms. Jilani. It is indeed very humbling to be speaking to this gathering of distinguished human rights defenders. As an activist, I have always maintained faith in the cause for which I fought for the last 35 years —

6 To read Dr. Ibrahim's full paper submitted to the conference, go to http://www.cartercenter.org/documents/nondatabase/Ibrahim_Final_Paper.pdf

human rights and democratization in Egypt and the Middle East. I have considered these as twin issues for which I must fight because one leads to the other. The deterioration in one leads to the deterioration of the other. I felt over the last quarter of a century that we were almost winning this fight. After the revolution in Portugal and the third wave of democratization that began in 1974, I felt almost on the verge of final victory. Then came 9/11.

9/11 was an earthquake not only for Americans but for the entire world because of what it has entailed, because of the unfolding of very dramatic and disturbing developments since then. It has been always an agonizing dilemma for human beings, for societies, for leaders, to balance between the search for security, which is an essential human right, and the enjoyment of liberty, which is another essential human right. The debate on this dilemma has now spanned nearly five centuries, from the first writings of the social contract theories of how to maintain security, order and also honor peoples' search for freedom and liberty. There was the Hobbesian perspective on this issue that put order as a paramount responsibility of the state, of the sovereign, even at the expense of human individual freedom and liberty. Then others took issue with him: Locke, Montesqueue, Jean Jacques Rousseau, and many others who said that human liberty must always be maintained as a prime human value. This debate gets renewed nearly every generation, and we fought for this since World War II so that the debate no longer has to be fought in my generation. But, 9/11 seemed to have rekindled the debate again.

I was in prison on Sept. 11, 2001. I felt that, even though it was happening in New York and I was in Toura Prison South of Cairo, that the assault on the World Trade Center was an assault on all mankind. The victims who spanned the world were from more than 60 countries of the world.

I was rushed out of my cell to the officers' quarters in order to translate what was on CNN. The officers did not have a good command of English; they needed somebody to translate and they remembered that I speak English, so they sent for me. Of course, when the cell opened and I was brought out, I thought it was a reward for me. I didn't know why they were sending for me. Once I arrived and I saw the scene on television, I began to cry, partly because the scene itself was horrible, but partly because my wife was within one or two blocks from where it happened. She was visiting New York at that time and worse still, my daughter, who is a young lawyer, was flying that day to New York to join her mother. So here I was, in prison, helpless, seeing this scene, an assault on mankind as represented by the people who worked in the World Trade Center, with a wife and daughter there.

Often these moments give us a sharp focus, and sometimes that focus brings us face to face with partial truth. That was a moment of crisis for me. It was a moment of crisis for America, for the West, for mankind. And often moments of crisis lead to action that often is not necessarily the most rational action. I call that second moment a moment of vindictiveness. I was in prison when I began to see that second moment of America reacting to the crisis. It was a reaction that was, on one level, very understandable. Hurt, grieving, and therefore, mobilizing for self defense, but then that moment of crisis and whatever it entailed led to actions that run counter to the very values which were assaulted by those perpetrators, by those few who blew up the World Trade Center. It

was very difficult to sort out, in prison, how to react, how to feel. It was moments of confusion mixed with moments of sadness and anxiety until I learned, a few days later, that my wife and my daughter were safe.

Yet that personal part put aside, I began to evaluate what was happening and its long range impact on the cause for which I was in prison, the cause of democracy and human rights. As it turned out, my worst fear materialized. The measures taken by the United States supposedly in self-defense, which later on were subsumed under the war against terror, would be used, abused, misused by every dictator in the world. The file that was supplied by The Carter Center in preparation for this conference provides ample evidence to that, so I don't need to go through my written notes to tell you what every dictator in the world has done. They say, "Look, here is a United States that had for years reprimanded us for violation of human rights; look what they are doing." President Mubarak would say, "The United States has a lot to learn from us in combating terrorism." President Bashar al-Assad of Syria, fresh on the job, so eager also to say that the United States has a lot to learn from Syria in combating terrorism. The prime minister of Israel, not to be outdone by either one, also declared that his war against the Palestinians is akin to the war of the United States against terrorists. And one leader after another in the Third World will echo the same sentiment.

While it was understandable that Americans would mobilize against terrorism, it was not understandable at all that they should go to excess, and they engaged in draconian measures that remind us of the McCarthy era in an earlier decade in the United States. What happened in the United States is very important to all of us. I do agree with President Carter that we should not single out the United States for blame, for reprimand, for criticism. But Mr. President, distinguished guests, the United States is mighty important. Because whatever the United States does has repercussions all over the world. I already mentioned that every dictator in the world is using what the United States has done under the Patriot Act and other derivative measures to justify their past violations of human rights, as well as declaring a license to continue to abuse human rights at present and in the future.

This is a sad moment. However, as an activist, I have learned never to succumb to sad moments or to adversity but to fight back. And in the history of my activism, nearly four decades, I was defeated so many times. However, the few times in which I managed to score some victories were enough to keep me going, and I tell you all, since you are all defenders of human rights, to remember those brief moments of success against all the moments of defeat and failure. It is those few moments that give us hope for the future. And there were three or four moments of success in the last four or five years on the personal level as well as on the regional and the global level.

Every dictator in the world is using what the United States has done under the Patriot Act and other derivative measures to justify their past violations of human rights, as well as declaring a license to continue to abuse human rights at present and in the future.

There are margins for freedom to be able to fight back. It's those margins of freedom that we should expand as human rights defenders and you should call on the United Nations high commissioner and other potential allies to keep

expanding. I was very encouraged when Egypt's highest Court of Cassation reversed so many measures taken against me personally under lower courts in two trials in which I was convicted to seven years of hard labor — me and 27 of my associates. Ultimately, the Court of Cassation, which is the equivalent of the Supreme Court of the United States, ruled on March 18 of this year, acquitting me of all charges. But more important than the acquittal was the condemnation of the Egyptian government, not only for violating human rights but for fabricating evidence to put me and my colleagues in prison. The court upheld our rights to do research, to publish, to receive funds, and to organize. These are rights enshrined in the Egyptian constitution, but they were hardly activated until the case provided the opportunity for the court to reassert them. It is on that basis that I am here, that I'm enjoying my freedom, and that I have met all of you, and I am delighted to be part of this event. I am delighted that we will issue a declaration that will carry the name of Atlanta. This is a small token not only for the defense and the march of human rights but also to this great man and to this great center that has sponsored and hosted us here.

Another moment of victory that I'd like to share with you is what the U.S. Supreme Court decided yesterday. This is another triumph, almost coinciding with the Atlanta Declaration: agreeing to hear the appeal by several of the detainees in Guantánamo. This, to my mind, is a great victory, regardless of what the court finally decides. The fact that there is a fighting opportunity is a moment of triumph, that despite all the sufferings, all the pains that we have all gone through at one time or another, we have to cheer, we have to rejoice, we have to build on.

Opening Remarks by Dr. Willy Mutunga[7]

Human rights movements the world over now face three mortal challenges: terrorism, be it of individuals, groups, or states; the war on terrorism; and market fundamentalism. Human rights movements have monitored, documented, and publicized human rights violations committed by terrorists, by states in the name of the war on terrorism, and in the name of market fundamentalism. They do this in the name of constitutions, the rule of law, social justice, peace, tolerance, basic needs, life and livelihood of all global citizens, humanity, and the survival of the world. The question of the survival of the human rights movement now is whether the movements are the next victims of the war on terrorism.

There are margins for freedom to be able to fight back. It's those margins of freedom that we should expand as human rights defenders and you should call on the U.N. High Commissioner and other potential allies to keep expanding.

In the past three decades, Kenya has been a target of terrorist attacks three times: on New Year's Eve, 1980; Aug. 7, 1998; and recently on Nov. 28, 2002. We'll never know how many other attacks were attempted and foiled. Since the 1998 attacks, a vibrant Kenyan human rights movement has been discussing in earnest the question of why Kenya is a target of terrorist attacks. The Kenyan human rights movement has been discussing the

7 To read Dr. Mutunga's full paper submitted to the conference, go to http://www.cartercenter.org/documents/nondatabase/Mutunga_Final_Paper.pdf

Dr. Willy Mutunga, pictured here with Carter Center Executive Director John Hardman and Mrs. Rosalynn Carter, discussed a proposed draconian anti-terrorism bill in Kenya with policy-makers in Washington, D.C.

root causes of terrorism ever since the attack on America on September 11th. These discussions have intensified with the publication by the Kenyan government of the Suppression of Terrorism Bill in March of this year. The timing of the publication of this bill could not have been worse. Kenyans were preparing for the constitutional conference, which started in April 2003 to debate the draft constitution. The draft constitution is a modern Bill of Rights that is a great improvement on the South African Bill of Rights. The Suppression of Terrorism Bill is yet to be debated in Parliament, but Kenyans have raised the following objections to it.

One, we have said that there exists a sufficient legal regime to combat terrorism in Kenya. Two, if the bill became law, it would be unconstitutional. This is because the Bill of Rights in the current constitution reflects some liberal democratic values that the proposed Suppression of Terrorism Bill undermines and subverts. The bill is an imposition by the United States and Britain, and it borrows heavily from the U.S. Patriot Act, the British Prevention of Terrorism Temporary Provisions Act of 1989, and, lo and behold, the Suppression of Terrorism and Communism Act of apartheid South Africa. The bill, if it becomes law, will be rendered unconstitutional if the Bill of Rights in the draft constitution becomes operable. We maintain that the bill is an affront on the nation's sovereignty that will hinder progressive democratization in Kenya, as it gives the state and its institutions draconian powers. Last year the Moi dictatorship was voted out, and I am glad to say that we have moved from an authoritarian dictatorship to a benevolent dictatorship, which is an improvement. The bill, if it becomes law, will claw back all the concessions that Kenyans have consolidated

The conference brought together activists from each U.N. region, including Martin O'Brien (Northern Ireland), Samuel Kofi Woods (Liberia), and Saad Eddin Ibrahim (Egypt).

against the dictatorship for the last decade. There have been a lot of concessions in our country thanks to civil society for the last 12 years. The bill, if it becomes law, in our view, may be the death of the human rights movement in Kenya. This is not an exaggeration. It is very possible that a group like the Kenya Human Rights Commission can become a terrorist group under the Suppression of Terrorism Bill. It is not an exaggeration that others might meet their end that way. The bill, if it becomes law, will outlaw the growth of alternative politics in Kenya, which we think is also very important. Lastly, the bill, in our opinion, and this has come out in the press, exposes the United States and Britain as hypocritical, perfidious, and duplicitous in their pronounced support for human rights at home and abroad.

I just want to ask the same question that Saad Ibrahim asked, "What is to be done by us?" I focus on that question, first, in addressing the American human rights movement and other movements in the G8 and also China. I am taking those countries together and asking what, as human rights defenders, can you do? There are challenges that, in my view, the American rights movement must focus on and take a distinct leadership in. The movements in Britain, Europe, Russia, Japan and China could then take the lead.

I am glad today that parts of the engines of the American human rights movement are represented here: Human Rights First, Human Rights Watch, Amnesty International, and the Mississippi Workers Center for Human Rights. Following the attacks on America, the various national, regional, and international human rights movements took the following measures. The movements expressed anguish about the lives lost in the bombings, invoking the human rights discourse. The movements invariably stated that any expression of political opinion by an individual, group, or state that is against humanity must be condemned without conditions or reservations. The movements reiterated that the right to life is

The Bill of Rights in [Kenya's] current constitution reflects some liberal democratic values that the proposed Suppression of Terrorism Bill undermines and subverts. The bill is an imposition by the United States and Britain, and it borrows heavily from the U.S. Patriot Act, the British Prevention of Terrorism Temporary Provisions Act of 1989, and, lo and behold, the Suppression of Terrorism and Communism Act of apartheid South Africa.

fundamental to humanity and the human rights discourse protects the right to life at all costs. Also, the human rights movements declared the murders of innocent American citizens crimes against humanity and the accomplices of the dead perpetrators had to be captured and prosecuted in the appropriate courts. International law and international institutions were invoked as capable of handling the matter.

The suspects in the 1998 bombings in East Africa were arrested and prosecuted in U.S. courts. They had legal counsel, and after trials, they were sentenced to life imprisonment. What was asked about the murders of the American citizens on the September 11th bombings by Human Rights Watch was that the United States should not commit similar crimes against humanity in other countries because the world would cease to distinguish between the United States and the terrorists.

So far, in my opinion, the human rights movements have sought a better understanding of what happened on September 11th but not sought an understanding of why it happened. The human rights movements have yet to respond to why the Bush administration ignores the human rights movements' position on the war against terrorism. I know this is an issue that every American citizen is sensitive about. Two years after September 11th, I have read very strong statements by former President Carter and former Vice President Al Gore. I think this is the right time also to talk about these issues. I would want, in answering the "why these attacks took place," to urge the American human rights movement to consider certain entry points into such analysis.

I am convinced there is need to demystify Islamic fundamentalism as an intraclass conflict between the ruling classes in North Africa, the Middle East, and West Asia. I think it is the new generation of dissidents within those groups that is accusing the other generations of being corrupt, of squandering the region's resources, and of selling out to the United States. When it comes to support of Palestine, the accusations of duplicity and the shallowness of commitment to Islamic solidarity by these groups are a common criticism by dissidents. There are, therefore, many issues which need to be understood and which ultimately reflect fierce struggles for political power in these areas.

Clearly, U.S. foreign policy in North Africa, the Middle East, and Central/West Asia has to be interrogated. The American human rights movement has to take lead. Let the American human rights movement revisit the devastation of Iraq, the U.S. government's policy on the management of oil reserves in these areas, and the building of American bases in Saudi Arabia. Let the American human rights movement revisit U.S. policy on Israel and its conflict with the Palestinians.

Yet, the American human rights movement cannot ignore the economics and the politics of oil issues in Uzbekistan, Turkmenistan, and Kazakhstan or the great energy reserves in and adjacent to the Caspian region. Overall, the American human rights movement must understand

Hauwa Ibrahim of Nigeria and Andres Cañizalez of Venezuela listened to testimony from Ivan Ivanov about the impact of the war on terror for Roma communities in Eastern Europe.

the role of their country in the new world order. The American human rights movement will thereafter educate the American public on the consequences of the policies of their government in these areas of the world. Civic education is not just for us in the South. Indeed, the American citizenry needs more civic education than other citizens of the world. Such a project by the American human rights movement will assist in part in answering the question the American public has asked of its leaders after September 11th. America has its dissidents on these issues, and I have always found Noam Chomsky worth reading on these issues of foreign policy of this country.

What about the relations between various movements, including all of us gathered here? The relations between the human rights movements in the North and the South have not attracted any serious continuous attention, but I think that the formation of strong national, regional, and continental human rights movements networks should be the building blocks for the international human rights movement. It is important that such a movement start at the national level where networks between human rights groups become strong. They, in turn, raise issues of a regional nature to bypass the limitations of the nation and state and to bring the regional movements together. The same process is good for continental human rights movements, the South-South solidarity of the human rights movement, and giving intellectual and the political direction to the international human rights movements from below, so to speak. What can we do collectively

together? In my opinion, what human rights movements can do on this issue of terrorism and human rights revolves around some of these questions.

Shall the human rights movements collectively join the globalization movement? Some of the human rights movements are members of the World Social Forum; others have participated in marches against capitalism and against globalization. Others are members of initiatives against the World Trade Organization, the International Monetary Fund, the World Bank. Still others have organized campaigns against multinationals to guarantee human rights of the workers. I think what is missing is collectivity and connectivity. The anti-globalization movement, in my opinion, is about economic, social, cultural, and political justice. The movements challenge economic, social, cultural, and political rights of globalization.

At the end of March 2002, Tony Blair's political adviser, Robert Hooper, provoked controversy in Britain by publicly arguing the case of what he called defensive imperialism that would involve recolonization of states that pose security threats for the empire. In a policy pamphlet titled "Reordering the World," published by the Foreign Policy Center, he made three significant points. One was, when dealing with a more fashioned kind of state outside the postmodern continent of Europe, we need to revert to the rougher methods of earlier eras: force, pre-emptive attack, deception. Second, the opportunities, perhaps even the need for colonization, are as great as they ever were in the 19th century. Third, what is needed then is a new kind of imperialism. We can design its outline: an imperialism which, like all imperialisms, aims to bring order and organization but which rests today on the voluntary principle.

I quote this because I do not think these are the words of a lunatic or an armchair academic. I think they come from the highest policy-making structures of British government under Blair. And, as we talk about failed states, we should bear in mind Somalia and maybe Iraq, which in my view has hallmarks of a failed state. It might be that some of these countries will face this new policy of recolonization.

I have already mentioned Noam Chomsky, and I was saying that there are dissenting voices in the North, although we don't see them on CNN but we read them in other places. The question for us human rights defenders is how do we mainstream those dissenting voices in the North which are on the fringes and ineffectual? Because, sometimes we think that nothing is happening in the North, but a lot is happening. How do we build networks with those particular groups?

The other question: Have the attacks on America acted as a wake-up call for the human rights movements in all our countries? How strong are the networks between the human rights organizations, the trade unions, the women's groups, the youth groups, religious organizations, the professional groups, the peasant organizations, and other people's organizations? What are human rights movements doing to insure that these movements survive and are indeed permanent and irreversible? I think we must say that without foreign funding, many of the human rights movements in the South would die. Yet I think with proper mobilization and the politics, the middle classes in the South could make these movements permanent in our various countries.

My conclusion is this: As human rights defenders, we are hearing the message that where there is terror, there are no human rights. That message, in my view, subverts world peace. The protection and the promotion of human rights remains a fundamental weapon to defeat terrorism.

PARTICIPANT TESTIMONIES

Human rights defenders from around the world joined President and Mrs. Carter and U.N. human rights leaders at The Carter Center, Nov. 11-12, 2003.

NATALIA ABLOVA (KYRGYZSTAN)

We are not naïve — we know why big powers, resourceful democracies, grant impunity to nations that are widely considered as human rights perpetrators in the world. It is one thing to grant impunity to these nations but another thing to fund or even reward them. We should make it absolutely clear that we are no longer willing to accept it. I prepared a list of excuses that big powers are making to support financially perpetrators of human rights violations. For instance, we are told that some nations are such big powers that they are very hard to influence. Usually China and Russia come under this description. But this is only one excuse, which of course is not a very good excuse. It is incorrect.

Politicians sometimes tell us that we are very naïve and that they represent realpolitik. And that is why they are sometimes quite sincere in their cynical approaches. They say, "Those rulers who you quite correctly call perpetrators are sometimes our partners in the anti-terrorist fight or in these military operations or in these anti-drug trafficking efforts. That is why we have to support them, because without those governments, this struggle would be even much worse."

Another excuse is that the big powers say that democracies are not built overnight. This concept I hate very much. They say, "The transition to democracy can be chaotic, as the experience in the post-Soviet states just proved, so we have to support sometimes less democratic and more authoritative rulers to avoid this chaos because chaos also violates human rights." Another excuse is the idea that culturally, those countries are less receptive to universal values than, for instance, we are in the rich countries — though this excuse, of course, is being said in a more cautious way not to offend us. But nevertheless, this excuse is given.

We should oppose persistently those views because they are incorrect. All those *realpoliticians* admit that our world is terribly unstable and insecure. But for whom particularly are they going to build or strengthen this security and stability? Because if it is only for a limited number of countries, a limited number of people, the world is going to be even more insecure, even more unstable.

Because of this lack of vision, we will have to work hard to counterbalance this approach. We should clearly indicate that we denounce this approach. Either stability is for everybody, or there will be no stability for anybody. We also must look at poverty, though some will say, especially in our part of the world, that while people are poor, they do not care about human rights too much. Poverty is also an extreme economic manifestation of the lack of human rights, lack of access to resources, lack of access to justice, lack of access to decision making. That is why poverty is also a big human rights problem. As human rights activists, we must never accept these excuses — we must oppose them point by point.

Either stability is for everybody, or there will be no stability for anybody.

Natalia Ablova is the director of the Kyrgyz-American Bureau on Human Rights and Rule of Law. A journalist by trade, she has published articles on a variety of human rights and political issues. She has formerly been associated with the human rights society Memorial and the Democratic Movement of Kyrgyzstan. In 1993, she created the NGO Monitoring and Advisory Group, which functions as an aid watch and civil society coalition.

Salbiah Ahmad (Malaysia)

I would like to take off from the issue Saad Ibrahim talked about — the importance of developing new partners. I am in Asia, and lobbying internationally has been quite difficult for us because governments continue to dismiss pressure by talking about cultural relativism and so-called "Asian values." Somehow this argument has worked for them to deflect international pressure. So, like some of our friends already have said, the work has to be on the ground with civil society. In this area, progress has been made in Asia.

One of the major problems with working in Malaysia and other countries where Parliament and the executive are basically together is that the majority party is in Parliament and controls everything. For a lot of us, anti-terrorism laws are already in Parliament. They will be passed because either we do not have an opposition or we do not have an effective opposition. When we are talking about new partners, I would like to suggest that The Carter Center and the proposed policy forum address the judiciary. Where we have worked effectively on the ground with civil society, there is a lot of pressure on the judiciary to remain independent. This is a possible area in Asia where, if we speak to judges, a meeting could be facilitated with Hina Jilani on the subject of human rights defenders. I think that would be very effective.

I would like to request also that we issue a letter of concern since we are missing three friends at this gathering — one is Irene Fernandez, whose passport is impounded. She received a prison sentence for documenting human rights abuses against migrant women in Malaysia. The government is afraid that she might defame and bring disrepute to the nation if she talks about some of the human rights abuses in Malaysia. Two other colleagues from Algeria and Iran could not have visas issued to travel here. We should remember them.

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Salbiah Ahmad is a human rights lawyer in Malaysia and a founding member of Sisters in Islam, a women's rights organization based in Kuala Lumpur. She has addressed issues of women, law, and religion at the regional and local level for more than 15 years. Her current research centers on the Islamization of laws in Malaysia and the development of a framework to begin chartering Malaysia's new course of constitutionalism.

HUMAN RIGHTS WATCH

Malaysia: Rights Activist Barred From Travel

(New York, November 6, 2003) The Malaysian government should allow human rights defender Irene Fernandez to travel abroad to attend meetings with other activists, Human Rights Watch said today. Fernandez, one of Malaysia's most prominent advocates for the rights of migrant workers and women, was denied a passport on Nov. 4.

On Oct. 16, the Kuala Lumpur magistrate's court convicted Fernandez of "maliciously publishing false news" for issuing a groundbreaking 1995 report that documented beatings, sexual abuse, and inadequate food in detention camps for migrant workers. Her one-year jail sentence has been stayed pending appeal.

Over the course of the seven-year trial, the longest in Malaysian history, Fernandez applied for-and received-a passport 42 times. The prosecutor urged the court to deny Fernandez's most recent request for a passport on the grounds that she would likely "tarnish the image of the country" if allowed to speak about Malaysia's human rights situation at international conferences, which she is scheduled to attend this month in the United States and Canada.

The magistrate's court agreed with the prosecutor and rejected Fernandez's application, although the prosecutor conceded that Fernandez was not likely to flee. Fernandez is appealing the decision. Human Rights Watch urged the government to withdraw its objection to the issuance of the passport when the case goes to the Kuala Lumpur High Court.

"Prime Minister Abdullah Badawi should take this opportunity to show that Malaysia can and will tolerate criticism," said Brad Adams, executive director of the Asia Division of Human Rights Watch. "Fernandez was sentenced to a year in prison for speaking out against abuses. Now the government is adding insult to injury by keeping her from traveling abroad for the same reason. This does not bode well for free expression in Malaysia."

Although the prosecution of Irene Fernandez began under the government of Mahathir Mohamed, who stepped down as prime minister on Friday, Oct. 31, her case is a test of how Abdullah's government will address free expression. Mahathir's government harassed and sometimes jailed its critics, and restricted civil society groups and the media. In his opening speech as prime minister, Abdullah stressed the need for free expression in Malaysia. "We believe democracy is the best system of governance," he told the Malaysian Parliament on Nov. 3. "We must be open and ready to accept criticism and contrary views to ensure that a culture of democracy thrives."

The prosecutor urged the court to deny Fernandez's most recent request for a passport on the grounds that she would likely "tarnish the image of the country" if allowed to speak about Malaysia's human rights situation at international conferences.

"Prime Minister Abdullah needs to live up to his rhetoric," Adams said. "He can signal the beginning of a new era of openness in Malaysia or just continue with Mahathir's policies. Malaysia's image will be tarnished if Irene Fernandez is forced to stay at home."

Fernandez is scheduled to attend a conference on human rights defenders in the United States and a conference on HIV/AIDS in Canada. The conference in Canada is being held by the International Council of AIDS Service Organizations, of which Fernandez is a board member. The conference in the United States is co-sponsored by The Carter Center, founded by former U.S. President Jimmy Carter, and the office of the United Nations High Commissioner for Human Rights. Human rights activists from around the world will attend the conference.

MARIE LUISA ACOSTA (NICARAGUA)

I have been working in the field of human rights for about 10 years, especially with indigenous peoples — the Miskito and Rama communities on the Atlantic coast of Nicaragua — in land tenure issues mainly. I would like to focus on the protection of human rights defenders against persecution and assassination. Due to my work, a year and a half ago three men broke into my house looking for me, and they killed my husband. Since then, it has been very difficult for me to continue with my work with the indigenous peoples. I think that what happened is that it is easier to pursue a policy of discrimination against the indigenous people by focusing on their lawyers or on the people who work with them. In that way, their human rights are violated. The work that we have been doing for 10 years has been neutralized by these forces.

It is easier to pursue a policy of discrimination against the indigenous people by focusing on their lawyers or on the people who work with them.

One thing that is very important is to keep open our channels of communication. In my case, for example, the fact that different institutions and international human rights organizations came out with statements made the difference between being sent to jail by my husband's murderers and not going to jail. Also these same letters and statements by the president that were published in the newspapers. They made the difference, and the investigation regarding my husband's assassination was reopened after it had already been completely closed. So, I believe that for those of us working on human rights as defenders and who at a given point in time may also be victims of human rights violations, the international community, this solidarity, can make the difference between whether we stay alive or not, and I believe that we cannot underestimate the importance of this presence. So I reiterate my request that we keep communication permanent and open — by e-mail, fax, phone — there are thousands of ways, but it is also important to know that there is someone we can turn to and that an international organization has a major impact on our countries and our governments.

Maria Luisa Acosta advocates for the realization of full legal rights of indigenous peoples as the coordinator of the Center for Legal Assistance to Indigenous Peoples. She previously served as the legal adviser in a legal claim for demarcation of communal lands before the Inter-American Commission of Human Rights of the Organization of American States.

GHANIM ALNAJJAR (KUWAIT/IRAQ)

There are specific needs for human rights defenders in the field we are not really addressing at all. What I have found in talking to representatives here is that people do not understand the United Nations at all. There are much greater expectations from the United Nations than what is realistic. There is one body within the U.N. system that is comprised of true human rights defenders, which is the special rapporteurs, independent experts and special representatives, also known as the special procedures or special mechanisms. They are the human rights fact-finders, the truth-tellers within the system. They have the potential to be very powerful and effective in exposing the truth about violations on the ground. But we are not U.N. officials; we are unpaid volunteers.

This is probably the only body in the United Nations with which defenders can really connect. When I go to Somalia as special rapporteur on that country, which is very dangerous, I rely on God for my protection. I go into discussions with war criminals, surrounded by hundreds of militiamen, talking to them about protecting human rights in the regions they control. What can the United Nations do in that situation? Nothing. They cannot do anything. I depend on my experience. So far, it's been reasonably successful. Every time I go there, I get tens of political prisoners released. Somalis now await my arrival because they know there will be some results. It is not highly publicized, but that is what matters for people in the field. In 1998, I led an Amnesty International delegation when we conducted the first human rights training workshop. Now, civil society in Somalia is a real force, and that's what we are investing in, not the political leaders.

The Human Rights Defenders Policy Forum is a good idea, and it should connect with the special mechanisms of the U.N.'s human rights system. This is the only body that is worth working with. We should not talk about reforming the United Nations as a whole — this is a daunting task — we are not going to succeed. We should be realistic and practical. These are the people who believe in what they do. They believe in human rights, and their annual forum is there to be used by human rights defenders — it is underused. That will take us to the issue which President Carter talked about — the issue of funding. The least-funded organization in the United Nations is the Office of High Commissioner for Human Rights. That needs to be corrected. Most of the staff in the office do not have permanent contracts — that is very important for our work. Last year when I was preparing for my mission to Somalia, my desk officer informed me three days before the trip that she might not be able to join me because she was not sure whether she would get her contract in

The special rapporteurs, independent experts and special representatives – also known as the special procedures or special mechanisms – are the human rights fact-finders, the truth-tellers within the system. They have the potential to be very powerful and effective in exposing the truth about violations on the ground.

time, meaning she would not get insurance. These are real problems that will take real solutions that our policy forum can address. We can form an alliance between defenders and this group already within the United Nations. That will create a real strength, if we can find the right formula.

Another issue from my experience has to do with the role of the United Nations Development Program (UNDP). Most U.N. representatives in the field are from UNDP. UNDP has a very bad name with the human rights community. There is a memorandum of understanding between the Office of High Commissioner for Human Rights and UNDP that is not working. We have to press UNDP. Without it, there will be no progress because that is the field partner. It's not the United Nations, it's UNDP — so we have to deal with the agency. I talked with UNDP officials on several occasions, and we agreed that UNDP staff should receive training in human rights because they do not understand what human rights work is about. They think it is counterproductive and that it is against their objectives. They have been trained to believe this. It is part of our job to educate them that human rights work is compatible with the goals of UNDP. That needs an effort.

We can form an alliance between defenders and the special mechanisms already within the United Nations. That will create a real strength, if we can find the right formula.

Lastly, I wanted just to mention this issue of emerging democracies that we have been discussing in the context of September 11th. September 11th really showed us how fragile established democracies are, not just emerging democracies. What I see is that even established democracies are fragile to crisis.

Ghanim Alnajjar is the U.N. independent expert on human rights in Somalia. From 1988-1992, he was a member of the Amnesty International Mandate Review Committee in Iraq, where he monitored human rights violations, including mass graves. Following his imprisonment in Iraq, he was awarded the International Human Rights Award in December 1991. Alnajjar organized the first mission of Amnesty International to Iraq following the U.S.-led invasion.

Curt Arnson and Rosalynn Carter

CURT ARNSON (ISRAEL)

I work with an organization that takes a legal and administrative approach. We have presented the first petition to our high court of justice on the segregation wall that separates Palestinian communities. Some call it the "separation wall," which, according to the Rome Statute on the International Criminal Court, establishes an apartheid state. This is a legalistic analysis. In the central part of the West Bank alone, it is creating seven enclaves. It is creating apartheid because among the military regulations that have been issued for this wall, Palestinians need permits to be able to move among their homes or to drive. They have to be teachers or other particular professions to be able to move at all within the areas. However, anybody who is a citizen of Israel or is eligible according to the law of return, in other words anyone who is Jewish — any tourist — can go wander around freely, whereas a Palestinian cannot. This is basically destroying the Palestinian educational system and the health system. It is keeping people from being able to enjoy their basic human rights.

It has been mentioned that governments are now emphasizing the need for cooperation vs. confrontation at the United Nations on the human rights question. After 36 years, where do we bridge the gap between cooperation, which doesn't seem to work, and confrontation and at what level?

Governments are now emphasizing the need for cooperation vs. confrontation at the United Nations on the human rights question. After 36 years, where do we bridge the gap between cooperation, which doesn't seem to work, and confrontation?

Our petition is coming up for a hearing on Dec. 1, 2003. What would happen if, in these important cases that do come up within the courts, like our petition on the Israeli separation wall, the high commissioner for human rights or those with international stature came to sit in the front row of the Supreme Court? They would be there to show that this case is important, not only to Israel or to a small group of people in Israel, but to the world — that this is not just an internal matter — that this is a matter of basic human rights. What would happen if we showed this kind of solidarity?

We worked on a case in 1999 that took five years but which finally banned torture and interrogations by general security services in Israel. There was a group of French jurists that came and sat across from our jurists. They knew each other from conferences and other international professional situations. That support showed international concern, and it made a difference — we felt that we were not alone.

Curt Arnson is director of HaMoked: Center for the Defense of the Individual, a nongovernmental organization devoted to offering free legal aid and advocacy to Palestinian residents of the Israeli occupied territories of the West Bank, Gaza Strip, and East Jerusalem whose human rights are violated by Israeli agents (military, security, police) or as a result of Israeli policy.

DR. MUSTAFA BARGHOUTHI (PALESTINE)

It is an honor to be here to represent a movement that is called the Palestinian National Initiative. What is missing from the news about the conflict with Israel is that we have a strong and growing democratic movement in Palestine that aims to get rid of all forms of mismanagement and corruption and bad laws — to have the rule of law in the country. We want to build Palestine as a democracy. We know that democracy has become a precondition for peace. Peace can last only if it is established between two democracies and if agreements are accepted and supported by both people. It cannot be there by imposing an agreement from one side on the other. While we struggle for democracy on a daily basis, we are reminded that it is so difficult and almost impossible to build a democracy if people don't have freedom first — freedom and dignity.

So I must tell about the dire situation facing Palestinians and Israelis that is very dangerous for the entire world. I do not think that since the apartheid system in South Africa has there been such a grave situation of collective violations of human rights similar to what is happening now in the occupied territories in Palestine. We have a combination of the longest occupation probably in modern history — 36 years — combined with the creation of an apartheid system, severe violence that affects, of course, both peoples, extrajudicial killing that is practiced on a daily basis. Fifty percent of the 300 people who were assassinated by the Israeli army were innocent bystanders. You have the creation of a new "Berlin Wall," a new "apartheid wall," as we call it, which is three times longer and twice as high as the Berlin Wall used to be. A wall that the government claims was established for the sake of security, but practically, it is five times the length of the borders between West Bank, Gaza Strip, and Israel. Instead of 200 kilometers of borders, they are creating 1,000 kilometers of wall. It is a place where violations of international law are happening on a daily basis.

I am also a medical doctor. I do not think it is a coincidence that you have so many medical doctors participating in human rights activities. There is nothing as drastic and as sad as struggling to have a pregnant woman ready to give birth trying to cross the checkpoint to receive medical care. Fifty-three women so far have been obliged to give birth at checkpoints. The last woman who gave birth in this way, in Jenin, was standing 20 meters from an ambulance, and they wouldn't let her across to get to it. We have lost 89 people already who were having heart attacks or children who

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were having respiratory problems who were not allowed to cross to receive medical care. It is a small country, the West Bank and Gaza — very tiny in comparison to the big country of China or Russia or the United States or even Afghanistan. But in this little tiny place, you have 482 checkpoints that are preventing the freedom of movement for the last two and a half years. How many other times in history has a whole population been prevented from using roads and streets, their own roads and streets, for more than two and a half years? A trip that would usually take 45 minutes from Ramallah to the Hebron area would now take, if it is possible at all, nine hours after changing vehicles at least 11 times. This is so drastic and so terrible and so unacceptable, and something must be done about it.

Imagine a city like Qalquillya, where 46,000 people are surrounded by a wall from all directions with one little entrance, which is eight meters wide with a gate. And the gate has a key. And Israeli soldiers have the key. They shut off the city everyday at 6 p.m. and open it at 6 a.m. And sometimes, they decide not to open it at all for several days. During the last month for about 10 days, the city was shut off. The people in that city called me and said, "We don't see the sunset anymore because we are surrounded by a wall that is eight to 12 meters high."

We were all saddened by what happened in the United States because we knew that this would also affect our cause. Just imagine, in our case, we have lost 2,860 people who were killed during the last two and a half years and about 47,000 people injured. This is for a population of 3.6 million people. If we had the population of the United States, you would be talking about 220,000 people killed and approximately 4 million people injured. So we are also struggling like you.

For some reason, there is a sort of taboo in this country to really look at what is happening to the Palestinians — but this also is hurting Israelis, because there is nothing to be proud about in creating a new apartheid system in the 21st century. This is something that the Israelis cannot be proud of. My cry to you all and especially to President Carter and to the high commissioner — please do something to help us bring attention to this part of the world. Without strong international pressure and intervention, it will be impossible to correct this situation.

Dr. Mustafa Barghouthi is the secretary of the Palestinian National Initiative, or Mubadara, a recently established democratic opposition movement. Dr. Barghouthi was one of the delegates involved in the Madrid peace negotiations initiated in 1991 and a member of the steering committee of the technical committee that prepared for the establishment of various Palestinian ministries.

JUAN ANTONIO BLANCO (CUBA/CANADA)

We should look at the other sometimes invisible casualty of the war against terrorism — the international multilateral system and the whole multilateralist approach to international affairs. How can we strengthen multilateralism itself and at the same time strengthen the human rights protection mechanisms? Dr. Ibrahim presented the observation that there are those in influential positions who act as if human rights and international security cannot mix — that there is either one or the other. In this false dichotomy, security always wins over human rights. We should reverse

Juan Antonio Blanco

the phrase that Dr. Mutunga quoted from a government official who said, "Where there is terrorism, there cannot be human rights." We should say, "Where human rights are respected, there is no enabling environment for terrorism."

We should come up with a tool to follow up on what we conclude; otherwise, this is not going to be making history here. I would like to ask The Carter Center to facilitate the establishment of a working group not only composed of human rights organizations. One thing that President Carter very wisely has done since the very start of the Center was to bring together the conflict resolution community with the human rights community. If we are trying to produce an alternative strategy for international peace and security based on a human rights approach, we need to bring those two communities together to work in this task force. We have to learn citizen diplomacy and the culture of the official diplomacy if we want to interact in an efficient manner with the official diplomatic efforts.

There is a role also for U.N. personnel in such a working group. It is unclear to what degree they will be free to participate in an official capacity, but they can contribute ideas and advice to us based on their invaluable experience. This is true also for the regional organizations like the OAS and the Inter-American Commission for Human Rights and other mechanisms in the European Union.

But every crisis is also an opportunity. We are living in a time of crisis, which means that we also have some opportunities. There is talk at the United Nations about the need to reform, as it has been a casualty of the latest international events. These events have brought to light some of the flaws and the weaknesses of the United Nations. As a result, there may be an opening to reform the U.N.'s human rights protection mechanisms. If this is the case, we have to make sure that we have our own proposals and strategies. President Carter hit the nail exactly in the middle when he said to strengthen the authority of the high commissioner for human rights, we must find ways to strengthen his or her autonomy.

Juan Antonio Blanco is the director of international cooperation at Human Rights Internet in Ottawa and a member of CIVICUS and CALACS. He was a professor of philosophy at the University of Havana, Cuba, a Cuban diplomat and foreign policy analyst, and the executive director of the nongovernmental organization Centro Felix Varela of Cuba.

ANDRES CAÑIZALEZ (VENEZUELA)

We have heard a lot of testimony from all over the world, some of it devastating. But now we must take a look at some concrete strategies. We must forge alliances and find a political meaning to what we are doing, because we are facing a very serious threat to the work that each of us is carrying out in each of our countries. We need to take advantage of the occasion in a proactive way, which I think is also the reason why this meeting was called, and we should use a meeting like this one to think of what common strategies we can come up with.

I would also like to take the occasion to continue the tradition of thanking President Jimmy Carter in particular for the role he and The Carter Center have been playing in the difficult political situation in Venezuela. The human rights organizations in Venezuela really do feel a deep satisfaction for the role he played personally in a recent visit to Venezuela. It is a demonstration of how to act like firemen who stop the flames before they spread. What is true about many of the situations we have learned about here is that if there is earlier intervention, by someone like President Carter or the high commissioner for human rights, we may be able to avoid catastrophic human rights violations. We have a situation in Venezuela which, compared to other countries, may not be as drastic or complex, but I believe the attention paid by The Carter Center and other international organizations has allowed for acting adequately and in time, and I just wanted to thank you. We should all learn from it as we think about how to prevent violations from escalating. This makes this conference very important and timely.

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Andres Cañizalez

Andres Cañizalez is an investigator at the Human Rights Center of Andrés Bello Catholic University and director of the Venezuelan Press and Society Institute. He co-published the 2002 and 2003 Reports on the Freedom of Expression in Venezuela. Cañizalez formerly was an investigator for the annual report of the Venezuelan Education and Action Program in Human Rights (PROVEA), focusing on the theme of the rights to freedom of expression and information.

SANTIAGO CANTON (ARGENTINA/OAS)

It has been shocking today, in just a few hours, to hear all of the situations being faced by human rights activists from different countries that are represented here. We all listen to the news and we read newspapers, but it was quite disturbing to get such a clear picture of what is really happening throughout the world. It seems that we are at one of those times in which we need decisive action from international organizations, governments, and from civil society. It is critical to have a very strong system to follow up whatever comes out from here. There is a need to have some sort of body that can continue this forum — whether it is a permanent body or one that convenes every six months or one year.

We should believe that we can influence what's going on in the world. We can do this if we have on our side the presence of people in positions of power or those who have the power to influence those in positions of power. President Carter, you are one of those people, and The Carter Center is one of those organizations that can make that contribution. It is very critical to have your participation in this. President Carter suggested convening the Nobel Peace Prize laureates to raise awareness of the issues we are discussing here. It is an excellent idea, but that doesn't exclude the idea of a policy forum or council — both are relevant.

With regard to reforming international organizations, I can speak as an insider. The fact is that international bodies need to be pushed. We are an 800-pound gorilla that is very difficult to move. We need the recommendations and criticism. We constantly need this input. Otherwise we are in danger of falling into the bureaucracy and not progressing. The best way of getting such pressure is from civil society — it is critical in all the things that we do. Some bodies are easier to push than others. In my particular case of the Inter-American Commission on Human Rights, we are very easy to push because we believe that criticism is a key component of what we can do.

In that respect, I believe that whatever we say has to come from a forum made up of members of civil society and appropriate government officials in their individual capacity who can offer advice and input from their perspective. For example, when Mariclaire Acosta was a member of the Mexican government, she could have been of service to a forum like this. She would not have represented her government in the discussions but could help shed light on what can be effective in terms of getting governments to improve their human rights policies. Again, she would be serving in her individual capacity. We do not want to have this forum fall into the bureaucratic model of governments or intergovernmental organizations.

The fact is that international bodies need to be pushed. We are an 800-pound gorilla that is very difficult to move. We need the recommendations and criticism. We constantly need this input. Otherwise we are in danger of falling into the bureaucracy and not progressing.

Santiago Canton is the executive director of the Inter-American Commission on Human Rights of the Organization of American States. He was special rapporteur for freedom of expression for the OAS. From 1994 to 1998, Mr. Canton was director for Latin America and the Caribbean of the National Democratic Institute for International Affairs and was an adviser to The Carter Center during elections in Nicaragua and the Dominican Republic.

ISCRA CHAVEZ (PERU)

I am a member of a very small organization that works in the city of Cuzco. However, in Peru we have a very important organization, the National Human Rights Coordinator. This is an umbrella organization for 61 human rights groups distributed throughout my country. For years we have seen a time of violence in our country, unleashed mainly by the Communist Party of Peru, which began a confrontation that has caused around 69,000 deaths. These deaths are also the responsibility of the state.

The Truth Commission of Peru has recently issued a report in which the crimes and human rights violations are detailed. Most of the victims are indigenous people. My country is one in which more than 50 percent of the people live in rural areas, and they are the victims of violence. We think that you cannot fight violence with violence; we cannot combat terror with more terror. The human rights organizations condemn violence no matter where it comes from, including the terrorist organizations we have had in our country. We also condemn the terrorist attitudes used by states. In

My country is one in which more than 50 percent of the people live in rural areas, and they are the victims of violence.

my country, the Fujimori government used reprehensible methods in an effort to do away with a sector of our population — the most marginalized sector, the most discriminated against, whether for racial, cultural, or linguistic reasons. Seventy-four percent of the victims identified by the Truth

We think that you cannot fight violence with violence; we cannot combat terror with more terror.

Commission are speakers of QuecHe, a language used in my country in the Andes.

We would like to point out that we would like this gathering to support the final report issued by the Truth Commission, because we want to make impunity disappear from the world. We cannot allow that the perpetrators of human rights violations receive the support of countries that obstruct their being brought to justice. I am referring to Alberto Fujimori, who has the support of Japan, which is obstructing his return to Peru for trial. We are requesting the extradition of Mr. Fujimori so that he answers for the violation of human rights in Peru. We believe that condemning this type of attitudes will allow us to destroy impunity in the world. We support the work done by the Truth Commission, because it has brought up the cases that we, for 20 years, had been denouncing as regards disappearances and massacres taking place in Peru. This is why I would like to ask President Carter to help us with this part, demanding that Peru, specifically President Toledo, should declare his support regarding the commission's final report, because it has been several months since the report was made public, and to date President Toledo has said nothing regarding this report.

Iscra Chavez is a lawyer who founded and serves as the executive director of the Association for Life and Human Dignity, which is part of the National Human Rights Coalition of Peru, an organization dedicated to the defense of suspects accused of terrorism. In 2002 she was part of the Truth and Reconciliation Commission of the South Andes, with jurisdiction in Cusco, Puno, and Apurímac.

SANDRA CARVALHO (BRAZIL)

I work in Brazil with a nongovernmental organizational called Global Justice. Global Justice has worked for the protection of human rights and with the documentation of human rights violations around the world. One of the greatest problems that Brazil is facing these days is the criminalization of social movements, especially regarding those who are active in raising awareness about violations against peasants. Those who lead movements in the effort for agrarian reform have been condemned as supporting or as being leaders of organized crime. Another great problem that Brazil has been facing is that those who have been denouncing the violations of human rights of the police and the government have had their lives threatened.

Sandra Carvalho raises awareness of human rights violations in Brazil through the national and international press. She served as the executive secretary to the Commission on Human Rights of the São Paulo Legislative Assembly from 1997 until September 2000. Carvalho later directed media operations for the first World Social Forum, held in Porto Alegre from January 25-30, 2001.

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OZLEM DALKIRAN (TURKEY)

We have been addressing the U.N. mechanisms and how to strengthen them. This is very urgent and important, but we may be missing one thing: how to strengthen international solidarity among the human rights defenders. All of us are working very hard. Maybe coming from Amnesty International, we are used to counting on international solidarity.

To show that we are not enemies of the state, we should find a way to show our solidarity when it counts. We must remind ourselves of the human side of the work we are doing.

When Curt Arnson from Israel invited representatives from the United Nations and other human rights professionals to attend the Israeli High Court's hearing concerning the case against the separation wall, it gave me an idea. What if 40 of us here could be present from 40 different countries — that would be a very strong stand. We have networks and, more or less, cooperation among human rights organizations. But sometimes with all the work we are doing, we forget the spirit of solidarity among human rights defenders.

I just wanted to underline that we are human beings, and although we are helping victims of human rights, very often we are victims of human rights violations ourselves. I think the best way of showing solidarity is by being together when something happens to one of us — not just by writing letters to the authorities, lobbying, and all the rest, but being there physically — it counts sometimes. It makes a difference and especially in these times when we are again, after many years of struggle, being treated as traitors or enemies of the state. To show that we are not enemies of the state, we should find a way to show our solidarity when it counts. We must remind ourselves of the human side of the work we are doing.

Ozlem Dalkiran is a member of the Helsinki Citizens' Assembly and in 1995 helped initiate the first Amnesty International group in Istanbul. She has been an active member and a full-time volunteer in the AI Turkey office, acting as the chairperson for the last two years and as a media worker/spokesperson from the project's inception. Recently she traveled to Baghdad, Iraq, for a month as a member of the AI delegation that was doing research on human rights and the law-and-order situation in the country.

ANA MARÍA DÍAZ (COLOMBIA)

I work with the Colombian Commission of Jurists, a nongovernmental organization that has worked to promote human rights in Colombia since 1988. My country is going through one of its most difficult moments in its history. The situation has been described by the U.N. Office of the High Commissioner for Human Rights in its 2002 report in this way: "Violations of human rights take place in Colombia in a repeated setting of serious, massive and systematic practices. Infractions against international humanitarian law are also a generalized, large-scale practice. Political murders, massacres, forced disappearances, the killing of socially marginalized persons, torture, kidnappings and other multiple types of sociopolitical violence are a part of Colombian reality and have been for many years now, including the violence originating from an armed conflict that has been ongoing in the country now for more than 40 years."

At present over 7,000 persons die each year due to sociopolitical violence, but unfortunately, the present government has not developed a policy that would reduce this human rights crisis. The current government's policy, known as the "democratic security policy," has only made the situation worse. Among the most serious aspects of the policy is, for example, the increased involvement of civilians in the armed conflict. The president of Colombia refutes the principle of distinguishing between combatants and noncombatants. He has called upon the civil population to defend the state and has said that those who do not want to be a part of his "democratic security policy" are suspects. He has implemented a series of programs, such as the national informers' network, that seeks to make all citizens informers for the police. To stress how serious this is, I will read a brief interview with an informer. An informer can

Ana María Díaz

be anybody — someone who, in a country where there is no justice, can settle his own matters by making accusations, by falsely accusing others. The informer says, "For me, anyone who isn't from my town is a suspect. If a vendor goes by twice along the same street, I call the police right away. If some guy is dressed like a campesino but doesn't know how to match his clothes and wears a red and green T-shirt and has scratches on his arms, I take a look at his waist, because he might be a guerrilla. If he has tattoos or an earring, he may be a paramilitary." This is just to show you the type of criteria being used by informants, based upon which a number of investigations of innocent persons are underway.

The so-called "democratic security policy" of President Álvaro Uribe Vélez has a tendency to legalize the paramilitary groups, and conversations have begun with these groups regarding a proposal for impunity concerning the crimes they have committed. He has persecuted not the combatants in the military sphere; rather, he has persecuted the civilian population in the cities and at their workplaces. He has started a series of arrests,

The Atlanta Declaration will be a very valuable and useful instrument for human rights work in Colombia, especially as we work with Congress where draft bills are being discussed that would be a step backward in the area of human rights.

searching people's homes, phone-tapping with no judicial order, and has ordered massive detentions in which areas are encircled, such as a public square or a town, and all those caught in the middle are taken to court. On one occasion in the province of Arauca, the people were marked with indelible ink.

The territory has been militarized, circulation has been restricted in many areas of the country, and a census and registration of the population has been ordered so that the military has information about people that can be used in arbitrary ways. This tactic has been used in particular to persecute human rights defenders and community leaders. The president has embarked upon a number of constitutional reforms that tend to roll back the precious few advances made on constitutional matters in the country. The idea is to give more powers to the military. He wants to give them powers to investigate civilians and establish impunity for war crimes and crimes against humanity.

What we need in Colombia is to maintain those activities that have mitigated the situation somewhat, especially the political and economic support of the Office of the United Nations High Commissioner for Human Rights in Colombia. It is very important that the office remain there. For us it has been vitally important to count on this office, and we hope we can continue to count on it. We need for the United Nations to demand that the government comply with the recommendations that for many years have been made by different bodies concerned with the protection of human rights in Colombia. It is also important to support the Inter-American Commission and court as mechanisms that have served to address the human rights situation in Colombia.

The Atlanta Declaration will be a very valuable and useful instrument for human rights work in Colombia, especially as we work with Congress where draft bills are being discussed that would be a step backward in the area of human rights. I would like to highlight the issue of international cooperation. In the Colombian case, this is a very difficult point, especially cooperation between the United States and Colombia. Colombian human rights organizations have been urging that cooperation with Colombia should be based on the agreements reached at the United Nations. Nongovernmental organizations prepared a statement for a meeting held recently in London regarding cooperation that calls for "...the commitment by states to base the search for peace and security on an integral respect for human rights and humanitarian law, starting with respect for the principle of distinguishing between civilians and combatants, and for a political solution that is to be negotiated."

Ana María Díaz is the investigation coordinator of the Colombian Commission of Jurists, a national nongovernmental organization with U.N. consultative status. She also formerly served as an investigator of economic, social, and cultural rights at the commission. She specialized in judicial institutions at the National University of Colombia.

HALINA DREBEZAVA (BELARUS)

Unfortunately, I have to admit that in a country that is situated in the middle of Europe, there are gross violations of human rights. There is a dictatorship in my country. The independent judiciary is absent, and there are no independent lawyers. The civic organizations are being shut down, including human rights organizations that must now conduct their activities underground. And as you can imagine in this kind of situation, we are not able to solve the problems of all people coming to us asking for help. But it is not an excuse not to work at all. We have become even more active compared to times when we could work legally.

Unfortunately, in a country situated in the middle of Europe, civic organizations are being shut down, including human rights organizations that must now conduct their activities underground.

I would like to support Hina Jilani's idea on the importance of the civil society and its development — that without a developed civil society we will not be able to solve our problems. Unfortunately, today we come when the tragedy has happened. It is obvious that we have to pay more attention to the prevention of the violation of human rights. The events of Sept. 11 showed that the whole world was terrified. Usually, fear manifests itself in two ways: either it is through militant force or through submission.

Unfortunately, millions of people are in despair; they do not complain, they do not cry, they do not do anything anymore; they just wait for time to pass. They refuse to react to any events happening around them. And considering this situation, we have to think about the ways we can help these people actively participate in the solution of their own problems. One of the ways would be to inform the citizens of all countries about the Universal Declaration of Human Rights.

This kind of information should come through the U.N. structures because if somebody comes and just tells about the existence of these rights and also just notes that there are violations of human rights, it is very complicated. But if it comes from a well-known organization, the result will be better. For example, in my country, in Belorussia today, it is evident that the most active group in society is youth. Results from the use of the book on human rights "Universal Human Rights in Pictures" among young people were terrific. Children liked it. They talked about the possibilities and ways to protect their rights. I would like to support the idea of my colleague from China who said that the use of TV in this purpose was a great idea. I think we all should understand that in our business we should not overlook the details because if we do not notice them, they might contribute to disorder and lead to the events of Sept. 11.

Halina Drebezava is chairperson of the Association of Women Lawyers of Belarus and is engaged in the protection of women's rights, addressing problems of domestic violence and rendering free legal aid to needy citizens. She previously served as a legal adviser to youths and adults in the Brest region of Belarus.

AZIZULLAH GAZIEV (UZBEKISTAN)

I had to flee Uzbekistan two months ago from my work as a political analyst for International Crisis Group, an international nongovernmental organization. My work was related to the issues of human rights, democracy, and the free market. In Uzbekistan, the war on terror today means more persecution of religious individuals, more oppression of the opposition, less freedom of speech and cessation of other liberties, less religious freedoms. Foreign governments today are becoming less critical of the government's human rights policies. Authoritarian governments, not only Uzbekistan, but I think almost everywhere, gain from the war on terror. The question is: Are we achieving more stability and democracy in countries where the rise of extremism can be largely explained by undemocratic policies?

Azizullah Gaziev is a political analyst on Central Asia for the International Crisis Group. He is now a research fellow at Princeton University. He is writing a policy-oriented paper called "Muslim Republics of Central Asia: Governance as Reflection of History, Culture, and Religion."

Authoritarian governments gain from the war on terror. The question is: Are we achieving more stability and democracy in countries where the rise of extremism can be largely explained by undemocratic policies?

The New York Times

Uzbeks' Anger at Rulers Boils Over

By SETH MYDANS

TASHKENT, Uzbekistan, April 5, 2003

After 10 minutes, the police officers drove off, having decided that it was not forbidden after all to photograph a propaganda poster that said: "The government expresses the will of the people." But that did not satisfy a woman at a bus stop nearby. "Why are you taking ridiculous pictures like that?" she asked. "Why aren't you taking pictures of all the things that are wrong?"

The terrorist attacks of the past week told the real story, she said. "These were poor people, desperate people, driven to act." she said. Both the government and foreign analysts say the suicide bombings and shootings, which killed 42 people here in this strategic Central Asian nation, were the work of Islamic militants, probably with ties to international terror groups. Foreign Minister Sadyk Safayev called them part of "the global activities of terrorism " that seeks to create chaos and instability. But in interviews here in the capital and in the surrounding countryside over the past few days, questions about the attacks set off furious outbursts about ruinous economic conditions and government repression.

"Everyone hates him," said a saleswoman, speaking of President Islam Karimov, who has led Uzbekistan, an important American ally on the border of Afghanistan, since it became independent from the Soviet Union in 1991. "Everyone is afraid of him." The vehemence and ubiquity of the complaints was striking. The United States has been urging the government to revamp its closed economy and relax its repressive grip as a means of maintaining stability.

Hundreds of American troops have been stationed at a base at Khanabad since it became a staging point for the war in Afghanistan in 2001. Mr. Karimov, 66, secured a constitutional amendment two years ago extending his term until 2007. There are murmurings that he could leave office before then, but as in most other post-Soviet states, no provision has been made for a peaceful transfer of power.

Asked about the widespread expressions of discontent, Foreign Minister Safayev declined to address the substance of the complaints. "Of course there's a range of opinions," he said at a meeting with foreign reporters."If the people you

interviewed think in this way, they have a right to think in this way. What can I say?"

Often the complaints began even before any questions had been asked. "Go talk to the people at the tile factory — they haven't been paid in years," said a hotel employee before walking quickly away.

From hair dresser to nurse to schoolteacher to farmer to ice cream seller, the grievances repeated themselves — rising prices, unpaid wages, inadequate pensions and salaries, unemployment, corruption and a climate of fear.

"Things are terrible here, terrible," said a welder in a small town outside Tashkent, the capital."And all the time Karimov is telling us that everything is fine, fine, fine, fine. Sure, it's fine for him. But people here are starving. Children go from house to house begging for bread." Many people who spoke like this were willing to give their names. Others declined,like the factory worker, who said, "They'll come at night and take me away and I won't even know the reason."

Martha Brill Olcott, an expert on Central Asia at the Carnegie Endowment, said these forthright complaints could be signs of what she called a "decaying regime, a dictatorship that has lost a lot of its punch."

"People are not as scared of the regime as they were," she said in a telephone interview from Washington. "People argue with the police now. That's been a big change over the past year. When they cordon off the streets so some high-ranking car can pass, people get out of their cars and begin yelling at the policemen." Unlike some recent terror attacks elsewhere, the bombings in Uzbekistan did not seem indiscriminate in their choice of targets. They were aimed mostly at police officers — unpopular symbols of government control who have become increasingly harsh since a terrorist attack here in 1999 killed at least 16 people. If the bombings last week were part of an international terror network, they were also neatly devised to tap into national resentments over government abuses.

There has been a deluge of criticism recently from human rights groups about widespread arrests, torture and repression. The press here is muzzled, genuine political opposition is barred, and independent civil society groups are severely restricted.

Uzbekistan has also mostly failed to make the economic reforms called for by the United States and international lenders and has strangled trade by closing its borders for what the government says are security reasons.

With 80 percent of the population living in poverty and with the economy steadily contracting, signs of social discontent have emerged. Last year factory workers staged strikes over unpaid wages and pensioners demonstrated in the streets demanding their payments.

But without a free press or legal political opposition, many people have turned to underground Islamic groups, some of which preach violence. "By destroying any normal lay political parties in the country, the only opposition groups which have structures and know how to behave underground are these fundamentalist parties," said Alain Deletroz, a vice president of the International Crisis Group, an international monitoring agency.

Abdulkarim Abdullayev, the imam of a legal mosque in the old city at the center of Tashkent, acknowledged that economic problems had driven some young people to radicalism.

"They say on television that it's Muslim extremists," he said.."But you've got to clarify that there are a lot of economic problems here, not enough work."

He suggested that a more democratic system could provide an outlet. "Even though there are economic problems, they have to be dealt with the way they are in developed democracies in Europe," he said. "In Europe people go into the streets with slogans and demand things." That kind of thing would be unthinkable here, said a driver who gave his first name as Sasha. "People speak quietly," he said. "Even on a bus you can't talk. Who could be listening? You are afraid to say what you think."

He punched the buttons on his car radio."One, two, three, four, five," he said. "Look, nothing but music. Everything here is happy and good." Or it could be that there was more on the radio than he realized. The last station he reached was playing a calypso song — by chance, perhaps — with an interesting refrain. "So you better get up, stand up, stand up for your rights," went the song. "Stand up for your rights. Don't give up the fight."

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VRINDA GROVER (INDIA)

I speak from a context that is very often described as an established democracy or the world's largest democracy. What has come up during the last two days' discussions is how fragile emerging democracies are and how under threat these days. I would like to draw attention to how even an established democracy can slide rapidly backward. The war against terror had very direct implications for India. Not only do we have our own version of the Patriot Act, called POTA (Prevention of Terrorism Act), but there are various other measures that have been taken across the country which draw legitimacy directly from the war against terror — the reversal of due process and fair trial that we see in laws like the Patriot Act and POTA. Today there is a report with the government that proposes to reverse these standards in the entire criminal justice system. So, there are inherent dangers in the current trend. It insidiously seeps into the institutions that have been built over decades.

Vrinda Grover

Nonetheless, I would, of course, at the same time completely agree that yes, there are a lot of freedoms in India. There are freedoms of the press and of speech. Within the institution of the judiciary, one can see the struggle to stay alive and independent. At the same time, particularly in present times, the few successes that one can count are direct consequences of a very vibrant human rights movement in the country, and if those democratic institutions are to stay in place, the vibrancy of that movement is absolutely essential.

We were told of some examples of how laws have been used. I just want to mention one here. On May 1 in one Indian state, some lawyers who had been organizing tobacco workers there circulated a leaflet that told of a judgment passed by the Supreme Court of India on the rights of a person upon arrest. These lawyers were charged with sedition for simply reproducing and distributing that judgment. This is very telling of the times that we are living in.

The other thing that I would like to focus on, and for which I am very grateful to Dr. Mutunga for placing it so squarely in the center of the discourse on human rights, is the issue of globalization. The highest number of arrests based on laws like the anti-terrorist laws are found in states where there are struggles for land, forest produce, and water. There is a direct and intimate connection that the human rights movement must address.

Also important to mention here is the ascendance of communal right-wing forces that is happening across the world and is not peculiar only to India. We had a communal massacre in 2002 in which one found that national law enforcement and judicial institutions were not able to rise to the expectations of people. It was in that context that perhaps for the first time, the human rights movement in the country actually looked outward and wanted to secure some kind of redress from international bodies such as the United Nations human rights bodies.

Vrinda Grover is a legal activist and researcher based in New Delhi. She is the author of *The Elusive Quest for Justice: Delhi 1984 to Gujarat 2002, The Making of a Tragedy.* She conducted a series of workshops on the issue of security laws in 2002. As portfolio manager of human security, citizenship, and the law for AMANI Trust, she is coordinating a legal aid cell and engaged in research to advocate for an autonomous and professionally competent office of the public prosecutor.

DR. ERNEST GUEVARRA (PHILIPPINES)

I want to share with you an excerpt from the children's storybook "The Velveteen Rabbit" by Margorie Williams. In this excerpt the rabbit asks the skin horse what it takes to be real.

"What is real?" asked the rabbit one day when they were lying side by side near the nursery fender. "Does it mean having things that buzz inside you and a stick out handle?" "Real isn't how you are made" said the skin horse. "It's a thing that happens to you when a child loves you for a long, long time. Not just to play with, but really loves you – then you become real." "Does it hurt?" asked the rabbit. "Sometimes," said the skin horse, for he was always truthful. "When you are real, you don't mind being hurt." "Does it happen all at once, like being wound up," he asked, "or bit by bit?" "It doesn't happen all at once," said the skin horse. "You become. It takes a long time. That's why it doesn't often happen to people who break easily or have sharp edges or have to be carefully kept. Generally, by the time you are real, most of your hair has been loved off, and your eyes drop out, and you get loose in the joints and very shabby. But these things don't matter at all because once you are real, you can't be ugly except to those who don't understand."

My story is not my own. It is the story of so many people that I have met from day to day and have been part of my life and have touched my life. To tell of my stories is to tell of their stories.

It is the story of a 60-year-old farmer who, together with his family, evacuated recently from their inner village where a battle is ongoing out into evacuation centers in the town proper where I work. After weeks of continued fighting, they remained in the centers living in makeshift tents and relying solely on food supplies given to them by relief organizations and local government. For a farmer, it was hard for him to see his family suffer and starve. His cornfield was now a battlefield. One day, despite the risks, he decided to come back to his land and try to harvest some corn to augment his family's supply of food. When he left, it was the last time that we would see him. He did not return that day, and they found his body the day after in a shallow grave with a gunshot wound through his abdomen and hacking injuries to his arms and back.

It is the story of a 16-year-old boy who was an evacuee living in a remote evacuation center along the river. After a 45-minute boat ride along the river and a 30-minute walk to his house, I met this boy, lying down with his lower extremities on makeshift splints made of the bark of a banana tree. I thought I was dealing with a simple case, but as I came closer, I realized that this was no ordinary fracture. Five days earlier, this boy went into the river to fish. He wanted to find food for his family because for the last 13 days, they'd not received any rations from local government or any relief organization and they were starving. He promised his mother that he wouldn't go far and that he would come back as soon as he caught some fish. But he couldn't catch any, and he didn't want to go home empty-handed. He and his family were starving. He went further upriver, determined that he would not come home empty-handed. He didn't realize that he was already in the inner village that was still not secure for civilians. He would be painfully reminded of this when he heard a volley of gunfire in his direction, and a bullet hit him just above the left knee. He hurriedly rowed his boat and with all his strength, left and made his way home. He was hit by a 50-caliber bullet that tore through his flesh and fractured his bone. When I saw him, he was still all smiles despite the pain and thanked me for attending to him.

It is the story of the kids that I interact and play with in the evacuation centers. During one of our play sessions, we read the kids a storybook entitled "War Makes Me Sad." The book is written from the point of view of a little girl who is sharing her experience during war of having to evacuate, of hearing gunfire and bombings and mortar shelling, of people getting killed, of fellow children losing loved ones. While the story is being read, we give the children some materials, such as a doll family and wooden toys. We encourage them to help us tell the story by acting out or playing the roles and characters in the story using the toys. Every kid started to say the girl in the story was just like them and that her experience was much like theirs. Some shared the fear they felt when they heard the explosions of bombs and mortar fire or the sound of hovering helicopters, gunships, and bomber planes — for others, the grief and sorrow of losing a relative or losing a father or a mother or both. At the end of the story session, one of the kids and his father came up to us. The father said, "I have experienced war for so many years now. For the past five years I have gone through four major armed conflicts. They say that this war is for our benefit. They say that this war is the solution; it is the only way that peace and development can be attained. I couldn't help but ask myself, 'Then why are we still poor? Why are we still suffering and why are we experiencing war over and over again?'" Then his son said, "War is not the answer. War is the problem. War is what we should be going against."

These are but a few of the many stories that make up my story, and these are but few of the many people whose lives have touched mine. My story is not my own; it is the story of these people. My courage, my strength is not my own; it is the courage and strength of fathers and mothers who persevere amidst the chaos and confusion of war to provide for their families shelter, protection, sustenance, and love. My wisdom is not my own; it is the wisdom of the communities and people who have given me the opportunity to be part of them and experience how it is to face danger and peril, how it is to struggle and survive, and how it is to hope and dream. My spirit is not my own; it is the spirit of the youth, who, despite facing so much uncertainty and hopelessness, still strive to regain control of their lives and chart for themselves a better future. My dream is not my own; my dream is the dream of each and every one of you here today, of each and every one who continues to struggle all over the world, the dream of a better world, the dream of peace.

I hope that each and every one of us here will seek to understand both the poverty and oppression that is the cause of conflict. Until we understand the violence to the spirit that comes from watching your child die needlessly in evacuation centers, there can be no insight into the desperation that leads a peasant to pick up a rifle and fight. Only with this kind of understanding will we be able to find lasting solutions.

"I suppose you are real," said the rabbit. "The boy's uncle made me real," he said. "That was a great many years ago, but once you're real, you can't become unreal again. It lasts for always."

Dr. Ernest Guevarra is a physician and human rights activist promoting rights, peace, and social development. Guevarra represents International Physicians for the Prevention of Nuclear War and works as a volunteer doctor in an outpatient clinic with the Medical Action Group, serving victims of human rights abuses and political detainees. He won the Reebok Human Rights Award in 2003.

NEIL HICKS (U.K./U.S.A.)

The International Peace Academy held a meeting last week that addressed the subject of this conference but from a governmental point of view. The Singaporean ambassador said that both the United Nations and the human rights movement are out of touch and out of date. He said that human rights groups have failed to appreciate that we are now in a global war against terrorism and in this new circumstance that we cannot expect to apply the "old values of human rights." The more I thought about this intervention, the more frightening it became. The ambassador did us a service, though, by speaking a truth because this view is one which many governments currently share. What the U.S. government has done, perhaps unintentionally, in its reaction to the 9/11 attacks is to create a new pretext to violate human rights, both for itself and, perhaps even more damagingly, for other governments around the world who can claim to be following the U.S. model. And, the particular aspect of this, which is so dangerous to the concept of human rights, is that it is open-ended in time and in scope.

As Hina Jilani remarked in the conference last Friday, many governments never want the war against terrorism to end because it suits them very well. Unfortunately, we must think that perhaps the U.S. government or at least this administration might be one government that, at least in part, finds it helpful to have the freedom of action that the war against terrorism has afforded it. And, of course, it is also open in terms of scope. Governments can use all kinds of exceptional powers in the name of fighting terrorism.

As human rights defenders, we should have two prominent concerns about this. As many of you already have acknowledged, we have experience with wars against terrorism. Many of you have been living in localized wars against terrorism for decades. As Martin O'Brien said so eloquently, fighting terrorism with human rights violations as a tool does not work. To the contrary, the impact of such a policy will be enormous as compared to the localized demonstrations we have seen in Northern Ireland, or southeastern Turkey, Palestine, or Colombia or all of these — all of these places that the world knows are going through intense suffering. The whole world could go in that direction. That is the enormous potential danger that we have an obligation to speak out against, and I hope we will do so in our declaration. This is a message that I think we are uniquely qualified to deliver.

What the U.S. government has done, perhaps unintentionally, in its reaction to the 9/11 attacks is create a new pretext to violate human rights, both for itself and perhaps even more damagingly for other governments around the world who can claim to be following the U.S. model.

Our second concern is to recognize that human rights standards are being undermined on a global scale — on a massive scale — within the context of this new global war against terrorism. We must make some clear demands of states in our declaration. We must reassert the obligation of states to recommit themselves to the human rights instruments and treaties which they have recognized and ratified. We must invite them and press them to affirm that human rights are an essential tool in combating terrorism and that fighting terrorism without human rights is a contradiction in terms. And those governments who declare that they are fighting a war against terrorism must be challenged to define their terms. If a state wishes to claim that it needs special powers to combat the dangers of terrorism, it must say specifically what these powers are and how specifically they will combat the threat that they are talking about. Special powers must be not open-ended; they must be reviewed periodically, say every six months, so that we don't get a constant state of emergency, as we have seen in many countries around the world that have responded to terrorist threats. The decision to invoke counter-terror measures must always be an active decision on the part of policy-makers and on the part of government leaders. It should not be a policy of default. That, of course, is the danger, which we see in too many countries around the world that have been confronting a terrorist threat for decades.

I also wanted to respond to Dr. Mutunga, specifically with respect to the challenges he placed on the shoulders of the U.S. human rights movement. There are at least two responsibilities that the major U.S.-based, internationally focused human rights organizations have been trying to face up to in the post 9/11 environment. First, we have responded to the domestic counterterror agenda. Both Human Rights Watch and we at the Lawyers Committee, now Human Rights First, have created new programs dealing with the United States of America and dealing with the many issues that have arisen within this context. We take very seriously our responsibility as human rights defenders based in the United States — to take on directly the human rights violations now being committed by our own government. But secondly, while giving this additional attention and diverting resources to our domestic concerns, we have a continuing obligation to find ways to be effective members of the international human rights movement — to find effective ways to support our colleagues, all of you, facing such acute challenges throughout the world. We are committed to doing this.

The U.S. government can be our friend in this area, and we should not lose sight of that. In many cases where we have intervened on behalf of persecuted human rights defenders, we have sought an ally in the U.S. government, and we have found one and very often an effective ally — Saad Eddin Ibrahim will probably testify to that. There are parts of U.S. policy that give us acute concern, but there are also elements within the government that can be helpful to us in our struggle for human rights. We must oppose that which we find objectionable from a human rights point of view, but we must not lose sight of the assistance that is still there to be found.

Neil Hicks directs Human Rights First's Human Rights Defender Program, which assists human rights advocates who have come under attack for defending human rights. Hicks supervises overseas missions, diplomatic advocacy, public education, and grassroots lobbying. Hicks also created and runs the new Middle East Initiative, a project to assist local human rights defenders in the closed societies of the region.

JARIBU HILL (U.S.A.)

(A performed reading.) You don't have to leave home to see acts of terrorism. You can stay right here. You can stay right here to see Klan terror, drive-by shootings of black people in Pillion, S.C., in 1992 — to see nightrider church bombings and burnings in the 90s and 2000s. You don't have to leave home to see human rights abuses. You can stay right here. You can stay right here. You can stay right here to see slavery, crimes against humanity in U.S. sweatshops, catfish plants, North Carolina hog farms, fruit and vegetable fields, migrant camps, border patrol, guest workers — expendable, forced to return home to terror, poverty, and death. Haitian refugees washed up on the shores of Miami down the street from Disneyland.

You don't have to leave home to see terrorism. You can stay right here. You can stay right here and remember Cynthia, Carole, Denise, and Addie Mae, who will never be prom queens, lovers, wives, mommies, doctors, authors, lawyers, or poets. All of that went up in smoke in a Birmingham church. You can stay right here and remember 20th and 21st century lynchings in the U.S.A.: Emmett Till in 1955, Raynard Johnson in 2000, Nicholas Naylor in 2003. You don't have to leave home and travel abroad to see human rights abuses and death trap prisons and jails. You can stay right here and remember Andre Jones hung in the Simpson County jail in 1992; Cedric Walker hung in the Parchman, Miss., penitentiary in 1992; Marcus Malone hung in the Mosspoint jail in Mississippi in 1999.

To see suspicious prison jail deaths, chain gangs, beatings, murder under the color of law, you can stay right here and remember Yussef Hawkins, Amadou Diallo, Michael Griffin, Michael Stewart. You don't have to leave home to see worker oppression, nooses around black workers' necks, sweatshops, and camps. You don't have to leave home. You can stay right here to see extreme poverty: not in India, Africa, or the Caribbean but in Johnstown, Miss.; Atlanta, Ga.; South Bronx, N.Y.; Harlem; Germantown, Pa.; Philadelphia; Miami, Fla., to see no solution.

Dehumanizing welfare deform, gentrification, urban removal, infant mortality rates higher in Harlem, N.Y., than those in Bangladesh. You don't have to leave home to see death-squad style killings at the hands of those sworn to protect and to serve: Eleanor Bumpers, 1989. You don't have to leave home to see human rights wrongs. You can stay right here in the good old U.S.A., land of the free, home of the brave, and remember Juan

Milagros María never made it across the border and never returned home. You can stay right here. You can stay right here.

(singing) The higher you build your barriers
the taller I become.
The farther you take my rights away the faster
I will run.
You can deny me. You can decide to turn
your face away.
No matter — something inside so strong, and
I know that we can make it.
Though they're doin' us wrong, so wrong,
thought that our pride was gone, oh no.
Something inside so strong.
The more you refuse to hear my voice the
louder I will sing.
You hide behind walls of Jericho — your lies
will come tumbling.
Deny my place in time, you squander wealth
that's mine.
My light will shine so brightly it will blind
you.
'Cause there's something inside so strong, and
I know that we can make it.
Though they're doin' us wrong, so wrong,
thought that our pride was gone, oh no.
Something inside so strong.

The words come from a brother from Nigeria named Labi Siffrey who had to go into exile from his own country when he announced to the world that he was an openly gay man.

Brothers and sisters, when they insist we're
just not good enough.
When we know better just look 'em in the
eyes and say,
'We're gonna do it anyway, we're gonna do it
anyway.'
Cause there's something inside so strong, and
I know that we can make it.
Though they're doin' us wrong, so wrong,
thought that our pride was gone, oh no.
For all of us. Something inside so strong.

"My Country 'Tis For Thee"
Written and Performed by Jaribu Hill

My country 'tis for thee,
Dark land of slavery,
For thee I weep.
Land where the slave has sighed,
And where he toiled and died,
To serve a tyrant's pride —
For thee I weep.
From every mountain side,
Upon the ocean's tide,
They call on thee.
Amid thy rocks and rills,
Thy woods and templed hills,
I hear a voice, which trills —
Let all go free.

Jaribu Hill is executive director of the Mississippi Workers' Center for Human Rights in Greenville, Miss. She devoted much of her earlier life to activism and song, later undertaking legal studies and becoming a civil rights attorney. Shortly after earning her law degree, she organized the Southern Human Rights Organizers' Conference in Miss., which led to the establishment of the Southern Human Rights Organizers' Network.

HAMEEDA HOSSAIN (BANGLADESH)

We are discussing here the need to win the war against extremism. There is sometimes confusion around the word "extremism." We must ask ourselves what we are trying to address. The conditions of extremism, in one sense, existed for ordinary people long before 9/11. And for most people, this is the excessive power of states and what they represent. States do not necessarily represent the interests of the people. In fact, they are moving away from representing the interests of the people and toward arbitrariness, which has been there before 9/11. Insecurity for human beings has been there long before the twin towers were attacked. Houses are being demolished in Palestine and Kashmir every day, and yet we have not woken up to that. So I ask, "Are we addressing the needs of security for ordinary people or are we saying that in one country something has happened so let's wake up to it?"

Another point is that if we discuss the need to strengthen the rule of law, we have to be careful. What if you have laws like the Patriot Act that contain troubling elements from a human rights perspective, do you want to strengthen the rule of law in those cases? So perhaps we need to be much more direct in saying what we are for and what we are against.

Getting back to the policy forum, I support the idea. I hope that it will be flexible and not necessarily be limited to just one meeting a year because then that just ends up with sharing experiences — they tend to repeat themselves. If you have a policy forum based in the United States, perhaps it would be a good idea to decentralize proceedings, because each region has very specific problems particular to that region. It is difficult to arrive at solutions or suggestions for the whole world. There are various other initiatives also within different regions. There could be cooperation between the various regional fora and a centralized policy forum.

Insecurity for human beings has been there long before the twin towers were attacked. Houses are being demolished in Palestine and Kashmir, every day, and yet we have not woken up to that.

In the course of our discussion, we should not forget the problem of the military industrial complex. This is now the main contributory factor to even the kind of violence that has arisen in the world, and it is also influencing the policies taken by many countries.

Hameeda Hossain is the founding director of Ain o Salish Kendra, a legal aid and human rights organization. She has written extensively on women's rights and gender equality, migration and trafficking, violence against women, and women factory workers, whom she has helped to organize.

Reebok's Shalini Nataraj with Hameeda Hossain

RANA HUSSEINI (JORDAN)

I am a journalist from Jordan. I have been working for the past 10 years on violence against women — mainly women who are killed by their families in the name of honor. I was excited when I was invited to this conference because I live in a country surrounded by boiling events, as they say. In our region, we felt that after the September

Rana Husseini

11th attacks there was an inaccurate image of Muslims and Arabs. Whatever negative things happen, they easily are attributed to terrorist Arabs. I felt that I needed to be here in order to gain experience and maybe hear your opinions about how we can change this image that's been haunting us Arabs for many years, especially after September 11th.

To compound the problem for women, it feels as though, living and working in the Middle East following the September 11th attacks, the focus has shifted from women's issues to trying to restore the image of Arabs in the world. So, my request is for The Carter Center and U.N. officials to help us with our work to continue promoting women's rights — with my cause, of course, to address the issue of women who are killed in the name of family honor. Of course,

There are many, many ways that women are suffering in the Middle East. My request is for you to remember us in this larger struggle for human rights defenders and to keep fighting with us.

these crimes happen, not only in Jordan, but in other countries as well. And there are many cases where women suffer. In Egypt there is female genital mutilation. In Kuwait women still cannot vote. There are many, many ways that women are suffering in the Middle East. My request is for you to remember us in this larger struggle for human rights defenders and to keep fighting with us.

Rana Husseini is a journalist and women's right advocate who wrote a prize-winning article in the *Jordan Times* five years ago that shattered a conspiracy of silence to tell the story of "honor killings." She reported that these killings actually account for the majority of murders in her country every year. She received the Reebok Human Rights Award in 1998.

HAUWA IBRAHIM (NIGERIA)

I come from Nigeria, where I was the defense attorney for Amina Lawal, a young lady who was sentenced to death by stoning for the alleged crime of adultery under an extreme interpretation of Shariah law. Amina was acquitted, but the consequences of her case may be far-reaching. I want to speak a little bit about the strategic importance of Nigeria. When I heard the representative from Afghanistan speak about the Taliban, it made me think about the dangers of religious extremism in my country — it is dangerous for the region and for the world.

Nigeria has a population of 132 million people. We cannot afford to allow it to be unstable. What concerns me is that some from Africa may take the wrong lesson from Amina's case. I have heard some from Cameroon, Benin, and even Mali saying, "If you succeed in this case, we are going to try Shariah law." This is the wrong interpretation of the Shariah. The international community must stay engaged in Nigeria, as should the U.N. Commission on Human Rights. The commission should not only monitor but should also become active on the ground. I come from the northern part of Nigeria where it is predominantly Muslim, but we also have Christians. But most importantly, we have a constitution. Nigeria is a signatory of international human rights treaties of the United Nations. We want the United Nations to be active in pressing the Nigerian government to respect its international obligations; they have signed these treaties so they must be called upon to respect them. The United Nations should not be passive.

As human rights defenders, we work within the system. We work with the mullahs. We work with the traditional leaders who did not even want us to be educated or to speak, which is the same tradition up to today. But we work within that system, though it is not easy.

A couple of weeks ago, we got a judgment in favor of Amina. She is one out of 47 cases that I am handling pro bono. I have hundreds of cases. The world is looking to us, so we must set precedents. The law itself permits discrimination, though it is not permitted under international standards. Today it is the law in Nigeria that pregnancy alone is conclusive proof of adultery. This cannot be found in U.N. treaties. Everybody shall be equal. Today women are not equal in my country. We cannot encourage that. We cannot see them — the extremists — turning into the Taliban. We cannot afford that, as they are too many. We are going to make the world fabric unstable. They go from house to house to knock and say, "Come out, you have no husband, and you are pregnant," and that's conclusive proof. We hope that the world community hears our cry, within many cries, to come to the aid of Nigeria to stabilize a region and stabilize the continent.

Hauwa Ibrahim served as defense counsel to Amina Lawal. From 1989 to 1996, she served as prosecutor and defense counsel for the Ministry of Justice in Bauchi state in Nigeria and was pro bono defense counsel to more than 40 Shariah-related cases since 1999, including 15 adultery cases and 32 theft cases with the penalty of having limbs removed. She also drafted the constitution of the Pan African Lawyers Union.

IVAN IVANOV (BULGARIA/ HUNGARY)

I would like to speak about a people without a state, a nation without a territory, the Roma people who are known in this part of the world as gypsies. There are about 8-9 million Roma residing in different countries around the world, mainly in Central and Eastern European countries. They are minorities everywhere in the world. We have been talking about terrorism, but there are two types of terrorism. Roma people live in countries where there are no wars, no conflicts, no occupation, no authoritarian or totalitarian regimes, but they face terrorism in their everyday lives. The type of terrorism that connects more or less to the events of September 11th was never before considered as a real danger in this region.

The Roma people throughout Europe are regularly subjected to violence and other forms of abuse by law enforcement officials, ranging from insults and arbitrary arrest to severe physical treatment, sometimes resulting in death. They also are subjected to racially motivated violence by so-called skinheads — Nazi-oriented gangs that attack Roma everywhere that they exist as a group. Roma women are subjected to cursory sterilization reminiscent of the [European] Holocaust. Roma families tend to have more children than non-Roma families, so there is a fear of Roma becoming the majority in 20-50 years, leading the authorities to establish harsh practices to prevent this. There is widespread discrimination, and the percentage of unemployment in this community has sometimes reached 90-100 percent, creating a burden for the state budget.

This morning you heard about walls that separate communities. This is something you can see in many countries in Central and Eastern Europe where Roma ghettos are segregated by walls to hide the misery from the world outside. There is segregation in the hospital maternity wards and in schools. Roma children in the Czech Republic and Slovakia are sent to special schools with curriculum designed for mentally handicapped children. This is the same situation now in Bulgaria, Romania, Czech Republic, Slovakia, and Hungary. They have no access to restaurants, bars, pharmacies, and supermarkets. Ill-treatment upon arrest or in detention is very common. After September 11th, the war against terrorism somehow legalized police brutality against Roma people. Roma are more likely to be arrested than members of the majority. The only argument of the police officials is that the Roma are the same color as the terrorists.

Roma do not want special rights. They want to be treated equally. They want the international human rights instruments signed and ratified by these countries to be enforced equally for them. International pressure has more effect than the domestic judicial system and other instruments. Yesterday we discussed the importance of relying on domestic courts, but in our case we cannot expect too much from the domestic courts. Only international pressure will result in effective implementation of international human rights treaties on a domestic level.

Ivan Ivanov is an attorney with the European Roma Rights Center in Budapest, Hungary, which monitors the human rights situation of Roma and provides legal defense in cases of human rights abuses. Ivanov is also the chairman of the Bulgarian National Human Rights Project.

TANYA LOKSHINA (RUSSIA)

Listening to the interventions of my colleagues with regards to the situation in Palestine, I could not help but speak up, because there are certain very drastic similarities with regard to the human rights situation in Palestine and Chechnya, or the Chechen Republic of the Russian Federation, as it is appropriate to call it. The similarities are quite drastic. There are also major differences — one of them being that while the attention of the international community and that of the media has been drawn to Palestine, Chechnya remains a forgotten region. This is despite the fact that the situation there has not changed for the better. Chechnya is a very small territory like Palestine. It is about 15,000 kilometers, and the population of the region has gone down from around 1 million to approximately 600,000 people, so many having fled the war.

Tanya Lokshina

The war, now bordering on genocide, has been going on for 10 years now with a very small gap between the two military campaigns. There are major violations of human rights and humanitarian law. The Russian Federation is fighting the war under the label of an anti-terrorist operation, which I think is particularly important for our discussion today. There is total arbitrariness of the military and of law enforcement. There are mass executions, torture, murders, and disappearances, probably one of the biggest problems in Chechnya these days. The phenomenon of using the label of the war against terror to fight an internal war that used to be typical for Chechnya only is now expanding to the rest of the country and particularly to the wider region of the Northern Caucuses. For example, the "sweep-up" operations are now not only in Chechnya but also being carried out in the neighboring Ingushetia.

At the start of the second war in 1999 and 2000, the attention of the international community and of Western democracies was to a certain extent focused on the region. However, 9/11 changed everything. As soon as the Russian Federation became a partner of the struggle against terrorism, Chechnya was forgotten. It was very significant in this respect that in the spring of 2002, the U.N. Commission on Human Rights failed to pass a resolution condemning Russia for its actions in Chechnya, though the commission had done so in 2001 and in 2000. Now, with the presidential elections, the Russian Federation claims that the situation in the region is totally stable — that things are getting back to normal. But in fact, there is an escalation in violence.

The fight against terrorism is used in order to fight a war in Russia's own territory and in order to justify a whole range of blatant violations of human rights and humanitarian law. There is no attention to that in the world. There is no international protest against what's happening in the region any longer.

The fight against terrorism is used in order to fight a war in Russia's own territory and in order to justify a whole range of blatant violations of human rights and humanitarian law. There is no attention to that in the world. There is no international protest against what's happening in the region any longer.

It was very important, I think, to follow the debate in the Human Rights Committee of the United Nations, as the committee has just examined the fifth periodic report of the Russian Federation. The committee experts asked quite a number of questions about what is happening in Chechnya today and how the Russian Federation can find a balance between human rights and the struggle with terrorism. The responses given by the Russian delegation were very far from satisfactory. Everything that is happening in Chechnya was described as merely part of the international struggle with terrorism. As far as finding a balance, the Russian delegation would not even comment on that.

How can we get the attention of the international community back to what's happening in Chechnya? It is evident at this point that the things that are happening in Chechnya actually breed terrorism because the number of terror attacks in the Russian Federation in the past couple of years has increased tremendously. So, how can we get that back in focus, despite the fact that the communities of Western democracies are very much interested in Russia's partnership in the joint struggle with terrorism; it is a very important question that we should address.

Regarding the policy forum, while the policymakers and the decision-makers are generally our number one target group, we should not forget about public opinion. Apparently in a contest of the war against terror, there is a lot of public support for this war. The war against terror itself creates the ambience of terror in society. And people are so afraid that, for the sake of security, they are ready to give up their own rights. In order to make some impact on the public in general, we can organize something like a "voices of the victims" forum. This component of the larger forum could include not only defenders like us who are lawyers and activists but also lay people who are caught up by heavy-handed actions of the state in a completely arbitrary way. If we give the floor to those victims and if we publicize their stories in a very media-friendly fashion, not in the usual type of reporting but something very flashy, then I think that we can actually achieve some success with the general public. We can do a book or booklet on that and a special conference can be organized, and that can attract some publicity.

Tanya Lokshina is the executive director of the Moscow Helsinki Group and is the long-term expert of the International Helsinki Federation on the TACIS-funded project "Legal Protection of Individual Rights." She has written or edited numerous publications on varied human rights issues, including a series of the Moscow Helsinki Group called "Human Rights in Russian Regions."

HELEN MACK (GUATEMALA)

I would like to refer to the strategic journey that Mr. Ramcharan invited us to take today. It is true that there are still Cold War aspects to the strategies we must employ, such as linking human rights to the issue of development. From this perspective, it worries me that at least on the Latin American continent and especially in the Central American region, these elements still persist and human rights violations have gone entirely unpunished. The intelligence agencies, which still define who are the internal enemies, have not been given a new alternative to their way of thinking. Today they commit violations with the excuse of fighting terrorism — before it was the fear of communism that led to genocide, extrajudicial executions, and disappearances. Hina Jilani was right when she said it is a contradiction to think that military governments can be democratic governments because it is the military that undermines democratic institutions.

We have used all the human rights instruments. Several special rapporteurs have come to Guatemala. The rapporteur on the Independence of Judges and Lawyers has come twice, made more than 90 recommendations; fewer than 20 percent of these recommendations have been implemented. Hina Jilani came last year. After her briefing with the president, the threat against human rights defenders increased by 100 percent. The Inter-American Commission made a visit and has issued reports. The Inter-American Court has before it four human rights cases from Peru, but none of its recommendations have been implemented. While we do consider it to be progress that almost all of the countries have signed international human rights agreements and treaties, there are no mechanisms that oblige the states to make these a reality. From this perspective, I would like to support Mr. Blanco's initiative to support the United Nations in carrying out reform. The OAS should strengthen also all of these international human rights protection mechanisms.

President Carter and other Nobel Prize winners such as the Dalai Lama and Nelson Mandela could support the reform of the United Nations, because on their own, states will not do it. Nobel Prize winners from the Americas could carry out the same project at the OAS — people such as Pérez Esquivel, Oscar Arias, and Rigoberta Menchú could support and strengthen the Inter-American Commission's human rights protection system.

I would like to speak also from the perspective of those who have suffered human rights violations, that we be given a little bit of hope. Many of us are already exhausted in a struggle that has consumed us and that has remained at the political level, forgetting about the human being, as such, in his and her essence.

Helen Mack is executive director of the Myrna Mack Foundation, an organization dedicated to defeating impunity and defending human rights in Guatemala. Mack's sister, Myrna, was a social anthropologist who studied the problems of people displaced by the Guatemalan civil war and was assassinated in 1990 by military commandos. Mack has since sought to bring to justice those responsible for the death of her sister. Mack's tireless efforts have led to harassment, persecution, and death threats.

OMAR MESTIRI (TUNISIA)

I am the secretary-general for the National Advisory for Freedom in Tunisia. It is an unauthorized organization, whose activities have been subjected to great persecution. Our goal is to combat impunity, especially impunity for torture. In our country, the system has been in violation of the law: Citizens who exercise their rights are criminalized; those who attack their freedom are guaranteed impunity. We are an Arab country, and since our independence 47 years ago, violence has been, by and large, an act of the government. For 16 years, during the fight against terrorism, which has never really existed in our country, our government has limited freedom. We are persecuted because the government considers us to be accomplices to terrorists. So, we work in a very difficult situation, but we have been able to continue our work without pause because we are determined that our citizenry take advantage of universally recognized freedoms.

What distinguishes our country is that torture occurs in the very rooms where the Universal Declaration of Human Rights is hanging on the wall. Any tortured person can attest to that.

It is difficult to speak after hearing the dreadful picture of the situations in Palestine, Afghanistan, Chechnya, and Colombia. I come from a country where there is not conflict, where there is an important middle class, where there is political stability, where women's rights have been recognized for nearly 50 years, where there is a tradition of trade unions.

I decided to speak for two reasons. The first reason is that I think that nothing is irreversible; nothing has been definitively accomplished yet. I think that human rights could be threatened even in Denmark if we are not vigilant. The second reason that pushed me to intervene is that, in this era of globalization, there is an interdependence — an interdependence to advance human rights or an interdependence to reverse them.

My country, Tunisia, is in a depraved system, a sophisticated system of oppression. It is a country that has been eager to sign all the international treaties and which tries to follow, rather, pretends to follow all the correct methods. But there have been no open and free elections since 1956, since 47 years ago. There is no system, and all the elections result in victories of 99.25 percent. It is a country where the practice of torture is widespread. What distinguishes our country is that torture occurs in the very rooms where the Universal Declaration of Human Rights is hanging on the wall. Any tortured person can attest to that. It is a country where advocates and young people who try to enter chatrooms are arrested and convicted. The problem is that the people of this country are part of an amicable regime. In 2002, our president, who should have left office at the end of his term, according to the constitution, amended the constitution to perpetuate his exercise of power so that he can be president for life. He also has modified the constitution in a way that gives him impunity for life for all of his official acts. The position of the U.S. Department of State is that there is no way to formally object to these actions — that the procedures were followed. But Tunisian citizens are not voicing their opinions.

Either our discourse and our actions can have resonance or else it is extremism that can feed the illusion.

The problem is that we have leaders like Mr. Chirac, Mr. Berlusconi, Mr. Aznar, who think everything is OK in Tunisia. And here I find a bit of racism, because it seems normal to these leaders for our people to have no free press or debate and that we are subjected to censorship. I think that this double standard reflects racism.

Now, regarding this double standard: How should we react? Exercise of rights is not possible as long as those who threaten these rights, those who commit the crimes, are not all punished in the same way everywhere. And here I want to say that, in our country, we are defenders of human rights, and in an Arab country our situation is very difficult. Our people have the same level of aspiration as every other people in the world. You know, because of globalization, we see all the media; we see the protests against the war in Iraq in Washington, London, hundreds of thousands. But the people who deeply want to protest in our land against the war in Iraq cannot. They are mistreated, beaten. And this is unacceptable anywhere else.

What is the way for our people to fulfill their normal and valid dreams? I think that the regime that governs us does not have any future. That is what Western governments still have not understood. Can defenders of human rights have a future in our country? Can we have schools? Can our values and our speeches have resonance? I think this would be difficult and that there are two alternatives. Either our discourse and our actions can have resonance or else it is extremism that can feed the illusion. True, in Tunisia, we do not yet have terrorism, or it has been very marginal, but we cannot judge what the situation will be tomorrow. For these reasons, I think we must adopt some surefire methods.

In conclusion, I want to highlight one thing: Do we lack the power necessary to implement a precise method, or is it a lack of political will? The question I pose is this: Why do the government and the international community arrive at precise rules when it has to do with business and financial transactions but not human rights? And why do a lack of efficiency and lack of power surface when it comes to human rights? I would like you to answer these questions. I don't think any mechanism can work if there are not sanctions – the same sanctions in effect everywhere when there are violations.

Omar Mestiri has worked to end the torture of individuals through the Tunisian League for the Defense of Human Rights since 1981 and the Tunisian section of Amnesty International since 1994. In 1998, he also co-founded and became the secretary-general of the National Council for Liberties in Tunisia, which manages the project "Campaign for the Eradication of Torture." Mr. Mestiri has endured constant harassment and repression from state forces, including deprivation of his passport, police surveillance, and having his phone lines and Internet lines cut and interrupted.

The Washington Post
By Neil Hicks
February 16, 2004

Our Friend the Autocrat

President Bush will have an opportunity to put his "forward strategy for freedom in the Middle East" into practice this week when he meets with Tunisian President Zine Abidine Ben Ali at the White House.

President Ben Ali is an unreconstructed autocrat who runs one of the most repressive police states in the Arab world. He was "reelected" to a third five-year term by better than 99 percent of the vote in 1999. In 2002 the ruling party called a referendum in which it claimed that more than 99 percent of the voters favored allowing the president run for a fourth term and granting him blanket immunity from prosecution, even after he leaves office — assuming he ever does.

President Bush has pledged that "when the leaders of reform ask for our help, America will give it," and he has said that America is "expecting a higher standard from our friends" when it comes to upholding liberty. These are fine words, but the champions of liberty in Tunisia will be expecting little from their president's visit to Washington. The Tunisian government, on the other hand, will be expecting further affirmation of its position as a U.S. ally in the war against terrorism. In short, it will be expecting business as usual, with Washington turning a blind eye to persistent violations of human rights in Tunisia and the brutal gagging of peaceful dissent.

It is vitally important that the Bush administration find a way to show it is serious when it claims to have a new approach to the region, especially in its dealings with such repressive allies as Tunisia. Otherwise, the long suffering of the region – "a place of tyranny and despair and anger," to quote President Bush – will continue, with ever more of the blame attaching to the United States. To follow the administration's logic, this would result in it producing more "men and movements that threaten the safety of Americans and our friends."

The indications that we will hear something qualitatively different from the administration this week are not good. In December, Secretary of State Colin Powell went to Tunis and praised the "excellent partnership" between Tunisia and the United States in fighting terrorism. A few weeks earlier the assistant secretary of state for Near Eastern affairs, William Burns, announced that the United States had chosen Tunis as the regional center for its Middle East Partnership Initiative, a program to promote democracy and political reform. The announcement provoked a hollow laugh from Tunisia's beleaguered democrats and reformers.

Powell indicated at his news conference in Tunis that President Bush would want to discuss political reform and openness in Tunisia during his meeting with President Ben Ali in Washington. There is much to talk about. Independent organizations monitoring human rights such as the National Committee for Civil Liberties in Tunisia and the International Association to Support Political Prisoners have been denied legal recognition. Their activities are habitually banned or broken up by the police, and their members are harassed and subjected to intrusive surveillance. Human rights leaders are subjected to sustained governmental harassment. Their careers are destroyed; members of their families are threatened; they are arbitrarily banned from foreign travel; their telephone lines are cut or interfered with. Periodically they are imprisoned.

Zouhair Yahyaoui, who published an independent Web magazine, Tunezine, was sentenced in June 2002 to 28 months in prison for "putting out false news" and "unauthorized use of the internet." He spent 15 months in jail. The Internet is strictly censored in Tunisia, as are local broadcast and print media. Zouhair Yahyaoui incurred the wrath of the government by publishing a memorandum by his uncle, Mokhtar Yahyaoui, at that time a senior judge, who criticized the Tunisian government's undermining of the independence of the judiciary. Mokhtar Yahyaoui was removed from the bench for voicing his opinions.

For years the Tunisian government has justified its repressive ways as being necessary to hold back the tide of militant Islamic extremism. It points to neighboring Algeria as an example of how things could go wrong. But Tunisia is not Algeria and never was. If democracy and human rights cannot make progress in commendably literate, comparatively prosperous, ethnically and religiously homogenous Tunisia, then they are unlikely to make progress in other Arab countries, all of which are wrestling with much greater challenges.

It is time for the Tunisian government to end its excuses. President Bush can prove wrong those who are skeptical about his plans to reshape the Middle East by delivering a clear message to President Ben Ali that his repression of nonviolent dissent must stop. The writer is international programs director of Human Rights First (formerly the Lawyers Committee for Human Rights). REPRINTED BY PERMISSION OF THE AUTHOR

RACHLAND NASHIDIK (INDONESIA)

I work with IMPARSIAL – The Indonesian Human Rights Monitor, a human rights nongovernmental organization based in Jakarta. The organization has three main programs. First is proposing alternative human rights policy. Second is a program to develop a database of human rights violations and track record of the military. And the last program is building a system to protect human rights defenders. I came here mostly to listen and to learn from this conference on how to maintain security and liberty at the same time. A couple of months ago in Indonesia, the Parliament passed an anti-terrorism law, which has been used to criminalize political dissidents. I believe that these two types of rights, security and liberty, can be maintained in this era.

There are similarities that many countries are facing now after the introduction of anti-terrorism legislation, including the criminalization of political dissent and also the potential abuse of police power. But there are also differences. In my country, it is true that the anti-terrorism law gives way to the potential of abuse of police powers, but what makes us Indonesians more concerned is that this legislation has been used by the military and state intelligence body to get judicial powers. This legislation provides a way for the military and state intelligence service to get back its traditional role of internal security. So this makes our problem different from democratic countries. What we have struggled for 30 years to obtain, and partially achieved after '98, is to push the military away from internal security and toward working as a defense power only. But after 9/11 and particularly after the Bali bombing and the Marriott bombing, the military used this momentum to get back its traditional power, based on the idea that the police force in Indonesia is incapable of combating acts of terrorism. So, instead of worrying about the potential abuse of police powers, we actually endorse training for the police so they can have capability to combat terrorism properly. We find it difficult to campaign on this idea because foreign countries like the United States, for example, prefer to resume military cooperation instead of giving training to police in Indonesia.

I have to underline something. In 2004, we are going to have the first direct election, and the military will no longer have seats in the Parliament. So they have a clear intention to maintain political influence using this war against terrorism. So they are really trying to maintain political influence with the political authority.

Rachland Nashidik is the co-founder and program director of IMPARSIAL – The Indonesian Human Rights Monitor, focused on issues of justice, accountability, and democracy, particularly in the troubled province of Aceh. He is also the co-founder of the Indonesian Association for Legal Aid and Human Rights. Under the Soeharto dictatorship, Nashidik was forced to live in exile in the Netherlands.

MARTIN O'BRIEN (NORTHERN IRELAND)

It is vitally important that the various arms of the United Nations as well as respected figures like President Carter articulate the very clear and strong message that we cannot defeat terrorism by removing the rights of people who live in particular societies. That does not work. The best way to build peaceful societies is to protect human rights. It is extremely important that there is no compromise on that message and that the message is articulated very loudly and very clearly, as it was today by Hina Jilani.

I come from a place where there has been a war on terrorism for very many years, and many of the repressive approaches spreading across the world are ones which originated or at least have been practiced for many years in the place where I live. But there is conclusive evidence from the Northern Ireland experience and from other situations that sacrificing human rights in the name of security does not work — if anything, it leads to an escalation in violence. We as human rights defenders in that situation, had to face speaking up when people who were suspected or so-called terrorists were being denied their rights — we had to risk being marginalized and all the dangers that accompanied such status. What made it easier for us was the support of people like Hina Jilani, the various U.N. committees and mechanisms, and in particular the support of special rapporteurs like Param Coomeraswamy (special rapporteur on the Independence of Judges and Lawyers). Although people can often be very critical and dismissive of the United Nations, the interventions and the support of U.N. mechanisms and committees were vitally important in preventing our marginalization, in providing us with security and safety. This was necessary in the Northern Ireland

There is conclusive evidence from the Northern Ireland experience and from other situations that sacrificing human rights in the name of security does not work – if anything, it leads to an escalation in violence.

Charles Onyango-Obbo (Uganda) with Martin O'Brien

context in our efforts to move forward to create a lasting peace.

It seems to me, in the times ahead, it is very important that the various U.N. mechanisms continue to play that roll. I was somewhat concerned about the comment that human rights defenders should not count on international support and that we are to some extent on our own, because certainly I have felt very much supported by the U.N. mechanisms, and it is particularly important that we work out how to build on them. We should examine how we as human rights defenders can best lend our voice to supporting the kinds of recommendations coming from Hina Jilani and others within the U.N. human rights system. We must build a consensus around the need for the strengthening of these mechanisms. Rather than the proliferation of mechanisms, I think we should focus on building up the ones that are actually working and delivering real support. I think it's incumbent on all of us as human rights defenders to advance that agenda.

There is also a particular responsibility on the United States and on senior figures like President Carter, who has played such an inspiring role in the world, to continue to speak out about these issues. If people in positions of relative safety do not do this, those who are vulnerable will be further marginalized.

There is also a particular responsibility on the United States and on senior figures like President Carter, who has played such an inspiring role in the world, to continue to speak out about these issues. If people in positions of relative safety do not do this, those who are vulnerable will be further marginalized. I imagine there must be sensitivities for a former president in this respect, but these are quite exceptional times.

It was quite chilling, for example, to discover that there is an executive order now here in the United States that actually requires lawyers in this country to secure a license, as I understand it, if they are going to file proceedings in international tribunals. That seems to me to be quite an amazing restriction on the legal profession here in the United States. Similarly, I have heard that foundations in this country now have to go through a vetting process before they decide to fund internationally. All of these things will have a very serious effect on countries and on emerging democracies and on very fragile movements in different parts of the world. I would very much encourage people here who have been dissenting to continue. I think The Carter Center and President Carter are to be warmly congratulated on the initiative that they have taken to try to bring some of these concerns to the ears of policy-makers here in the United States, and that is an absolute priority.

Martin O'Brien is the co-coordinator of the Committee on the Administration of Justice, Northern Ireland's leading human rights nongovernmental organization. O'Brien was particularly active in securing strong human rights protections in the historic Good Friday Peace Agreement. He was a Reebok Human Rights Award winner in 1992.

CHARLES ONYANGO-OBBO (UGANDA)

The East African
November 17, 2003

War on Terror Becomes Assault on Freedom

by Charles Onyango-Obbo

Last week, Willy Mutunga, executive director of the Kenya High Commission, was part of a team that did the rounds in Washington on a quiet diplomatic mission.

The team had meetings with senior Bush administration officials, influential Washington think tanks, newspaper editors, and some of America's top columnists.

Their mission was to explain how some of the Bush administration's actions after the September 11 terrorist attacks in New York and Washington have emboldened dictators and strongmen all over the world to copy its example and crack down on dissent and abandon the rule of law.

Such actions include the decision to hold thousands of foreigners in the United States without charge because they were suspected of involvement or links to terrorists, and the sweeping Patriot Act.

A proposed Patriot Act II stipulates that a foreign-born American who is involved in terrorism should be deported back to his or her country of origin.

The visit was the climax of a major international human rights conference at The Carter Center in Atlanta. The stories from Central Asia and Latin America about how governments were committing atrocities in the name of "fighting terrorism" were chilling.

In India, peasants who were campaigning for land rights were accused of being terrorists and expelled from the land. In Bulgaria, where the vilest form of per-

secution continues against the gypsy population, today they are being beaten and jailed by police on the grounds that they "look like terrorists."

The point the team was trying to make was that it is possible to fight terrorism with just laws and within international human rights standards. Former President Jimmy Carter was leading the Washington "raid." Among the other members of the team along with Mutunga was Saad Eddin Ibrahim. Ibrahim is a professor of sociology at the American University in Cairo (AUC). He had for long been a thorn in the flesh of the Egyptian government for his bold human rights and democracy campaigns. In 1999, in a move designed to punish him, Ibrahim was sentenced to seven years hard labour for "tarnishing the reputation of Egypt," and receiving foreign funds for his study centre 'without permission of the government.

Ibrahim was released last year after a successful appeal against his imprisonment. One evening, on the bus back to the hotel, we got round to talking about his life in prison. He recalled how, one day, the South African ambassador to Egypt arrived at the prison. The guards were at a loss, as they couldn't stop an ambassador from seeing Ibrahim.

The ambassador had brought Ibrahim two gifts from the grand old man, Nelson Mandela himself. One was Mandela's autobiography, "Long Walk to Freedom." The other was a very comfortable quilt.

Ibrahim couldn't figure out why Mandela had sent him a quilt — until he read the book and realised it was a symbol that he wished him comfort. After reading the book, Ibrahim says he tried out the tips that Mandela used to survive prison life. And he was amazed how much the attitude of the prison warders changed.

"Mandela's wisdom helped me survive," a visibly moved Ibrahim said. Ibrahim is about to finish his autobiography, which includes his prison diaries, so let's leave it to him to tell this story.

As I listened, I vividly remembered Ibrahim at the AUC in the mid-1980s. He was one of the most sought-after professors on the campus and had an energetic bouncy walk. I hadn't seen him for more than 10 years until the Carter Center meeting. It was shocking to see the physical toll that prison had taken of his health.

Ibrahim now walked with difficulty, supporting himself with a stick. But as with most such men, the one thing the government could not break was his mind. If anything, he seemed sharper. In a world in which a few good men like Ibrahim can be found, even if they are working out of their wheelchairs, evil (in the form of terrorists and cruel governments) will not triumph.

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Charles Onyango-Obbo is the owner and managing editor for media convergence and syndication for the Nation Media Group in Nairobi, Kenya. Onyango-Obbo was the managing editor of Uganda's only independent daily newspaper. He has been arrested several times for his outspoken advocacy of democracy and transparent government and has been taken to court more than 120 times.

VITALIY PONOMAREV (RUSSIA/TURKMENISTAN)

The program that I supervise is monitoring the human rights situation in the two most repressive countries of Central Asia, Uzbekistan and Turkmenistan. In both countries, there is a repression of dissidents under the pretext of a war on terrorism. In Uzbekistan, it is under the pretext of

a war on Islamic fundamentalists, and charges are brought against Islamic groups. In Turkmenistan, charges are brought against the secular opposition. Also, there are criminal convictions of activists of Islamic opposition in neighboring countries. The scale of repression is so great that in recent years it was perceived as a threat that could destabilize the situation in those countries. Unfortunately, the government of Russia is cooperating with those regimes in the oppression of dissidents, and it extradites the citizens of those countries who hope to find a last resort in Russia. Monitoring human rights in those countries is dangerous for human rights defenders. In December 2002, in Turkmenistan, an activist of the Ecology Club, Farid Tukhbatullin, was arrested just because he participated in a human rights conference in Russia. Recently in Russia, a citizen of Uzbekistan was arrested for making a public condemnation of Russian security forces for their crackdown on an Islamic organization, which never existed.

There are changes in laws at the national level, but also there are bilateral agreements between countries concerning the war on terrorism involving the countries with undemocratic traditions. This poses a serious threat to human rights. Particularly, I would like to draw your attention to the Shanghai Cooperation Organization. One of its goals is to fight terrorism. The members are China, Russia, and countries of Central Asia. As a result of this cooperation, we have situations when people who are being persecuted in China and Uzbekistan cannot get protection in other member counties of the Shanghai Organization. They face extradition and unjust trials.

It was mentioned that countries at the United Nations are calling for cooperation and not confrontation. We can accept it as a general principle, but we have to determine the framework within which cooperation is possible. If countries do not fall within this framework, then they must be excluded from the cooperation process. It seems that all countries have acceded to the Universal Declaration of Human Rights, the Convention on Civil and Political Rights, and other documents. This is a basis for that type of cooperation. But those obligations are not being enforced. For example, in Turkmenistan, the president has declared himself as president for life. The people do not have a right to elect their own government, and in December, under the pretext of war on terrorism, a new law was adopted which equates criticism of the president to treason, and convictions can lead to life imprisonment. I think that in this type of extreme case, the international community must have an adequate reaction. If we talk only about cooperation and dialogue in this type of situation, then we justify oppression.

Vitaly Ponomarev researches for Central Asian Human Rights Society the political and human rights situation in ex-Soviet states, such as Uzbekistan and Turkmenistan. Following his involvement in the democratic movement during the perestroika period in the U.S.S.R., he worked for Panorama. As a result of his work, Ponomarev has been deported from Uzbekistan and Turkmenistan.

DR. SIMA SAMAR (AFGHANISTAN)

With the fall of the Taliban and the beginning of a new government, people — especially women — had high hopes for better lives and a more peaceful future. However, two years later, the overall situation in Afghanistan is very bad. The main reasons for the instability are the lack of security and lack of resources.

Peace is not just the absence of war. Peace is human security and respect for human dignity, access to health care, education, shelter, food, and jobs. Peace means social justice and equality for all the people in the country. Real peace is not only necessary for the future of Afghanistan, but peace in Afghanistan will improve the prospects for peace and security worldwide. Although the situation has

improved since before the war, we are in a dangerous situation because there is no space for human rights defenders to operate. We are threatened when we bring the attention of the authorities to human rights abuses. If the Afghan Human Rights Commission and other human rights organizations are not free to operate, progress will be very difficult. The on-the-ground reality and the perspectives of civil society actors in Afghanistan should shape policies. The following are some recommendations:

First, if security is not improved, the situation in Afghanistan, particularly the conditions for women's rights and human rights, will not improve. We welcome the news that the U.N. Security Council and NATO have agreed that the International Security and Assistance Force (ISAF) should be expanded. However, it is important that the size of peacekeeping forces should be expanded significantly and that the mandate of peacekeeping troops also be more proactive. We need the presence of international peacekeeping troops throughout the country until a national army, police force, and judiciary system that people trust can enforce one system of laws.

We need for the size of the international peace troops to be expanded not by hundreds or thousands but by tens of thousands. One of our worries is that they will just decide to take troops out of Kabul and move them to other areas. Such a plan would be a disaster, because without at least the same size of ISAF in Kabul, the limited security we have achieved in the capital could easily be lost. The mandate of ISAF should be expanded to include disarmament and other interventions against those who violate human rights and threaten the peace. The provincial reconstruction teams also should have a clear mandate. If their purpose is reconstruction, then why are they mostly military? But, if their purpose is security, why do they not take an active role in peacekeeping? In addition, the size of the teams is far too small and their locations are too few to provide adequate security.

Second, we need a lot more support for the reconstruction of the country. We need resources if we really want to bring democracy and peace to the country and protect the rights of women and girls — at least basic human rights such as access to education and health care.

Education is a main component of achieving peace, women's rights, and human rights. Widespread illiteracy was one of the main reasons that war in Afghanistan has been so violent and lasted so long. We must construct and repair schools across the country so that madrassas are not the only "educational" options for boys and so that girls finally have a chance to learn. Resources and facilities should be made available for education equally, regardless of gender, ethnic group, or region of the country.

Access to health care for women is a human right, but the health care facilities in Afghanistan — especially maternity hospitals and those that provide gynecological care — are in horrible shape, and the country has one of the highest maternal mortality rates in the world. For women's health to improve and for women's lives to be saved in Afghanistan, resources and commitments are needed for comprehensive reproductive health care and women's empowerment.

Third, one of the most important issues is that women's rights and human rights must be included in the constitution. For women to ever be treated as human beings in the judicial system or in family law, they must have protection of their rights in the constitution. Women's rights and human rights must have precedence over traditional law. The constitution should be based on international human rights and explicitly guarantee women's rights and minority rights. For there to be sustainable peace, there needs to be a very strong Afghan Independent Human Rights Commission.

Fourth, resources must be made available to promote equality, providing public awareness to both women and men in human rights. Through education, we can build understanding among the people about the need for peace, reconciliation, and human rights. If people are informed about their rights, they can prevent and stop human rights abuses. Women particularly need to be made aware of their rights and have access to legal services.

Fifth, to bring about women's rights and human rights, we must also have justice. All factions bear some responsibility for the human rights abuses in the country over the past 23 years. There are many mass graves in this country. Many people have been killed or disappeared during this time. The Taliban were the worst violators, but others have committed atrocities as well. Education, monitoring, and investigations are necessary to achieve human rights in Afghanistan and end the culture of impunity. It will not be easy because we do not have a functioning legal system to bring people to justice.

The international community should assist with transitional justice, bringing to justice human rights violators and protecting the human rights defenders. We also must not forget that many of the human rights violations were caused by people from outside our country. The international community has an obligation to take some of the responsibility and assume some of the risk of holding violators accountable.

Dr. Sima Samar is chair of the Afghan Independent Human Rights Commission, a position she assumed after being forced out of her post as the deputy chair in the interim administration of Afghanistan and as the first ever minister of women's affairs. She obtained these positions following her return to Afghanistan after a 15-year exile in Pakistan.

MANDIRA SHARMA (NEPAL)

I come from a country that has faced eight years of armed conflict that has claimed more than 10,000 lives and has sent thousands of people into forced migration. I work for a group of lawyers who monitor cases of police custody that involve the widespread use of torture and illegal detention. Our constitution requires that every accused person has a right to consult a lawyer, but lately detainees have been denied this right. We have put this question to the authorities. When they respond by saying that detainees do not have the right to have access to lawyers, then we intervene, offering free legal aid to the detainees. To make matters worse, lawyers who take these cases might be beaten and accused of being terrorists or sympathizers.

We have visited 1,500 detainees in this one-and-a-half-year period. More than 90 percent of the detainees are not accorded their right of being brought before a court within 24 hours. In more than 70 percent, the detainees claim that they were severely physically tortured. The situation became worse after 9/11 because the armed revolution groups were declared as terrorist organizations, and a state of emergency was declared. Now, extrajudicial killings, mass torture, and disappearances are quite common. The 2002 report of the U.N. Working Group on Enforced and Involuntary Disappearances named Nepal as the greatest violator in terms of numbers of disappearances. Those who are arrested under the anti-terrorist legislation are not allowed to visit their lawyers or family members; they are put in incommunicado detention and not ever charged formally with a crime. Most of them have been held in military detention centers to which even the International Committee of the Red Cross does not have access. The situation has escalated again after October when the constitutional monarch sacked the democratically elected prime minister for not being able to hold the election on time; he dissolved the Cabinet and handpicked the prime minister and other ministers.

The National Human Rights Commission issued a report documenting widespread extrajudicial killings during so-called encounters between the rebels and the military that are mostly trumped up. The report also detailed mass torture, illegal detention, and disappearances. The day after the commission presented its report to the government, the Royal Nepal army condemned the report as ridiculous. All democratic institutions in Nepal are not functioning; they have collapsed. We have been trying to take human rights violations into the courts using different international human rights instruments that Nepal has ratified, but it is very difficult for the courts to take any action because their decisions are not respected by the government. The court orders the release of illegally detained individuals, but they are either rearrested from the court or the order is simply ignored.

We need help from the Office of the U.N. High Commissioner for Human Rights to provide technical support to government institutions and to help create the environment in which human rights defenders can work.

Mandira Sharma is the executive director for Advocacy Forum, an organization in Nepal that monitors police custody while analyzing instances of torture and illegal detention and documenting human rights violations such as extrajudicial killings and disappearances.

ARNOLD TSUNGA (ZIMBABWE)

In Southern Africa, before 9/11, we began to see a trend where those heads of state who had an inclination toward dictatorship were under pressure and virtually on the run. There was mounting public opinion against those who wanted to stay in office for life. That trend seemed to be irreversible. But post 9/11, we've seen that the dictators have virtually taken root, and they've been given a new lease on life. It is not right to criticize the United States for that kind of trend. It is purely coincidental that the dictators were intending to continue fighting for political survival but took advantage of an unfortunate incident that took place here. They use language that sounds the same as the language that is being used in America in terms of fighting terrorism, when in fact they are fighting against popular expression within the Southern African Development Community (SADC) region. I think Zimbabwe comes out very distinctly as a country where this process has taken root.

I agree that the attack in the United States on September 11th was an attack on the basic universal human rights and fundamental freedoms. But the misfortune is that the reaction has also created a worsening situation for the human rights cause on a global scale. It is not sustainable to fight terrorism using only counterterrorism measures. It is important to root the fight against terrorism in the principles of universally accepted human rights and fundamental freedoms. It is only through that process that we will achieve sustainability.

In Zimbabwe, a repressive law called the Public Order and Security Act was passed in 2002. The language used in that act is consistent with the spirit of fighting terrorism. It was designed to prevent assembly in Zimbabwe, to prevent association and expression. The law is being interpreted in such a way that if four people assemble without police permission, it is considered a threat to public order and security. Police break up such meetings, and people are arrested and detained for such meetings.

The high commissioner spoke about the importance of national protection systems. In Zimbabwe the justice delivery system has now been so severely compromised; judges have been harassed; public prosecutors, magistrates, and lawyers have generally been persecuted. This year, Zimbabwe Lawyers for Human Rights, for which I'm the executive director, has recorded eight cases of lawyers who have been arrested or beaten up by the police while trying to represent their clients. We have had two cases of judges who have been arrested and publicly humiliated in politically motivated cases — one of them was arrested in chambers when he was waiting to appear in court — creating an impression that he had been involved in corrupt practices and was going to face prosecution. About six or seven months later, the Supreme Court ruled that the arrest had been without any legal foundation. In another case, international organizations sent some observers to the trial, and the attorney general said there was no basis for prosecution.

So you begin to see that in the SADC region institutions of protection are being interfered with, threatening the independence of the judiciary. My colleagues in Tanzania and Malawi have complained that the governments in those countries have introduced nongovernmental organization legislation that is extremely intrusive, with the design of preventing free operation of civil society.

We must also address the concepts of black empowerment and indiginization — very popular concepts in developing countries. Because of the

economic imbalances that are historically rooted, you find that regimes like the Zimbabwean regime have taken advantage of that popular expression to give an impression that the expropriation of wealth that is taking place is in fact in the name of black empowerment and indiginization. Actually, it is a process that is creating economic catastrophe within a country such as Zimbabwe,

Arnold Tsunga

and the result has been very devastating. Two million people have left Zimbabwe to be refugees in South Africa. About 500,000 are refugees in Botswana. About 700,000 are now in the United Kingdom, and we have about 2 million internally displaced people after what was being described as a land reform program, which was extremely chaotic. But these policies are justified by appealing to popular expression, such as fighting new liberalism, anti-globalization, black empowerment, and indigenization of the economy.

There also has been politicization of human rights concepts at the international level. I was disturbed at the U.N. Commission on Human Rights in March, when we were trying to present a case for Zimbabwe, that the African group was resisting our proposal based on "cultural relativity." They claimed that the Americans and the Western governments do not have moral grounds to criticize violations of human rights on the African continent post 9/11 because of the unilateralism of America in dealing with terrorism. Madame Jilani has advised me before that she has sought government permission to come to Zimbabwe but the United Nations has not been granted access. Again, these can be seen as a consequence of the current approach to fighting terrorism.

Lastly, there seems to be this trend in the international community to wait for catastrophic disaster, genocide, or some serious extermination of people before people can start reacting. It happened in the Great Lakes and ended up sucking the Zimbabwean, Ugandan, and Rwandan armies into a serious conflict within the Democratic Republic of the Congo, which resulted in millions of people being killed — and they are still being killed now. This can very easily happen in Zimbabwe and Southern Africa unless the international community, in particular the United Nations, takes leadership to take proactive measures to deal with these situations.

Arnold Tsunga is the executive director of the Zimbabwe Lawyers for Human Rights. Tsunga also fights for the rights of individuals in the Manicaland province of Zimbabwe as the director of the Manicaland Board of Executors Limited and as the national chairperson of ZIMRIGHTS, the Zimbabwe Human Rights Association.

MARICLAIRE ACOSTA URQUIDI (MEXICO)

I would like to reflect on the role of the international human rights protection system as relates to the work of human rights defenders. As human rights activists in Mexico, it took us about 15 years as human rights activists to become active in the international human rights fora. This was possible because of the solidarity and support of organizations in Northern countries that trained us and helped us with resources. Spending a month in Geneva is not something that many human rights organizations from poor countries or even rich countries can afford, much less learning how the system works. Once we reached the Inter-American Human Rights Commission and then the U.N. Commission on Human Rights in Geneva as a movement, we had a sense of achievement and also high expectations for these mechanisms — they empowered us. And I think by making demands we also empowered the system. But we never realized how overburdened and precarious they are, because when you are fighting for human rights in your country, you are always demanding things without really realizing how vulnerable they can be to pressure from so many countries. Again, I want to repeat, by demanding, you also strengthen. But there is more to strengthening than just demanding.

Then, I had the fortune of being appointed to the Mexican government, the first freely elected government in 70 years, as special ambassador for human rights. One of my first actions was precisely to seek the cooperation of this international system of protection of human rights to bring about the much-needed changes in the human rights situation of my country. We were so successful that I was asked to leave my position, and my office was closed that morning.

What I want to talk about is my discovery of just how much the member states within these systems manipulate and undermine the very mechanisms that we rely on so much to bring about change. I can remember hundreds of anecdotes from Geneva, seeing what happens when a special rapporteur oversteps, just a little bit, the unwritten rules of the procedure — the precious five minutes that they are given to speak to the commission are taken away. As members of civil society, we cannot afford to leave these mechanisms for the protection of human rights to be controlled by the states alone. Governments must be pressured and lobbied in this regard. Therefore, I suggest that we create a network of human rights defenders made up of civil society and human rights nongovernmental organizations and also other organizations, individual members of governments and the mechanisms themselves to construct this kind of chain that is needed — a transmission belt that goes from the situations on the ground to the mechanisms and down again. I hope that The Carter Center can help bring this network about.

Ultimately, the best way to strengthen the norms and standards that the mechanisms represent is to incorporate those norms and standards into our domestic laws and policies. The proposed policy forum could help if we include journalists, judges, and important figures from the national level who are close to the problems and who can impact their own governments if they are given a chance to work in a united way with other organizations and leaders.

Mariclaire Acosta Urquidi was recently dismissed from her post as deputy secretary for human rights and democracy at the Mexican Ministry of Foreign Affairs because of her vocal stance on human rights issues. She previously served as special ambassador for human rights and democracy in Mexico and as adviser to the Social Convergence Working Group for Civil Organizations in the transition team for then President-elect Vicente Fox.

XU WENLI (CHINA)

I am a Chinese political exile. Today I have heard all about violations of human rights around the world. So, outside the sun is shining but inside clouds of worry are hanging about. Now we need to think about how to find a way to have the sunshine of human rights shining all over, including in China.

On Nov. 6, 2003, a member of the Chinese Democratic Party was sentenced by the Chinese government to eight years in prison. His name is He Depu. I understand that The Carter Center is actively engaged in monitoring the activities in China's village elections. I hope The Carter Center can help this person who was an independent participant in the democratic movement in China. Mr. He was charged with two crimes, one was being a member of the Chinese Democratic Party. Another "crime" was when Mr. He wrote a letter to President Bush. Also, those who launched the democracy wall were considered criminals. There are many others. Now we are in the process of the anti-terror campaign and the Chinese government now is accusing some human rights activists of being terrorists. One of the accused is Rabiya Kadeer in Xinjiang in western China. She was accused of being a terrorist. Violations such as this are pretty rampant in China, so I'm not going to enumerate them here today.

I agree with professor Ibrahim about launching an Atlanta Declaration on human rights. The Universal Declaration on Human Rights was an epoch-making event in human history. I believe in human society, human rights should come first. I hope we can write this into our declaration, meaning human rights come first. Our declaration should have some creative insights. We also should have a good definition of terrorism. Otherwise some governments will use this terrorism to persecute and repress people. I suggest: Terrorism is an act to harm or threaten to harm innocent civilians in order to achieve certain political objectives.

I think it would be a good idea to establish a human rights television channel that would air all around the world because millions of people look at this little box everyday. If we have this noncommercial TV specially designed for human rights broadcasting, I think it will influence people all around the world. Multinational corporations could contribute to this effort because they benefit from their businesses all around the world. We can award those corporations who do well in terms of human rights protection.

I hope the high commissioner on human rights and The Carter Center can join hands to urge the Chinese government to release all the political dissidents in China, including Falun Gong disciples who have been persecuted. The special emphasis should be put on the people like Mr. He, who was a democracy activist. You can also urge the Chinese government to publish all the information with regard to their ratification of human rights treaties. The government cannot refuse to do so for the simple reason that they agreed to participate in these treaties.

Xu Wenli is a senior fellow at the Watson Institute for International Studies at Brown University. A prominent Chinese dissident, he was first imprisoned in 1981 on the charge of printing an unauthorized political journal. After being released 12 years later, he returned to his democracy activities. He was imprisoned again in 1998 on the charge of trying to establish an opposition party. Although he received a 13-year sentence, he was released from prison this past Christmas Eve and was sent into exile in the United States.

YEVEGENIY ZHOVTIS (KAZAKHSTAN)

It is important to talk about principles. I agree with Hina Jilani that human rights defenders, first and foremost, defend principles. And when we talk about principles, the time has come for joint effort between the U.N. human rights institutions and human rights defenders to reaffirm the universality of the human rights norms — the essence of these norms and wording of these norms. Many authoritarian governments use their own interpretation of these norms and use their own language. In Kazakhstan, for example, legislation restricting peaceful assembly includes hunger strikes — you need to receive permission 10 days before you hold this event. Also, the ombudsman institution created in my country, a supposedly independent human rights institution, spoke during the last Warsaw meeting of the Human Rights Dimension on behalf of the government, condemning criticism of the government's human rights record. This is not consistent with the Universal Declaration of Human Rights or the Paris principles on national human rights institutions.

Vitaly Ponomarev (Russia/Turkmenistan) and Yevegeniy Zhovtis

The second brief comment is about international treaties. It seems to me that now we are facing a crisis regarding the legal value of these documents. If, for example, one of the worst dictatorships like Turkmenistan is a signatory of practically every international human rights treaty on human rights, the value of these treaties becomes practically zero. All governments could say this government is not following any of the obligations of the treaties it has signed. How can we bring accountability for such governments who are not following any legal obligations taken on when they ratify these treaties? This is a problem with international human rights law as a whole.

Lastly, we should think about how best to articulate the collective voice of human rights defenders. The most comprehensive analysis of human rights violations worldwide is the annual U.S. Country Reports. But, it is clearly influenced by politics and so cannot be the definitive source. Maybe it is time to prepare such a comprehensive human rights report of the world situation on behalf of human rights defenders and civil society. It could then be presented through the U.N. human rights institutions to the international community. Such a report could be a comprehensive voice of civil society about the human rights situation all around the world, including the war on terror and legislation that impinges on the protection of human rights.

Yevegeniy Zhovtis is the director of the Kazakhstan International Bureau for Human Rights and Rule of Law, which draws attention to democratization and economic transformation, human rights, and the rule of law in Kazakhstan. Mr. Zhovtis is also the co-chairman of the Forum of Democratic Forces in Kazakhstan.

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We are also very grateful to colleagues at the United Nations Office of the High Commissioner for Human Rights (OHCHR) for their partnership and vision. The late High Commissioner for Human Rights Sergio Vieira de Mello identified the theme of the conference with President Carter, and it was his team — Deputy (and then Acting) High Commissioner Bertie Ramcharan, senior adviser Mona Rishmawi, Dzidek Kedzia, Scott Malcolmson, Gianni Magazenni, and Eric Tistounet — who helped shape the conference agenda and who, more broadly, had to pick up the pieces after the high commissioner lost his life so tragically in the line of duty in Iraq. Many thanks especially to Mr. Ramcharan for stepping into the breach to co-chair the event with President Carter.

The Carter Center also benefited from generous collaboration with individuals at other nongovernmental organizations. Neil Hicks of Human Rights First was, from the beginning, an indispensable partner. Our thanks go also to Michael Posner, Elisa Massimino, Lorna Davidson, and Raj Purohit at Human Rights First, as well as Juan Antonio Blanco and Mark Erik Hecht of Human Rights Internet for their ideas in the early stage of planning. Many other colleagues from the human rights community gave generously of their time to make sure that as many regions as possible would be represented at the conference. Special thanks go to Juan Mendez, Ian Martin, Phillip Alston, Sidney Jones, Nick Howen, Cathy Fitzpatrick, Peter Zalmayev, Felice

Reknowned performer Clarence Bell opened the conference with Donny Hathaway's "Someday We'll All Be Free."

Gaer, T Kumar, Allison Desforges, Paul Simo, and Lesley Carson and Brigitte Schmidt at Forefront. Our deep appreciation goes to Tom Malinowski of Human Rights Watch, who made very important contributions during the conference and in our follow-up trip to Washington, D.C. We also would like to thank the International Service for Human Rights and other partners who sent useful publications and other materials for distribution at the conference.

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As always, there is a group of people within The Carter Center who mount heroic efforts to pull these events together. Special thanks go to Chuck Costello, Gordon Streeb, Phil Wise, and John Hardman for their leadership. Ashley Barr, who manages the Carter Center's human rights activities designed and managed the conference project. Karin Ryan, former assistant director of the Center's Human Rights Program, returned to the Center to serve as the senior adviser for the conference, and she drafted this report. Thanks also to Nancy Konigsmark, Faye Perdue, Melissa Montgomery, Kay Torrance, Lisa Wiley and the entire events office, Larry Frankel and Paedia Mixon, Tom Eberhart and Olivia Owens, Rachael Lammers, Julie Benz Pottie, and Sarah Fedota. A spectacular group of graduate students and interns took on monumental responsibilities and did a fantastic job. First among these are Sarah Raskin, Ruth Hill, Amy Cook, Tona Boyd, Leylac Pekin, Aynabat Yaylymova, and Carmen Brun. Interns from other departments also provided invaluable assistance, including Nealin Parker, Ricardo Rodriguez, and Justin Thomas.

Part of the success of this conference was due to the meetings that were organized in Washington, D.C., to bring human rights defenders together with U.S. policy-makers and analysts. We would like to extend special thanks to Dr. Saad Eddin Ibrahim, Dr. Willy Mutunga, and Samuel Kofi Woods for going the extra, exhausting mile and to those officials, journalists, and analysts who made extra efforts to listen to the views and concerns of those who are on the frontlines of the human rights and democracy movements around the world. In particular, we are grateful to Senator Chuck Hagel of Nebraska and his aide Andrew Parasiliti; Undersecretary of Defense Paula Dobriansky and her colleague Joseph Bracken; Deputy Secretary of Defense Paul Wolfowitz and his aide Joe Collins; Jackson Diehl, Robin Wright, and Kathleen Cahill of *The Washington Post*; Tom Friedman of the *New York Times*; Dr. Salih Booker at Africa Action; Jennifer Cooke, Patrick Cronin, and Daniel Benjamin of the Center for Strategic and International Studies; and Dr. Ibrahim's hosts at the Woodrow Wilson Center.

Lastly, thank you to Clarence Bell, Jaribu Hill, Fung Africa, and Ernest Guevarra for their inspirational contributions of song, spoken word, and dance.

A. U.N. DEFENDERS DECLARATION

United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

A/RES/53/144
8 March 1999

The General Assembly,

Reaffirming the importance of the observance of the purposes and principles of the Charter of the United Nations for the promotion and protection of all human rights and fundamental freedoms for all persons in all countries of the world,

Reaffirming also the importance of the Universal Declaration of Human Rights and the International Covenants on Human Rights as basic elements of international efforts to promote universal respect for and observance of human rights and fundamental freedoms and the importance of other human rights instruments adopted within the United Nations system, as well as those at the regional level,

Stressing that all members of the international community shall fulfil, jointly and separately, their solemn obligation to promote and encourage respect for human rights and fundamental freedoms for all without distinction of any kind, including distinctions based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and reaffirming the particular importance of achieving international cooperation to fulfil this obligation according to the Charter,

Acknowledging the important role of international cooperation for, and the valuable work of individuals, groups and associations in contributing to, the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals, including in relation to mass, flagrant or systematic violations such as those resulting from apartheid, all forms of racial discrimination, colonialism, foreign domination or occupation, aggression or threats to national sovereignty, national unity or territorial integrity and from the refusal to recognize the right of peoples to self-determination and the right of every people to exercise full sovereignty over its wealth and natural resources,

Recognizing the relationship between international peace and security and the enjoyment of human rights and fundamental freedoms, and mindful that the absence of international peace and security does not excuse non-compliance,

Reiterating that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated and should be promoted and implemented in a fair and equitable manner, without prejudice to the implementation of each of those rights and freedoms,

Stressing that the prime responsibility and duty to promote and protect human rights and fundamental freedoms lie with the State,

Recognizing the right and the responsibility of individuals, groups and associations to promote respect for and foster knowledge of human rights and fundamental freedoms at the national and international levels,

Declares:

Article 1

Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.

Article 2

1. Each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, *inter alia*, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice.

2. Each State shall adopt such legislative, administrative and other steps as may be necessary to ensure that the rights and freedoms referred to in the present

Declaration are effectively guaranteed.

Article 3

Domestic law consistent with the Charter of the United Nations and other international obligations of the State in the field of human rights and fundamental freedoms is the juridical framework within which human rights and fundamental freedoms should be implemented and enjoyed and within which all activities referred to in the present Declaration for the promotion, protection and effective realization of those rights and freedoms should be conducted.

Article 4

Nothing in the present Declaration shall be construed as impairing or contradicting the purposes and principles of the Charter of the United Nations or as restricting or derogating from the provisions of the Universal Declaration of Human Rights,[2] the International Covenants on Human Rights[3] and other international instruments and commitments applicable in this field.

Article 5

For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels:

(*a*) To meet or assemble peacefully;

(*b*) To form, join and participate in non-governmental organizations, associations or groups;

(*c*) To communicate with non-governmental or intergovernmental organizations.

Article 6

Everyone has the right, individually and in association with others:

(*a*) To know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems;

(*b*) As provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms;

(*c*) To study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.

Article 7

Everyone has the right, individually and in association with others, to develop and discuss new human rights ideas and principles and to advocate their acceptance.

Article 8

1. Everyone has the right, individually and in association with others, to have effective access, on a non-discriminatory basis, to participation in the government of his or her country and in the conduct of public affairs.

2. This includes, *inter alia*, the right, individually and in association with others, to submit to governmental bodies and agencies and organizations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms.

Article 9

1. In the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights as referred to in the present Declaration, everyone has the right, individually and in association with others, to benefit from an effective remedy and to be protected in the event of the violation of those rights.

2. To this end, everyone whose rights or freedoms are allegedly violated has the right, either in person or through legally authorized representation, to complain to and have that complaint promptly reviewed in a public hearing before an independent, impartial and competent judicial or other authority established by law and to obtain from such an authority a decision, in accordance with law, providing redress, including any compensation due, where there has been a violation of that person's rights or freedoms, as well as enforcement of the eventual decision and award, all without undue delay.

3. To the same end, everyone has the right, individually and in association with others, *inter alia*:

(*a*) To complain about the policies and actions of individual officials and governmental bodies with regard to violations of human rights and fundamental freedoms, by petition or other appropriate means, to competent domestic judicial, administrative or legislative authorities or any other competent authority provided for by the legal system of the State, which should render their decision on the complaint without undue delay;

(*b*) To attend public hearings, proceedings and trials so as to form an opinion on their compliance with national law and applicable international obligations and commitments;

(*c*) To offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms.

4. To the same end, and in accordance with applicable international instruments and procedures, everyone has the right, individually and in association with others, to unhindered access to and communication with international bodies with general or special competence to receive and consider communications on matters of human rights and fundamental freedoms.

5. The State shall conduct a prompt and impartial investigation or ensure that an inquiry takes place whenever there is reasonable ground to believe that a violation of human rights and fundamental freedoms has occurred in any territory under its jurisdiction.

Article 10

No one shall participate, by act or by failure to act where required, in violating human rights and fundamental freedoms and no one shall be subjected to punishment or adverse action of any kind for refusing to do so.

Article 11

Everyone has the right, individually and in association with others, to the lawful exercise of his or her occupation or profession. Everyone who, as a result of his or her profession, can affect the human dignity, human rights and fundamental freedoms of others should respect those rights and freedoms and comply with relevant national and international standards of occupational and professional conduct or ethics.

Article 12

1. Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.

2. The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or *de jure* adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.

3. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

Article 13

Everyone has the right, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means, in accordance with article 3 of the present Declaration.

Article 14

1. The State has the responsibility to take legislative, judicial, administrative or other appropriate measures to promote the understanding by all persons under its jurisdiction of their civil, political, economic, social and cultural rights.

2. Such measures shall include, *inter alia*:

(*a*) The publication and widespread availability of national laws and regulations and of applicable basic international human rights instruments;

(*b*) Full and equal access to international docu-

ments in the field of human rights, including the periodic reports by the State to the bodies established by the international human rights treaties to which it is a party, as well as the summary records of discussions and the official reports of these bodies.

3. The State shall ensure and support, where appropriate, the creation and development of further independent national institutions for the promotion and protection of human rights and fundamental freedoms in all territory under its jurisdiction, whether they be ombudsmen, human rights commissions or any other form of national institution.

Article 15

The State has the responsibility to promote and facilitate the teaching of human rights and fundamental freedoms at all levels of education and to ensure that all those responsible for training lawyers, law enforcement officers, the personnel of the armed forces and public officials include appropriate elements of human rights teaching in their training programme.

Article 16

Individuals, non-governmental organizations and relevant institutions have an important role to play in contributing to making the public more aware of questions relating to all human rights and fundamental freedoms through activities such as education, training and research in these areas to strengthen further, *inter alia*, understanding, tolerance, peace and friendly relations among nations and among all racial and religious groups, bearing in mind the various backgrounds of the societies and communities in which they carry out their activities.

Article 17

In the exercise of the rights and freedoms referred to in the present Declaration, everyone, acting individually and in association with others, shall be subject only to such limitations as are in accordance with applicable international obligations and are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

Article 18

1. Everyone has duties towards and within the community, in which alone the free and full development of his or her personality is possible.

2. Individuals, groups, institutions and non-governmental organizations have an important role to play and a responsibility in safeguarding democracy, promoting human rights and fundamental freedoms and contributing to the promotion and advancement of democratic societies, institutions and processes.

3. Individuals, groups, institutions and non-governmental organizations also have an important role and a responsibility in contributing, as appropriate, to the promotion of the right of everyone to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights and other human rights instruments can be fully realized.

Article 19

Nothing in the present Declaration shall be interpreted as implying for any individual, group or organ of society or any State the right to engage in any activity or to perform any act aimed at the destruction of the rights and freedoms referred to in the present Declaration.

Article 20

Nothing in the present Declaration shall be interpreted as permitting States to support and promote activities of individuals, groups of individuals, institutions or non-governmental organizations contrary to the provisions of the Charter of the United Nations.

B. THE ATLANTA DECLARATION

A Consensus Document from
"Human Rights Defenders on the Frontlines of Freedom"
The Carter Center, Atlanta, GA, USA
November 12, 2003

History reveals that there have been moments in time when the world's leaders and peoples made fateful choices and embarked on paths that were sometimes beneficial to humanity and sometimes catastrophic. Mindful of this we, human rights defenders from 43 nations have gathered in Atlanta because of our alarm at the direction and implications of what has come to be known as the "war against terrorism".

While recognizing the responsibility of states to secure peace and security for their peoples, we believe strongly that these goals can only be achieved by addressing the root causes of the problems that afflict humanity.

Today there is a global deterioration in respect for human rights caused by poverty, war, injustice, occupation, colonialism, racism, violence and suppression of democratic, economic, social and cultural rights.

There is overwhelming evidence from the participants at this meeting that emergency laws, violations of international human rights standards and departures from the rule of law do not create security. The best way to build security is to respect and protect human rights.

Participants reaffirm their commitment to the universality of human rights and express their concern at the lack of consistent application by states. The implications of the "war on terrorism" for the stability of all states, including that of established and emerging democracies, are a source of serious concern.

Finally, we are particularly disturbed by the growing dangers for human rights defenders and humanitarian workers and growing tendencies toward state action that are designed to criminalize dissent and that threaten a dignified and secure existence for religious and ethnic minorities, and a pluralistic civil society.

We call upon governments to reaffirm their commitment to the realization of the rights enumerated in the 1998 Declaration on Human Rights Defenders and to put an end to censorship, arbitrary detention, oppressive administrative measures and all other actions that undermine the protection of human rights.

Accordingly,

We call upon all States to:

1. Repeal all laws that infringe upon human rights, and bring all legislation into conformity with internationally recognized human rights standards. We are particularly concerned about an expanded internal security role for the military in some countries facilitated by resumed military cooperation with powerful nations. Any powers granted to the police, military, and other security forces must be entirely in line with international human rights standards and/or international humanitarian law. If governments invoke exceptional measures this

should be done in full accordance with international instruments for a specific purpose and limited duration. Such actions and their implications should be made transparent to the wider public.

2. Create an enabling environment for human rights defenders to carry out their work and ensure their protection from all forms of retaliation, threats and violence. States should pay particular attention to the following rights contained in the 1998 UN Declaration on Human Rights Defenders
    a. freedom of thought, speech, expression, communication and the right to information;
    b. freedom of association;
    c. freedom of assembly;
    d. freedom of movement;
    e. the right to receive funding;
    f. the right to privacy.
3. End impunity by ensuring that members of the military and security forces and civilians responsible for human rights violations and violations of international humanitarian law are brought before ordinary civil and criminal courts and prosecuted for their crimes. Furthermore, states should immediately ratify the Statute of International Criminal Court without reservations, as well as other relevant international human rights treaties.
4. Strengthen judicial systems by ensuring independence in the appointment and functioning of judges and ensure adequate judicial training in the area of international human rights law and mechanisms.
5. Address the root causes of social, political, economic and cultural problems to find and implement long-term solutions to violence, insecurity and human rights violations;

We call upon the wider civil society and the private sector to:

1. Develop regular opportunities for human rights defenders to meet, build capacity, share experiences, and support each other on a regional and global basis. Specifically, we have agreed to create a Human Rights Defenders Policy Forum, which will work on an ongoing basis and meet periodically to assess particular challenges facing defenders in their work. This forum will provide a vital support system and an opportunity for developing strategic thinking on key issues. One goal of the forum will be to build channels of communication between defenders and policy makers in the United States and abroad as well as in important organizations such as the United Nations and regional multilateral organizations as well as international financial institutions.
2. Highlight best and worst practice by both governments and corporations in the human rights field.
3. Make every effort to educate the wider public, especially young people, about the importance of human rights protections and the work of human rights defenders.
4. Review their traditional strategies to ensure that they are maximizing their ability to respond to the challenges of the changing environment.
5. Establish a fund for the support and legal defence of persecuted human rights defenders and those who are forced into exile.

We call upon the United Nations and regional multi-lateral bodies to:

1. Strengthen international human rights protection mechanisms of the United Nations and regional bodies in order to ensure the autonomy, objectivity and impartiality necessary for carrying out their mandates. Member states have the obligation to enable the effective functioning of such bodies and provide avenues of access to them for civil society. States also should ensure that these are provided with necessary and adequate resources to carry out their mandates.
2. Raise the profile of reports and recommendations submitted by the Special Procedures and Mechanisms of multilateral bodies that highlight pressing human rights concerns.
3. Strengthen the human rights treaty bodies so that they can more effectively encourage states to implement the provisions of the treaties they have ratified, with specific attention to the recommendations issued by the treaty bodies aimed at correcting rights abuses.
4. Incorporate a commitment to human rights into all agencies and departments of multilateral bodies, in particular the United Nations Development Program.
5. The U.N. Counter-Terrorism Committee and similar regional bodies, charged with monitoring the implementation of national counter-terrorism legislation, should cooperate with the Office of the High Commissioner for Human Rights and similar regional institutions, for the prompt and thorough review of the government reports by its special rapporteurs and experts, to ensure that policies designed to combat terrorism are consistent with internationally accepted human rights norms.
6. Pay particular attention and give full support to the conclusions and recommendations of the Special Representative of the Secretary-General on Human Rights Defenders in her 2003 report to the General Assembly, as well the recommendations made by other multilateral bodies.

C. PARTICIPANT BIOGRAPHIES

Ms. Natalia Ablova (Kyrgystan) is the director of the Kyrgyz-American Bureau on Human Rights and Rule of Law. A journalist by trade, she has published articles on a variety of human rights and political issues. She was formerly associated with the human rights society Memorial and the Democratic Movement of Kyrgyzstan. In 2000, together with other nongovernmental organization colleagues, she founded a new type of nongovernmental organization coalition called the Monitoring and Advisory Group, which functions as an aid and development watch.

Ms. Maria Luisa Acosta (Nicaragua) is the coordinator of the Center for Legal Assistance to Indigenous Peoples, which advocates the full legal rights of indigenous peoples. She served as legal adviser in a claim for demarcation of communal lands before the Inter-American Commission of Human Rights of the Organization of American States. She also served as the coordinator of the technical committee of the coordinating commission for the Demarcation of Indigenous Lands.

Ms. Salbiah Ahmad (Malaysia) is a human rights lawyer in Malaysia and a founding member of Sisters in Islam, a women's rights organization based in Kuala Lumpur. Serving more than 15 years as a human rights activist, she has addressed issues of women, law, and religion at the regional and local level. Her current work focuses on human rights advocacy and the judiciary system with respect to human rights and Islam.

Mr. Ghanim Alnajjar (Kuwait/Iraq) is a professor of political science at Kuwait University, a U.N. independent expert on human rights in Somalia, and a U.N. international consultant on human rights education. For the past 18 years, Alnajjar has conducted numerous international investigative missions. From 1988-1992, he was a member of the Amnesty International Mandate Review Committee in Iraq.

Mr. Curt Arnson (Israel) is responsible for the expansion and development of new programs at HaMoked: Center for the Defense of the Individual. HaMoked is an Israeli nongovernmental organization that offers free legal aid and advocacy to Palestinian residents in the Israel-occupied territories of the West Bank, Gaza Strip, and East Jerusalem whose human rights are violated by Israeli military, security, police forces, or Israeli policy.

Dr. Mustafa Barghouthi (Palestine) is the secretary of the Palestinian National Initiative (Mubadara), a recently established democratic opposition movement within Palestinian domestic politics. He has served as a delegate to the 1991 Madrid peace negotiations and as a member of the steering committee that helped establish various Palestinian ministries. Additionally, since 1979, he has been a key advocate for increased attention to health care issues in Palestine.

Ms. Ashley Barr (U.S.) manages human rights and rule of law initiatives at The Carter Center. The human rights office initiates interventions by President and Mrs. Carter in response to human rights violations and undertakes projects in collaboration with the U.N. high commissioner for human rights and other international partners. Ms. Barr has worked with the Asia Foundation, the International Human Rights Law Group, the National Democratic Institute, and PACT in Asia and Africa.

Mr. Juan Antonio Blanco (Cuba/Canada) is the director of international cooperation at Human Rights Internet. Blanco was a professor of philosophy at the University of Havana (Cuba), a Cuban diplomat and foreign policy analyst, and the executive director of the nongovernmental organization Centro Felix Varela of Cuba.

Ms. Gillian Caldwell (U.S.) is the executive director of WITNESS, a global organization that advances human rights advocacy through the use of video and communications technology. In partnership with nongovernmental organizations and activists, WITNESS assists its partners with creating and using video as evidence before courts and the United Nations, as a tool for public education, and as a deterrent to further abuse.

Mr. Andres Cañizalez (Venezuela) is an investigator at the Human Rights Center of Andrés Bello Catholic University and director of the Venezuelan Press and Society Institute. He co-published the 2002 and 2003 Reports on the Freedom of Expression in Venezuela. Mr. Cañizalez is also an investigator for the annual report of the Venezuelan Education and Action Program in Human Rights, focusing on the theme of the right to freedom of expression and information.

Mr. Santiago Canton (Argentina/OAS) is the executive director of the Inter-American Commission on Human Rights of the Organization of American States. Canton previously served OAS as a special rapporteur for freedom of expression and as the director of public information. Additionally, from 1994 to 1998, he was the director for Latin America and the Caribbean of the National Democratic Institute for International Affairs.

Ms. Sandra Carvalho (Brazil) raises awareness of human rights violations in Brazil through the national and international press. She previously coordinated the Teotônio Vilela Commission on Human Rights at the University of São Paulo and served as the executive secretary to the Commission on Human Rights of the São Paulo Legislative Assembly.

Ms. Iscra Chavez (Peru) is the founder and executive director of the Association for Life and Human Dignity, which is associated with the National Human Rights Coalition of Peru. Founded in 1997, APORVIDHA is dedicated to the defense of innocent people who have been unjustly charged with terrorist crimes.

Ms. Ozlem Dalkiran (Turkey) is the founder, chairperson, and media spokesperson for Amnesty International's Turkey office. She recently traveled to Baghdad, Iraq, as a member of an Amnesty International delegation researching the human rights and the rule of law situation in the country. She is also a member of Peace Initiative-Turkey, an anti-violence organization working for peace and conflict resolution in the nation.

Ms. Lorna Davidson (U.S.) is the senior associate of the Human Rights Defenders program for the Lawyers Committee for Human Rights. Before joining the Lawyers Committee, Ms. Davidson worked for the United Nations war crimes tribunal at The Hague and as a legal researcher and director of projects that investigated violations of international humanitarian law committed in Kosovo.

Mr. Serge Davidyants (Tajikistan) is the head of the Khujand branch of the Republican Bureau on Human Rights and Rule of Law in Dushanbe, Tajikistan. He was previously the local law expert for the U.N. Tajikistan Organization for Peacebuilding and a professor of international law and international human rights and humanitarian law at the Russian-Tajik Modern University for the Humanities.

Ms. Ana María Díaz (Colombia) is the coordinator for investigations at the Colombian Jurists Commission, a Columbian nongovernmental organization with U.N. consultative status. She also formerly served as an investigator of economic, social, and cultural rights at the commission. The objective of the commission it to promote human rights in Colombia and contribute to the development of international human rights and humanitarian rights.

Ms. Halina Drebezava (Belarus) is the chairperson of the Association of Women Lawyers of Belarus, which is engaged in protecting the rights of women, ending domestic violence, and rendering free legal assistance to needy citizens. The organization also participates in many international human rights conferences and activities, including the OSCE sessions on human rights in Vienna, the Conference on Human Rights Defenders in Dublin, and the international observation of elections in Sweden.

Mr. Azizullah Gaziev (Uzbekistan) is a research fellow at Princeton University. He is currently writing a policy paper entitled "Muslim Republics of Central Asia: Governance as Reflection of History, Culture, and Religion." He previously served as a political analyst for the International Crisis Group, writing reports on the political and socioeconomic situation in the republics of Central Asia. He was detained for questioning by the Uzbek security forces because of his democracy work, forcing him to flee Uzbekistan in August 2003.

Ms. Vrinda Grover (India) is an independent lawyer and also the portfolio manager of Human Security, Citizenship, and the Law at AMAN Trust. She currently coordinates a legal aid cell and is engaged in research that critically examines the criminal justice system. Her previous human rights work has focused on laws addressing violence against women and justice for victims of communal massacres. She also has been associated with the first major trial in India under the Prevention of Terrorism Act.

Dr. Ernest Guevarra (Philippines) is a community doctor and organizer for a psychosocial rehabilitation program for children affected by violence in the conflict zones of Meriadano, Philippines. He is a physician and human rights activist who currently focuses on providing emergency medical care to villagers caught in the conflict between the Philippine military and a fringe rebel group, ensuring that hundreds of Muslims detained for alleged ties to terrorist organizations following Sept. 11, 2001, are given proper medical treatment.

Mr. Sudarshana Gunawardana (Sri Lanka) is the program coordinator of INFORM, a human rights documentation center in Colombo, Sri Lanka. He previously served as the project director for the Movement for Free and Fair Elections and as the training manager and legal officer for the Movement for the Defense of Democratic Rights, focusing primarily on free and fair elections in Sri Lanka. He has been an election observer, organizer, facilitator, and trainer for every election conducted in Sri Lanka during the past 10 years.

Mr. Neil Hicks (U.K./U.S.) directs Human Rights First's Human Rights Defender program, which assists human rights advocates who have come under attack due to their work. Hicks also created and runs the new Middle East Initiative, a project that assists local human rights defenders within the closed societies of the region. Hicks worked as a

researcher for the Middle East Department of Amnesty International in London. He also has served as human rights project officer of Birzeit University in the West Bank.

Ms. Jaribu Hill (U.S.) is executive director of the Mississippi Workers' Center for Human Rights in Greenville, Miss. She devoted much of her earlier life to activism and song, later undertaking legal studies and becoming a civil rights attorney as well. Shortly after earning her law degree, she organized the Southern Human Rights Organizers' Conference in Mississippi, which led to the establishment of the Southern Human Rights Organizers' Network.

Ms. Hameeda Hossain (Bangladesh) is a founding member of Ain o Salish Kendra, a legal aid and human rights organization based in Dhaka, Bangladesh. She is also a member of its executive committee. Hossain currently edits *Human Rights in Bangladesh*, an annual report published by ASK. She began her career in publishing and editing, starting off as editor of *Forum*, a political weekly that was banned by the Pakistan army in 1971. She also has written extensively on women's rights, particularly on workers in garment export factories, in handicraft production, and migrant workers.

Ms. Rana Husseini (Jordan) received a Reebok Human Rights Award in 1998 for her investigation into "honor killings," where women are slain by family members as punishment for perceived immorality. Defying cultural taboos and threats to her life, she reported that honor killings actually account for the majority of murders in Jordan every year. Since writing about honor killings, she has continued to speak out about violence against women in her nation, receiving worldwide attention for her efforts.

Ms. Hauwa Ibrahim (Nigeria) is the 2003-04 Humphrey Fellow for American University College of Law in Washington, D.C. She recently served as a pro bono defense counsel to Amina Lawal, a woman sentenced to death by stoning for having a child out of wedlock in Nigeria. Since 1999, she has been defense counsel in more than 40 Shari'ah related cases. Prior to her work on Shari'ah legal cases, Ms. Ibrahim served as a prosecutor and defense counsel for the Ministry of Justice in Bauchi state, Nigeria, and as a senior partner at the Aries Law Firm in Abuja, Nigeria.

Mr. Saad Eddin Ibrahim (Egypt) is a professor of sociology at the American University in Cairo who has faced government harassment and persecution for speaking out on the human rights situation in Egypt and the Middle East. He has served as the secretary-general of the Egyptian Independent Commission for Electoral Review, as a member of the World Bank's Advisory Council for Environmentally Sustainable Development, an adviser on civil society to U.N. Secretary-General Kofi Annan, a director of the Center for Arab Unity Studies, and secretary-general of the Arab Organization for Human Rights.

Mr. Ivan Ivanov (Bulgaria/Hungary) is the chairman of the Bulgarian National Human Rights Organization and a human rights lawyer working for the Budapest-based European Roma Rights Center, an international public interest law organization that monitors the situation of Roma and provides legal defense in cases of human rights abuse. From 1999 to 2000, he was a visiting scholar at Columbia University Law School in New York.

Ms. Hina Jilani (Pakistan/U.N.) is the U.N. special representative to the secretary-general on human rights defenders. She has practiced law since 1979 and opened the first women's law firm in Pakistan in 1980. She specializes in human rights litigation, specifically the rights of women, children, minorities, and prisoners. She has conducted several cases that have become landmarks in setting human rights standards in Pakistan. She was a founding member of the Human Rights Commission of Pakistan and the Women's Action Forum.

Ms. Tanya Lokshina (Russia) is the executive director of the Moscow Helsinki Group, the oldest human rights organization active in Russia today which monitors the compliance of the U.S.S.R. with the Helsinki Accords. Human rights monitoring remains MHG's priority to this day. Lokshina has coordinated a range of monitoring and educational programs. She also has drafted and edited numerous publications on varied human rights issues, including a series of the Moscow Helsinki Group called "Human Rights in Russian Regions."

Ms. Helen Mack (Guatemala) is the executive director of the Myrna Mack Foundation, an organization dedicated to defeating impunity and defending human rights in Guatemala. Helen's tireless efforts have led to harassment, persecution, and death threats. In addition to presiding over the foundation, Mack is a member of the Commission for the Strengthening of Justice, which makes recommendations for reform of the judicial system.

Mr. Tom Malinowski (U.S.) is the Washington advocacy director for Human Rights Watch. Prior to joining Human Rights Watch, he was special assistant to President Bill Clinton 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 Policy Planning Staff.

Mr. Omar Mestiri (Tunisia) has worked to end the torture of individuals through the Tunisian League for the Defense of Human Rights since 1981 and the Tunisian section of Amnesty International since 1994. In 1998, he also co-founded and became the secretary-general of the National Council for Liberties in Tunisia, which manages the project "Campaign for the Eradication of Torture." For his work in this area, Mestiri has endured constant harassment and repression from state forces, including deprivations of his passport, phone lines, police surveillance, and having his phone lines and Internet lines cut and interrupted.

Mr. Willy Mutunga (Kenya) is an advocate of the High Court in Kenya. A committed activist in the democracy movement in Kenya since the 1970s, Mutunga was executive director of the Kenya Human Rights Commission, a member the National Convention Executive Council, and a director of the board of the International Center for Human Rights and Democratic Development. He also has served as a member of the December Twelfth Movement, a political detainee of the MOIKANU regime, and chairman of the Law Society of Kenya.

Mr. Rachland Nashidik (Indonesia) is the co-founder and program director of IMPARSIAL — The Indonesian Human Rights Monitor. He was the only Indonesian human rights defender who spoke at the U.N. 4th Special Session on East Timor, in which he demanded that an international tribunal be created to try the Indonesian army generals responsible for crimes against humanity. Under the Soeharto dictatorship, Nashidik was forced to live in exile in the Netherlands because of his peaceful political activities.

Mr. Martin O'Brien (Northern Ireland) is the executive director of the Committee on the Administration of Justice, Northern Ireland's leading human rights nongovernmental organization. O'Brien was particularly active in securing strong human rights protections in the historic Good Friday Peace Agreement. In recognition of his contributions to the peace process in Northern Ireland, his organization was awarded the prestigious Council of Europe Human Rights Prize in June 1998. O'Brien won the Reebok Human Rights Award in 1992.

Mr. Charles Onyango-Obbo (Uganda) is the owner and managing editor for media convergence and syndication for the Nation Media Group in Nairobi, Kenya. Prior to his work with the Nation Media Group, Onyano-Obbo was the managing editor of *The Monitor*, Uganda's only independent daily newspaper. Throughout his journalism career, he has been arrested several times for his outspoken advocacy of democracy and governmental transparency and has been taken to court more than 120 times.

Mr. Vitaly Ponomarev (Russia/Turkmenistan) is the director of the Central Asian Program at the Memorial Human Rights Center. He currently researches the political and human rights situation in ex-Soviet Central Asian countries, such as Uzbekistan and Turkmenistan. Following his involvement in the democratic movement during the perestroika period in the U.S.S.R., he went to work for Panorama Information Group and the Central Asian Human Rights Society.

Mr. Bertrand Ramcharan (Guyana/U.N.) was the U.N. acting high commissioner for human rights and previously served as the deputy high commissioner for human rights and assistant secretary-general of the United Nations. During his 30 years of service to the United Nations, Ramcharan has worked as a special assistant to the director of the Centre for Human Rights, as the chief speechwriter for the secretary-general, and as a political adviser to the peace negotiations in the Yugoslav conflict.

Ms. Karin Ryan (U.S.) was the assistant director for human rights at The Carter Center until 2000 and is now a senior adviser for the human rights defenders initiative. She represented the Center in negotiations to draft the U.N. Declaration on Human Rights Defenders and was an expert member of the U.S. delegation to the Commission on Human Rights in 2000, where she represented the United States in negotiations to create the mandate for the special representative to the secretary-general on human rights defenders.

Dr. Sima Samar (Afghanistan) is responsible for the establishment of both the Afghan Independent Human Rights Commission, of which she is currently chair, and the Ministry of Women's Affairs. From December 2001 to June 2002, Samar was deputy prime minister and minister of women's affairs for the Afghan interim administration. In 1989, Dr. Samar founded and continues to direct the Shuhada Organization, which provides education, health, construction, relief, and training programs for the benefit of the Afghan people, with specific focus on the empowerment of women and girls.

Ms. Mandira Sharma (Nepal) is the executive director for Advocacy Forum, an organization founded by a group of lawyers in Nepal that monitors police custodies, analyzes instances of torture and illegal detention, and documents human rights violations such as extrajudicial killings and disappearances. The forum brings cases to the national courts and the international realm, utilizing U.N. mechanisms, and provides free legal aid to victims of human rights violations in hope of bringing the perpetrators to justice and breaking the cycle of state impunity.

Mr. Éric Tistounet (U.N.) is the secretary of the United Nations Commission on Human Rights. He has held many senior positions within the United Nations, including serving as the special executive to the high commissioner for human rights, special assistant in charge of change management, secretary of the Human Rights Committee, and external relations officer. He began his distinguished career with the United Nations in 1987 after working for two years within the Council of Europe.

Mr. Arnold Tsunga (Zimbabwe) is the executive director of the Zimbabwe Lawyers for Human Rights. Currently, Tsunga runs the Human Rights Defenders Project with ZLHR, offering free emergency legal assistance to human rights defenders facing persecution in Zimbabwe. More than 500 human rights defenders cases have been dealt with in 2003 alone after arbitrary arrests and detentions.

Ms. Mariclaire Acosta Urquidi (Mexico) founded the Mexican Commission for the Defense and Promotion of Human Rights. When President Fox won the first free presidential election in 70 years, he nominated her as special ambassador for human rights and democracy in Mexico and as adviser to the Social Convergence Working Group for Civil Organizations in the transition team for then-President-elect Vicente Fox. She was recently dismissed as the deputy secretary for human rights and democracy at the Mexican Ministry of Foreign Affairs.

Mr. Samuel Kofi Woods (Liberia) is the former national director of the Catholic Justice and Peace Commission in Liberia and the Foundation for International Dignity in Sierra Leone. Woods used JPC to monitor the human rights situation in the country and instituted a program to train a new generation of judges and lawyers so as to reform the Liberian prison system.

Mr. Xu Wenli (China) is a senior fellow at the Watson Institute for International Studies at Brown University. A prominent Chinese dissident, he was first imprisoned in 1981 on charges accusing him of printing an unauthorized political journal. After being released 12 years later, he returned to his democracy activities. He was imprisoned again in 1998 for trying to establish an opposition party. Although he received a 13-year sentence, he was released from prison this past Christmas Eve and exiled to the United States.

Mr. Yevegeniy Zhovtis (Kazakhstan) is the director of the Kazakhstan International Bureau for Human Rights and Rule of Law, which draws attention to democratic and economic transformation, human rights, and the rule of law in Kazakhstan. Zhovtis is also the co-chairman of the Forum of Democratic Forces in Kazakhstan and has represented Kazakhstan human rights organizations before parliaments, government, and international organizations, including the OSCE, European Parliament, and U.S. Congress.

D. PRESS STATEMENTS AND CLIPPINGS

The Washington Post

The Seeds of a Rights Scandal in Iraq

May 14, 2004

JIMMY CARTER

To ensure that additional human rights embarrassments will not befall the United States, we must examine well-known, high-level and broad-based U.S. policies that have lowered our nation's commitment to basic human rights.

Immediately after Sept. 11, 2001, many traumatized and fearful U.S. citizens accepted Washington's new approach with confidence that our leaders would continue to honor international agreements and human rights standards.

But in many nations, defenders of human rights were the first to feel the consequences of these changes, and international humanitarian organizations began expressing deep concern to each other and to high-level U.S. military and government officials about the adverse impact of the new American policies, and to promulgate reports of actual abuses.

Some of their recommendations were quite specific, calling for vigilant independent monitoring of U.S. detention facilities and strict enforcement of Geneva Convention guidelines. Others were more general, describing the impact of these policies on defenders of freedom and human rights around the world. These expressions of concern have been mostly ignored until recently, when photographs of prisoner abuse let Americans finally see some of the consequences of our government's policies in graphic, human terms.

Some prominent concerns were:

■ Extended incarceration of arbitrarily detained men of Middle Eastern origin living in the United States – deprived of access to lawyers or to their families, and never charged with a crime.

■ Civilians and soldiers arbitrarily detained at Guantánamo Bay, Cuba, without access to legal counsel or being charged with any crime. The secretary of defense announced that they could be held indefinitely even if tried and found to be innocent.

■ The secretary of defense's declaration, expressing official policy, that Geneva Convention restraints would not apply to interrogation of prisoners suspected of involvement in terrorist activities.

■ Persistent complaints from the International Committee of the Red Cross about prisoner abuse in several U.S. prisons in foreign countries.

■ Reports by respected news media outlets that some accused terrorists were being sent to Syria, Egypt, Saudi Arabia or other countries where torture was thought to be acceptable as a means of extracting information.

These American decisions had an immediate global impact. In response to urgent requests from human rights defenders from many countries, the late Sergio Vieira de Mello, U.N. High Commissioner for Human Rights, and I agreed that it would be helpful to hear directly from a representative group. After the high commissioner's tragic death in Iraq last August, U.N. Secretary General Kofi Annan appointed Bertrand Ramcharan to serve as my co-chair, and in November 2003 the Carter Center brought together leaders of human rights and democracy movements from 41 nations.

We learned from these nonviolent activists that U.S. policies are giving license to abusive governments and even established democracies to stamp out legitimate dissent and reverse decades of progress toward freedom, with many leaders retreating from previous human rights commitments. Lawyers, professors, doctors and journalists told of being labeled as terrorists, often for merely criticizing a government policy or carrying out their daily work. Equally disturbing are reports that in some countries the U.S. government has pushed regressive counterterrorism laws, based on the USA Patriot Act, that undermine democratic principles and the rule of law. Some American policies are being challenged by Congress and the federal courts, but the reversal of such troubling policies is unlikely in countries where legislative and judicial checks and balances are not well developed.

We decided to share the disturbing findings with the media and public officials. In addition to a one-hour roundtable discussion on CNN, participants from Human Rights Watch, Human Rights First (formerly the Lawyers Committee

for Human Rights), the Carter Center, and defenders from Egypt, Kenya and Liberia went to Washington and met with Deputy Secretary of Defense Paul D. Wolfowitz; the undersecretary of state for global affairs, Paula Dobriansky; and legislative leaders. The group also participated in a forum at the Center for Strategic and International Studies and met with editors of the New York Times and The Post.

In each case, the adverse impact of new U.S. policies on the protection of freedom and human rights was described with specific proof and human experiences. These officials listened attentively and promised to consider ways to alleviate the problem. As subsequent events have revealed, there were no significant reforms at the highest levels of our government.

In many countries, the leaders of human rights and democracy movements represent our best hope for a safer and more just world in which fewer people will succumb to extremism fueled by hatred and fear. These human rights defenders on the front lines of freedom are our real allies, and the United States must make long-term commitments to support — not undermine — them.

In the interests of security and freedom, basic reforms are needed in the United States and elsewhere, including restrictions on governments' excessive surveillance powers; reassertion of the public's right to information; judicial and legislative review of detentions and other executive functions; and strict compliance with international standards of law and justice.

The United States must regain its status as the champion of freedom and human rights.

Former President Carter is chairman of The Carter Center in Atlanta. The Center's current report on human rights defenders is available at www.cartercenter.org.

The Associated Press State & Local Wire
November 11, 2003

Carter: U.S. human rights missteps embolden foreign dictators

Story reprinted in more than 45 news outlets around the world.

By DOUG GROSS, Associated Press Writer

Perceived human rights violations by the United States during the war on terrorism could allow dictators in other nations to justify their own abuses, former President Jimmy Carter and other activists said Tuesday.

Opening a conference of international human rights workers, Carter said the erosion of civil liberties in the U.S. has "given a blank check to nations who are inclined to violate human rights already."

He cited the indefinite detention of hundreds of terrorism suspects from Afghanistan at the U.S. Navy base in Guantanamo and a post-Sept. 11 roundup of roughly 1,200 U.S. immigrants — many of whom were held for months without being formally charged with any crime.

"I say this because this is a violation of the basic character of my country and it's very disturbing to me," Carter said. The Supreme Court agreed Monday to consider whether foreigners held at the Navy base in Cuba should have access to American courts.

The Bush administration has cited World War II-era laws stating that foreign prisoners detained during wartime have no right to access federal courts.

Attorney General John Ashcroft has argued that the 2001 Patriot Act — which the administration is asking Congress to expand further — has helped the Justice Department prevent more terrorist attacks.

The conference, which began Tuesday at The Carter Center, attracted more than 40 human rights activists from across the world, including United Nations acting High Commissioner for Human Rights Bertran Ramcharan.

Attendees planned to craft what on Tuesday was being called "The Atlanta Declaration" — a document calling for renewed attention to human rights as nations craft anti-terrorism laws.

Activists say some governments are using those laws to crack down on dissidents and human rights defenders.

AP/WIDE WORLD PHOTOS

Former President Jimmy Carter makes a critical point at the Center's conference.

Carter said representatives from the conference will travel to Washington and New York to present recommendations to the U.S. Secretary of State's office and the United Nations. Egyptian activist Saad Ibrahim, a professor at the American University in Cairo who has been persecuted for his work, said the United States should not be singled out for criticism, but that U.S. actions cast a long shadow over the rest of the globe.

"The United States is very important because whatever the United States does has repercussions all over," said Ibrahim, who was jailed for seven years after exposing fraud in the Egyptian election process. "Every dictator in the world is using what the United States has done under the Patriot Act...to justify their past violations of human rights and to declare a license to continue to violate human rights."

Carter said the U.S. remains a safe harbor for human rights compared to other countries. He pointed out that free speech is still championed, even for those who, like himself, criticize government policies.

"Our country still protects the rights of people like me and Al Gore to bring up these principles," he said, referring to a speech the former vice president delivered Sunday, in which he said the Bush White House is using the Sept. 11 attacks to justify an offensive against American freedoms and liberties.

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NEWS FROM THE CARTER CENTER

ONE COPENHILL, ATLANTA, GA 30307

FOR IMMEDIATE RELEASE
Wednesday, Nov. 12, 2003

CONTACT: Kay Torrance
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REMARKS BY FORMER U.S. PRESIDENT JIMMY CARTER ON THE BACKSLIDING OF HUMAN RIGHTS

ATLANTA.... At a conference co-sponsored by The Carter Center and the U.N. High Commissioner for Human Rights, representatives from 43 nations assembled to discuss key challenges that adversely affect their work as human rights activists. This was an assembly of human rights defenders, many of whom have been tortured, imprisoned, and otherwise abused by their own governments because they have attempted to defend freedom and justice.

There was a general consensus that the unconscionable terrorist attacks on the World Trade Center in September 2001 have precipitated policy changes in the United States and other nations that seriously threaten the defenders of human rights and the causes for which they continue to risk their lives and safety.

The imprisonment of more than 1000 foreign nationals and American citizens who seemed to be Muslims or Arabs and the holding in Guantánamo of 600 prisoners captured in Afghanistan, all without knowledge of the allegations against them, the right to legal counsel, or the ability to communicate with their families was severely condemned as an unprecedented encroachment on civil liberties. Of even greater concern was the impact of these U.S. policies and some elements of the Patriot Act on the policies of many other government leaders who now assume that, with relative impunity, they can brand their critics as terrorists and punish or intimidate them accordingly.

It was also felt that the U.N. high commissioner for human rights lacks adequate autonomy and assured funding and has become excessively constrained in his defender's role by the influence of nations that are often human rights oppressors. The U.N. special representative to the secretary-general on human rights defenders has inadequate staff and lacks assured operating expenses adequate to perform her duties. Other regional human rights bodies also lack independence and/or appropriate funding to fulfill their mandates.

These are some typical comments about specific countries or the pattern of crisis that has worsened as a result of the war on terror:

"Since 9/11 my own government has cracked down. 1500 detainees are being held without legal counsel, and many have been tortured. Others have simply disappeared. Legal courts now have minimal authority."

"The new security policy has meant a tendency toward the legalization of paramilitary groups. The government is proposing to grant impunity to these groups for the war crimes and crimes against humanity they have committed. In punishing any dissidents who condemn government policies, paramilitary groups are now legalized, and the military is given impunity for war crimes and genocide."

"Many civil conflicts have been engendered during the past two years, between potentially oppressive governments and any of their citizens who dare to be critical. In some cases, this has just been a more overt exposure of existing differences that already existed."

"We must remember that security and the rule of law are not incompatible, but judiciaries are being weakened and precedence is being given to resolving problems by military means, abandoning commitments to peace and democracy. Since the terrorist attacks in the United States, there has been a derogation of due process and civil justice, with arbitrary detentions, the absence of fair trials, and the exclusion of legal counsel. Despite this, we realize that human rights defenders must remain non-violent."

"Will human rights organizations be the next victims of the war on terrorism? There is a new security bill before our parliament, based on the U.S. Patriot Act, which contains unconstitutional provisions and gives the state draconian powers. It could be the death of our human rights effort."

"You cannot control terrorism by constraining human rights. In responding to terrorism by oppression of human liberties, governments incite greatly escalated terrorism."

"Many oppressive governments never want the "war on terrorism" to end. One leader asked in an international forum, 'Why emphasize human rights anymore? We're in a global war against terrorism.'"

"The value of previously ratified human rights treaties is rapidly dissipating."

"In my country, "terrorist" has replaced "communist" as the epithet used by military oppressors to justify their attacks on us."

"Recently there have been four intercessions or rulings by the Inter-American Court of Human Rights. They have all been ignored."

"The protection role of United Nations human rights agencies is on the wane."

These fervent concerns have precipitated the following "Declaration of Atlanta," which is designed to reemphasize the importance of human rights as a global commitment.

NEWS FROM THE CARTER CENTER

ONE COPENHILL, ATLANTA, GA 30307

FOR IMMEDIATE RELEASE
Wednesday, Nov. 12, 2003

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HUMAN RIGHTS LEADERS ADVOCATE URGENT REPEAL OF COUNTERTERRORISM LAWS THAT INFRINGE HUMAN RIGHTS

ATLANTA.... Governments must repeal urgently all counterterrorism and emergency legislation that infringes upon the work of human rights defenders, concluded prominent human rights defenders gathered at The Carter Center today to address the troubling backsliding on human rights since the beginning of the war on terrorism.

Human rights activists from 41 countries joined former U.S. President Jimmy Carter, U.N. Acting High Commissioner for Human Rights Bertrand Ramcharan, and U.N. Special Representative to the Secretary-General on Human Rights Defenders at the Nov. 11-12 conference. The defenders wrote the "Atlanta Declaration" with concrete proposals that will be presented to U.S. and other policy-makers.

"The dangers for human rights defenders are growing," said Ashley Barr, the Carter Center's senior program associate for human rights. "Governments in all regions of the world are increasingly taking measures designed to criminalize those who challenge repressive policies."

"Some governments accuse human rights defenders of being terrorists themselves as a result of their work to expose human rights violations," said Karin Ryan, human rights advisor to the Center.

The activists called for the human rights programs of the United Nations and other international bodies to be strengthened to ensure the autonomy and impartiality needed to monitor and report on violations without undue political influence.

"There was a general consensus that the unconscionable terrorist attacks of September 2001 have precipitated policy changes in the United States and other nations because of pre-occupation with the use of force as the sole means to combat terrorism," President Carter said. "This is leading to an alarming erosion of the rule of law in established and emerging democracies and giving comfort to undemocratic governments that previously were the subject of intense pressure on their human rights policies."

This report is dedicated to the memory of Sergio Vieira de Mello, Arthur C. Helton, and other human rights heros who lost their lives in the terrorist attack in Baghdad, Iraq, on August 19, 2003, as well as the many thousands of human rights defenders around the world who have died while fighting for our collective freedom. Before his death, Mr. Vieira de Mello, in his capacity as high commissioner for human rights, worked with President Carter to shape the themes of this Human Rights Defenders conference, which they intended to co-chair in November 2003.

THE DEATH OF SERGIO VIEIRA DE MELLO: A STATEMENT FROM FORMER U.S. PRESIDENT JIMMY CARTER

19 Aug. 2003

ATLANTA, GA... I was shocked and dismayed to hear of the death of Sergio Vieira de Mello and his fellow international civil servants earlier today.

He represented the very highest standards of service to the international community and mankind. He dedicated his life to serving others, seeking to alleviate their suffering and repair their broken dreams, while performing critical roles with the High Commissioner for Refugees, in peacekeeping missions around the world, and as the High Commissioner for Human Rights.

He served where others would not or could not and was sent on the toughest missions because the United Nations knew it could count on him to accomplish those missions. My wife, Rosalynn, and I, and the staff of The Carter Center share the grief of the families, friends, and U.N. colleagues of those who sacrificed their lives today.

Sergio Vieira de Mello, the dedicated international civil servants, and the Iraqi citizens who died today did so pursuing the noble goals of the preamble to the United Nations Charter, working to save succeeding generations from the scourge of war and to reaffirm faith in fundamental human rights.

The Carter Center at a Glance

Overview: The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide. A nongovernmental organization, the Center has helped to improve life for people in more than 65 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving mental health care; and teaching farmers to increase crop production.

Accomplishments: The Center has observed 45 elections in 23 countries; helped farmers double or triple grain production in 15 African countries; mediated or worked to prevent civil and international conflicts worldwide; intervened to prevent unnecessary diseases in Latin America and Africa; and strived to diminish the stigma against mental illnesses.

Budget: $36 million 2002-2003 operating budget.

Donations: The Center is a 501(c)(3) charitable organization, financed by private donations from individuals, foundations, corporations, and international development assistance agencies. Contributions by U.S. citizens and companies are tax-deductible as allowed by law.

Facilities: The nondenominational Cecil B. Day Chapel and other facilities are available for weddings, corporate retreats and meetings, and other special events. For information, (404) 420-5112.

Location: In a 35-acre park, about 1.5 miles east of downtown Atlanta. The Jimmy Carter Library and Museum, which adjoins the Center, is owned and operated by the National Archives and Records Administration and is open to the public. (404) 331-3942.

Staff: 150 employees, based primarily in Atlanta.

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